

Title of Report:	Planning Committee Report – LA01/2020/0678/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th May 2021
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>	LA01/2020/0678/O	<u>Ward:</u>	Feeny
<u>App Type:</u>	Outline		
<u>Address:</u>	Immediately Adjacent to 141 & 151 Muldonagh Road, Claudy, Derry		
<u>Proposal:</u>	Dwelling house with detached garage at an existing cluster of development		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	15.07.2020
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	O'Connor Burke Architecture Ltd 1 College Terrace Derry BT48 7NZ		
<u>Applicant:</u>	Mr Kieran Duffy 345 Foreglen Road Dungiven BT47 4PL		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

EXECUTIVE SUMMARY

- Outline planning permission is sought for a proposed dwelling with detached garage at a cluster on lands adjacent to 141 & 151 Muldonagh Road, Claudy, Derry.
- The site is a portion of a narrow field stretching along the Muldonagh Road. The site is located within the rural countryside outside of any settlement limit.
- The site is not associated with a focal point or crossroads and is contrary to CTY 2a.
- There are no overriding reasons why this development is essential and could not be located in a settlement and is contrary to CTY 1.
- The proposal would create a ribbon of development and is contrary CTY 8 and CTY 14 criteria (d).
- Refusal is recommended

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 the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on lands immediately adjacent to 141 & 151 Muldonagh Road, Claudy.
- 2.2 The site is a portion of a narrow field stretching along the Muldonagh Road. The northern roadside boundary is bound partly by post and wire fencing. The western boundary to no.141 is bound by a close boarded fence. The rear/southern boundary is defined by a post and wire fence. The eastern boundary is defined by vegetation. The field is unmaintained and overgrown.
- 2.3 To the west of the site are a number of single storey dwellings (muldonagh cottages). To the north/northeast of the site are two large detached two storey dwellings. The Foreglen Road runs further south of the site.
- 2.4 The site is in the rural countryside outside of any defined settlement limit as per the Northern Area Plan 2016

3 RELEVANT HISTORY

- 3.1 There is no recent Planning history on the application site.
- 3.2 Planning history in the vicinity of the site includes;
- LA01/2020/0239/O– Permission Granted for Outline application for 1No. infill dwelling/house (split level) and detached garage at Site located between 196 Muldonagh Road (East) and outbuilding and dwelling located 100m North of 2 Muldonagh Cottages (West)

- LA01/2017/1599/O - Permission Granted for Outline application for 1 No. proposed infill dwelling house (single storey split level) and detached domestic garage at site between 196 Muldonagh Road and dwelling located 100m North of 2 Muldonagh Cottages Claudy. Site directly opposite Muldonagh Cottages.

4 THE APPLICATION

- 4.1 This is an outline application for a proposed dwelling and garage on lands adjacent to 141 & 151 Muldonagh Road, Claudy.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 05.08.2020 and 07.10.2020.

Neighbours: 7 neighbours notified on 03.08.2020 and 25.09.2020.

No letters of support or objection were received on this application.

5.2 Internal

NIEA WMU/NED: no objections.

NI Water: no objections.

DFI Roads: no objections.

Environmental Health: no objections.

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:
- The 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

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS 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 relate to the principle of development and visual integration/ rural character, Habitat Regulations Assessment and Access arrangements.

Principle of Development

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.
- 8.3 Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1 notes there are 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, this includes dwellings in existing Clusters in accordance with CTY 2a.
- 8.4 Policy CTY 2a notes 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.
- 8.5 The proposed site lies outside of a farm. Two dwellings (196 and 198) are located to the north of the site. 20 plus dwellings are located to the west of the site, including 141 and the Muldonagh Cottages. 151 is located to the south west of the site. The cluster appears as a visual entity.
- 8.6 The site is not associated with a focal point. The agent in drawing 02/A refers to no.198 as a focal point, as it is a Country House hotel approved under B/2007/0393/F. B/2007/0393/F granted the erection of tourist facility to include tourist centre/ blacksmiths forge incorporating 16no. bedroom hotel to include public bar & function room to supersede previously approved application (Ref:B/2005/0159/F). However, Muldonagh Country House is operating as a Guest House. The agent also refers to the approved tourist facility/blacksmith forge as a potential focal point. This tourist facility has not been built, and it is not a focal point as required by the

policy. A country house Guest House is not considered to be a focal point for the purposes of the policy.

- 8.7 The agent also refers to no.196 as a focal point as it is Ingfield cottages holiday accommodation. No. 196 has a detached annex, which would appear to be rented out as occasional holiday let. There is no planning approvals on the site for this development. There are only approvals on site for a domestic garage under approvals; B/1989/0175, B/1990/0047 and B/2003/0413/F. There are also refusals on site for domestic garages including B/2009/0121/LDE and B/1999/4001. The annex at no. 196 used for holiday let accommodation has no planning permission. A self-catering unit or guest house would not be considered a focal point for the purposes of the policy.
- 8.8 The agent in Doc 01 refers to planning application LA01/2016/0526/F which accepted that businesses were focal points. The agent also refers to two further businesses at this cluster to include Unique Timber Frame Ltd and Glenwood Design Ltd. No planning approval details have been provided for the aforementioned businesses. Application LA01/2016/0526/F relates to a joinery works within an enterprise centre, which is a commercial premises which provides significant employment. There was also a previous approval on this site also for a dwelling and garage, and application LA01/2016/0526/F was a renewal of this.
- 8.9 The businesses the agent refers to in this application, Unique Timber Frame Ltd and Glenwood Design Ltd are not distinct commercial premises that provide a focal point or significant employment, and are not focal points for wider community involvement and social interactions. In PAC case 2017/A0035 the appellant argued that a dog/cattery business was a focal point that provides local employment. The PAC concluded, “this private business serves a specific market as it is used exclusively by dog and/or cat owners. While the third criterion of the policy is not specific or exhaustive in its definition of a focal point, the example given in the policy infers, in my judgment, that a focal point is an identifiable entity used by the community for gatherings or activities with social interactions. To this end, I would concur with the Council that a focal point could be a church, community hall or school building i.e. an entity that serves as a focus for much wider community involvement and social interaction than a specialised business carried out in a number of agricultural type buildings would.” The proposed site is not located at a focal point

that serves as a focus for community involvement and social interaction.

- 8.10 The agent refers to the site being located at a cross roads. The junction referred to is where Muldonagh Road meets the laneway access to no. 151 to the west and to where the Muldonagh Road extends to the east to provide access to a number of properties and then accesses out onto the Foreglen Road. The laneway that extends to the west to access no. 151, has no access out onto the Foreglen Road and is used to access no.151 only, with a deadend. This laneway therefore provides private access to 151 and then terminates. This laneway it is not a cross roads.
- 8.11 The agent in Doc 01 notes the laneway to no. 151 is an abandoned section of the Foreglen Road. This road has been adandoned and has been blocked off with no access out onto the Foreglen Road. This access has the appearance of the narrow private laneway used only to access the dwelling at no. 151. The proposal fails to meet the third criteria of CTY2a.
- 8.12 The site is bounded by development to the west by no 141 Muldonagh Road. The site is bounded by development to the south/south west by no. 151 Muldonagh Road. The site is bound by development on two sides.
- 8.13 A dwelling at this location would be absorbed/integrate. The site is a roadside site adjacent no. 141 Muldonagh Road. Due to the bend in the road there are limited views of the site when travelling on approach from the south east, until you are right at the site. The proposed dwelling would visually link with the existing development to the west, south west and north.
- 8.14 A proposed dwelling at this location would have no detrimental impact on residential amenity.
- 8.15 The proposal fails to meet policy CTY 2a in that the cluster is not associated with a focal point such as a social / community building/facility and is not located at a cross-roads. No overriding reasons have been forthcoming as to why this development is essential and could not be located within a settlement, the proposal is contrary to policy CTY1.

Visual integration, Rural character

- 8.16 All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. Para 6.70 of the SPPS notes all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.
- 8.17 Planning Policy Statement 21 – Sustainable development in the Countryside notes that the proposal must also meet the requirements of policy CTY 13 and CTY 14.
- 8.18 CTY 13 notes that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. 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.
- 8.19 Policy CTY 14 notes that 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.

- 8.20 The site is a roadside site along Muldonagh Road. The northern roadside boundary is bound partly by post and wire fencing. The western boundary to no.141 is bound by a close boarded fence. The rear/southern boundary is defined by a post and wire fence. The eastern boundary is defined by vegetation. The field is unmaintained and overgrown.
- 8.21 The agent proposes planting native species trees and hedgerows to all site boundaries. The existing trees and vegetation beyond the eastern boundary will screen views of the proposed development on approach from the south east. Due to the bend in the road there are limited views of the site when travelling on approach from the south east. The proposed dwelling would visually link with the existing development to the west, south west and north. Considering surrounding development, existing and proposed vegetation a dwelling at this location would be easily integrated and would not be a prominent feature in the landscape.
- 8.22 As this is an outline application the design of the dwelling has not been submitted. The dwelling should be appropriate the character of the area, in terms of scale, massing and design.
- 8.23 The application meets CTY 13 and criteria (a), (b), (c) and (e) of CTY 14.
- 8.24 The site is a roadside site adjacent no.141 Muldonagh Road. No 141 is the first dwelling on this side of the road on approach from the south east. Positioning a dwelling at this location will add to a ribbon of development along Muldonagh Road and is contrary to criteria (d) of CTY 14 and CTY 8.
- 8.25 The agent in Doc 01 argues that 151 is the first dwelling on approach from the south and that it has a road frontage. No. 151 does not have a frontage to the Muldonagh Road. It is set back some 80m from the Muldonagh Road and its curtilage does not abut the Muldonagh Road. 151 does not have a frontage to Muldonagh Road. No. 141 is the first dwelling with a road frontage and the site will add to a ribbon of development along the Muldonagh Road.

Habitats Regulation Assessment

- 8.26 The potential impact 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.

Access

- 8.27 PPS 3, Policy AMP 2, Access to Public Roads notes 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.
- 8.28 The application proposes the creation of a new access onto the Muldonagh Road. DFI roads were consulted on the application and in a response dated 20.10.20 raised no objections.

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 Planning Policy Statement 21 – Sustainable development in the Countryside, CTY 1, CTY 2a, CTY 8 and CTY 14 criteria (d). Refusal is recommended.

10 Reasons for Refusal

1. The proposal is contrary to The Strategic Planning Policy Statement, Para 6.73 and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 1 and Policy CTY 2a, in that the cluster is not associated with a focal point or located at a crossroads and there are no overriding reasons why this development is essential and could not be located within a settlement.

2. The proposal is contrary to The Strategic Planning Policy Statement, Para 6.73 and Planning Policy Statement 21, Policy CTY 8, and CTY 14 criteria (d), in that the site will add to a ribbon of development along Muldonagh Road.

Site location Map

