

<b>Planning Committee Report LA01/2015/1053/O</b>	<b>21 December 2016</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>	Principal Planning Officer
<b>Cost: (If applicable)</b>	N/a

**Site between 323 & 321A  
Seacoast Road, Limavady**

**LA01/2015/1053/O  
Outline Application**

**21st December 2016**

<b><u>No:</u></b>	LA01/2015/1053/O	<b><u>Ward:</u></b>	Magilligan
<b><u>App Type:</u></b>	Outline Application		
<b><u>Address:</u></b>	Site between 323 & 321A Seacoast Road, Limavady		
<b><u>Proposal:</u></b>	Rural dwelling with detached garage/store		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	22 <sup>nd</sup> December 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	W J Dickson Chartered Architect, 6 Seacoast Road, Burnally, Limavady, BT49 9DW		
<b><u>Applicant:</u></b>	Mr Leslie Hanna		
<b><u>Objections:</u></b>	1	<b><u>Petitions of Objection:</u></b>	0
<b><u>Support:</u></b>	0	<b><u>Petitions of Support:</u></b>	0

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 section 7 & 8 and resolves to **REFUSE** outline planning permission for the reasons set out in Section 10.

## **2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA**

- 2.1 The site comprises a small portion of ground to the rear of 323 Seacoast Road. Set within a small group of buildings which are located along a private lane, the site is part of the amenity space to 321 Seacoast Road. However, it is subdivided from the main curtilage by a private laneway which accesses a dwelling to the rear, 321a. The site currently hosts a small shed and some agricultural machinery. The boundaries are defined by mature trees while the lane-side boundary consists of a high hedge.

- 2.2 The site is located in the Binevenagh Area of Outstanding Natural Beauty as defined by the Northern Area Plan 2016. There are no further designations within the site or the immediate environs.

### **3 RELEVANT HISTORY**

No relevant planning history.

### **4 THE APPLICATION**

- 4.1 This is an outline application for a dwelling with detached garage / store between 323 and 321a Seacoast Road, Limavady.

### **5 PUBLICITY & CONSULTATIONS**

#### **External:**

#### **5.1 Neighbours:**

One objection has been received from the resident of 321a which is located to the rear of the site. The concerns raised centre on a challenge to the ownership of the laneway and the damage that construction would cause to the laneway. They also raise concerns of general amenity resulting from the development process and impact on character of the area.

#### **Internal:**

- 5.2 **NIEA- Drainage and Water** – No objection.

**TransportNI** – No objection.

**Environmental Health** – No objection.

**NI Water** – No objection.

**Rivers Agency** – advises that the site lies within the estimated 1 in 100 year fluvial flood plain therefore the proposal is contrary to PPS15, Planning and Flood Risk Policy FLD1.

### **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 development 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

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.

6.7 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

Northern Area Plan 2016

Strategic Planning Policy Statement

PPS2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS15 – Planning and Flood Risk

PPS 21 – Sustainable Development in the Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this outline application are; the principle of development; integration and impact on rural character; loss of trees and impact on Area of Outstanding Natural Beauty; risk of flooding and impact on adjacent residential properties.

8.2 The site is located within the Binevenagh Area of Outstanding Natural Beauty shown within the Northern Area Plan 2016. There are no further designations within the site or the immediately adjacent area. The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. As this is a proposal for a dwelling and garage, the main policy considerations are paragraphs 6.70 and 6.73 of SPPS, CTY 1, 8, 13 and 14 of PPS21, FLD1 of PPS15, ENV3 of NAP and NH6 of PPS2.

### **Principle of development**

8.3 Policy CTY1 of PPS21 states that there are a range of types of development that may be acceptable in principle in the countryside. In the case of an infill dwelling, Policy CTY1 refers to Policy CTY8.

8.4 Policy CTY 8 entitled Ribbon Development 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. 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. This is reiterated by paragraph 6.73 of SPPS.

8.5 When considered in the context of the policy, the site does not constitute an infill opportunity. While the site falls between 323 and 321a they do not share a frontage. A lane was created across the side garden of 321 to afford access to the lands to the rear including the property at 321a. While the Agent describes the site as a “small abandoned plot” it is clearly a cut-off portion of 321 which was divided from the main curtilage with the creation of the laneway. However the buildings to either side of the site do not form a frontage but rather the laneway terminates at 321a. As such, there is only one dwelling which addresses the laneway (no 321) whereas the policy clearly calls for three.

- 8.6 In addition, the site fails to respect the existing development pattern in terms of plot size, with the neighbouring units approximately 4 times the size of the application site (0.05ha). The policy also requires development to respect the size and scale of existing development which are single and one and a half storey dwellings. This in mind, the site is too restricted to respect the existing development pattern in terms of size, scale, siting and plot size. The site is roughly rectangular with a taper to the eastern end. The site measures 20m wide at the widest point along the western boundary and measures 12m wide at its narrowest point along the eastern boundary. The dimensions of the site coupled with the need to retain existing trees along the northern boundary would render it too restricted to accommodate a single storey dwelling in keeping with the neighbouring properties and plot size with sufficient private amenity space. The principle of development fails to comply with policy CTY1 and 8 of PPS21 and paragraph 6.73 of SPPS.

### **Integration and impact on rural character**

- 8.7 Policy CTY8 also requires gap sites to meet all other planning and environmental requirements (CTY13 and CTY14) and paragraph 6.70 of SPPS stresses that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. CTY 13 and 14 of PPS21 require a suitable degree of integration to avoid an unduly prominent development that would detract from the character of the area.
- 8.8 It is the intent of the policy to permit development where the infilling of a small gap between existing buildings would not result in demonstrable harm to visual amenity or further erode rural character. If permitted, the application would result in the loss of trees to the site boundaries. This would open up views of the neighbouring dwellings from Seacoast Road and would have a detrimental impact on the character of the area. The principle of development fails to comply with policy CTY1 and 8 of PPS21 and paragraph 6.70 and 6.73 of SPPS.

### **Loss of trees and impact on AONB**

- 8.9 Policy ENV 3 of the Northern Area Plan 2016 states that development that would result in the loss of trees, hedges or other features...will not be permitted unless provision is made for appropriate replacement planting. The applicant accepts

the importance of the trees stating in the Design and Access Statement that: “The retention of the existing trees is suggested in the interests of retaining the area’s character and appearance and safeguarding the adjoining occupants’ residential amenity.”

- 8.10 As previously explained, the size of the site is so restrictive that the loss of trees would be unavoidable. The depth of plot would result in development within the crown spread of the boundary planting to such an extent that the long term retention of the trees would be threatened. When viewed from the public road, the trees help to integrate the group of development in what is a relatively flat and exposed landscape. As such the loss of the trees would significantly impact on the character of the area.
- 8.11 Policy NH 6 of PPS2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and where three criteria are met including where siting and scale is sympathetic to the special character of the ANOB; where it respects or conserves features of importance; and respects local architectural styles, materials and boundary details. While the detailed design of the dwelling would be matters reserved, as outlined above the loss of trees would have a demonstrable impact on the site and the surrounding rural character. Given that the site is located within the AONB the proposal to be contrary to NH 6 of PPS2.

### **Risk of Flooding**

- 8.12 The Flood Hazard Map (NI) indicates that the site lies within the 1 in 100 year fluvial flood plain and as the applicant has not demonstrated that the site constitutes an exception to policy, the proposal is not permitted by policy FLD1 of PPS15. Rivers Agency as the competent authority on such matters have confirmed that this proposal is contrary to Policy FLD1 of PPS 15, Planning and Flood Risk, and that they object to any such development taking place.

### **Impact on adjacent residential properties**

- 8.13 One letter of representation was received from the resident of 321a which is located to the rear of the site. The concerns raised centre on a challenge to the ownership of the laneway

and the damage that construction would cause to the laneway. They also raise concerns of general amenity resulting from the development process and impact on character of the area. When considering the representation the Planning Authority advised the applicant of the challenge to the land ownership of the laneway and in response they provided a land registry map indicating that the applicant was in full ownership, as such the concern has been satisfactorily addressed.

- 8.14 Amenity concerns raised by the third party are limited to during the construction process which would not be a material consideration given significant weight. The remaining issues relating to impact on the character of the area have already been considered in the previous sections.

## **9 CONCLUSION**

- 9.1 The site fails to constitute a small gap between existing residential development along a road frontage and fails to respect the existing development pattern. As such, the proposal fails to meet the exception test of Policy CTY 8 of PPS 21. As no other overriding reasons as to why the development is essential and could not be located in a settlement have been forthcoming, the proposal is contrary to CTY1 of PPS21. The development would result in the loss of existing trees and vegetation which would have a detrimental impact on integration, character and the AONB and as such is contrary to CTY13 and 14 of PPS21, ENV3 of NAP and NH6 of PPS2. Finally, the site is located in the flood plain, is not an exception to policy and is contrary to FLD1 of PPS15. Refusal is recommended.

## **10 Refusal Reasons**

- 10.1 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.

- 10.2 The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 in that the proposal is not considered to be infill of a small site in an otherwise substantial and continuously built up frontage and does not respect the existing pattern of development in that the proposed site is significantly smaller than surrounding plot sizes.
- 10.2 The proposal is contrary to Paragraph 6.70 and 6.73 of the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that due to the loss of trees the proposed building would be a prominent feature in the landscape and would be unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.
- 10.3 The proposal is contrary to Paragraph 6.70 and 6.73 of the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the (building) would, if permitted, be unduly prominent in the landscape resulting in a suburban style build-up of development when viewed with existing and approved buildings. The building would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development while the impact of ancillary works and resulting loss of trees would therefore result in a detrimental change to the rural character of the countryside.
- 10.4 The proposal is contrary to Policy NH 6 of PPS2 in that development fails to respect or conserve features of importance to the character and appearance of the landscape within the AONB.
- 10.5 The proposal is contrary to paragraph 6.107 of the Strategic Planning Policy Statement and Policy FLD1 of Planning Policy Statement 15, Planning and Flood Risk, in that the site lies within the estimated 1 in 100 year fluvial flood plain and is not considered an exception to this policy nor has it been demonstrated that the proposal of overriding regional importance.
- 10.6 The proposal is contrary to Policy ENV 3 of the Northern Area Plan 2016 in that the development would result in the loss of trees that contribute to the character of the landscape.



