

Planning Committee Report LA01/2018/0162/O	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>App No:</u>	LA01/2018/0162/O	<u>Ward:</u>	Magilligan
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	To the rear of 152 Seacoast Road, Limavady		
<u>Proposal:</u>	Rural dwelling with garage/store (under CTY 2a of PPS 21, new dwellings in existing clusters)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	06.02.2018
<u>Listed Building Grade:</u>	N/A		
<u>Applicant:</u>	Messrs Colin & Ivan Neely, 2 Loguestown Court, Bushmills Road, Coleraine		
<u>Agent:</u>	W J Dickson, Chartered Architect, 76 Seacoast Road, Burnally, Limavady, BT49 9DW		
<u>Objections:</u>	0	<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

1.0 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.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located to the rear of No.152 Seacoast Rd. The application site is set back from the public road by approximately 23m, and contains derelict agricultural buildings. The application site is located to the rear of No.152 which is a semi-detached one and a half storey dwelling, which is currently derelict, and the remaining portion of the grouping of farm buildings which extends into the application site. The application site is contrived from the larger original single plot associated with No. 152 and therefore is undefined along the front and rear boundaries. The north western boundary is defined by mature hedgerow and trees which extend to approximately 8-10m in height. The south eastern boundary is defined by a 1.2-1.3m high close boarded fence with overgrown vegetation. The application site appears to have been derelict for a considerable period and is overgrown with bushes and young trees have become established within the site.
- 2.2 The site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. The site is not located within any environmental designations. The application site is set within a built-up area consisting of roadside dwellings, public house and farm buildings along both sides of the road. The Dwelling at No. 152 was granted planning approval for replacement in-situ under planning approval LA01/2015/0568/O, and an infill dwelling was approved at appeal between Nos. 152 and 154 under planning application LA01/2015/0567/O, both of which occupy the land directly in front of the application site.

3.0 RELEVANT HISTORY

- 3.1 There is no planning history on the application site. The following planning history is relevant to the adjacent sites.

LA01/2015/0567/O - Proposed two storey 'infill' dwelling with detached garage/store - Between 152 and 154 Seacoast Road, Limavady - Refused 09.06.2016 – Appeal Allowed 27.10.2017

LA01/2015/0568/O - Replacement dwelling with detached garage/store - 152 Seacoast Road, Crindle, Limavady – Approved 01.02.2016

LA01/2016/1148/F - Two storey rear extension to existing dwelling to accommodate living dining kitchen on ground floor with 1 bedroom above - 154 Seacoast Road, Limavady, Replacement of front porch – Approved 29.11.2016

4.0 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed dwelling, within an established cluster. The application site is located to the rear of an existing dwelling which has planning permission for a replacement dwelling, and also to the rear of a number of agricultural buildings which have planning to be replaced by a two storey infill dwelling. No plans have been submitted to assess the scale and design of the proposed dwelling.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: There are no objections to the proposal.

5.2 Internal:

DFI Roads: Refusal Recommended.

Environmental Health: No objections.

NI Water: No objections.

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 2: 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 NI Countryside

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development and access.

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 as a dwelling with an existing cluster and therefore falls to be assessed against Policy CTY 2a.
- 8.3 Policy 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;
 - 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.

8.4 The application site is located within a well-developed area which contains a number of dwellings on both sides of the road. On the western side of the road there are six dwellings and associated outbuildings and a public house which directly front onto Seacoast Rd and represent a linear form of development with a regular building line, while a further two dwellings access onto a private laneway at its junction with Seacoast Rd, which are set further back from the roadside. On the eastern side of the Seacoast Rd there are six dwellings, three to the north of the site and three to the south east of the site which front onto the Seacoast Rd although there is a significant physical break between the three northern and three to the south east which result in the three dwellings to the south east appearing detached from the main 'body' of the grouping of development. Further development to the north and south of the above mentioned development would be more detached and would not appear as being part of a compact visual entity. Given the number of buildings in close proximity to each other there is, by definition, a cluster at the location, which exists outside of a farm.

8.5 Given the proximity of the buildings to each other the cluster does appear as a visual entity, with the majority of the cluster being made up by the linear pattern of development extending from 'The Coast' bar at the southern end to No. 160b at the northern end. The proposal satisfies the second criteria of the policy.

8.6 The Coast bar is situated approximately 12m from the application site at its closest point and is only separated from it

by the narrow plot of No. 150. On approach along the Seacoast Rd in both directions the public house forms the beginning or end of the linear form along the western side of the seacoast road. The close proximity and density of development along this linear development ensures that the public house is linked to this cluster. The proposal satisfies the third criteria of the policy.

8.7 The cluster is characterised predominately by roadside development in a linear manner, with long plots/gardens extending to the rear of the buildings. The application site is effectively in the rear garden of No. 152, set behind the line of buildings which make up the cluster and furthermore is set behind the line of ancillary buildings to the rear of the adjacent dwellings. Given the set-back nature of the site the proposal would not be bounded on two sides by development. The development is only bounded to the front of the site by development fronting onto Seacoast Rd at No. 152, and the existing sheds which have approval for an infill dwelling under LA01/2015/0567/O. The development is not bounded to the northern or southern sides by development, nor to the rear of the site. The proposed development is not enclosed by development on two or more sides and would not represent rounding off or consolidation of a cluster. The proposed development is a form of tandem or back land development, which if approved would set a precedence for the same type of development to the rear of properties along the cluster, which would significantly alter the density and character of the area in a detrimental fashion. The proposal fails to comply with the forth and fifth criteria of the policy.

8.8 Planning history exists to the rear of Nos. 160a, 160b and 160c to the north of the application site. Two sites (B/2005/0922/O and B/2007/0215/RM) and (B/2005/0881/O and B/2009/0015/RM), were granted approval under the prevailing planning policy at the time which was contained within the Planning Strategy for Rural Northern Ireland. A third planning approval was granted under planning approval B/2009/0275/F, which was considered to meet all six criteria within Policy CTY2a. The aforementioned sites would have been extant at the time B/2009/0275/F was approved, and would have seen the application site as being bounded on three sides. These planning histories are distinguishable from the current application site which fails to comply with Policy CTY2a.

8.9 Given the close proximity of the application site to the approved sites LA01/2015/0567/O and LA01/2015/0568/O there may be the potential for an adverse impact on the residential amenity of all three sites. The plot depths of the three sites are in the region of 20-22m and with the siting of dwellings in such close proximity to each other and with the scale of the replacement dwelling and infill dwelling approved to the front of the application site there is the potential for overlooking and potential loss of light from opposing dwellings. While Development Control Advice Note 8 relates to housing in urban areas, it outlines that for back land development plots should be at least 80m deep. This is to ensure issues such as overlooking and daylighting and overshadowing can be overcome. The plot depth, when measured from the rear of the application site to the roadside is 40m at the southern end and 48 at the northern end of the plot. Given the proximity of the site to adjacent properties, and the scale of the existing and approved development immediately adjacent to the application site, the proposed development would result in a detrimental impact on residential amenity. The proposal fails to satisfy criteria six of the policy. The proposal therefore is contrary to Paragraph 6.73 of the SPPS and Policy CTY2a of PPS21. In addition as no overriding reason has been forthcoming as to why the development is essential in this location the development is contrary to Policy CTY1.

Access

8.10 Access is proposed directly onto Seacoast Rd by using the existing agricultural access at the northern end of the plot, and that which was approved at appeal (2016/A0079) for the infill dwelling LA01/2015/0567/O. The application was refused by the planning authority on the grounds that safe access could not be achieved. The subsequent planning appeal was allowed as the Planning Appeals Commission felt that the risk of prejudicing road safety was low enough that reduced visibility splays were deemed to be acceptable.

8.11 DFI Roads were consulted in relation to this application and have responded with a recommendation to refuse the application in accordance with the requirements of Policy AMP2 of PPS3. In their consultation response DFI Roads outlined that they had conducted a speed test on Seacoast Rd at the site location in February 2018, after the aforementioned appeal in paragraph 8.10 had been decided. The average 24hr 85%

speed travelling south towards Limavady was measured at 43.3mph, while the average 24hr 85% speed travelling north from Limavady was measured at 50.5mph.

- 8.12 As per the requirements of Table B of DCAN 15 – Vehicular Access Standards the required visibility splays are calculated as 2.4m X 90m to the north and 2.4m X 111m to the south, which are not currently available. The northern splay can be achieved with the partial removal of a wing wall at No. 154. The information obtained by DFI Roads since the previous appeal decision, confirms that traffic speeds are higher than that noted in the appeal and therefore merits the requirement of the splays as outlined in the consultation response. Even considering the reduced standards as outlined in brackets in table B of DCAN 15, the increase in speed on approach from the south has significantly increased the splay requirement to the south. The appeal was allowed with a splay to the south which fell below the reduced standard as per DCAN 15, however the speed survey data requires an increased splay in this direction which cannot be achieved due to the presence of walls within lands outside of the applicant's control which. As such the proposal is contrary to Policy AMP2 of PPS 3.

Habitats Regulations Assessment

- 8.13 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 features or conservation objectives of any European site.

9.0 CONCLUSION

- 9.1 While there is the existence of a cluster of development as per the definition, the cluster is characterised by a linear strip of development at the roadside with no accompanying development to the rear to bound the site on at least two sides. The proposed development would result in a form of back land or tandem development which does not round off or consolidate the cluster of development. In addition, the arrangement of the existing and proposed development in the vicinity of the

application site would result in an unacceptable relationship between dwellings which has the potential to cause adverse impact on residential amenity. The proposal has the potential to establish a precedence for this type of development in the adjacent plots which would result in a detrimental impact on rural character. The proposal is contrary to the SPPS, Policies CTY 1 and CTY2a of PPS21, and Policy AMP2 of PPS3.

10.0 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 site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure ; the proposed site does not represent rounding off and consolidation of an existing cluster and the dwelling would if permitted adversely impact on residential amenity.
3. The proposal is contrary to Paragraph 6.303 of the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays of 2.4 metres x 111 metres in the southerly direction, in accordance with the standards contained in the Department's Development Control Advice Note 15.

Site Location Map

