

Planning Committee Report – Agenda item 5.21 LA01/2017/1018/O – Adjacent to 83 Tartnakilly Road, Limavady	28th February 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	Principal Planning Officer
Cost: (If applicable)	N/a

**Adjacent to
83 Tartnakilly Road,
Limavady**

LA01/2017/1018/O

28th February 2018

<u>No:</u> LA01/2017/1018/O	<u>Ward:</u> BALLYKELLY
<u>App Type:</u> Outline Planning	
<u>Address:</u> Adjacent to 83 Tartnakilly Road, Limavady	
<u>Proposal:</u> Proposed single dwelling to form part and round off a cluster in accordance with Planning Policy CTY 2A	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 07.08.2017
<u>Listed Building Grade:</u> n/a	
Agent: Gerry Loughrey Architects, 22 Foyle Street, Derry, BT48 6AP	
Applicant: Mr Seamus Canning, 40 Laurel Road, Glack, Limavady	
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 The site is located off the Tartnakilly Road and comprises an existing irregular shaped portion of land which is at the end of a row of three existing dwellings. There is an existing pre-fabricated structure on the site which was in use at the time of the site inspection, and various mounds of rubble and construction materials stored within the site.
- 2.2 The south-western site boundary is defined by existing rendered wall, approx. 1m high which runs between the site and the neighbouring

property at No. 83. The north-western and northern site boundaries are defined by a timber post and wire fence. The remaining boundaries along the east are undefined. The site is accessed from an existing lane off the Tartnakilly Road.

- 2.3 The surrounding area is rural. There is an existing row of three detached dwellings which are accessed from the existing lane. The Ballykelly River runs to the south-east of the site.
- 2.4 In the Northern Area Plan 2016 the site is located in the countryside, outside of any defined settlement limits. The site is adjacent to the Ballykelly Glen Site of Local Conservation Importance (SLNCI).

3 RELEVANT HISTORY

B/2009/0042/F

Erection of single storey dwelling and detached domestic garage. Site opposite 144 Tartnakilly Road, Sistrakeel, Limavady.

Application Withdrawn

B/2008/0337/F

Proposed reorientation of approved dwelling and erection of detached garage at site opposite no 144 Tartnakilly Road.

Site opposite, no.144 Tartnakilly Road, Sistrakeel, Glack, Limavady.

Permission Granted

B/2006/0476/RM

Erection of single storey dwelling and garage. Opposite 144 Tartnakilly Road, Sistrakeel, and set back 60 metres north of Tartnakilly Road, Limavady.

Permission Granted

B/2003/0243/O

Site for dwelling.

Opposite 144 Tartnakilly Road, Dunbrock, Limavady.

Permission Granted

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a single dwelling to form part and round off a cluster in accordance with Planning Policy CTY 2A.

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: Preliminary Ecological Appraisal Required.

DFI Roads: No objections

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

8.0 CONSIDERATIONS & ASSESSMENT

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

Principle of Development

- 8.2 Paragraph 6.73 of the SPPS and Policy CTY1 of PPS 21 identifies a number of instances when an individual dwelling house will be granted permission. The application has been submitted as an outline application for a proposed single dwelling to form part and round off a cluster in accordance with Planning Policy CTY 2A.
- 8.3 Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all 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.

- 8.4 The application site is located at the end of an existing lane which serves three existing detached dwellings. Excluding the ancillary buildings there would only be three buildings, namely the existing dwellings at No. 81, 81A & 83 which do not constitute a cluster sufficient as to be considered for the purposes of this policy. Consequently there is no identifiable cluster to appear as a visual entity within the local landscape.
- 8.5 There is no social/community building/facility which would provide a focal point. The site is not bound on at least two sides with other development. As there is no existing cluster, there is no recognised cluster with which the development of the site could be absorbed. The proposal if permitted would result in ribbon development by creating a built-up appearance to the existing lane and visually intrude into the countryside. As this is an outline application there are no details of the dwelling itself. However, provided that adequate separation distances are provided between the proposed dwelling and the neighbouring site the proposal would not adversely impact on residential amenity. However, as detailed above, as the proposal does not comply with criterion 1-5 it fails to comply with Policy CTY 2a.
- 8.6 No other information has been submitted with the application and the proposal is not considered to fall within any of the other types of development which are in principle acceptable in the countryside as identified under Policy CTY 1. There are no overriding reasons why the development is essential in this location and could not be located in a settlement. The proposal is therefore contrary to Policy CTY 1.

Ribbon Development

- 8.7 Paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21 state that planning permission will be refused for a building which creates or adds to a ribbon of development. The proposal is considered to result in ribbon development as it adds to an existing ribbon of development and extends further in to the countryside. The proposal is therefore contrary to Policy CTY 8.

Rural Character

- 8.8 Policy CTY 1 states that all proposals must be sited and designed to integrate sympathetically with their surroundings. Paragraph 6.73 of the SPPS states that all development in the countryside must respect rural character. The proposal fails to comply with Policy CTY 2a and Policy CTY 8 in that it is not one of the types of development which are considered acceptable in the countryside. The proposal would result in a suburban style build-up of development when viewed with existing buildings along the laneway and adds to ribbon development, consequently the proposal is also contrary to Policy CTY 14.

Natural Heritage

- 8.9 In a consultation response from DAERA – Natural Environment Division, further information was sought in the form of a Preliminary Ecological Appraisal as the site is adjacent to the Ballykelly Glen Site of Local Conservation Importance (SLNCI). As the principle of development was not considered acceptable no further information was requested. In the absence of a Preliminary Ecological Appraisal the proposal is contrary to Policy NH 2 of PPS 2 and Paragraphs 6.180 – 6.182.

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. There is no identifiable cluster of development at this site in line with Policy CTY 2a and the proposal will result in ribbon development and suburban style build-up. 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. 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.

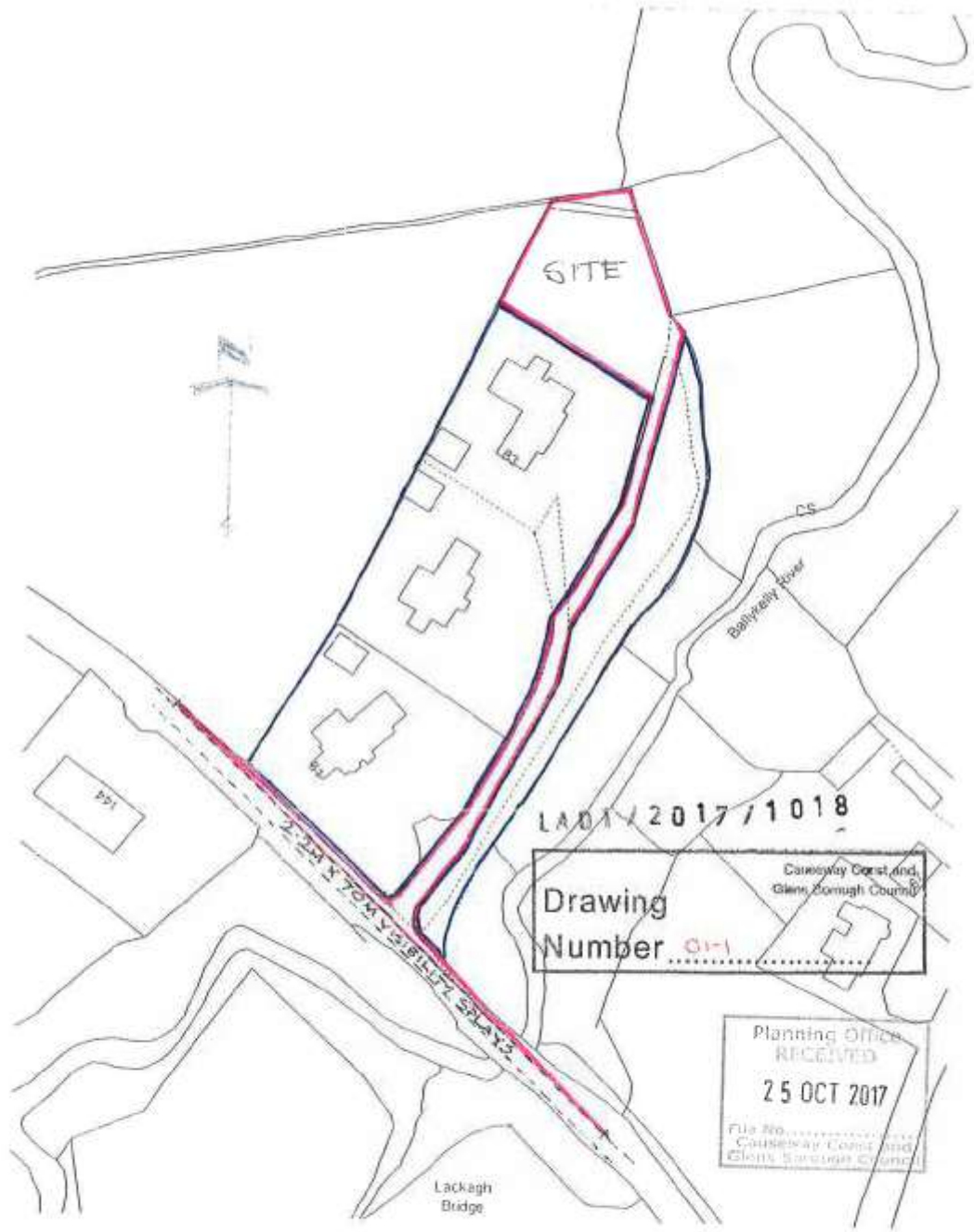
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or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

4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; would create or add to a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.

5. 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 Policy NH 2 of Planning Policy Statement 2 - Natural Heritage.

Site Location Map



<p>PROJECT: PROPOSED SINGLE STOREY DWELLING NORTH EAST OF 83 TARTNAKILLY ROAD LIMAVADY, CO. DERRY</p> <p>CLIENT: MRS. CANNING</p> <p>DRAWING: SITE LOCATION PLAN</p> <p>PROJECT No: 0290P DATE: MAR 17 SCALE: 1/1250</p>	<p>ARCHITECTS GERRY LOUGHREY</p> <p>22 FOYLE STREET, DERRY, BT48 6AP TEL. 092 7126799 FAX 092 7137174</p> 
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