

Title of Report:	Planning Committee Report – LA01/2019/1105/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	23rd June 2021
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:

Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2019/1105/F **Ward:** Greystone

App Type: Full

Address: Land south of 40 Newton Rd and West of 16 Crossnadonnell Rd
Limavady

Proposal: Two detached dwellings with detached garage

Con Area: N/A **Valid Date:** 10.10.2019

Listed Building Grade: N/A

Agent: Kevin Cartin, Unit 5 Belmont Business Park, 232 - 240 Belmont Road, Belfast

Applicant: Ryan McLaughlin, 101 Greystone Road, Limavady

Objections: 1 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

EXECUTIVE SUMMARY

- This is a full planning application for two detached dwellings with detached garages on lands south of 40 Newton Rd and West of 16 Crossnadonnell Rd, Limavady.
- The site is located within the urban area within the settlement limit of Limavady.
- The proposal is contrary to the SPPS in particular para 4.12 as the Wastewater Network is at its capacity and the developer has been unable to demonstrate, (i) like for like development, or (ii) extant previously approved development, or (iii) where the development will offer a reduced loading on the sewer network or that an alternative arrangement is available to serve the proposed development.
- 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 south of 40 Newton Road and West of 16 Crossnadonnell Road, Limavady.
- 2.2 The site comprises a flat parcel of grassed land which is unkempt, within an existing residential housing site. The northern boundary to 40 Newton Road is defined by a 2m boundary fence. The eastern boundary to no. 16 Crossnadonnell Road is defined by a 2m fence. The southern boundary to the Crossnadonnell Road is undefined with a footpath running along this boundary. The western boundary to the Newton Road is also undefined with a footpath running along this boundary.
- 2.3 The site is located within an existing residential area, within the defined development limit of limavady. Surrounding properties along Crossnadonnell Road and Newton Road are mainly large detached two storey dwellings, with both attached and detached garages. The existing dwellings display a mix of styles and finishes.

3 RELEVANT HISTORY

Planning history on the site includes the following;

- B/1997/0314 - Permission Granted for Layout of Associated Roadways For 61 no Serviced Plots at lands east of Crossnadonnell Park and Lauravale Bovally, Limavady.

- B/1997/0314A - Permission Granted for Site for Housing Development for 61 no Serviced Sites at lands east of Crossnadonnell Park and Lauravale Bovally, Limavady.

Planning history in the immediate vicinity which includes the following;

- B/2006/0620/F - Permission Granted for Erection of 3 two-storey detached dwellings with detached garages (change of approved housetype at 33, 37 & 39 Crossnadonnell Road, Bovally, Limavady.
- B/2005/0074/F - Permission Granted for Change of house type from previously approved 4 detached dwellings (3 two storey dwellings and 1 chalet dwelling) to 5 detached two storey dwellings with garages (modified proposal within 12 months of grant planning permission B/2003/0336/F) Phase 15 Housing, at Land adjacent to Crossnadonnell Road, Bovally, Limavady.
- B/2004/0089/F - Permission Granted for Alteration to existing housing development and approvals B/99/0172 & B/2003/0120/F (change of house types) to provide 40 detached dwellings with garages and associated roadways at Sites 1-40, Phase 15 Housing, Crossdonnell Road, Bovally, Limavady.
- B/2003/0336/F - Permission Granted for Erection of 21 dwellings with garages (change of approved house type) Land adjacent to Crossnadonnell Road, Bovally (Bovally phase 10), Limavady.
- B/2003/0120/F - Permission Granted for Alteration of and extension to existing development (Phase 15 Bovally) to provide 8 detached dwellings with garages and associated roadways at Lands adjacent to Phases 15/16 Bovally, Crossnadonnell Road, Limavady.
- B/2000/0537/O - Permission Granted for Amendment to approved housing layout to provide 5No serviced sites Lands adjacent to Crossnadonnell Road, Lauravale and Newton Road, Bovally, Limavady.

- B/2000/0410/F - Permission Granted for Erection of 5 No. detached two storey dwellings with integral domestic garages at Sites 24, 25, 26, 27, & 27a Newton Park , Bovally, Limavady.
- B/1999/0172 - Permission Granted for Erection of 105 No detached dwellings, off Rossaire and Crossnadonnel Roads Bovally Limavady.

4 THE APPLICATION

- 4.1 This is a full application for two detached dwellings with detached garages on land south of 40 Newton Road and West of 16 Crossnadonnell Road, Limavady.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Advertised in the Coleraine Chronicle on the 30.10.2019 and the 04.12.2019.

Neighbours: 7 neighbours were notified on the application.

No letters of support were received on this application.

1 letter of objection was received on the application (no address given) date stamped received 14th November 2019. The following concerns were raised in this letter;

- In accurate address description
- Concerns with need to mitigate speed on Crossnadonnell Road.
- Concerns with access at site 2 taking away from footpath.

5.2 Internal

NI Water: Object.

Environmental Health: No objections.

DFI Roads: 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:
- 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 7 (PPS 7) – Quality Residential Environments

Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas

DCAN 8 - Housing in Existing Urban Areas

Creating Places - Achieving quality in residential developments

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above. The main considerations in the determination of this application relate to scale, massing and design; impact on the character of the area; impact on archaeological, built heritage, and landscape features; open space and integration; neighbourhood facilities; accessibility and parking; impact on residential amenity; impact on crime and personal safety; HRA; Foul/Sewerage Disposal and representation.

Scale, Massing, Design and Impact on the Character of the Area

- 8.2 Planning Policy Statement 7 (PPS 7) - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (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 and (g) the design of the development draws upon the best local traditions of form, materials and detailing.
- 8.3 The application proposes two detached dwellings. Site one will front onto the Newton Road. The dwelling on site one will be a two storey dwelling with detached garage. The dwelling will be approximately 9.4m by 8.5m with a single storey rear sunroom projection and a single storey front porch. The dwelling will have a ridge height of approximately 8.6m. The dwelling will be finished in red brick, with a hipped roof, white PVC windows and smooth render to the front and rear projections. The detached garage will be approximately 4m by 6m, with a ridge of 4.8m and located to the rear of the dwelling. Site two proposes a two storey dwelling with detached garage which fronts onto the Crossnadonnell Road. This dwelling will be approximately 12.4m by 8.6m, with a small single storey side

projection and a single storey front porch. The dwelling will have a ridge height of approximately 8.6m. The dwelling will be finished in red brick, with a hipped roof, white PVC windows, and smooth render to the front porch. The detached garage will be approximately 4m by 6m, with a ridge of 4.8m and located to the rear of the dwelling.

- 8.4 The proposed scale, massing and design of the dwellings is reflective of the scale, massing and appearance of neighbouring dwellings along Crossnadonnell and Newton Road. Site one proposes a dwelling with a slightly smaller footprint than that of site two. The scale of the dwelling on site one is reflective of properties scale along Newton Road. The dwelling on site one will match the established building line along Newton Road. The layout will reflect surrounding development with a side driveway and front and rear garden.
- 8.5 Site two proposes a dwelling will a slightly larger footprint. This dwelling will front onto Crossnadonnell Road and is reflective of the scale, massing and appearance of dwellings in the immediate vicinity. This dwelling will match the established building line along the Crossnadonnell Road. The layout will reflect surrounding development with a side driveway and front and rear garden.
- 8.6 The scale and massing of the proposed dwellings can be accommodated at this site and will not result in overdevelopment. The proposed design of the dwellings is considered sympathetic to the character of the area. The dwellings are similar to the scale, massing and design of neighbouring properties, with surrounding properties mainly large detached two storey dwellings, of similar appearance, materials and design.
- 8.7 The scale, massing and design is considered appropriate to the character of the area. The proposal meets criteria (a) and (g) of PPS 7.

Impact on Archaeological, Built Heritage, and Landscape Features

- 8.8 PPS 7 – Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (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.

8.9 The proposed development will not impact any archaeological, built heritage or landscape features and meets criteria (b) of PPS 7.

Open space and Integration,

- 8.10 PPS 7 – Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (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;
- 8.11 Site one proposes a private rear garden, as well as a front garden area and in curtilage parking to the side of the dwelling. A 1.8m high timber fence defines the rear (eastern) and side boundaries (southern and northern). A 1.2m brick wall defines the front western/south western boundaries. New tree planting is proposed to the front and rear boundary.
- 8.12 Site two proposes a private rear garden, as well as a front and side garden area and in curtilage parking to the side of the dwelling. A 1.8m high timber fence defines the rear (northern) and side boundaries (eastern). A 1.2m brick wall will define the front (southern) boundary and the side boundary (western) to the Newton Road. New tree planting is proposed to the side boundary to the Newton Road and the front boundary.
- 8.13 Both dwellings provides ample private amenity space to the rear, greater than the 70sqm of private amenity space that is stated in 'Creating Places'. The proposed boundary treatment and planting will soften the visual impact of the development and is reflective of surrounding development.
- 8.14 The application meets criteria (c) of PPS 7.

Neighbourhood Facilities

- 8.15 PPS 7 – Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (d) adequate provision is made for necessary local neighbourhood

facilities, to be provided by the developer as an integral part of the development.

- 8.16 Given the scale and nature of the development for two residential dwellings, neighbourhood facilities are not required. The proposal is located within the Settlement Development Limit for Limavady and the dwelling will make use of existing facilities located within Limavady.

Accessibility and Parking

- 8.17 PPS 7 - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (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 and (f) Adequate and appropriate provision is made for parking.
- 8.18 The proposed dwellings are located within the development limit of Limavady, will support walking and cycling and will be located near public transport links. Both dwellings propose a side driveway and will provide in-curtilage parking space for 2 vehicles. DFI Roads were consulted on the application and in their consultation response dated 22.05.20 raised no objections. The application meets criteria (e) and (f) of this policy.
- 8.19 PPS 3- Policy AMP 2 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.
- 8.20 This proposal will not prejudice road safety. DFI Roads were consulted in relation to this application and raised no objections. The application meets Policy AMP 2 of PPS 3.

Impact on Residential Amenity

- 8.21 PPS 7 - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (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.

- 8.22 The scale and massing of the proposed dwellings are considered sympathetic and appropriate for the site. The site is located within the development limit of Limavady, within an established residential area. Two new dwellings at this location is considered appropriate land use.
- 8.23 The dwellings are modest in scale and massing within sufficient space between them and neighbouring dwellings.
- 8.24 The dwelling on site one has a first floor window on each side gable wall. Considering the use of these rooms as bathrooms which are non-liveable rooms with obscure glazing there are no concerns with detrimental levels of overlooking from these windows. On the proposed rear elevation the two bedroom windows and bathroom window at first floor are sufficiently removed from properties to the rear, with over 12m to the site boundary and over 25m to the nearest dwelling.
- 8.25 The dwelling on site two has a first floor rear window, for a bathroom facing onto site 1. This window will face onto the gable wall of site 1 and given the nature of use as a bathroom and the fact that it will be obscured it will not result in a detrimental level of overlooking. The two first floor windows proposed on the side elevation towards no. 16 Crossnadonnell are over 10m from the boundary of the site and over 14m from no.16. These windows are sufficiently removed from no.16 and will front onto the gable wall of the dwelling and not onto their private rear amenity space. These windows are for a bedroom and ensuite and are not liveable rooms. There are no concerns with a detrimental level of overlooking to no. 16. The two windows proposed on the western elevation to the Newtown Road are for an ensuite and a bedroom. These windows are sufficiently removed from properties on the other side of the Newton Road and will not result in any overlooking.
- 8.26 There will be no overlooking, overshadowing or dominance as a result of the new dwellings and they will not be detrimental to surrounding residential amenity.
- 8.27 The applications meets criteria (h) of PPS 7.

Impact on crime and personal safety

- 8.28 PPS 7 - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (i) the development is designed to deter crime and promote personal safety.
- 8.29 The proposed dwellings will not lead to the creation of areas where anti-social behaviour may be encouraged. The amenity area of the dwellings will be private and enclosed and the proposal meets criteria (i) of this policy.

Foul/Sewerage Disposal

- 8.30 The SPPS notes at para 4.12 "...environmental impacts associated with development can also include sewerage, drainage, waste management and water quality".
- 8.31 NI Water in their consultation response dated 04.11.19 noted Waste Water Treatment Facilities (Limavady WwTW) are presently available to serve this proposal. However, there are Wastewater Network Constraints that are ongoing within the area and the Wastewater Network is at its capacity therefore, NI Water cannot approve connections. It should be noted that NI Water can consider connections where the developer can demonstrate (including calculations), (i) like for like development, or (ii) extant previously approved development, or (iii) where the development will offer a reduced loading on the sewer network.
- 8.32 The agent was emailed on the 23.06.20, 17.08.20, 02.10.20 and 15.12.20 to address NI Water comments. Doc 01 was received on 20.01.2021 from Matt Kennedy Planning. This document highlighted two outline approvals on the site to include;
- B/1997/0314 - Layout of Associated Roadways For 61 no Serviced Plots
 - B/1997/0314A - Site for Housing Development for 61 no Serviced Sites
- 8.33 Both these applications are for outline approvals not Full or Reserved matters. There is no full or Reserved Matters approvals for this site.

Outline approval was granted for one dwelling on this site. There is no fall-back position for two dwellings on this site.

- 8.34 The agent suggested in Doc 01 that they would accept a negative condition on this permission in relation to the second dwelling. The Council would not add such a negative condition for the development as there is no guarantee that NIW will upgrade within the life time of any planning approval.
- 8.35 On the basis of the information provided from NI Water and the agent the proposal is contrary to the SPPS in particular para 4.12 as the Wastewater Network is at its capacity and the developer has been unable to demonstrate, (i) like for like development, or (ii) extant previously approved development, or (iii) where the development will offer a reduced loading on the sewer network and it has not been demonstrated that an alternative arrangement is available to serve the proposed development.

Habitats Regulation Assessment

- 8.36 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.

Representations

- 8.37 One letter of objection was submitted on the application (no address given) date stamped received 14th November 2019. The following concerns were raised in this letter;

- Inaccurate address description
- Concerns with need to mitigate speed on Crossnadonnell Road.
- Concerns with access at site 2 taking away from footpath.

- 8.38 In response to these concerns Officials note the following;

- The address has since been changed to accurately reflect the site, this has been re-advertised and re-notified accordingly. No further representations have been received.
- DFI roads have been consulted on the application. Amended plans submitted have addressed DFI Roads concerns in regards to the access at site no.2.
- DFI Roads in an email dated 17.07.2020 commented on the footpath concerns raised in this objection and noted that there are different sites within the development of similar make up and that the driveways are shifted in both locations furthest away from the junction. Roads confirm that the proposed layout meets the standard requirements and that DFI Roads do not have any safety concerns.

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 Strategic Planning Policy Statement for NI 2015, para 4.12 in that it has not been demonstrated that there is adequate Wastewater Network capacity available or that an alternative arrangement is available to serve the proposal. Refusal is recommended.

10 Reasons for Refusal

1. The application is contrary to The Strategic Planning Policy Statement for NI 2015, para 4.12 in that it has not been demonstrated that there is adequate Wastewater Network capacity available or that an alternative arrangement is available to serve the proposal.

Site location Map



Site Block Plan

