

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2020/1142/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>23<sup>rd</sup> June 2021</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	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:

**No:** LA01/2020/1142/O      **Ward:** Altahullion

**App Type:** Outline

**Address:** Gap site between 18a & 20 Beech Road Dungiven.

**Proposal:** Two detached houses with detached garages on a gap site.

**Con Area:** N/A      **Valid Date:** 03.11.2020

**Listed Building Grade:** N/A

**Agent:** O'Connor Burke, 1 College Terrace, Derry, BT48 7NZ.

**Applicant:** Mr Rory McCloskey, 21 Beech Road, Dungiven, BT47 4QB.

**Objections:** 0      **Petitions of Objection:** 0

**Support:** 0      **Petitions of Support:** 0

## **EXECUTIVE SUMMARY**

- This is an outline application for a two detached houses with detached garages on lands between 18a & 20 Beech Road Dungiven.
- The site is a portion of an agricultural field which fronts onto Beech Road. The site is outside the defined development limit of Gortnahey, with no.18a to the north within the development limit.
- The development to the north east of the site is within the defined development limit of Gortnahey and cannot be considered to represent buildings within or contributing to the formation of a substantial and continuously built up frontage for the purposes of PPS 21 CTY 8. The site is therefore not a gap site located within a substantial and continuously built up frontage. The proposal is contrary to CTY8 and CTY 14 (d).
- Development of the application site would mar the distinction between the settlement and countryside and result in urban sprawl. The proposal is contrary CTY15.
- The site is unable to provide a suitable degree of enclosure and relies primarily on the use of new landscaping for integration, and will result in a suburban style build-up of development. The proposal is contrary to Policy CTY13, criteria (b) and (c), and CTY 14, criteria (b)
- There are no overriding reasons why this development is essential and could not be located in a settlement and is contrary to CTY 1.
- Refusal is recommended

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** outline planning permission subject to the reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on land between 18a & 20 Beech Road Dungiven.
- 2.2 The site is a portion of an agricultural field which fronts onto Beech Road. The land falls towards the northeast of the site towards no. 18a. The western roadside boundary is defined by post and wire fencing and mature trees and hedgerow. The eastern (rear) boundary is undefined and open to the remainder of the agricultural field. The northern boundary is defined by post and wire fencing with a few trees. The southern boundary is defined by post and wire fencing with a number of trees. To the south of the site Beech road continues to a dead end at a group of 4 single storey dwellings.
- 2.3 The site is located outside the defined development limit of Gortnahey, with no.18a to the north within the development limit.

## 3 RELEVANT HISTORY

- 3.1 Planning history on the application site includes.
- B/1997/0266 – Permission Refused for site for dwelling adjacent to 20 Beech Road Drum Limavady.
  - B/2005/0860/O (2006/A213) - Permission Refused for site for single storey dwelling with detached domestic garage/store 150 metres north east of 21 Beech Road, Gortnaghey, Dungiven.

- B/2010/0299/O – Application withdrawn for Site for farm dwelling 90 metres North East of 21 Beech Road, Gortnaghey, Dungiven

## **4 THE APPLICATION**

- 4.1 This is an outline application for two detached houses with detached garages on lands between 18a & 20 Beech Road Dungiven.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Advertising: Advertised in the Coleraine Chronicle on the 18.11.2020.

Neighbours: 2 neighbours were notified on the 17.11.2020.

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

### **5.2 Internal**

NI Water: no objections.

Environmental Health: no objections.

NIEA WMU and NED: no objections.

HED: no objections.

DFI Roads: no objections.

Shared Environmental Services: 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 2 – Natural Heritage

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 proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above. The main

considerations in the determination of this application relate to the principle of development, the setting of settlements, visual integration/ rural character and access/road safety.

## **Principle of Development**

- 8.2 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 the infilling of a gap site in accordance with Policy CTY 8.
- 8.3 Policy CTY 8 notes that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.4 To the south west of the site are two dwellings with a road frontage namely no. 20, and no. 22. Beech Road.
- 8.5 To the north east of the site there are six dwellings with a road frontage to include 18a, 10, 8a, 6, 2 and 1. However these six dwellings to the north east of the site are within the defined development limit of Gortnahey. Buildings located within the settlement of Gortnahey cannot be used for the purposes of contributing to a substantial built up frontage in the rural area. PPS 21 sets out planning policies for development in the countryside and notes that for the purpose of this document the countryside is defined as land lying outside of settlement limits as identified in development plans. Therefore to meet the policy, all buildings making up the substantially and continuously built up frontage must all exist within the countryside.

- 8.6 Officials refer to PAC 2014/A0235, 2015/A0221 and 2018/A0212 which outline the PAC position on this matter. In appeal 2014/A0235 the commission noted; “I therefore determine that in considering what constitutes a cluster under Policy CTY2a the consideration must relate to buildings in the open countryside as reliance on buildings within the settlement limit could result in development that would mar the distinction between the settlement and the open countryside contrary to PPS21. In this regard, I deem that the appellant’s reliance on the dwellings and outbuildings associated with Nos. 1-11 Derryvale Park and Nos. 88 and 90 Derryvale Road is misplaced as these buildings are within the urban settlement”. Similarly in 2015/A0221 the commissioner noted; “The settled Commission position is that development within settlement limits cannot be included when considering development proposals under Policy CTY 8 as it occupies a different context in policy terms”. In 2018/A0212 the commissioner notes; “Although Nos. 54 and 56 lie along the road frontage, they are located within the settlement limit of Garvagh. Those buildings cannot be considered as part of an otherwise substantial and continuously and built up frontage in the countryside for the purposes of Policy CTY8.”
- 8.7 As the development to the north east of the site is within the defined development limit of Gortnahey it cannot be considered to represent buildings within or contributing to the formation of a substantial and continuously built up frontage for the purposes of PPS 21 CTY 8. The site is therefore not a gap site located within a substantial and continuously built up frontage. The proposal is contrary to CTY8.
- 8.8 Even if there was a substantial and continuously built up frontage at this location, the application site would still not be regarded as being acceptable when assessed against the criteria within Policy CTY8.
- 8.9 The site has a frontage of approximately 75m. Surrounding frontages include; no.20 frontage of approximately 47m; no. 22 frontage of approximately 22m; no.18a frontage of approximately 47m; no. 10 frontage of approximately 48m; no.8a frontage of approximately 32m; no.6 frontage of approximately 27m; no.2 frontage of approximately 23m and no.1 frontage of approximately 23m. The average frontage of these 8 dwellings is approximately 33.6m.
- 8.10 The proposed site is located between no. 20 and no.18a. Officials refer to PAC 2019/A0019 which outlines the gap is measured between existing buildings. The total size of the gap site between these two



dwellings is approximately 152m. Considering the average frontage length (33.6m), this site could accommodate up to 4 dwellings. The site is not considered a small gap site sufficient only to accommodate a maximum of 2 dwellings.

- 8.11 There is no substantial and continuously built-up frontage at this location. The proposed development would create/ add to the ribbon of development along Beech Road and is contrary to Policy CTY8.

### **The setting of settlements**

- 8.12 Policy CTY 15 – The Setting of Settlements notes 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.
- 8.13 The defined development limit of Gortnahey is to the northern/north eastern boundary of the site. The dwellings no. 20 and no. 22 are physically and visually removed from the settlement limit by their distance, the natural screening along Beech Road, the rise in land level towards no. 20 and the fact that there are limited views of these properties from the development limit edge. Development of the application site would extend development outwards from the settlement limit into the countryside and towards no.20, and would provide a visual link between the defined urban setting and the rural dwelling at No. 20 which would mar the distinction between the settlement and countryside. As the proposal would result in urban sprawl the proposal is contrary CTY15.
- 8.14 No overriding reasons have been forthcoming as to why the development is essential and could not be located within a settlement therefore the proposal is contrary to CTY1.

### **Visual integration, Rural character**

- 8.15 The SPPS, paragraph 6.70 requires that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. 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.

- 8.16 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.
- 8.17 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.
- 8.18 As this is an outline application the design of any dwelling at this stage has not been submitted.
- 8.19 The land falls towards the north/north east of the site. The existing boundaries on site include, the western roadside boundary defined by post and wire fencing and mature trees and hedgerow. The northern boundary is defined by post and wire fencing with a few trees. The southern boundary is defined by post and wire fencing with a number of trees. The eastern (rear) boundary is undefined and open to the remainder of the agricultural field and would require planting and boundary treatment to assist in integration. The vegetation along the

western roadside boundary will need removed and replanted to achieve the splays. This will open up the site substantially which is currently well screened by the existing mature vegetation to this roadside boundary. The removal of this vegetation and the fact that the site will mar the distinction between the settlement limit and the rural countryside will create a sub-urban build-up of development. The proposal is contrary to CTY 13 (b) and (c) and CTY 14 (b).

- 8.20 As assessed under CTY 8 the dwelling will create/ add to a ribbon of development and is contrary to CTY 14 (d).

### **Access/Road Safety**

- 8.21 Planning Policy Statement 3- Access, Movement and Parking, Policy AMP 2- Access to Public Roads notes that 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, such access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
- 8.22 The proposal involves the creation of a new access onto the Beech Road. DFI Roads were consulted in relation to this application and in their consultation response dated 29.01.2021 raised no objections. The application meets PPS 3 AMP 2.

### **Habitats Regulation Assessment**

- 8.23 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.

## **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, Policy CTY 1, CTY 8, CTY 13, CTY 14 and CTY 15. Refusal is recommended.

## **10 Reasons for Refusal**

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.73, and Planning Policy Statement 21, Policy CTY 1 in that there are no overriding reasons why the development is essential and could not be located in a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.73, and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 8 and Policy CTY 14, criteria (d), in that there is no substantial and continuously built-up frontage at this location and the proposal would, if permitted, result in the creation of ribbon development along the Beech Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.71 and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY15 in that the development would if permitted mar the distinction between the defined settlement limit of Gortnahey and the surrounding countryside through urban sprawl.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.70 and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY13, criteria (b) and (c), and CTY 14, criteria (b) in that the site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and relies primarily on the use of new landscaping for integration, and will result in a suburban style build-up of development.

# Site location Map

