

Title of Report:	Planning Committee Report – LA01/2020/0550/F
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	Senior Planning Officer

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:

<u>No:</u> LA01/2020/0550/F	<u>Ward:</u> Windy Hall
<u>App Type:</u> Full Planning	
<u>Address:</u> Approximately 30m SW of 147 Mountsandel Road, Coleraine, BT52 1TA	
<u>Proposal:</u> Proposed split level dwelling and garage	
<u>Con Area:</u> n/a	<u>Valid Date:</u>
<u>Listed Building Grade:</u> n/a	
Agent: 2020 Architects 49 Main Street Ballymoney BT53 6AN	
Applicant: Knockintern Developments Ltd 147 Mountsandel Road Coleraine BT52 1TA	
Objections: 0	Petitions of Objection: 0
Support: 0	Petitions of Support: 0

Executive Summary

- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The dwelling is to be sited on lands outside the Coleraine Settlement development limit.
- There is no overriding reason why this development is essential in this rural location and could not be located in a settlement.
- The proposed dwelling would have a detrimental impact on the features of the LLPA.
- The dwelling would not integrate due to its design and fails to blend in the landform.
- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS, PPS 2 and PPS 21.
- The application is recommended for refusal.

Drawings and additional information are available to view on the Planning Portal - <https://epicpublic.planningni.gov.uk/publicaccess/>

1 RECOMMENDATION

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

2 Site Location and description

- 2.1 The application site is located on lands associated with No. 147 Mountsandel Road. The application site plus blue land indicates the extension of this property from Mountsandel Road to the River Bann. The site is accessed via an existing vehicular access onto Mountsandel Road.
- 2.2 The red line for the application site extends from the access south along the east of the site to the rear of No. 147. This area is comprised of the existing driveway serving No. 147 and garden space. The rear of No. 147 is comprised of a large lawn area. Mature trees and hedges are present along the eastern and western boundaries with areas of planting and semi-mature trees located within the lawn area. Further to the south of the lawn the land begins to fall away towards the forest. This area including the slopes and land further to the south has been mostly cleared with the ground coverage a mixture of dirt and grass with evidence of cut trees. There is still some vegetation present in this area including shrubs and trees. It is this sloping area where the split level dwelling and garage is proposed.
- 2.3 To the north of the site of the dwelling is No. 147 Mountsandel Road. Beyond the site of No. 147 to the north are residential properties along Mountsandel Road. To the east of the site is No. 149 Mountsandel Road. To the west of the site is a public pathway. This pathway connects into a public car park to the north which is located between No. 145 and No. 147 Mountsandel Road. This pathway is the wooded entrance to Mountsandel Forest with the car park serving users of this forest. As this path moves south it enters into the forest park which is located along the western boundary of the site. To the south of the site is a densely wooded area which connects into Mountsandel Forest. Further to the south of this is the River Bann.

- 2.4 The surrounding area is a mixture of residential and recreation. The recreational uses are associated with Mountsandel Forest.
- 2.5 The settlement development limit of Coleraine town as designated in the Northern Area Plan 2016 is located to the rear of the dwellings at No. 147. This site is outside the settlement development limit and located within the countryside. The site is also located within a LLPA as designated in the NAP.

3 RELEVANT HISTORY

- 3.1 No relevant planning history on the site. The planning history below relates to land within the blue land:

LA01/2019/1018/LDP Proposed Domestic Shed within curtilage of existing dwelling. Permitted development 12.11.2019.

4 THE APPLICATION

- 4.1 This application seeks permission for “Proposed split level dwelling and garage”.

5 PUBLICITY & CONSULTATIONS

- 5.1 External

No representations received.

- 5.2 Internal

Environmental Health: No objection to the proposal.

Northern Ireland Water: No objection to the proposal

DFI Roads: No objection to the proposal.

DAERA – Natural Environment Division: No Objection

DAERA – Drainage and Water: No objection to the proposal.

Shared Environmental Services: No objection to the proposal.

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 development 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

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

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

PAN

8 CONSIDERATIONS & ASSESSMENT

8.1 The main consideration in the determination of this application relate to the principle of development, LLPA, urban sprawl, iintegration and rural character, drainage and sewerage, amenity, access, and Habitat Regulation Assessment.

Principle of Development

- 8.2 The application site is located within the curtilage of the existing dwelling. The settlement development limit for Coleraine is located to the south of No. 147 Mountsandel Road and cuts through the curtilage of No. 147 Mountsandel Road.
- 8.3 The north most boundary of the application site is located on the settlement development limit. The land to the south of this boundary including the proposed dwelling are outside the settlement development limit. The access road runs south from Mountsandel Road along the eastern boundary of the site. This access road is inside the settlement development limit until the point where it connects into the site for the dwelling to the south of No. 147 Mountsandel Road.
- 8.4 The proposal relates to a split level dwelling and garage to be located on lands to the south of No. 147 Mountsandel Road. As outlined previously under 'Northern Area Plan 2016' the proposal is located outside the settlement development limit of Coleraine, adjoining the settlement limit development to the north.
- 8.5 As the proposed dwelling is located outside the settlement development limit it falls to be considered under the provisions of PPS 21 and Development in the Countryside policies of the SPPS

Assessment

- 8.6 Policy CTY 1 of PPS 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.
- 8.7 The policy tests for a dwelling in the countryside are outlined under a section on housing development. There has been no information submitted under this application to demonstrate the proposal meets the policy tests outlined under Policy CTY 1 for housing development in the countryside.
- 8.8 Policy CTY 1 states that 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.
- 8.9 No overriding reasons have been submitted to demonstrate why the development is essential and could not be located in a

settlement. The development plan does not designate housing in this location.

- 8.10 Having regard to the above consideration, the principle of development has not been demonstrated. The proposal is contrary to the provisions of Policy CTY 1 of PPS 21 in this respect.

Local Landscape Policy Area

- 8.11 As highlighted, the site is also located within Designation CEL 13 Knockantern LLPA. This designation is outlined as follows:

A Local Landscape Policy Area is designated as identified on Map No. 3/01a – Coleraine.

Those features or combination of features that contribute to the environmental quality, integrity or character of this area are listed below.

1. This covers the landscaped grounds of low density housing, extensive and visually significant woodland on the steep slopes rising from the River Bann.
2. It also includes the Knockantern SLNCI.

The only additional development acceptable will be single dwellings where it can be demonstrated that the visual integrity of this area is maintained.

As such, the proposal falls to be considered under Policy ENV 1 of NAP16:

Planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. Where development is permitted, it will be required to comply with any requirements set out for individual LLPAs in the District Proposals.

Where riverbanks are included within the LLPAs, access may be required to the river corridor as part of the development proposals. Any access should not have an unacceptable adverse impact on the flora and fauna of the river corridor.

Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

- 8.12 The site also adjoins a pathway running through Mountsandel Forest designated as a proposed cycle network and accesses onto Mountsandel Road designated as an existing cycle network. The proposal falls to be considered under Policy OSR 1 in this respect:

Permission will not be granted for development proposals that would have an adverse impact on the route, character, function or recreational value of the Ulster Way, the National Cycle Network, public rights of way or permissive paths.

Proposals that improve these routes will be permitted, provided the proposal is compatible with, and sensitive to, the local environment.

- 8.13 The site is located within Designation CEL 13 Knockantern LLPA. The site is not located within or adjoining Knockantern SLNCI. DAERA have been consulted on the proposal and have not raised any concerns in relation to natural heritage issues with conditions provided. There are no concerns in relation to the policy requirements of PPS 2 given the response from DAERA. The Development Plan team have been consulted and advised that the application site appears to contribute to the prevailing character of the LLPA as set out in point 1 of the designation.

- 8.14 The location of the dwelling on the slopes of the river bank and the location of the dwelling outside the settlement development limit it is considered that the proposal would adversely impact on the visual integrity of the LLPA as set out under Point 1 of Designation CEL 13 given the views from the pathway entering/existing Mountsandel Forest. The proposal is considered to be contrary to Policy ENV 1 of the Northern Area Plan 2016.

Urban Sprawl

- 8.15 Policy CTY 15 outlines that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

- 8.16 The northern boundary of the site is located on the settlement development limit with the location of the dwelling and its curtilage on lands to the south.
- 8.17 Paragraph 5.84 states that the principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside
- 8.18 The association of the proposal with No. 147 and the views from the pedestrian path through Mountsandel Forest Park upon entering and exiting the forest it is considered that the proposal will not mar the distinction between the settlement and countryside as this is not clearly defined.
- 8.19 However, due to the location of the proposed dwelling adjoining the settlement development limit a dwelling approved on this site would create urban sprawl by the continuation of the built form to the south of No. 147 Mountsandel Road.
- 8.20 The proposed access extends from the location of the dwelling outside the settlement development limit, north through No. 147 to the Mountsandel Road located within the settlement development limit. The extension of the access road from within the settlement to access development outside the settlement further results in urban sprawl. It is considered that the proposal is contrary to Policy CTY 15 of PPS 21.
- 8.21 It is noted that a domestic building is indicated on the siting of the dwelling indicated as approved under LA01/2019/1018/LDP. Permitted development under Part 1, Class D does not distinguish between urban and rural and has no bearing on the siting of the dwelling outside the settlement development limit. The shed is small and inconsequential in the landscape.

Integration and Rural Character.

- 8.22 In relation to Policy CTY 13 and 14. The proposal is not fully reliant on new landscaping and has a degree of enclosure through its location in context of the forest, boundary of No. 149 and No. 147 to the north. Views of the site are possible from the pathways associated with Mountsandel Forest Park from west to east. The dwelling would have a backdrop via the vegetation/mature trees located to the east.

- 8.23 The site sections plan detail extensive excavation to achieve the split level dwelling/formation of the curtilage with the provision of the 2 metre retaining wall between the proposal and No. 147. The scale of cut ranges from 2m to 3m. These ancillary works are intrusive for a rural setting and the ancillary works do not integrate with their surroundings when viewed from the paths. Due to the location and earth works and the positioning of the proposed dwelling on a raised platform the dwelling fails to blend with the landform.
- 8.24 A justification for the design of the proposal has been provided within the Design and Access Statement. The proposal is indicated to be a well-proportioned modern, 4-bedroom family home. There has been no consideration/justification provided with regard to Building on Tradition, nor has the Design and Access statement considered views from public path. As outlined within this statement, the design is modern. Beyond some of the general design and material choices, the design does not reflect the guidance within Building on Tradition. The rear element especially includes a non-traditional roof design for the timber element and an extensive amount of glazing, and which are not appropriate for the rural setting. The available views from the path will be primarily towards the western gable of the dwelling with the views from the rear more limited as the separation between the forest path and the site boundary increases. The detail on the gable is primarily that of the rendered walls with two suburban style windows and the mono pitch element of the timber element. New native tree planting is indicated on the plan to be large mature trees. It is considered that the location of these trees would assist in the further integration of the dwelling. However due to the extensive earth works, the 2 storey nature, the horizontal emphasis of the windows on the gable and the flat roof projections the design of the building is inappropriate for the site and its locality. Therefore the proposal is contrary to CTY 13.
- 8.25 The dwelling is not considered to be an unduly prominent feature in the landscape given the surrounding vegetation. There are dwellings located in this arrangement located to the east. However, these dwellings are located within the settlement development limit.
- 8.26 There are no concerns with the proposal in relation to the requirements of Policy 14 due to the back drop of the trees and the limited indivisibility of the site site and No 147 from the path.

Drainage and Sewerage

- 8.27 In relation to Policy CTY 16, the P1 form indicates the intention to use mains for water supply and surface water and sewage disposal. NI Water advised that there is public water supply, foul sewer and surface water sewer within 20m of the proposal and consultation with NIW is required to determine how the proposal can be served. They advised that there is available capacity in the WWTW. DAERA Water Management Unit have queried whether the WWTW is able to accept the additional load. There are no concerns with this. The proposal seeks to utilise connections which exist. There are no concerns in relation to Policy CTY 16.

Amenity

- 8.28 The dwelling is located 14.25 metres from No. 147 at its closest point with the application site relating to the rear garden of No. 147. Given the separation distances involved there are no concerns with any impacts in relation to loss of light, overshadowing or dominance. There are no concerns with overlooking as the ground floor element is screened by the proposed retaining wall. The lower ground floor is located on the slope below this level with the windows facing to the south.

Access

- 8.29 DFI Roads were consulted on the proposal and advised that they have no objections to the proposal, recommending informatives. The proposal utilises the existing access onto Mountsandel Road with a proposed laneway attaching into the existing driveway serving No. 147. There are no concerns in relation to access with regard to Policy AMP 2 of PPS 3. Given the utilisation of the existing access, there are no concerns of any impact on existing or proposed cycle network. The proposal relates to one dwelling which would not be a significant intensification in terms of traffic movement. Policy OSR 1 is considered to be satisfied.

Habitats Directive

- 8.30 The potential impact of the proposal on any 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 designations.

9 CONCLUSION

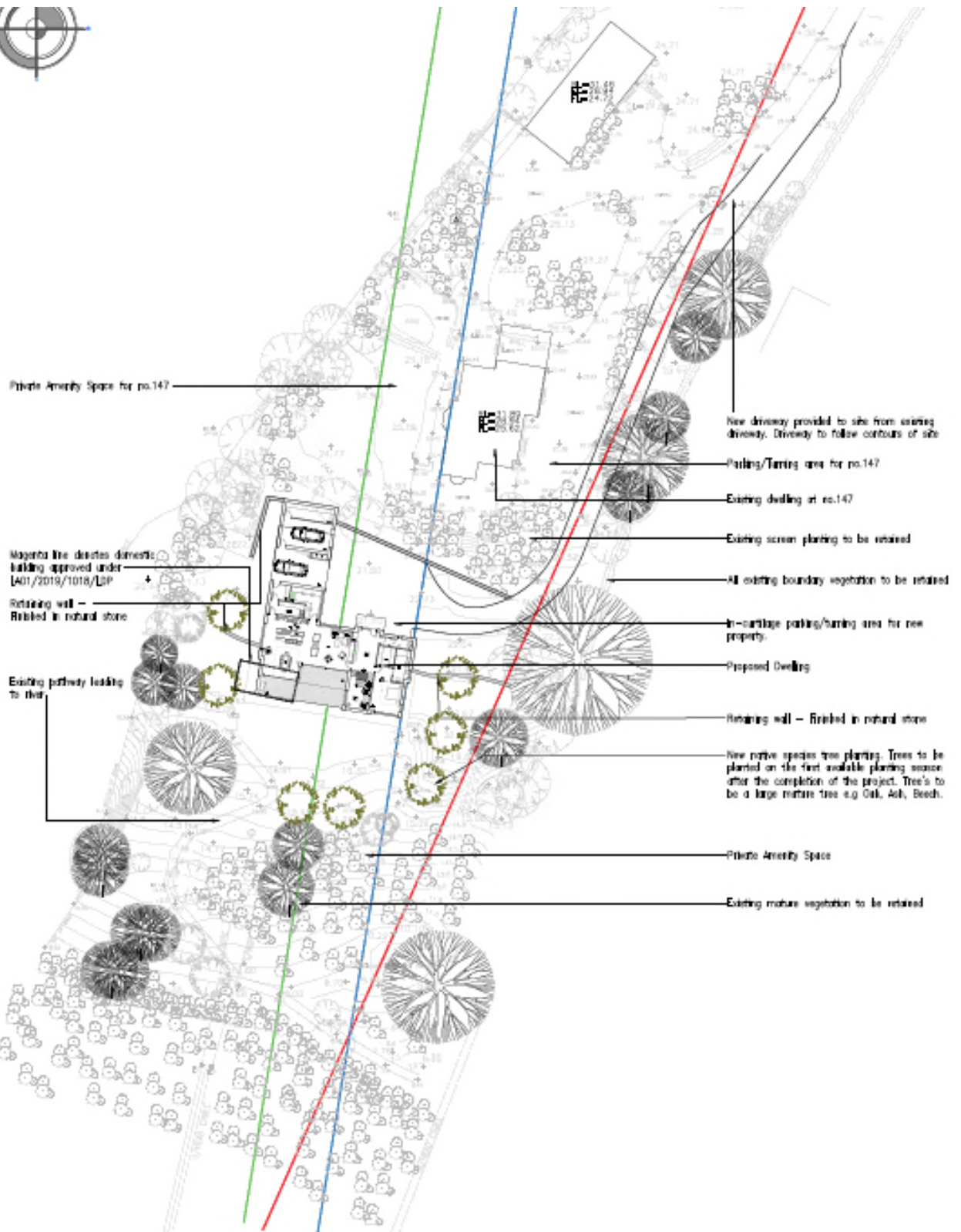
- 9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan and other material considerations, including the SPPS and Planning Policy Statement 21. The site is located outside the settlement development limit, no exceptional reason has been provided for a dwelling in this rural location. Furthermore approval would have a detrimental impact on the designated LLPA and result in urban sprawl and fail to integrate. Refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 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.
2. The proposal is contrary to paragraph 6.71 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in urban sprawl.
3. The proposal is contrary to Policy ENV 1 of the Northern Area Plan 2016 in that the proposal would be liable to adversely affect the features that contribute to the environmental quality, integrity and character of Local Landscape Policy Area Designation CEL 13 Knockantern.
4. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the design of the building is inappropriate for the site and its locality and it fails to blend with the landform.

Site Location Map





Addendum

LA01/2020/0550/F

1.0 Update

- 1.1 Further information was submitted in the form of a block plan proposing the resiting and redesign of the dwelling. No full details were provided to allow for a full consideration to the principle of the proposal. The agent states that the proposed design can fit inside the development boundary, as defined by the Planning Appeals Commission as the outer edge of the development boundary line

2.0 Assessment

- 2.1 Clarification was sought from the Councils' development plan team. They advised that the Larne plan was prepared in 1998 when, as the appeal decision notes, the drawing of the line was crude. The NAP was prepared on a much accurate map base at a much larger scale and with a thinner line using the principle that the SDL was aligned to a physical feature on the ground, normally a curtilage. The area plan team also advised that it was a deliberate decision to exclude the rear gardens of the dwellings in this location due to the prevailing wooded character of the River Bann which presented a cohesive and highly attractive landscape, and tied into the Mountsandel Fort and Open Space, and the river environment upstream towards Loughan. Inclusion in the SDL would have signalled that development in principle was acceptable in this area when an overriding public objective was to maintain this highly attractive and continuous riverside landscape, which contributes to the setting of the town (and Castleroe and Loughan) hence the LLPA designation.
- 2.2 A meeting with the agent was held on 15th December 2021 to discuss the plans received and the proposal. The Plans received from the Development

Plan team were forwarded to the agent. It was suggested that other options should be examined and that there may be scope for further development, within the settlement development limit, outside the redline of the site. This would require a further application. The applicant has raised concerns that this would impact on the existing dwelling and mature vegetation on site. no further information has been submitted and the application is being returned to Committee.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

SITE VISIT REPORT: MONDAY 22nd November 2021

Committee Members: Alderman Baird (Chair), Boyle, Duddy, Finlay, S McKillop and McKeown; Councillors Anderson, Dallat O'Driscoll, Hunter, McGurk, MA McKillop, McLaughlin, McMullan, P McShane (Vice Chair), Nicholl and Scott

10.30am

**LA01/2020/0550/F: Approx. 30m SW of 147 Mountsandel Road
Coleraine**

App Type: Full Planning Application

Proposal: Proposed split level dwelling & garage

Present: Alderman Baird, Finlay, Councillors Hunter, Nicholl. Official J McMath

Comments:

The site planning history for a single dwelling to the front of the site onto Mountsandel Road was pointed out a members access the curtilage of No 147. Members then viewed the application site from the rear of No 147 Mounstandel Road. The Officer indicated the location of the redline in proximity to No 147. It was pointed out that the footprint of No 147 differed from that on the site location plan. The correct foot print of the existing dwelling was shown as is on the blockplan. The Office showed the proposed location of the dwelling on the site and also referred to the submission of a plan submitted on the 19th November 2020. Members also viewed the site from the end of the formal garden and viewed the development limit boundary as it travelled across the rear of the properties at Kylebeg Avenue and cut across the rear gardens of the application site and the dwellings to the east. Members asked about the dwellings to the east that were approved outside the SDL. It was clarified that under the North East Area Plan 2002 the Settlement Development Limit extended to the river bank. Those dwellings at No. 155a and 169 were approved prior to the adoption of the Northern Area Plan 2015 which retracted the SDL to its current position. The river banks are a feature of the LLPA which is designated in the NAP 2015. The proposed sections were also provided and the development described. Members had no further questions.

J Lundy 22.11.2021