

Planning Committee Report LA01/2016/1145/O	22nd February 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
Cost: (If applicable)	N/a

**Adjacent to 209 Mountsandel
Road**

**Coleraine (between 205a and
209)**

LA01/2016/1145/O

Outline Planning

22nd February 2017

<u>App No:</u>	LA01/2016/1145/O	<u>Ward:</u>	Windy Hall
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Adjacent to 209 Mountsandel Road, Coleraine (between 205a and 209)		
<u>Proposal:</u>	Proposed site for two storey dwelling under CTY14 of Planning Policy Statement 21.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	21 September 2016
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Mr H. Wade, 209 Mountsandel Road, Coleraine, BT52 1TB		
Agent:	Moore Design, Market Court, 63 New Row, Coleraine		
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 subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 This is a linear roadside site, located on the western side of Mountsandel Road. The site comprises a grassed area to the east of the curtilage of 207b Mountsandel Road, together with an existing lane which is contiguous with the north-west boundary. The existing lane serves several existing dwellings. The land is relatively flat. Mature vegetation to the roadside; the south-east boundary is undefined on the ground; a close-boarded fence defines the south-west and north-west

boundaries. There is a 2.5m wide verge between the roadside boundary and the edge of the carriageway.

- 2.2 The area is open countryside is located on the north-eastern side of Mountsandel Road. 205a Mountsandel Road is a two storey brown brick hipped roof dwelling. 207b Mountsandel Road is a two storey detached dwelling finished in buff brick, smooth plaster, with a hipped roof finished in flat black roof tiles. 209 Mountsandel Road is a two storey detached dwellings finished in red brick and plaster with brown profiled roof tiles. Generally, dwellings in the area are quite substantial in size. Mature woodland is located to the north-east of 211 Mountsandel Road. Critical views are from Mountsandel Road and from the shared laneway serving the proposal.
- 2.3 The site is located within countryside, as designated in the Northern Area Plan 2016.

3 RELEVANT HISTORY

- 3.1 There is no relevant planning history.

4 THE APPLICATION

- 4.1 Planning permission is sought for a site for two storey dwelling under CTY14 of Planning Policy Statement 21. The proposed access is from an existing laneway along the north-west boundary of the application site - the laneway is located within the red line of the application site. A concept plan submitted with the proposal shows the dwelling and curtilage located within the south-western portion of the site, with the northern portion of the site to remain as existing.
- 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 conservation objectives/features of any European site.

5.0 PUBLICITY & CONSULTATIONS

5.1 **External:** There are no objections to the proposal.

5.2 Internal

Transport NI: Has no objection to the proposal.

NI Water: Has no objection to the proposal.

NIEA: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

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)

PPS2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of development; integration and impact on rural character.

Planning Policy

- 8.2 In the Northern Area Plan the site lies outside any settlement development limit and is within the countryside. There are no specific zonings or designations covering the site.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 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.

Principle of Development

8.5 The principle 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:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

8.6 The proposal is not submitted as a replacement dwelling; a proposal on special or domestic circumstances; a dwelling to meet the essential needs of a non-agricultural business; or a dwelling on a farm. The proposal therefore falls to be assessed against policies CTY2a and CTY8.

8.7 Policy CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided ALL the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not

significantly alter its existing character, or visually intrude into the open countryside; and

- development would not adversely impact on residential amenity.

8.8 The proposal fails to meet bullet point 3 and 5. There is no focal point such as a social / community building/facility and the site is not located at a cross roads. The proposal will significantly alter the existing character and will visually intrude into the open countryside when viewed from critical viewpoints. As such, the proposal does not meet the requirements of Policy CTY2a, and is therefore contrary to this.

8.9 The application site is not the garden of 207b Mountsandel Road. The current site is outside the approved curtilage of 207b Mountsandel Road, as per approvals C/2004/0873/O \ C/2005/1425/RM \ C/2007/0414/F. The application site is also outside the curtilage of 209 Mountsandel Road, as approved under C/2002/0296/F. As such, the application site is not approved as a domestic garden.

8.10 The first step in determining whether an infill opportunity exists is to identify whether there is a substantial and continuously built up frontage present. For the purpose of policy, this includes a line of three or more buildings along a road frontage without accompanying development to the rear. The application site is located between a dwelling and a grassed area when viewed from Mountsandel Road. The site is located between a dwelling and the Mountsandel Road, when viewed from the adjoining laneway to the northwest; the north-eastern portion of the site is to remain as existing. The dwellings at 203-205a Mountsandel Road have a visual presence to and from the road and are accessed from it. A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road (an access does not constitute a road frontage, as is the case at nos. 207 and 209 Mountsandel Road). 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. Therefore nos. 207b and 209 as approved, do not form part of a built up frontage. Therefore, having regard to the development arrangements as approved, there is not a substantial and continuously built up frontage SE of no. 205a Mountsandel Road.

8.11 The site is located at the end of a ribbon of roadside development (203-205a Mountsandel Road), rather than within it, as required. As approved, the sites to the south-east of 205a Mountsandel Road do not have a common frontage to the road. Rather, their frontages are separated from the road by intervening land. The site is not considered to be an infill site within a built up frontage. Even if it were to be demonstrated that the time for enforcement action regarding the extension of curtilages to Mountsandel Road had expired, that would not make a material difference to the application. In that case, while 207b and 209 would have a frontage onto Mountsandel Road, the proposal would remain unacceptable as the site would be located in front of a building within the frontage rather than between buildings. This would be contrary to Policy CTY 8 which requires a site within a frontage.

8.12. The site, if approved, will add to the ribbon of development along the roadside, when viewed from Mountsandel Road and will create a ribbon of development when viewed from the shared laneway to the north-west. The proposal is therefore contrary to Policy CTY 8 as this makes clear that planning permission will be refused for a building which adds to a ribbon of development.

8.13 The proposal is not a type of development which is considered to be acceptable in principle in the countryside. Furthermore there is no exceptional circumstance in which to allow such a development and is therefore contrary to CTY 1. This is supported by Paragraph 6.73 of the SPPS as the proposal fails to comply with any of the strategic policy for residential development in the countryside.

Integration and impact on rural character

8.14 The proposal will have a detrimental impact on rural character, by reason of the additional dwelling adding to the ribbon of existing dwellings fronting Mountsandel Road. Critical views are from either direction of travel along Mountsandel Road.

9.0 CONCLUSION

- 9.1 The principle of the proposal is considered to be unacceptable in this countryside location. The proposal does not meet with the policy requirements for an infill site. Furthermore, it would result in unacceptable addition to ribbon development along Mountsandel Road which would cause harm to rural character. Having regard to the Northern Area Plan, and other material considerations including the SPPS, the proposal fails to meet the principle policy requirements of Policy CTY1 of PPS21 and other policies. Refusal is recommended.

10 REFUSAL REASON

- 10.1 The proposal is contrary to paragraphs 6.73 and 6.77 of the Strategic Planning Policy Statement for NI and Policies CTY1, CTY8 and CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal is not considered to be an infill site and would, if permitted, result in an addition to ribbon development and a suburban style build-up of development when viewed with existing buildings.

Site Location

