Planning Committee Report LA01/2017/1130/O	**28th March 2018**
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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

No: LA01/2017/1130/O **Ward: BALLYKELLY**

App Type: Outline Planning

Address: Adjoining No. 20 Larch Road, Limavady

Proposal: Site for a single storey detached bungalow and detached domestic garage

Con Area: n/a **Valid Date: 07.09.2017**

Listed Building Grade: n/a

Agent: JD Forrest, 185 Irish Green Street, Limavady, BT49 9AR

Applicant: Mrs Ursula O'Kane, 12 Tartnakilly Road, Limavady, BT49 9NA

Objections: 0 **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 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

2.1 This site is located on Larch Road and comprises an irregular shaped roadside site. The site is uneven under foot with vegetation covering most of the site. A watercourse defines the irregular rear boundary of the site to the south-east. There is an existing dwelling, No. 20, to the north-east. Part of the roadside boundary is defined by a mature roadside hedgerow, the remainder is undefined.

2.2 The surrounding area is rural and is characterised by agricultural fields with existing dwellings in the vicinity of the site.

2.3 In the Northern Area Plan the site is located in the countryside, outside of any defined settlement limits. There are no specific zonings or designations covering the site.

3 RELEVANT HISTORY

B/2007/0322/O
Proposed site for single storey dwelling and detached garage.
50m South West of 12 Larch Road Limavady.
Permission Refused: 05/01/2011

B/2007/0168/F
Erection of 1½ storey chalet bungalow - (change of house type)
Adjacent to 8 Larch Road, Glack, Limavady
Permission Granted: 09/10/2007

B/2004/0595/O
Site for dwelling
50 metres north west of 12 Larch Road, Ballykelly, Limavady
Permission Refused: 10/02/2005

B/1999/0403/F
Erection of bungalow with attached domestic garage.
Larch Road, Glack, Limavady, Co Londonderry.
Permission Granted: 08/11/2000

B/1998/0323
Site for bungalow.
Larch Road, Glack, Limavady.
Application Withdrawn

B/1984/0352
Erection of bungalow
Larch Road, Glack.
Permission Granted: 04/02/1985

3.1 The planning history shows two previous refusals for a dwelling house on the current application site, Ref: B/2007/0322/O & B/2004/0595/O. Both proposals were considered to result in ribbon development and therefore a detrimental change to rural character. The previous approval, which included the current application site within the red line, Ref: B/1999/0403/F relates to the adjacent site at No. 20 Larch Road. This dwelling has since been constructed, and was subject to an application for a change of house type in 2007, Ref: B/2007/0168/F.

4 THE APPLICATION

4.1 Outline Planning Permission is sought for a single storey detached bungalow and detached domestic garage.

5 PUBLICITY & CONSULTATIONS

5.1 **External**

Neighbours: There are no objections to the proposal

5.2 **Internal**

Environmental Health Department: No objections

NI Water: No objections

DAERA Water Management Unit: No objections

DAERA Natural Environment Division: Biodiversity Checklist required

DFI Roads: Revised P1 form and Location Plan were requested

DFI Rivers: The site lies partially within the 1 in 100 year fluvial flood plain. If the site is deemed an exception then a flood risk assessment should be carried out

Loughs Agency: No objections

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 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 15: Planning and Flood Risk

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development; ribbon development; rural character; flooding; natural heritage; and road safety.

Principle of Development

8.2 The SPPS and Policy CTY1 of PPS 21 identify a number of instances when an individual dwelling house will be granted permission. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

8.3 There was no supporting information submitted with the application to indicate any specific circumstances or request for the proposal to be

considered in respect of a specific policy. The proposal is therefore considered against each of the instances where an individual dwelling house may be granted permission.

8.4 Policy CTY 2a states that permission will be granted for a dwelling at an existing cluster of development provided all of the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

The application site is not located at an existing cluster of development. While there may be four or more buildings, including three dwellings, they appear as an existing ribbon of development alongside the road and not as an identifiable cluster which would appear as a visual entity within the local landscape. There would be no focal point for any cluster to associate with, and the site would not allow for consolidation or rounding off as it is not bound on at least two sides with other development.

8.5 Policy CTY 3 relates to replacement dwellings. As there is no existing dwelling to be replaced, Policy CTY 3 does not apply.

8.6 Policy CTY 4 relates to the conversion and reuse of existing buildings. As there is no existing building on the site, Policy CTY 4 does not apply.

8.7 Policy CTY 6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

(a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and

(b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

At the time the application was submitted, no supporting information accompanied the application. Following a recommendation to refuse and the subsequent referral of the application to the Planning Committee the applicant submitted correspondence to the Planning Department, received on the 23rd January 2018. Having considered the information submitted it is not considered that the applicant's personal or domestic circumstances meet with the criteria outlined above. The proposal does not comply with the SPPS and Policy CTY 6.

8.8 Policy CTY 7 relates to dwellings for non-agricultural business enterprises. As the proposal is not in connection with a non-agricultural building, Policy CTY 7 does not apply.

8.9 Policy CTY 8 relates to ribbon development. This is considered separately in the section below.

8.10 Policy CTY 10 relates to dwellings on farms. As the proposal is not for a dwelling on a farm, Policy CTY 10 does not apply.

8.11 The proposal is contrary to the SPPS and Policy CTY 1.

Ribbon Development

8.12 The SPPS and Policy CTY 8 state 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. A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

8.13 The application site as submitted comprises an existing irregular shaped portion of land which has roadside frontage to Larch Road. There is an existing dwelling, No. 20, north-east of the site and a watercourse defines the irregular boundary of the site to the south-east. No other building exists to the south-west of the site along the road frontage, therefore there is no gap to be considered as an exception under this policy. The proposal would create ribbon development along Larch Road and would therefore be contrary to the SPPS and Policy CTY 8.

Rural Character

8.14 The SPPS and Policy CTY 1 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. The proposal would result in ribbon development, creating a suburban style build-up of development which would fail to respect the traditional pattern of settlement exhibited in the surrounding area. The proposal would have a detrimental impact on the character and appearance of this rural area. The proposal is contrary to the SPPS and Policy CTY 14.

Flooding

8.15 The SPPS and Policy FLD 1 of PPS 15 as development will not be permitted within the 1 in 100 year fluvial flood plain or the 1 in 200 year coastal flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The application site is located partially within the 1 in 100 year fluvial flood plain. Approximately half of the application site appears to be affected. The proposal is not considered to be an exception and therefore no flood risk assessment was requested. The proposal is contrary to the SPPS and Policy FLD 1.

Natural Heritage

8.16 In a consultation response from DAERA – Natural Environment Division, it was noted from a desk top study of GIS and aerial photography records that the application site has trees, hedgerow habitat and a watercourse nearby the application site and has the potential to support a variety of species including but not limited to bats and wild birds which may be affected by this application. A biodiversity checklist should be completed by the applicant/agent for the site. As the principle of development was not considered acceptable no further information was requested. The proposal is therefore contrary to the SPPS and PPS 2.

Road Safety

8.18 Further to consultation with DFI Roads a revised location plan and an amended P1 Form were requested. An amended location plan is required to indicate visibility splays in both directions. As there is no defined access existing at this proposed site, Q12 of the P1 form should be amended to indicate that a new access to the public road is required. As the principle of development was not considered acceptable no further information was requested. The proposal is contrary to Policy AMP 2 of PPS 3.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. As the proposal would result in ribbon development it is contrary to Policy CTY 8 and CTY 14 of PPS 21. The proposal is contrary to Policy FLD 1 of PPS 15 as it is not considered to be an exception. The proposal is contrary to Policy NH 2 of PPS 2 as the applicant has failed to demonstrate that the proposal would not result in an unacceptable impact on habitats, species or features of Natural Heritage Importance. It has not been demonstrated that the proposal would not prejudice road safety therefore the proposal would be contrary to Policy AMP 2 of PPS 3. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that; the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling; the cluster does not appear as a visual entity in the local landspace; the cluster is not associated with a focal point and / or is

not located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; and the dwelling would if permitted visually intrude into the open countryside.

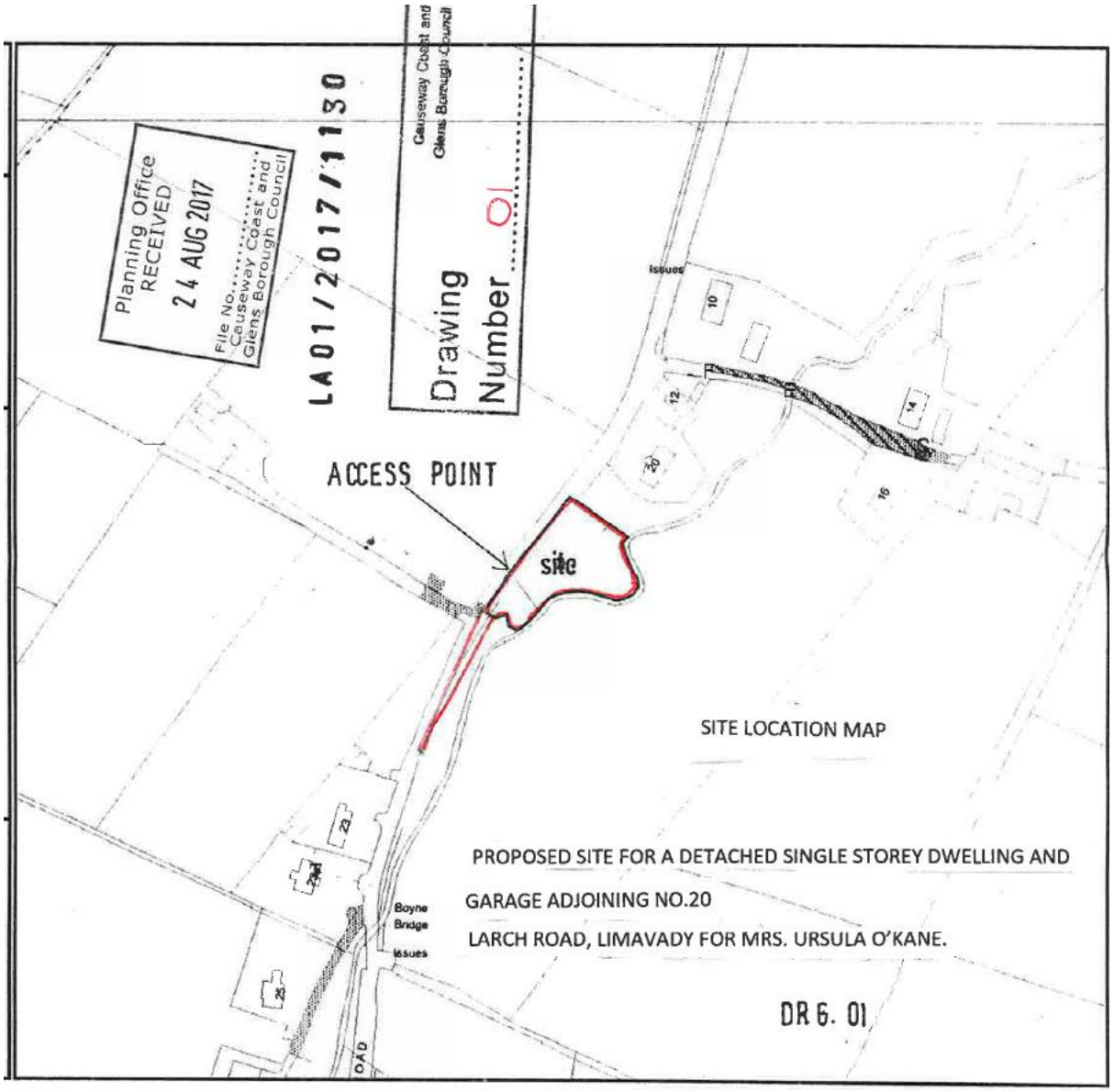
3. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

4. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Larch Road.

5. The proposal is contrary to paragraph 6.70 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to the rural character of the countryside.

6. The proposal is contrary to Policy FLD 1 of Planning Policy Statement 15, Planning and Flood Risk, in that it has not been demonstrated that the proposal constitutes an exception to the policy.

7. The applicant has failed to demonstrate that the proposal would not result in an unacceptable adverse impact on habitats, species or features of Natural Heritage Importance in accordance with Planning Policy Statement 2 – Natural Heritage.

8. The applicant has failed to demonstrate that the proposal would not prejudice road safety in accordance with Policy AMP 2 of Planning Policy Statement 3 – Access, Movement and Parking.

Site Location Map