

Title of Report:	Planning Committee Report – LA01/2021/1351/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	24th January 2024
For Decision or For Information	For Decision – Referred Application by Cllr McGlinchey
To be discussed In Committee YES/NO	No

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	Development Management and Enforcement Manager

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	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:

No: LA01/2021/1351/O **Ward:** Feeny
App Type: Outline
Address: 60m NE of 45 Glenedra Road, Feeny

Proposal: Proposed 1.5 storey dwelling house with detached garage at an existing cluster of development assessment under CTY 2a of PPS 21.

Con Area: N/A **Valid Date:** 3rd November 2021

Listed Building Grade: N/A

Agent: McGarry Moon Architects, 9 Fallahogey Road, Kilrea
Applicant: David and James Hassan, 79 Main Street, Feeny

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

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.gov.uk>

EXECUTIVE SUMMARY

- Outline planning permission is sought for a dwelling within a cluster in accordance with Policy CTY2a of PPS21.
- The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located on land adjacent 60m NE of 45 Glenedra Road, Feeny.
- The proposal fails to meet the criteria for the principle of development under Policy CTY 2a.
- The proposal also fails policy CTY13 and CTY14 in that approving a dwelling on this site would be prominent and result in a suburban style build-up of development when viewed with existing buildings and would result in ribbon development.
- DFI Roads, NI Water and NIEA (Water Management Unit), Environmental Health and HED were consulted on the application and raise no objection.
- There are no third-party representations on the proposal.
- The application is recommended for Refusal.
- Reasons for referral by elected member are attached as an annex to this report.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located on land 60m NE of 45 Glenedra Road, Feeny.
- 2.2 The application site is located within an agricultural field which is fairly open bar the boundaries which run past the Glenedra Road. The site is approx 0.5 hectares and is located on land north east of 45 Glenedra Road, Feeny. The site is located at the junction of Glenedra & Coolnamonan Roads.
- 2.3 The topography of the site is slightly raised in comparison to the adjoining roads. The site is relatively flat. There is existing planting on the north eastern and south eastern boundaries, consisting of mature hedgerows (sporadic) and post and wire fencing, with a small banking of grasses. The north western boundary is currently undefined. The south western boundary abuts property number 45 Glenedra Road, which is a two storey dwellinghouse.
- 2.4 Along Glenedra Road are a number of dwellings, St. Josephs Church, which is listed, and St. Canice's Primary School.

3 RELEVANT HISTORY

- 3.1 No relevant planning history on application site.

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed 1.5 storey dwelling and detached garage.

Habitat Regulations Assessment

- 4.2 The potential impact of 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the application

5.2 Internal

Environmental Health Department: No objection

NI Water: No objections

DFI Roads: No objection

HED: No objection to the proposal.

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:

- 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 RELEVANT POLICIES & GUIDANCE

The application has been assessed against the following planning policy and guidance:

Regional Development Strategy 2035

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 3: Access, Movement and Parking.

PPS 6: Planning, Archaeology and Built Heritage.

PPS 21: Sustainable Development in the Countryside.

Supplementary Planning Guidance

Building on Tradition: A Sustainable Design guide for Northern Ireland.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, ribbon development, integration, character of the area, listed buildings and archaeology and; access.

Planning Policy

- 8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents.
- 8.3 Policy CTY1 of PPS21 sets out 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. Policy CTY1 indicates that the development of a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a may be acceptable.

Principle of Development

- 8.4 The site is located along at the junction of Glenedra Road and Coolnamonan Road. It is long rectangular site that runs from Glenedra Road towards a dwelling sited approximately 120 metres along Glenedra Road. It is a substantial area of land when compared to the surrounding development and the development pattern of the area. For comparison, the frontage length of the Church, including the Church grounds, is a similar frontage length (@125 metres) to the application site. By further comparison, the 4 dwellings to the east of the Church (on the same side of the Glenedra Road) have an entire frontage length of less than 100 metres.

8.5 The development pattern and character is linear, ribbon development along Gledra Road. The development on the northeast of Gledra Road runs from the Church (to the north) down to No. 44 Gledra Road in the south. Whereas the development to the south west of Gledra Road starts with the dwelling to the south east of Coolnamonan Road and runs south to No.53A Gledra to south. The development on the south east extends further to the south along Gledra Road. All development on the south west of Gledra Road is contained to the south east of Coolnamonan Road; there is no development to the north, with the exception of the dwelling at no. 45 which is situated along Coolnamonan Road, some 120 metres from Gledra Road.

8.6 Turing to Policy CTY 2a, it states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met. Each criterion is assessed below:

- *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;*

This area of development lies outside the 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. However, the proposed lies outside this cluster.

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

This is a linear form of development along Gledra Road. As all the dwellings and buildings are roadside, they visual read together would appear as a visual entity in the local landscape. No 45 Gledra Road would not appear as part of this visual entity.

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

The cluster is associated with a church and a school. The site lies outside this cluster.

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

The site fails to provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster. The only development the site is bounded by, lies outside 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;*

A dwelling on this site cannot be absorbed into the existing cluster through rounding off and consolidation, and development of the site will significantly alter the existing character. Development of this site will visually intrude into the open countryside.

- *development would not adversely impact on residential amenity*

It is likely that a dwelling could be sited and designed as to not adversely impact on residential amenity.

8.7 Although there is a cluster of development along Glenedra Road, the proposed site lies outside this and would extend development to the north west of Coolnamonan Road.

- 8.8 The site does not respect the existing development pattern and fails to meet all the criteria of Policy CTY2a. The proposal is unacceptable at this location.

Ribbon Development

- 8.9 Policy CTY 8 states that planning permission will be refused for a building which creates a ribbon of development as this is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways. As the site is sited next to No.45 Glenedra Road it would create a ribbon of development along Coolnamonan Road and is contrary to CTY 8.

Integration

- 8.10 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 it is of an appropriate design.
- 8.11 The site is bounded by a low level hedge on two sides with the other boundaries being undefined. These boundaries provide minimal screening of the site and the site is very open. Given this, a dwelling on this site would be considered prominent within the site and would rely heavily on new landscaping for integration.
- 8.12 The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. Furthermore, the site fails to blend with the landform, existing trees, buildings, slopes or other natural features to provide a backdrop The proposal fails to comply with criteria a,b,c and f of Policy CTY 13.

Character of the Area

- 8.13 Policy CTY14 of PPS21 states 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.
- 8.14 It is considered that the proposal would be prominent in the landscape as set out in Paras 8.10-8.12 and therefore conflicts with criterion a of CTY 14. The proposal would, when viewed with the existing buildings in the general area, result in a suburban style build up of development.
- 8.15 When looking at the traditional pattern of settlement in the area, this is modest plots with frontage lengths (of dwellings) ranging from @15 metres to @45 metres. By contrast, the application site is a substantial site (@1.2 acres) and has a frontage of @120 metres; similar to the frontage of the Church and its grounds.
- 8.16 The proposal will also lead to ribbon development as set out under Para 8.9.
- 8.17 It is considered that the proposal would cause a detrimental change to, and further erode the rural character of the area. The proposal fails to comply with criteria a-d of Policy CTY 14.

Listed buildings and archaeology.

- 8.18 The site is located close to St Joseph's R.C. Church on Glenedra Road which is a listed building. Historic Environment Division: Historic Buildings Unit has been consulted as the competent authority on listed buildings, and it is satisfied that the proposal meets the requirements of SPPS 6.12 and BH 11 of PPS 6.

- 8.19 Historic Environment Division: Historic Monuments Unit has been consulted as the competent authority on archaeology matters. It has responded with no objection to the proposal.
- 8.20 Having regard to these responses, it is considered that the proposal complies with PPS6.

Access

- 8.21 DfI Roads was consulted as the competent authority on these matters and raises no objection to the proposal. The application is unlikely to prejudice road safety or significantly inconvenience the flow of traffic at this location and meets the requirements of AMP 2 of PPS 3.

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 SPPS.
- 9.2 The proposal fails to meet the principle policy requirements under CTY1 for dwelling in the countryside as the proposal does not meet the criteria for a dwelling in an existing cluster, as outlined in Policy CTY2a.
- 9.3 The proposal is contrary to policies CTY8,13&14 of Planning Policy Statement 21, as a dwelling would create a ribbon of development, appear prominent in the landscape and does not respect the development pattern of the area and would have an unacceptable impact on rural character. Refusal is recommended.

10 REFUSAL REASONS

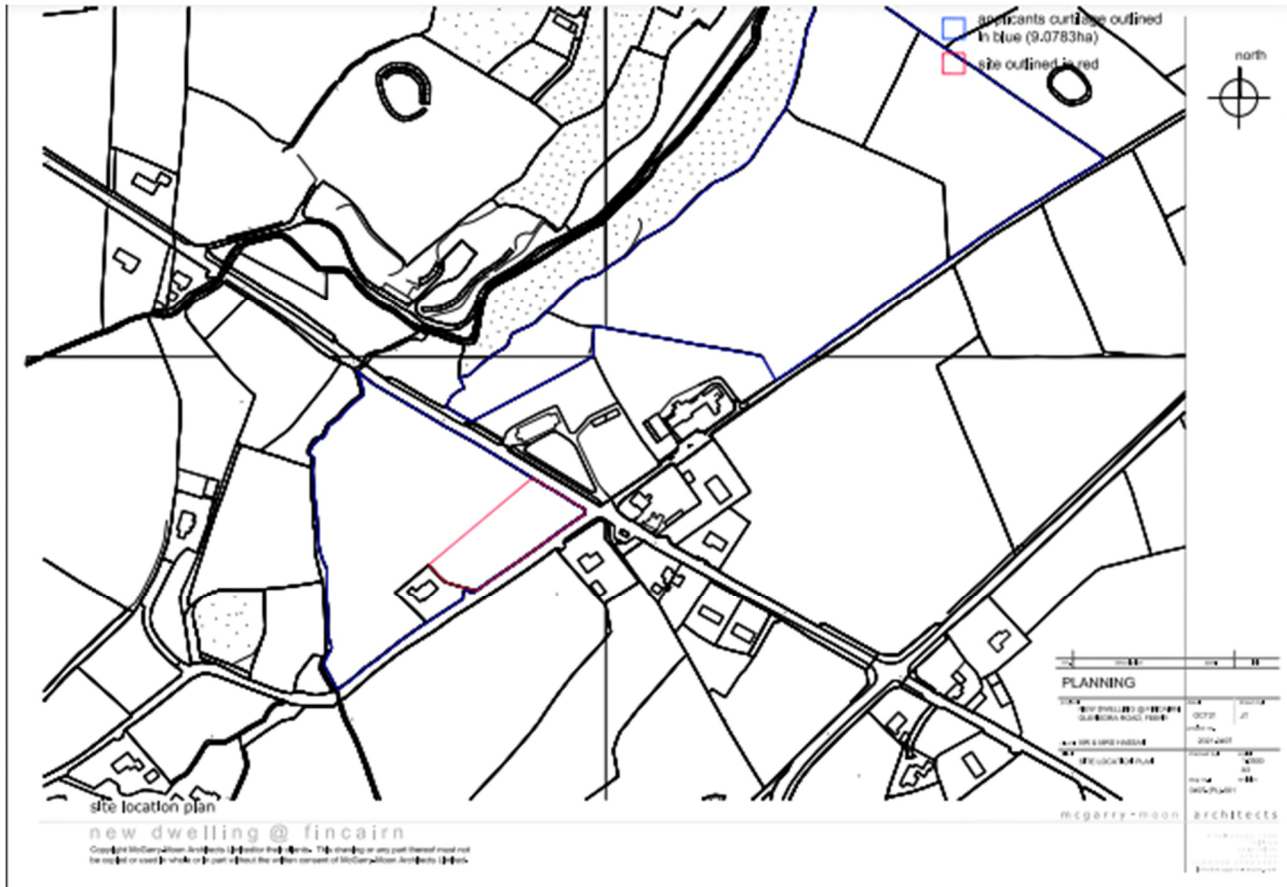
1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and policies CTY 1

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 and Policy CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not lie within an existing cluster of development, does not have a suitable degree of enclosure and is not bounded on at least two sides with existing development, it cannot be absorbed into the existing cluster through rounding off and consolidation, development of the site will significantly alter the existing character and it will visually intrude into the open countryside.
3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed would be a prominent feature in the landscape, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and it relies primarily on the use of new landscaping for integration, and does not have an backdrop and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, be unduly prominent in the landscape and would result in a suburban style build up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the area.

5. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, create a ribbon of development along Coolnahanon Road.

Location Plan



Referral Request

From: Caroline White

Sent: Friday, June 16, 2023 3:57 PM

To: Planning <Planning@causewaycoastandglens.gov.uk>

Subject: App Ref: LA01/2021/1351/O

Good afternoon,

Site Address: **Site 65m North West of 45a Glenedra Road, Feeny**

Proposal: **1 ½ Storey dwelling house with detached garage**

Councillor Sean McGlinchey would ask that the planning App Ref: LA01/2021/1351/O be deferred for the following reasons:-

1. I disagree with the planning report that the site is not bounded. The proposed site is bounded to the southwest by a dwelling house, to the southeast by a dwelling house and to the northeast by the church and school. Additionally, the roads that form the crossroads bound the site to the northeast and southeast. The proposed dwelling can be slid towards the northeast to visually consolidate the cluster formation, thus strengthening its form and character.
2. I remain resolute in my opinion that the proposed site is in the spirit of planning policy CTY 2a. In our opinion, this is a perfect example of a site that meets the criteria of this planning policy statement.
3. The planning appeal cases referred to in the planning report are not relevant as they both would have resulted in ribbon development.
4. All properties within this cluster are highly visible including the church. I believe the proposed site only requires one new hedgerow which would then square off the cluster.
5. The application has been in the system since late 2021 and I have been informed that the planning authority was putting this up for refusal in late April 2022. The last correspondence from Planning was in November 2022 and I now see the planning report dated March 2023 and only put on the system in June 2023. I feel this is totally unacceptable from a public service point of view as this should have happened in June last year.

Thank you

Caroline

Caroline White

[Caoimhe Archibald MLA](#)

[Office Manager](#)