

Planning Committee Report	23rd November 2016
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
Cost: (If applicable)	N/a

**Lands between No 30 & 34
Drumsaragh Road Kilrea
LA01/2016/0395/O
Outline Planning**

23rd November 2016

<u>App No:</u>	LA01/2016/0395/O	<u>Ward:</u>	Kilrea
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Lands between No 30 & 34 Drumsaragh Road Kilrea		
<u>Proposal:</u>	Proposed infill dwelling and garage.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	31.03.2016
<u>Listed Building Grade:</u>	N/A		
Applicant:	Mr James McCotter 33 Drumsaragh Road Kilrea BT51 5TG		
Agent:	Mrs Carol Gourley Unit 7 Cookstown Enterprise Centre Derryloran Industrial Estate Sandholes Road Cookstown		
Objections:	1	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 **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located adjacent to the road on the western side of Drumsaragh Road, on land which falls gently from the north to the south-west. There is a 1.5m roadside hedge with a post and wire fence to the NW boundary and the remaining boundaries are undefined. There is a 40 MPH road sign and mature tree located along the site frontage with a 1m wide grass verge.

2.2 36 Drumsaragh Road, which is set back off the road, is a one and a half storey detached dwelling finished in roughcast render and slate roof. A domestic building is located at the site frontage adjacent the access to no 36. 34 Drumsaragh Road, which is also set back off the road, is a one and a half storey detached dwelling finished in roughcast render and flat black roof tiles. A gap site is located to the south of the application site, with a two storey roadside terrace comprising 6 dwellings (finished in roughcast render and brown profiled roof tiles) located further south. Undeveloped land is located at the front of 34 Drumsaragh Road. Open countryside is located to the west and on the eastern side of Drumsaragh Road. Critical views are from Drumsaragh Road.

2.3 The site is located within the rural area as defined in the Northern Area Plan 2016.

3 RELEVANT HISTORY

C/2015/0023/O- Proposed infill site for domestic dwelling at land 40m NW of No 30 Drumsaragh Road Kilrea.
Refused 01.05.2015

4 THE APPLICATION

4.1 Planning permission is sought for a proposed infill dwelling and garage.

4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 or conservation objectives of Bann Estuary SAC or any European site.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There is one objection to the proposal. A summary of the concerns raised are:

- Traffic matters/road safety
- Fails to meet policy
- Unacceptable impact on rural character

5.2 Internal

NIEA: has no objection to the proposal.

Transport NI: has no objection to the proposal.

NI Water: has no objection to the proposal.

Environmental Health: has no objection to the proposal.

Historic Environment Division: 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 (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

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 6 Planning Archaeology and the Built Heritage

Planning Policy Statement 3 (PPS3) Access Movement and Parking

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

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the planning history, principle of the dwelling in the countryside, visual integration and rural character, traffic issues; and archaeology.

Planning Policy

- 8.2 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.3 The site is located within the rural area of the Northern Area Plan 2016.

Planning History

- 8.4 Planning permission was previously refused for an infill site on this land in May 2015 (C/2015/0023/O). The application was refused as the site proposed was not considered to be a small gap within a substantial and continuous built up frontage and was therefore contrary to policy CTY 8 of PPS 21.

8.5 Since this application was refused the both the SPPS and the Northern Area Plan 2016 have been published. However, neither of these documents change the policy context in assessing the application. Accordingly, an assessment is set out in this report.

Principle of the dwelling in the countryside

8.6 Policy CTY1 of PPS 21 states that there is a range of types of development which are considered to be acceptable in principle in the countryside. It states that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is an infill dwelling, in accordance with Policy CTY8. It goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

8.7 Policy CTY8 Ribbon Development 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. Policy CTY8 defines a substantial and built up frontage as including a line of three or more buildings along a road frontage (which includes a private lane) without accompanying development to the rear.

8.8 The subject site does not represent an infill opportunity. The dwelling immediately to the north (34 Drumsaragh Road) does not have a frontage to the road. The planning approval for this dwelling (Ref: C/1999/0970/F) was for a site with only its access adjoining the road. The plot on which 34 Drumsaragh Road stands, in accordance with its approval, has historically been separated from the road by pasture. An access does not constitute a road frontage. PAC decision (Ref: 2015/A0221) on LA01/2015/0224/F (2 No. infill dwellings and garages at 55m south of 4 Dullaghy Road, Kilrea) endorses this view. The physical evidence on the ground at the time of initial site inspection of the current application (10 June 2016) was that the

land between the curtilage of 34 Drumsaragh Road and the road was used for agricultural purposes. The use of this land for domestic purposes is recent and unauthorised. This is now subject to an enforcement investigation. However, no formal enforcement action has been taken at this time.

- 8.9 While the terrace to the south does form a frontage to the road, the frontage ends at that point. The break in frontage development between the end of the terrace (no. 30) and the domestic building at no. 36 which fronts the road to the north is over 100 metres in length. Given the length of this break in frontage development, the application site does not sit within a substantial and built up frontage.
- 8.10 The average plot size on this part of Drumsaragh Road for development that fronts the road is 10 metres. The applicant is seeking a much larger than average plot size (approximately 30 metres). CTY 8 requires proposals to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. While the proposal fails to meet the principle of being located within a substantial and built up frontage as set out above, it also fails to respect the size scale and plot size of the adjoining development.
- 8.11 The applicant's Agent has referenced to 2 other approvals for infill dwellings on Boleran Road (LA01/2015/0582 and LA01/2015/0583). These proposals are set in a different context to the subject application and each application must be assessed on a case by case basis. Firstly, In the 2 approvals at Boleran Road, unlike the subject proposal, the sites were located within a continuous and built up frontage. Secondly, the gap sites were of a scale that allowed for 2 dwellings based on plot sizes that were akin to the surrounding development. While there were small plot sizes adjacent the sites, there were also larger more comparable plots.
- 8.12 The applicant's Agent additionally referenced an appeal decision 2016/A0082 (in Lisburn and Castlereagh City Council area) at the Planning Committee meeting of 26 October 2016. However, appeal decision 2016/A0082 is not comparable to the current proposal. This is because the adjacent dwellings at both sides of subject appeal site are, unlike the application site, roadside sites with full frontage plots onto the road.

8.13 The proposal is therefore contrary to CTY 8 of PPS21. The creation of ribbon development was raised in the objection.

Visual integration and rural character

8.14 Policy CTY1 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. Policy CTY 13 Integration and Design of Buildings in the countryside provides the policy basis on visual integration. The proposed dwelling is shown in the western portion of the site, leaving a large front garden which is contrary to this policy. Critical views are from either direction of travel along the public road.

8.15 The proposal is not within a gap site of a relative size to meet the policy requirements of CTY 8 and is therefore ribbon development along Drumsaragh Road as set out in Paragraphs 8.4-8.8. As a dwelling would result in a suburban style build-up of development when viewed with existing buildings and creates a ribbon of development, it has an unacceptable impact on rural character. Therefore the proposal is also contrary to Policy CTY 14 (Rural Character) of PPS 21. The impact on rural character was raised in the objection.

Traffic issues

8.16 Transport NI has been consulted on the application, including the objection raised, as the competent authority on such matters. Transport NI advises that the provision of the required visibility splays does not require control of land from the objector as they are available within the applicant's land and public verge. It has also confirmed the vertical alignment of the public road is satisfactory.

8.17 Transport NI has confirmed that the applicant will require visibility splays of 2.4 x 90 which have not currently been shown on the submitted plans.

Archaeology

8.18 Historic Environment Division has been consulted as the competent authority on archaeological matters and has confirmed it has no objection to the proposal

9.0 CONCLUSION

9.1 This proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. It fails to meet the principle policy requirement of PPS 21 for an infill dwelling in the countryside. Furthermore, it will have a negative effect on rural character through ribbon development and would fail to integrate. As the applicant has failed to provide the necessary visibility splays, the application is also contrary to PPS 3. Refusal is recommended.

10 Refusal Reasons

- 10.1 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for NI 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.
- 10.2 The proposal is contrary to paragraph 6.71 of the Strategic Planning Policy Statement for NI and Policies CTY8 and CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Drumsaragh Road and would, if permitted, result in the creation of further development opportunities along Drumsaragh Road.
- 10.3 The proposal is contrary to paragraphs 6.70 and 6.77 of the Strategic Planning Policy Statement for NI and Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the buildings would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.
- 10.4 The proposal is contrary to Planning Policy Statement 3 Access, Movement and Parking Policy AMP 2 in that adequate access arrangements have not been provided.

