

Derry City and Strabane District Council Planning Committee Report

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| COMMITTEE DATE: | 3 rd July 2019 |
| APPLICATION NO: | LA11/2018/0353/O |
| APPLICATION TYPE: | Outline Application |
| DATE OF APPLICATION: | 11.04.2018 |
| PROPOSAL: | Site for farm dwelling and garage |
| LOCATION: | Approx 20m south of 50 Ervey Road, L'Derry, BT47 3EU |
| APPLICANT: | Mr Proctor |
| AGENT: | 5050 Architecture |
| ADVERTISEMENT: | 08.05.2018 |
| STATUTORY EXPIRY: | 23.05.2018 |
| RECOMMENDATION: | REFUSE |

REASON FOR PRESENTATION TO COMMITTEE: Reconsidered recommendation to refuse. Returning to Planning Committee following presentation on 6th 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 4 on 5th June 2019; attached as Appendix 3A 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

This is an outline planning application for a farm dwelling.

- 2.** This application was presented to members at the Committee meeting of the 6th June 2019 with a recommendation to refuse, members voted to not accept the officers recommendation.

No further information has been submitted by the agent since the last meeting. Officers remain of the opinion that the proposed dwelling is not sited to visually link or cluster with the existing group of buildings on the farm and that no overriding reasons have been presented by the agent to allow for this siting. CTY 10 does allow for other sites on the farm to be considered it states that;

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group(s).

No case of this nature has been made by the agent or applicant.

It is further considered that a dwelling at this site would add to an existing ribbon of development. This is exacerbated by the amendment submitted by the agent to satisfy DFI Roads (21st March 2019) which locates that access point at the southern corner of the site to achieve the required visibility splays. This then requires that any access will climb up an open sloping field, which would worsen the issues raised in respect of rural character and integration. Similarly, due to the location of this access point, a siting condition (as proposed by the agent at the last committee meeting) will not alleviate the issue of ribbon development. To site a dwelling and associated curtilage further back into the field whilst taking the access from the southern corner of the site would then create an isolated patch of land between the proposed dwelling and the roadside. This small paddock would be too small for normal agricultural use and would logically be utilised as residential curtilage. Therefore, as detailed previously in the Officer Report this site would add to a ribbon of development when viewed alongside the existing buildings thus reinforcing a built-up appearance and as a result it will erode the rural character of this area contrary to Policy CTY 8 of PPS 21.

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

3. Conclusion and Recommendation

Having considered the above, it is concluded that the proposed dwelling on this site is not sited to visually link or cluster with the established farm buildings and no verifiable evidence has been submitted to support this alternative arrangement. A dwelling on this site would be clearly visible and prominent in the landscape and would also add to a ribbon of development which would create a suburban style build-up of development in the countryside which would have a detrimental impact on the rural character of this area. Refusal is therefore recommended for the reasons below.

4. Proposed Reasons for Refusal

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and the Strategic Planning Policy Statement 2015 (SPPS) in that the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and the Strategic Planning Policy Statement 2015 (SPPS) in that it does not merit being considered as an exceptional case as verifiable plans do not exist to expand the farm business and demonstrable health and safety reasons have not been presented to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policies 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 and approved buildings and would further erode the rural character of the countryside.

4. The proposal is contrary to Policies CTY 1 and 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, add to a ribbon development along Ervey Road further eroding the rural character of the countryside.

5. The proposal is contrary to Policies CTY 1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, and the Strategic Planning Policy Statement 2015 (SPPS) in that the proposed building would be a prominent feature in the landscape as the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

5. Draft Conditions Without Prejudice

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 21st March 2018.

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