

Title of Report:	Planning Committee Report – LA01/2022/1582/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd May 2024
For Decision or For Information	For Decision – Referred Application by Ald. McAuley
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.		
	Screening Completed:	N/A	Date:

Section 75 Screening			
	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: LA01/2022/1582/O Ward: Dervock

App Type: Outline

Address: Approximately 65m South of 3a Heagles Road, Ballybogey

Proposal: Infill Dwelling and Garage

Con Area: N/A

Valid Date: 21.12.2022

Listed Building Grade: N/A

Agent: 2020 Architects, 49 Main Street, Ballymoney, BT53 6AN

Applicant: Coyles Wright, 3c Heagles Road, Ballybogey

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 an infill dwelling and garage.
- The site is located outside the settlement development limit for Ballybogey.
- The principle of development is considered unacceptable having regard to Policy CTY8 as the proposal fails to meet with the provisions for an infill dwelling as the application site is not a gap site located within an otherwise substantial and continuously built up frontage.
- As the proposal fails to satisfy the requirements of CTY 8, the proposal fails to meet CTY 1.
- The proposal, if approved, would create a ribbon of development along Heagles Road which is also contrary to CTY14.
- A dwelling on the site will be a prominent feature on the landscape due to the lack of integration and is contrary to Policy CTY13 of PPS 21.
- Development of this land would mar the distinction between town and country and would undermine the settlement limit of Ballybogey and is contrary to Policy CTY 15 of PPS 21.
- DfI Roads, DfI Rivers, NI Water, NIEA and Environmental Health were consulted on the application and raise no objection.
- Reasons for referral are attached.
- 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 This site lies outside the development limits of Ballybogey as identified in the Northern Area Plan 2016. The site is relatively flat and is a rectangular segment which forms part of an existing agricultural field.
- 2.2 The southern boundary is defined by mature trees and hedgerow, along with the roadside (eastern) boundary. The northern boundary is undefined. The western boundary is defined by post and wire fencing with mature hedgerow.
- 2.3 The surrounding area is defined by sporadic dwellings, with the siting generally set back off the road. From the red line there are properties positioned to the north west of the site. There are 2 agricultural buildings with a dwelling positioned in the north western corner. Due north is a large two storey dwelling with an access lane dividing the property and the access to dwelling number 3B.
- 2.4 On the southern side of the red line is a large 2 storey dwelling. This dwelling is set back some 80 metres from the roads edge and falls positionally more in line with dwelling no. 3B.
- 2.5 The site is in the rural countryside as defined by the Northern Area Plan 2016 and does not have any further designations or zonings.

3 RELEVANT HISTORY

There is planning history in the surrounding area but there is no relevant history relating to this site.

4 THE APPLICATION

- 4.1 Outline planning permission is sought for an infill dwelling and garage.
- 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

Dfl Roads – No objection to the proposal.

Dfl Rivers – Undesignated watercourse flows along the southern and eastern boundaries, a protected 5m strip to be provided.

Environmental Health – No objection to the proposal.

NI Water – 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 3: Access, Movement and Parking

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, setting of Ballybogey, integration, rural character, and access.

Planning Policy

- 8.2 The site is located outside the settlement development limit for Ballybogey as designated in the Northern Area Plan (NAP).
- 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 5 Heagles Road. As this dwelling has a frontage to Heagles Road this is one building for the purposes of a continuous and built up frontage as stated in CTY8. There is no further development to the south of this dwelling that would qualify under CTY 8 for the purposes of a continuous built up frontage. Therefore, there is one building (dwelling) that can be included in the frontage for the purposes of CTY 8 to the south of the site. This has a plot size of @2 acres and a frontage length of @34 metres.
- 8.6 To the north of the site is the remainder of the agricultural field. Beyond an access to development that sits to the rear of this land is No.3A Heagles Road. As this dwelling has a frontage to Heagles Road this is one building for the purposes of a continuous and built up frontage as stated in CTY8. This has a plot size of @0.8 acres and a frontage length of @41 metres. Along with No.5 there are 2 buildings with a frontage to Heagles Road for the purposes of CTY 8.
- 8.7 There is further development to the north of No.3A. However, the dwellings and development beyond, are located within the settlement limit of Ballybogey and, in policy terms, these buildings are located within an urban context. Irrespective of any linkages these buildings may have, they cannot be considered as part of an otherwise substantial and continuously and built-up frontage in the countryside for the purposes of Policy CTY8. While the dwelling at No.3 sits outside the development limit, its frontage is located within the settlement limit; not the countryside.
- 8.8 As any proposal under CTY 8 cannot be reliant on development within the settlement development limit, there is no further development to the north of the site to be considered under CTY 8 for the purposes of a continuous and built up frontage, and therefore there is no potential gap site. Furthermore, it is not then possible to consider the existing development pattern along the frontage and assess this in terms of size, scale, siting and plot size for the purposes of CTY 8.

- 8.9 Notwithstanding Para 8.8, and for information purposes, the relative frontages and plot sizes for each dwelling/building and the site are set out in Appendix 1. Having regard to the average frontages, this site would have a frontage length larger than the average. Furthermore, the site and remaining land could accommodate 3 dwellings while respecting the frontage lengths and development pattern. Even if it was accepted there is a continuous and built up frontage for the purposes of CTY8, the gap site is not a small gap site capable of only accommodating up to a maximum of 2 dwellings.
- 8.10 It is considered that the proposed site does not accord with the policy tests of CTY 8, as it relies on buildings that are within the settlement limit and cannot be considered an exception to allow development of a dwelling on a small gap site, any gap site is too large, and approving development on this site would result in ribbon development.

Setting of Ballybogey

- 8.11 As set out in Paras 8.7 and 8.8, the development to the north of No.3A lies within the settlement development limit of Ballybogey. The principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside. Policy CTY 15 states that:

“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.”

- 8.12 As this land and landscape, just outside the settlement limit, has a role to play in maintaining the distinction between Ballybogey and the rural area, and prevents a coalescence between the two, development of this land would mar the distinction between town and country and would undermine the settlement limit. Therefore, the proposal is contrary to Policy CTY 15 of PPS 21.

Integration

- 8.13 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.
- 8.14 No concept plan or tree survey has been submitted as part of the application, so it is unclear how the agent envisages developing a dwelling on site. A new access onto Heagles Road is required, and having regard to the proposed site, along with the residual land, an element of roadside vegetation (trees) will need to be removed to achieve a new access, along with any further cutting of any trees that remain. Therefore, this will open this site up to views from Heagles Road, and a proposed dwelling on this site would be considered a prominent feature in the landscape. The site would rely on new landscaping to help integrate the site, and requires entirely new landscaping along the northern site boundary which is currently open. The site therefore fails to integrate satisfactorily into the landscape.
- 8.15 A new building (dwelling) on this site would fail to satisfactorily integrate into the landscape and comply with the requirements set out in Policy CTY 13 of PPS21.

Rural Character

- 8.16 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.
- 8.17 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 It is considered that the proposal would be prominent in the landscape as set out in Para 8.14 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 as it creates a ribbon of development along Heagles Road which is contrary to criterion (d) of CTY 14. This will change and further erode the rural character of the area and does not comply with Policy CTY 14 of PPS 21.

Access

- 8.19 DfI Roads was consulted as the competent authority on road and traffic 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, PPS21, SPPS, other planning policies and material considerations. The proposal is contrary to CTY 8 of PPS 21 as the application site is not an exception under Policy CTY 8 as it does not constitute the development of a small gap site and would create a ribbon of development on Heagles Road and is also contrary to CTY14. The site can accommodate more than 2 dwellings.
- 9.2 The proposal relies on development within the settlement limit of Ballybogey, and will therefore mar the distinction between town and country and is contrary to CTY15 of PPS21. The proposal would appear as a prominent feature on the landscape and is contrary to Policies CTY 13 and 14 of PPS 21
- 9.3 Refusal is recommended.

10 Reasons for Refusal

1. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, in that there are no overriding reasons why the development is essential and could not be 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: Sustainable Development in the Countryside in that the proposal is not considered an exception as it does not comprise the development of small gap site and would create a ribbon of development.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.70 and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and the proposed building relies primarily on the use of new landscaping for integration.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.70 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted, be unduly prominent in the landscape, would create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.71 and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Ballybogey and the surrounding countryside through urban sprawl.

Site Location Map



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No.	Description	Date	By

Floning

Project	Revision
Proposed 1400 Dwelling & Garage Approximate 1/4 Mile South of Jacksonville, East Subdivision #153 and	AP1019
Client Caylen Wright	Date 27.10.2022
Drawing Title Site Location	Drawn by POCOI
	Checked by JM
	Date 1/1/2020

2020 ARCHITECTS, 41401 Street Administration, Co. Arden #103 344
 T: 081 274 4799
 E: info@2020architects.co.uk
 www.2020architects.co.uk



APPENDIX 1

Building No./Ref	Frontage (metres)	Plot Size (Acres)
No. 3	34 metres	0.9 Acres
Buildings south of No.3	27 metres	0.2 Acres
No.3A	42 metres	0.8 Acres
No.5	34 metres	2 acres
AVERAGE	34.2 metres	@0.975 Acres
Residual land (remaining land within field not subject to application)	48 metres	@1 acre
Application site	45 metres	@1 acre
<p>The length of the <i>“Gap Site”</i> (Gable of No. 3a to No.5 Heagles Road) for the purposes of CTY 8 is @122 metres.</p> <p>The length of frontage of field where dwelling is proposed is 93 metres.</p>		

APPENDIX 2

Reason for Referral

From: John McAuley <>

Sent: Tuesday, January 16, 2024 5:47 PM

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

Subject: RE: LA01/2022/1582/O - Approximately 65m South of 3a Heagles Road, Ballybogey

Good Evening,

I would request that the above mentioned application (LA01/2022/1582/O) is referred to the planning committee for the following reasons.

- The predominant reason for refusal relates to the principle of ribbon development and the proposals adherence to this. The case officers report states that the dwelling at no.3 cannot be included in the frontage calculation as the front portion of the site is within the development limits of Ballybogey. The development limit at this section is an anomaly in that it has a random dogleg, which takes in part of no.3's curtilage. Notwithstanding this the dwelling at no.3 most definitely has frontage onto the road and should be included within this calculation, a property cannot simply be discounted due to the poor drawing of the development limits. Paragraph 5.33 of PPS21 clearly states that "Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked." No.3 clearly has frontage when applying the definition from Para 5.33 of PPS21. This would mean that no.3, no. 3a and no.5 all have frontage onto the road, and represent a ribbon of development. The proposal would respect the ribbon in terms of frontage, plot size and positioning.
- The remaining refusal reasons relate to integration with the council stating that the proposal is unable to provide a suitable degree of enclosure. We disagree with this assessment as the Eastern, Southern & Western Boundary of the proposed site is bound by long established mature vegetation which will be retained as part of the proposal, leaving only one boundary that is not bound by vegetation or development. The main public views of the site would be from the heagles road and the proposal would be screened by the dense mature vegetation that bounds eastern boundary. There is a double line of trees at this section and the case officers report states that DFI only require pruning back of the tree's, meaning the only removal of vegetation would be the actual access at 4m wide. The case officers report is contradictory with regards to vegetation removal and we are confident the site will be well screened.
- The council have also stated that the proposal would be contrary to Policy CTY15 as the proposal would mar the distinction between the countryside and the settlement limit. Our proposal would not be doing this as the distinction has already been marred by the 5 dwellings outside the development limit situated closer to it than our proposal.
- We strongly believe that the proposal is within the provisions of policy and would request that the application is determined by the planning committee due to the irreconcilable differences in policy interpretation between ourselves and the planning department.

Regards

John