

<b>Update on Development Management Statistics:</b> <ul style="list-style-type: none"> <li>• <b>Planning Applications Received and Decided in the period 01 April 2017 – 31 October 2017</b></li> </ul>	<b>22 November 2017</b>
<b>Planning Committee</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environments and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Head of Planning
<b>Cost: (If applicable)</b>	N/A

## 1.0 Background

The “Protocol for the Operation of the Planning Committee’ sets out the requirement to provide monthly updates on the number of planning applications received and decided.

## 2.0 Details

2.1 [Website link 1](#) and [Website Link 2](#) provide a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of October 2017. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have to be excluded from the reports to correspond with official validated statistics published by DFI.

2.2 Table 1 below details the number of planning applications received and decided as well as the number of live planning applications in the system and those in the system over 12 months. Please note that these figures are unvalidated statistics extracted from internal management reports.

**Table 1 Applications Received, Decided and Live**

<b>Applications Received</b>	<b>Q1</b>	<b>Q2</b>	<b>Oct 2017</b>
Received	344	335	128
Decided	258	248	86
Live >12months	80	97	98
Total Live	720	774	826

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Proposal of Application Notices; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

- 2.3** The number of applications received in October remains very high at just under 130 applications. Staff issued 86 planning application decisions, plus 6 Discharge of Conditions, 2 LDP's, 2 Non-Material Change applications and 1 Proposal of Application Notice (PAN). The number of live applications in the system continues to rise with the increase in applications received to 826.
- 2.4** Work continues to reduce the over 12 month applications. Table 2 below provides a further breakdown of the over 12 month applications in the system. The weekly monitoring of these figures continues and staff are conscious of the need to prioritise their efforts in this area of work. A new Action Plan for 2017/18 has been implemented and additional staff resources are currently being recruited. However, it will take time for all staff to be appointed and therefore the impact is unlikely to be visible until Q4.

**Table 2 Breakdown of over 12 month applications (April 2017 – October 2017)**

Applications	End Q1 2017	End Q2 2017	Oct 2017
12-18 months	38	50	52
18-24 months	15	18	18
>24 months	27	29	28
Total	80	97	98

Source: Unvalidated Statistics; Excludes: Pre-Application Discussions; Certificate of Lawful Development Proposed or Existing; Discharge of Conditions; Non-Material Change.

- 2.4** Table 3 below details the number of appeal decisions issued since 1 April 2017 showing the continued high quality of decision making taken by both Planning Officers and supported by the Planning Committee. Please note that these figures relating to planning application decisions only are unvalidated statistics extracted from internal management reports.

**Table 3 Appeals to the Planning Appeals Commission (PAC)**

Appeal Decisions	Q1 2017	Q2 2017	Oct 2017
Upheld	4	2	1
Dismissed	6	3	0
Total Appeal decisions	10	5	1
% of Appeals Dismissed to date			56.3%

Source: Unvalidated Statistics

2.5 Table 4 details the number of referral requests received from elected members under Part B of the Scheme of Delegation. From April 2017, 7 out of 21 referral recommendations have been overturned by the Planning Committee.

**Table 4 Referrals Requested in April - October 2017/18**

Referral Request	Requestor	Application Ref	Date of Planning Committee	Planning Officer Recommendation Agreed/Disagree
<b>Q1</b>	Cllr Fielding	LA01/2016/1157/F		
	Cllr Clarke	LA01/2016/1070/F		
	Cllr Douglas	LA01/2017/0093/O		
	Cllr McShane	LA01/2016/1145/O	27/09/2017	Agree
	Cllr McLean	LA01/2016/0107/F	22/11/2017	
	Cllr McLean	LA01/2017/0097/F		
	Ald. Robinson	LA01/2016/0473/O	25/10/2017	Agree
	Ald. Robinson	LA01/2016/0482/O	25/10/2017	Agree
	Cllr McShane	LA01/2016/0356/F		
	Cllr McShane	LA01/2017/0311/F	27/09/2017	Disagree
	Ald. Robinson	LA01/2016/1137/F		
	Cllr Loftus	LA01/2017/0468/LDP	27/09/2017	Disagree
	Ald. Finlay	LA01/2016/1131/F		
	<b>Q2</b>	Cllr McShane	LA01/2016/1374/F	23/08/2017
Cllr Baird		LA01/2017/0250/LBC	23/08/2017	Agree
Cllr Baird		LA01/2017/0251/F	23/08/2017	Agree
Cllr Fielding		LA01/2016/1220/F	22/11/2017	
Ald. Robinson		LA01/2016/1303/F	25/10/2017	Agree
Cllr McLean		LA01/2016/1391/O	27/09/2017	Defer
Cllr Chivers		LA01/2017/0693/F		
Ald. Robinson		LA01/2017/0292/F		
Cllr Chivers		LA01/2017/0082/F		
Cllr Baird		LA01/2016/0776/O	25/10/2017	Agree
Cllr Chivers		LA01/2017/0402/O		
Ald Hillis		LA01/2016/1200/F		
Cllr Fielding		LA01/2016/1382/A	25/10/2017	Disagree
Cllr Fielding		LA01/2015/0953/RM		
<b>Q3</b>	Cllr Clarke	LA01/2017/0263/O		
	Cllr Chivers	LA01/2017/0691/O	22/11/2017	
	Ald Robinson	LA01/2017/0333/F		
	Cllr Baird	LA01/2017/0331/F		
	Cllr Baird	LA01/2017/1074/O	22/11/2017	
	Cllr McCaul	LA01/2017/0323/O		
	Cllr Nicholl	LA01/2016/0712/F		
	Cllr Chivers	LA01/2017/0549/O		
Cllr Chivers	LA01/2017/0341/F			
<b>TOTAL</b>	<b>36</b>			

Source: Unvalidated Statistics

### 3.0 Recommendation

- 3.1 **IT IS RECOMMENDED** that the Planning Committee note the update on the development management statistics.

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<b>Appeal Reference:</b>	2016/A0079
<b>Appeal by:</b>	Colin & Ivan Neely
<b>Appeal against:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Proposed 2 storey infill dwelling with detached garage/store
<b>Location:</b>	Land between 152 & 154 Seacoast Road Limavady
<b>Planning Authority:</b>	Causeway Coast and Glens Borough Council
<b>Application Reference:</b>	LA01/2015/0567/O
<b>Procedure:</b>	Written representations and accompanied site visit on 14 December 2016.
<b>Decision by:</b>	Commissioner Pauline Boomer, dated 27 October 2017.

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## Decision

1. The appeal is allowed and outline planning permission is granted, subject to the conditions set out below.

### Preliminary issue

2. The original proposal indicated that the proposed dwelling would share the access used by No. 152, an existing semi detached property which is to be replaced and lies within the appellant's control. At appeal stage, the appellants submitted a number of revised block plans showing an alternative access, utilizing the former agricultural access at the northern edge of the appeal site (Access C) and setting back the frontage wall across No. 152 behind the sightlines. Whilst this alternative access lies outside the red line boundary of the application site, it does lie within the area outlined in blue which confirms the appellants' ownership. At rebuttal stage, the appellants submitted further plans indicating the removal of a small section of the wing wall abutting No. 154 as well as a letter from the owner of No. 154 confirming his agreement of these works. The Local Planning Authority (LPA) consider that prejudice would result if the appeal were based on these revised drawings. However the properties affected by the alternative access arrangements are No.152 which is owned by the appellants and No. 154 whose owner has agreed to the removal of part of his wall to improve sightlines for himself as well as the appellants. I am satisfied that the alternative access lies within the appellants' control and as all affected parties have been consulted and no objections to the alternative access received, I do not consider that prejudice would result if the appeal were based on the latest revisions (annotated as PAC Drawings 2 and 3). My assessment shall therefore be based on these latest drawings and the original site location plan and block plan.

## Reasons

3. The main issue in this appeal is whether the use of the existing laneway would prejudice the safety and convenience of road users.
4. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise. The appeal site is within the countryside in the Northern Area Plan (NAP) 2015. NAP has no material policies for dwellings in the countryside. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) and Planning Policy Statement 3: Access, Movement and Parking, two of the policy documents retained in the SPPS, provide the policy context for the appeal. Development Control Advice Note 15 - Vehicular Access Standards (DCAN15) is a material consideration in this appeal.
5. Policy CTY1 of PPS21 specifies a range of development types considered to be acceptable in principle in the countryside. This includes an infill dwelling in accordance with Policy CTY8 on which the appellant relies. The LPA acknowledges that the appeal site represents an infill opportunity within a substantial and continuously built up frontage along this section of Seacoast Road which finds support in Policies CTY1 and CTY8 of PPS21.
6. Whilst the principle of development is acceptable at this location, Transport NI (TNI) consider that adequate visibility splays cannot be achieved using the existing access to the farm buildings which sit within the appeal site, in conflict with Policy AMP2 of PPS3. The reason for refusal indicates that these concerns relate only to the sightline provision on the southern side of the proposed access with a 100m visibility splay available to the north. Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. The policy states that consideration will also be given to the nature and scale of the development; the character of existing development; the location and number of existing accesses; and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.
7. The appeal site lies west of the B69, a secondary road with a footpath extending 1.5m to 1.9m in width along the appeal site frontage and to the south from the public house to the junction with a private lane further north. The replacement of the dwelling at No. 152 was approved under LA/01/2015/0568/O in January 2016. Whilst the TNI indicate in their Statement of Case that that approval entailed the resiting of the frontage wall to provide sightlines of 2.4m x 50m to the south and 2.4m x 60m to the north, the appellants contend that these were not achievable without overlooking land in third party control. In any case the LPA stated that such reduced standards were accepted for this replacement opportunity as it resulted in betterment of the original substandard access.
8. Paragraph 5.16 of PPS3 advises that DCAN 15 sets out the current standards for sightlines that will be applied to both a new access or an intensified use of an existing access onto existing public roads. Paragraph 5.17 recognises that it may

not always be practicable to comply fully with the appropriate visibility standards which need to be assessed in light of the particular circumstances of the individual case. It states that exceptionally, a relaxation in standards may be acceptable but only where they are not reduced to such a level that danger is likely to be caused. There was considerable debate about the required sightline standard at this location with the TNI in their Statement of Case stating that sightlines of 2.4 x 100m in both directions were necessary to accord with the guidance set out in DCAN 15. In their rebuttal, TNI acknowledged that a reduced mean speed of 45mph would require an x distance of 2.4m and a y distance of 90m. The issue before me is whether or not the reduced sightline to the south available at the proposed access would prejudice the safety and convenience of road users to such an extent as to justify dismissal of this appeal.

9. It is now proposed to utilize an existing dropped kerb associated with a historic farm access and the appellants' assertion that the removal of the existing farm buildings is likely to lead to a reduction in agricultural traffic was not disputed. All parties acknowledged that the proposed access would generate a traffic flow of less than 60 vehicles per day which normally requires a minimum x – distance of 2.4m. However the access serving the single dwelling is likely to generate a maximum of 10 vehicle movements per day with five exiting onto the public road. Even taking account of any additional farm traffic, this is likely to fall well below the 60 vpd threshold. Whilst it was recognised by all parties that the traffic speed on the public road is more than 37mph, this would only allow for a reduction to 2.0m “where danger is unlikely to be caused”. I note that all the accesses to adjoining properties are setback only 2m. The appellant argued the positioning of road gulleys would make it difficult to increase the x distance to 2.4m which was not disputed. This is a wide section of road and there is record of only one traffic accident along this stretch of road which was not associated with the existing agricultural access. In these circumstances I am not persuaded that a reduction of the “x” distance to 2.0m would be likely to cause danger and shall therefore make my assessment on that basis.
10. Table B in DCAN 15 indicates that where the volume of traffic using the proposed access is less than 60 vpd and it accesses onto a road with a volume of 3000, with speeds between 37-44mph, a y distance of 100m is required. However DCAN 15 does state that a reduction in the visibility standards may be permitted in exceptional circumstances where danger to road users is not likely to be caused and where there is a slightly lower risk of conflict, especially when traffic volumes are light. Table B also indicates bracketed figures to be considered in such exceptions which the TNI in their Rebuttal recognised to be 70m in this instance. No specific figures were presented for volume of traffic using this road although it was recognised that it would experience seasonal variations, busiest in summer. The appellants' argument that traffic volume on this section of road was relatively low was not disputed. There is an awareness of approaching a built up area within Crindle townland with the considerable number of dwellings and public house/restaurant, reinforced by public footpath and street lights and approach to bend. TNI confirmed that they were not concerned about the volume of traffic with frequent and spacious gaps between vehicles to allow for safe manoeuvres of traffic on and off priority road.
11. Drawing PAC3 indicates that by removing all vegetation from the front of No 152 and the adjacent agricultural building and repositioning the frontage wall and ranch

fencing back 2.4m, sightlines of 2.0m x 54m are available to the south of Access C. The removal of the wing wall abutting No. 154 would facilitate the provision of 100m sightlines to the north. All parties acknowledged that any further improvements to the southern visibility splays are obstructed by the frontage wall to No. 150 which lies outside the appellants' control. The appellants contend that Paragraph 4.2 of DCAN 15 allows for the provision of visibility splays overlooking structures of less than 1.05m where minor accesses are involved and that as the frontage wall abutting No.150 is 550-600mm high, it does not obscure views but allows for an improved visibility splay of 2.0m x 65m. Whilst TNI consider that the exception in Paragraph 4.2 relates only to parapets to rivers and graveyards and does not refer to residential walls, I note that this is not implicitly stated in this guidance document. The proposed access does represent a minor access and Paragraph 4.2 clearly states that in such circumstances, the minimum object height may be relaxed to 1.05m provided there is no relaxation in the required y distance (my emphasis). Whilst the existing frontage wall to No. 150 sits well below that 1.05m threshold referred to above, even if treated as an exception, I acknowledge that the possible improvements to the "y" distance would fall marginally below the bracketed figure of 70m .

12. The appellants argue that whilst the desired standards set out in DCAN 15 cannot be achieved, the provision of 2.0m x 65m does not fall so far short of the bracketed figure of 70m to be detrimental to road safety. They also consider that weight should be attached to the improvements to the existing situation in the immediate vicinity which would benefit both car drivers and pedestrians as follows-

- The proposed alterations across the frontage of No. 152 and the appeal site would significantly improve the northerly sightline provision for No. 150 from 2.0m x 35m to 2.0m x 66m and from 2.4m x 28m to 2.4m x 60m, albeit overlooking its existing low wall.
- The removal of part of the wing wall to the north of the appeal site would improve the visibility splays available from the access at No. 154 from 2.0 x 48 to 2.0 x 58m and from 2.4m x 14m to 2.4 x 57m to the south, which I agree represents a significant improvement.
- All parties agree that the current sightlines available at No. 152 are substandard. The appellants consider that the existing sightlines available are 2.0m x 30m and 2.4m x 14m to the north and 2.0m x 14m and 2.4m x 9m to the south. TNI estimate that the existing sightlines are 2.4m x 15m to the south and 2.4m x 17m to the north. The replacement of its frontage wall with fencing set back 2.4m as now proposed would result in a significant improvement on the prevailing sightline standards at this location, estimated by the appellants in their Rebuttal to be 2.4mx 32m and 2.0m x 34m to the south and 2.0 x100 to the north. Further improvements to the southerly visibility splay would be available by overlooking the low wall in front of No. 150.
- The existing footpath to the front of No. 152 and the appeal site would be widened for the betterment of all.

13. I agree with the appellants that whilst full standards as set out in the guidance cannot be achieved in one direction only, this shortfall is outweighed by the cumulative betterment outlined above. TNI have not explained how the appeal



proposal is likely to exacerbate the existing situation and to what extent the appeal proposal will prejudice road safety or significantly inconvenience the flow of traffic in the area. In the final analysis, I agree with the appellants that the marginal shortfall to the south is offset by the improvement to the 3 other accesses alongside.

14. Whilst the appellant referred me to two appeals, 2006/A0315 and 2009/A0029, neither are not directly comparable as they relate to housing developments inside settlements. However they are relevant as both concluded that account has to be taken of all factors when considering road safety rather than a strict adherence to standards set out in guidance not policy. In this evidential context, I am not persuaded that the danger significantly outweigh the benefits and find no conflict with Policy AMP 2.
15. As I have concluded that the appeal proposal finds support in Policy AMP 2, the reason for refusal is not sustained. Given that the principle of development on the appeal site has been established, the appeal is allowed, subject to conditions set out below.
16. Given the 1½-storey dwellings alongside and the considerable bulk of the agricultural building on the appeal site which is to be removed, I consider that a ridge height restriction of no more than 7.5m above the existing ground level would be appropriate in the interest of visual amenity. As the ground is level, there is no requirement to provide details of existing and proposed ground levels. To aid integration, a landscaping condition requiring the retention of existing vegetation along the northern and western boundaries is necessary along with new landscaping to be introduced along the southern boundary. Taking account of the improved visibility across the low wall of No. 150, a condition is required to provide sightlines of 2.0m x100m to the north and 2.0m x 65m to the south prior to the commencement of development and permanently retained.

### **Conditions**

- (1) Except as expressly provided for by Conditions 2 and 3, the following reserved matters shall be approved by the Local Planning Authority - the siting, design and external appearance of the dwelling and means of access thereto.
- (2) The ridge height of the dwelling hereby approved shall not exceed 7.5m above existing ground level at the lowest point within its footprint.
- (3) Visibility splays of 2.0m by 100m to the north and 2.0m by 65m to the south shall be laid out at Access point C before any building operations commence and shall be permanently retained thereafter.
- (4) No development shall take place until there has been submitted to and approved by the Local Planning Authority a landscaping scheme showing the retention of existing vegetation along the northern and western boundaries at a minimum height of 5m. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

- (5) No development shall take place until there has been submitted to and approved by the Local Planning Authority details of the proposed landscaping and boundary treatment along the southern boundary of the site. The works shall be carried out during the first available planting season after the occupation of the dwelling.
- (6) Application for approval of the reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
- (7) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to the 1:2500 site location plan and 1:500 block plan dated stamped refused by the Causeway Coast and Glens Borough Council on 9 June 2016 as well as the following drawings submitted by the appellants in their submissions:-

- Drawing 16045:02A 1:200 Existing sightlines (annotated as PAC Drawing 1);
- Drawing 16045: 02B REV A 1:200 proposed sightlines (annotated as PAC Drawing 2); and
- Drawing 16045: 02C REV A 1:200 Proposed sightline standard for Access C (annotated as PAC Drawing 3).

**COMMISSIONER PAULINE BOOMER**

**2016/A0079**

**List of Appearances**

Planning Authority:-	Ruairi McGrath, Heidi Clarke, Causeway Coast & Glens Borough Council
TNI	Victor Sinclair
Appellant(s):-	Colin Neely, Ivan Neely, Carol Gourley (agent), Billy Dickson (architect), Brendan Carey (Engineer).

**List of Documents**

LPA 1:	Council's Statement of Case
LPA 2:	Council's rebuttal
APP 1:	Appellant's Statement of Case & Appendices
APP2:	Appellant's Rebuttal & Appendices