



Planning Committee Report LA01/2020/0066/F	25th November 2020
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

<u>App No:</u>	LA01/2020/0066/F	<u>Ward:</u>	Magilligan
<u>App Type:</u>	Full Planning		
<u>Address:</u>	160 Carrowclare Rd, Limavady		
<u>Proposal:</u>	Application under Section 54 to vary Condition 11 (Curtilage) and to remove Condition 12 (Siting) of Planning Approval LA01/2017/1291/O - (Off site replacement dwelling and domestic garage)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	20.01.2020
<u>Listed Building Grade:</u>	N/A		
Applicant:	John O'Neill, Carrowclare Rd, Limavady,		
Agent:	AQB Architectural Workshop Ltd, 12a Ebrington Terrace, Derry, BT47 6JS		
Objections: 0	Petitions of Objection: 0		
Support: 1	Petitions of Support: 0		

EXECUTIVE SUMMARY

- Full planning permission is sought to vary conditions 11 and 12 of Planning Approval LA01/2017/1291/O which relate to the extent of the approved curtilage and siting of the approved dwelling.
- The site is located within the rural area
- The proposal seeks to move the position of the approved dwelling to a roadside location north of No. 158 Carrowclare Rd
- Application reference LA01/2017/1291/O was granted outline planning permission on 30.10.2018 and was only found to be acceptable subject to specific conditions relating to siting and the extent of the future curtilage of the off-site replacement.
- The proposed location would not enable a dwelling to suitably integrate and would add to ribbon development along Carrowclare Rd.
- The proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY8, CTY13 and CTY14 of PPS 21.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

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 described as being 160 Carrowclare Rd, Limavady. The application site as per the red line relates to the western part of an agricultural field. The site is an 'L' shaped site, which surrounds No. 158. To the north and east and sits to the northern side of the dwellings at Nos. 81 and 83 Lomond Rd. The application site is relatively flat, like the majority of the land in the surrounding area, but is at a slightly higher level than Carrowclare Rd, approximately 0.7-0.8m above road level. The Northern site boundary is defined by post and wire fence, as is the western boundary which surrounds No. 158. The southern site boundary is defined by a mixture of stone walling as well as some intermittent hedgerow and trees. The eastern boundary is currently undefined. Access to the site is proposed via Carrowclare Rd.
- 2.2 The application site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. The site is not located within any environmental designations, although is relatively close to Lough Foyle SPA, Ramsar and ASSI to the west. The site is located in proximity to the junction of Carrowclare and Lomond Rd junctions which contains a number of dwellings and farm buildings, mainly located along the Lomond Rd to the south of the site. The surrounding dwellings are mainly a mix of single and one and a half storey.

3.0 RELEVANT HISTORY

- 3.1 LA01/2017/1291/O - Off site replacement dwelling and domestic garage - 160 Carrowclare Road, Limavady. (50m NE of 158 Carrowclare Road) – Approved 30.10.2018

4.0 THE APPLICATION

- 4.1 Full Planning Permission is sought to vary conditions 11 and 12 of planning approval LA01/2017/1291/O to allow for the dwelling to be relocated to a more roadside location to the north of No. 158 Carrowclare Rd.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: One letter of support was received from a neighbouring property which indicates that the current siting restriction will impact upon the rural aspect and views from their property.

5.2 Internal:

No Consultations required

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 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

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, integration, rural character, ribbon development and other issues.

Principle of Development

8.2 The principle of development on the application site was established under application LA01/2017/1291/O. Given the relationship of the replacement building to the dwelling at No. 158 Carrowclare Rd, it was accepted that an off-site replacement within the application site would result in demonstrable amenity benefits to both No. 158 and the proposed dwelling. However given the size of the red line and other policy requirements, approval was only granted for an off-site replacement subject to conditions restricting the siting of the dwelling and extent of the site curtilage, to ensure the new dwelling integrated into the landscape, did not impact on rural character and did not add to ribbon development.

8.3 Condition 11 of Planning Approval LA01/2017/1291/O states;

The curtilage of the proposed dwelling shall be as indicated in hatched red on the approved plan 01 date stamped 3rd October 2017, other than the proposed access which shall run along the northern curtilage boundary of No. 158.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

8.4 Condition 12 of Planning Approval LA01/2017/1291/O states

The proposed dwelling shall be sited in the area shaded yellow on the approved plan 01 date stamped 3rd October 2017.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of the Northern Area Plan, Strategic Planning Policy Statement and Planning Policy Statement 21

Integration, Rural Character and Ribbon Development

- 8.5 During the processing of planning application LA01/2017/1291/O, consideration was given to the most appropriate siting for the proposed off-site replacement in order to allow the proposal to fulfil the policy requirements of the SPPS and PPS 21 in respect of the visual impact of the replacement dwelling, the integration capabilities of the proposed dwelling and the impact on rural character.
- 8.6 Policy CTY3 requires replacement dwellings to be sited within the established curtilage where possible or an alternative suitable location nearby where there would be demonstrable benefits to relocating. Additionally, one of the criteria for a replacement dwelling is that it should not have a significantly greater visual impact than the building being replaced. The integration and rural character policies (CTY 13 and CTY14) outline that new dwellings should be sited to integrate with their surroundings and maintain rural character through ensuring that dwellings are not prominent features in the landscape, blend with existing landform, buildings, vegetation etc. which would provide a backdrop, will respect the existing pattern of development in the area and will not result in ribbon development.
- 8.7 The application site is located in close proximity to the junction of Lomond Rd and Carrowclare Rd. There are a number of dwellings and associated buildings focused around this junction which provides for a relatively compact form of development at this location. In assessing the proposal it is clear that a dwelling sited to the immediate north of No. 158 and in a roadside location similar to that of No 158, as proposed within this application, would extend the linear pattern of development further along Carrowclare Rd in a northern direction and would result in extending the ribbon of development along the roadside which is contrary to the Paragraph 6.70 of the SPPS and Policies CTY8 and CTY 14 of PPS21. Additionally, the roadside position proposed would result in a dwelling which would have a visual impact greater than both the existing building and the approved location. The siting of the dwelling as proposed would be located on a site which lacks any significant natural boundary definition, and which is in an elevated position above

Carrowclare Road, rendering the site unable to provide a satisfactory level of integration to the proposed dwelling in line with Paragraph 6.70 of the SPPS and Policy CTY 13 of PPS 21.

- 8.8 The siting and curtilage conditions imposed on planning approval LA01/2017/1291/O were to ensure that the off site replacement dwelling was still able to cluster with the existing built development in the area and retain the compact form of the existing pattern of development around the junction of Lomond Rd and Carrowclare Rd, without any significant adverse visual impact. It was also to avail of the buildings and mature vegetation along Lomond Road to provide a backdrop for the dwelling allowing the proposal to satisfactorily integrate within the site and wider landscape in line with the requirements of the SPPS and PPS21.

Other Issues

- 8.9 With respect to the issues raised within the letter of support to the application, the Planning Department cannot consider the loss of a view as a material planning consideration and it is not justification for allowing the relocation of the dwelling to an alternative position. No other evidence has been provided to demonstrate that the proposed dwelling would have a detrimental impact on existing properties. The siting of the proposed dwelling, as approved, ensures that no part of the dwelling will be within 10m of the southern boundary which abuts Nos. 162 and No. 81 Lomond Rd. The separation distance between properties and the single storey scale of the approved dwelling will ensure there is no dominance, loss of light, or loss of privacy to the existing properties. Additionally, the establishment of suitable boundary definition as required by condition 13 of the planning approval will provide adequate screening and integration to existing and proposed buildings.
- 8.10 The proposed relocation of the dwelling to the proposed location would not result in any other issues in respect of access, flooding or natural environment considerations. The consultation responses from the previous application remain valid as there is no change to the red line.

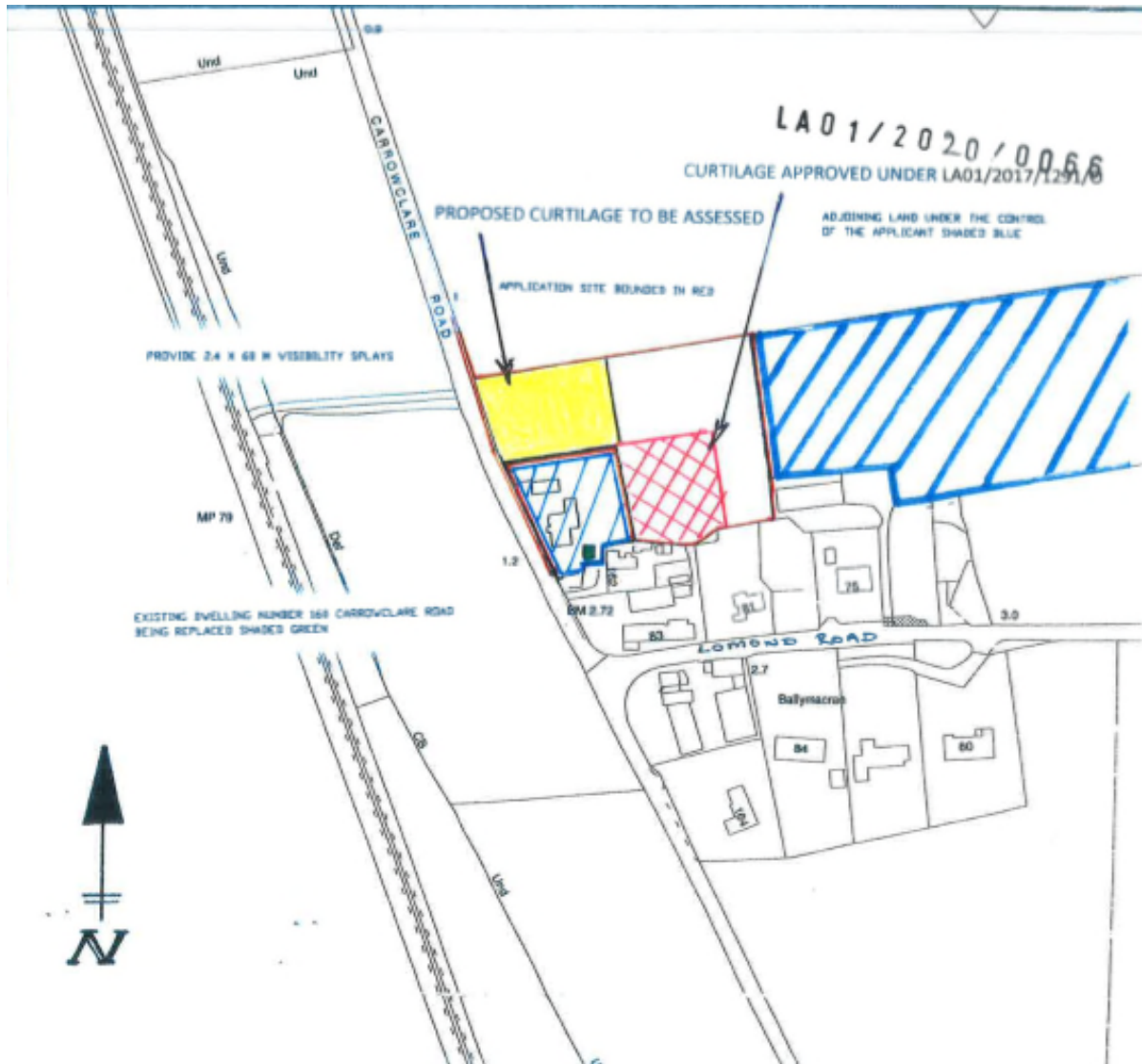
9.0 CONCLUSION

9.1 The proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY8, CTY13 and CTY 14 of Planning Policy Statement 21 in that the proposal would have an unacceptable visual impact through the dwelling failing to satisfactorily integrate into the application site or wider landscape. Additionally, the proposal would have a detrimental impact on rural character through adding to ribbon development along Carrowclare Road. Refusal is recommended.

10.0 REFUSAL REASONS

1. The proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Carrowclare Road.
2. The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Paragraph 6.70 of the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development along Carrowclare Rd and would therefore result in a detrimental change to the rural character of the countryside.

Site Location Map



SITE VISIT REPORT: MONDAY 26th October 2020

Committee Members: Alderman Boyle, Duddy, Finlay, S McKillop (Vice Chair), McKeown; Councillors Anderson, Baird, Dallat O'Driscoll (Chair), Hunter, McGurk, MA McKillop, McLaughlin, McMullan, P McShane, Nicholl, Scott

Time: 11:30am

LA01/2020/0066/F

App Type: Full Application

Proposal: Application under Section 54 to vary Condition 11 (Curtilage) and to remove Condition 12 (Siting) of Planning Approval LA01/2017/1291/O - (Off site replacement dwelling and domestic garage) at 160 Carrowclare Road, Limavady

Present: Councillors Dallat O'Driscoll, Hunter, Baird, Nicholl. Officials D Dickson

Comments: The Officer identified the site and identified the location of the previous curtilage and siting of approved dwelling. The Officer explained that the principle of development had been accepted but this application was to vary conditions regarding the approved curtilage and siting of the dwelling. The Officer identified the location of the proposed siting and curtilage and explained that this would add to the ribbon of development at this location and a dwelling within the site would not integrate into the landscape. The existing boundaries of the site were identified and in response to a question from Members regarding the proposed access location, the Officer identified the position of the access.

D. Dickson 26/11/2020