



**Causeway
Coast & Glens
Borough Council**

Planning Committee Report Item E	27th April 2016
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	Shane Mathers
Cost: (If applicable)	N/a

ITEM E

**2 Roemill Gardens
Limavady**

**B/2014/0278/F
Full Planning**

27th April 2016

<u>App No:</u>	B/2014/0278/F	<u>Ward:</u>	Coolessan
<u>App Type:</u>	Full Planning		
<u>Address:</u>	2 Roemill Gardens, Limavady		
<u>Proposal:</u>	Redevelopment of corner plot to provide set of 2 townhouses including demolition of garages		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	27th November 2014
<u>Listed Building Grade:</u>	N/A		
Applicant:	Mr J O'Hara		
Agent:	C McIlvar Ltd, 89 Main Street, Garvagh, BT51 5AB		
Objections:	3	Petitions of Objection:	0
Support:	0	Petitions of Support:	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 & 8 and resolves to **APPROVE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises a two storey semi-detached dwelling on a corner plot at the junction of Roemill Gardens and Irish Green Street. There is a single storey flat roofed return to the side with two garages which access onto Irish Green Street, while the dwelling and pedestrian access fronts onto Roemill Gardens. There is an enclosed private garden to the rear of the dwelling and an area of hard standing and lawn to the side. The rear boundaries to the private garden are defined by a high level wall and hedges while a high hedge defines the site boundary to the public road.

- 2.2 The site is within a residential area and is adjacent to an undesignated local centre which consists of a pharmacy, shop and takeaway. The gable elevation of the pharmacy abuts the side and rear garden of the property. No 4 Roemill Gardens makes up the other half of the semi-detached property.
- 2.3 The site is located within the settlement development limit of Limavady town as defined within the Northern Area Plan 2016.

3 RELEVANT HISTORY

No planning history on the application site.

4 THE APPLICATION

- 4.1 The proposal originally proposed 2 semi-detached 3 bedroom townhouses with in curtilage car parking but to address concerns raised by both the Planning Authority and objectors the scheme was reduced in various stages to eventually propose two 2-bed apartments in one detached two-storey building. The proposal is currently described as the redevelopment of the corner plot to provide a set of 2 townhouses including demolition of garages.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** Three letters of objection have been received during the processing of the application, from two different individuals at three different addresses. One letter from a neighbouring dwelling, and one from the proprietors of a local business on Irish Green Street from which their second representation is addressed.

Issues of concern raised in the representations can be summarised as follows

- (i) the intensification of development on the site and the resulting impact on their residential amenity through overlooking and loss of light.

- (ii) the proposed access and that it would result in loss of parking to the pharmacy which would have a detrimental impact on the convenience of their customers.
- (iii) The development will also impact on traffic flow and pedestrian safety as there is inadequate visibility.
- (iv) the scale and massing of the development.

Internal

5.2 **Transport NI:** chronology of consultation responses
December 2014 - recommended refusal of the original proposal which was for two semi-detached 3 bedroom townhouses.

May 2015 – accepted the amended scheme for two 2-bed apartments and approved with conditions

February 2016 – after attending an office meeting with applicant, agent and objector, TransportNI advised that they would be prepared to accept no incurtilage parking for the 2 units.

Environmental Health: No objection

Northern Ireland Water: 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 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 (SPPS)

Planning Policy Statement 3 (PPS3) Access Movement and Parking

Planning Policy Statement 7 (PPS7) Quality Residential Environments

Planning Strategy for Rural Northern Ireland

Guidance

DCAN 8

DCAN 15

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of the development; overlooking and loss of light; parking arrangement; impact on pedestrian safety.

The principle of development

- 8.2 The site is located within the settlement development limit of Limavady town as designated in the Northern Area Plan 2016.

- 8.3 The principle of the proposed development must be considered having regard to the PPS policy documents specified above and the supplementary guidance.
- 8.4 A transitional period operates until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. This policy should be read in conjunction with PPS 7 entitled Quality Residential Environments.
- 8.5 The main policy consideration includes the Northern Area Plan 2016, the Strategic Planning Policy Statement, Planning Policy Statement 7, Development Control Advice Note 8 and DES2 of the Planning Strategy for Rural Northern Ireland.
- 8.6 Policy QD1 of PPS7 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.
- 8.7 In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.
- 8.8 As initially submitted the application proposed a pair of semi-detached dwellings within the side garden and garage space of No. 2 Roemill Road, fronting onto Irish Green Street. After assessment of the proposal, objections and all other material considerations the Planning Authority raised concerns with the scheme to advise that the proposal needed to be significantly amended to better respect the character and context of the surrounding area and to respect residential amenity of adjacent properties. (Consideration of the objection letters will be dealt with separately at paragraphs 8.12 to 8.17).
- 8.9 The scheme was amended to propose two 2 bed apartments within a 2-storey building which reflects the appearance of a single detached dwelling. The scale and proportions are in keeping with the surrounding area. The building is finished in smooth plaster or painted rough cast render which is appropriate in this urban area. The main aspect of the building fronts onto

Irish Green Street but the design also presents an acceptable elevation onto Roemill Road. The building line on Roemill Road and Irish Green Street has been retained and the footprint of the development respects the urban grain within the surrounding area. Adequate provision has been made for private amenity space to serve both the units and the amended proposal respects the residential amenity of neighbouring properties.

- 8.10 While internal storage is limited there is adequate amenity space to the rear of the building which would allow for a shed or bicycle store.
- 8.11 On balance the amended proposal respects local character, environmental quality and residential amenity and therefore complies with PPS7 and is capable of approval.

Overlooking and loss of light

- 8.12 As previously detailed in paragraph 5.1, three letters of objection were received during the processing of the application. The Planning Authority took each of the issues raised in the objections into consideration when assessing the proposal and when negotiating amendments.
- 8.13 As initially submitted the application proposed a pair of semi-detached dwellings which accessed onto Irish Green Street and broke the building line on Roemill Road. The Planning Authority expressed concern that the scheme failed to meet the criteria defined in PPS7 and would result in a negative impact on the character of the area and present a demonstrable harm to the residential amenity of neighbouring properties. As detailed previously the proposal has been through a series of amendments and the neighbours have been re-notified. Since the amended scheme for 2no. 2 bed apartments, No 4 has had no further objection. The amended scheme displays only one first floor bathroom window on the elevation facing the adjoining property which has been finished in obscure glazing and the building has been reduced in footprint and has been stepped off the boundary and will no longer over shadow or over dominate the existing property. The Planning Authority considers the much reduced amended scheme to have addressed the objectors concerns relating to overlooking and loss of light.

Parking arrangement and impact on pedestrian safety

- 8.14 The proprietor of the pharmacy raised concerns relating to the proposed access and stated that the application would result in loss of parking to the pharmacy and would have a detrimental impact on the convenience of their customers. Representations indicated that the pharmacy provides a service to the community and that some customers have mobility difficulties necessitating convenient parking. The development will also impact on traffic flow and pedestrian safety as there is inadequate visibility. Concern is also expressed at the scale and massing of the development but this issue has been dealt with previously.
- 8.15 During the processing of the application a second objection was received which states that the two bay parking arrangement to the scheme exacerbates their earlier concerns. Again health and safety is raised with the insufficient sight lines and the problems which may arise for customers and pedestrians.
- 8.16 In considering these points the Planning Authority raised the concerns with Transport NI who did not change their initial opinion to approve the proposal. TransportNI advised that the on street parking on Irish Green Street is not dedicated and could be used by anyone. Secondly, an access serving the existing garages is established on Irish Green Street and could continue to be used without conflict to policy. An office meeting was then facilitated to afford the objector the opportunity to further discuss their concerns. The Planning Authority acknowledges that convenient parking would be beneficial to the pharmacy but this is outweighed by the presence of the existing access and the fact that anyone can park at present on Irish Green Street.
- 8.17 While Transport NI were happy to set aside the need for in-curtilage parking, the decision to remove this was one ultimately for the applicant. The applicant declined to remove the spaces.
- 8.18 On balance, it would be unreasonable for the Planning Authority to insist on the removal of the in curtilage spaces as there are currently two garages which access directly onto Irish Green Street. When considering the objection in the context of the existing relationship, the objection cannot be sustained.

9 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan and other material considerations, including the SPPS and PPS7. The amended scheme as presented respects the building line and the proposed design and layout meets acceptable design principles. Adequate amenity space and parking are facilitated and the scheme does not result in unacceptable damage to local character, environmental quality and residential amenity. The case presented by the objector for the removal of the vehicular accesses to Irish Green Street is not considered sufficiently compelling. Approval is recommended.

10 Approval Conditions

10.1 As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

10.2 The gradient of the access shall not exceed 4% (1 in 12.5) over the first 10m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.