

<b>Planning Committee Report</b> <b>LA01/2019/0990/F</b>	<b>26 August 2020</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>App No:</u></b>	<b>LA01/2019/0990/F</b>	<b><u>Ward:</u></b>	<b>Coolessan</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Adjacent to 66 Coolessan Walk, Limavady</b>		
<b><u>Proposal:</u></b>	<b>Proposed 2 storey attached dwelling</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>12.09.2019</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Applicant:</b>	<b>Mr Byrne, 66 Coolessan Walk, Limavady,</b>		
<b>Agent:</b>	<b>5050 Architecture, 3a Keldon Court ,17 Linenhall Street, Limavady, BT49 0HQ</b>		
<b>Objections:</b>	<b>0</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

## **EXECUTIVE SUMMARY**

- Full planning permission is sought for a two storey dwelling.
- The site is located within the urban area within the settlement limit of Limavady.
- The proposed dwelling falls below the internal space requirements for a dwelling as outlined in Annex A of the Addendum to PPS7: Safeguarding the Character of Established Residential Areas.
- NI Water have confirmed that there is no available capacity to permit connection of the proposed dwelling to the public sewer infrastructure. The proposal is contrary to Paragraph 4.12 of the SPPS.

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1.0 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.

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located immediately adjacent to No. 66 Coolestan Walk, Limavady, with the application site encompassing the side and part of the rear amenity space of No. 66, which is currently the end property within a small terrace of four dwellings. The application site includes the dwelling at No. 66, but the area proposed for development is currently used as amenity space for No. 66 with an existing single storey garage to the rear corner of the site, which is proposed to be demolished to accommodate the proposed dwelling. The rear (eastern) boundary is defined in part by the existing garage and in part by a 1.8m high blockwork rendered wall with timber gates and pillars allowing access from the adjacent alley. The southern wall as per the red line is a 1.8m high blockwork rendered wall between Nos. 64 and 66. The northern boundary arcs around the perimeter of the site and comprises a mix of 1.8m high blockwork rendered wall and timber fencing to front of the dwelling which drops from 1.8m to approximately 1m at the front of the dwelling (No. 66).
- 2.2 The application site is located within the settlement limit of Limavady Town. The application site is located within a relatively high density housing development which comprises terraced blocks with a mixture of single and two storey dwellings present with housing on three sides of the site. To the rear of the site is an existing supermarket and post office.

### **3.0 RELEVANT HISTORY**

- 3.1 B/2007/0348/F- Erection of two storey dwelling - 66 Coolestan Walk, Limavady– Approved 14.05.2008

### **4.0 THE APPLICATION**

- 4.1 Full Planning Permission is sought for a proposed two storey dwelling, attached to an adjacent two storey dwelling which forms part of an existing terrace of dwellings. The application site is located within the existing curtilage of the dwelling at No. 66 Coolestan Walk which is the end dwelling in the terrace.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External:**

**Neighbours:** There are no objections to the proposal.

#### **5.2 Internal:**

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No Capacity to connect to public sewer.

### **6.0 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 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

Planning Policy Statement 12: Housing in Settlements

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

## 8.0 CONSIDERATIONS & ASSESSMENT

### Planning Policy

- 8.1 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, scale and design, utility connections.

### Principle of Development

- 8.2 The SPPS states that the policy approach to housing in settlements must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures.
- 8.3 Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.
- 8.4 All proposals for residential development will be expected to conform to all of 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;*

The proposal is for one dwelling at the end of an existing terrace of four dwellings. Cooleasan Walk and adjacent developments are high density developments mainly comprised of terraces of three, four or five single and two storey dwellings with occasional blocks of semi-detached and detached properties.

The proposed dwelling respects the front and rear building lines of the adjacent properties at Nos. 60-66, maintains the uniform ridge line of these dwellings and their general form. In terms of the overall scale of the dwelling the proposal is smaller than the adjacent two storey properties, restricted by the dimensions of the residential curtilage of No. 66. The dwelling is narrower across the frontage by approximately 2m which results in the dwelling appearing slightly out of character with the adjacent properties, and which also limits the internal floorspace, which will be discussed below.

There is a uniformity to the appearance of the dwellings in the terrace and wider development in terms of window openings and external finishes. During the processing of the application the external finish of the dwelling was altered from smooth render to facing brick to match the adjoining properties. Despite the footprint of the dwelling being smaller than the adjacent properties the general form and design of the proposed dwelling respects that of the wider housing development.

*(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;*

No archaeological sites or monuments were identified within the application site and the site is not located within an area of archaeological potential. There are no listed buildings within the immediate vicinity of the application site which would be impacted upon by the proposed development.

The application site is devoid of any vegetation other than the area of grass along the northern side of No. 66. A large portion of this will be lost to the proposed dwelling.

*(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;*

As the proposal relates to the provision of one dwelling and relates to a site of less than 1 hectare, the proposal is not required to provide public open space.

In terms of private amenity space the proposed dwelling proposes a private rear garden space, which will be provided for through the demolition of the existing garage on the site. The proposed private garden area measures approximately 68.5 Sq. m which is marginally below the recommended average figure of “around 70 Sq. m”. Creating Places promotes a variety of garden sizes and outlines that smaller gardens may be better suited to smaller 1 or 2 bedroom houses, such as the one proposed within this application. Taking the guidance outlined within Creating Places officials are satisfied that adequate private amenity space will be provided for. The private garden area is to be defined along the northern, eastern and southern boundaries by a 1.8m high timber fence. The roadside boundary to the front of the dwelling will be defined by a 1.0m high fence. The adjacent dwelling will have approximately 76 Sq. m of remaining private amenity space which is above recommended levels within Creating Places.

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

As the proposal relates to one dwelling the need for local neighbourhood facilities is not considered necessary.

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

The application site is within the housing development of Cooleasan Walk which forms part of a much larger overall housing development which extends between the Ballyquin Rd to the east and Roemill Rd to the west. There are existing pedestrian routes through the development linking all components which allow for access to the wider area including access to the Roe Valley Country Park to the south west of the



development. The site is also conveniently located to Ballyquin Rd where access to public transport is readily available.

*(f) adequate and appropriate provision is made for parking;*

Coolessan Walk is serviced by communal parking areas, with large areas of parking provided to the North West and south of the application site, with a car parking area to the east of the site which also serves shop/post office, which sits directly to the rear of the application site.

Given the character of the overall housing development is communal parking the provision of in-curtilage parking would be out of character with the surrounding development. Additionally the layout of the development does not provide for vehicular access to the site, with pedestrian paths to the north and west of the site. To impose in-curtilage parking on one site would create conflict with the existing pedestrian movement throughout the site which could result in a health and safety issue.

DFI Roads were consulted on the proposal and have no objections. An email from DFI Roads confirms that the addition of one dwelling will not significantly affect or impact the parking requirements/demand.

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

The design of the proposed dwelling is of a relatively traditional form. The dwelling has a main body which is generally square in shape but has a side projection to the rear of the northern gable across both floors. The dwelling has a traditional pitched roof and chimney on the northern gable. The dwelling is proposed to be finished in a facing brick to match the adjacent dwelling with black tiles to the roof. The dwelling in terms of its form is generally acceptable, given the use of a traditional pitched roof and its respect to the building lines and ridge lines of the adjacent properties and materials.

*(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;*

Given the existing land use around the application site is predominately residential there is not likely to be any significant conflict arising from the development co-existing in this location. Within the urban environment and proximity to adjacent housing there is the potential for some issues arising from overlooking and loss of privacy. The proposed dwelling faces directly towards houses at Nos. 45-57 Coolestan Walk. The proposed dwelling will face the front of these properties with no views to private amenity spaces. To the rear of the dwelling there are no residential properties and therefore no overlooking or loss of privacy. There will be no direct views from the property to the adjacent No. 66, with only angled views from the bedroom towards the rear of No. 66.

There is an existing convenience shop to the rear of the site which Environmental Health have indicated may result in intermittent noise/odour issues to the occupants of the proposed development but have not indicated that the impact on residential amenity is likely to be of a significant level nor have they requested additional information such as noise and odour assessments to determine the level of impact at the application site. Given the comments from Environmental Health officials are content that while there may be some intermittent issues from the adjacent shop, these will not be to a level which would render the application unsuitable for development.

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

As the proposed development is located within an already developed housing site, the layout and means of movement and access have been pre-determined with respect to this development. There is pedestrian access to the north and west of the site whereby the proposed development will add to the informal surveillance through the orientation of the windows to the front façade. To the rear of the property there is an existing alley which provides rear access to the properties at Nos. 60-66 and access to the communal parking to the south of the site. The addition of one dwelling is not likely to significantly increase any risk. There are windows in the rear first floor elevation which will overlook this rear alley to some degree, and in line with the level of surveillance offered by Nos. 60-66. The proposal will not

adversely impact upon crime levels or personal safety in this location.

8.5 In addition to Policy QD1 of PPS7, additional policy consideration was published within the addendum to PPS7 – Safeguarding the Character of Established Residential Areas (August 2010), which outlines that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(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.

8.6 The proposed housing density within the application site is relatively high with the dwellings comprising of relatively modestly sized properties with a large portion in terrace blocks. The proposed dwelling occupies a slightly smaller plot than the average plot within the site but will not result in any significant increase in the overall density of the area.

8.7 The pattern of development within the site is considered to be acceptable and is broadly in keeping with existing development pattern within Coolestan Walk and the other adjacent developments within Woodland Walk, Gorteen Crescent and beyond.

8.8 Policy LC1 requires that all dwellings comply with the Space Requirements outlined in Annex A of the addendum. The proposed dwelling is a three person two bedroom two storey dwelling which requires an internal floorspace of between 70-75 Sq. m. The internal measurements of the dwelling show an internal floorspace of approximately 68 Sq. m, which falls below the required level outlined in Policy LC1. This measurement has increased from approximately 60.5 Sq. m which was initially submitted with the scheme. In its current form the proposal is contrary to Policy LC1 of the Addendum to PPS7.

## **NI Water**

8.9 Paragraph 4.12 of the SPPS is relevant. This paragraph relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

8.10 NI Water have stated in the consultation response dated 11th October 2019 that despite the WWTW having capacity to accept the development the Wastewater Network is operating above capacity and therefore it cannot approve a new connection. The agent was advised on the issue surrounding the proposed development and advised that a negative condition was not an appropriate mechanism for overcoming this issue as there is no confirmation from NI Water that the required upgrade is within the upcoming Programme of Works or that it would be delivered within the timeframe of a planning permission. On the basis that this proposal would increase the loading on the sewer network and NI Water's response, the proposal fails to comply with this paragraph 4.12 of the SPPS.

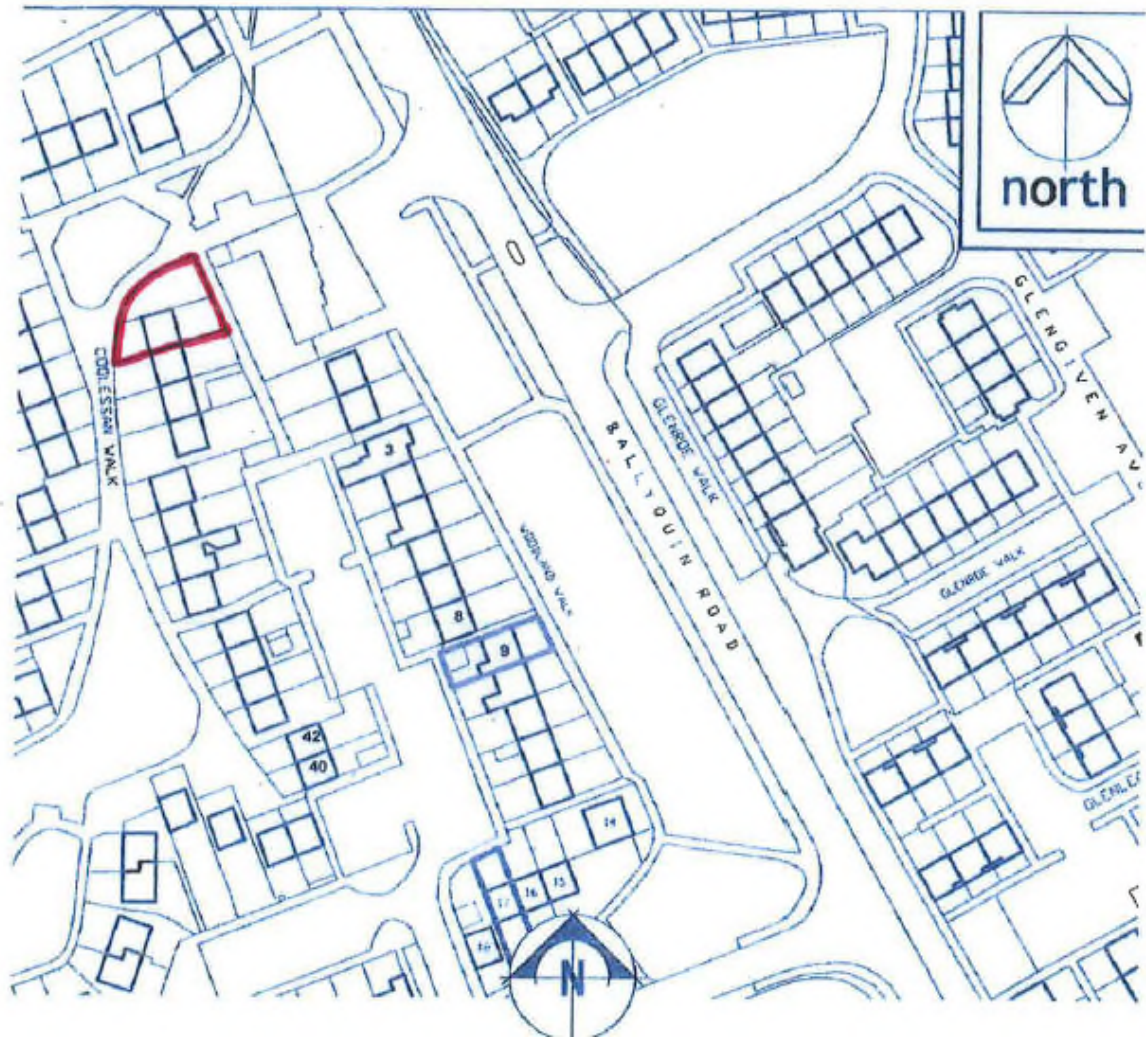
## **9.0 CONCLUSION**

9.1 The proposal is contrary to Policy LC1 of the Addendum to PPS7: Safeguarding the Character of Established Residential Areas in that the size of the dwelling falls below that required within Annex A of the Addendum. Additionally there is no available capacity within the public sewage infrastructure to accommodate the proposed development, and is therefore Contrary to Paragraph 4.12 of the SPPS.

## **10.0 REFUSAL REASONS**

1. The proposal is contrary to Policy LC1 of Addendum to Planning Policy Statement 7; Safeguarding the Character of Established Residential Areas in that the proposed dwelling would be constructed to a size less than those set out within Annex A of the same document.
2. The proposal is contrary to Paragraph 4.12 of the SPPS in that it has not been demonstrated that there is adequate waste water treatment capacity available or that an alternative arrangement is available to serve the proposal.

## **Site Location Map**



## Site Plan

