



<b>Planning Committee Report</b> LA01/2019/0755/O	<b>26<sup>th</sup> February 2020</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>App No:</u></b>	LA01/2019/0755/O	<b><u>Ward:</u></b>	Drumsumn
<b><u>App Type:</u></b>	Outline Planning		
<b><u>Address:</u></b>	Between 42 & 56 Drumsumn Road Limavady		
<b><u>Proposal:</u></b>	Proposed dwelling and detached garage/store at an existing cluster of development centred around Drummond Cricket Club		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	11.07.2019
<b><u>Listed Building Grade:</u></b>	N/A		
<b>Applicant:</b>	Mr Ian Heaslett, 127 Drumsumn Road, Limavady, BT49 0PD		
<b>Agent:</b>	WJ Dickson, 76 Seacoast Road, Limavady, BT49 9DW		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	2	<b>Petitions of Support:</b>	0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 between Nos. 42 and 56 Drumsurn Rd, Limavady. The application site is a roadside site which comprises an existing Cricket pitch associated with Drummond Cricket Club. The cricket pitch has a frontage width of approximately 85m to the Drumsurn Rd with the application comprising approximately half of the pitch to the southern portion. The site is relatively flat for the most part with a gentle rise from the road towards the middle of the site before levelling off. The roadside boundary of the site comprises a post and wire fence, while the southern boundary, adjacent to No. 56, is defined in part by a timber ranch fence and in part by hedgerow. The eastern site boundary extends to the rear of the grassed area and is undefined for the most part, with the pavilion building forming part of the boundary. The northern boundary is undefined.
- 2.2 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 located a short distance outside the settlement limits of Limavady Town, and is characterised mainly by agricultural lands, although there are a number of roadside dwellings located along Drumsurn Rd to the north and south of the application site. Drummond Cricket and Football Club are located adjacent the application site. The application site is not located within any environmental designations.

### **3.0 RELEVANT HISTORY**

- 3.1 LA01/2019/0081/O - Traditional rural dwelling with detached garage/store - Between 42 & 56 Drumsum Road, Drummond, Limavady – Refused 04.06.2019

### **4.0 THE APPLICATION**

- 4.1 Outline Planning Permission is sought for a proposed dwelling and detached garage/store. The application site is located on a formalised area of existing open space associated with the Drummond Cricket Club which sits immediately adjacent to the public road. No plans relating to the scale and design of the dwelling have been submitted.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External:**

**Neighbours:** There are no objections to the proposal.

#### **5.2 Internal:**

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No objections.

DAERA Water Management Unit: No objections.

Shared Environmental Services: 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, integration and rural character, loss of open space, access and Habitat Regulations Assessment.

### **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 SPPS or Policy CTY 2a do not define what constitutes a cluster of development for the purpose of this planning policy. Planning appeal 2017/A0035 acknowledges this, but goes on to clarify that the first three criteria give an indication of its intended meaning, suggesting that in order to be a suitable cluster for development, the proposal should adhere to all three to be considered an appropriate cluster.
- 8.5 The application site lies outside of a farm and is situated to the immediate north of a line of three dwellings (Nos. 56,58 and 60), and immediately west/south west of the pavilion associated with the cricket club. The Cricket Club would be regarded as a social facility, with one letter of support outlining that it supports a range of community activities. When in the immediate vicinity of the application site, the cricket club premises and the three dwellings can be visually linked to the application site (grassed area) with the pavilion set well back from the road. The contributing components of the cluster are visually linked and form a visual entity. By definition there is a cluster at this location, however in order to be acceptable the application must also comply with points 4 to 6 of CTY2a.
- 8.6 The application site is located within the cricket pitch which occupies a roadside location. The application site encompasses approximately half of the grassed area. The cricket pitch in general is not afforded a high degree of screening or integration, with clear views of the entire pitch and pavilion available from the Drumsurn Rd. The northern, eastern and western site boundaries are essentially undefined, with only the southern boundary providing any definition. A dwelling on the application site would be wholly reliant on the creation of new boundaries and landscaping to provide screening and enclosure, despite being bounded on two sides by development. The pavilion being set back over 110m from the road, provides a significant gap between built development and is not readily read with the roadside development along the Drumsurn Rd.
- 8.7 Given the expansive nature of the site and gap the site will not absorb a dwelling into a compact visual entity to the satisfaction of the policy. Given that the pavilion is not readily read in the

same manner as the roadside development a dwelling on the application site would be read more with the roadside dwellings and would extend the linear pattern of development along Drumsurn Rd, rather than consolidation or rounding off an existing cluster of development. The proposal would further erode the existing rural character of the area through adding to ribbon development at this location and therefore does not respect the requirements of the policy. As the application site fails to round off or consolidate an existing cluster and would visually intrude into the open countryside it does not result in a well enclosed site the proposal fails to meet the requirement of Paragraph 6.73 of the SPPS and Policy CTY2a of PPS21. Additionally as there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement the proposal is contrary to Policy CTY1 of PPS21.

8.8 As the proposed development would extend the linear pattern of development along Drumsurn Rd in a northern direction from Nos 56, 58 and 60 the proposal would add to ribbon development along this stretch of road, resulting in a detrimental impact on rural character and would be contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY8 and CTY14 point d of PPS21.

8.9 In terms of considering the proposal as an infill site the pavilion to the rear of the site is not regarded as forming part of a built up frontage given the significant set back from the road and the presence of the playing field to the front which separates it from the public road. Were it to be considered to form part of a built up frontage there would be no gap present in which to infill. In this instance a gap exists between No. 40 to the North West and No. 56 to the immediate south of the site. The application site has a frontage width of approximately 45m. Immediately to the south east of the site there are three residential plots (Nos. 56, 58, 60) comprising dwellings and outbuildings. To the North West of the application site there is an agricultural field, with three dwellings further North West again (Nos. 36, 38 and 40). The plots widths of the dwellings above vary in size. No.36 = 132m, No. 38 = 35m, No. 36 = 30m, No. 56 = 32m, No. 58 = 15.5m, No. 60 = 27m. The average plot width of these six plots is 45.25.

8.10 The gap between the buildings at No. 56 and No. 40 is approximately 250m. Therefore the gap is 5.5 times larger than

the application site and average plot width and is therefore capable of accommodating more than two dwellings. As such the gap cannot be considered to be a small gap and would therefore be contrary to Policy CTY8.

## **Integration and Rural Character**

- 8.11 Both the SPPS and PPS21 outline that all development in the countryside is required to integrate into its setting, respect rural character and be appropriately designed.
- 8.12 Policy CTY13 of PPS21 states that 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.
- 8.13 Policy CTY14 of PPS21 states that 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.
- 8.14 The site is an existing roadside site and a maintained area of open space associated with Drummond Cricket Club. The application site encompasses approximately half of the area of open space and lacks any meaningful boundary definition,



meaning that the application site is open and clearly visible to views when travelling along Drumsurn Rd. Three of the four site boundaries are devoid of any screening or vegetation, meaning that any dwelling on the site would appear as a conspicuous feature in the landscape, with no significant backdrop, and would be wholly reliant on significant landscaping to try and provide enclosure and integration for a building on the site. The application is contrary to Paragraph 6.70 of the SPPS and Policy CTY13 points b, c and f of PPS21.

- 8.15 The proposed dwelling would result in another dwelling located to the northern side of the row of three dwellings which abut the application site. While the exact position of the dwelling is not known, a dwelling on the application site would have a common frontage onto Drumsurn Rd and visually link with the roadside dwellings at Nos. 56, 58 and 60, adding to this existing ribbon of development. The location of an additional dwelling at this location would further erode the rural character and would result in a relatively dense formation of buildings at this location resulting in four dwellings, with associated outbuildings, and the pavilion, which would result in a suburban style build up. The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY14 points b and d.

### **Loss of Open Space**

- 8.16 The application site is located on an area of open space which was used as a cricket pitch, and which is currently maintained. Policy OS1 of PPS8 outlines that development will not be permitted which would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.
- 8.17 An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:

(i) in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or

(ii) in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.

8.18 The proposal seeks permission for one private dwelling house in the countryside, and does not relate to the provision of community facilities. The Cricket Club is a long established social/community establishment and the area is still maintained. The area is still capable of being used for recreational purposes associated with the cricket and football club. No evidence has been provided to demonstrate how this development will bring substantial community benefits that outweigh the loss of open space. The proposal also fails to meet the second exception within Policy OS1 in that it has not been demonstrated that the loss of the amenity space will have no significant detrimental impact on the amenity, character or biodiversity of the area and alternative provision has not been made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety or quality. As mentioned above at Paragraph 6.15 the proposal will adversely impact upon the character of the existing parcel of open space through ribbon development, suburban style build up and will result in a small parcel of land remaining, which has a significantly reduced amenity value. The proposal has failed to demonstrate how the loss of open space is justified and is therefore contrary to Policy OS1 of PPS8.

### **Access**

8.19 Access to the proposed site is via a new access directly onto Drumsurn Rd. Amended plans have been submitted addressing the initial concerns of DFI Roads who, following re-consultation, have no objections. The proposal is therefore acceptable when

assessed against the road safety policy requirements of the SPPS and PPS3.

## **Habitats Regulations Assessment**

8.20 The proposal indicates that surface water is to be piped to an existing stream. Given the potential hydrological link to a designated site Shared Environmental Services were consulted and having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site, and therefore does not offend the policy requirements of PPS2.

8.21 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 of any European site.

## **Other Issues**

8.22 Two letters of support were received in respect of the proposal, however neither letter outlines how the proposal would bring about significant community benefits.

## **9.0 CONCLUSION**

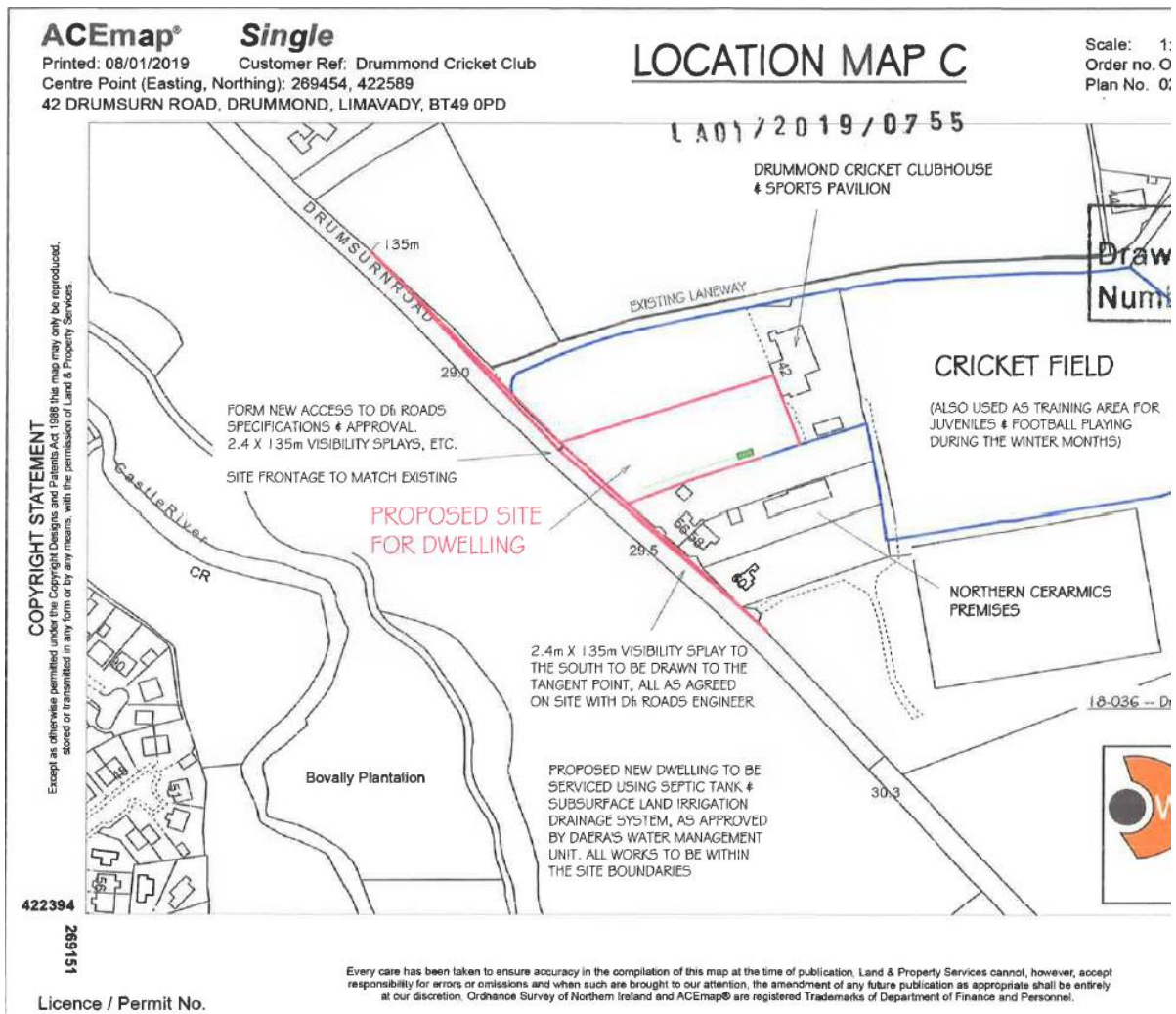
9.1 The application site fails to be satisfactorily absorbed into an existing cluster through rounding off or consolidation. The application site will not allow a dwelling to be suitably enclosed by existing development within the cluster and will fail to adequately integrate, having a detrimental impact on rural character through adding to ribbon development and contributing to suburban style build up. The application site represents existing open space, where there is a presumption in favour of retention unless there are substantial community benefits which outweigh its loss. These community benefits have not been demonstrated. The proposal is contrary to Paragraphs 6.70, 6.73 and 6.201 of the SPPS and Policies CTY1, CTY2a, CTY8, CTY 13 and CTY14 of PPS21 and Policy OS1 of PPS8.

## 10.0 REFUSAL REASONS

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.73, and Planning Policy Statement 21, Policy CTY 1 in that there are no overriding reasons why the development is essential and could not be located in a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.73 and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling would not be absorbed into the cluster through rounding off or consolidation; would significantly alter the character of the area and the application site does not provide a suitable degree of enclosure.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.73, and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the application site does not represent a small gap site within an otherwise substantial and continuously built up frontage, and the proposal would, if permitted, result in the addition of ribbon development along Drumsurn Road.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.70, and Planning Policy Statement 21, Policy CTY 13, criteria (b), (c) and (f) in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, and will rely primarily on the use of new landscaping for integration to the northern, southern and western boundaries.
5. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.70, and Planning Policy Statement 21, policy CTY 14 criteria (b) and (d) in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the building would, if permitted add to a ribbon of development along Drumsurn Rd and would therefore result in a detrimental change to further erode the rural character of the countryside.

6. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS), Paragraph 6.201, and Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation, Policy OS 1, in that the proposal would result in the loss of existing open space and will not bring about substantial community benefits that outweigh the loss of this open space.

# Site Location Map



# Addendum

## LA01/2019/0755/O

### 1.0 Update

- 1.1 The application was presented at committee on 22<sup>nd</sup> January 2020 but was deferred by Committee to facilitate a site visit and to allow for the submission and consideration of new information raised during the agent's presentation at the Committee Meeting. A letter was subsequently submitted from Drummond Cricket Club (Received 3<sup>rd</sup> February 2020).
- 1.2 The letter outlines that Drummond Cricket Club was established in 1896 and, in addition to cricket has, over the years provided facilities for numerous community groups and has served the needs of all age groups ranging from Under 11s to senior cricket, senior traditional dances, bowling clubs, and line dancing.
- 1.3 In the 1990s the club expanded its facilities to provide a new cricket pitch to international standards and a football pitch through renting lands from Drenagh Estate. In 2015 it was decided that the leasing arrangements for both pitches was unsustainable. The decision was taken to purchase the cricket pitch and relinquish the lease for the football pitch meaning football is no longer offered as a winter activity. The cricket pitch was purchased by two club members putting up the money through an interest free loan, which the club is currently re-paying. The club states that to facilitate the long term financial sustainability of the club it is essential to provide football as a winter activity, which will require drainage works to the purchased cricket pitch to provide a dual purpose playing field.

## **2.0 Assessment**

- 2.1 Paragraphs 8.16 and 8.17 of the committee report outline the details of Policy OS1 of PPS8 and when an exception to the protection of open space will be permitted.
  
- 2.2 Firstly the applicant has failed to demonstrate that the redevelopment of the open space will bring substantial community benefits that decisively outweigh the loss of open space other than alluding to the fact that loans taken to pay for the large cricket pitch need to be repaid and that the club needs to be able to offer football as a winter activity, and to do so would require investment in a drainage system. The applicant has failed to provide any specific information which would justify an exception to Policy OS1 of PPS8 to allow the loss of open space. The applicant has failed to provide financial details to indicate the financial standing of the club, or provide details of the extent of the loan/debt to be repaid. The applicant has failed to demonstrate that the finances required to ensure the continued existence of the Cricket Club cannot be generated via alternative means.
  
- 2.3 The applicant outlines that the pitch on which the application site is proposed is unsuitable for senior cricket, however the existing pitch could be utilised for other means of recreational activities for example as a junior cricket pitch, or used to provide the football pitch which the club outlines is a necessary requirement.
  
- 2.4 Additionally Policy OS1 outlines that alternative provision of open space of an equivalent size, usefulness, attractiveness, safety and quality shall be provided to compensate for the loss of open space. The applicant has not provided details of how or where the compensatory open space is to be provided. The provision of the Cricket pitch during the 1990s cannot be considered as compensatory open space as it was not constructed as part of a development scheme which involved the loss of existing open space, rather it was a standalone project for the provision of new/additional facilities.
  
- 2.5 This exception is only available where the loss of open space will have no significant detrimental impact on amenity, character and biodiversity. The applicant has failed to demonstrate the above



and the Planning Department is of the opinion that the loss of open space for the proposed development would adversely impact on the character of the area by reason of ribbon development and impact on rural character, as outlined within paragraphs 8.15 and 8.18 of the Planning Committee Report. The proposal remains contrary to Paragraphs 6.201 and 6.205 of the SPPS and Policy OS1 of PPS8.

### **3.0 Recommendation**

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.