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| <b>Planning Committee Report</b><br>LA01/2016/1370/O | <b>28<sup>th</sup> November 2018</b> |
| <b>PLANNING COMMITTEE</b>                            |                                      |

| <b>Linkage to Council Strategy (2015-19)</b> |  |
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| <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>                          | Development Management & Enforcement Manager   |
| <b>Cost: (If applicable)</b>                 | N/a  |

|                                      |  |                                |            |
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| <b><u>App No:</u></b>                | LA01/2016/1370/O   | <b><u>Ward:</u></b>            | GREYSTEEL  |
| <b><u>App Type:</u></b>              | Outline Planning   |                                |            |
| <b><u>Address:</u></b>               | 265 Clooney Road, Greysteel.   |                                |            |
| <b><u>Proposal:</u></b>              | Site for dwelling (In accordance with Policy CTY2a - Cluster Development - From PPS21) |                                |            |
| <b><u>Con Area:</u></b>              | N/A  | <b><u>Valid Date:</u></b>      | 09.11.2016 |
| <b><u>Listed Building Grade:</u></b> | N/A  |                                |            |
| <b>Applicant:</b>                    | John O'Neill, 1 Dunlade Road, Coleraine, Greysteel                                     |                                |            |
| <b>Agent:</b>                        | G M Design Associates, 22 Lodge Road, Coleraine, BT52 1NB                              |                                |            |
| <b>Objections:</b>                   | 0  | <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)

## 1.0 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.

## 2.0 SITE LOCATION & DESCRIPTION

2.1 The application site is located at Clooney Rd Greysteel. The site is a roadside site which is located at the junction of Clooney Rd and Dunlade Rd. The site has been cleared of the buildings which previously occupied the site, with the tarmac area for car parking associated with the previous use remaining in place. The site is currently defined along the northern and eastern site boundaries by mesh fencing panels, to the south by a rendered blockwork boundary wall approximately 1.2-1.3m high. The western site boundary is defined partly by a blockwork wall and is partly undefined. The Faughanvale River abuts the site and flows in a northern direction along the western boundary. There is a slight fall across the site from east to west and also in a south to north directly.

2.2 The application is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. The application site is located approximately 300m east of Greysteel and is located immediately adjacent the main A2 Clooney Rd which is a Protected Route. The site is located at the junction of the Clooney Rd and Dunlade Rd with two dwellings sited immediately south of the application site. On the northern side of Clooney Rd there are a number of outbuildings and two derelict dwellings. In the wider vicinity Clooney Rd is typically defined by roadside development along both sides of the road. To the west of the site lies the Faughanvale River which provides a hydrological link to Lough Foyle SPA, Ramsar and ASSI.

### 3.0 RELEVANT HISTORY

LA01/2016/0034/O - Proposed Housing Development consisting of Two sets of Semi- Detached Two Storey Dwelling and associated site works. - 265 Clooney Road, Greysteel – Withdrawn 26.07.2016.

B/2007/0434/O - Site for residential development - 265 Clooney Road, Greysteel – Approved 17.05.2010.

B/2004/0411/F - Part change of use from public house/restaurant to 16 bedroom hotel and the retention of toilet facilities to rear of complex - The Country Tavern, 265 Clooney Road, Faughanvale, Limavady – Approved 25.03.2005

B/2003/0275/F - Internal alterations to existing licenced premises and two storey side & first floor rear extensions to same (11 new bedrooms) - 'The Country Tavern', 265 Clooney Road, Faughanvale, Limavady – Approved 05.01.2004

### 4.0 THE APPLICATION

4.1 Outline Planning Permission is sought for a proposed dwelling, within an established cluster. The application site is located to the north of two existing dwellings and is located adjacent to the junction of Clooney Road and Dunlade Road. To the north of Clooney Road is a farm complex, which is directly opposite the site. No plans have been submitted to assess the scale and design of the proposed dwelling.

### 5.0 PUBLICITY & CONSULTATIONS

#### 5.1 External:

**Neighbours:** There are no objections to the proposal.

#### 5.2 Internal:

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No objections.

Rivers Agency: No objections.

Shared Environmental Services: No objections.

Loughs Agency: No objections.

## **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 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)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 15: Planning and Flood Risk

PPS 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, access, flooding and Habitats Regulations Assessment.

### **Principle of Development**

- 8.2 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 as a dwelling with an existing cluster and therefore falls to be assessed against Policy CTY 2a.

8.3 Policy CTY 2a 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;

-the cluster appears as a visual entity in the local landscape;

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

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

-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; and

-development would not adversely impact on residential amenity.

8.4 The SPPS or Policy CTY 2a do not define what constitutes a cluster of development for the purpose of this planning policy. Planning appeal 2017/A0035 acknowledges this, but goes on to clarify that the first three criteria give an indication of its intended meaning, suggesting that in order to be a suitable cluster for development, the proposal should adhere to all three to be considered an appropriate cluster.

8.5 The application site is located on the southern side of Clooney Rd and immediately adjacent and west of Dunlade Rd. To the south of the application site there are two dwellings which also occupy a roadside location. On the Northern side of Clooney Rd, there is a farm complex which consists of two derelict dwellings and a number of outbuildings. The first criteria within the policy outlines that the cluster of development must lie outside of a farm. Therefore the development on the northern side of the road must be discounted from being considered part of the cluster. Consequently the only adjacent buildings which could be regarded as contributing to a cluster are the two dwellings at Nos. 1 and 3 Dunlade Road, which falls below the criteria of four buildings of which at least three are dwellings. Therefore by

definition there is no cluster of development at this location and as such the proposal is contrary to the SPPS and Policy CTY2a.

- 8.6 Given that there is no cluster at this location the proposal consequently fails criteria 2-5 of CTY2a. However, even if the development on the northern were regarded as contributing to the formation of a cluster of development, the proposal would fail other criteria within the policy. Given the separation distance between the site and development on the opposite side of Clooney Rd, the development is not readily visible as a compact entity. On approach in both directions along Clooney Rd, there is little appreciation of the development along Dunlade Rd given the mature vegetation along the western side of the application site and the vegetation along the roadside embankment to the east of the site and Dunlade Rd, until passing the site frontage. On approach along Dunlade from the south there would be an appreciation of visual linkage of development on both sides of the road, however there would also be an appreciation of a significant separation between it. The Planning Authority consider that this development could not be considered to be a visual entity in the landscape.
- 8.7 The third criteria requires the proposal to be associated with a focal point or be sited at a cross-roads. The policy identifies examples of focal points as social/community building or facility. Given that the public house which occupied the application site has been demolished there is no focal building here. There is a staggered cross roads at this location with Shore Rd approximately 20 east of Dunlade Rd, on the northern side of Clooney Rd, which could be regarded as a focal point. However given the lack of qualifying buildings at this location there is no cluster to associate with this focal point.
- 8.8 The application site is bounded to the south by a single storey dwelling with a boundary wall along the boundary. To the western boundary is the river and mature vegetation. The application site is open to the eastern and northern site boundaries. Given the short views of the site from Clooney Rd and Dunlade Rd there is sufficient enclosure of the site which would allow a dwelling to occupy the site without appearing unduly conspicuous in the landscape.

- 8.9 The application site is bounded to the south by a dwelling and associated curtilage. The site is bounded to the west by the Faughanvale River with a field immediately adjacent, and to the east by Dunlade Rd and agricultural land. As such the site is not bounded on these sides by development in the cluster. It has been established that the farm to the north of Clooney Rd cannot be regarded as forming part of the cluster. Even if it were considered to be part of a cluster, the physical and visual separation between the site and these buildings by the Clooney Rd is such that it would not be considered to be bounded to the north. Given the lack of visual linkage and physical separation the application site does not result in rounding of or consolidation of an existing cluster, rather the application site would extend development along the western side of Dunlade Road in a linear manner, which would result in ribbon development along the road frontage, which is contrary to Policy CTY 8 and also CTY 14 in that ribbon development has a detrimental impact on rural character. The proposal does not fulfil the requirements of criteria four and five of Policy CTY2a
- 8.10 In terms of criteria six of the policy a dwelling on the application site would not have a significant impact on residential amenity.
- 8.11 The proposal fails to comply with Paragraph 6.73 of the SPPS and Policy CTY2a. Additionally as there are no overriding reasons as to why this development is essential in this rural location the proposal is contrary to Policy CTY1 of PPS21, and would result in the creation of ribbon development which is contrary to Policies CTY 8 and CTY 14 of PPS21.
- 8.12 The application site is located at the northern end of Dunlade Rd and immediately north of Nos. 1 and 3 Dunlade Rd. Development of the application site would result in new development which extends the current line of development in a linear pattern and would consequently result in the creation of ribbon development which is contrary to Policy CTY8 as outlined above at paragraph 8.9. There is development on the northern side of the Clooney Rd, however this cannot be regarded as contributing to a substantial and continuously built up frontage. The Clooney Rd, provides a stop end to development along Dunlade Rd and as such would be regarded as the end point for any development. Therefore the site does not lie within a gap

within a substantial and continuously built up frontage, and cannot be considered as an infill opportunity.

## **Access**

8.13 Access is proposed directly onto the Dunlade Road, which is not a Protected Route. DFI roads have been consulted on the proposal and have no objections to the proposal subject to stipulations as outlined on the associated RS1 form. The proposal satisfies the requirement of Policy AMP2 of PPS3

## **Flooding**

8.14 The application site is located immediately adjacent a watercourse which runs along the western boundary of the site. Despite the proximity of the watercourse the application site is not identified as being within the 1 in 100 year fluvial floodplain. DFI Rivers were consulted on the proposal and have no objections, but request that a 5m maintenance strip be retained for the future maintenance of the watercourse. The proposal is in compliance with the provisions of PPS15 – Planning and Flood Risk.

## **Habitats Regulations Assessment**

8.15 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 or conservation objectives of any European site.

## **9.0 CONCLUSION**

9.1 The proposed site is not located at an existing cluster of development as there is not the minimum of four buildings, three of which are dwellings outside of a farm at this location and is therefore contrary to Paragraph 6.73 of the SPPS and Policy CTY2a. As there is no cluster of development at this location the proposal would not result in rounding off or consolidation of a cluster and would result in the creation of ribbon development along Dunlade Rd and is therefore contrary to policies CTY1, CTY8 and CTY14 of PPS21.

## **10.0 REFUSAL REASONS**

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland 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.
2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling
3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Dunlade Road
4. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development along Dunlade Rd and would therefore result in a detrimental change to further erode the rural character of the countryside.

Site Location Map

