

Planning Committee Report LA01/2019/1012/O	23 September 2020
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

No: LA01/2016/1230/O **Ward:** DERVOCK

App Type: Outline Planning Permission

Address: Approximately 170m NE of 74 Kilraughts Road Ballymoney

Proposal: Site for replacement dwelling and garage with retention of existing for storage.

Con Area: No **Valid Date:** 16.09.2019

Listed Building Grade: No

Agent: 2020 Architects

Applicant: Mr & Mrs Muise, 1 Brackenridge Close, Carrickfergus

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

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

Executive Summary

- This proposal is not considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The site is located outside the Settlement Development Limit of Ballymoney and is located in proximity to an Archaeological Site and Monument.
- There has been no objection received regarding the proposed development. All concerns raised by the statutory consultees have been addressed.
- The proposal fails to comply with all relevant planning policies including the Northern Area Plan, SPPS and Policy CTY 3 of PPS 21 as the building to be replaced does not exhibit the essential characteristics of a dwelling.
- The proposed off site location would also not result in a demonstrable landscape, heritage, access or amenity benefits and is not considered acceptable.

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

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 reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located approximately 170 metres North East of 74 Kilraughts Road Ballymoney and is located on a long shared laneway. The site consists of a derelict building which is surrounded by vegetation and is completely overgrown with trees and vegetation. The building on site is one storey and is of a stone construction. The site to which the existing building is located is bounded by post and wire fences and trees and vegetation which completely surrounds the site on all sides. To the north the site is also bounded by the railway line. The site of the replacement is located in a neighbouring field used for agricultural purposes and is quite flat and is bounded by hedgerows on all sides.
- 2.2 Lands surrounding this area are predominantly agricultural in nature but there is a dwelling located along the laneway and housing developments located in proximity to the site. Dwellings within this area are made up of bungalows and detached and semi-detached two storey dwellings are located within the housing development.

3 RELEVANT HISTORY

D/1999/0002, Rear of 74 Kilraughts Road Coleraine, Site for replacement dwelling. Permission Refused 18.06.2020

This application was located at a similar siting and included the building to be replaced under this application. This application was assessed using different planning policy to include the North East Area Plan and "A Planning Strategy for Rural Northern Ireland." The application was refused as the building was not occupied and did not fall within the category of a

Replacement dwelling as defined in Policy HOU13 of a Planning Strategy for Rural Northern Ireland.

4 THE APPLICATION

- 4.1 Site for replacement dwelling with retention of existing for storage.

5 PUBLICITY & CONSULTATIONS

5.1 External

No objections.

5.2 Internal

DAERA Drainage and Water: No objection.

DAERA Natural Environment Division: No objection.

DFI Roads: No objection.

Environmental Health: Has no objection subject to an informative

NI Water: No objection

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 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- (PPS 21) Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition – A Sustainable Design Guide for the NI Countryside

8 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The main considerations in the determination of this application relate to the principle, access, integration and rural character and impact on natural heritage.
- 8.2 The site is located within the rural remainder as identified in the Northern Area Plan 2016. The site is located in proximity to an Archaeological Site and Monument. Historic Environment Division was consulted but raised no concern.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

- 8.4 Paragraph 6.73 bullet point 2 of the SPPS in relation to replacement dwellings echoes policy CTY 3 of PPS 21 with regards to the visual impact of the proposal not being significantly greater than the existing building.

Principle of development

- 8.5 The building to be replaced is located on a site that has become completely overgrown. The walls of the building to be replaced are completely covered with vegetation but are of a stone construction. The building has a corrugated iron roof. The site was very difficult to access but entry to the building was obtained. The external and internal walls remain but no chimney stacks or fireplaces were visible and there was only two small window openings on the element of the building that was accessed. There is a tiled floor on a section of the building and a plastered internal wall. Although this may have been a former dwelling, today given its state of disrepair this building does not exhibit the essential characteristics of a dwelling.
- 8.6 The agent submitted two photographs of the existing building in an attempt to demonstrate that the building was a former dwelling. The agent stated that these show a red tiled floor in what was the kitchen and living area and also a painted timber door and internally plastered wall which are features of a dwelling and not an outhouse. A Design and Access Statement was provided as part of the scheme. Within Annex A of this Statement there is a photograph of the former dwelling. However, given the overgrown nature of the existing site it is impossible to verify this image. Given this it has not been demonstrated that the building to be replaced exhibits the essential characteristics of a dwelling.
- 8.7 Within Policy CTY 3 it is stated that favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits. In this case it has not been demonstrated that the proposal will bring significant environmental benefits. The proposal fails with the first part of the Policy CTY 3.
- 8.8 It is stated within the Design and Access Statement that the existing building is single storey and vernacular in nature. Given

the overgrown nature of the site it is not possible to identify if the building is vernacular in nature. In regard to vernacular dwellings within Policy CTY 3 there is a preference to sympathetically refurbish or adapt if necessary these buildings rather than replacing them. CTY 3 states that proposals involving the replacement of such dwellings will be assessed as follows:

- 1) If the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.
- 2) If the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.

8.9 Within the Design and Access Statement it is stated that the building to be replaced is not locally important, nor does it contribute to any local heritage or character. It is the retention to retain this building for storage. Historic Environment welcomed the retention of the existing building as it appears on the First Edition Ordnance Survey Maps. However, given the derelict nature of the site, the fact that the building is not completely intact and the overgrown nature of the site I would be in agreement that the building does not contribute to any local heritage or character. On meeting the second test above this also fails in that the proposed dwelling is located some 30 metres from the site. If the existing vegetation is to be retained for this building it will read completely separate from the site of the new dwelling as indicated on the block plan and will not be incorporated into the layout of the overall building.

8.10 The proposed replacement will be on an off-site location within a neighbouring field. Within the Design and Access Statement it is stated that this is the case due to the dense vegetation that currently surrounds the existing site. It was also stated that the environmental benefits that the off-site location will provide are substantial and will allow the existing mature vegetation to be retained and provide screening for the new proposal. In regard to

this it is stated under Policy CTY 3 that off-site replacements will only be accepted under two exceptions. Where (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. If the site was cleared the curtilage of the existing building would be large enough to accommodate a modest sized dwelling. Although the off-site replacement will allow the existing vegetation to be retained it is considered that the area of trees and vegetation is not of high landscape quality and therefore its retention would not have a demonstrable landscape benefit.

- 8.11 Although this proposal is for outline approval, conditions would be placed on any approval to restrict the size of the proposed development to ensure it effectively integrates into the landscape. Conditions will also be used to influence the design of the proposed development. These would restrict the ridge height, gable depth and site frontage. If considered acceptable the overall design will be assessed further at the reserved matters stage.
- 8.12 All necessary services are available. The applicant proposes to discharge foul sewage to a septic tank and use a mains water supply.
- 8.13 DFI Roads was consulted in regard to the proposed development and raised no concern. The proposal therefore meets with Policy AMP 2 of PPS 3 as the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.

Integration and Rural Character

- 8.14 The proposed site is located along a long laneway which is stepped back from the housing developments at Landsdale Park and Landsdale Gardens by 90 metres. Critical views are limited to the laneway in which there is only one other house. The existing trees and vegetation restricts views of the site from the public road. Given this the site is not a prominent feature on the landscape. The existing site has hedged boundaries which are well defined and the site does not rely on the use of new landscaping for integration purposes. The proposal will use an existing laneway to access the site. Given this is an outline

application no details in regard to design has been provided but conditions will be used to restrict ridge heights, gable depths and frontages if the proposal is deemed acceptable so that any dwelling would be appropriate to the site and locality. Overall the proposed dwelling does blend with the landform and the existing trees and vegetation will provide a backdrop to the site.

- 8.15 Due to the location of the site the proposal will not provide a suburban style build-up of development when viewed with existing buildings, it respects the traditional pattern of development and does not add or create a ribbon of development.

Natural Heritage

- 8.16 Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. DAERA Natural Environment Division was consulted in regard to this application and raised concerns. A biodiversity checklist was submitted and NED are now content with the proposed development.

Impact of the Railway Line

- 8.17 Environmental Health did raise concern in regard to the loss of amenity due to the proximity of the railway line which is located approximately 40 metres from the existing line. It was stated that vibration may be a problem up to 60 metres away. It was also stated that dwelling location would be away from the mature vegetation located around the existing building which provides screening. Environmental Health stated the applicant is advised to consider acoustic mitigation measures to control inward impacts, into habitable/sensitive rooms, such as acoustic insulation for windows, orientation of rooms and breaks to the transmission paths such as cut off trenches, to design out potential for adverse impacts. If the application was considered acceptable an informative advising of this will be placed on any approval.

Habitats Regulations Assessment Screening

- 8.18 It is unlikely that there would be any significant effects on the site features/conservation objectives of Bann Estuary SAC or any other European site given the sites location which is not in proximity to any designated sites. This has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats) Regulations (Northern Ireland) 1995. Overall the proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

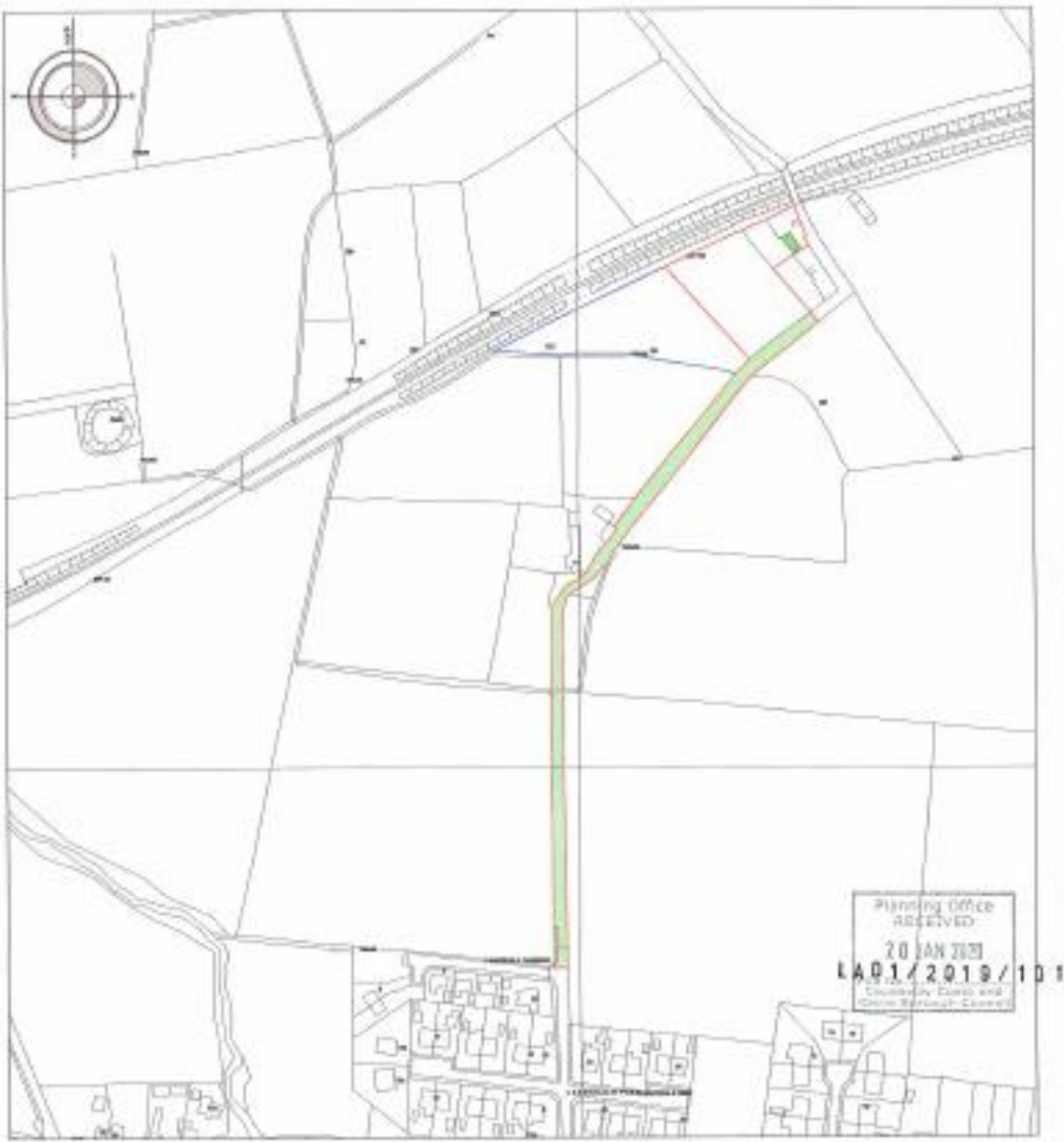
9 Conclusion

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS and PPS 21. The proposal fails to meet the tests of the SPPS and Policy CTY 3 as the existing structure does not exhibit the essential characteristics of a dwelling. Further to this the proposed off site location would not result in a demonstrable landscape, heritage, access or amenity benefits. Refusal is recommended.

10 Reasons for Refusal

1. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 3 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the existing structure does not exhibit the essential characteristics of a dwelling.
2. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 3 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposed off site location would not result in a demonstrable landscape, heritage, access or amenity benefits.

Site Location



Block Plan

