



Planning Committee Report LA01/2017/1522/O	22nd August 2018
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

<u>No:</u> LA01/2017/1522/O	<u>Ward:</u> FEENY
<u>App Type:</u> Outline Planning	
<u>Address:</u> Lands between 316a & 318 Foreglen Road, Dungiven	
<u>Proposal:</u> Proposed infill site for dwelling and detached garage	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 23.11.2017
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> Paul Moran Architect, 18b Drumsamney Road, Desertmartin, Magherafelt, BT45 5LA	
<u>Applicant:</u> Ms C Mullan, 316a Foreglen Road, Dungiven, BT47 4PJ	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 0

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 the 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 This site is located off the Foreglen Road and is accessed from an existing laneway. The site comprises a plot of land in grass, a section of private driveway to the east and the existing grassed verges either side. Existing trees are planted either side of the lane.
- 2.2 The site is gently sloping from north to south and an existing watercourse runs along the north-western and western site boundary, with mature vegetation to the far side of the watercourse. A post and wire fence defines the edge of the grass plot and the existing laneway and grassed verges. The southern site boundary is also defined by a timber post and wire fence between the site and the property at No. 316a.
- 2.3 The immediate surrounding area is characterised by the cluster of dwellings and agricultural buildings which are sited along the existing laneway. The wider surrounding area on this side of the Foreglen Road is characterised by agricultural fields.
- 2.4 In the Northern Area Plan 2016 the site is located in the countryside, outside of any defined settlement limits. There are no specific zonings or designations covering the site. The site is accessed off the A6 Foreglen Road, which is a designated Protected Route.

3 RELEVANT HISTORY

There is no relevant planning history on the site itself. A search of the immediate surrounding area showed:

LA01/2017/1164/O

Proposed `infill` site for a dwelling.

Approx 10m south of No 314 Foreglen Road, Dungiven.

Permission Refused: 05/06/2018

LA01/2015/1019/RM

Construction of 1½ storey dwelling house with detached garage.
Lands 23m west of 318 Foreglen Road, Dungiven.
Permission Granted: 28/07/2016

B/2015/0041/O

Site for single storey and part one a half storey dwelling house with garage.
Lands 23m west of 318 Foreglen Road, Dungiven.
Permission Granted: 24/07/2015

B/2003/0269/F

Erection of replacement dwelling.
316 Foreglen Road, Ballymoney, Limavady.
Permission Granted: 25/07/2003

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed infill site for a dwelling and detached garage.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the proposal

5.2 Internal

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DAERA Natural Environment Division: No objections

DFC Historic Monuments Unit: No objections

DFI Roads: Should the Planning Authority decide this proposal does not meet criteria set out in PPS 21 then refuse due to intensification of use of an existing access onto a Protected Route.

Shared Environmental Service: 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:
- 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development, integration; rural character; natural heritage; and road safety.

Principle of Development

8.2 Policy CTY1 of PPS 21 identifies a number of instances when an individual dwelling house will be granted permission. The proposal has been submitted for an infill dwelling and therefore will be considered in relation to Policy CTY 8. Given the existing cluster of dwellings and agricultural buildings at this location, consideration is also given to Policy CTY 2a.

8.3 Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- 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;

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

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

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

- development would not adversely impact on residential amenity.

8.4 Excluding ancillary and agricultural buildings the site is located at an existing cluster of development which identifies as a visual entity in the local landscape. The application site is bound to the south and east by existing dwellings and to the north-west of the site is a dwelling currently under construction. While development of the site could be absorbed into the existing cluster and provided it was of a suitable scale, design and siting would not adversely impact on residential amenity, there is no existing focal point with which the cluster is associated which would satisfy this criteria of Policy CTY 2a. Accordingly as the proposal would fail to meet with the policy as a

whole it is therefore contrary to Policy CTY 2a and paragraph 6.73 of the SPPS.

- 8.5 Policy CTY 8 states 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. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.6 The application site as submitted comprises an existing grass plot of land which is sited off an existing lane. The site has a limited frontage onto the existing lane. The site frontage includes a driveway which serves as access to No. 316a. No. 316a therefore does not have any form of built frontage to the lane. It is the frontage onto the shared laneway and not the driveway to No. 316a which will be considered in the assessment of this proposal in relation to Policy CTY 8.
- 8.7 The application site presents a frontage onto the main existing laneway which is restricted in nature and as detailed above is shared with the existing driveway and grass verges to No. 316a. The adjacent dwelling to the east, at No. 314, fronts eastwards onto the laneway. The dwelling to the north, at No. 318, again presents a limited frontage onto the laneway and has no formally defined curtilage. The dwelling to the north-west, currently under construction, has no frontage onto the laneway, only the width of its access. The policy requires there to be a 'substantial and continuously built up frontage'. Given the limited frontages of the sites mentioned above the existing buildings do not present a substantial and continuously built up frontage onto the existing lane sufficient so as to be considered for the purposes of this policy.
- 8.8 The layout and arrangement of built form in the immediate surrounding area includes a mixture of dwellings which front onto the laneway, mainly along the straight section of the laneway closest to the Foreglen Road, and dwellings accessed from private lanes / driveways accessed off the laneway. The nature of the location and the type of development that has evolved over time has resulted in development which presents more as a rural style cluster, rather than one which presents a linear form of buildings with clear, defined,

substantial frontage onto the laneway. However, as discussed in paragraph 8.4, do not merit approval under Policy CTY 2a.

- 8.9 As there is no substantial and continuously built up frontage accordingly there is no gap to be considered for infilling. The site sits to the rear of the existing dwellings at No. 316a and No. 314, and contributes towards providing relief between buildings and preventing the area appearing overly developed.
- 8.10 Following the referral to the Planning Committee a meeting was facilitated with the agent and planning consultant on the 17th April 2018.
- 8.11 At the meeting the application was discussed in detail and it was agreed that a further site visit would be carried out. The agent was to submit any further information within 2 weeks to allow this to be considered. Additional information and amended plans were received on the 1st May 2018. Following the further site visit and consideration of the additional information and amended plans, the proposal remains unacceptable and fails to respect the existing pattern of settlement exhibited in the immediate surrounding area.
- 8.12 Additionally a site must also meet other planning and environmental requirements. The proposal is considered in relation to Policies CTY 13, CTY 14 and CTY 16 below.

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.

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.

8.14A new dwelling on the site would not be a prominent feature as it would read against a backdrop of existing development and views of the site would be limited. There is existing mature vegetation to the north-western and western site boundary. As this is an outline application, there are no further details of the design at this stage. The proposal could be visually integrated into the surrounding landscape. Notwithstanding this, the principle of a dwelling on the site remains unacceptable. The proposal complies with the SPPS and Policy CTY 13 of PPS 21.

Rural Character

8.15 Policy CTY 1 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. As the proposal would fail to comply with any of the exceptions identified under Policy CTY 1, the proposal would further erode the rural character of the area by failing to respect the existing pattern of settlement in the surrounding area. The proposal is contrary to the SPPS and Policy CTY 14 of PPS 21.

Natural Heritage

8.16 In their consultation response of 8th January 2018, DAERA – Natural Environment Division considered that the NI Biodiversity Checklist should be used to establish if any ecological surveys are required for a complete application.

8.17 Following an office meeting on the 17th April 2018 the agent submitted a Biodiversity Checklist on the 1st May 2018. DAERA – Natural Environment Division were re-consulted on receipt of this and are content with the proposal subject to recommended conditions. The proposal complies with Policy NH2 of PPS 2.

Road Safety

8.18 DFI Roads was consulted in respect of the proposed access arrangements and advise that the A6 Foreglen Road is a Protected Route. Amended plans were required to address the provision of adequate visibility splays. The Consequential Amendment to Policy

AMP 3 - Access to Protected Routes contained in Annex 1 of PPS 21 was considered. As the proposal does not meet the criteria for development in the countryside it is not considered an exemption to Policy AMP 3. No further information was requested.

8.19 Following an office meeting on the 17th April 2018 the agent submitted amended plans on the 1st May 2018. DFI Roads were re-consulted on receipt of these and have no objection to the proposed access arrangements. However, as the principle of development is unacceptable under Policy CTY 1 of PPS 21 the proposal is contrary to Annex 1 - Consequential Amendment to Policy AMP 3 of PPS 3 and paragraph 6.297 of the SPPS.

Habitats Regulations Assessment

8.20 This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided that recommended mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposal fails to comply with Policy CTY 2a of PPS 21 and would not be considered an exception under Policy CTY 8 of PPS 21. The proposal would further erode the rural character of the area and is contrary to Policy CTY 14 of PPS 21. The proposal is contrary to Annex 1 - Consequential Amendment to Policy AMP 3 of PPS 3 as it would result in the intensification of use of an access onto a protected Route. 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 Policy CTY1 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 for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that; the cluster is not associated with a focal point and / or is not located at a cross-roads.
3. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.
5. The proposal is contrary to paragraph 6.297 of the Strategic Planning Policy Statement and Annex 1 – consequential amendment to Policy AMP3 of Planning Policy Statement 3, Access, Movement and Parking, in that it would, if permitted, result in the intensification of use of an existing vehicular access onto a Protected Route, A6 Foreglen Road, thereby prejudicing the free flow of traffic and conditions of general safety.

Site Location Map

