

Planning Committee Report LA01/2019/0212/O	27th November 2019
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> LA01/2019/0212/O	<u>Ward:</u> Garvagh
<u>App Type:</u> Outline Planning	
<u>Address:</u> Site adjacent to 2 Kurin Road Garvagh	
<u>Proposal:</u> Site for a dwelling	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 28/02/2019
<u>Listed Building Grade:</u>	
Agent: CM Architectural Design	
Applicant: Mr N Turner	
Objections: 0	Petitions of Objection: 0
Support: 0	Petitions of Support: 0

EXECUTIVE SUMMARY

- Planning permission is sought for a site for a dwelling.
- The site is located adjacent to No 2 Kurin Road Garvagh.
- The site is located within the Settlement Development Limit of Garvagh and within the Local Landscape Policy Area.
- The site is an existing field that lies within the Agivey River LLPA (GHL 04)
- The proposal for a dwelling does not comply with the types of development allowed by the specific LLPA policy designation.
- DfI Roads, Env Health, HED and SES have been consulted and raise no objection to the proposal
- There have been no third party objections received to this application.

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 recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** outline planning permission subject to the reason set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located adjacent to No 2 Kurin Road Garvagh.
- 2.2 The site accommodates a parcel of land with the boundaries defined with post and wire fencing and native species hedging along the north and north westerly boundaries. The site is currently used for grazing.
- 2.3 The lane is accessed via a laneway which abuts the adjacent playing fields.
- 2.4 The site is located within the Settlement Limits of Garvagh and abuts the Agivey River.
- 2.5 The site is located adjacent to land zoned for Open Space and opposite a Major Area of Existing Open Space as designated in the Northern Area Plan. It also lies within a Local Landscape Policy Area.

3 RELEVANT HISTORY

C/1981/0009 Erection of dwelling. Ballnameen Garvagh.
Approved 06/02/1981

4 THE APPLICATION

4.1 The application is for a site for a dwelling.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the proposal

5.2 Internal

Environmental Health: No objections

Rivers Agency: No objections in principle – Conditions and Informatives included

Dfi Roads: No objections

NI Water: No objections

HED: No objections

SES: No objections

DAERA: 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 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 3: Access, Movement and Parking

PPS 7 Quality Residential Development

PPS 2: Natural Heritage

PPS 15 Flooding

PPS 6 Planning, Archaeology and Built Heritage

Supplementary Planning Guidance

DCAN 8 Housing in Existing Urban Areas

DCAN 15 Vehicular Access Standards

Creating Places

8 CONSIDERATIONS & ASSESSMENT

Principle of Development

8.1 The proposal 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, Residential Environment, Flooding, Access and Parking, Built Heritage, Natural Heritage.

8.2 The application site is located within Garvagh, an Area of Archaeological Potential, Archaeological Site and Monument, Area of Constraint on Mineral Developments.

Principle of Development

8.3 The application falls with the Agivey River Local Landscape Policy Area (Policy GHL 04). Policy ENV 1 of the Northern Area Plan regarding LLPA designations generally states that planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. LLPA's consist of those features and areas within and adjoining settlements considered to be of greatest amenity value, landscape quality or local significance and therefore worthy of protection from undesirable or damaging development.

8.4 The LLPA, within the town's development limit, includes the corridor of the Agivey River and the adjoining public playing fields.

8.5 Policy GHL 04 states the only development acceptable will be modest ancillary facilities which will enhance the use of the playing fields, and the redevelopment of existing buildings and which will not detract from the visual quality of the river corridor.

8.6 The application is not for ancillary facilities and are not related to the playing fields. Furthermore, the proposal is not for the redevelopment of existing buildings, therefore the proposal fails to meet the requirement of the policy.

Residential Environment

8.7 PPS 7 Quality Policy QD 1 Quality in New Residential Development Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The criteria is specific;

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; The proposed dwelling could be conditioned to meet the character of residential properties in the vicinity. The houses in the immediate vicinity of the application site are single storey in design. The site is on a piece of land in close proximity to the River. There is a good degree of vegetation at the western boundary and a lesser amount at the northern boundary. The eastern boundary is defined with post and wire fencing. The southern boundary accommodates No 2.

(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; HED were consulted and are of the opinion that the proposal is suitably removed from the Listed Buildings and will not have an adverse effect.

(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; The site is sufficiently large to provide for the residential amenity and can be conditioned to assist integration.

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

Given the scale of the development, there is no need for neighbourhood facilities.

(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 application is for a single house within the Settlement Development Limits and will avail of existing provisions.

(f) adequate and appropriate provision is made for parking; There is adequate space for parking within the site and DfI Roads have been consulted regarding same and have no objections.

(g) the design of the development draws upon the best local traditions of form, materials and detailing; These issues may be addressed at Reserved Matters.

(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; The site is sufficiently large to allow a dwelling which would not create conflict with the nearest dwelling at No 2 Kurin Road. Adequate separation distances can be achieved.

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

The site is within the Settlement Development Limit and any design issues can be dealt with at Reserved Matters.

Flooding

- 8.8 Flooding is covered under PPS 15 Policy FLD1 Development in Fluvial (River) and Coastal Flood Plains. As this case lies on the periphery of the 1 in 100 year fluvial flood plain recommendations have been made that all finished floor levels (including gardens, driveways and paths) should be placed at a minimum of 600mm above existing ground level. FLD2 Protection of Flood Defence and Drainage Infrastructure is also affected by this case therefore conditions should be

attached to allow a 5m maintenance strip to be retained free from impediments.

Access and Parking

- 8.9 Access and Parking have been considered and DfI Roads have provided conditions to ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.

Built Heritage

- 8.10 Historic Environment Division (HED) has been consulted and are content the proposal is sufficiently removed from the Listed Buildings HB03/02/001 and HB03/02/003 and would have no greater demonstrable harm on their setting when considered against SPPS and Policy BH11 of PPS6.

Natural Heritage

- 8.11 DAERA standing advice on the impact on the natural environment has been considered. Although there is a substantial belt of trees along the River corridor, a dwelling would be adequately removed from this to ensure their protection. In this case Shared Environmental Services have been consulted and having considered the proposal, eliminated it from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.

Habitats Regulation Assessment

- 8.12 The potential impact 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 proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 as the proposal is contrary to Policy Env1 and LLPA designation GHL 04 of the Northern Area Plan as it does not constitute modest ancillary facilities or the redevelopment of existing buildings. Refusal is recommended.

10 REFUSAL REASONS:

1. The proposal is contrary to Policy Env1 of the Northern Area Plan 2016 in that the site is located in a Local Landscape Policy Area Designation GHL 04 and would, if permitted, fail to meet with the specified form of development permitted within this area.

Site Location

