



**Causeway
Coast & Glens
Borough Council**

Planning Committee Report Item D	27th April 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	Shane Mathers
Cost: (If applicable)	N/a

ITEM D

**Approx 280m South of 5 Lagge
Road Armoy**

**LA01/2015/0396/F
Full Planning**

27th April 2016

<u>App No:</u>	LA01/2015/0396/F	<u>Ward:</u>	TORR HEAD and RATHLIN
<u>App Type:</u>	Full permission		
<u>Address:</u>	Approx 280m South of 5 Lagge Road, Armoy		
<u>Proposal:</u>	Proposed change of house type for previously approved site with garage		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	7 th July 2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Mr & Mrs B Bradley, 10 Whitehall Avenue, Ballycastle BT54 6AW		
Agent:	Hunter Associates, 8 Charlotte Street, Ballymoney BT53 6AY		
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 **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at approx 280m south of No 5 Lagge Road Armoy. The site is located at the end of an existing lane over a crest and therefore cannot be seen from the Lagge Road. The site itself is flat in nature and situated beside an existing bungalow. A post and wire fence define south and east boundaries with the others undefined at present.
- 2.2 The site is located in a rural area with bungalows and storey and a half properties along this road.

3 RELEVANT HISTORY

E/2004/0295/O

280m South of 5, Lagge Road, Armoy
Proposed site for new dwelling and garage.
Permission Granted 23.03.2005

E/2006/0429/RM

280 m south of 5 Lagge road Armoy
Proposed new dwelling.
Permission Granted 27.02.2007

4 THE APPLICATION

- 4.1 Planning permission is sought for a change of house type for previously approved site with garage.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** There are no objections to the proposal.

Internal

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

NIEA: Has no objection to the proposal.

NI Water: Has no objection to the proposal.

Environmental Health: 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 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 planning history; the principle of a dwelling in the countryside and design.

Planning Policy

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

Principle of a dwelling in the countryside

- 8.3 The proposal is for a change of house type of a previously approved site. The previous permission, outlined above, was approved under the Planning Strategy for Rural Northern Ireland, now superseded by SPPS and PPS 21.
- 8.4 Policy CTY1 of PPS 21 lists six scenarios, where types of residential development are considered to be acceptable in principle in the countryside. No reason for the dwelling to be considered under either of the six scenarios has been provided.
- 8.5 The previous permission was for a 3 bedroom bungalow with sun lounge to the side elevation and a double garage. This proposal is for a 2 bed bungalow and similar garage, both of acceptable design.
- 8.6 The previous permission on the site lapsed 22nd March 2010. Therefore, it is up to the applicant to prove that a material start was made on the site prior to this date, and in accordance with the conditions of the approval and stamped approved plans.
- 8.7 Advice on the commencement of development is outlined on the Council website and is copied in the paragraphs below:

Where you have been granted full planning permission or reserved matters application following the grant of outline planning permission, you may wish to commence development to implement your planning permission within the specified time period but not be in a position to complete your development. It is often a matter of judgement as to whether or not development has commenced to implement the planning permission.

However, the following are examples of when we would consider that development had commenced in accordance with the permission granted.

•You have complied with conditions relating to works to be carried out prior to the commencement of other work, for example the construction of an access in accordance with the approved plans, **and**

- 1) you have commenced any work of construction in the course of the erection of a building, such as the digging of foundations and preferably pouring of concrete, driving piles or other substantive works;
- 2) the laying of any underground main pipe to the foundations or part of the foundations of a building.

Where development has commenced but not completed, the onus is on you to retain any documents or records of the work carried out, such as invoices, receipts, building control approval, dated photographs, in case there is a need to demonstrate commencement of development within the time period specified on your planning permission at a later date.

- 8.8 The agent provided correspondence from Northern Ireland Electricity, BT, Northern Ireland Water and Roads Service. The correspondence relates only to consent to carry out the works and would not be proof that development commenced on site in line with the conditions and approved plans.
- 8.9 The agent states that conditions 4, 5 and 6 of the Reserved Matters have been complied with. These conditions relate to access matters. The agent advised that the visibility splays were put in place within the time frame of the permission. In relation to the access only the 'Consent to carry out excavations in, or break up the surface of, a Road' dated 23rd August 2007, was submitted. No conclusive evidence has been provided to demonstrate that the access works were put in place within the lifespan of the approval.
- 8.10 Receipts for works carried out by building contractors have been submitted and again are not site specific. There are two sites on this laneway and one house is already constructed. None of the evidence received to date provides site specific evidence. The invoices refer to a "Mr Richmond". Given that the beneficiary of the adjoining permission was Mr Bob Richmond, there is no doubt as to which site the invoices refer.

- 8.11 The agent has advised in email to Councillor Finlay dated 4th November 2015 the works included scrapping the site of top soil and that the site was served with electricity and water, he also states that the visibility splays are in place as a new house adjacent to the site also uses the same driveway.
- 8.12 Scraping a site of top soil would not be enough in its own right to be recognised as a material start to a planning permission, as set out above in paragraph 8.7. In relation to the access Transport NI have advised in their consultation response of 2/12/15 that the conditions have not been fully implemented as per the approval. Furthermore there is no satisfactory proof as set out in paragraph 8.7 above that the access works were completed as part of the approvals, E/2004/0295/O and E/2006/0429/RM.

Design

- 8.13 The proposed design of the dwelling is for a single storey dwelling. It is of rural design and appropriate for the site and its locality. There is limited boundary vegetation. However, due to the local topography the site is not visible from the Lagge Road. The proposed dwelling though visible from the Hillside Road due to the single storey design will not be prominent in the landscape and is in keeping with Policy CTY 13 and CTY 14.

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. It fails to meet the principle policy requirement of PPS 21 for a dwelling in the countryside, and fails in a number of other policy requirements. Refusal is recommended.

10 REASONS FOR REFUSAL

10.1 Reasons:

1. The proposal is contrary to para. 6.73 of the SPPS "Development in the Countryside" and Policy CTY 1 of

Planning Policy Statement 21 “Sustainable Development in the Countryside”, in that it has not been demonstrated that the proposed development complies with the criteria for any of the recognised number of instances when planning permission would be granted for an individual dwelling in the countryside and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.