

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 1st July 2020

APPLICATION No: LA11/2018/0356/O

DATE OF APPLICATION: 18.04.2018

APPLICATION TYPE: Outline

PROPOSAL: Site for dwelling and domestic garage

LOCATION: Immediately S.W of 92 Camus Road, Douglas Bridge

APPLICANT: Noel O’Kane

AGENT: McCormick Design

ADVERTISEMENT: 10.05.2018

STATUTORY EXPIRY: 24.05.2018

RECOMMENDATION: Refuse

REASON FOR PRESENTATION TO COMMITTEE: Reconsidered recommendation to refuse. Returning to Planning Committee following presentation on 4th September 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 No.7 on 4th September 2019; attached as Appendix 1A to this report.

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

This proposal is an outline application for a dwelling and garage. As this is an outline application no specific details have been submitted with regards to siting and design.

2. Reconsideration

The application was presented to Committee on 4th September 2019 with a recommendation to refuse. Members voted not to accept the recommendation and the application is now returned for re-consideration.

The applicant/agent was advised at the Planning Committee to submit a Flood Risk Assessment (FRA) for DFI Rivers and a Construction Method Statement to allow the necessary Habitats Regulations Assessment to be completed by SES. To date the agent has not submitted this information to allow the application to progress further. Officers have contacted the agent three times seeking the additional technical information necessary and to date no plans have been submitted. The agent has clarified on 10th February 2020 that sewage disposal will now be via septic tank, however no plans of land drains have been submitted. The dates of contact were:

- 24th September 2019
- 11th December 2019
- 10th February 2020

The application was scheduled to be presented on 4th March 2020, but the applicant contacted officers to advise the required FRA and method statement were underway, so the applicant was not considered at the 4th March 2020 Planning Committee meeting. The FRA and method statement were submitted on 27th March 2020. Officers are now in a position to reconsider the case.

In reconsidering the case in respect of the planning policy, the site consists of a portion of the side garden of No 92 and lands immediately to the west of the curtilage of the aforementioned property. In reconsidering the case it is noted the agent/applicant had previously put forward a case for both CTY2A and CTY8 of PPS21. In terms of Policy CTY 2a officers consider that this site is not located at an existing cluster, as it's not located at a focal point. The existing dwellings do not appear as a visual entity in the local landscape, the site is not bounded on two sides by development and the dwelling would if permitted set a precedent for similar type development in the vicinity thereby significantly altering the existing character of this area. The proposal would add to a ribbon of development contrary to policy CTY8.

The proposal would also be contrary to CTY13, 14 and 15 of PPS21. As any dwelling permitted at this site would not be afforded any enclosure from built form or existing vegetation. The site frontage is open and officers consider that a dwelling on this site which lacks long established natural boundaries would appear as a prominent feature in the landscape and would rely primarily on the use of new landscaping for integration.

Officers are of the opinion that the site would not be considered a gap site, and would if approved create a ribbon of development on this section of Camus Road. This will result in an unacceptable form of suburban development in the countryside contrary to Policy CTY14 Rural Character.

The settlement limit is approx. 110m from the western boundary of the site and is visually linked to Douglas Bridge. This boundary is defined so as to maintain a clear distinction between the built-up area and the surrounding countryside. To bring additional new single rural dwellings closer to this boundary would mar the distinction between the settlement of Douglas Bridge and the countryside and would be contrary to CTY15 of PPS21.

The Strategic Flood Map for Northern Ireland indicates that the site lies on the periphery of the 1 in 100 year fluvial flood plain. DFI Rivers had concerns in relation to the sites proximity to the Douglas Burn watercourse and as the site lies on the periphery of the 1 in 100 year fluvial flood plain have advised in accordance with PPS 15, FLD 1 that a FRA should be carried out to establish the detailed extent of the floodplain.

This information was submitted on 27th March 2020 and DFI Rivers now advise the detailed FRA does not lie within the 1/100 year fluvial flood plain, and therefore would not be contrary to FLD 1 of PPS 15. However, as the site is adjacent to the flood plain, the finished floor level for any dwelling on this site to be 44.94m (to ordinance datum), to include the 600m recommended freeboard, as the estimated fluvial flood level is 44.33.

The site is also located partly within the predicted flooded area as indicated on the Surface Water Flood Map and although due to the area of the site a drainage assessment is not required as noted in FLD 3 pf PPS 15, the applicant should be aware of this and take measures to mitigate accordingly.

SES also requested a construction method statement for any in channel works in the event that an outlet to the Douglas Burn is required. As this watercourse is a hydrological link to the River Foyle and tributaries SAC, 1.4km downstream, Council is the competent authority in assessing the impact of any projects on the protected SAC. Without this information, Council is prohibited from granting consent for any development on this site under Regulations 43 (1) of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

The construction method statement was submitted on 27th March 2020 and SES have now carried out Appropriate Assessment which has concluded that provided the mitigation measures detailed in the assessment are implemented and adhered to throughout the construction phase the proposal will not have an adverse effect on the site integrity of River Foyle and Tributaries SAC.

Therefore in reconsidering the case, although the flooding and habitats regulations assessment issues have been resolved with the reports submitted, officer's remain of the view the site does not meet the policy requirements of PPS 21 as it does not constitute clustering contrary to CTY 2a, would create a ribbon of development contrary to CTY 8, lack integration contrary to CTY 13, create building of

development contrary to CTY 14 and mark the distinction between the settlement limit of Douglas Bridge and the rural countryside contrary to CTY 15.

Refusal is therefore again recommended as per the reasons set out below:

3. Proposed Reasons for Refusal

1. The proposal is contrary to Policies CTY1 and CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside) in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point nor is it located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, create a ribbon of development along Camus Road further eroding the rural character of this area.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would if permitted lack sufficient integration and would be a prominent feature in the landscape and would rely on the use of new landscaping for integration.
4. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would if permitted mark the distinction between the existing settlement of Douglas Bridge and the surrounding countryside.
5. 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 and approved buildings and would create a ribbon of development on Camus Road.

4. Without prejudice 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 sited at 44.94m (OD), 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 and is not impacted on flooding due to the close proximity of the adjacent flood plain.

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. A clearly defined buffer of at least 10 m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the Douglas Burn.

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

7. Storm drainage of the site, during construction must be designed to the principles of Sustainable Drainage Systems (SuDS), as outlined in the Method Statement (March 2020) in order to prevent the polluting effects of storm water on the Douglas Burn. 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 entering the Douglas Burn and impacting on the site integrity of the River Foyle and Tributaries SAC.

8. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved Drawing No.01, which was received on 18th April 2018.

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