

<b>Planning Committee Report</b> LA01/2016/0210/O	<b>22<sup>nd</sup> February 2017</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

**Lands between 57 & 65  
Duncrun Road, Limavady**

**LA01/2016/0210/O  
Outline Application**

**22nd February 2017**

<b><u>No:</u></b>	LA01/2016/0210/O	<b><u>Ward:</u></b>	Magilligan
<b><u>App Type:</u></b>	Outline Application		
<b><u>Address:</u></b>	Lands Between 57 & 65 Duncrun Road Limavady		
<b><u>Proposal:</u></b>	Proposed Infill Site for 2 dwellings and detached garages		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	18 <sup>th</sup> February 2016
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	5050 Architecture, 3A Keldon Court, 17 Linenhall Street, Limavady, BT49 0HQ		
<b><u>Applicant:</u></b>	Mr J Kelly		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></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 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 is located on lands between Nos. 57 and 65 Duncrun Rd Limavady. The application site is a roadside section of an agricultural field on a winding road within an undulating landscape. The field in which the site is located is located approximately 1.5 – 1.8m above the level of the road. The lowest part of the site is situated at the SW corner adjacent to the public road, the remainder of the site rises steeply from this point to the NE side boundary and in a SE direction to the rear boundary. The rise across the site from roadside to rear ranges from 6 to 10m and the rise across the site from SW boundary to

NE boundary is approximately 6m. The rear of the site is located at a similar height to the ridge line of the two storey dwelling located at No. 55 to the south of the site.

- 2.2 The roadside boundary of the site is currently defined by a mature hedge which is approximately 1.8m in height on top of a grass verge with an overall height of approximately 2.5-2.8m. The northern boundary is defined by a post and wire fence and a mix of hedgerow and trees which range from 5-6m in height. The south western boundary is defined by a post and wire fence with mature shrubs/bushes within the curtilage of No. 57 located along the boundary approximately 2.5-3m in height. The south eastern site boundary is undefined.
- 2.3 The site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. The site is located within Binevenagh AONB. The area is characterised by undulating landscape which begins to rise steeply in the vicinity of the application site from the flat land in the west towards Binevenagh Mountain to the East/South East of the Site. The area is mainly characterised by agricultural land although there are numerous dwellings and farm complexes located along the Duncrun Rd. The site is a short distance north of St Aidans Church, which is a listed building and Tamlaghtard Church, saint's grave and holy well which is a scheduled monument.

### **3 RELEVANT HISTORY**

No relevant planning history.

### **4 THE APPLICATION**

- 4.1 This is an outline application for a proposed infill site for two dwellings on lands between 59 and 65 Duncrun Road, Limavady.

- 4.2 Planning policy requires all development in the countryside to integrate into its setting, respect rural character and be appropriately designed. As previously described the site characteristics display a steep rise from the front of the site to the side and rear. The applicant recognised this characteristic within the design and access statement and indicated that some excavation may be required. As the amount of excavation could have a significant impact on the sites ability to integrate the Planning Authority afforded the applicant the opportunity to demonstrate how the sites could be satisfactorily developed.
- 4.3 An office meeting was facilitated whereby the applicant/agent outlined that the site could accommodate a split level type dwelling to minimise the level of cut required and would ensure a dwelling would not appear prominent on the site. The applicant was afforded the opportunity to submit plans/sections indicating how this could be achieved.
- 4.4 Subsequently plans were submitted which indicated that the proposed dwellings would be of a standard two storey design and would be cut into the side of the hill, with the finished floor levels of the dwellings approximately 1 and 2 metres above the level of the road. The drawings indicated that there will be in excess of 6 metres of cut/excavation required within the southern site and approximately 6.5m of cut/excavation required within the northern site. A bank of approximately 7 to 8 m would rise immediately to the rear of the proposed dwellings.

## **5 PUBLICITY & CONSULTATIONS**

### **External:**

#### **5.1 Neighbours:**

There are no objections to the proposal.

### **Internal:**

#### **5.2 TransportNI – No objection.**

**Environmental Health – No objection.**

**NI Water – No objection.**

**NIEA- Water Management Unit – No objection.**

**Loughs Agency – No objection.**

## **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.
- 6.6 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

PPS 21 – Sustainable Development in the Countryside

Building on Tradition – A sustainable design guide for the Northern Ireland 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; and the impact on the Area of Outstanding Natural Beauty.
- 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 two dwellings with detached garages, the main policy considerations are paragraphs 6.70 and 6.73 of the SPPS, Policies CTY 1, 8, 13 and 14 of PPS21 and policy 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 represent an infill opportunity. The site falls between two

dwellings to the south of the site (Nos. 55 and 57) and a dwelling to the north of the site (No. 65). All three of the above mentioned dwellings share a frontage onto Duncrun Road therefore the site is located within a substantial and built up frontage as per the definition within CTY8.

- 8.6 In order to fully comply with the requirements of CTY8 the application site is required to meet the additional requirements to ensure the site proposal respects the existing development pattern along the frontage.
- 8.7 The application site/gap has a width of approximately 73m, which gives an average of 36.5m per site. The plot widths of the other dwellings within the frontage measure approximately 32.5m (No. 55), 22m (No. 57) and 52m (No. 65). The average plot width of the three properties which make up the frontage is 35.5m. When comparing the plot widths of the applications sites in comparison to the gap they are comparable in size to No. 55 and are only 1m wider than the average plot width within the frontage. Based on the existing plot sizes and averages the size of the gap is appropriate to accommodate two dwellings which would be in keeping with the established character along this stretch of road.
- 8.8 There is a mix of curtilage sizes along this stretch of public road, ranging from the smaller compact sites such as No. 57 to larger sites such as No. 55. The plot size of the proposed infill sites are approximately 1345m<sup>2</sup>. The existing plots are 1460m<sup>2</sup> (No.55), 525m<sup>2</sup> (No.57) and 750m<sup>2</sup> (No. 65). Other plot sizes in the vicinity such as No. 69 has a plot size of 1375m<sup>2</sup>. Taking these into consideration, while the plot size of the sites would be significantly larger than those at Nos. 57 and 65 and well above the average plot size within the frontage, they are comparable to other established properties such as No. 55 and 69. Furthermore the plot sizes could be restricted by way of condition in order to ensure a more comparable plot size to existing development therefore this element of the proposal is not fatal to the assessment.
- 8.9 Policy CTY8 also requires the development of a gap site to meet other planning and environmental requirements. It is this requirement that renders the proposal contrary to CTY8 of PPS21. Details of how the proposal fails to meet other



planning and environmental requirements is contained in paragraphs 8.10 to 8.18.

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

- 8.10 As outlined above, policy CTY8 requires infill development to meet other planning and environmental requirements and the SPPS and policy CTY1 of PPS21 requires that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. Policy CTY 13 entitled integration and design of buildings in the countryside provides the policy basis on visual integration and Policy CTY14 provides the policy basis for assessing rural character.
- 8.11 The application site rises steeply in both a NW to SE direction from the roadside towards the rear of the site, and also in a SW to NE direction rising from No. 57 to the opposite side boundary. The result is a change in level of 6.58m from road level to the rear of the site at the southern end of the site, and 10.28m at the northern end of the site.
- 8.12 As explained previously an office meeting was facilitated during the processing of the application and indicative plans were subsequently submitted which indicated 6 to 6.5m of cut / excavation would take place to facilitate the development of both sites. This in turn would require an engineered solution to retain the bank immediately to the rear of the dwellings.
- 8.13 Paragraph 5.64 within the amplification to Policy CTY 13 outlines that new buildings that rely on significant earth works such as mounding or cut and fill for integration will be unacceptable. In addition, the design guide building on tradition reiterates the need to avoid hill top sites and the need to avoid excessive cut and fill in order to respect and integrate into the landscape.
- 8.14 Given the vast amount of cut proposed and any retaining structures, the proposal will have a significant visual impact on the immediate and surrounding landscape, resulting in a significant visual scar on the landscape. The site is visible on approach from both Duncrun Road and Seacoast Road and such a form of development would be prominent and constitute an inappropriate form in this sensitive rural location. The earth works proposed are an unacceptable form of development at this location and would not allow the proposed dwellings to

satisfactorily integrate which is contrary to Policy CTY 13. The impact of the proposed development on the AONB is dealt with in detail at paragraph 8.17.

- 8.15 Given the contrived nature of the site whereby the dwellings are cut into the side of a hill, the Planning Authority would have concern regarding the residential amenity afforded to the occupants of the proposed dwellings. The dwellings are proposed to be located approximately 5.7m and 6m from the steep embankments which rise 7 – 8 m to the rear, by which the top of the embankment exceeds the indicated ridge levels of the dwelling.
- 8.16 The nature of the cut / excavation into the existing landform would be out of keeping with the character of the surrounding area. In reaching this opinion the Planning Authority has considered the existing development within the vicinity of the application site. Existing development is readily distinguishable as it is more respectful of existing contours and landform. For example the existing dwellings at no.s 55 and 57 are positioned at road level with only a very minor amount of cut evident to the rear of the sites. This has been achieved because the sites were at road level with only a gently rise to the rear as opposed to the application site which is positioned approximately 1.5m above road level and displays a steep slope up to the side and the rear of the site. Some cut / excavation is evident at no. 65 but this is not comparable to what is proposed at the application site because the rise across no. 65 does not appear to have been to the extent evident at the application site. The proposed works to facilitate the dwellings would have a detrimental impact on the rural character of the area and would be contrary to Policy CTY 14.

### **Impact on AONB**

- 8.17 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 the three additional 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.

8.18 While the detailed design of the dwelling would be matters reserved, as outlined above the significant earthworks required to facilitate the dwellings will result in a significant scar on the landscape which would be readily viewed from the surrounding road network including Seacoast Rd, and would therefore have a demonstrable impact on the site and the wider scenic quality and amenity value of this designated AONB. The proposal is considered to be contrary to paragraph 6.187 of the SPPS and policy NH 6 of PPS2.

## **9 CONCLUSION**

9.1 The dwellings proposed will have a significant detrimental impact on the visual amenity and character of the area by virtue of the excessive nature of earthworks required to facilitate the access and dwellings. This will result in a significant and unsightly scar on the landscape which is contrary to paragraphs 6.70 and 6.187 of the SPPS, Policies CTY 13 and 14 of PPS 21 and Policy NH 6 of PPS 2. Refusal is recommended.

## **10 Refusal Reasons**

10.1 The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, fail to meet other planning and environmental requirements by reason of its failure to suitably integrate with its surroundings and failure to sympathetically blend with the landform, existing trees, buildings, slopes and other natural features.

10.2 The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and the proposed buildings would fail to sympathetically blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore the proposal would not visually integrate into the surrounding landscape.

10.3 The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary

works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

- 10.4 The proposal is contrary to Paragraph 6.187 of the SPPS and Policy NH 6 of Planning Policy Statement 2 “Natural Heritage” in that the development, if permitted, would have a detrimental impact upon the character and appearance of this designated Area of Outstanding Natural Beauty.

