



Planning Committee Report LA01/2017/0935/O	28th March 2018
PLANNING COMMITTEE	

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

<u>No:</u> LA01/2017/0935/O	<u>Ward:</u> GREYSTEEL
<u>App Type:</u> Outline Planning	
<u>Address:</u> Between 68 & 70 Carnamuff Road, Limavady	
<u>Proposal:</u> Proposed infill site for 2 no. dwellings	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 19.07.2017
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> CSD, 36D Windyhill Road, Limavady, Co L'derry, BT49 0QZ	
<u>Applicant:</u> Mr & Mrs David Blair, 70A Carnamuff Road, Limavady, Co Londonderry, BT49 9JF	
<u>Objections:</u> 1	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 SITE LOCATION & DESCRIPTION

- 2.1 This site is located off the Carnamuff Road and is accessed from an existing concrete lane. The site comprises an existing agricultural field with existing dwellings to the north/north-west and south-east of the site. The topography of the site is gently sloping with the land rising to the west.
- 2.2 The site boundaries to the north-east, west and south are defined by timber post and wire fence and hedge. A mature hedgerow runs along the south-eastern boundary within the curtilage of the existing dwelling at No. 68. The site boundary to the north with the dwelling at No. 70 is defined by a timber post and wire fence. An existing electricity post and overhead line traverses the site in a north-south direction.
- 2.3 The surrounding area is characterised by agricultural fields, existing farm buildings and the existing dwellings located off the existing concrete lane.
- 2.4 In the Northern Area Plan 2016 the site is located in the countryside, outside of any defined settlement limits. There are no specific zonings or designations covering the site.

3 RELEVANT HISTORY

There is no relevant planning history.

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed infill site for two dwellings.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: One objection was received in relation to the proposal.

The issues raised relate to noise during and post construction, views, housing density and privacy. Environmental Health was consulted and had no comments to add further to their initial consultation response of 1st August 2017. Informatives in relation to noise were provided in this response. In respect of views, the loss of a view would not be considered a material consideration. Housing density is considered within the report in the assessment of the proposal under Policy CTY 8. As this is an outline application there are no details at this stage in respect of the siting and design. These matters would be reserved if this application was approved.

5.2 Internal

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DFC Historic Monuments Unit: No objections

DFI Roads: Additional information, revised P1 form and amended Location Map were requested.

Loughs Agency: No objections

6 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 3: Access, Movement and Parking

8.0 CONSIDERATIONS & ASSESSMENT

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

Principle of Development

- 8.2 Policy CTY1 of PPS 21 identifies a number of instances when an individual dwelling house will be granted permission. The development of a small gap site within an otherwise substantial and continuously built up frontage is considered under Policy CTY 8.
- 8.3 Policy CTY 8 states 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. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

- 8.4 The application site as submitted comprises an existing agricultural field. It is indicated on the site location plan that 2 sites are proposed, one fronting onto the existing lane and the other site to the rear. The site to the rear, indicated as 'site A' on the site location map, would have no frontage to the lane and therefore is ineligible to be considered as a suitable infill opportunity.
- 8.5 The existing dwellings at No. 68, No. 70 and No. 70a have built frontage onto the lane. As the policy defines a substantial and built up frontage as a line of three or more buildings along a road frontage without accompanying development to the rear, there is a substantial and continuously built up frontage at this location onto the lane.
- 8.6 The gap between No. 68 and No. 70 however is too large to be considered as a 'small gap site' as required by this policy. The development of the site with even one dwelling, as identified as 'site B' on the site location plan, would fail to respect the existing development pattern along the frontage. The application site has a frontage of 64m to the lane. This is compared to 58m at No. 70a, 39.5m at No. 70, and 49.5m at No. 68. The average plot width of the frontage is 49m. The application site frontage, even when compared to No. 70a, would still be noticeably larger and when considered in the immediate context of the dwellings at No. 70a, 70 and 68, fails to respect the existing pattern of development.
- 8.7 Various gaps exist between development along the laneway. The site is also considered to be a gap that serves to provide relief and a visual break within the pattern of development that exists along the lane. The gap contributes towards maintaining the rural character of the area which has dwellings along the lane intermittently separated by agricultural fields.
- 8.8 In further considering the proposal in relation to the size of the plots proposed, the average plot size of the adjacent sites along this side of the road is assessed. The plot size at No. 70a is 1916m², No. 70 is 2372m² and No. 68 is 3488m². This averages out at 2592m². The application site plot size is 10,000m², with the roadside plot approx.

4646m². Both are considered to be significantly larger than the plots in the vicinity of the site. As the extent of the site does not represent a small gap site it fails to be considered as an exception under Policy CTY 8.

8.9 Additionally a site must also meet other planning and environmental requirements. As this is an outline application there are no details of how it is proposed to accommodate dwellings on the site. Given the topography of the site it is likely that some ground works would be required for any new dwellings. Thus in the absence of any further information it is considered that new dwellings on the site would be a prominent feature in the landscape, resulting in a detrimental impact on rural character. The proposal would therefore also be contrary to Policies CTY 13 and CTY 14. As the proposal is not considered an exception under Policy CTY 8 development of the site would result in suburban style build-up of development when viewed with existing and approved buildings, particularly in the context of the proposal as presented for two dwellings, and would fail to respect the traditional pattern of settlement exhibited in the area. The proposal is contrary to the SPPS and Policy CTY 8. Integration and impact on rural character are amplified in the following sections.

8.10 As the proposal would not be considered as an exception under Policy CTY 1 and no further information has been submitted to demonstrate an overriding need for a dwelling at this location the proposal fails to comply with Policy CTY 1.

Integration

8.11 Policy CTY 13 states 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.

8.12 Given the topography of the site it is likely that some ground works would be required for any new dwelling. Thus in the absence of any further information it is considered that new dwellings on the site would be a prominent feature in the landscape as they would sit in an elevated position in relation to the existing laneway. The site to the rear in particular would fail to blend with the existing landform. New landscaping would be required to the existing boundary with the dwelling at No. 70. The proposal is contrary to the SPPS and Policy CTY 13.

Rural Character

8.13 The SPPS and Policy CTY 1 state that all proposals must be sited and designed to integrate sympathetically with their surroundings. As the proposal is not considered to be an exception under Policy CTY 8, development of the site would result in suburban style build-up of development when viewed with existing and approved buildings. This is particularly relevant in the context of the proposal as presented for two dwellings. The proposal would fail to respect the traditional pattern of settlement exhibited in the area which is of single dwellings fronting onto the laneway interspersed with irregular gaps. Given the topography of the site, any new dwelling would be unduly prominent within the landscape and would have a detrimental impact on the rural character of the area. The proposal is contrary to the SPPS and Policy CTY 14.

Road Safety

8.14 Further to consultation with DFI Roads additional information, a revised location plan and an amended P1 Form were requested. The means of access and the required visibility splays onto the Carnamuff Road should be outlined in red as part of the application site. As the proposal would increase the number of dwellings served by this laneway to nine the required visibility splays are not currently available and would require control of additional third party lands. DFI Roads would require confirmation from the relevant landowners stating that the applicant can gain control of all lands required to provide the required splays. Question 12 of the P1 form would also need to be

amended to indicate that alterations are required to the existing access. As the principle of development was not considered acceptable no further information was requested. As it has not been demonstrated that the proposal would not prejudice road safety the proposal would be contrary to Policy AMP 2 of PPS 3.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposed site is not considered to be a small gap site and if permitted would result in ribbon development and be detrimental to rural character. The proposal is therefore contrary to the SPPS and Policies CTY 8, 13 and 14 of PPS 21. The proposal is contrary to Policy AMP 2 of PPS 3 as it has not been demonstrated that the proposal would not prejudice road safety. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the existing laneway.
3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings would be a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of

Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings) would, if permitted, be unduly prominent in the landscape; the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the buildings would, if permitted not respect the traditional pattern of settlement exhibited in that area; and would therefore result in a detrimental change to the rural character of the countryside.

5. The applicant has failed to demonstrate that the proposal would not prejudice road safety in accordance with Policy AMP 2 of Planning Policy Statement 3 – Access, Movement and Parking.

Site Location Map

