

<b>Planning Committee Report Item I</b>	<b>25<sup>th</sup> May 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>	Shane Mathers
<b>Cost: (If applicable)</b>	N/a

# **ITEM I**

**Site between 50 and 62 Glebe  
Road Castlerock**

**LA01/2015/1052/O**

**25<sup>th</sup> May 2016**

<b><u>No:</u></b>	<b>LA01/2015/1052/O</b>	<b><u>Ward:</u> MACOSQUIN</b>
<b><u>App Type:</u></b>	<b>Outline Planning</b>	
<b><u>Address:</u></b>	<b>Site between 50 and 62 Glebe Road Castlerock.</b>	
<b><u>Proposal:</u></b>	<b>Proposed Dwelling and Garage.</b>	
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u> 22.12.2015</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	
<b><u>Agent:</u></b>	<b>Jeff Wilson Chartered Architect 1 Sedgemoor Close Coleraine BT51 3PN</b>	
<b><u>Applicant:</u></b>	<b>James Conn 22 Glebe Road Castlerock</b>	
<b><u>Objections:</u></b>	<b>4</b>	<b><u>Petitions of Objection:</u> 0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u> 0</b>

**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 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 incorporates a small hard core area of land and outbuilding. The land is flat and is positioned in a central area between a group of houses and outbuildings. The plot is triangular in shape and is defined by fencing and boundary walls with neighbouring outbuildings. At this immediate location there are 5 houses in proximity to the site. These houses are a mix of single storey and storey and a half. Each house has a

large curtilage with yard space with associated outbuildings and garages.

- 2.2 The proposed site is currently used for the storage of builder materials, including blocks and cement mixer and stones. The lane is stoned into the site and there is a small single storey shed. The site has 2 gates onto the laneway, a field gate and a wooden gate. The site has some trees planted sporadically along the boundaries.
- 2.3 The area is a rolling landscape. The level of the host field rises from east to west and agricultural outbuildings are located 180m to the east of the site. The eastern boundary and the eastern portion of the southern boundary of the host field are defined by a new post and wire fence. Electricity lines are located along the southern boundary of the host field.
- 2.4 The site is located within the rural area as defined within the Northern Area Plan.

### **3 RELEVANT HISTORY**

There is no relevant history.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for a dwelling and garage.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External**

There are 4 objections to the proposal from 4 objectors. The reasons for objecting are summarised below:

- Density within the cluster
- Discrepancies of land right of way and land ownership
- Not in keeping with the current rural development
- Impact of traffic
- Impact on amenity

- Asbestos problems

## 5.2 Internal

**Transport NI:** No objection.

**NI Water:** No objection.

**NIEA Drainage and Water:** No objection.

**Environmental Health:** No objection subject to informatives.

## 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 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)

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 the proposed development; other matters.

**Principle of development**

- 8.2 The site is located within the rural area as defined by Northern Area Plan.
- 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 aim of the SPPS in relation to new dwellings in existing clusters is set out under paragraph 6.73. The proposal must be in a visual entity and must be associated with a focal point and not significantly alter the existing character.
- 8.5 PPS 21 is the policy for determining this type of application and it set outs the policy basis for development in the countryside stating that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY 1 of PPS 21 goes on to say that planning permission will be granted for an individual dwelling house in the countryside where a dwelling is sited within an existing cluster of buildings in accordance with Policy CTY 2a.

8.6 CTY 2a 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;***

8.7 There are more than 4 buildings, and at least 3 of these are dwellings. The cluster does contain a number of agricultural buildings but lies outside of a farm, so the proposal meets this policy test.

***the cluster appears as a visual entity in the local landscape;***

8.8 Given the nature and form of this cluster of dwellings and buildings, it does appear as a visual entity in the local landscape. Therefore the proposal meets this test.

***the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,***

8.9 The cluster is neither associated with a focal point such as a social / community building/ facility, nor is located at a cross-roads.

8.10 After the applicant became aware of this requirement, some further information was submitted in this regard. The applicant argues that the site is associated with Moorbrook Fisheries and Facilities. Moorbrook Fisheries neither sits within the cluster nor is it accessed from the lane which all other buildings and dwellings within the cluster are. Access to Moorbrook Fisheries is about 280 metres away, with the lodge and facilities some 300 metres away. From the Glebe Road, these 2 separate entities are not obviously linked on the ground, or visually with each other. When standing on the proposed site, the lodge and fisheries cannot be easily seen due to the physical separation.

8.11 Therefore there is no focal point associated with this cluster.

***the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;***

8.12 The site identified is enclosed, and it is bounded to the north east, north west, and south with other development in the cluster. As it is bounded on at least two sides, the proposal meets this part of the policy.

***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***

8.13 This site is situated towards the roadside on the south west of the cluster. On approaching the cluster from the road driving east along the lane, the site is visible sitting to the north, where the lane forks. There are existing buildings and dwellings to the north east/east of the site which act as a backdrop and help the site to integrate. This triangular portion of land would be consolidated within the existing cluster. Although the plot size is much smaller and not reflective of the existing plot sizes and character, on balance, this proposal would not significantly alter the existing character, and can be designed so it does not visually intrude into the open countryside.

***development would not adversely impact on residential amenity.***

8.14 The dwelling the proposed site is located nearest to is 62 Glebe Road. The rear of no.62 adjoins the proposed site. Drawing no.02, submitted with the application, illustrates an indicative layout with the proposed dwelling fronting towards Glebe Road. The south elevation (gable elevation) therefore faces the rear of no.62. Given the proximity of the proposal to the boundary and this existing dwelling, if the proposal was otherwise acceptable, there should be a requirement that any new dwelling on this site should not have any first floor windows on the south elevation to retain the existing amenity and privacy of no.62.

8.15 Given the orientation and location of the site and existing screenings, which can also be strengthened, to the other dwellings, this would not adversely impact on residential amenity.



## **Other Matters**

- 8.16 The applicant's agent has signed Certificate A of the Planning Application form on the applicant's behalf. This states the applicant claims to be in actual possession of the land and is entitled to a fee simple absolute. While objectors have raised the issue of rights of way and land ownership, no evidence has been submitted to support this. Issues relating to rights of way and land ownership are civil matters between the interested parties. Planning must consider the planning merits of the proposal, and should planning permission be granted this does not confer title.
- 8.17 Objectors have raised concern in relation to asbestos. Environmental Health has been consulted in this regard and state there is potential that asbestos containing materials may be present in or on the current outbuilding which is proposed for demolition. The applicant is advised to have an asbestos survey carried out prior to any works by a suitably competent person(s). Any identified asbestos containing material must be removed and disposed of in full compliance with all health and safety and waste management legislative requirements.

## **9.0 CONCLUSION**

- 9.1 This proposal is contrary to PPS 21 and the SPPS. Although the proposed site may sit within an existing cluster, this cluster does not have a focal point as required by Policy CTY 2a of PPS 21. This is reinforced by the SPPS which states that the proposal must be associated with a focal point. It is considered the separation distance between the proposal and Moorbrook fisheries is too great to merit being associated with the cluster. As this proposal fails to meet the relevant policy, refusal is recommended.

## **10 Refusal Reasons:**

- 10.1 The proposal is contrary to paragraphs 6.73 of the Strategic Planning Policy Statement and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads.