



Planning Committee Report LA01/2020/0749/O	24 th February 2021
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

No:	LA01/2020/0749/O	Ward:	Drumsum
App Type:	Outline		
Address:	Land to the South of 239 Drumsum Road, Limavady.		
Proposal:	1 No proposed new residential dwelling.		
Con Area:	N/A	Valid Date:	04.08.2020
Listed Building Grade:	N/A		
Agent:	John Taylor Architects Ltd, The Studio, 64 High West Road, Crook, DL15 9NT.		
Applicant:	Ryan McGill, 239 Drumsum Road, Limavady, BT49 0PG.		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

EXECUTIVE SUMMARY

- This is an outline application for a proposed new residential dwelling on land to the south of 239 Drumsurn Road, Limavady.
- The site is a narrow field located between no. 241 and 239 Drumsurn Road, fronting onto the Drumsurn Road. The site is located within the rural countryside outside of any settlement limit.
- The proposal is contrary to CTY 2A in that it is not located at a cluster of development, as it does not consist of four or more buildings of which at least three are dwellings, is not a visual entity and the cluster is not associated with a focal point and it is not located at a cross-roads.
- The site is not a gap site, as it is not located between a substantial and built up frontage which includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The gap is located between 2 dwellings with a road frontage and therefore fails to meet policy CTY 8 and 14.
- The indicative plans and elevations submitted show a large scaled hipped roof dwelling which would be unsympathetic to the character of this rural area. The submitted design is inappropriate for the site and its locality and fails criteria (e) of CTY 13.
- There are no overriding reasons why this development is essential and could not be located in a settlement and is contrary to CTY 1.
- Refusal is recommended

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

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** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on land to the south of 239 Drumsum Road, Limavady.
- 2.2 The application site is a narrow field located between no. 241 and 239 Drumsum Road, fronting onto the Drumsum Road. The site is relatively flat with a gradual fall towards to the west (rear). The eastern roadside boundary is defined by a 1m high fence. The northern and southern boundaries are defined by post and wire fencing. The rear (western) boundary is defined by post and wire fencing. To the northern boundary are mature trees along the front garden of no. 239. The southern boundary to the front garden area of no. 241 are defined with a number of mature trees. There are a number of outbuildings associated with no. 239 beyond the western boundary of the site.
- 2.3 The application 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.

3 RELEVANT HISTORY

- 3.1 There is no Planning history on the application site.
- 3.2 Recent Planning history in the vicinity of the site includes;
- B/2007/0473/F– Permission Granted 13.08.2008 for Erection of workshop/store for the manufacture/ storage of timber roof trusses

(expansion of existing business) to the rear of existing commercial premises to rear of 239 Drumsurn Road, Drumsurn, Limavady.

- B/2006/0327/LDE – Permitted Development 11.07.2006 for Retention of builder's yard, office & joinery workshops to the rear of existing dwellings to the rear of 239 Drumsurn Road, Drumsurn, Limavady

4 THE APPLICATION

- 4.1 This is an outline application for a proposed new residential dwelling on land to the south of 239 Drumsurn Road, Limavady. Even though the application is an outline which seeks the principle of a dwelling on the site, the application has been accompanied by a block plan and proposed dwelling details which indicate the position, design and layout of the proposed dwelling. The plans indicate a detached 2 storey hipped roof dwelling positioned to the rear of the site with a large front garden. The proposed dwelling has a frontage of 13.85m, a gable depth of 9.15m and a ridge height of 9.1m.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 19.08.2020 and 20.01.2021

Neighbours: 5 neighbours were notified on the 21.08.2020, 04.12.2020 and 11.01.2021.

No letters of objection or letters of support were received on this application.

5.2 Internal

NI Water: no objections.

Environmental Health: no objections.

NIEA WMU: no objections.

DFI Roads: no objections.

Shared Environmental Services: no consultation required

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:
- The 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

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 21 – Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, visual integration/ rural character and access/road safety.

Planning Policy

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.

Principle of Development

- 8.3 Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1 notes 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, this includes new dwellings in existing Clusters in accordance with CTY 2a and the infilling of a gap site in accordance with Policy CTY 8.
- 8.4 Policy CTY 2a notes 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.

- 8.5 The site lies outside of a farm. To the north of the site is one dwelling, no. 239 and two outbuildings/workshops used for commercial use. To the south of the site is one dwelling, no. 241 and one garage. The garage is excluded by the policy. As there are only 2 dwellings within the 4 buildings the application does not meet the first criteria.
- 8.6 The cluster is not associated with a focal point such as a social / community building/facility, and it is not located at a cross-roads. The cluster does not appear as a visual entity in the local landscape. This application does not meet criteria 2 or 3 of the policy.
- 8.7 The site is bound by development to the south by No. 241. The site is bound by development to the north/northwest by no. 239 and outbuildings. The site is bound by development on two sides. Considering surrounding development and vegetation the site is able to provide a suitable degree of enclosure.
- 8.8 A dwelling at this location would not be considered detrimental to surrounding residential amenity.
- 8.9 The proposal is contrary to CTY 2A in that it is not located at a cluster of development, as it does not consist of four or more buildings of which at least three are dwellings, there is no visual entity and the cluster is not associated with a focal point and it is not located at a cross-roads.
- 8.10 Policy CTY 8 notes 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. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 8.11 To the south of the site is no.241 Drumsurn Road which has a road frontage. The garage/outbuilding to the rear of 241 is set back to the rear of the dwelling and does not have a road frontage. To the north of the site is no. 239 Drumsurn Road and a number of

outbuilding/workshops. No. 239 has a road frontage. The outbuildings at no. 239 are subordinate to no 239, are located to the rear of no. 239 and do not have a road frontage. These outbuildings are development to the rear of no.239. The site is therefore located between 2 dwellings (no 241 and 239) which have a frontage to the road. The site does not meet the policy which notes a built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

- 8.12 Turning to the other criteria of CTY8, the site has a frontage of approximately 33m. Surrounding frontages include no.241 frontage of approximately 20m and no.239 frontage of approximately 32m. The average frontage of these dwellings is approximately 26m. The proposed infill site will be above the average frontage by approximately 7m. Although the site would be above the average frontage of these two dwellings, it would be similar to the frontage at no.239. The proposed frontage would not be uncharacteristic of the area.
- 8.13 The gap site proposed is between no. 241 and no.239. The total size of the gap site between these two buildings is approximately 40m. Considering the average frontage length (26m) and no. 239 is 32m, this site is only suitable to accommodate one dwelling on this site.
- 8.14 The site is not considered a gap site, as it is not located within a substantial and built up frontage which includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The gap is located between 2 dwellings with a road frontage and therefore fails to meet policy CTY 8 as it will create a ribbon of development.
- 8.15 No overriding reasons have been forthcoming as to why the development is essential and could not be located within a settlement therefore the proposal is contrary to CTY1.

Visual integration, Rural character

- 8.16 The SPPS, paragraph 6.70 requires that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. Planning Policy Statement 21 – Sustainable development in the Countryside notes that the proposal must also meet the requirements of policy CTY 13 and CTY 14.

- 8.17 CTY 13 notes that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:
- (a) It is a prominent feature in the landscape; or
 - (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
 - (c) It relies primarily on the use of new landscaping for integration; or
 - (d) Ancillary works do not integrate with their surroundings; or
 - (e) The design of the building is inappropriate for the site and its locality; or
 - (f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
 - (g) In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.
- 8.18 Policy CTY 14 notes that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:
- (a) it is unduly prominent in the landscape; or
 - (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
 - (c) it does not respect the traditional pattern of settlement exhibited in that area; or
 - (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
 - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
- 8.19 This is an outline application to establish the principle of development, however the agent has submitted indicative plans and elevations showing a large scaled hipped roof dwelling. The design shown on the submitted plans would be unsympathetic to the character of this rural area. The submitted design is inappropriate for the site and its locality and fails criteria (e) of CTY 13.
- 8.20 The existing boundaries on site include, the eastern roadside boundary defined by a 1m high fence. The northern, southern and western boundaries are defined by post and wire fencing. To the

northern boundary of the site are mature trees along the front garden of no. 239. To the south of the site to the garden area of no. 241 there are a number of mature trees. The existing dense trees to the north screen views of the site on approach from the north. The mature trees to the south screen views of the site on approach from the south. The established natural vegetation provides a suitable degree of enclosure and would assist in the screening and integration of a dwelling at this location.

8.21 The site is bound by development along the Drumsurn Road to the north and south. A proposed dwelling at this location would not be unduly prominent in the landscape and would visually link with surrounding existing development.

8.22 The application does not meet Policy CTY 8 and therefore fails to meet CTY 14 (d) in that it will create a ribbon of development.

Access/Road Safety

8.23 Planning Policy Statement 3- Access, Movement and Parking, Policy AMP 2- Access to Public Roads notes that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where, such access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.24 The proposal involves the creation of a new access onto the Drumsurn Road. DFI Roads were consulted in relation to this application and in a consultation response dated 04.09.20 and 17.12.20 noted the P1 should be amended as third party lands are required in a southerly direction for two land owners. Visibility splays of 2.4 x 100m should be demonstrated in both directions.

8.25 Amended plans/certificate had not been received at the time the application was added to the weekly list of contentious applications therefore as it was not demonstrated that the application could provide safe access/would not prejudice road safety Reason for Refusal no. 5 was attached to the case officer report (published 13/10/2020). However post referral to the planning committee, the agent submitted amended plans and amended P1 form certificate C (published online on the 01.12.2020, 03.12.2020 and 08.01.2021). These amended

plans were re-neighbour notified, re-advertised and DFI Roads were re-consulted. In an updated response on the 28.01.2021 DFI Roads raised no objections. The proposal complies with PPS3. Roads concerns have been addressed.

Habitats Regulation Assessment

- 8.26 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 and other material considerations including the Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1, CTY 2a, CTY 8, CTY 13 and 14. Refusal is recommended.

10 Reasons for Refusal

1. The proposal is contrary to The Strategic Planning Policy Statement, Para 6.73 and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 1, in that there are no overriding reasons why this development is essential and could not be located within a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement, Para 6.73 and Planning Policy Statement 21, Sustainable Development in the Countryside, CTY 2A in that it is not located at a cluster of development, it that it does not consist of four or more buildings of which at least three are dwellings; there is no visual entity and the cluster is not associated with a focal point and it is not located at a cross-roads.

3. The proposal is contrary to The Strategic Planning Policy Statement, Para 6.73 and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 8, and Policy CTY 14 (d), in that the site is not considered a small gap site sufficient only to accommodate a maximum of 2 dwellings within an otherwise substantial and built up frontage and will create a ribbon of development.
4. The proposal is contrary to The Strategic Planning Policy Statement, Para 6.70 and Planning Policy Statement 21, Sustainable Development in the Countryside, Policy CTY 13 (e) in that the proposed design of the building is inappropriate for the site and its locality.

Site location Map

