

Title of Report:	Planning Committee Report – LA01/2022/0082/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th February 2024
For Decision or For Information	For Decision – Referred Application by Ald. Callan
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	N/A
Code	N/A
Staffing Costs	N/A

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

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: LA01/2022/0082/O

Ward: Greysteel

App Type: Outline

Address: Sites between 15 and 17 Dunlade Road, Greysteel

Proposal: Proposed 2no. 1 1/2 storey infill dwellings, with associated domestic garages and shared access laneway

Con Area: N/A

Valid Date: 24 Jan 2022

Listed Building Grade: N/A

Agent: A.D.M.S Ltd Architects, 25a Spencer Road, Waterside, Londonderry BT47 6AA

Applicant: Mr Adrian Moyne, 15 Dunlade Road, Greysteel, Londonderry

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 being sought for 2 no. dwellings on the site.
- The site is located within the open countryside as designated in the Northern Area Plan 2016.
- It is considered that the proposed dwellings are not sited within a small gap site within a substantial and continuously built-up frontage as required to be considered as an exception within the policy.
- As the proposal fails to satisfy the requirements of CTY 8, the proposal fails to meet CTY 1.
- The proposal is contrary to paragraph 6.70 in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would create a ribbon of development, would be a prominent feature in the landscape and would be detrimental to the rural character of the area by causing a suburban style build-up of development when viewed with existing buildings.
- The proposal, if approved, would add to a ribbon of development along Dunlade Road.
- There are no third-party representations on the proposal.
- Reasons for referral by elected member are attached as an annex to this report.
- Refusal is recommended.

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 for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located in the open countryside to the south east of Greysteel. The wider area is agricultural with farm buildings/holdings and single dwellings accessed from Dunlade Road. There is significant roadside vegetation and trees which screen a number of these from the roadside.
- 2.2 The application site is 0.84 hectares in size, which rises fairly steeply to a crest from a north to south direction. Currently the site is used for agricultural purposes, with a horse stable located on the western boundary. The proposed site is roadside and is on a stretch of road with a number of bends.
- 2.3 On the northern side of the site is a single storey dwelling with a large linear garden to the rear. The western, southern and a fair amount of the eastern boundary, are defined by post and wire fencing, with mature vegetation and trees sporadically located along the respective boundaries. The northern boundary is defined by a ranch style fence between dwelling no.15 and the proposed site. The eastern boundary has a grass verge / slight banking of 2.4 metres with post and wire fencing with hedgerow planted on the inside.

3 RELEVANT HISTORY

- 3.1 There is no relevant or recent planning history on the site or surrounding area.

4 THE APPLICATION

- 4.1 Outline planning permission is sought for Proposed 2no. 1 1/2 storey infill dwellings, with associated domestic garages and shared access laneway.
- 4.2 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

There are no letters of support or objection to the proposal.

5.2 Internal

DFI Roads – No objection to the proposal.

Environmental Health – No objection to the proposal.

NI Water – No objection to the proposal.

SES – No objection to the proposal.

NIEA no objection to the proposal.

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)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, integration and rural character, and access.

Planning Policy

- 8.2 The site is located within the open countryside but is not subject to any specific zonings or designations.
- 8.3 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.4 Policy CTY 1 outlines the types of development which are acceptable in principle in the countryside, one of which is the infilling of a gap site under CTY 8. CTY 8 states that:

“Development which creates or adds to a ribbon of development will be refused, however an exception will be permitted for the development of a small gap site within a substantial and continuously built-up frontage.”

“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.”

- 8.5 For a site to qualify as an infill opportunity, there must be a minimum of a line of 3 buildings sharing the same road frontage with the application site. The proposed site is located to the north of no. 17 Dunlade Road and to the south of no. 15. As the dwellings to the south of the sites at nos. 17 & 19 have a frontage onto Dunlade Road, and their curtilage abuts it, these buildings (dwellings) can be included in the frontage for the purposes of a potential infill under Policy CTY 8.
- 8.6 However, No.15 Dunlade Road sits back off the road and has a small watercourse and vegetation between its curtilage and the road. It is only the access point (which will be used by the proposed dwellings) which abuts the Dunlade Road. Policy interpretation and implementation requires the building to have a frontage. An access alone does not constitute a frontage. This is consistent with Planning Appeals 2015/A0221 and 2020/A0121. As this dwelling does not have a frontage, other than an access, there is no substantial and built-up frontage to the north.
- 8.7 As there is no substantial and built-up frontage for the purposes of CTY 8, then no gap site exists to develop. The proposal fails to meet the principle policy test of CTY 8.
- 8.8 However, if it was accepted that the dwelling at No.15 meets the policy requirements for a continuous and built up frontage, then there is a requirement to consider that the site is a small gap site, the proposed frontage(s) respect the existing, and the existing development pattern along the frontage is assessed and considered in terms of size, scale, siting and plot size.
- 8.9 The gap is between the respective dwellings at nos.15 and 17 is approx. 150 metres. The Applicant’s agent has stated an average site width of approx. 63 metres. This means, rather than the gap representing a small gap site sufficient only to accommodate a maximum of two dwellings, it provides relief and visual breaks along Dunlade Road as the gap can accommodate more than 2 dwellings.
- 8.10 In turning to plot sizes, the average plot size along the western properties of Dunlade Road (Nos 15-21) is approximately 0.65 acres. These range from Nos 17 & 19 which have much smaller plot sizes

through to larger plot sizes at Nos.15 and 21. The gap site between Nos 15 and 17 could comfortably accommodate 3 dwellings, having regard to the existing frontage lengths and plot sizes when compared with the other plots, in terms of size, scale and plot size.

- 8.11 Notwithstanding that there is not a continuous and built up frontage for a small gap site to exist, should it be considered that this part of the policy is met, the gap is a visual break in the frontage, as it can accommodate more than the maximum of 2 dwellings. The proposed sites fail to meet the policy exception of CTY 8 and results in ribbon development.

Integration and Rural Character.

- 8.12 Proposals must be sited and designed to integrate into their setting, respect rural character and be appropriately designed. There are critical views when travelling north and south along Dunlade Road. There are very open views when travelling in a southerly direction.
- 8.13 The proposed site rises from the northern boundary to the southern boundary, where the land is raised much higher, and any dwelling positioned on this particular site, would appear prominent in the landscape. Given this, there is additional planting proposed to augment the existing vegetation and to overcome the prominence of the raised ground, which is presented by the Agent as a way to further conceal this site/land and any future dwelling from view. However, if no dwelling is proposed, it is unnecessary for this land to be further concealed. Therefore, the proposal relies on the new landscaping to help integrate a dwelling(s) into the site.
- 8.14 As a new dwelling(s) on this land would be a prominent feature on the landscape, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration, the proposal fails to meet criteria a, b, and c of CTY 13.
- 8.15 Policy CTY 14 states 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 is unacceptable where it is unduly prominent on the landscape, results in a build up of development when viewed with existing development, fails to respect the existing pattern of development, and adds to a ribbon of development.

- 8.16 The proposal would be prominent within the landscape, when assessed from the critical views approaching from a northerly & southerly direction.
- 8.17 As the gap is a visual break in the countryside, this proposal when viewed with existing buildings, will result in a suburban style build up of dwellings and results in enforcing ribbon development along this stretch of Dunlade Road. As considered under CTY 8 assessment, the proposal will create or add to ribbon development along Dunlade Road.
- 8.18 As it is considered that the proposal does not comply with the criteria a, b, c and d of CTY14, the proposal will have an unacceptable impact on rural character.

Access

- 8.19 Policy AMP2 of PPS 3 Access, Movement and Parking applies and states 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
- 8.20 The development proposes to use and amend the access to No.15 with a proposed access lane running between Dunlade Road and the potential siting of the dwellings within the respective sites. DfI Roads has been consulted as the competent authority on traffic matters and it raises no objection.

9 CONCLUSION

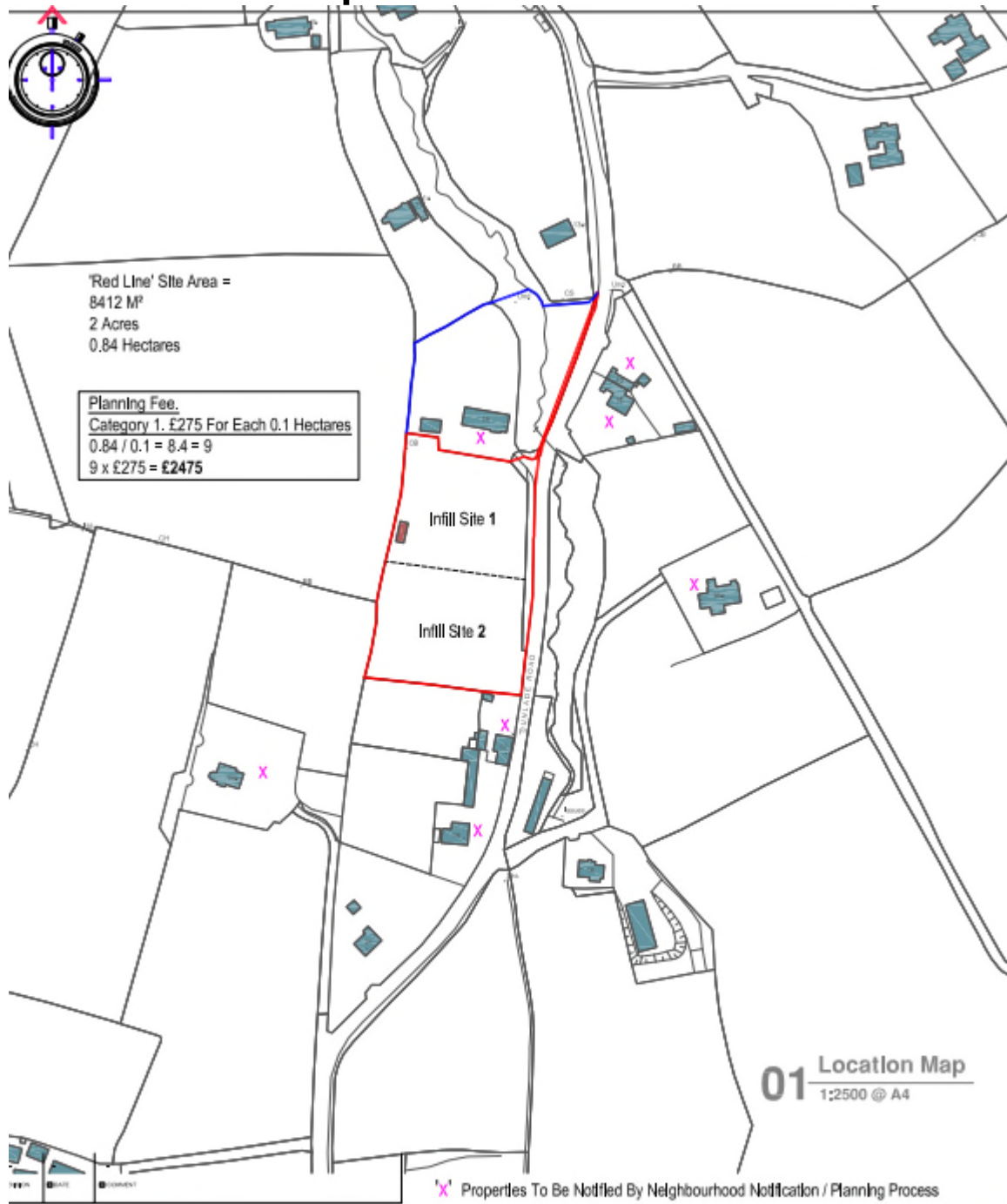
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, SPPS, other planning policies and material considerations. The proposal is contrary to CTY 8 of PPS 21 in that it does not sit within a substantial and continuously built-up frontage consisting of a line of 3 or more buildings and would create a ribbon of development with No.15 and No.17.

9.2 The proposal will also be a prominent feature on the landscape and fails to satisfactorily integrate without causing unacceptable harm to rural character and is contrary to Policies CTY 13 & 14 of PPS 21. Refusal is recommended.

10 Reasons for Refusal

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, 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 Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 8 of Planning Policy Statement 21, in that the proposal is not a small gap site located within a substantial and continuously built-up frontage, does not respect the existing development pattern along the frontage, and would add to a ribbon of development.
3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement and Policy CTY 13 a, b, and c of Planning Policy Statement 21 in that the proposal would fail to integrate into the surrounding landscape, would be a prominent feature in the landscape and would rely primarily on landscaping to aid the integration of a dwelling(s) on this site.
4. The proposal is contrary to paragraph 6.70 in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would create a ribbon of development, would be a prominent feature in the landscape and would be detrimental to the rural character of the area by causing a suburban style build-up of development when viewed with existing buildings.

Site Location Map




'Red Line' Site Area =
8412 M²
2 Acres
0.84 Hectares

Planning Fee.
Category 1. £275 For Each 0.1 Hectares
 $0.84 / 0.1 = 8.4 = 9$
 $9 \times £275 = £2475$

01 Location Map
1:2500 @ A4

'X' Properties To Be Notified By Neighbourhood Notification / Planning Process

<p>BY: Mr. Adrian Moyne</p> <p>PROJ: Proposed Site For 2 No. Infill Dwellings @ Site Adjacent To 15 Dundale Road, Greysted, Co. Derry, BT47 3EF</p> <p>DATE: 15/01/2022</p> <p>LOCATION: Location Map</p> <p>SCALE: 1:2500 (@ A4)</p> <p>DESIGNED BY: DG</p> <p>CHECKED BY: DG</p>	<p>PROJECT REFERENCE: SP.21.26</p> <p>DRAWING NO: SP.21.26_01</p>	<p>25A Spencer Road, Waterside, Londonderry, BT476AA</p> <p>t. 028 7134 1260 f. 028 7134 4262</p> <p>e. info@adms-ni.com w. www.adms-ni.com</p> <p>R.I.B.A.</p> <p>ARCHITECTS / ENGINEERS TO BE NOTIFIED OF ANY DISCREPANCIES IN FIGURED DIMENSIONS. CONTRACTOR MUST CHECK ALL DIMENSIONS FROM SITE. THIS DRAWING IS COPYRIGHT ADMS USE AND FOR USE OF THIS SITE ONLY.</p>	 <p>adms architects limited</p>
--	---	--	--

From: Aaron Callan
Sent: Friday, June 30, 2023 1:04 PM
To: Oliver McMullan <>; Denise Dickson <>
Cc: Planning <Planning@causewaycoastandglens.gov.uk>
Subject: LA01/2022/0082/O site between 15 & 17 Dunlade Road

Denise/Oliver,

I would like to refer the above application to the planning committee as this application presents a very strong case for approval under the current infill site policies. The refusal reasons brought forward by planners seem unreasonable. The applicant and agent strongly believe that each of these can be contested.

Additionally, this would afford the applicant some direct contact with the case officer/s on the application - something that has never been offered to them, since a refusal was recommended without any prior contact.

I look forward to hearing from you in due course.

Regards,

Aaron

Aaron Callan BA (Hons.) MA LL.M
Alderman - Causeway Coast and Glens Borough Council
Democratic Unionist Party