

Planning Committee Report LA01/2017/0889/F – Birren Road, 123m South of junction of Birren Road and Corick Road, Dungiven	23rd August 2017
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	Principal Planning Officer/Development Management Manager
Cost: (If applicable)	N/a

**Birren Road – 123m South of
junction of Birren Road and
Corick Road, Dungiven
LA01/2017/0889/F**

23rd August 2017

<u>No:</u>	LA01/2017/0889/F	<u>Ward:</u>	DUNGIVEN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Birren Road – 123m South of Junction of Birren Road and Corick Road, Dungiven		
<u>Proposal:</u>	Proposed change of access position to previously approved dwelling and garage. Planning ref LA01/2016/1378/F		
<u>Con Area:</u>	n/a	<u>Valid Date:</u>	10.07.2017
<u>Listed Building Grade:</u>	n/a		
Agent:	Paul Moran Architect, 18B Drumsamney Road, Desertmartin, Magherafelt, BT45 5LA		
Applicant:	Mr F Gillen, 2 Corick Road, Dungiven, BT47 4SF		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	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 **APPROVE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises the existing approved site and a strip of land which runs along the southern side of an existing field boundary, to the north west of the approved site. The existing field boundary on the northern side of the proposed new access is defined by a post and wire fence with mature native species

hedge. Post and wire fencing, along with existing mature trees interspersed with hedgerows define the boundaries of the approved site along the northern and north-western edges. At the proposed access point onto Birren Road there is a pair of existing field gates, separated by a mature ash tree which is set back from the road edge.

- 2.2 The surrounding area is rural and is characterised by agricultural fields and occasional dwellings. There is a group of traditional rural buildings set informally around a central farm yard adjacent to the application site. The site is located within the Sperrin Area of Outstanding Natural Beauty.

3 RELEVANT HISTORY

LA01/2016/1378/F Proposed replacement dwelling and detached double garage. Lands approx. 140m South West of 2 Corick Road, Dungiven.
Permission Granted 24th March 2017

4 THE APPLICATION

- 4.1 Planning permission is sought for a proposed change of access position to previously approved dwelling and garage, planning reference LA01/2016/1378/F.
- 4.2 The proposed new access lane will run alongside the southern side of an existing field boundary, following the natural contours of the site. A new post and wire fence with new mixed native species hedge is proposed to the southern side of the access lane.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

There are no objections to this proposal.

5.2 Internal

Transport NI: No objection.

Rivers Agency: No objection.

NIEA: No concerns.

Shared Environmental Service: No adverse effect on the site integrity of any European site.

Loughs Agency: To follow in addendum.

Historic Environment Division: No objection.

6.0 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: the principle of development; and the creation of a new access onto a public road.

Principle of development

8.2 The original approval to which this application relates was a full application for a replacement dwelling and detached double garage. Therefore Policy CTY 3 is considered in respect of its provisions with regards to access. Policy CTY 13 and Policy CTY 14 are also considered.

8.3 With reference to access Policy CTY 3 states that:

- Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

8.4 Transport NI have been consulted as the competent authority with regards to road safety. No objections were raised with regards to the proposed access arrangement.

8.5 Paragraphs 5.71 to 5.73 of the justification and amplification of Policy CTY 13 refer to Access and other ancillary works. Paragraph 5.71 notes that new accesses can be a visible feature of new buildings in the countryside and can on occasion be more obtrusive than the building itself. Accordingly it is often necessary to attach a condition removing permitted development rights for such boundary features in the interests of preserving the amenity and rural character of an area. It is considered that such boundary features would be obtrusive in this location and therefore it is recommended that a condition be attached accordingly.

8.6 Paragraph 5.72 states that wherever possible access to a new building should be taken from an existing lane-way. Where a new access is required this should, as far as is reasonably

possible, be run unobtrusively alongside existing hedgerows or wall lines and accompanied by landscaping measures. Access driveways should respect site contours and cross them gently thus integrating the building with its entrance and site.

- 8.7 The proposed new access, 123m south of the junction of Birren Road and Corick Road, runs alongside an existing mature field boundary hedge and given the topography of the land at this position it is able to respect the site contours and cross gently towards the site of the previously approved dwelling. A new post and wire fence with new mixed native species hedge is proposed to the southern side of the access lane. This will respect the line of the existing field boundary and mitigate against the impact of the new access lane.
- 8.8 There are a pair of existing field gates providing access onto the road from the agricultural fields. The southern field gate will be removed to provide the entrance to the new access lane, and the northern field gate will be relocated clear of the visibility splay. An existing Ash tree at this location will remain. Part of the hedgerow along the northern section of the visibility splay will have to be removed and a new post and wire fence with hedge replaced behind the visibility splay. The southern section of the visibility splay does not require the removal of vegetation.
- 8.9 Criteria (e) of Policy CTY 14 states that a new building in the countryside would be unacceptable where the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character. The proposed new access will respect site contours and will not have an unacceptable impact on rural character.

Creation of a New Access

- 8.10 As the proposal will involve the creation of a new access onto a public road, Policy AMP 2 – Access to Public Roads is considered.
- 8.11 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.

8.12 The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of existing accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

8.13 Transport NI was consulted as the competent authority with regards to road safety. No objections were raised with regards to the proposed access arrangement.

8.14 The proposal does not involve access onto a protected route. The proposed new access will serve a new dwelling and therefore the nature and scale of the proposal are considered acceptable. The character of the existing area is rural and the siting of the proposed access along an existing mature field boundary will allow for the integration of the new access into the surrounding area. A new post and wire fence with new mixed native species hedge is proposed to the southern side of the access lane. This will respect the line of the existing field boundary and mitigate against the impact of the new access lane.

8.15 Paragraph 5.18 notes that in circumstances where there is an existing access available it is generally expected that this would be used unless there is an opportunity to provide a more acceptable access arrangement, having regard to both road safety and local amenity considerations. The access approved under the previous application goes through an existing farmyard and as such it is considered that there would be amenity benefits to the future occupants of the new dwelling.

9.0 CONCLUSION

- 9.1 This proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The proposed new access complies with policy in terms of visual amenity and road safety. Approval is recommended.

10 CONDITIONS

10.1 Regulatory Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No: 02 Rev 1 and Dept's DC1 Form the both bearing the date stamp 26th July 2017. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing

areas, storage of machinery/material/spoil etc and the adjacent watercourse.

Reason: To avoid adverse effects on the site integrity of the River Roe and Tributaries SAC.

5. All surface water run-off during the construction phase shall be directed away from the adjacent watercourse.

Reason: To avoid adverse effects on the site integrity of the River Roe and Tributaries SAC.

6. Should there be an intention to culvert a watercourse, a Construction Method Statement (CMS), for works in, near or liable to affect any waterway as defined by the Water (NI) Order 1999, must be submitted to Causeway Coast and Glens Borough Council, for consultation with SES and DAERA-WMU, at least 8 weeks prior to the commencement of the works or phase of works. The CMS should include all necessary pollution prevention measures to protect the water environment during the development of this proposal.

Reason: To avoid adverse effects on the site integrity of the River Roe and Tributaries SAC.

10.2 Informatives

1. 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.
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. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

4. Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is Causeway Coast and Glens (West), County Hall, Castlerock Road, Coleraine. A monetary deposit will be required to cover works on the public road.

5. All construction plant and materials shall be stored within the curtilage of the site.

6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

7. The applicant should refer and adhere to the precepts contained in Standing Advice Note No. 4. Pollution Prevention Guidance, 5. Sustainable Drainage Systems and 11. Discharges to the Water Environment. Standing advice notes are available at:

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm

8. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including

9. Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.

