

<b>Title of Report:</b>	<b>Planning Committee Report - LA01/2020/0456/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>23<sup>rd</sup> June 2021</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

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

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

<b>Screening Requirements</b>	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:

<b><u>No:</u></b>	LA01/2020/0456/O	<b><u>Ward:</u></b>	Magilligan
<b><u>App Type:</u></b>	Outline		
<b><u>Address:</u></b>	30m West of 98 Bolea Road Limavady		
<b><u>Proposal:</u></b>	New dwelling & garage in-filling gap within established housing cluster		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	06.05.2020
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	J O Dallas Associates 31 Abbey Street Coleraine BT52 1DU		
<b><u>Applicant:</u></b>	Mrs Anna May Purcell 41 Ballyhackett Road Castlerock Coleraine		
<b><u>Objections:</u></b>	<b>2</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## EXECUTIVE SUMMARY

- Outline planning permission is sought for a proposed dwelling and garage at an infill/cluster at 30m West of 98 Bolea Road Limavady.
- The site is a corner portion of an agricultural field located within the rural countryside outside of any settlement limit.
- The site is not bounded on at least two sides with other development, with no development to the north/ north east and cannot be absorbed into the existing cluster through rounding off and consolidation, it is contrary to CTY 2a.
- The site is not a gap site, as there is no development to the north/ north east of the site. The proposal would create a ribbon of development and is contrary to CTY 8 and CTY 14 criteria (d).
- The proposal does not meet the range of types of development that are acceptable in principle in the countryside and as there are no overriding reasons why this development is essential and could not be located in a settlement and, the proposal is contrary to CTY 1.
- The proposal meets Planning Policy Statement 15: Planning and Flood Risk.
- 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 lands 30m West of 98 Bolea Road, Limavady.
- 2.2 The application site is a corner portion of an agricultural field. The site is accessed off the Bolea Road via an existing private laneway, currently serving approximately 3 properties (96a, 98,100). The southern boundary to the laneway is defined by a hedgerow. The south west boundary to no. 96a is defined by mature vegetation and trees. The northern and eastern boundaries are undefined and open to the remainder of the agricultural field.
- 2.3 The site is located in the countryside outside any defined settlement limit. In the immediate area there are a number of dwellings along the Bolea Road.

## **3 RELEVANT HISTORY**

- 3.1 There is no Planning history on the application site.
- 3.2 Planning history in the vicinity of the site includes;
- B/2000/0192/O – Permission Granted for Site for two storey dwelling and detached domestic garage, behind 96 Bolea Road, Killybready, Limavady (Site 1)
  - B/2002/0376/F - Permission Granted for Erection of two storey dwelling and detached domestic garage, behind No.96 Bolea Road, Killybready, Limavady.

- B/2003/0550/O - Permission Granted for Site for dwelling Rear at 96 and 102 Bolea Road, Limavady.
- B/2004/0346/O - Planning appeal upheld for Site for traditional cottage style bungalow with detached garage/store at 300 metres north of 96 Bolea Road, Killbready, Limavady.
- B/2006/0283/F - Permission Granted for Erection of two storey dwelling and detached garage at Rear of 96 and 102 Bolea Road, Limavady.
- LA01/2019/0779/F – Under Consideration for Demolition of existing dwelling house and out buildings to provide single storey vernacular dwelling. (Amended Plans, Flood Risk Assessment received) at 96 Bolea Road Limavady.

## **4 THE APPLICATION**

- 4.1 This is an outline application for a proposed dwelling and garage at an infill/cluster on lands 30m West of 98 Bolea Road, Limavady.

### **Habitats Regulation Assessment**

- 4.2 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.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Advertising: Advertised in the Coleraine Chronicle on the 03.06.2020.

Neighbours: 14 neighbours were notified on 09.06.2020 and 06.10.2020.

2 Letters of objection were received from 98 Bolea Road on the 08.07.20 and the 26.10.20. The following issues were raised in these objections;

- The waste Water Treatment Works does not have capacity to accommodate further loading.
- The access Road is not adequate to accommodate additional traffic.
- Impact on residential amenity of no. 98, overlooking.
- The onsite Waste Water Treatment system has not been approved by NI Water.
- Concerns with potential pollution to River Roe SAC

No letters of support were received on this application.

## 5.2 Internal

NIEA WMU/NED has been consulted and raises no objections.

NI Water has been consulted and raises no objections.

Rivers Agency has been consulted and raises no objections.

DFI Roads has been consulted and raises no objections.

Environmental Health has been consulted and raises no objections.

Shared Environmental Services has been consulted and raises 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

Revised Planning Policy Statement 15 - ‘Planning and Flood Risk’

Planning Policy Statement 21 – Sustainable Development in the Countryside

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to Cluster of Development (CTY2a), Infill (CTY 8), visual integration/ rural character and, flood risk.
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.

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 dwellings in existing Clusters in accordance with CTY 2a and the infilling of a gap site in accordance with Policy CTY 8. The principle of development is considered below.

### **Cluster of Development (CTY2a)**

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. There is one dwelling to the east of the site (no.98). There are two dwellings to the south west of the site, including no. 96a and 96. There are also two outbuildings associated with no. 96 to the south west of the site. Two the south of the site along the Bolea Road there are 4 dwellings, including, 102, 104, 108 and 97. Further west/south west of the site along the Bolea Road there are a number of dwellings. There are more than 4 buildings and more than 3 dwellings in close proximity to the site with the site surrounded by residential development to the east, south and west/south west.



- 8.6 The site is located in the vicinity of a cross-roads. The cross-roads of the Drimalief and Bolea Road is located to the south west of the site (approx. 270m). While the site itself is detached from the cross-roads, the overall cluster of development is associated with it. The cluster is associated with the cross-roads and it appears as a visual entity in the landscape.
- 8.7 The site is not bounded on at least two sides with other development and cannot be absorbed into the existing cluster through rounding off and consolidation. The site is bound by development to the south west boundary by No. 96a. The site is not bound by development to the north/ north east and is open to the remainder of the agricultural field. No. 98 is located to the east of the site on the opposite side of the lane. The laneway separates the site from no. 98. The site is not bound by development on two sides, but only one side to no.96a.
- 8.8 The southern boundary to the laneway is defined by a hedge row. The south west boundary to no. 96a is defined by mature vegetation and trees. The northern and north eastern boundaries are undefined and open to the remainder of the agricultural field. New boundary treatment would be required along the northern and north eastern boundaries, however considering the heavily vegetated laneway, the sites set back distance from the Road and the existing mature vegetation along the south west boundary a dwelling at this location would be integrated and the site would provide a suitable degree of enclosure.
- 8.9 A dwelling at this location would not be considered detrimental to surrounding residential amenity.
- 8.10 As the site is not bounded on at least two sides with other development, and cannot be absorbed into the existing cluster through rounding off and consolidation. As it fails to meet these parts of the policy (3<sup>rd</sup> & 4<sup>th</sup> Criteria), the application is contrary to policy CTY 2a.

### **Infill (CTY 8)**

- 8.11 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.

- 8.12 4 buildings are located to the south west of the site along the laneway including no.96 Bolea Road and outbuilding and no.96A Bolea Road and Garage. These four buildings have a frontage to the laneway. There is no development to the north/north east of the site. The site is therefore not a gap site, as there is no development to the north/ north east of the site. The proposal would create and add to a ribbon of development along this laneway.
- 8.13 The site is not considered a gap site in accordance with policy CTY 8 and would add to the ribbon development along this laneway.
- 8.14 Furthermore, there are no overriding reasons why this development is essential and it could not be located in a settlement, and as it fails to meet any of the acceptable types of development set out in Policy CTY 1, it fails to meet the policy requirements of CTY 1. The principle of developing this site is considered to be unacceptable.

### **Visual integration, Rural character**

- 8.15 All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations. Para 6.70 of the SPPS notes all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.
- 8.16 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 As this is an outline application the design of any dwelling at this stage would not be assessed.

8.20 The southern boundary to the laneway is defined by a hedge row. The south western boundary to no. 96a is defined by mature vegetation and trees. The northern and north eastern boundaries are undefined and open to the remainder of the agricultural field. New boundary treatment would be required along the northern and north eastern boundaries. However considering the existing mature vegetation to the south and south west of the site along the laneway and the sites set back distance from the Road a dwelling at this location would be well integrated and would not be prominent in the landscape. The application meets CTY 13 and criteria (a), (b), (c) and (e) of CTY 14.

8.21 As assessed under CTY 8 (Paras 8.11-8.13) the site will add to a ribbon of development and therefore fails criterion (d) of CTY 14. The proposal fails to meet the policy requirements of Policy CTY 14.

### **Flood Risk**

8.22 The Revised PPS 15 - *Planning and Flood Risk*, states in Policy FLD 1, *Development in Fluvial and Coastal Flood Plains* that development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

8.23 The Strategic Flood Map (NI) indicates that the existing laneway used to access the site is affected by the 1 in 100 year fluvial flood plain. The field where the dwelling is to be located is not within the floodplain. There is no development proposed within the floodplain.

8.24 DFI Rivers was consulted on the application and noted; provided the applicant is not changing the ground levels of the existing access lane, DFI Rivers has no specific reason to object to the proposed development from a fluvial flood risk perspective. The application complies with Policy FLD 1.

8.25 Policy FLD 3 - *Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains*, requires a Drainage Assessment for all development proposals that exceed any of the following thresholds:

- *A residential development comprising of 10 or more dwelling units*
- *A development site in excess of 1 hectare*
- *A change of use involving new buildings and / or hard-surfacing exceeding 1000 square metres in area.*

A Drainage Assessment will also be required for any development proposal, except for minor development, where:

- *The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- *Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

8.26 The development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. The proposal is for one dwelling and does not exceed any of the above thresholds. There is no evidence of a history of surface water flooding and surface water run-off will not adversely impact upon other development/nature conservation/archaeology or built heritage. The application complies with policy FLD 3.

## **9 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. As the site is not bounded on at least two sides with other development, and cannot be absorbed into the existing cluster through rounding off and consolidation, it fails to meet CTY 2a. As the site is not a gap site to allow for infill development, the proposal fails to meet policies CTY 8 and CTY 14 criterion (d). As the proposal is not in the range of types of development which in principle are considered to be acceptable in the countryside, and there are no overriding reasons why this development is essential and could not be located in a settlement, the proposal fails to comply with Policy CTY 1. 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 as there are no overriding reasons why this development is essential and could not be located in 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 Policy CTY 2 as the site is not bounded on at least two sides with other development and it cannot be absorbed into the existing cluster through rounding off and consolidation.
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, Criteria (d) in that it is not 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 would add to a ribbon of development.

# Site location Map

