

Update on Development Management Statistics:	27 September 2017
<ul style="list-style-type: none"> Planning Applications Received and Decided in the period 01 April 2017 – 31 August 2017 	
Planning Committee	

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

1.0 Background

The “Protocol for the Operation of the Planning Committee’ sets out the requirement to provide monthly updates on the number of planning applications received and decided.

2.0 Details

- 2.1 [Website link 1](#) and [Website Link 2](#) provide a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of August 2017. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have to be excluded from the reports to correspond with official validated statistics published by DFI.
- 2.2 Table 1 below details the number of planning applications received and decided as well as the number of live planning applications in the system and those in the system over 12 months. Please note that these figures are unvalidated statistics extracted from internal management reports.

Table 1 Applications Received, Decided and Live

Applications Received	April 2017	May 2017	June 2017	July 2017	Aug 2017
Received	95	124	125	123	58
Decided	66	103	89	109	75
Live >12months	74	75	80	82	89
Total Live	665	676	720	730	699

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Proposal of Application Notices; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

- 2.3** The number of applications received in August has dropped significantly, this is more than likely attributed to the relocation of the planning office to Cloonavin. The majority of staff were involved with this relocation. Staff issued 75 planning application decisions, plus 8 Discharge of Conditions, 1 Proposal of Application Notice, 6 LDP/LDE's and 1 Non-Material Change applications. The number of live applications in the system has dropped to 699 this is again due to the office move. Next month's figures should reflect this.
- 2.4** Work continues to reduce the over 12 month applications. Table 2 below provides a further breakdown of the over 12 month applications in the system. The weekly monitoring of these figures continues and staff are conscious of the need to prioritise their efforts in this area of work. A new Action Plan for 2017/18 has been implemented.

Table 2 Breakdown of over 12 month applications (April 2017 – August 2017)

Applications	April 2017	May 2017	June 2017	July 2017	Aug 2017
12-18 months	32	30	38	36	41
18-24 months	14	16	15	15	19
>24 months	28	29	27	31	29
Total	74	75	80	82	89

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

- 2.4** Table 3 below details the number of appeal decisions issued since 1 April 2017 showing the continued high quality of decision making taken by both Planning Officers and supported by the Planning Committee. Please note that these figures are unvalidated statistics extracted from internal management reports. A copy of the reports relating to the decisions issued by the PAC in August 2017 are also attached for your information.

Table 3 Appeals to the Planning Appeals Commission (PAC)

Appeals lodged with PAC	April 2017	May 2017	June 2017	July 2017	Aug 2017
Upheld	0	2	2	2	0
Dismissed	1	5	0	1	2
Total Appeal decisions	1	7	2	3	2
% of Appeals Dismissed to date					60%

Source: Unvalidated Statistics

2.5 Table 4 details the number of referral requests received from elected members under Part B of the Scheme of Delegation. From April 2017, 4 out of 19 recommendations have been overturned by the Planning Committee.

Table 4 Referrals Requested in Q1 2017/18

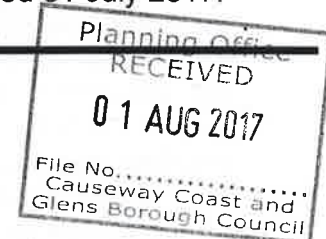
Referral Request	Requestor	Application Ref	Date of Planning Committee	Planning Officer Recommendation Agreed/Disagree
Q1	Cllr Fielding	LA01/2016/1157/F		
	Cllr Clarke	LA01/2016/1070/F		
	Cllr Douglas	LA01/2017/0093/O		
	Cllr McShane	LA01/2016/1145/O	27/09/2017	Defer
	Cllr McLean	LA01/2016/0107/F		
	Cllr McLean	LA01/2017/0097/F	27/09/2017	
	Ald. Robinson	LA01/2016/0473/O	27/09/2017	
	Ald. Robinson	LA01/2016/0482/O	27/09/2017	
	Cllr McShane	LA01/2016/0356/F		
	Cllr McShane	LA01/2017/0311/F	27/09/2017	
	Ald. Robinson	LA01/2016/1137/F		
	Cllr Loftus	LA01/2017/0468/LDP	27/09/2017	
	Ald. Finlay	LA01/2016/1131/F		
	Q2	Cllr McShane	LA01/2016/1374/F	23/08/2017
Cllr Baird		LA01/2017/0250/LBC	23/08/2017	Agree
Cllr Baird		LA01/2017/0251/F	23/08/2017	Agree
Cllr Fielding		LA01/2016/1220/F		
Ald. Robinson		LA01/2016/1303/F		
Cllr McLean		LA01/2016/1391/O	27/09/2017	
Cllr Chivers		LA01/2017/0693/F		
Ald. Robinson		LA01/2017/0292/F		
Cllr Chivers		LA01/2017/0082/F		
Cllr Baird		LA01/2016/0776/O		
Cllr Chivers	LA01/2017/0402/O			
TOTAL	24			

Source: Unvalidated Statistics

3.0 Recommendation

3.1 **IT IS RECOMMENDED** that the Planning Committee note the update on the development management statistics.

Appeal Reference: 2016/A0227.
Appeal by: Mr Fergal O'Kane.
Appeal against: The refusal of outline planning permission.
Proposal: Off-site replacement dwelling.
Location: Land 176m NW of 18 Glenullin Road, Garvagh.
Authority: Causeway Coast and Glens Borough Council.
Authority's Reference: LA01/2015/1035/O.
Procedure: Informal Hearing on 04 July 2017.
Decision by: Commissioner Damien Hannon dated 31 July 2017.



Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle, its impact on visual amenity and rural character and whether the Council has misapplied policy.
3. The appeal site is located in the countryside as designated in the Northern Area Plan 2016 (NAP), the relevant statutory development plan. The NAP however, contains no extant provisions specific to this proposal for residential development in the countryside.
4. The Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) contains policies dealing with residential development in the countryside. These policies however, do not conflict with the retained policies within existing planning policy documents. Consequently, the relevant policy context is provided by Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21). At the hearing the Council amended its reasons for refusal by removing references to the SPPS.
5. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in principle in the countryside. The appellant argued that the proposal was acceptable as a replacement dwelling in accordance with Policy CTY 3. Policy CTY3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all

external structural walls are substantially intact. There was agreement that the existing dwelling would qualify for replacement. Policy CTY 3 also states that proposals for a replacement dwelling will only be permitted where a number of criteria are met. The Council argued that the proposal would offend the second of these four stated criteria which requires that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and that the proposed development would not have a visual impact significantly greater than the existing building.

6. The appeal site forms part of a larger, flat, rectangular field fronting the Glenullin Road. Only the western and roadside boundaries of the appeal site are vegetated. Given the width of the road verge and the presence of a field access, the majority of the roadside vegetation, if faced, could be retained, notwithstanding the provision of the required visibility splays. However, the existing vegetation on both boundaries, while mature, is patchy and would thereby afford views of even a modest single storey dwelling when travelling along a considerable stretch of Glenullin Road in either direction. Although rendered partially screened and filtered by existing vegetation, such a perspective would provide a sequential awareness of the proposed dwelling on the site which, because of its visibility in the flat terrain, would appear as a prominent feature in the landscape. Proposed landscaping comprising new planting and augmentation of existing vegetation would take a considerable time to become effective and I conclude the existing landform and land cover to be insufficient to allow even a modest dwelling to be adequately integrated into the landscape.
7. The dwelling to be replaced is located some 200m from the road and forms part of a group of buildings within a farm complex. Clear views of the existing dwelling from the road, while available, are rendered brief and fleeting as a result of the distance involved and the screening impact of intervening buildings and vegetation. Furthermore, from these limited available views, the existing dwelling appears as clustered with other farm buildings and presented against the backdrop of mature vegetation. Given these circumstances, I consider the existing dwelling to have a minimal visual impact on the landscape. By contrast I have found that the proposed dwelling would appear as a prominent feature in the landscape and consequently conclude that it would have a visual impact significantly greater than the existing building. As the proposal would offend criterion (b) it would not constitute a replacement dwelling in accordance with Policy CTY 3.
8. Policy CTY 1 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. The appellant did not argue there to be overriding reasons why the dwelling would be essential and I conclude there to be no support for the proposal in Policy CTY 1. In these circumstances I consider the proposal to be unacceptable in principle and the Council's first reason for refusal based on Policies CTY 1 and CTY 3 of PPS 21 is sustained.

9. The Department objected on the grounds that the proposal would not comply with Policy CTY 13 which states that a new building in the countryside will be unacceptable where any of a number of stated criteria are engaged. At the hearing the Department clarified its position in this respect and argued that the proposal would offend criteria (a), (b) and (c) of Policy CTY 13. I have already concluded the existing landform and land cover to be insufficient to allow even a modest dwelling to be adequately integrated into the landscape and not appear prominent. The proposal would therefore fail to comply with criteria (a), (b) and (c) and the Council's second reason for refusal, based on Policy CTY 13 of PPS 21 is sustained.
10. Policy CTY 14 relates to rural character and states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or erode the rural character of an area. It adds that a building will be unacceptable where any of a number of stated criteria are engaged. The Council argued that criteria (a), (b) and (c) would be offended. Criteria (b) and (c) state respectively that a building will be unacceptable where it would result in suburban style build-up of development and where it would fail to respect the traditional pattern of settlement exhibited in that area. The Council drew my attention to a number of other existing, approved or partially constructed buildings in the vicinity which they argued, when viewed in the context of the proposal, would result in a build-up of development that would cause a detrimental change to rural character. However I have inspected the buildings referred to by the Council and conclude that given their design, character, distance of set back from the road and distance from the proposal, would not read cumulatively with the proposal. I consider the proposal to comply with criteria (b) and (c) of Policy CTY 14.
11. Criterion (a) of Policy CTY 14 states that a building will be unacceptable where it is unduly prominent in the landscape. I have already concluded that a dwelling on the appeal site would appear as a prominent feature in the landscape and consequently, further conclude that the proposal would fail to comply with criterion (a) of Policy CTY 14. To this extent the Council's third reason for refusal based on Policy CTY 14 is sustained.
12. The appellant drew my attention to a number of nearby approved dwellings which he argued to be more prominent and/or to integrate less well than the proposal. He added that such development should serve as a barometer indicating what should be considered acceptable in terms of integration. In the absence of details as to the circumstances of these approvals, I cannot conclude them to be directly comparable with the appeal proposal. Consequently, I do not judge that the appellant has established that the Council has misapplied or inconsistently applied policy in this instance. Furthermore, should it be established that such development was approved in conflict with policy, I do not think it in the public interest that such decisions be repeated.
13. The Council's reason for refusal, to the extent that I have found them sustained, are determining in this case.

This decision relates to the following drawings:-

1:2500 scale Site Location Plan numbered 01Rev 1 and received by the Council on 18th August 2016.

1:2500 scale Existing Topographical Survey & Site Photographs numbered 02 and received by the Council on 18th August 2016.

1:2500 scale Proposed Topographical Survey numbered 03 and received by the Council on 18th August 2016.

COMMISSIONER DAMIEN HANNON

2016/A0227

Appearances

Authority:- Stephen O'Neill

Appellant:- Andy Stevens (Matrix Planning)

List of Documents

Authority:- C1 Statement of Case

Appellant:- A1 Statement of Case

Appeal Reference:	2017/A0018
Appeal by:	Mr J Kelly
Appeal against:	The refusal of outline planning permission
Proposed Development:	Infill site for two dwellings and detached garages
Location:	Land between 57 and 65 Duncrun Road, Limavady
Planning Authority:	Causeway Coast and Glens
Application Reference:	LA01/2016/0210/O
Procedure:	Written representations and Commissioner's site visit on 15 August
Decision by:	Commissioner D McShane, 25 August 2017.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Appellant submitted two revised drawings in his Statement of Case to address matters raised by the Planning Authority during the processing of the application. The proposed amendments, which relate to siting, size and orientation, do not fundamentally change the nature of the development. As such, the drawings are a material consideration and regard can be had to them without causing any prejudice to the public.

Reasons

3. The main issues in this appeal are:
 - whether the proposal is acceptable in principle in the countryside;
 - its impact upon visual amenity and the character of the rural area; and
 - its impact on an Area of Outstanding Natural Beauty (AONB).
4. Section 6 (4) of the Planning Act (Northern Ireland) 2011 states that determination under this Act must be made in accordance with the local development plan (LDP), unless material considerations dictate otherwise. The LDP in this case is the Northern Area Plan 2016 (NAP). The appeal site is located outside any settlement designated in the Plan. The NAP contains no specific policies relating to dwellings in the countryside at this location. Therefore, the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21), which, as made clear in the Strategic Planning Policy Statement (SPPS), is a retained policy document. Policies CTY 1, 8, 13 and 14 are pertinent. Also relevant to my consideration, given the appeal site's location in

the Bineveneagh AONB, is Policy NH 6 of Planning Policy Statement 2: Natural Heritage (PPS 2).

5. Policy CTY 1 of PPS 21 lists 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. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Appellant argues that the appeal proposal represents an infill opportunity in accordance with Policy CTY 8.
6. Policy CTY 8 entitled 'Ribbon Development' states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Notwithstanding that this form of development has been consistently opposed, policy goes on to state that an exception will be permitted for the development of a gap site providing four specific elements are met. The Planning Authority accepts that the proposed development meets the first three elements that are required in order to qualify as an infill site. Namely, that the appeal site is within an otherwise substantial and continuously built up frontage; the gap site is small; and the existing development pattern along the frontage is respected. The fourth element, whether other planning and environmental requirements are met, is in dispute. Specifically, whether the development would integrate into the landscape and respect rural character.
7. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The appeal site (0.2 ha) stands 1.5m – 2m above road level. Topography within it rises steeply to the north and east; the rise in ground levels across the 40m deep site varies from 6m to 10m.
8. Notwithstanding that there is rising land beyond the site, to avoid the proposed development from being a prominent feature in the landscape significant earth works would be required to facilitate the development of two dwellings and garages. Significant excavation would also be required to provide the necessary visibility splays. It was argued that the amount of excavation required has been reduced by 50% given the proposed amendments including resiting of the dwellings, a split level design and the reorientation of the dwelling to the north to stand gable end to the road. Notwithstanding that the embankment to the rear of the dwellings is no longer proposed as a 1-in-2 slope, the extent of the earth works required to artificially create a site, as illustrated on Drawing No.16/397:2.0 - Sections submitted in the Statement of Case, remains unacceptable. Furthermore, the description of development refers to detached garages, however these have not been shown on the Site Plan and no account has been taken of the excavation required to facilitate their development.
9. From short views along Duncrun Road, development on the appeal site, irrespective of scale and ridge height, would not blend unobtrusively with the existing landform; rather it would appear contrived and incongruous in the landscape. The reliance on significant earth works for integration is unacceptable and contrary to Policy CTY 13 as well as the guidance in Building on Tradition. From Duncrun Road, notwithstanding existing development, the extent of the earth works would cause a detrimental change to the rural character of the area.

Accordingly, the Planning Authority has sustained its second and third reasons for refusal based upon Policies CTY 13 and CTY 14.

10. The Appellant argued that the appeal proposal is indistinguishable from two other approvals in the area (Planning References B/2011/0288/F and B/2012/0045/O and B/2012/0332/RM). However, I am not persuaded that either is directly comparable with the appeal proposal in terms of the initial site conditions, the level of excavation required or the surrounding topography. The impact of a proposal on visual amenity and rural character are matters that must be determined in the site specific circumstances of each appeal site. In this instance, the proposal fails the fourth element required to qualify as an infill; namely it does not comply with other planning and environmental requirements. The Appellant's case, in terms of the principle of development, rested on the existence of a valid infill opportunity within the terms of Policy CTY8. As I have concluded that such an opportunity does not exist, the proposal does not constitute one of the types of development, set out as acceptable in the countryside under Policy CTY 1.
11. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement. No persuasive evidence was submitted to demonstrate that there are overriding reasons why the development is essential. As such I conclude that the appeal proposal is unacceptable in principle. Accordingly, the Planning Authority has sustained its first reason for refusal based upon Policies CTY 1 and 8 of PPS 21.
12. The appeal site is located in the Binevenagh AONB. Policy NH 6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and three stated criteria are met. Criterion (a) of Policy NH 6 requires siting to be sympathetic to the special character of the AONB in general and of the particular locality. I have already concluded above that the siting of the proposal is unacceptable in terms of its impacts on visual amenity and the character of the rural area. It therefore follows that it is also contrary to Policy NH 2. Accordingly, the Planning Authority has sustained the fourth reason for refusal.

This decision is based on the following drawings:-

- Drawing No.01 Rev 01: Site Location Plan
- Drawing No.16/397:1.0: Site Plan (Scale 1:250), submitted in Statement of Case
- Drawing No.16/397:2.0: Sections (Scale 1:100), submitted in Statement of Case

COMMISSIONER D MCSHANE

List of Documents

Planning Authority:-
Causeway Coast and Glens Borough Council

“A” Statement of Case and Appendices

“B” Rebuttal Statement and Appendix

Appellant:-

“C” Statement of Case

- Rev Drawing No 16/397:1.0

- Rev Drawing No 16 397:2.0

“D” Rebuttal Statement