

Planning Committee Report LA01/2020/0738/F	28th October 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

<u>No:</u>	LA01/2020/0738/F	<u>Ward:</u>	Dungiven
<u>App Type:</u>	Full		
<u>Address:</u>	Public footpath adjacent to 106 Main Street, Dungiven		
<u>Proposal:</u>	Installation of an artwork sculpture.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	29th July 2020
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Causeway Coast & Glens Borough Council		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

EXECUTIVE SUMMARY

- Full planning permission is sought for Installation of an artwork sculpture on the footpath adjacent to No.106 Main Street, Dungiven.
- The site is located within the settlement development limits of Dungiven as defined in the Northern Area Plan 2016. The site is within the Town Centre on the corner of 106 Main Street. The proposed site lies within an Area of Archaeological Potential.
- The proposed artwork is a 'Leaping Hare' sculpture which is finished in both stainless steel and bronze, and includes a concrete cast plinth.
- This part of the footpath is much wider than the main footpath along Main Street and contains various paraphernalia commonly found within the footpath/street including a lamp post, street bench and bin.
- When assessed against policy DES 2, the scale of the sculpture is considered acceptable and it will not detract from the existing character and respects the immediate and wider built form of Dungiven's town centre, providing a positive contribution to it.
- DfI Roads has been consulted and it raises no objection.
- There are no third party representations to the proposal.
- Approval is recommended.

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, guidance and consideration in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The proposal is located on the public footpath, adjacent to 106 Main Street within Dungiven. It is located within the Town Centre. The site is located next to the entrance of a public car parking area, and the immediate vicinity contains an ATM and a public seating bench area with trees and flower beds.
- 2.2 The surrounding area is mixed use and is characterised by shops, cafes, food takeaways, salons, a political constituency office and other retail uses.
- 2.3 The site is located within the Settlement Development and Town Centre limits for Dungiven, and is within an Area of Archaeological Potential, as designated within the Northern Area Plan 2016.

3 RELEVANT HISTORY

There is no relevant planning history.

4 THE APPLICATION

- 4.1 Planning permission is sought for the installation of an artwork sculpture located to the northwest of Dungiven Town Centre.

Habitats Regulation Assessment

- 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 objection or letters of support were received on this application.

5.2 Internal

Environmental Health – has no objection to the proposal

DfI Roads – has 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:

- 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)

A Planning Strategy for Rural Northern Ireland

PPS 6: Planning, Archaeology and the Built Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, visual impact, traffic matters and other issues.

Planning Policy

- 8.2 The site is located within the settlement development limits of Dungiven as defined in the Northern Area Plan 2016. The site is within the Town Centre on the corner of 106 Main Street. The proposed site lies within an Area of Archaeological Potential.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.4 Paragraphs 4.1 – 4.40 of the SPPS outline the general principles for planning with paragraphs 4.23 – 4.30 identifying the need for good design and positive place-making.
- 8.5 The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.6 The proposal is for the erection of a 'Leaping Hare' sculpture which is finished in both stainless steel and bronze, and includes a concrete cast plinth. The proposed sculpture is to measure 2.5m in height and 0.7m in diameter. The proposed sculpture depicts a hare moving vertically downwards upon a stainless steel plate.

- 8.7 Policy DES 2 of *A Planning Strategy for Northern Ireland* sets out the assessment for considering this type of proposal within a town centre. It states that proposals should make a positive contribution to townscape and be sensitive to the character of the area surrounding the site. Therefore, the principle of constructing a sculpture within a town centre is acceptable provided it is sensitive to its character and makes a positive contribution in the townscape. It follows that if these 2 tests are satisfied, the proposal meets the spirit of the good planning and design principles as identified within the SPPS.

Visual impact

- 8.8 The proposed sculpture is sited on a corner, just outside No.106 Main Street Dungiven. This corner is a 'T' junction, with a 3 storey building addressing the corner (No.106), while the adjoining road accesses a car park off Main Street. There is already a mix of street furniture and other paraphernalia in this general area which is fairly dominant and a character of it. This includes a lamp post, street bench and bin, advertising post with hanging baskets, a tree and an ATM. There is also a wall on either side of the access into the car park.
- 8.9 The proposal is sited between the lamp post and advertising post. It is close to the bin and the ATM. This proposal will introduce a further vertical element onto the street at this location. At 2.5 metres it will site lower than the advertising post and significantly lower than the lamp post. Sufficient room remains for pedestrians to navigate along the footpath as it much wider at this point.
- 8.10 It is considered that the proposed sculpture will not detract from the existing character and respects the immediate and wider built form of Dungiven's town centre. The proposal has the potential to provide a further point of interest within the town centre and is considered to make a positive contribution to townscape. The scale of the sculpture, design and the materials are considered to be acceptable and sensitive to the area.

Traffic Matters

- 8.11 Dfl Roads was consulted as the competent authority on road matters due to the proximity of the sculpture to the road network. Following the submission of a revised plan, Dfl raises no objection but has suggested a condition regarding the need to seek Technical Approval from Dfl Roads.

Other Issues

- 8.12 The site lies within an Area of Archaeological Potential. Policy BH 3 of PPS 6, Planning, Archaeology and the Built Heritage, relates to Archaeological Assessment and Evaluation. It states that where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Department will normally require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation.
- 8.13 The site is identified as an Area of Archaeological Potential and regard is had to this matter. The proposal is for a sculpture that is sited on top of an existing footpath. Its size and scale is restricted to the exceptionally modest area of development that will be sited on the footpath. As the proposal will result in limited ground works and is unlikely to cause any new and further disturbance to anything below ground, no further archaeological reports or mitigation are considered necessary given the foregoing. The proposal does not conflict with Policies BH 3 & BH 4 of PPS 6.
- 8.14 The Council's Environmental Health department was consulted and it raises no objection to the proposal.

9 CONCLUSION

- 9.1 The proposal is considered to be acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS and Policy DES 2 of A Planning Strategy for Rural Northern Ireland. The proposal is considered to introduce a further positive contribution to the street, while being sensitive to the character of the area. Approval is recommended.

10 Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall not commence until any structure requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site location Map

