

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 3rd July 2019

APPLICATION NO: LA11/2018/0741/O

DATE OF APPLICATION: 01.08.2018

APPLICATION TYPE: Outline

PROPOSAL: Proposed 2 no. infill dwellings and 2 no. garages.

LOCATION: Lands adjacent to & north of 170 Tamnaherin Road, Londonderry, BT47 3NP

APPLICANT: Mr Steele

AGENT: 5050 Architecture

ADVERTISEMENT: 21.08.2018

STATUTORY EXPIRY: 05.09.2018

RECOMMENDATION: Refuse

REASON FOR PRESENTATION TO COMMITTEE: Reconsidered recommendation to refuse. Returning to Planning Committee following presentation on 5th June 2019 at which Members voted not to accept the officer's recommendation to refuse the application.

The report should be read in conjunction with the planning committee report presented in appendix 6 on 5th June 2019; attached as Appendix 2A to this report.

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

1. Description of Proposed Development

Outline permission for a site for 2no proposed infill dwellings.

2. Reconsideration

This application was presented to members at the Committee meeting of the 6th June 2019 with a recommendation to refuse, members voted (6-5) to not accept the officer recommendation.

No further information has been submitted by the agent since the last meeting. Officers remain of the opinion that the site is not a gap in a substantially built up frontage. It is considered that the

agricultural complex to the north does not have a frontage onto the road. The term road frontage must mean that buildings have a direct frontage onto the road with no features in between. In the case of the agricultural holding at 162 Tamnaherin Road, whilst the access lane links the dwelling to the public road, the frontage itself is defined by a small agricultural field, approx. 90m in length, surrounded by vegetation. This is considered an intervening feature between the holding and the roadside and as such the holding is not considered to form part to the continuously built up frontage onto the road.

The consideration of all points in respect of this proposal remain as per the previous report which was submitted to members.

3. Proposed Reasons for Refusal

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, and the Strategic Planning Policy Statement 2015 (SPPS) in that the proposal would, if permitted, result in the creation of a ribbon development along Tamnaherin Road eroding the rural character of this area.
2. The proposal is contrary to Policy CTY 1 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, and the Strategic Planning Policy Statement 2015 (SPPS) in that the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would erode the rural character of this area.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, and the Strategic Planning Policy Statement 2015 (SPPS) in that the proposed building is a prominent feature in the landscape and would rely on the use of new landscaping for integration.

4. Draft 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 Council.

Reason: To ensure the dwelling will integrate into the landform.

4. No development shall take place on the site until a landscaping scheme has been submitted to and approved by the Council showing

- details of all proposed soft and hard landscaping;
- details of all existing and proposed site boundary treatments
- all existing vegetation to be permanently retained

The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interest of visual amenity and to ensure the maintenance of screening to the site.

5. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements 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.

6. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved Drawing No.01 which was received on 31st July 2018.

Reason: To ensure the development is carried out in accordance with the approved plans.