Title of Report:	**Planning Committee Report – LA01/2020/0356/F**
Committee Report Submitted To:	**Planning Committee**
Date of Meeting:	**24th August 2022**
For Decision or For Information	**For Decision – Referred Application by Alderman Mark Fielding**

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	**N/A**
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2020/0356/F **Ward: Aghadowey**

App Type: Full Planning

Address: 16m South East of 18 Moneybrannon Road, Clarehill Aghadowey, Coleraine

Proposal: Infill dwelling and garage

Con Area: n/a **Valid Date: 21.04.2020**

Listed Building Grade: n/a

Agent: Simpson Design NI Ltd, 42 Semicock Road, Ballymoney, BT53 6PY

Objections: 0 **Petitions of Objection: 0**

Support: 0 **Petitions of Support: 0**

Executive Summary

- Full planning permission is sought for a dwelling and garage.
- The site is located within the settlement limit of Clarehill as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered unacceptable having regard to Policy OS 1 of PPS 8 in that the development would result in the loss of open space and is not considered an exception.
- It is also considered unacceptable having regard to criteria (a) (c) and (g) of Policy QD 1 of PPS 7 as the development fails to take account of the local character, environmental quality and amenity and does not provide a quality residential environment.
- DFI Roads, Environmental Health, NI Water and DAERA (Water Management Unit and Inland Fisheries) were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.
- Reasons for Referral by elected member are attached as an annex to this report.

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 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 conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

2.1 The application site was previously occupied by a single dwelling, this dwelling has now been removed and the site is currently used to store some building products and machinery for the construction of the surrounding development.

2.2 The application site is an irregular shaped plot measuring approximately 0.11ha. The site is flat but sits at a slightly higher level to the adjacent dwelling to the north-west. The site accesses directly onto Moneybrannon Rd.

2.3 The roadside boundary is defined by a fence approximately 2m in height, the north-western boundary is defined by a wall and fence and the remaining boundaries are defined by temporary style fencing approximately 1.8m in height.

2.3 The application site is located within the settlement limit of Clarehill as designated by the Northern Area Plan 2016. The surrounding area is defined by mostly residential development. Immediately to the north of the site is a pair of 1.5 storey semi-detached dwellings. Immediately to the south of the site is a new development of 6 no. detached 2-storey dwellings. There is a row of existing two-storey terraced dwellings on the opposite side of Moneybrannon Road.

3 RELEVANT HISTORY

C/2007/0616/F - 16 & 18 Moneybrannon Road Clarehill
Replacement of 1 no. Single Storey Detached (5 Bed) Dwelling with 1 no. Detached (3 Bed) Two Storey Dwelling and 4 no. New Detached (3 Bed) Two Storey Dwellings with Associated Parking and Amenity Space= Total 5 no. Units.
Permission Granted – 12.06.2014

C/2014/0306/F - 16 Moneybrannon Road and Land To The Rear Of 18 And 20 Moneybrannon Road, Clarehill
Erection of one detached two-storey dwelling, with single-storey garage and associated siteworks. (Amended scheme) –
Permission Granted - 23.03.2018

4 THE APPLICATION

4.1 The application proposes full planning permission for a for a single infill dwelling and garage.

5 PUBLICITY & CONSULTATIONS

5.1 **External**

Advertising: Coleraine Chronicle 06.05.2020

Re-advertisement: Coleraine Chronicle 21.10.2020

Neighbours: There are no objections to the proposal.

5.2 **Internal**

DFI Roads: No objections

Northern Ireland Water – No objections

Environmental Health – No objections

DAERA Water Management Unit and Inland Fisheries – No objection subject to standing advice.

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 both 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

Regional Development Strategy (RDS) 2035

Northern Area Plan 2016

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 7 - Quality Residential Environments

Addendum to Planning Policy Statement 7 - Safeguarding the Character of Existing Residential Areas

Planning Policy Statement 8 – Open Space and Outdoor Recreation

Planning Policy Statement 12 - Housing in Settlements

Creating Places

DCAN 8 - Housing in existing Urban Areas

Causeway Coast and Glens Corporate Strategy

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to local character, residential amenity and loss of open space.

Planning Policy

8.2 The Northern Area Plan 2016 identifies the site as being located within the settlement limit of the hamlet of Clarehill.

8.3 There are no other specific zonings or designations relating to this land set out in the Northern Area Plan 2016.

8.4 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

8.5 Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords to an up-to-date development plan unless the development will propose demonstrable harm to interests of acknowledged importance.

Loss of Open Space

8.6 Policy OS 1 (Protection of Open Space) states that:

''The Department will not permit development that would result in the loss of existing open space or land zoned for open space and the presumption against the loss of existing open space will apply irrespective of its physical condition or appearance. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:

(i) in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or
(ii) in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.''

8.7 Planning application C/ 2007/0616/F granted permission for 5 No. dwellings at this location. This permission included the western part of the current application site (approximately two thirds of the site). This permission (C/ 2007/0616/F) previously sought permission for 9 no. dwellings however this was not considered acceptable due to inappropriate scale, density and massing. The scheme was reduced to 5no. dwellings and permission was granted on 9th June 2014. The approved plans show that the area within the site that is included in this (current) application is not developed but is identified on drawing No. 04 A as Public Amenity Space with additional planting also proposed

in this area. While there are no conditions attached to this permission the plans form part of the permission and the intention of this area to be retained as public amenity space is evident.

8.8 Subsequent application C/2014/0306/F also includes the application site. This application originally sought permission for 5no. dwellings, including one on the lands of the application site. This proposal was considered unacceptable as it was considered over-development and the loss of open space for a further dwelling was not acceptable. The original area of open space provided amenity and an attractive outlook for the proposed dwellings. Due to the orientation of the 5no. dwellings (approved under C/2007/0616/F) all facing towards this area it was considered unacceptable for a dwelling. When landscaped, as required by these previous planning permissions, it would help to soften the visual appearance of this small development and be in keeping with the character of this small rural hamlet. The application (C/2014/0306/F) was amended and planning permission was granted for 1no. dwelling and a condition was attached (Condition 7) requiring details of the maintenance and management of the open space (as indicated on drawing 3H) to be agreed with the Planning Authority before the approved dwelling is occupied. The area identified in drawing 3H covers the area of the current application site. The Planning Department have not to date received details for the management and maintenance of the open space and are investigating this matter.

8.9 Creating Places advises that open space is an integral part of design in order to provide residents amenity, enhance visual attractiveness and enhance safety. The provision of open space in this area under the previous application was considered necessary and appropriate in this setting. The area of open space approved was overlooked and accessible by the approved dwellings, in accordance with Creating Places.

8.10 In the agents supporting statement they have indicated that the land has not been zoned or conditioned as open space or required to have been protected in respect of PPS 8. However,

as indicated previously the stamped approved plans for both C/2007/0616/F and C/2014/0306/F suggest that the area of the current application is to be amenity space /open space. The agent has also stated that there is no merit for open space to be conditioned at this location, all the dwellings have substantial front and rear gardens available.

8.11 It is clear from the planning histories on site that the provision of open space in the location of the application site was considered necessary for amenity purposes for the proposed dwellings and also having regard to the character of the area and the site layout. The proposed development does not meet any of the exceptions to Policy OS 1 of PPS 8, highlighted in paragraph 8.6 above. It is considered that the loss of this open space will have a detrimental impact on the amenity of the surrounding dwellings and as a result the proposed development is contrary to Policy OS 1 of PPS 8.

Policy OS 2 – Public Open Space in New Residential Development

8.12 Policy OS 2 of PPS 8 requires the provision of open space for new residential development of 25 or more units or on sites of 1 ha or more. While this application site does not fall within either of these categories Policy OS 2 goes on to state that in smaller residential schemes the need to provide public open space will be considered on its individual merits. On assessment of the planning histories, it is indicated that the provision of this area or open space was considered necessary for the amenity of the proposed dwellings and also to protect the character of the area. Therefore, as previously indicated the loss of the open space will have a detrimental impact on the character of the area and also on the residential amenity of the surrounding development.

Local Character and Residential Amenity

8.13 Both PPS 7 (Quality Residential Environments) and the Addendum to PPS 7 (Safeguarding the Character of Residential Areas) promote quality residential development in all types of settlements. DCAN 8 and Creating Places provide additional guidance intended to supplement this policy in terms of improving the quality of new residential development.

Policy QD1 PPS 7 – Quality Residential Environments
This policy sets out a presumption against housing development in residential areas where it would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas, Proposals for new residential development should comply with the following criteria.

(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;

8.14 While the proposed dwelling is similar in size, massing and appearance to the surrounding existing and approved dwellings consideration needs to be given to the planning history on site, the overall layout and the site context.

8.15 The application site was previously approved as an area of open space associated with the dwellings at Clarehill Court. The loss of this open space will have an impact on the outlook of the existing dwellings. PPS 7 encourages an attractive outlook, however with the loss of the open space the adjacent dwellings would face into the back and side of a dwelling rather than a green landscaped area as previously approved.

8.16 The proposed boundary treatments to the rear includes a close boarded timber fence. The outlook of the existing dwellings to the south and west will be facing directly towards these

boundaries which will again have an impact on their outlook as well as on approach to these dwellings. PPS 7 advises that boundary treatments can significantly affect the overall quality of residential development, promoting the 'use of appropriate hedge planting and well-designed walls and railings as opposed to the wholesale use of close boarded fencing'.

8.17 The proposed layout will also impact the proposed dwelling. The dwelling is surrounded on all sides by existing residential development with the front of the properties on Clarehill Court orientated towards the proposed dwelling. In addition to PPS 7, Creating Place put emphasis on well-designed layouts which should seek to minimise overlooking. The site has frontages onto both Moneybrannon Rd and also Clarehill Court. PPS 7 and DCAN 8 advises that special attention need to be paid to corner sites and standard layouts should be avoided. The proposal is considered contrary to criteria (a) of PPS 7.

(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;

8.18 There are no archaeological or built heritage features affecting the site. There is no record of any listed buildings or archaeological sites and monuments in the immediate area.

(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;

8.19 The proposed dwelling has private amenity space to the rear of over 120 square metres, there will also be private garden to the front and northern side of the dwelling. The proposed private amenity space exceeds the minimum standards as set out in

Creating Places. A new 1.8m fence is proposed to the north-western and south western boundaries of the site. While private amenity space is provided to the rear of the dwelling this overlooked by the existing dwellings to the south and west. The dwelling is also surrounded on 3 sides by existing roads and 2 storey residential properties which will have an impact on private amenity. Creating places advises that dwellings facing onto the rear gardens of other dwellings should be avoided.

8.20 As previously indicated the proposed boundary treatments include close boarded timber fencing. Soft boundary treatments are considered more appropriate at this location given the surrounding development in accordance with PPS 7, Creating Places and DCAN 8. No additional planting, either on site on along the boundaries has been proposed as part of the development in order to soften the visual impact.

8.21 The proposed development will also result in the loss of an area of open space previous approved under C/2007/0616/F and C/2014/0306/F which will have an impact on the amenity of the surrounding dwellings to the south and west. On assessment the proposal is contrary to criteria (c) of QD 1.

(d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as part of the development;

8.22 This is an application for a single dwelling therefore neighbourhood facilities are not required. This proposal will be located within the settlement development limits of Clarehill and residents can make use of the facilities located nearby.

(e)a movement pattern is located which promotes walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provided adequate and convenient access to public transport and incorporates traffic calming measures;

8.23 The movement pattern is acceptable. The site is within the settlement limit however the public footpaths run along Moneybrannon Road adjacent to the application site.

(f) Adequate and appropriate provision is made for parking;

8.24 As part of the proposal space for 2 no parking spaces for the dwelling have been indicated on the submitted plans, there is also space for in curtilage turning.

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

8.25 The proposed design and finishes are consistent with the other dwellings within the development and those in the wider area. The form, materials and site detailing provided are considered acceptable. The design of the dwelling is similar to the recently constructed dwellings located immediately to the south and west of the site. However as previously indicated the proposed boundary treatment to the rear of the dwelling are considered contrary to paragraph 4.21 of PPS 7 and also relevant guidance in Creating Places and DCAN 8. PPS 7 and Creating Places suggest the use of hedge planting and well designed walls or railings which can have an impact on the overall quality of developments. The development as currently proposed is contrary to criteria (g) of QD1.

(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;

8.26 The proposed development will not create conflict with adjacent properties. Immediately to the north-west of the site is an existing 1.5 storey semi-detached dwelling (No. 18 Moneybrannon Road). The proposed development is located 2m from the boundary of No 18. At the closest point there is a

separation distance of 5.4m between the two dwellings, this is measured to the single storey section of No 18 Moneybrannon Rd. There is a distance of 8.8m between the closest point of the proposed dwelling and the 1.5 storey part of this dwelling. Amended plans were received to remove the 1st floor bedroom windows on the rear elevation to ensure there was no direct overlooking of private amenity space to the rear of No 18. There remains two first floor bathroom windows on the proposed rear elevation. There are two 1st floor bedroom windows proposed for the northern facing side elevation of the dwelling. On assessment of the plans these windows will look towards the front garden of No 18 and will not overlook or overshadow the 2nd floor windows of this adjacent property.

8.27 The site is surrounded by roads to the north-east, south and west of the proposed dwelling and is overlooked by the existing 2 storey dwellings to the west and south in Clare hill Court. The front elevation of No 2 Clarehill Court sits approximately 8.5m from the boundary of the proposed dwelling, this dwelling is orientated towards the front garden of the dwelling on the application site. The front elevation of No 5 Clarehill Court, which is the closest property to the rear of the site, sits approximately 14m from the rear boundary and approximately 23m to the corner of the proposed dwelling. The orientation of the proposed dwelling will mean there is no direct overlooking from the front of No. 5 into any rear windows. In terms of separation distance the proposed layout would, on balance, be acceptable. Although the front of No. 5 faces towards the rear amenity of the proposed dwelling the relatively flat topography and distance of over 20 m to the immediate rear amenity space would mean, on balance, overlooking is not to such a detriment as to warrant refusal on this issue.

(i) The development is designed to deter crime and promote personal safety.

8.28 The proposed development not anticipated to lead to the creation of areas where anti-social behaviour may be

encouraged, however the proposed dwelling is surrounded by roads on 3 sides. Creating places states that it is preferable that gardens are back-to-back rather than onto common open space, footpath or parking court. As previously indicated it is preferable that rear boundaries are defined by hedges and other planting or high quality boundary wall treatments in accordance with Creating Places.

Policy QD 2 of Planning Policy Statement 7 – Design Concept Statements, Concept Master Plans and Comprehensive Planning

8.29 This policy requires the submission of a Design Concept Statement to accompany all planning application s for residential development to demonstrate how the proposed scheme has taken account of the main features of the site and it context and how it meets the criteria set out in QD 1 and thereby promoting a quality residential development.

8.30 A Design Concept Statement did not accompany the application. An email was sent to the agent on 1st April 2022 giving the opportunity to submit a Design Concept Statement for consideration. A supporting statement was received via email on 15th April 2022. This statement contains a site appraisal, design principles, site history and outlines how they believe the proposed development complies with policy QD 1 of PPS 7. The statement includes images of the adjacent development and also proposed block plan and proposed elevations.

Policy LC1 addendum to PPS 7 – Safeguarding the Character of Established Residential Areas

8.31 Planning Permission will only be granted for redevelopment in established residential areas where all the criteria set out in Policy QD1 of PPS 7 is met together with the following additional criteria set out in LC1:

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

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

8.32 The application is for a single dwelling to be located within a residential area with a mix of new and existing dwellings. The surrounding dwellings are mostly 1.5 storey and 2 storey properties. The proposal will not significantly increase the density in the area. The dwelling exceeds the minimum size guidance for this type of property as set out in this policy and private amenity space of over 120 square metres is to be provided. The loss of open space will however have an adverse impact on the character of the area resulting in built development on an area of open space. As such the proposal conflicts with part (b) of Policy LC 1.

Access

8.33 Policy AMP 2 of PPS 3 states that planning permission will only be granted for development involving direct access, or 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.

8.34 The dwelling will be accessed via a new access onto the Moneybrannon Road, this access will serve one dwelling. DFI Roads have been consulted and have no objection to the proposed development. The proposal includes space for in curtilage turning and parking space for at least 2 cars. The proposal meets this policy.

Sewage Disposal

8.35 The applicant had initially indicated that the foul sewage for the development was to be disposed of via mains connection however on consultation with NI Water they have indicated that

Waste Water Treatment facilities are not available to serve this proposal. In response the applicant now proposed to use a septic tank and on 29th March 2021 amended plans were received to indicate this. Following further consultation and the submission of additional information regarding the septic tank Water Management Unit and Inland Fisheries have confirmed they have no objection. Environmental Health have also been consulted as a result of proposed septic tank, they have no objection and have provided advice. Water supply and surface water are proposed to connect to mains.

Habitats Regulation Assessment

8.36 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The Proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

9 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS. The proposal fails to meet the requirements of PPS 7 and PPS 8 and will result in the loss of public open space and is considered to have an unacceptable impact on local character and residential amenity. Refusal is therefore recommended.

10 Refusal Reasons

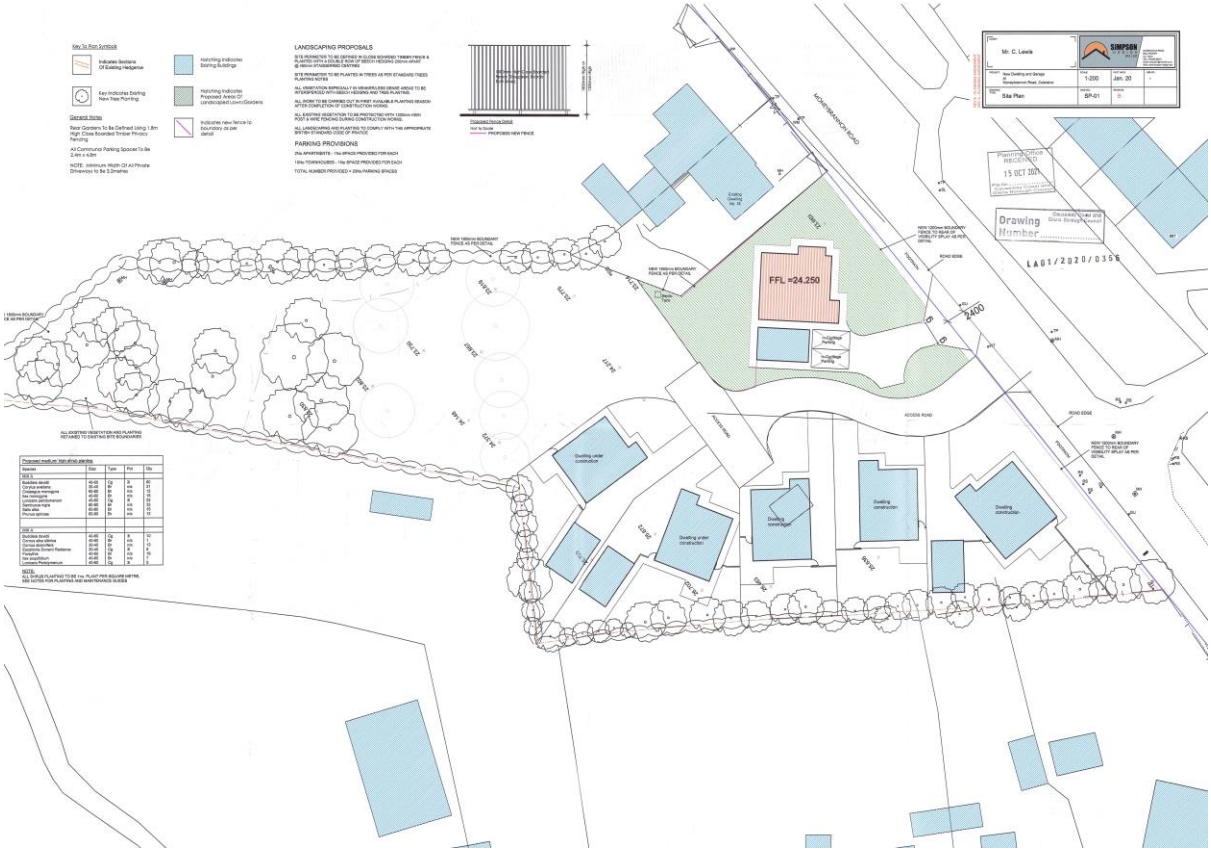
1. The proposal is contrary to Paragraph 6.200 and 6.205 of Strategic Planning Policy Statement for Northern Ireland and Policy OS 1 Planning Policy Statement 8 – Open Space and Outdoor Recreation in that the development would, if permitted,

have an adverse affect the environmental quality of the area by reason of the loss of open space and it has not been demonstrated that the loss of open space will bring substantial community benefits that decisively outweigh the loss of the open space, or alternative provision has not been has not been made for the loss of this open space, which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality.

2. The proposal is contrary to paragraph 4.26 of the SPPS and criteria (a), (c), (g), of Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, Part (b) of Policy LC1 of Addendum to Planning Policy Statement 7, the Design Guide Creating Places 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 and does not provide a quality residential environment.

Site Location Plan

Site Plan


Mr. C. Lewis
SIMPSON
Site Plan
BP-01
Jan. 20
1:200
Planning Office
RECEIVED
15 OCT 2021
Drawing Number
LA01/2020/0355
FFL =24.250
HOBSBRANCH ROAD
ACCESS ROAD
Dwelling under construction
Dwelling construction
Dwelling
LANDSCAPING PROPOSALS
PARKING PROVISIONS

Referral Request

From: Mark Fielding < >
Sent: 18 May 2022 10:17
To: Planning <Planning@causewaycoastandglens.gov.uk>; Joan Baird < >; Denise Dickson < >
Subject: LA01/2020/0356/F - 16m South East of 18 Moneybrannon Road, Clarehill Aghadowey

LA01/2020/0356/F - 16m South East of 18 Moneybrannon Road, Clarehill Aghadowey

Infill Dwelling and Garage.

I wish to refer the above application to the Planning Committee and for the following reasons:-

In 2007 – C/2007/0616/F – Application was passed for 5 dwellings at same location.

As the open space has not been indicated on any previous drawings or the original planning approval, this site complies for an infill dwelling.

This application is in a residential area in a rural village. The applicant has considered the local character, the quality and amenity and it will provide a quality residential environment.

Regards

Mark

Alderman M Fielding

Addendum
LA01/2020/0356/F

1.0 Update

1.1 The above application was presented to the Planning Committee on 22nd June 2022 with the opinion to refuse. At this meeting the Planning Committee resolved to refuse planning permission in line with officers' recommendation. On 24th June 2022 the agent submitted an amended site location plan (Dwg 02 Rev 3, attached) for consideration. This plan indicates the provision of a small area of open space to be located immediately to the west of the proposed dwelling.

1.2 Further neighbour notification was carried out following receipt of the amended plan. One letter of objection was received on 14th July 2022 from No. 20 Moneybrannon Rd.

1.3 Details and recommendations of NI Water response dated 16th April 2021 were not included in the Committee report and are detailed and addressed below.

2.0 Assessment

2.1 The amended site plan received on 24th June 2022 indicates a small area of open space to be provided to the west of the proposed dwelling. The private amenity space for the proposed dwelling has been reduced, from that previously submitted, to provide this area of open space. The area of open space as approved under applications C/2007/0616/F and C/2014/0306/F has not been provided. The provision of open space in this area under the previous applications was considered necessary and appropriate in this setting. The amended plan proposes an area of open space significantly smaller than what was previously considered appropriate for the development approved under applications C/2007/0616/F and C/2014/0306/F. The area of open

space as previously conditioned and approved measured approximately 620 square metres in area and was located centrally in the development and overlooked by the dwellings of Clarehill Court. The proposed area of open space as indicated on the amended layout drawing measures 69 square metres, approximately 11% of the area of open space approved. Policy OS 1 (Protection of Open Space) of PPS 8 has a presumption against the loss of public open space. The proposal is not considered to meet any of the exceptions to this policy as the alternative provision provided on the amended layout is not as accessible to current users and is not equivalent in terms of size, usefulness, attractiveness, safety and quality. Therefore, it is contrary to Policy OS 1 of PPS 8.

2.2 Policy OS 2 (Public Open Space in New Residential Development) of PPS 8 advises that in smaller residential schemes the need to provide public open space will be considered on its individual merits. On assessment of the planning histories, it is indicated that the provision of this area of open space was considered necessary for the amenity of the proposed dwellings and would also soften the visual appearance of this small development when viewed in the context of this small rural hamlet. Policy OS 2 outlines a number of criteria for which public open space should conform to. The proposed area of public open space does not meet this criteria as it is not designed as an integral part of the development nor does it have recreational or amenity value due to its narrow frontage and enclosed nature. Due to it remotes location from a number of the surrounding properties it is not as easily accessible and would also have an adverse impact on the privacy and amenity of the proposed dwelling given its close proximity and lack of boundary enclosing it.

2.3 Creating Places document advise that public open spaces should not be located out of sight at the end of rear gardens, they should be linked together and designed as an integral part of the overall layout. Creating Places goes on to suggest that areas of open space should be directly overlooked by the front of dwellings and should be located and designed to minimise the risk of nuisance to those living nearby. Due to the location, size and shape of the area proposed it fails to enhance urban quality and visual amenity as the open space does not provide a positive outlook for the existing dwellings and fails to provide a visually attractive green space. Unlike the area of open space approved under the previous

applications (C/2007/0616/F and C/2014/0306/F) this proposed area fails to perform the functions as required for an area of open space as defined by PPS 8.The open space proposed in the amended plan fails to achieve these requirements and as such is contrary to Policy OS 2 of PPS 8 and Creating Places.

2.3 Policy QD 1 of Planning Policy Statement 7 states that Public Open Space should be suitably located, proportioned, and planted and that narrow or peripheral tracts which are difficult to manage will not be acceptable. The proposed open space represents a small, irregular shaped area between private gardens. No additional planting has been provided for the proposed open space to help provide an attractive and landscaped area. It is therefore considered that proposed open space fails to comply with Policy QD 1 of PPS 7.

2.4 The letter of objection received relates to the provision of sight lines for the adjacent development at Clarehill Court. DFI Roads have no objection to the current proposed development however the issues of provision of sightlines for the previous approved development is currently under investigation.

2.5 The NI Water response dated 16th April 2021 comments that there is no public storm sewer to serve this proposal. They advise that the applicant is required to consult with them and may wish to requisition a storm sewer to serve the proposed site and/or obtain approval from Rivers Agency for discharge to a watercourse. Clarification on this matter has been sought from the agent and they have advised that they will seek approval from Rivers Agency for discharge to a watercourse. The septic tank, associated with the proposed dwelling, is located within the area of open space. This is unacceptable as it could lead to amenity issues for other users of the open space and deter residents from utilising it. Also, it is located outside the private ownership of the prospective purchaser and as such management would be difficult.

2.6 The site is located within close proximity to a Waste Water Treatment Works (WWTW). The WWTW is located approximately 100 metres west of the site. Neighbouring properties within Clarehill Court are located closer to the WWTW and as such a dwelling on this site would not experience any greater adverse impact in terms of amenity.

3.0 Recommendation

3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with the reasons outlined in paragraph 10 of the Planning Committee. In addition the following refusal reason:

The proposal is contrary to Paragraphs 4.12 and 6.201 of Strategic Planning Policy Statement for Northern Ireland and Policy OS 2 Planning Policy Statement 8 – Open Space and Outdoor Recreation in that it has not been demonstrated that the public open space has been designed in a comprehensive and linked way as an integral part of the development; it is of demonstrable recreational or amenity value; it provides easy and safe access for the residents of the dwellings it serves; and its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities.

Amended Site Layout Plan