

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 6th November 2019

APPLICATION No: LA11/2018/1053/O

Date of Application: 14.11.2018

APPLICATION TYPE: Outline

PROPOSAL: 2 No. infill dwellings under policy CTY 8 of PPS 21

LOCATION: Lands 30m South West of 67 Corrody Road, Waterside, Derry BT47 2QH

APPLICANT: Mr Joe Jackson

AGENT: MKA Planning

ADVERTISEMENT/STATUTORY EXPIRY: 21/11/2018- 12/12/2018

RECOMMENDATION: Refuse

REASON FOR PRESENTATION TO COMMITTEE: Recommendation to refuse.

This application was originally listed for Planning Committee on 4th September 2019, however a site visit request was submitted and agreed prior to the meeting. The site visit took place on Wednesday 18th September 2019. The following Members and Officers were in attendance:

Cllr Barr, Ald McClintock, Ald Bresland, Cllr Boyle, Cllr McKinney, Cllr Dobbins, Cllr Jackson

S McCracken, K Donaghey, L McCorkell

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

The proposal is 2 No. infill dwellings under policy CTY 8 of PPS 21

2. EIA Determination

The proposal does not meet any thresholds as set out in Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, therefore an EIA screening determination was not carried out.

3. Habitats Regulations Assessment

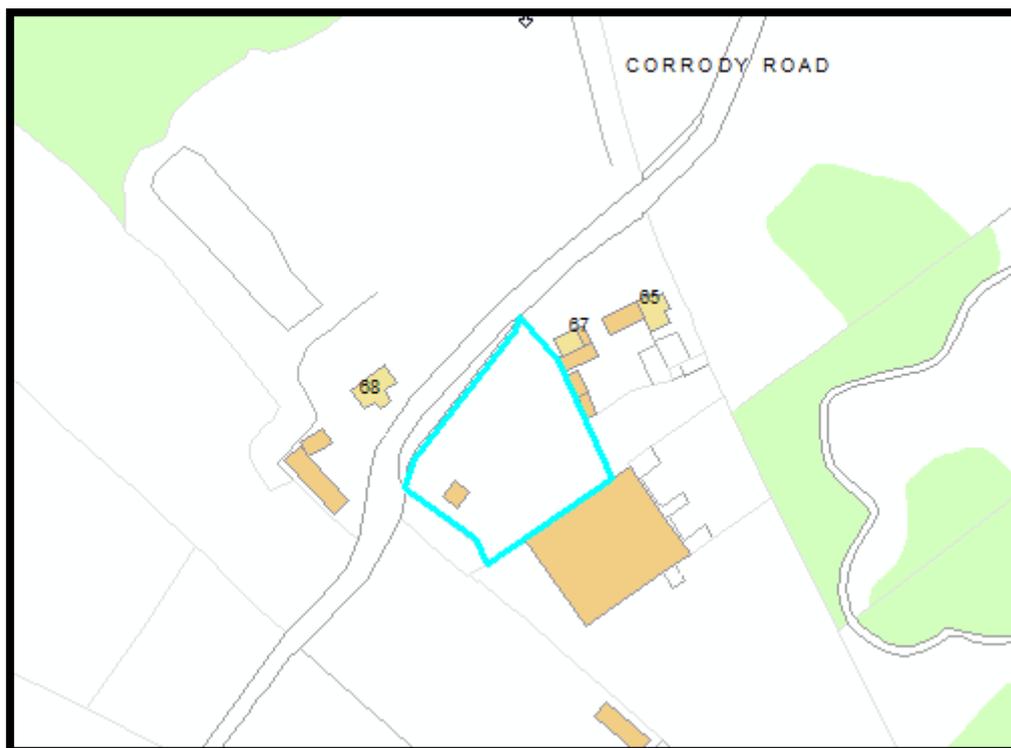
Assessment under the Habitats Regulations is not required as there is no watercourse directly abutting the site. Therefore, it is unlikely that there will be any adverse effects from development works on any National or European Designated site.

4. Site and Surrounding Area

The site is set within the countryside as set out in the Derry Area Plan 2011. The proposed site is a rectangular parcel of land located on Corrody Road approximately 0.3km from the settlement limit of the city. The site has been cleared and a degree of fill has been deposited on the site. An existing access which services the large industrial unit (within applicant's ownership) runs along the South West boundary of the site. A palisade fence defines the northern roadside boundary. Localised views of the site on Corrody Road.

The site is bounded to the South East by a large shed with hard standing to the rear. Immediately to the North East of the site is a derelict dwelling in poor condition. A number of outbuildings surround the derelict dwelling. On the opposite side of the road exists a further derelict dwelling in poor condition.

Figure 1: Site Location Plan



5. Site Constraints

No recorded site constraints.

6. Neighbour Notification Report

	Reference Number	Neighbour Address	Notification Letter	Date Neighbour Notified
1	LA11/2018/1053/O	KF Tyres, 120 Corrody Road, Londonderry, Londonderry, BT47 2QH	NEILET	20/11/2018
2	LA11/2018/1053/O	Unit 1,69 Corrody Road,Londonderry,Londonderry,BT47 2QH	NEILET	20/11/2018
3	LA11/2018/1053/O	Unit 3,69 Corrody Road,Londonderry,Londonderry,BT47 2QH	NEILET	20/11/2018
4	LA11/2018/1053/O	68 Corrody Road,Londonderry,Londonderry,BT47 2QH	NEILET	20/11/2018
5	LA11/2018/1053/O	Unit 2,69 Corrody Road,Londonderry,Londonderry,BT47 2QH	NEILET	20/11/2018
6	LA11/2018/1053/O	65 Corrody Road,Londonderry,Londonderry,BT47 2QH	NEILET	20/11/2018
7	LA11/2018/1053/O	67 Corrody Road,Londonderry,Londonderry,BT47 2QH	NEILET	20/11/2018
8	LA11/2018/1053/O	Unit 5,69 Corrody Road,Londonderry,Londonderry,BT47 2QH	NEILET	20/11/2018
9	LA11/2018/1053/O	Unit 4,69 Corrody Road,Londonderry,Londonderry,BT47 2QH	NEILET	20/11/2018

6. Relevant Site History

LA11/2016/0145/O- On Site application for infill dwelling- Refused at Derry City and Strabane Planning Committee meeting dated 05-04-2017. Reasons for Refusal CTY2a, CTY7, CTY8, CTY13, CTY14.

A/2011/0572/F- Retrospective application for change of use of part of existing building from use class B3 (General Industrial) to use as a facility for the collection, baling and storage of used tyres before onward transport. Approved

A/1995/0057/F - Change of use from former concrete works to Hide Processing Plant. Approval

7. Policy Framework

Strategic Planning Policy Statement

Derry Area Plan 2011

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

8. Consultee Responses, Internal/External

DFI Roads - The location of this proposed access is unacceptable to DfI Roads. The Forward Sight Distance of 70.0m is unachievable from the southwest of this access without the need of third party lands on the western side of Corrody Road. Additionally, from this access the red line on the 1:2500 scale site location map requires to be extended to indicate control over the lands necessary to provide visibility splays of 2.4m x 70.0m and forward visibility of 70.0m. The 2.4m x 70.0m visibility splay to the southwest of the application site access should be indicated to the tangent point.

Environmental Health Service – No issues with regards to land contamination. EHS has requested a noise report to address potential noise issues.

NI Water - No objection

Loughs Agency - No objection

NIEA Water Management Unit - No objection and refers to standing advice

9. Representations

At the time of writing no objections have been received.

10. Planning Assessment and Other Material Considerations

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

In para 2.3 of the SPPS highlights that the planning system operates in the public interest and does not exist to protect the interests of one person against the activities of another. EHD has stated that the two proposed dwellings are located adjacent to existing industrial units which have the potential to impact on residential amenity due to existing and possible future uses. Environmental Health Service note that there is a separate application currently under consideration. LA11/2018/1058/F for a proposed Go Kart track on the adjacent site. In order to assess the noise impact on the proposed residential dwellings from the existing industrial units, the applicant is advised to submit an acoustic report. The acoustic report should have regard to formal guidance, protocols and standards that have been produced including BS4142:2014 Methods for rating and assessing industrial and commercial sound. If there is a

need to depart from accepted protocols or standards then the reasons for such a departure should be clearly identified with reasons for departure clearly explained. The acoustic report should assess the cumulative noise from the adjacent development and include the assessment of site traffic which accesses the industrial units via a lane located to the south west boundary of the proposed development. This information has not been submitted in relation to this application.

The SPPS echoes in para 6.73 the policy provisions of Planning Policy Statement 21: Sustainable development in the countryside (PPS21) in relation to policy CTY8 Ribbon development. Policy CTY 1 of PPS21 lists the range of types of development which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has argued that the proposal is in accordance with Policies CTY 8, CTY13 & CTY14 of Planning Policy statement 21 Sustainable Development in the Countryside.

Figure 2: View of location approaching from North



Policy CTY8 Ribbon development

Under this policy planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this reflects the existing

development pattern along the frontage in terms of size, scale siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

As one can see from figure 3 & 4 below the derelict buildings to the NE and the industrial buildings and small shed all read as roadside frontage onto Corrody Road. Officers are of the opinion that the parcel of land associated with this application would be deemed the ancillary space and frontage of the industrial buildings to the rear. As can be seen from a view of the site frontage in figures 3 & 4 below the lands are enclosed by palisade fencing (which encloses the entire industrial site) and denotes the parcel of lands relationship with the industrial buildings to the rear, providing a frontage onto Corrody Road. Officers contend that the industrial buildings front onto Corrody Road and as a result there is no visual break as to enable the possibility of an infill opportunity.

MKA Planning has indicated that a previous appeal decisions by the PAC within have allowed infill dwellings with accompanying development to the rear. This appeal 2016/A0082 highlights that accompanying development to the rear does not preclude an appeal proposal from qualifying for infill in that the accompanying development to the rear was well set back and does not read as part of the linear pattern of development close to the road.

The buildings and enclosure are clearly prominent and are not visually detached from the roadside frontage. Officers are of the opinion that the existing industrial buildings (including palisade fencing) are close to Corrody Road and form part of the linear development along this roadside frontage. This is deemed as accompanying development to the rear and do "exclude" this proposal as an infill opportunity. This is clearly evident from the view below (Figure 3 & 4).

Figure 3: View of Site frontage



Figure 4: View of Site frontage



Figure 5: Overhead view of Corrody Road

A small structure/shed is located to the south west within the site boundary and has no defined curtilage. The dilapidated structures to the North East have relatively small curtilages. This proposal has to take cognisance of the existing development pattern along this section of Corrody road in terms of size, scale, siting and particularly plot size. The existing structures are in a poor state of repair but would have an average of between 25-30m site frontages. Although officers do argue that a gap does not exist at this location, the proposed site has a frontage of approx.100 resulting in a site large enough to accommodate up to three dwellings. If a gap is in situ, under Policy CTY8 the gap should be sufficient to accommodate up to a maximum of two houses. Officer would argue that any potential gap is too large and development of the site would not respect the plot sizes and this is clearly evident from Figure 6 below.

Figure 6: Overhead view of Corrody Road and relative plot sizes



It is clearly evident that the proposed site could not be deemed a gap site and fails to adhere to the criteria as set out in Policy CTY8.

CTY13 Integration and Design

The site has no defined boundaries that would provide any significant enclosure or means of integration albeit an industrial palisade fence which defines the curtilage of the industrial site. When travelling in transit along Corrody Road the proposed site is open and exposed. Due to the lack of any adequate means of enclosure two dwellings at this location would be conspicuous and would not integrate successfully into the landscape. Any development on site would rely primarily on the use of new landscaping for integration.

CTY14 Rural Character

Due to the lack of existing vegetation and open nature of the site a dwelling would create a ribbon of development along Corrody Road. Approval of a dwelling on this site would have an adverse impact upon the rural character and thus contrary to Policy CTY14 Rural Character.

11. Conclusion:

Having considered all material considerations, including the development plan, relevant planning policies, and consultation responses it is considered that the proposal fails to meet policies CTY8, CTY13 and CTY14 of Planning Policy Statement, Planning Policy Statement 3 Access, Movement and Parking and the Strategic planning Policy statement in relation to potential impact of noise emanating from potential development to the rear.

In order to assess the noise impact on the proposed residential dwellings the applicant is advised to submit an acoustic report.

Therefore the Planning Authority recommend refusal of this site for two dwellings at this particular location for the following reasons;

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 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 Corrody Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted appear as a prominent feature in the landscape as the site lacks long established natural boundaries and is unable to provide sufficient capacity to integrate a dwelling on the site.
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 detrimental change to the rural character of the countryside by reason of ribbon development and build-up.
5. The proposal is contrary to the Strategic Planning Policy Statement in it has not been demonstrated that the residential amenity of the proposed occupants of the development

would not be subject to noise disturbance from the adjacent industrial units currently at this location.

6. The proposed development is contrary to Planning Policy Statement 3 Access, Movement and Parking, as it has not been demonstrated, that the proposal will not prejudice the safety and convenience of road users since adequate provision has not been demonstrated onto the existing road.