

<b>Planning Committee Report LA01/2016/1221/O</b>	<b>24<sup>th</sup> May 2017</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Principal Planning Officer
<b>Cost: (If applicable)</b>	N/a

**Adjacent to 33 Gaults Road  
Cushendall**

**LA01/2016/1221/O  
Outline Planning**

**24<sup>th</sup> May 2017**

<b><u>App No:</u></b>	LA01/2016/1221/O	<b><u>Ward:</u></b>	LURIGETHAN
<b><u>App Type:</u></b>	Outline Planning		
<b><u>Address:</u></b>	Adjacent to 33 Gaults Road, Cushendall		
<b><u>Proposal:</u></b>	Site for single dwelling with access off existing driveway		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	11 <sup>th</sup> October 2016
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	Mr P. Mooney, 33A Gaults Road, Cushendall, BT44 0SR		
<b>Agent:</b>	O.N. Wheeler. F.A. Wheeler, 201 Garron Road, Glenariffe, Ballymena		
<b>Objections:</b>	1	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 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 subject to the reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located adjacent to 2 other dwellings – nos. 33A and 33 both of which are 1 ½ storey. The application site is rectangular in shape running along the side boundaries of these properties. The NW boundary running along the side boundary of no. 33 is defined by a coniferous hedge which is between 1 – 2m in height. The SW boundary which runs along the entrance leading into no. 33A is defined by a post and wire fence. The remainder of the boundaries are undefined and the site is

located in the NW corner of a larger agricultural field which rises in an easterly direction towards the roadside.

- 2.2 The site is located within the Antrim Coast and Glens AONB. The site is within the countryside, as designated in the Northern Area Plan 2016.

### **3 RELEVANT HISTORY**

- 3.1 There is no relevant planning history.

### **4 THE APPLICATION**

- 4.1 Outline planning permission is sought for a on a site located adjacent to nos. 33 and 33A.

### **5.0 PUBLICITY & CONSULTATIONS**

- 5.1 **External:** There is **(1) One** objection to the proposal. The objection raises the following points:

- Concern in relation to privacy
- Drainage of rain water and sewage

5.2 **Internal**

**Transport NI:** Has no objection to the proposal.

**NI Water:** Has no objection to the proposal.

**NIEA Archaeology and Built heritage:** Has no objection to the proposal.

### **6.0 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 both 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.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

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

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: the principle of development; integration and impact on rural character and the AONB.

### **Planning Policy**

- 8.2 In the Northern Area Plan the site lies outside any settlement development limit and is within the countryside.

- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 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.

### **Principle of Development**

- 8.5 The policies outlined in paragraph 6.73 of the SPPS and CTY1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside. The principle of this proposal falls to be assessed against policy CTY2a.
- 8.6 Policy CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided **ALL** the following criteria are met:
- *the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;*
- 8.7 The site is located adjacent to a group of 3 no. dwellings (nos. 33, 33A and 31) and also a redundant dwelling located to the rear of no. 31. Dwellings nos. 33A and 33 are immediately adjacent to the site with no. 31 and the redundant dwelling separated by an existing laneway. The cluster lies outside a farm with 3 dwellings and a separate building which does not appear to be an ancillary building associated with any of the adjacent dwellings. This part of the policy has been met.
- *the cluster appears as a visual entity in the local landscape;*
- 8.8 The dwellings are set back from the public road with land falling towards the site. When travelling along Gaults Road in a northerly the site becomes visible in the landscape at the access to no. 33A. The site is viewed with no. 33A and the gable of no. 33. The buildings to the rear on the opposite side of the laneway

are not visible from this position. Travelling further north along Gaults Road the road falls and bends steeply. At the point where Gaults Road adjoins the laneway, which leads to nos. 33 and 31, the buildings are not visible as they are set back from this crossing. The area immediately surrounding the laneway is heavily vegetated and the dwellings are well screened from this view point. The buildings are only viewed collectively from along the laneway and not from the public road. The buildings do not form a visual entity in the local landscape and fails this test.

- *the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,*

8.9 There are no social or community buildings located within this locality. The Design and Access Statement submitted with the application outlines that the site is situated at the cross roads of Gaults Road and the unadopted road which serves the Munroo Community. The group of buildings are located some distance to the west of the junction of the lane to the road with none of the site curtilages adjoining the public road. Therefore, the existing dwellings are well removed from the road side junction.

Furthermore, when travelling along Gaults Road you do not get the perception that this is a cross roads rather that it is 2 laneways off the Gaults Road. The laneways and the road do not form a traditional cross roads as the opposite laneway is located further south along Gaults Road. Confirmation from Transport NI confirms that it is not an unadopted road rather a laneway. Therefore, the site would not be associated with an existing cluster as defined in the policy and fails this test.

- *the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;*

8.10 The site is bound to the NW by an established hedge and the SW by a post and wire fence which forms part of the driveway to No. 33A. The remainder of the boundaries which front onto the road are open and undefined. Although the rear and side boundary is defined the site sits forward of the existing development which gives it a lack of enclosure when viewed from along the Gaults Road. There are two associated elements to this test and as the site lacks a suitable degree of enclosure the proposal fails this test.

- *development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;*

8.11 The part of Gaults Road at the proposed access to the site is open in character due to the removal of roadside hedging to achieve the visibility splays. The boundaries which would enclose the site from these viewpoints are currently undefined. Although a dwelling would sit in front of the 2 existing dwellings it lacks enclosure when viewed from the public road and would visually intrude into the open countryside. The proposal fails this test.

- *development would not adversely impact on residential amenity.*

8.12 The site is adjacent to and shares a boundary with no. 33 Gaults Road. A dwelling on the southernmost part of the site would be directly adjacent to no. 33 and a dwelling at this location would likely have an adverse impact on the amenity of no. 33 due to overlooking and dominance due to the narrow nature of the site and the low hedgerow in this portion of the boundary. The impact on privacy was raised in the objection letter by the occupiers of No. 33. A dwelling at the northern portion of the site would probably be more suitable in terms of separation from no. 33. However, it would then be further removed from the existing dwellings and would add to the build-up of development when viewed from the public road. It has not been demonstrated that the site could be developed without adversely impacting on the existing residential amenity.

8.13 Working through the above tests the proposal fails to meet the policy requirements of CTY 2a. This is not a cluster nor a visual entity as required by policy but rather a small group of dwellings in the rural area. Furthermore, the site is not enclosed with development and if approved would encroach into the countryside and affect the residential amenity of the adjacent dwelling.



## **Integration and impact on rural character**

- 8.13 The site is set back from the public road and accessed of an existing laneway. It is at a lower level than the road falling gradually towards the site. However, the site is sitting forward of the adjacent development making it appear incongruous and prominent in the landscape. The site lacks established boundaries along the front and side of the site meaning the site lacks enclosure when viewed from the public road.
- 8.14 The proposal will have a detrimental impact on rural character. A dwelling at this location would add to the existing build up of development at this location and will be viewed together with no. 33A and 33.

## **Area of Outstanding Natural Beauty**

- 8.15 Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:
- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and*
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and*
- 8.16 The proposal is not sympathetic to the special character of the AONB in that it would lead to a build-up of suburban type development in this rural location. The proposed development would be of detriment to this AONB location.

## **9.0 CONCLUSION**

- 9.1 The principle of the proposal is considered to be unacceptable in this countryside location. The proposal does not meet with the

policy requirements for a dwelling within an existing cluster. Furthermore, the site is prominent and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. If approved the site would be detrimental to the character of the rural area and AONB. Having regard to the Northern Area Plan, and other material considerations including the SPPS, the proposal fails to meet the principle policy requirements of Policy CTY1 of PPS21 and other policies. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement (SPPS) and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; the dwelling would if permitted visually intrude into the open countryside; and the dwelling would if permitted adversely impact on residential amenity.
  
2. The proposal is contrary to Paragraphs 6.70 and 6.77 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; and therefore would not visually integrate into the surrounding landscape.
  
3. The proposal is contrary to Paragraphs 6.70 and 6.77 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the

building would, if permitted, be unduly prominent in the landscape; the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the building would, if permitted not respect the traditional pattern of settlement exhibited in that area; and would therefore result in a detrimental change to and further erode the rural character of the countryside.

4. The proposal is contrary to Paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH 6 of Planning Policy Statement 2 “Natural Heritage” in that the development, if permitted, would have a detrimental impact upon the character and appearance of this designated Area of Outstanding Natural Beauty.

# Site Location

