

Planning Committee Report LA01/2018/0103/F	28th November 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> LA01/2018/0103/F	<u>Ward:</u> Limavady
<u>App Type:</u> Full	
<u>Address:</u> Lands Opposite 8 Roeville Terrace Limavady	
<u>Proposal:</u> Proposed 2 storey dwelling	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 25.01.2018
<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 & Mrs Hamilton, 8 Roeville Terrace, Limavady, BT49 0BH	
<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 for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 This application site is in the urban area inside the development limits of Limavady town as defined by the Northern Area Plan.
- 2.2 The site currently hosts 2 existing sheds, a 10m antennae / mast, some garden space and a parking area used by the residents of No. 8 Roeville Terrace. A row of terrace houses are to the south and south west of the site. A row of gardens and domestic carparking is located to the west. A bus station is located to the east and Northern Ireland Water have confirmed the site is within a consultation zone for an existing Waste Water Treatment Works which is 256m to the north east of the site. The site is also within a consultation zone for archaeological potential. There is a field to the north at a lower level and a steep embankment from the site to this field. There are some semi-mature trees at the top of this embankment. The southern boundary to the lane is part undefined and part made up of a 1m high wooden fence which continues along the western boundary with the garden of No 6. There is a 3m high metal fence along the eastern boundary with the bus depot. The topography is flat / level for the site and the lane in front of the site.

3 RELEVANT HISTORY

- 3.1 B/2007/0478/F – In front of 8 Roeville Terrace Limavady - Removal of existing communications mast and garden shed for the erection of a two storey dwelling in garden of existing dwelling – Permission Granted – 03.02.2009
- 3.2 B/2009/0155/F – In front of 8 Roeville Terrace Limavady - Change of house type from two storey dwelling to new bungalow with detached garage / store – Permission Granted – 08.06.2009
- 3.3 Both of these applications have now expired as no lawful commencement has occurred within the 5 year time period. The expiry date of the latest application was 8th June 2014.

4 THE APPLICATION

- 4.1 This application seeks permission for a proposed 2 storey dwelling.
- 4.2 The application proposes a dwelling in an area currently used by the residents of number 8 Roeville Terrace for amenity space and parking. The proposed dwelling is 2 storey with in-curtilage parking with 3 spaces. The proposed dwelling has an 11.3 metre frontage width, an 8.5 metre gable depth and has a 7.8 metre ridge height.

5 PUBLICITY & CONSULTATIONS

External

All neighbours identified for notification within the terms of the legislation were notified on 14th February 2018. The application was advertised on 14th February 2018. There is one objection to this proposal. The issues raised in the objection are overlooking, privacy, views of Binevenagh and neighbour notification criteria.

5.1 Internal

- 5.2 Environmental Health Department: No objection

5.3 NI Water have concerns with the proximity to the WWTW.

5.4 DFI Roads: No objections subject to conditions.

5.5 Historic Environment Division: 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 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 Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) – Planning for sustainable development 2015

Planning Policy Statement 7: Quality Residential Environments (DOE June 2001)

Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas (DOE August 2010)

Planning Policy Statement 11: Planning and Waste Management (DOE Dec 2002)

Creating Places Guidance

Development Control Advice Notice 8: Housing in Existing Urban Areas (DOE 2002)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The application site is located in an urban area within the settlement development limit of Limavady town. The main considerations in the determination of this application relate to the principle of development, development within the vicinity of a waste management facility and representations.
- 8.2 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. As this is a proposal for a 2 storey dwelling, the main policy considerations are paragraphs 6.137 of the SPPS, Policies QD 1 and LC 1 of Planning Policy Statement 7; Quality Residential Environments and Addendum to Planning Policy Statement 7; Safeguarding the Character of Established Residential Areas. As it is within the consultation zone of a Waste Water Treatment Plant Paragraph 6.310 of the SPPS and Policy WM 5 of Planning Policy Statement 11; Planning and Waste Management is relevant.

Principle of Development

- 8.3 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and guidance documents before mentioned. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the

proposed development will cause demonstrable harm to interest of acknowledged importance.

- 8.4 Planning Policy Statement 7, Quality Residential Development, Policy QD 1 Quality in New Residential Development applies: All the following criteria must be met:
- 8.5 (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- 8.6 The proposed development fails to respect the area in terms of layout and fails to comply with the Creating Places guidance and the tests of this policy. Specifically by not having a 10m rear garden depth and by taking 416 square metres of amenity space from No 8 Roeville Terrace. Consequently leaving No 8 the existing dwelling with rear amenity space of 36 square metres which is contrary to Creating Places guidance of 70 square metres. The proposal fails to comply with criterion (a) of QD1.
- 8.7 (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
- 8.8 The site is within a zone of consultation for archaeology. Historic Environment Division have been consulted and are content with the proposal. No other features are on site. The proposal complies with criterion (b) of QD1.
- 8.9 (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
- 8.10 The proposal is shown to have rear amenity space of 99 square metres. However, it is unclear at present how much of this space is usable space given the steep embankment that exists at the rear of this property. The private amenity space at No 8 will be reduced to 36 square metres. The proposal fails the criterion (c) of QD1 in relation to the existing dwelling at No 8 and with regards to the rear garden depth for the proposal and its amenity

space with some unusable space due to the steep embankment at the rear of the property.

- 8.11 (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

The proposal is close to all amenities and complies with criterion (d) of QD1.

- 8.12 (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The proposal is considered to have a satisfactory movement pattern and complies with criterion (e) of QD1.

- 8.13(f) adequate and appropriate provision is made for parking;

There is satisfactory parking on site and DFI - Roads have no objections. However, parking for No 8 will now solely be adjacent the dwelling and will use up amenity space at the side of the dwelling.

- 8.14(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The proposal is 11.3m in length, 8.5m wide and 7.8m high. It is proposed to be 2 storey with walls finished in smooth render, has black flat tiles and pvc windows. It is a standard urban design. It complies with criterion (g) of QD1.

- 8.15(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

- 8.16 There is a front to front relationship between the proposal and the Terrace row of dwellings on Roeville Terrace. Therefore, the front elevation will not overlook any more than that which exists already from people walking or driving on the existing Roeville Terrace Lane. There will also be no overlooking due to the blank gable that faces the other gardens. NI Water seek confirmation from the developer that policy provisions of PPS 11 can be satisfied in relation to the proximity of the proposal to a Waste

Water Treatment Works in relation to noise and odours. At this stage the applicant has not been asked to address any issues relating to the proximity of the WWTW as the principle of development is considered unacceptable. The proposal fails to satisfy criterion (h) of QD1.

8.17(i) the development is designed to deter crime and promote personal safety.

The front windows of the proposal are positioned to look over the lane at Roeville Terrace so the proposal would comply with this test of policy.

Overall, the proposal fails to comply with criterion (a), (c) and (h) of this QD1 policy.

8.18 Addendum to PPS 7: Safeguarding the Character of Established Residential Areas applies; Policy LC 1 Protecting Local Character, Environmental Quality and Residential Amenity

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or infilling of vacant site (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

8.19(a) the proposed density is not significantly higher than that found in the established residential area;

8.20 The proposed dwelling has a rear amenity space of 99 square metres but some of this space is unusable due to the steep embankment at the rear of this site with no retaining structure in this proposal. The existing dwelling at No 8 Roeville Terrace has a total available open space of 525 square metres but this would be reduced to 109 square metres if the proposal is developed. The immediate rear amenity of No 8 is currently 36 square metres and if their separate amenity area is developed then No.8 would only retain the existing space around their dwelling which is below the average requested amount of 70 square metres in Creating Places guidance. The proposed density for this site and for No.8 would be higher than that found in the surrounding area so fails this test of policy.

8.21 (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

This is the first dwelling proposed in an area currently used for private amenity space and parking for the residents of Roeville Terrace and could set a precedent for the land west of this site if it was approved. The proposed dwelling has a rear garden depth of between 4-7 metres which is contrary to creating places guidance of 10 metres. Roeville Terrace all have small rear gardens / yard area but this has been off set by having a garden to the front of the dwelling on the opposite side of the lane. The proposal is not in keeping with the character of existing properties and would reduce environmental quality of established residential areas.

8.22(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

It's a 4 bedroom house. The internal space measurement exceeds the 80 - 85 square metres requirement so complies with part (c) of this policy.

The proposal fails to comply with part (a) and (b) of this policy.

DCAN 8 – Housing in Existing Urban Areas

8.23 The successful integration of new housing in established residential areas requires very sensitive urban design, landscape and architectural approaches. This is necessary in order to avoid the prospect of eroding, or even destroying the character and qualities which make an area an attractive place to live and visit.

8.24 The existing row of dwellings to the front of the site are of similar style and characterised by these separate amenity areas. Development of this site for a separate dwelling unit would affect the established character of the area.

8.25 The character of the site and neighbouring plots is of an area used for domestic gardens, domestic parking and domestic sheds. There isn't sufficient plot depth for this site to accommodate the proposed dwelling in a way which provides a quality residential environment. The use of these amenity areas for ancillary domestic buildings, domestic gardens and parking does not lean towards making this site an exception for separate residential development. The proposal is contrary to the DCAN 8

Advice Note in that it does not reinforce the character and qualities of Roeville Terrace.

Planning History

8.26 The planning applications B/2007/0478/F and B/2009/0155/F have now expired as no lawful commencement has occurred within the 5 year time period. The expiry date of the latest application was 8th June 2014. The Addendum to Planning policy statement 7: Safeguarding the Character of Established Residential Areas (DOE August 2010) and the Strategic Planning Policy Statement for Northern Ireland (2015) have been published after the date of the latest approval so has been considered in this assessment.

Development in the vicinity of WWTW

8.27 Planning policy statement 11, Planning and Waste Management, Policy WM 5 applies; Development in the vicinity of Waste Management Facilities.

8.28 Proposals involving the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs), will only be permitted where all the following criteria are met:

- it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
- it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

8.29 Northern Ireland Water has confirmed the proposal is in a consultation zone in proximity to a Waste Water Treatment Works and there is a possibility of nuisance from WWTW odours. Noise may also be a problem. NIW have asked for confirmation that the above policy can be satisfied, and where directed agree to cover the capital and operating costs of installing the appropriate abatement equipment. As the principle of development is unacceptable, the Council have not requested any new information to satisfy their requirements as this may put the applicant to unnecessary expense. The proposal fails this test of policy due to the possibility of nuisance from WWTW

odours and noise due to the proximity of the proposal to the Waste Water Treatment Works. It would restrict the activities at the WWTW and could give rise to unacceptable adverse impacts on people living in the proposal dwelling.

Access

8.30 DfI Roads were consulted in relation to this application and offer no objections.

Objection Consideration

8.31 One objection has been received. The issues raised are overlooking, privacy, potentially obscured views of Binevenagh and neighbour notification criteria. Any overlooking or loss of privacy are minimised due to the front to front relationship the proposal has with existing dwellings and having no windows on the side gable which face towards the gardens of Nos. 1-6 Roeville Terrace. The loss of a view is a material consideration but is not determining. The neighbour notification criteria was assessed and all neighbours identified have been notified in line with the relevant legislation.

Habitats Regulation Assessment

8.32 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.

9 CONCLUSION

9.1 The proposed development is considered unacceptable having regard to the Northern Area Plan and other material considerations. The development fails to comply with the SPSS, PPS 7 and PPS 11 in that the proposed 2 storey dwelling which is subject to the application is an unacceptable form of development that fails to respect local character and environmental quality and does not safeguard the amenity of existing residents. The proposal fails to ensure that the detrimental effects on people, the environment, and local

amenity associated with waste management facilities (e.g. pollution) are avoided or minimised. As the proposal is unacceptable, refusal is recommended.

10 REASON FOR REFUSAL

- 1.** The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement and Policies QD1 and LC1, of Planning Policy Statement 7; Quality Residential Environments and Addendum to Planning Policy Statement 7; Safeguarding the Character of Established Residential Areas, in that the proposal would, if permitted, result in an unacceptable form of development that fails to respect local character and environmental quality and does not safeguard the amenity of existing residents.

- 2.** The proposal is contrary to paragraph 6.310 of the Strategic Planning Policy Statement and Policy WM5, of Planning Policy Statement 11; Planning and Waste Management, in that the proposal would, if permitted, result in an unacceptable form of development that fails to ensure that detrimental effects on people, the environment, and local amenity associated with waste management facilities (e.g. pollution) are avoided or minimised.

