

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 4th November 2020.

APPLICATION NO: LA11/2020/0345/O

DATE OF APPLICATION: 19.05.2020

APPLICATION TYPE: Outline

PROPOSAL: Infill site for two storey detached dwelling and garage

LOCATION: Infill site 70m north of 12 Tullanee Road, Eglinton, BT47 3DT

APPLICANT: Mr & Mrs David Beacham

AGENT: Gerard McPeake Architectural Ltd

ADVERTISEMENT: 09.06.2020

STATUTORY EXPIRY: 24.06.2020

RECOMMENDATION: Refuse

REASON FOR PRESENTATION TO COMMITTEE: The recommendation is to refuse.

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 is an outline application for an infill site for two storey detached dwelling and garage.

2. EIA Determination

This application has been screened by Council and as the development does not fall within any of the categories of Schedule 2 10 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, it is therefore considered that an EIA determination is not required.

3. HRA

Stage 2 assessment under the Habitats Regulations is not required. This has been confirmed through informal consultation with SES. They have stated that the potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site.”

There are no significant trees or landscape features on this site which will be impacted by this proposal and no protected species have been identified at this site. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

4. Site and Surrounding Area

As seen in Figures 1 and 2 below, the application site as defined by the red line is a rectangular shaped portion of land located north of Tullanee Road. This is a roadside plot adjacent a recently constructed agricultural shed for housing sheep. On the day of the site visit the site remained as an agricultural field which is fairly level. Beyond the red outline, the field slopes downwards in a north westerly direction. The north eastern site boundary is defined by mature trees and hedgerow. A timber fence has been erected along the front of the site and a similar timber fence and the agricultural building form the south western site boundary. The north western site boundary is undefined for the most part however there is a row of mature trees along a section of this boundary. The application site will be visible intermittently when on approach to the site in both directions.

The site is located in the rural area as defined by the Derry Area Plan (DAP) 2011. This immediate area is characterised by established and new single dwellings and farm holdings. The site will be visible when travelling along this section of Tullanee Road. Given the elevated nature of this site, there are also long range views from Eglinton Village.

Figure 1 – Site Location Plan



Figure 2 – Application Site



5. Site Constraints

None identified.

6. Neighbour Notification Report

Neighbour Address	Date Neighbour Notified
10 Tullanee Road, Eglinton, Londonderry, BT47 3DT	10/06/2020
11 Tullanee Road, Eglinton, Londonderry, BT47 3DT	10/06/2020
12 Tullanee Road, Eglinton, Londonderry, BT47 3DT	10/06/2020
9a , Tullanee Road, Eglinton, Londonderry, BT47 3DT	10/06/2020
9 Tullanee Road, Eglinton, Londonderry, BT47 3DT	10/06/2020

Neighbour Address	Date Neighbour Notified
10a Tullanee Road, Eglinton, Londonderry, BT47 3DT	24/06/2020

7. Recent Relevant Site History

LA11/2020/0067/CA - Breach of Condition no 2 of planning approval LA11/2019/0334/F -The building shall be limited to agricultural use only.

Ongoing Case

LA11/2019/0334/F - Construction of agricultural yard, farm shed, dung storage and slurry tank on the farm holding.

Permission Granted: 22.04.2020

8. Assessment of Policy

Regional Development Strategy (RDS) for Northern Ireland 2035

Derry Area Plan (DAP) 2011

Strategic Planning Policy Statement (SPPS) for NI: Planning for Sustainable Development 2015

Planning Policy Statements (PPS's)

PPS 21 Sustainable Development in the Countryside

PPS3 Access, Movement and Parking

PPS 2 Natural Heritage

PPS 15 Planning and Flood Risk

9. Consultations

- DFI Roads: DFI Roads requested amended plans and additional details. Following the receipt of these, this consultee have no objections to the proposal subject to standard conditions and informatives.
- NI Water: No objections to the proposal. Standard informatives apply in terms of water supply and sewerage disposal.
- Env. Health DC&SDC: EHD consider the impact on amenity. They have no objections to the proposal and have provided advice regarding radon and the proposed sewerage system.

10. Representations

There have been no letters of objection or support received in respect of this proposal.

11. Planning Assessment, including Other Material Considerations

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

11.2 The SPPS introduces transitional arrangements which will operate until the Council's Plan Strategy has been adopted. During this period planning authorities will apply the existing policy which is retained. Any conflict between the SPPS and the retained policy must be resolved in favour of the SPPS.

11.3 The site is located within the countryside and outside any settlement limits as designated within the area plan. The DAP operates as the LDP. It does not contain policy specific to the infilling of dwellings. The DAP advises that the tests of the relevant rural strategy will apply in consideration of such proposals. This is provided by Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) which is identified by the SPPS as a retained policy document.

11.4 The first issue to consider in this proposal is the principle of this development. In this respect the proposal must meet one of the criteria of Policy CTY 1 of PPS 21. This proposal is considered under Policy CTY 8 Ribbon Development.

11.5 This is an outline application and therefore no specific design details have been provided other than the request for the proposal to be a two storey dwelling and an indicative site layout as shown in Figure 3 below. The indicative layout (Figure 3) shows the dwelling to be located centrally within the site adjoining the agricultural shed which has been recently constructed. This shed was approved as detailed above for agricultural use on a farm holding. This has now been sold off from the farm holding as has the land on which this dwelling is proposed.

Figure 3 – Indicative Site Layout



11.6 The drawings indicate that a number of existing trees are to be retained and new landscaping is proposed along boundaries and throughout the site.

11.7 Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but that 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.

11.8 This application site is a portion of an agricultural field with a newly constructed agricultural shed immediately to the south west. This site therefore does not benefit from being located within a line of three or more buildings. As seen in Figure 4 below and Figure 1 above, the area north east of the application site consists of an agricultural field with mature vegetation. The nearest buildings that considered as road frontage at this location are the newly constructed shed to the SW of the site and cluster of domestic sheds two fields to the NE of the site. There is a gap of approximately 60m between these buildings and the proposed dwelling. Development of the site as indicated in Figure 3 would leave a gap to the SW of 15m between the site and the agricultural shed (measured from the plans) and a gap to the NE of 45m between the site and the domestic sheds. There is a newly constructed pen between the proposed site and the domestic sheds to the NE. These would not be considered a "building".

Figure 4 – Tullanee Road





11.9 The application site considered alongside the adjoining agricultural field is not considered to be a small gap site for one dwelling as having considered the pattern of development in this area there is the potential for two dwellings to be located on this gap which exists. This gap provides a visual break between the existing dwellings and agricultural building. This gap and visual break is emphasised by the mature north eastern site boundary and the mature vegetation within the agricultural field. Consequently, the proposal does not constitute a gap site as set out in Policy CTY 8. Furthermore, it is considered that the addition of a new building on the site would create a ribbon of development at this location when considered alongside the agricultural shed, thus resulting in a suburban style build-up of development which is considered detrimental to the rural character of the area. It is considered that this site represents a visual break when viewed amongst the existing development in this area.

1.10 Therefore, having considered the above, it is considered that this proposal is not acceptable in principle under Policy CTY 8 of PPS 21 as it would create a ribbon of development resulting in the further erosion of the rural character of this area and as such does not comply with Policy CTY 14 of PPS 21 also.

11.11 Though the proposal is not considered to be acceptable in principle for the reasons stated above, Policies CTY 13 and 16 of PPS 21 must be considered.

11.12 As this is an outline application, no specific details with design have been received. The indicative site layout proposes that the dwelling is located centrally within the site. This is a level portion of the field. Beyond the site boundary the field slopes downwards in a westerly direction. The roadside section of the site benefits from mature vegetation as does the north eastern site boundary. There are also some mature trees along the north western site boundary. Subject to a ridge height restriction of 7.5m it is considered that these features will provide an integration of the proposed dwelling without the over reliance on new planting. Additionally, with this being a roadside plot the access point can be located immediately in front of the proposed dwelling thus reducing the visual impact of these ancillary works. Therefore, it is considered that to comply with Policy CTY 13 of PPS 21.

11.13 Policy CTY 16 deals with sewerage infrastructure associated with proposals for rural development relying on non-mains sewerage. The applicant has stated in the P1 Form that they will be using a treatment plant. Environmental Health have provided advice in this respect. Therefore, sewage for this site will be suitably disposed of in accordance with policy CTY 16 of PPS 21

11.14 Amenity

With regards to amenity, the residents of any nearby properties are considered as is the future residents of the proposal. The SPPS states that the planning system operates in the public interest of local communities. The basic question is whether the proposal would unacceptably affect amenities of owners or occupiers of neighbouring properties and the existing use of the land and buildings that ought to be protected in the public interest. Given the location of the access there will be no adverse impact on the nearby residential properties from vehicles other than during construction. Following this, traffic movements will be from those residing at or visiting the property which would not adversely affect amenity. EH have provided standard advice for the applicant/developer to adhere to during the construction phase to ensure that there is no adverse impacts on the amenity of the adjoining dwellings. Given the location of the site there will be sufficient separation distance to ensure that the proposed dwelling will not result in overlooking or loss of light to the existing dwellings surrounding this site.

It is also noted that the proposed dwelling is located within 75m of an existing farm building/shed which has been recently approved as accommodation for sheep. As indicated by the blue line on the site location plan this is under the control of the applicant and therefore it can be reasonably assumed that the applicant will be fully aware of any potential

impact on amenity due to farm type noise and odour. Notably, the agent has stated that this shed is now to be used for horses/ponies. If so, a further application would be required for consideration as this shed is conditioned for agricultural use. Should this property change hands the applicant/developer or successor in title will be advised by way of an informative that there may be impacts on amenity from time to time as a result of this farm building/shed. Therefore it is considered that the proposal complies with the SPPS in respect of amenity.

11.15 Site Access & Parking

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. DFI Roads have been consulted and stated that the site for the proposed dwelling is the yard area approved for the turning of agricultural vehicles. Following the receipt of amended plans have no objections and as such have provided a standard condition and advice to be attached to any approval. Therefore it is considered that the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic in line with Policy AMP 2 of PPS 3. Given the extent of the site, there is sufficient parking space to service this dwelling in accordance with Policy AMP 7 of PPS 3.

11.16 Natural Heritage & Flood Risk

In terms of natural heritage, PPS 2 provides the policy context. It sets out the planning policies for the conservation, protection and enhancement of our natural heritage. There are no watercourses evident abutting this site and therefore it is unlikely that this proposal would adversely affect the water environment including the selection features, conservation objectives or status of any European site. This has been confirmed through informal consultation with SES. There is no significant removal of trees/vegetation or landscape features proposed. As such it is unlikely that this proposal will adversely affect any priority species or their habitat which is afforded protection. Therefore the proposal complies with policies NH 1, NH 2, NH 3, HNH 4 and NH 5 of PPS 2 and Policies ENV 6, ENV 7 and ENV 8 of the DAP in this respect.

PPS 15 sets out the policies to minimise and manage flood risk to people, property and the environment. There have been no areas of flood risk identified on the application site. Given the

scale and nature of this proposal, ad Drainage Assessment is not required. Therefore, it is concluded that the proposal complies with PPS 15.

12. Conclusion and Recommendation

Having considered all material considerations, including the development plan, relevant planning policies and consultations, it is concluded that the proposal is contrary to Policy CTY 8 and criteria (b) and (d) of Policy CTY 14 of PPS 21 in that a dwelling on the site would create a ribbon of development and would result in a suburban style build-up of development when viewed with existing buildings and would as a result further erode the rural character of the area. Therefore, refusal is recommended for the reasons as set out below.

13. Proposed Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, in that the proposed dwelling would create a ribbon of development and further erode the rural character of the area.
3. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, in that the proposed dwelling will result in a suburban style build-up of development when viewed with existing buildings and would further erode the rural character of the area.