

Title of Report:	Planning Committee Report – LA01/2023/0692/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd January 2025
For Decision or For Information	For Decision – Referred Application by Ald Mark Fielding

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Estimated Timescale for Completion	
Date to be Completed	

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>No:</u>	LA01/2023/0692/O	<u>Ward:</u> Giant's Causeway
<u>App Type:</u>	Outline	
<u>Address:</u>	Between 88 & 90 Haw Road, Bushmills	
<u>Proposal:</u>	Proposed Infill Dwellings and Garages.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 04.0.2023
<u>Listed Building Grade:</u>	N/A	
Agent:	Simpson Design (NI) Ltd, 42 Semicock Road, Ballymoney	
Applicant:	Mr T Know, 49 Haw Road, Bushmills	
Objections: 0	Petitions of Objection: 0	
Support: 0	Petitions of Support: 0	

EXECUTIVE SUMMARY

- Outline planning permission is sought for two infill dwellings and garages in accordance with Policy CTY 8 (Ribbon Development).
- The application site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016. The site is not subject to any specific environmental designations.
- The principle of development is considered unacceptable having regard to Policy CTY8 as the proposal fails to meet with the provisions for infill dwellings as the application site is not sited within a small gap site within an otherwise substantial and continuously built-up frontage.
- The proposal also fails policy CTY14 in that approving dwellings on this site would result the addition to ribbon development and does not respect the established pattern of development of the area.
- NIEA Water Management Unit, NI Water, DFI Roads, Environmental Health, Historic Environment Division and NIE were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.
- Reasons for Referral by elected member are attached as an annex to this report.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.gov.uk>

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on lands between 88 & 90 Haw Road, Bushmills.
- 2.2 This site is situated beside the Haw Road to the south-east of Bushmills. The site comprises the majority of the roadside portion of a much larger field. The west boundary is defined by the roadside hedge. The northern and eastern boundaries are undefined through the open field. The south boundary is comprised of a post and wire fence, hedge and a timber fence to the adjacent semi-detached property.
- 2.3 The land rises within the site to the north and the east. Further north of the site is a roadside Church Hall. To the immediate south are two pairs of semi-detached dwellings and a detached dwelling. Further south on either side of the road there are farm sheds. The surrounding area is rural in nature and characterised by agricultural lands and single rural dwellings and farm holdings.
- 2.4 The application site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016. The site is not subject to any specific environmental designations.

3 RELEVANT HISTORY

No other relevant planning history on application site.

Adjacent History

E/2003/0453/F - Adjacent to 92 Haw Road, Bushmills - Proposed site for two semi-detached dwellings – Permission Granted 26.03.2004

E/2005/0120/O - Land approx. 20m south of 94 Haw Road, Bushmills - Site for dwelling & domestic garage - Permission Granted 01.07.2005

E/2006/0039/RM - 20m South of 94 Haw Road, Bushmills - New Dwelling and Garage - Permission Granted 29.03.2006

E/2000/0370/O - Lands adjacent to 88 Haw Road, Bushmills - Proposed site for dwelling – Application Withdrawn 07.12.2000

E/2003/0115/O - Lands adjacent and to the rear of Hall at 88 Haw Road Bushmills BT57 8YJ - Site for dwelling – Application Withdrawn 11.08.2003

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for two proposed infill dwellings and garages. The application site is located within an agricultural field. An indicative block plan has been submitted which shows proposed siting, however details relating to design and finish are not available at this outline stage.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no formal objections to the application

5.2 **Internal**

NIE: No objection

HED: No objections

DFI Roads: No objection

Environmental Health: No objection

NI Water: No objection

NIEA Water Management Unit: No objection

6 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 RELEVANT POLICIES & GUIDANCE

The application has been assessed against the following planning policy and guidance:

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 3: Access, Movement and Parking.

PPS 6: Planning, Archaeology and the Built Heritage

PPS 21: Sustainable Development in the Countryside.

Supplementary Planning Guidance

Building on Tradition: A Sustainable Design guide for Northern Ireland.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relate to the Principle of Development, Integration and Rural Character, HRA, Sewerage Disposal, Access Movement and Parking and Archaeology.

Principle of Development

- 8.2 The policies outlined in paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21 state that there are a range of types of development which are considered acceptable in principle in the countryside. 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, or it is otherwise allocated for development in a development plan. The application was submitted for two dwellings and garages within a gap, and therefore falls to be assessed under paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21.
- 8.3 Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which

creates or adds to a ribbon of development. An exception within this policy 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 these respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

- 8.4 Paragraph 5.34 of PPS21 outlines that the gap to be considered is between buildings (building to building). To be acceptable under Policy CTY8 four specific elements are required to be met: the gap must be within an otherwise substantial and continuously built-up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.
- 8.5 To the south of the application site are two pairs of semi-detached dwellings and a detached dwelling beyond. To the north of the application there is a Church Hall, which is separated from the application site by the remainder of the agricultural field in which the application site is sited. All of the aforementioned plots have a direct frontage onto Haw Road and form a substantial and continuously built-up frontage to the Haw Road. The key issue is whether the application site forms part of a small gap site, when considered against the surrounding pattern of development within a built-up frontage.
- 8.6 To the south, No. 90, 90a, 92, 94 and 96 Haw Road have frontages of approximately 9.4 metres, 9.7 metres, 11.5 metres, 11.2 metres and 17.7 metres. The church hall to the north of the site has a frontage of 25.3 metres. The average frontage measurement for the five dwellings and the church hall is approximately 14.1 metres. The application site has a frontage of 65 metres, allowing for two individual plot frontages of 32.5

metres. The application site does not include the entirety of the gap, with a strip of land remaining for an access to the field which at 13.4 metres is comparable to the plots widths of a number of the dwellings which form the built up frontage.

- 8.7 The gap (building to building) between the dwelling at No. 90 Haw Road and the Church Hall is approximately 87.5 metres. When assessed against the average plot widths along the frontage including the church hall, the gap (building-to-building) is capable of accommodating 6 dwellings. The gap in which the application site is sited is excessive in size when assessed against the existing character/pattern of development along the built up frontage. The application would not, when considered with the adjacent field/frontage, represent a small gap site capable of accommodating a maximum of two dwellings when respecting the other properties in the built-up frontage, and would therefore fail to comply with Paragraph 6.73 of the SPPS and Policy CTY8.
- 8.8 Regarding plot size, the aforementioned neighbouring dwellings and the hall have an average plot size of 823 square metres. Each plot within the application site have an average area of 898 square metres which are comparable in size only however, due to the fact that the nature of the proposed plots significantly differ from the adjacent pattern of development. The established pattern of development of the dwellings to the south comprise narrow, linear plots. The plot shapes for the proposed sites are significantly wider to the road frontage and extend back from the road significantly less. This form of development is not reflective of the established pattern of development along the frontage and fails to comply with Paragraph 6.73 of the SPPS and Policy CTY8.
- 8.9 Having considered the existing pattern of development along the built-up frontage in terms of frontage length, plot size and character it is concluded that the gap does not represent a 'small' gap site sufficient to only accommodate up to a maximum of two dwellings and is therefore not suitable for infilling under prevailing

policy. The infilling of this site and adjacent site would add to existing development along the road frontage, resulting in the creation of ribbon development, which is detrimental to the character, appearance and amenity of the countryside and is contrary to Paragraph 6.73 of the SPPS and Policy CTY8.

Integration & Rural Character.

- 8.10 Policy CTY 13 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.
- 8.11 As this is an outline application no detailed plans have been submitted regarding the design of the dwellings. The western boundary of the site is defined by roadside hedgerow, most of which is likely to have to be removed to facilitate the accesses, which will further open views into the sites when passing the site frontage. The southern boundary is delineated partly by a post and wire fence and a timber fence some of which includes a hedge. The remaining boundaries are undefined. The northern field boundary is defined by hedgerow and mature trees adjacent to the roadside. Views of the application site are obtained over a relative short distance and are screened by the adjacent development and vegetation to the north and south of the site. While the site lacks long established natural boundaries to two boundaries and provision of the access will further remove existing vegetation officials consider that the existing buildings coupled with the retention of the existing vegetation to the northern field boundary would allow dwellings of an appropriate size to satisfactorily integrate into the landscape. While additional and compensatory landscaping would be required the proposal would not wholly rely on the use of new landscaping for enclosure and integration. The proposal complies with Paragraph 6.70 of the SPPS and Policy CTY13 of PPS21.
- 8.12 CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental

change to, or further erode the rural character of an area. A new building will be unacceptable where:

- a) It is unduly prominent in the landscape
- b) It results in a suburban style build up of development when viewed with existing and approved buildings
- c) It does not respect the traditional pattern of settlement exhibited in that area
- d) It creates a ribbon of development
- e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character

8.13 As outlined above at Paragraphs 8.2 – 8.9 the proposal does not represent the infilling of a small gap site. The application sites are significantly larger in terms of frontage width and with a larger site area than the surrounding properties which define the built-up frontage and therefore fails to respect the traditional pattern of development within the area and consequently the proposal fails criterion (c) of CTY14.

8.14 The infilling of this gap which exists between the dwellings to the south of the site and the hall to the north of the site would remove an important visual break which provides visual relief, preventing suburban style build-up. The infilling of this gap would result in the proposal adding to development along this stretch of the road, adding to ribbon development. The proposal is fails criterion (d) of CTY14.

Habitat Regulations Assessment

8.15 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, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Sewerage Disposal

- 8.16 Policy CTY 16 of PPS 21 – Development relying on non-mains sewerage, applies; Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.
- 8.17 The applicant proposes to discharge to septic tanks. Environmental Health and Water Management Unit have been consulted and are content. The proposal complies with CTY 16 of PPS 21.

Access Movement and Parking

- 8.18 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 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.
- 8.19 The indicative site plan (Drawing 02) indicates the construction of a new paired access arrangement onto Haw Road, which is not a Protected Route. DFI Roads was consulted on the proposal and responded with no concerns. The proposal meets with Policy AMP2 of PPS3.

Archaeology

- 8.20 The application site is identified as being within the proximity to two archaeological sites. Historic Environment Division have

been consulted and advise they are content and that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

9 CONCLUSION

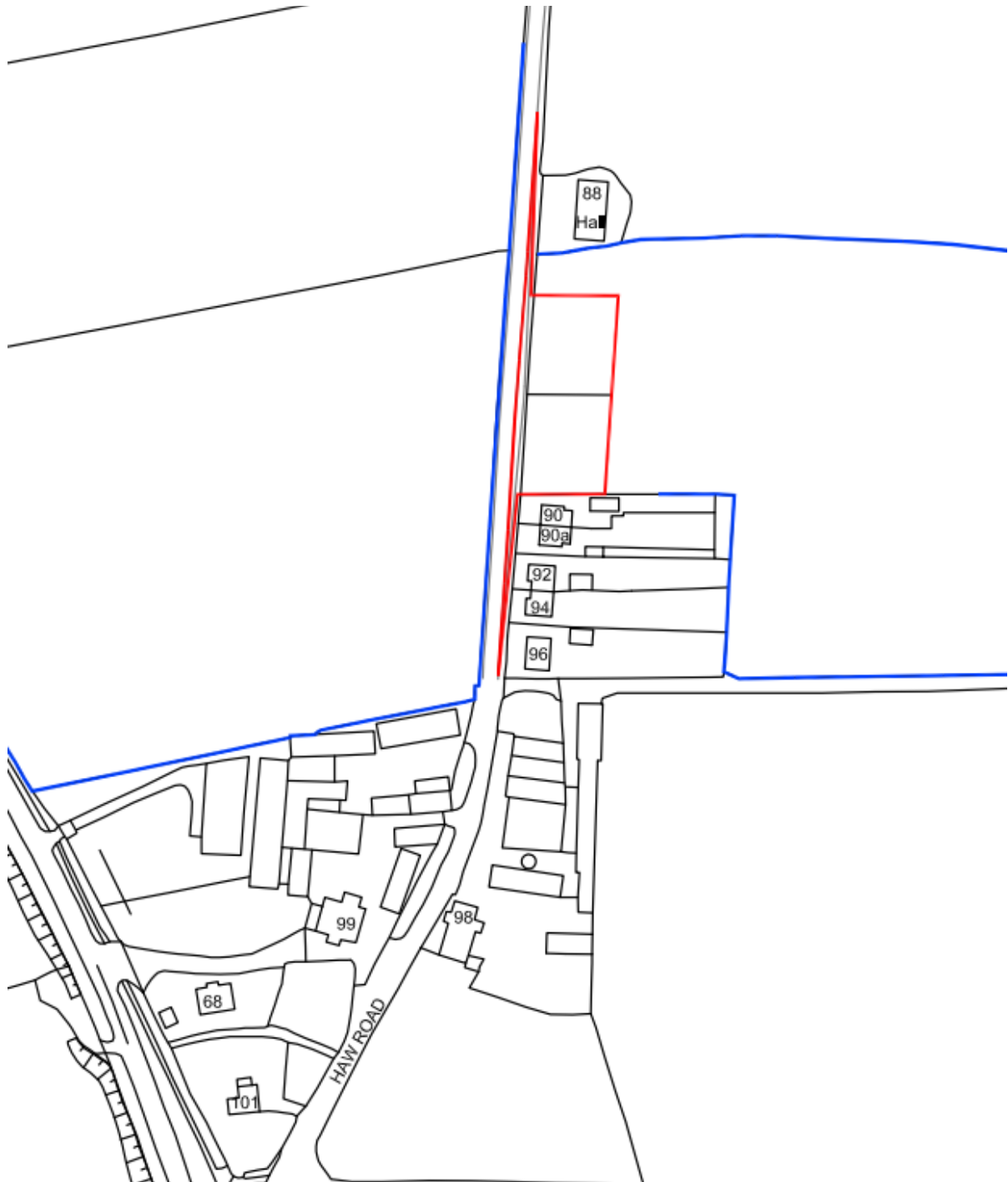
- 9.1 The application site fails to meet with the principle planning policies as the application site is located within a gap which is capable of accommodation of more than two dwellings of a comparable character to the surrounding pattern of development and is therefore not a 'small gap site' within a substantial and continuously built-up frontage. The proposal does not meet with any of the permissive circumstances for development in the countryside, and no over-riding reasons have been provided as to why development is necessary at this location. The application proposal fails to respect the adjacent pattern of development of the surrounding area and will result in the creation of ribbon development along Haw Road. The proposal is contrary to Paragraphs 6.70, and 6.73, of the SPPS and Policies CTY1, CTY8, and CTY14 of PPS21. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to SPPS Para 6.73 and Policy CTY 1 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.
2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement paragraph 6.73 and Policy CTY 8 of Planning Policy Statement 21, in that the development does not represent the development of a small gap site within an otherwise substantial and continuously built up frontage and would result in the addition to ribbon development along Haw Road.

3. This proposal is contrary to paragraph 6.70 in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if approved the proposal would result in the addition to ribbon development along Haw Road and would fail to respect the traditional pattern of development of the area.

Site Location Plan



Site Plan / Proposed Concept plan



Referral Request

Planning Reference LA01/2023/0692/O

Elected Member Name Mark Fielding

I wish to refer above application to the Planning Committee for the following reasons.

The proposed site complied with Planning policy as the average plot sizes is the same as the existing plot sizes to the south of the site.

The proposal will not create ribbon development and will integrate as there is landscaping. On a previous Planning application LA01/2021/0392 (Construction of a single dwelling and detached double garage with associated landscaping) at 30m North of No.20 Stroan Road Dervock was given approval by Planning Appeals Commission and was assessed with no roadside hedging.

The Architect John Simpson in advance would like to give notice of speaking rights if the application is referred to the Committee.

Erratum

LA01/2023/0692/O

1.0 Update

- 1.1 The applicant's name as stated on page 2 of the Planning Committee Report reads "Mr T Know"

This should state the following:

"Mr T Knox"

- 1.2 Paragraph 1.1 of the Committee report reads:

"That the Committee has taken into consideration and agrees with the reasons for 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 conditions set out in section 10.

This should state the following:

"That the Committee has taken into consideration and agrees with the reasons for 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.

2.0 Recommendation

- 2.1 That the Committee agrees with the recommendation to refuse as outlined in paragraph 1.0 of the Planning Committee Report.

Addendum

LA01/2023/0692/O

1.0 Update

- 1.1 This application was deferred from the February 2025 Committee Meeting to allow members to consider legal advice in relation to infill dwelling applications.

2.0 Consideration

- 2.1 The table below provides a breakdown of the plot sizes within the substantial and continuously built-up frontage and demonstrates how the application proposal relates to the existing pattern of development in terms of the policy requirements of the SPPS and Policy CTY8.

Address	Frontage Width
Church Hall (No.88)	25.3m
No. 90	9.4m
No. 90a	9.7m
No. 92	11.5m
No. 94	11.2m
No. 96	17.7m
Average Plot Size	14.13m
Application Site Size	65m (Average 32.5 per site)
Gap (No. 88 to No. 90)	87.5m

- 2.2 The gap (building to building) between No.88 and No. 90 is over 6 times (6.19) the average plot width of the built-up frontage and therefore could accommodate 6 dwellings reflective of the established pattern of development. Consequently, the application site does not represent a small gap site capable of accommodating a maximum of 2 dwellings and does not respect the established pattern of development within the built-up frontage.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application as set out in Section 1 of the Planning Committee report.

SITE VISIT REPORT: Monday 24th February 2025

Committee Members: Alderman, Boyle, Callan, Coyle, Hunter (Chair), Scott, Stewart, S McKillop and; Councillors Anderson, C Archibald, Kennedy, McGurk, McMullan, Nicholl, Peacock, Storey and Watton(Vice Chair)

**LA01/2023/0692/O Between 88 & 90 Haw Road, Bushmills App Type:
Outline**

Proposal: Proposed Infill Dwellings and Garages

Present: Ald Boyle, Coyle, Hunter, Councillors, Archibald, Kennedy, Watton

Officials: Martin McErlain

Comments: The site visit commenced at the Church Hall carpark to the north of the application site. The Official identified the site, clarified the strip of land at the northern part of the site which did not form part of the application site and explained the reasons for refusal. The Official and members made their way to the southern end of the site and viewed the group of five dwellings which formed the southern end of the built-up frontage. There were some discussions around the plot widths of these properties in relation to the gap/field.

The official clarified the average plot width within the frontage was 14.1m and the extent of the gap between the church hall and No. 90 was 87.5m resulting in the gap being able to accommodate 6 dwellings and that the application did not meet CTY 8. In addition to not meeting the requirements for infill the official advised that the proposal would add to ribbon development and fail to respect the pattern of development within the built-up frontage and was further contrary to CTY 14 of PPS 21.

A member asked if the applicant owned the remainder of the agricultural field in which the application site was located.

No other specific comments in relation to the site.

The site visit was concluded.

Martin McErlain

24.02.25