

Planning Committee Report LA01/2018/0033/O	23rd May 2018
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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2018/0033/O	<u>Ward:</u> BALLYKELLY
<u>App Type:</u> Outline Planning	
<u>Address:</u> Lands South of 102 Glenhead Road, Limavady	
<u>Proposal:</u> Proposed site for dwelling and garage.	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 09.01.2018
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> 5050 Architecture, 3a Keldon Court, 17 Linenhall Street, Limavady, BT49 0HQ	
<u>Applicant:</u> Mr McAneney, 84 Loughermore Road, Limavady	
<u>Objections:</u> 1	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 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 site is located on the Glenhead Road and comprises an existing roadside plot. The site itself is fairly uneven underfoot with long grass and brambles. A watercourse runs along the southern boundary of the site which appears to be part open and part culverted. The site boundaries to the south, east and west are defined by a timber post and wire fence. The northern boundary is defined by a timber board fence with mature trees along the western end of this boundary. Overhead power lines traverse the site in a north-west to south-east direction.
- 2.2 The character of the surrounding area is rural. There are two existing detached dwellings located to the north of the application site. A laneway runs along the southern boundary of the site. The wider surrounding area is characterised by undulating agricultural fields.
- 2.3 In the Northern Area Plan 2016 the site is located in the countryside, outside of any defined settlement limits. The site is located within the Ballykelly Moraine Site of Local Nature Conservation Importance, Designation LNC 13.

3 RELEVANT HISTORY

B/2007/0520/O

Site for traditional rural dwelling with detached garage/store. Adjacent to 102 Glenhead Road, Drumraighland, Limavady.

Permission Refused: 18/01/2011 Appeal Dismissed (2010/A0232).

B/2001/0322/F

Erection of bungalow and detached garage. Adjacent to 102 Glenhead Road, Drumraighland, Limavady, Co Londonderry.

Permission Refused: 21/07/2003

B/1993/0352

Site for dwelling.

Glenhead Road, Drumraighland, Limavady.

Permission Refused: 14/02/1994

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed site for a dwelling and garage.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: One objection was received in relation to the proposal.

The issues raised relate to overlooking. As this is an outline application there are no details at this stage in respect of the siting and design. These matters would be reserved if this application was approved. Provided any dwelling was suitably conditioned and sensitively designed this concern could be addressed.

5.2 Internal

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DAERA Natural Environment Division: No objections

DFI Roads: Revised Site Location Plan requested showing the required 2.4m x 45m visibility splays outlined in red and drawn as 'splays' from the recommended access location. Access to be at the Northern end of the site frontage.

DFI Rivers: No objections

HSENI: No objections

GNI (UK) North West Pipeline Operator: No objections

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 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)

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 15: Planning and Flood Risk

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development; ribbon development; integration; rural character; flooding; and road safety.

Principle of Development

8.2 The SPPS and Policy CTY1 of PPS 21 identify a number of instances when an individual dwelling house will be granted permission. 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.

Planning permission will be granted for an individual dwelling house in the countryside in the following 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.

8.3 There was no supporting information submitted with the application to indicate any specific circumstances or request for the proposal to be considered in respect of a specific policy. The proposal is therefore considered against each of the instances where an individual dwelling house may be granted permission.

8.4 Policy CTY 2a states that permission will be granted for a dwelling at an existing cluster of development provided all of 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.

The application site is not located at an existing cluster of development. Only two dwellings exist at this location, at No. 100 and 102 respectively. There is no identifiable cluster which would appear as a visual entity within the local landscape. There is no focal point for any cluster to associate with, and the site would not allow for consolidation or rounding off. The proposal is contrary to Policy CTY 2a.

- 8.5 Policy CTY 3 relates to replacement dwellings. As there is no existing dwelling to be replaced, Policy CTY 3 does not apply.
- 8.6 Policy CTY 4 relates to the conversion and reuse of existing buildings. As there is no existing building on the site, Policy CTY 4 does not apply.
- 8.7 Policy CTY 6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:
- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

No supporting information accompanied this application therefore it has not been demonstrated that there are compelling and site specific reasons as to why a dwelling is necessary at this location. The proposal would be contrary to Policy CTY 6.

- 8.8 Policy CTY 7 relates to dwellings for non-agricultural business enterprises. As the proposal is not in connection with a non-agricultural business enterprise, Policy CTY 7 does not apply.
- 8.9 Policy CTY 8 relates to ribbon development. This is considered separately in the section below.
- 8.10 Policy CTY 10 relates to dwellings on farms. As the proposal is not for a dwelling on a farm, Policy CTY 10 does not apply.
- 8.11 As there no overriding reason has been forthcoming as to why this development is essential the proposal is contrary to the SPPS and Policy CTY 1.

Ribbon Development

- 8.12 The SPPS and Policy CTY 8 state 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. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.13 The application site as submitted comprises a rectangular plot of land which is located to the south of existing dwellings at No. 100 and No. 102 Glenhead Road. No other building exists to the south-east of the site along the road frontage, therefore there is no gap to be considered as an exception under this policy. The proposal would create ribbon development along Glenhead Road and would result in a detrimental impact on the character and appearance of the surrounding area. The proposal is contrary to the SPPS and Policy CTY 8.

Integration

- 8.14 Policy CTY 1 of PPS 21 and paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate sympathetically with their surroundings.
- 8.15 The proposal would be contrary to the SPPS and Policy CTY 13 of PPS 21 as a new dwelling on the site would be a prominent feature in the landscape as it would rely primarily on new landscaping to integrate. The existing boundaries are weak and defined to the south, east and west by a timber post and wire fence. The lack of long established natural boundaries to these boundaries would fail to provide a suitable degree of enclosure for a new dwelling to satisfactorily integrate. When travelling along Glenhead Road in a north-westerly direction any new building on the site would be prominent. The proposal fails to comply with Policy CTY 13 and paragraph 6.70 of the SPPS.

Rural Character

- 8.16 The proposal would have a detrimental impact on rural character due to its prominent position, the lack of existing natural boundaries and the resulting ribbon development. A new dwelling on the site would result in the creation of ribbon development along this section of the Glenhead Road and would be unduly prominent given the lack of existing natural vegetation to the site boundaries. The proposal would result in the suburban style build-up of development when viewed with the existing dwellings at No. 100 and No. 102 Glenhead Road. The proposal is contrary to Policy CTY 14 and paragraph 6.70 of the SPPS.

Flooding

- 8.17 As the site is adjacent to a watercourse and is affected by surface water flooding DFI Rivers was consulted. DFI Rivers advised that under paragraph 6.32 of the policy a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. This should be marked up on a drawing and protected from any impediments. A planning informative is recommended. As the site is located partly within an area affected by surface water flooding it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Road Safety

8.18 Further to consultation with DFI Roads a revised location plan was requested. An amended location plan is required to indicate the required visibility splays from the recommended access position. Access to be at the northern end of the site frontage. As the principle of development was not considered acceptable no further information was requested. The proposal is contrary to Policy AMP 2 of PPS 3.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposal fails to comply with Policy CTY 2a. In addition, a new dwelling would fail to integrate, have an adverse effect on rural character, and result in ribbon development. The proposal is contrary to Policies CTY 8, CTY13 and CTY 14 of PPS 21, and paragraphs 6.70 and 6.73 of the SPPS. It has not been demonstrated that the proposal would not prejudice road safety therefore the proposal would be contrary to Policy AMP 2 of PPS 3. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland 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.

2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that; the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling; the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and / or is not located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; and the dwelling would if permitted visually intrude into the open countryside.

3. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Glenhead Road.
4. The proposal is contrary to paragraph 6.70 and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the new building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
5. The proposal is contrary to paragraph 6.70 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; the building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings; the building would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to the rural character of the countryside.
6. The applicant has failed to demonstrate that the proposal would not prejudice road safety in accordance with Policy AMP 2 of Planning Policy Statement 3 – Access, Movement and Parking.

Site Location Map

ACEmap® Single

Printed: 31/07/2017 Customer Ref:

Centre Point (Easting, Northing): 263573, 419590

93 GLENHEAD ROAD, TARTNAKILLY, BALLYKELLY, BT49 9LZ, 185533387

Scale: 1:1,250

Order no. ORD42984

Plan No. 02816NW

