

Title of Report:	Planning Committee Report – LA01/2021/1105/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th April 2022
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2021/1105/O

Ward: Dundooan

App Type: Outline

Address: Between 24 and 26 Creamery Road, Cloyfin, Coleraine

Proposal: Proposed infill site for single storey dwelling and garage

Con Area: N/A

Valid Date: 14.09.2021

Listed Building Grade: N/A

Agent: S.W. Atkinson Architectural Services

Applicant: Mr Alan Carson

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

EXECUTIVE SUMMARY

- Outline planning permission is sought for a replacement dwelling
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered unacceptable having regard to Policy CTY 8 as there is not a substantial and continuously built-up frontage located along this laneway.
- The proposal fails CTY 13 in that a dwelling on this site will fail to integrate into the surrounding area and will be a prominent feature in the landscape.
- The proposal fails CTY 14 in that in that if a dwelling were to be approved it would be a prominent feature in the landscape and would be detrimental to the rural character of the area by adding to the linear form of ribbon development along this road resulting in a suburban style build-up of development when viewed with existing buildings.
- DFI Roads, NI Water, Northern Ireland Electricity, DAERA (Water Management Unit), Environmental Health and Historic Environment Division were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

Drawings and additional information are available to view on the Planning Portal-

<http://epicpublic.planningni.gov.uk/publicaccess/>

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located between 24 and 26 Creamery Road, Coleraine
- 2.2 The site comprises a large rectangular plot that has been contrived out of a much larger agricultural field. The site and the surrounding area fall steeply towards the south-west and fall steadily towards the north-west. The site is accessed via a laneway which also serves No's 22, 24 and 26 Creamery Road and outbuildings belonging to LacPatrick Dairies NI (which is accessed off the main Creamery Road).
- 2.3 The north-eastern boundary abuts an existing laneway and is defined by an existing stone wall some 1metre in height and hedging some 2metres in height, the south-eastern boundary abuts No. 24 and is defined by hedging and trees some 2-3 metres. The south-western and north-western boundaries are physically undefined.

3 RELEVANT HISTORY

Planning reference: C/2010/0083/O

Location: Beside 24 Creamery Road, Coleraine

Proposal: Site for dwelling

Decision: Permission Granted 17.01.2011

4 THE APPLICATION

- 4.1 Outline planning permission is sought for an infill dwelling and garage.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the application.

5.2 Internal

Environmental Health Department: No objection

NI Water: No objection

DFI Roads: No objection

DAERA Water Management Unit: No objection

NI Electricity: No objection

Historic Environment Division: No objection

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relates to: Access, the Principle of Development and Policy CTY 8, Integration, Impact on Rural Character and Habitats Regulations.

Access

- 8.2 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

- 8.3 DFI Roads were consulted on the proposal and responded with no concerns.

Principle of Development

- 8.4 The principle of development must be considered having regard to the SPPS and PPS policy documents.

- 8.5 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. The application was submitted for an infill dwelling and garage and therefore falls to be assessed against Policy CTY 8.
- 8.6 It is noted there was a previous approval on this site for a dwelling which was approved on 14th January 2011. The application was made valid on the 15th February 2010, prior to the release of PPS21 which came into effect in June 2010. In a Statement to the Assembly on 1 June 2010, the Minister of the Environment indicated that the policies in this final version of PPS 21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006. The history file did not have any evidence to show what Policy the application was assessed under.

Policy CTY8

- 8.7 Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It does however state that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental considerations. Policy CTY 8 defines a substantial and built-up frontage as including a line of three (3) or more buildings along a road frontage without accompanying development to the rear. A building has a frontage to the road if the plot in which it stands abuts or shares a boundary with the road.
- 8.8 For the purposes of the policy, there is not a substantial and continuously built-up frontage along this laneway. No 24 and an outbuilding belonging to LacPatrick Dairies is located to the south-east of the site whilst No. 26 Creamery Road and its

outbuildings are located further to the north-west. It is noted that No. 26 is located at the very end of the laneway and acts as a bookend. Due to this it is considered No. 26 does not have a direct frontage to the laneway and is only accessed from it. Therefore the proposal fails to comply with Policy CTY 8.

- 8.9 The policy requires the gap site to be small in that a maximum of two dwellings could be accommodated within the resulting gap. The Justification and Amplification text at Paragraph 5.34 is clear that the gap site must be between houses or other buildings. In this case the gap between No. 24 and 26 Creamery Road measures approximately 107 metres. The guidance in Building on Tradition indicates that when the gap is more than twice the length of the average plot width, it is often unsuitable for infill with two new plots.
- 8.10 The existing plot widths along this laneway vary in size and scale. For example, No. 22 Creamery Road's plot width measures 50metres, No. 24's measures 51.5 metres and No. 28 has a plot width of 36metres. The dwelling at No. 26 Creamery Road measures 59 metres (the measurement has been taken from Spatial NI - No. 26 has an irregular plot with a number of agricultural/outbuildings on site which makes it difficult to interpret where the plot is). However, this dwelling does not have a direct frontage onto the laneway. The average plot width along this laneway is therefore 49.12metres metres. It is therefore considered that the existing gap of 107 metres could accommodate a maximum of two dwellings while still respecting the character of the area in terms of plot size and frontage.

Integration

- 8.11 Policy CTY13 of PPS21 states that a new building will be unacceptable where:
- (a) it is a prominent feature in the landscape; or
 - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
 - (c) it relies primarily on the use of new landscaping for integration; or
 - (d) ancillary works do not integrate with their surroundings; or
 - (e) the design of the building is inappropriate for the site and its locality; or

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

- 8.12 Paragraph 5.58 of PPS21 states landscapes vary, and this needs to be taken into account. The determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.
- 8.13 The main criteria against which the degree of visual impact will be considered includes the location of the site within the landscape and its relationship with surrounding buildings as this will help determine whether the development will be a prominent feature in the landscape. The topography of the site falls steeply towards the south-west, whilst the surrounding area falls slightly towards the north-west. The south-eastern boundary benefits from vegetation some 2-3metres in height. The south-western and northern western boundaries are physically undefined making the site open towards the wider agricultural field. Given that the north-eastern boundary will need to be removed/moved back, the only remaining boundary to aid integration would be the south-eastern boundary. Given this the site is unable to provide a suitable degree of enclosure it would rely primarily on the use of new landscaping for integration which is unacceptable.
- 8.14 Furthermore, as the site is significantly elevated above the land to the south-west - it is considered that a dwelling would be read as a prominent feature in the landscape especially when viewed from the Ballyrashane Road located some 366metres to the south-west of the site.
- 8.15 It is considered a dwelling on this site will fail to integrate into the surrounding area and will be a prominent feature in the landscape therefore failing Policy CTY13 of PPS21.

Impact on Rural Character

- 8.16 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.
- 8.17 Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:
- (a) it is unduly prominent in the landscape; or
 - (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
 - (c) it does not respect the traditional pattern of settlement exhibited in that area; or
 - (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
 - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
- 8.18 As assessed above, given the topography of the site and of the surrounding area, and the critical views from the south-west (Ballyrashane Road) it is considered a dwelling would be a prominent feature in the landscape.
- 8.19 Policy CTY14 points out that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. Notwithstanding the lack of a continuous and substantial frontage, it is considered the infilling of this gap will be detrimental to the rural character of the area and would add to the linear form of ribbon development along this road.
- 8.20 The proposal is therefore contrary to Policy CTY 14 in that if approved the proposal would be a prominent feature in the landscape and would cause suburban style build-up of development when viewed with existing buildings and would result in ribbon development.

Habitats Regulation Assessment

8.21 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The Proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

9 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21 including having regard to personal and domestic circumstances.

9.2 It fails to meet the principle policy requirements for an infill dwelling as outlined in Policy CTY 8, as the application site is not located within a substantial and continuously built up frontage.

9.3 The proposal fails Policies CTY13 and CTY14 in that the proposal would fail to integrate into the surrounding landscape, would rely primarily on landscaping to aid the integration of a dwelling on this site, it would create a ribbon of development, would be a prominent feature in the landscape and would be detrimental to the rural character of the area by causing a suburban style build-up of development when viewed with existing buildings.

10 Refusal reasons

10.1 The proposal is contrary to SPPS Para 6.73 and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

10.2 The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement paragraph 6.73 and Policy CTY 8 of

Planning Policy Statement 21, in that it fails to meet with the provisions for an infill dwelling as the application site is not located within an otherwise substantial and continuously built-up frontage.

- 10.3 The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21 in that the proposal would fail to integrate into the surrounding landscape, would be a prominent feature in the landscape and would rely primarily on landscaping to aid the integration of a dwelling on this site.
- 10.4 This proposal is contrary to paragraph 6.70 in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would it create a ribbon of development, would be a prominent feature in the landscape and would be detrimental to the rural character of the area by causing a suburban style build-up of development when viewed with existing buildings.

Site Location

