

<b>Planning Committee Report LA01/2017/0345/F</b>	<b>24<sup>th</sup> October 2018</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>No:</u></b>	<b>LA01/2017/0345/F</b>	<b><u>Ward:</u></b>	<b>LOUGHGUILLE and STRANOCUM</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Lands surrounding 101-103 Fivey Road, Bushvale, Ballymoney</b>		
<b><u>Proposal:</u></b>	<b>Proposed 10 No. dwellings with associated Roads, Amenity Space and communal open space, installation of foul drainage treatment plant to service site (Renewal of previously approved application D/2007/0410/F)</b>		
<b><u>Con Area:</u></b>	<b>No</b>	<b><u>Valid Date:</u></b>	<b>14.03.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/a</b>		
<b>Agent:</b>	<b>CMI Planners Ltd, 38 Airfield Road, Toome BT41 3SQ</b>		
<b>Applicant:</b>	<b>AMG Property Developers Ltd, 80-82 Rainey Street, Magherafelt BT45 5AJ</b>		
<b>Objections:</b>	<b>1</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 refusal reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the northern side of Fivey Road within Bushvale. The site incorporates a rectangular plot comprising No 103 - a detached roadside dwelling with fairly long narrow garden and No 101, a roadside dwelling with attached outbuilding which has since been demolished.
- 2.2 The majority of the site is level with the public road, rising slightly to the rear (northern boundary). A low hawthorn hedge forms the western boundary while the eastern boundary is formed by mature trees and hedgerow and abuts the laneway serving a number of other dwellings. The rear (northern) boundary is formed by a high ditch and mature trees with a small watercourse. A small sewage pump house exists to the west of the site (approximately 50m).
- 2.3 The site is located within the existing Settlement Development limit of Bushvale, a small hamlet identified within the Northern Area Plan 2016. Although within the SDL and opposite a row of housing, the site retains a rural feel indicated by the mature trees and hedgerows and rural laneway adjacent.

## 3 RELEVANT HISTORY

D/2007/0410/F

10 No. dwellings with associated roads, amenity space and communal open space. Lands surrounding 101-103 Fivey Road, Bushvale, Ballymoney  
Approved 12/03/2012.

## 4 THE APPLICATION

- 4.1 This is a full application for 10 dwellings.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

None

### **5.2 Internal**

Environmental Health Department:

NI Water:

DFI Roads:

Rivers Agency:

## **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 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas.

Planning Policy Statement 15: Planning and Flood Risk

Advice and Guidance

Development Control Advice Note 8: Housing in Urban Areas

## 8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relates to: the principle of development; design; flood risk, and access.

### **Principle of Development**

8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents before mentioned.

8.3 The proposed site is located within the existing Settlement Development limit of Bushvale as defined within the NAP 2016 and has been the subject of a previous planning application, set out in Section 3.

8.4 The previous planning permission remained extant on submission of the current application. Therefore, in terms of the principle of development this has been established and the proposal is generally acceptable, subject to meeting all planning and environmental considerations. The relevant planning policy remains unchanged in relation to assessment of the proposal with the exception of the publication of the Strategic Planning Policy Statement for NI (SPPS) and the publication of PPS15 – Planning and Flood Risk.

- 8.5 The current application incorporates some amendments to that originally approved including to the layout of the shared driveway and in-curtilage car parking serving the dwellings to the rear of the site (units 7 to 10).
- 8.6 Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. All proposals for residential development are expected to conform to all of the outlined criteria.

*Criterion 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;*

- 8.7 The character of the immediate area consists of a row of two storey semi-detached housing along the southern side of Fivey Road. A mix of housing along the northern side comprising a small number of single storey and two storey detached dwellings with a housing development comprising single storey detached dwellings further to the east. The existing density within the locality is low with the highest density formed by the housing opposite the site at approximately 24 dwellings per hectare with the remainder of development within Bushvale much lower in density at below 12 dwellings per hectare. This proposal is 28 dwellings to the hectare.
- 8.8 To the northern side of Fivey Road the existing development at Wallace Crescent forms a fairly strong building line. However, the dwelling immediately adjacent at No 97 steps forward of this and has very narrow areas of defensible space between the dwelling and the public road.
- 8.9 At the front of the site the proposed layout is for two pairs of semi-detached dwellings (four in total) and a further detached dwelling, all set back from the public road and the two adjacent properties, incorporating individual accesses and in-curtilage car parking as well as small front gardens providing an area of defensible space to the public road. The two pairs of semi-detached dwellings are 2 ½ storey dwellings within an 8m ridge height comprising development over three floors including three bedrooms and a study. These dwellings have very narrow frontages at 4.5m with a gable depth of 10m. As noted above, the existing housing opposite the site represent the

highest density within Bushvale and also the narrowest frontages at approximately 6m. The frontage of the proposed dwellings (sites 1-4) are approximately 1.5m narrower and could appear incongruous within Bushvale. Site 5 comprises a more appropriate frontage with small, single storey gable extension and is more in keeping with the character of the area.

8.10 The rear portion of the site incorporates five dwellings (sites 6-10) all of which have a similar frontage to site 5 but incorporate a lower ridge at 7.6m and as a result are 1 ½ storeys in height with rear first floor rooflights. Sites 6-10 also incorporate in-curtilage car parking and small areas of amenity space to the front of the properties. However, the shared driveway serving these properties has been amended from the originally approved design and incorporates a turning head at the entrance to sites 8 and 9.

8.11 In terms of design while the narrow proportions of some of the dwellings raise issues, sites 1 and 6 are corner sites and as such should be designed specifically to reflect this fact. Site 6 is particularly key as both the rear and gable elevation are openly visible on approach along the access road.

*Criterion 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;*

8.12 No known features of archaeology or built heritage are within proximity or the setting of the proposed site. The site does incorporate existing mature landscaping on three boundaries with that on the northern and eastern boundaries comprising mature individual trees. Retention of the existing landscaping features is key to the character and setting of the development and also defines the SDL. The proposed development does indicate retention of these boundaries but does not take account of the advised separation distances between crown spreads and root zones. As such the proposal may impact significantly on existing landscape features and ultimately impact on their retention.

*Criterion 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;*

- 8.13 In terms of amenity space, the site is located on the edge of a small hamlet and as such it is important that the levels of private amenity space are appropriate to this setting and the lack of public facilities. The guidance outlined in “Creating Places” advises that in order to promote choice for residents a variety of garden sizes should be provided and back garden provision should be calculated as an average space standard for the development as a whole and should be around 70sqm per dwelling or greater. It also advises that an area less than 40sqm for any individual house will be unacceptable.
- 8.14 All dwellings within the proposed development comprise small areas of front gardens which provide defensible space between the dwellings and the access road. Levels of private amenity space varies greatly with some units at the very minimum acceptable level of 40sqm. However, others are more substantial at 95sqm with a number of dwellings ranging in between. As such the levels of private amenity space appear to meet the minimum guidance laid out in Creating Places. However, back garden depths are very limited in some instances, generally extending to approximately 6m although sites 7 and 8 extend to approximately 10m. Guidance indicates that a separation distance of 20m between opposing first floor windows is appropriate although smaller separation distances can be considered where they are required to meet the overall quality objectives or where it is necessary to reflect traditional building forms. In both instances mitigation measures to prevent overlooking are required. The limited separation distance is not as a result of either of the two examples outlined above, but rather is a result of overdevelopment of the site with the use of rear rooflights in order to limit direct overlooking between windows (particularly sites 9/10 and 4/5). However, this does not overcome the significant potential for overlooking of private amenity space for the proposed dwellings and while some degree of overlooking is inevitable in an urban context, overlooking to an unacceptable degree will result in a poor residential environment.
- 8.15 Foul sewage is to be dealt with by way of a private treatment plant which is to be located to the rear of No 97 which is within the applicants’ control. Environmental Health Department has been consultee. EHD reference the requirement for at least 15m between the wastewater treatment unit and the nearest habitable dwelling. The proposed treatment plant appears to be sited closer to No 97 than the

required separation. No 97 was the subject of a previous application for two dwellings which was approved in 2010 while the existing rear garden was also the subject of a previous approval for four dwellings. Foundations for a dwelling appear to be in place to the rear of No 97 at the location where the septic tank is proposed which would appear to be a conflict of proposed uses.

*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 Due to the size of the development this is not applicable.

*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;*

8.17 In terms of access the proposal makes sufficient provision for necessary local neighbourhood facilities as well as those which support walking / cycling and the needs of mobility impaired etc. DFI Roads has been consulted and originally raised concerns regarding the proposed layout but reference the previous planning permission which remained extant on submission of the current proposal. However, the current proposal does incorporate some amendments and is a full application to be assessed under prevailing policy. While all of the proposed dwellings incorporate in-curtilage car parking, some of it is awkward, in very close proximity to the proposed dwellings and potentially limits access. The provision of the turning head in front of sites 8-9 also raises concerns. The need for a PSD appears to result due to the vehicular access to the rear of site 1, otherwise a shared surface could have been provided which lessened the impact of the road layout on the development.

*Criterion (g) the design of the development draws upon the best local traditions of form, materials and detailing;*

8.18 As noted above the proposed house types generally comprise fairly simple form which would be considered appropriate in many suburban

contexts and is appropriate to the context with the exception of the very narrow frontage.

*Criterion (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;*

8.19 Though the proposed layout, orientation and separation distances are broadly similar to those approved, the proposed layout raises a number of issues of concern. As noted above the very limited garden depths will result in the potential for significant overlooking into the rear amenity of a number of properties. The use of rooflights on some of the properties does not satisfactorily resolve the issue. These design issues reflect the overdevelopment of the site. The low positioning of the roof lights will also ensure that direct overlooking between windows can also occur. There is very limited impact on existing neighbouring properties.

*Criterion (i) the development is designed to deter crime and promote personal safety.*

8.20 In terms of personal safety, the limited nature of development and the lack of public or communal spaces or accesses limits any potential for anti-social behaviour to result.

### **Safe guarding the character of established residential areas**

8.21 Additional criteria is introduced in Policy LC1 of the Addendum to PPS7, in relation to this:

*(a) the proposed density is not significantly higher than that found in the established residential area;*

8.22 The proposed density is higher than that of the housing opposite and significantly higher than the remainder found within the residential area.

*(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;*

8.23 The pattern of development is generally in keeping with the overall character but does not reflect the environmental quality of the established residential area (see above).

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

8.24 In terms of floorspace as per Annex A, a number of the dwellings achieve the minimum requirement some of which appears to only be achieved through the provision of a second floor. Planning would have concern regarding the practicality of some of the bedroom space due to eaves height and roof slope which will reduce the availability of usable floor space further.

### **Access**

8.25 DFI Roads has been reconsulted and currently recommend refusal stating that the access / road layout as proposed would prejudice the safety and convenience of road users. See paragraph 8.17 above for further details.

### **Flood Risk**

8.26 The site is bounded by a small stream along the northern boundary but does not appear to be affected by pluvial fluvial flooding or pluvial ponding. However, in accordance with Policy FLD3 a Drainage Assessment is required as the proposal exceeds the identified thresholds. Rivers Agency has also advised that a 5m strip to service the stream is required. The other side of the watercourse is in the rural area and this may be able to be provided there.

### **Other Matters**

8.27 One objection relating to issues of land ownership rather than the principle of development. The agent has been notified and clarification sought regarding all lands indicated within the red line. The agent has also been advised that any amendments will require reconsultation / re-notification.

8.28 A revised scheme from the agent was submitted by email which improves the layout and the relationship within the proposed

development, which was relayed to the agent. However, as this is a sketch we were not able to fully assess the proposal. The agent has been contacted on numerous occasions to submit full plans and has not availed to do so. We cannot hold this application indefinitely and are recommending a refusal based on the submitted scheme.

## **9.0 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The development fails to provide a quality residential environment: failing to respect the surrounding character; overdevelopment of the site; the design and layout causes adverse overlooking; and, has been unable to demonstrate that a safe access can be provided for the movement of traffic and parking. Refusal is recommended.

## **10 Refusal reasons**

1. The proposal is contrary to the Strategic Planning Policy for Northern Ireland (SPPS), Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, Policy LC1 of the Addendum to Planning Policy Statement 7, and Development Control Advice Note 8, Housing in Existing Urban Areas in that the development as proposed fails to take account of the local character, environmental quality and amenity, does not provide a quality residential environment and will result in unacceptable town cramming.
2. The proposal is contrary to 6.104 of the Strategic Planning Policy for Northern Ireland and Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated that the proposal will not result in a potential flood risk.
3. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/entry and exit radii of the proposed access with Fivey Road is unacceptable as it has not been designed in accordance with the standards contained in the Department's Development Control Advice Note 15.
4. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Planning Policy Statement 3,

Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to vehicles parked on the highway at or near a road junction thus interfering with the free flow of traffic on the main road and the visibility of traffic entering or leaving the minor road, in accordance with the standards contained in the Department's Development Control Advice Note 15.

5. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to Sites 2 -5 inclusive.
6. The proposal is contrary to Paragraph 6.77 of the Strategic Planning Policy for Northern Ireland (SPPS) and Planning Policy Statement 3 – Access, Movement and Parking and Creating Places as he applicant has failed to provide adequate details and information to allow DFI Roads to assess the proposal.



