

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 2nd November 2016
APPLICATION No: J/2013/0236/O
APPLICATION TYPE: Outline
PROPOSAL: Proposed dwelling and garage
LOCATION: 40m south of 15 Gortmellon Road
APPLICANT: Irene Black and Kenneth McDonald
AGENT: McCormick Design
ADVERTISEMENT: 12 September 2013
STATUTORY EXPIRY: 26 September 2013
RECOMMENDATION: Approve

REASON FOR PRESENTATION TO COMMITTEE: Deferred application. Change of opinion.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

1. Description of Proposed Development

Planning permission is sought for a dwelling and garage on a farm.

2. EIA Determination

The proposal is not EIA development.

3. Site and Surrounding Area

The site consists of a field between a dwelling to the north and a wooded area to the south. The northern boundary with 15 Gortmellon Road is a sheep wire fence. The eastern boundary with the road is a field access and a 1.2m verge with a 4.0m high hedge. The south-eastern boundary is a 2.0m wide stream with a copse of 15.0m high trees to the south of that. The north-western boundary, is a sheep wire fence and a row of 3.0m high conifer saplings. The site slopes gently from east down to west. An electricity line passes through the site from north to south and there is a pole near the site frontage.



View into site - southern, western and northern boundary



Site Location Map

4. Site Constraints

The site is adjacent to a stream. Rivers Agency was consulted and advises that a watercourse, which is undesignated within the terms of the Drainage (NI) Order 1973, flows along the southern boundary of the site. Flood maps (NI) indicates that the site is not affected in any significant way from a fluvial floodplain or surface water flooding.

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Derry City and Strabane District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

The proposal site is hydrologically connected to the River Foyle and Tributaries SAC. Impacts from the construction phase have the potential to adversely affect the features of the SAC within the Burdennet River catchment.

Having considered the nature, scale, and location of the project it is concluded that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

5. Neighbour Notification Report

The applicant's dwelling is immediately adjacent to the site on the northern boundary. There are no third party dwellings within 90m and adjoining the site boundary.

6. Relevant Site History

J/2010/0243/O –application for a dwelling on the site subject of the current application. Permission was refused on 27 October 2010, on the basis that it was contrary to CTY1 – as no need was demonstrated and CTY8 – proposal constituted a ribbon of development.

7. Policy Framework

Strabane Area Plan 1986 - 2001

SPPS

PPS21 policies CTY8 and CTY10

PPS15 – policy FLD1 and pluvial ponding policy

PPS3 – vehicular access

PPS2 – policies NH1 and NH5

8. Consultee Responses

- DARD – advises that the farm is active and single farm payment is claimed. In their initial response DARD advised that the proposed site is not located on land associated with the business ID identified on form P1c. This is discussed further in section 10.
- Transportni – no objection subject to access detail being provided at reserved matters stage
- Rivers Agency – no objection
- NI Water – standard informatives
- Environmental Health – no objection. Informatives provided regarding septic tank, noise from Carrickatane wind farm and possible impact on residential amenity from agricultural noise and odour.
- SES – no objection subject to mitigation being provided by condition.
- NIEA – Natural Environment Division has considered the badger survey submitted and on the basis of this report is content that badgers are not present on site and will not be disturbed by this proposal.
- NIEA Water Management Unit – no objection
- Loughs Agency – no objection

9. Representations

None received to date.

10. Planning Assessment, including Other Material Considerations

Section 6(4) of the Planning (Northern Ireland) Act 2011, requires the Council to make planning decisions in accordance with the area plan for the council area unless material considerations indicate otherwise.

Strabane Area Plan 1986-2001

The site is located in the rural remainder outside the development limits of any settlement.

Strategic Planning Policy Statement (SPPS)

The SPPS introduces transitional arrangements which will operate until the Council's Plan Strategy has been adopted. During this period Planning Authorities will apply existing policy (in this case PPS2, 3, 15, 21 – the retained policies) together with the SPPS. Any conflict between the SPPS and the retained policies must be resolved in favour of the SPPS. In this case there is no policy conflict.

As the development is in the countryside Policy CTY1 of PPS21 provides the policy context. Policy CTY1, identifies a range of types of development that are, in principle, acceptable in the countryside. One of these is a dwelling on a farm where this is in accordance with policy CTY10 of PPS21.

The application was presented to Strabane District Council on 22 October 2013 with a recommendation to refuse and deferred for an office meeting which took place on 31 October 2013.

There were four reasons for refusal:

1. The proposal is contrary to 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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the site is located on the farm holding identified by the developer.
3. The proposal is contrary to 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 Gortmellon Road.
4. The proposal is contrary to Policy CTY14 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 buildings in the area.

CTY10 - Dwellings on farms

Following the deferred office meeting and submission of additional details the application has been reconsidered against policy.

Criterion c requires that 'the new building is visually linked or sited to cluster with an established group of buildings on the farm'. The site is located adjacent to buildings at number 15 Gortmellon road and this appears from the DARD maps to be the farm dwelling. The proposal thereby meets the first test in this part of the policy, namely that the new building is visually linked or sited to cluster with an established group of buildings.

In their initial consultation response however, DARD advised that the proposed site is not located on land associated with the business ID identified on form P1C. Nor is it indicated on the associated farm maps as being land comprising the farm holding. The planning authority consequently concluded that the site was not therefore not on the farm and recommended refusal as per condition 2 above.

Additional information was submitted following the office meeting to demonstrate that the site was now on the farm holding.

The proposal now accords with the requirements of policy CTY10c. It has already been accepted that the proposal meets the requirements of criteria a and b.

CTY8 – Ribbon Development

Policy CTY8 states that planning permission will not be granted for a dwelling which creates or adds to a ribbon of development. An exception will be permitted however for the development of a small gap site sufficient to accommodate a maximum of two dwellings within a substantial and continuously built up frontage. A continuously built up frontage is defined for the purposes of the policy as being 3 or more buildings.

It is considered that the site represents an infill opportunity as defined in policy CTY8. The map and photos below demonstrate the substantially built up frontage within which the site is located.



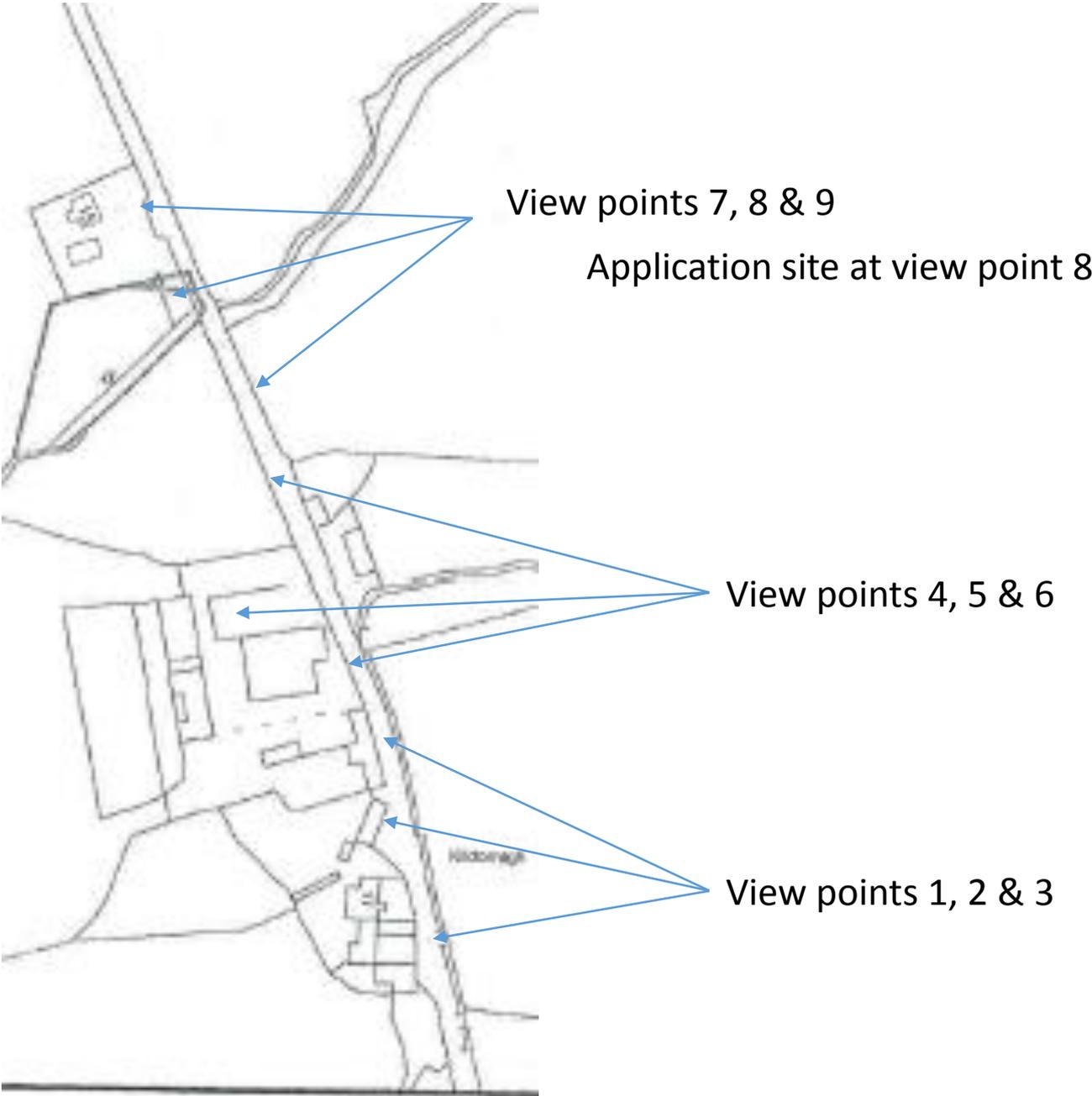
View points 1, 2 & 3 heading north on Gortmellon Road



View points 4, 5 & 6 heading north on Gortmellon Road



View points 7, 8 & 9 heading north on Gortmellon Road



Map showing location of the view points identified in the photos above.

CTY14 Rural Character

As this proposal represents an infill opportunity there will be no detrimental change in rural character.

CTY1 –the proposal meets the requirements of policies CTY8 and 10 as stated above, therefore it is a form of development acceptable under CTY1 and is acceptable in principle.

PPS2

Policy NH1 European and Ramsar sites - International

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Derry City and Strabane District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. The proposal site is hydrologically connected to the River Foyle and Tributaries SAC. Impacts from the construction phase have the potential to adversely affect the features of the SAC within the Burdennet River catchment. Having considered the nature, scale, and location of the project it is concluded that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Policy NH5 Habitats, Species or Features of Natural Heritage Importance.

Following consultation with NIEA, the potential for badgers to be present on site was identified. The applicant submitted a badger survey and NIEA was reconsulted for comment. NIEA advises that on the basis of the report it is content that badgers are not present on site and will not be disturbed by this proposal.

11. Conclusion and Recommendation

Having assessed all material considerations, including the development plan, relevant planning policies and consultation responses, it is recommended to the planning committee that permission should be granted subject to the following conditions:

12. Proposed 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. The dwelling hereby approved shall have a ridge height no greater than 6.5m above finished floor level.

Reason: In the interests of visual amenity and to ensure integration into the landscape.

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

Reason: In the interest of visual amenity.

5. 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 Council.

Reason: To ensure the dwelling integrates into the landform.

6. The external wall finish to the proposed dwelling shall be a painted render in a colour to be approved in writing by the Council or roughcast.

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

7. The existing vegetation defining the southern and western boundaries of the site, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

8. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

9. The dwelling hereby approved shall be located a minimum distance of 5m from the watercourse along the southern boundary of the site.

Reason: To prevent polluting discharges impacting on the site integrity of the River Foyle and Tributaries SAC.

10. During the construction and operational phases of the development hereby approved, all surface water run-off shall be directed away from the watercourse which flows along the southern boundary of the site.

Reason: To prevent polluting discharges impacting on the site integrity of the River Foyle and Tributaries SAC.

11. Foul discharges from the septic tank shall be disposed of by a soakaway directed away from the watercourse which flows along the southern boundary of the site.

Reason: To prevent polluting discharges impacting on the site integrity of the River Foyle and Tributaries SAC.

12. A suitable buffer of at least 10 m shall be maintained between the location for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the Gortmellon Burn, which runs along the south eastern boundary of the site.

Reason: To prevent polluting discharges impacting on the site integrity of the River Foyle and Tributaries SAC.

13. Storm drainage from the site shall be designed to the principles of Sustainable Drainage Systems (SuDS). Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753.

Reason: To prevent polluting discharges impacting on the site integrity of the River Foyle and Tributaries SAC.