



Title of Report:	Planning Committee Report – LA01/2022/0799/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22 November 2023
For Decision or For Information	For Decision – Objection Item
To be discussed In Committee YES/NO	No

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	Development Management and Enforcement Manager

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	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: LA01/2022/0799/O

Ward: Magilligan

App Type: Outline

Address: Site between 62a & 64 Drumalief Road, Drumalief, Limavady

Proposal: Gap site for two dwellings under PPS 21

Con Area: N/A **Valid Date:** 22.07.2022

Listed Building Grade: N/A

Agent: Valley Architects, 8 Wood Road, Ballykelly BT49 9PJ

Applicant: Colin Bond, 8 Kirk Park, Ballymoney BT53 6PF

Objections: 8 **Petitions of Objection:** 0

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

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.gov.uk>

EXECUTIVE SUMMARY

- Outline planning permission is sought for two infill dwellings under Policy CTY8.
- The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.
- The principle of development is considered acceptable under Policy CTY8 for the development of a small gap site within an otherwise substantial and built up frontage.
- It is considered that that two dwellings would visually integrate into the surrounding landscape, and with existing development in accordance with Policy CTY13 of PPS21.
- The proposal meets CTY14 as it is considered the proposed dwellings will not be prominent features in the landscape and will not cause a detrimental change to the rural character of an area.
- DFI Roads, NI Water and NIEA (Water Management Unit), Environmental Health, DFI Rivers and Shared Environmental Services were consulted on the application and raise no objections to the proposal.
- There have been 8 letters of objection from 8 separate addresses.
- The application is recommended for Approval.

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 **APPROVE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located on land between 62a and 64 Drumalief Road, Limavady.
- 2.2 The site is a rectangular plot of land contrived out of a larger agricultural field. The northern boundary is undefined and open to the rest of the agricultural field, whilst the northern boundary of the wider field is defined by mature trees some 7metres in height. All remaining boundaries are defined by mature vegetation between 3-6metres in height.
- 2.3 The topography of the site falls slightly towards the north whilst the surrounding area falls towards the east and west.

3 RELEVANT HISTORY

- 3.1 No relevant history.

4 THE APPLICATION

- 4.1 Outline planning permission is sought for two infill dwellings.

Habitat Regulation Assessment

- 4.2 The potential impact of 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). Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, it is considered that the project would not

have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, and following consultation with NIEA and SES, it was assessed in the manner in which the project is to be carried out including any mitigation. This conclusion is subject to a mitigation measure being conditioned for a 10-metre buffer strip. This condition is set out in Section 10 below.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: Five (5) neighbouring properties were notified.

Eight (8) letters of representation have been made from eight (8) separate addresses. Key points were:

- Neighbour (No. 74) not being notified
- Health and safety, in particular an increase in traffic on the lane and existing use by farm machinery
- Road safety/no street lighting on the lane
- Fails policy CTY8 (of PPS21) as there is not a substantial and continuously built up frontage along the laneway due to topography and vegetation; and no visual linkage. Resulting in ribbon development.
- Land Ownership including visibility splays.
- Loss of hedgerows and possible impact on protected species
- Bins currently left at the end of the lane. 2 additional dwellings will add to this which could create road safety issues.
- An increase in traffic will affect the soundness of No.60 Drumalief Road.

5.2 Internal

Environmental Health Department: No objection

NI Water: No objection

DFI Roads: No objection

DAERA Water Management Unit: No objection

DFI Rivers: No objection

NIEA (Natural Environment Division): 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 the 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

The application has been assessed against the following planning policy and guidance:

- Regional Development Strategy 2035.
- Northern Area Plan 2016.
- Strategic Planning Policy Statement.
- PPS2: Natural Heritage
- PPS 3: Access, Movement and Parking.
- PPS 21: Sustainable Development in the Countryside.

Supplementary Planning Guidance

- Building on Tradition: A sustainable Design guide for Northern Ireland.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, character of the area, ecology, road and traffic matters, and; other issues.

Planning Policy

- 8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents.
- 8.3 Taking into account the transitional arrangements of the SPPS, the retained PPS 21 provides the relevant policy context for the proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.
- 8.4 Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY1 indicates that the development of a small gap site within an otherwise substantial and built up frontage is such a form of acceptable development, provided this accords with Policy CTY8.

Principle of Development

- 8.5 CTY 8 states that planning permission will be refused for a building which creates or adds to ribbon development. It does however state that 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. For the purpose of this policy 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.

- 8.6 It is considered there is a substantial and continuously built up frontage along this laneway which is made up of No's 60 (and it's two no. outbuildings), 62, 62a and 64 Drumalief Road as the frontage "includes a line of three or more buildings along a road frontage without accompanying development to the rear". No. 60's 2no outbuildings are included within this assessment as they are located to the front of the building line. Overall, it is considered there is a substantial and continuously built-up frontage along this road.
- 8.7 Although an objector raises concern that it may look like a substantial and continuously built up frontage when looking at a map, this is not the reality on site due to the topography and existing vegetation. It states that there is no visual linkage between the site and No's 62 nor 64 Drumalief Road, with limited linkage between the site and No. 62a. When travelling along the laneway, there is an awareness of substantial and continuous development along the northern side of the laneway. The critical test is that of a substantial and built up frontage; not visual linkage.
- 8.8 The policy requires the gap site to be small in that a maximum of two dwellings could be accommodated within the resulting gap. The *Justification and Amplification* text at Paragraph 5.34 is clear that the gap is between houses or other buildings. The guidance in Building on Tradition indicates that when the gap is more than twice the length of the average plot width, it is often unsuitable for infill with two new plots. The existing plot widths vary from @30 metres (No.62a) to 103 metres (No.60) with an average of @62.25 metres.
- 8.9 The gap between the buildings on Nos. 62a and 64 Drumalief is about 140metres. This includes the amenity and garden areas of both properties, and the land subject of this application. There is a watercourse that runs along the western boundary of the application site which requires a buffer where no development can take place (at least 5metres). The frontage of the application site

measures @106metres. When considering the frontage equates to less than twice the average of the average frontage, the context and character of the surrounding plot sizes and frontages and restriction with the watercourse, it is considered, on balance, that the gap is a small gap site sufficient only to accommodate up to a maximum of two houses whilst respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size, and complies with policy CTY8.

Integration and character of the area

- 8.10 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design and sets out a number of criteria when a new building will be unacceptable.
- 8.11 The application site falls towards the northern boundary which is physically undefined, however the wider agricultural field benefits from mature vegetation some 7metres in height. It was evident on the site inspection that the laneway also falls towards the east and south. Due to the topography changes and existing mature vegetation to the eastern and western boundaries, the site is not fully visible until directly upon it.
- 8.12 It is considered that the combination of the topography and mature vegetation that two dwellings would integrate into the wider landscape and would not be a prominent feature, especially when viewed from the private laneway.
- 8.13 The existing dwellings either side of the application site are single storey and storey and a half dwellings. It is considered necessary to condition the proposed dwellings to have a ridge height of no more than 6metres in height; and it is also necessary that all existing vegetation is retained at a minimum height of 2metres for hedging and 4metres for trees. A detailed landscaping scheme will should also be provided at Reserved Matters stage.
- 8.14 Overall, it is considered that two dwellings will visually integrate into the surrounding landscape, and with the existing buildings in accordance with Policy CTY13 of PPS21.

- 8.15 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area and sets out criteria when this is unacceptable.
- 8.16 It is crucial to ensure that new buildings and any associated ancillary works do not result in a detrimental change to, or further erode the rural character of an area, rather they should seek to maintain and protect the special qualities and unique character of our countryside. In order to maintain and protect the rural character of an area the new building should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development.
- 8.17 As noted above, it is considered the proposed development of a small gap site within an otherwise substantially built-up frontage will respect the development pattern displayed in the locality.
- 8.18 The proposed dwellings will not be a prominent feature in the landscape nor will they be out of character to the area. It is considered the proposal would not cause a detrimental change to, or further erode the rural character of an area in accordance with Policy CTY 14 of PPS 21.

Road and traffic matters

- 8.19 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
- 8.20 Objection letters raised concerns regarding to the intensification of the existing laneway and its access, as well as road safety concerns. DfI Roads was originally consulted on the proposal, and re-consulted upon receipt of the objections.

8.21 DfI Roads has been consulted as the competent authority on roads and traffic matters and it raises no objection to the proposal regarding health and safety, and in particular any increase in traffic on the lane and existing use by farm machinery. The proposal complies with Policy AMP2 of PPS3.

Ecology

8.22 A Preliminary Ecological Appraisal and Outline Construction Environmental Management Plan were submitted during the processing of this application and the relevant consultees consulted.

8.23 As set out in Para.4.2, SES as the competent authority is satisfied that the proposal will not have any unacceptable impact on any protected designation.

8.24 NIEA (Natural Environment Division) raise no objection to the proposal as the competent authority on the natural environment and provides advice to the planning applicant.

Other Issues

8.25 No.74 Drumalief Road does not qualify as a neighbour to be notified under Article 8 of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

8.26 Road safety – additional bins/no street lighting on the lane – DfI Roads has been consulted as the competent authority and it raises no objection. There is already existing development on this lane with traffic moving to and from it, without street lighting.

8.27 Land ownership issues, including visibility splays is a civil matter between the interested parties.

8.28 Loss of hedgerows and possible impact on protected species

8.29 An increase in traffic will affect the soundness of No. 60 Drumalief Road. No evidence has been submitted in this regard and that any additional traffic movements will have any different impact to the existing traffic using the road. Any potential or future damage

caused by a third party would not be a planning matter that would carry determining weight.

9 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS. The proposal meets the principle policy requirements under CTY1 for dwelling in the countryside under CTY8 for two infill dwellings. The proposal meets Policies CTY13 and CTY14 in that two dwellings would integrate into the landscape, and with existing buildings, and they would not appear prominent in the landscape. Approval is recommended.

10 Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Planning Authority.

Reason: To ensure the dwelling integrates into the landform.

4. The depth of the underbuilding between the finished floor level and the existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

5. The proposed dwelling shall have a ridge height of no more than 6.0 metres above finished floor level.

Reason: To ensure a satisfactory form of development.

6. The floorplan shall not exceed 240sqm, measured externally.

Reason: To ensure the proposal is in keeping with the character of the rural area.

7. The existing vegetation located along the eastern, southern and western boundaries shall be permanently retained at a minimum height of 2 metres for hedging and 4metres for trees unless necessary to prevent danger to the public in which case a full explanation shall be given to the Planning Authority in writing.

Reason: To ensure that the development integrates into the countryside and to ensure the maintenance of screening to the site.

8. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

9. The 5 metre buffer area along the northern boundary as indicated in green on Drawing No. 01/2 date stamped 6th March 2023 shall

be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development.

Reason: To ensure access to and from the maintenance strip at all times.

10. A clearly defined buffer of at least 10m shall maintained between the location for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse located on the western boundary of the site.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <https://planningregister.planningssystemni.gov.uk/simple-search>.

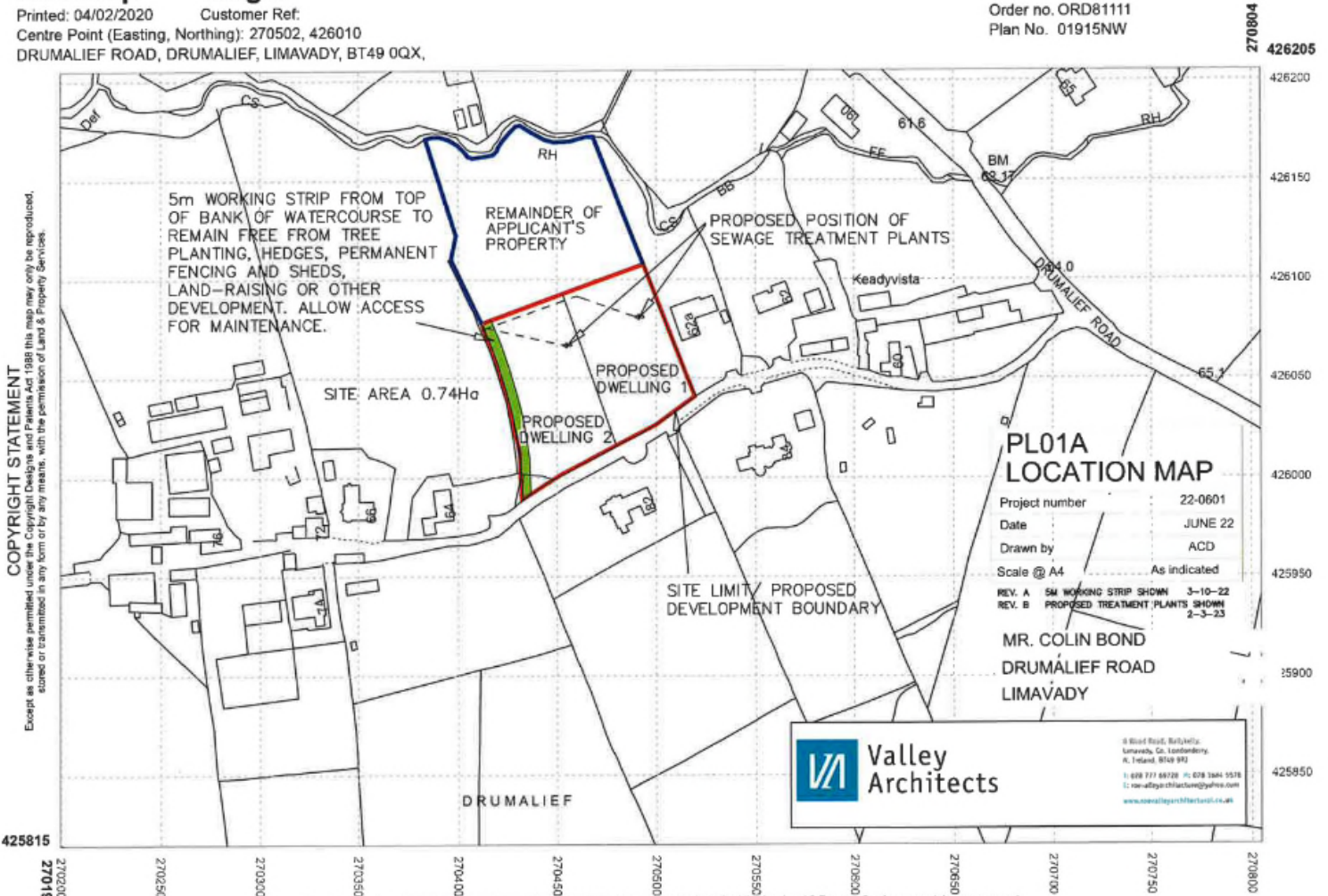
Site Location

ACEmap® Single

Printed: 04/02/2020 Customer Ref:
 Centre Point (Easting, Northing): 270502, 426010
 DRUMALIEF ROAD, DRUMALIEF, LIMAVADY, BT49 0QX,

Scale: 1:2,500
 Order no. ORD81111
 Plan No. 01915NW

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Addendum

LA01/2022/0799/O

1.0 Update

- 1.1 Following the publication of this application on the Schedule of Applications for Planning Committee for October's meeting of the Planning Committee, an objector contacted the Planning Office to state that neither neighbours nor objectors to this application received the notification letters which were produced on Wednesday 20th September 2023.

2.0 Consideration

- 2.1 An objector has stated there has been an error in renotifying neighbours and objectors following the receipt and uploading of all information pertinent to the consideration and assessment of this application. Having regard to the matters raised by the objector and checking the Planning Portal, while it shows all neighbours appear to have been sent letters, one objector has not been notified. On this basis, it is recommended that the application is deferred for one month to allow due process to be followed and notification to be sent.
- 2.2 Council has been informed that none of the neighbours or objectors, who are showing as being sent letters, received these. Having regard to this, and that a letter to one objector needs to issue, it is recommended that these relevant parties are also notified with a further letter to ensure no prejudice is caused. Doing so will not prolong the processing of the application further, as notifying one, or more interested parties, requires a 14 day period to allow for the submission of representations. This 14 day period will have expired by the date of the November's Planning Committee meeting.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to defer the application for one month because of the reasons set out in Section 2 of this Addendum.

Addendum 2

LA01/2022/0799/O

1.0 Update

- 1.1 Following deferral of this application at the October 2023 meeting of the Planning Committee, re-notification of neighbours has now been carried out and 2 further objections have been received.

2.0 Consideration

- 2.1 Assessment of the application against Policy CTY 8 is set out in Paras 8.5 – 8.9 of the Planning Committee Report (PCR). An objector has stated the case officer is correct in stating that visual linkage is not used in policy CTY 8. However, the objection goes on to state that the critical test of a substantial and built up frontage is one “..which must read visually on the ground.”.

- 2.2 CTY 8 states in the text of Policy Box:

“For the purpose of this policy 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.”

It is therefore incorrect to state that the critical test of a substantial and built up frontage is one “..which must read visually on the ground” as this is not mentioned within the Policy test or the Justification and Amplification of Policy CTY 8.

- 2.3 One objection raises the matter of passing bays along the lane. Further objection is raised regarding traffic, including noise, parking and safety issues relating to traffic movements along Drumalief Road and the access lane. DfI Roads, as the competent authority on traffic matters, raises no objection to the proposal and is not seeking any upgrade to the existing arrangements.

- 2.4 The considered position of the Planning Department is currently in agreement with Dfl Roads.
- 2.5 The level of objection to a proposal is not a matter that is given determining weight in this instance, as the proposal is considered to comply with an acceptable type of development as set out in Policy CTY 1 of PPS21; CTY 8 as an infill site.
- 2.6 Assessment against the relevant policies within PPS21 and material considerations is set out in the PCR and this Addendum (2). While it is accepted that all development will lead to some form of change within the rural area, it is matter to balance and consider whether this is acceptable or not. It is considered that, having regard to Policies CTY 8, 13 & 14 and the existing built form and development, topography, and vegetation that, on balance, this proposal is considered acceptable.
- 2.7 Paragraph 8.28 of the PCR omits to make reference to the fact that this matter is addressed under Paras 8.22-8.24. Therefore, the following sentence should be included after the word species in Para.8.28 of the PCR:

“These matters have been considered under Paragraphs 8.22-8.24 of the Planning Committee Report and given the contents of the information submitted, and following consultation with the relevant consultees, the proposal is considered acceptable when assessed against Policies NH 2 and NH 5 of PPS 2: Natural Heritage.”

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum (2) and agree with the recommendation to Approve the application as recommended in Section 1 of the PCR.