

<b>Planning Committee Report</b>	<b>23<sup>rd</sup> November 2016</b>
<b>PLANNING COMMITTEE</b>	

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

**176m NW of 18 Glenullin Road  
Garvagh**

**LA01/2015/1035/O  
Outline Planning**

**23<sup>rd</sup> November 2016**

**App No:** LA01/2015/1035/O      **Ward:** Garvagh  
**App Type:** Outline Planning  
**Address:** 176m NW of 18 Glenullin Road Garvagh  
**Proposal:** Outline planning application for proposed off-site replacement  
**Con Area:** N/A      **Valid Date:** 14<sup>th</sup> December 2015  
**Listed Building Grade:** N/A      **Target Date:** 28<sup>th</sup> March 2016

**Applicant:** Fergal O'Kane  
**Agent:** OJQ Architecture, 89 Main Street, Garvagh, BT51 5AB  
**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](http://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 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site to where the dwelling to be replaced is located is accessed via a laneway off Glenullin Road which crosses a bridge over the Agivey River. Currently on site is a single storey dwelling with agricultural outbuildings. The site to which the proposed replacement dwelling is to be located is approximately 220m away. This site is accessed directly off the Glenullin Road within lands that are used primarily for grazing. A watercourse runs along the front of the site. The site is rectangular in shape, flat in topography and is at a level slightly lower than the main road. The boundaries are defined by a wire post fence, small trees and sparse vegetation.

- 2.2 The site to which the proposed replacement dwelling is located within the rural area as designated by the Northern Area Plan 2016 and is within a Site of Local Nature Conservation Importance. The character of the wider area is generally rural with a several individual dwellings and farm-holdings.

### 3 RELEVANT HISTORY

C/2009/0469/F

Erection of 2 dwellings on site for ribbon infill.  
55m South West of 17 Glenullin Road Garvagh  
Refused 15.12.2010

C/2007/0937/RM

Residential single dwelling & garage  
140m NW of 18 Glenullin Road Garvagh  
Granted 13.02.2008

C/2004/1016/O

Site for dwelling  
Adj. to 17 Glenullin Road, Garvagh  
Appeal Dismissed 27.02.2006

C/2004/1038/O

Proposed site for dwelling and garage.  
Approx 90m West of No. 18 Glenullin Road, Garvagh  
Granted 11.02.2005

C/2004/1229/O

For the Erection of a Dwelling for Applicant's Own Use  
Adjacent to 17 Glenullin Road, Garvagh.  
Appeal Dismissed 04.05.2007

C/2002/0924/RM

Dwelling with detached garage  
Glenullin Road, Garvagh  
Granted 11.12.2002

C/2002/0178/O  
Site for dwelling  
Glenullin Road, Garvagh  
Granted 29.04.2002

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for a proposed off site replacement dwelling.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours:** No objections received.

##### **Internal**

- 5.2 **Transport NI:** Has no objection to the proposal.

**DAERA:** Has no objection to the proposal.

**NI Water:** Has no objection to the proposal.

**Environmental Health:** Has no objection to the proposal.

**Rivers Agency:** Has 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 development 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

- 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**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS3) Access Movement and Parking

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: the principle of replacement; visual integration and rural character and; traffic and access matters.

### **Planning Policy**

- 8.2 The principle of the development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

## **Planning History**

- 8.3 The proposed site comprises agricultural land. The current site has no related planning history. However, there is planning history relating to sites located adjacent and close to this site (Part 3.0 refers).
- 8.4 The most recent application C/2009/0469/F was for the erection of two dwellings on a ribbon infill. This was subsequently refused on the basis that the proposal if approved would result in the creation of a ribbon development along Glenullin Road. It was also refused on the basis that the proposal if approved would result in a suburban style build-up of development when viewed with existing and approved buildings and would have a detrimental impact on rural character.
- 8.5 Another application reference C/2004/1016/O located directly adjacent to this site was refused and an appeal was subsequently dismissed. The reasons for refusal include issues with integration, impacts on rural character and ribbon development.
- 8.6 Application reference C/2004/1229/O was also refused and dismissed at appeal. This was refused on the basis that the any development permitted would be out of character and would represent ribbon development. Although these refusals were assessed using different policies the issues raised were similar to the issues relating to this site and as a result relevant to this application.
- 8.7 Two outline and subsequent reserved matters applications were approved at sites approximately 90m west of 18 Glenullin Road and approximately 190m North East of the current application. These applications were assessed using different policy criteria to the current application.

## **Principle of a dwelling in the countryside**

- 8.8 Policy CTY1 lists six scenarios where types of residential development are considered to be acceptable in principle in the countryside. One of these is for a replacement dwelling in accordance with Policy CTY 3.

## **Replacement Dwellings**

- 8.9 Planning permission will be granted for a replacement where the building to be replaced exhibits all the characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
- 8.10 The policy also requires that the following five criteria is met; the proposed replacement dwelling should be sited within the established curtilage of the existing building unless the curtilage is so restricted that it cannot accommodate a modest sized dwelling, or it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building; the design should be of a high quality appropriate to its rural setting; all necessary services are available or can be provided without significant adverse impact on the environment and access to the public road will not prejudice road safety.
- 8.11 The building to be replaced exhibits all the characteristics of a dwelling with all external and internal walls intact and roof covering in place. Externally there are window and door openings with frames, glazing and doors intact. Therefore the proposal meets this criterion of Policy CTY 3.
- 8.12 In this case an argument has been presented that the access to the site is negatively affected by the area around the bridge over the Agivey River being subject to flooding. The current site is accessed via a bridge over the Agivey River which falls within the 1-100 fluvial flood zone which has been confirmed by Rivers Agency. These circumstances are considered appropriate to allow the principle of an off-site replacement, provided the alternative site is otherwise acceptable.
- 8.13 In terms of the integration criterion of Policy CTY 3, the site to which this off-site replacement is located is directly off Glenullin Road. Two of the boundaries are made up of sparse trees with vegetation but there are significant gaps in this vegetation. The other two boundaries are open. While the application involves providing further planting along these boundaries, this is not

sufficient to allow the proposed dwelling to integrate effectively into its surroundings. Given the gaps in the vegetation and the openness of this site, the proposal fails to meet the integration criterion of Policy CTY 3 as the proposed dwelling would fail to integrate and would have a visual impact greater than the existing dwelling.

- 8.14 In terms of the remaining criteria of Policy CTY 3, this is an outline application and elements of design have not been provided. However, this site is open and would rely heavily on additional planting to integrate effectively into the rural landscape. The proposal meets the criterion regarding services as all services can be provided without adverse impact on the environment. Finally, in terms of access to the public road, Transport NI were consulted and they are content with the proposal subject to condition.

### **Visual Integration and Rural Character**

- 8.15 A concept plan submitted with this outline application show the proposed siting arrangement. This proposal is considered a prominent feature on the landscape as the site lacks long established natural boundaries, particularly at the east and south boundaries which are quite open. The proposal would rely heavily on new landscaping to allow it to integrate into the landscape. Overall, this proposal fails to blend with the current landform, existing trees and other natural features which should provide a backdrop to the site. Critical views are from the Glenullin Road from the site frontage and from either direction of travel.
- 8.16 This proposal would result in a suburban style build-up of development when viewed with existing buildings and add to a ribbon of development within this area. As a result this proposal fails to meet the criteria as set out in both Policy CTY 13 and 14 of PPS 21.

### **Impact on the Landscape**

- 8.17 The site falls within a Site of Local Natural Conservation Importance. DAERA Natural Heritage Division were consulted and had initial issues in terms of the site area and the impact of

the proposal on the Glenullin Bog SLNCI. The Agent then completed a Phase 1 Habitat Survey on the site and reduced the site area. Another consultation was then sent to DAERA. Given this additional information DAERA are now content with the proposal as after assessment they identified that the proposal is not located within an area of priority habitat, as the site has been changed through agricultural management practices.

### **Habitats Regulations Assessment Screening**

- 8.18 The potential impact of 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) Regulations (Northern Ireland) 1995 as the proposal does not have a hydrological link as a pathway for pollution to a European Site. The proposal would not be likely to have a significant effect on the features, conservation objectives or status or 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. While the principle of an off-site replacement dwelling is acceptable, the selected site lacks integration, would be prominent within the landscape and would create a suburban style build-up of development. Refusal is recommended.

## 10 REASONS FOR REFUSAL

### 10.1 Reasons:

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that while the proposed site offers access benefits, the proposed replacement dwelling would not integrate into the surrounding landscape and would have a visual impact significantly greater than the existing building.
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape; and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted, be unduly prominent in the landscape; would result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.

