

## Open Agenda

Copy No:

No: 37/2020

### Memorandum for Executive Council

SUBJECT

**Development Application: Construction of a Two Bedroom Dwelling, Nr Former Head O'Wain Clinic, Blue Hill**

Memorandum by the Chief Secretary

ADVICE SOUGHT

1. **Executive Council is asked to consider and advise whether FULL Development Permission should be granted, with Conditions for the development application for Construction of a Two Bedroom Dwelling, Nr Former Head O'Wain Clinic, Blue Hill as recommended by the Land Development Control Authority (LDCA).**

BACKGROUND & CONSIDERATIONS

2. At the Land Development Control Authority meeting held on 15 January 2020, it was recommended that Full Development Permission be granted for the construction of a two bedroom dwelling Nr Former Head O'Wain Clinic, Blue Hill subject to conditions as set out in the Recommendation Section of the reports to LDCA included as Annex A and the Decision Letter in Annex B.
3. In accordance with Section 23(2) (b) (ii) of the Land Planning and Development Control (LPDC) Ordinance, 2013, the Chief Planning Officer is required to refer to the Governor-in-Council all applications for Development Permission for which granting the application would be inconsistent with a Development Plan but that there are material planning considerations which suggest that permission should nevertheless be granted.
4. **Section 17 (a)** reads: Outline Development Permission, the effect of which is to give **Approval in Principle** to the proposed development which is the subject of an application, but not to permit (except to the extent, if any, allowed by conditions attached to the permission) commencement of development to take place, or (b): full development permission, the effect of which is to permit the development, subject of the terms and conditions of the grant of full development permission.
  - a) The following are the relevant Primary Policy clauses from the Land Development Control Plan (LDCP) that are applicable in respect of this development and these include:
  - b) Green Heartland: Policies GH1, GH3, GH5 and GH6
  - c) Intermediate Zone: Policies IZ1 (a, b, f, g and h)

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- d) Housing: Policy H9
  - e) Water: Policy W2
  - f) Sewage, storm and Drainage: Policies SD1 (b, c), SD3, SD.4 and SD7
  - g) Road and Transport: Policies RT1 (c and d), RT3 and RT7
5. In respect of the proposed development, LDCP policies relating to the Green Heartland are particularly relevant and these are set out below in detail
- a) **GH1: Primary Policy** There will be a presumption in favour of retaining the undeveloped nature of the Green Heartland and its natural ecology. The grant of development permission will therefore be strictly controlled by the following implementation policies.
  - b) **GH.3** Except as provided for in policy GH2, permission will not be granted in the Green Heartland for development which includes the creation of sleeping or catering facilities or new dwellings; save that permission will be granted for the extension of existing buildings and re-use, reconstruction and extension of existing derelict buildings provided the resultant total floor area is not more than 93m<sup>2</sup> (1,000 sqft) or not more than 75% larger than the original floor area, whichever is the greater, and normally not more than 223m<sup>2</sup> (2,400 sq ft) in any case; and
    - i. the resultant building follows, in its form, scale, proportion, details and external materials the traditional buildings and construction methods of the area, and
    - ii. no change to existing ground levels of 3m or more are made in connection with the building or its surroundings, or in gaining access to it, and
    - iii. it can be provided with water and electricity supplies and means of dealing with sewage in a sustainable manner and without risk of pollution.
  - c) **GH.5** Where development permission is granted in the Green Heartland it shall be subject, in all cases, to the requirement to landscape the site sufficient to conceal the development or blend it in to the landscape, including a proportion of indigenous species appropriate to the scale and nature of the development.

## 6. BACKGROUND AND DEVELOPMENT PLAN

- a) The proposal is to build a two bedroom single-story family house on a plot of land that has been in the ownership of the

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applicant for a number of years. The plot of land was originally within the geographical location on the Island zoned as Intermediate Area in the earlier development plans on which there were no restrictions on the development on policy grounds, subject to development permission being granted. However in the preparation of the current adopted Land Development Control Plan 2012-2022 (LDCP), there were a number of boundary changes that redefined the three zones (Coastal Area, Green Heartland and Intermediate) within the LDCP. A number of landowners with plots within the Intermediate Zone that they had purchased, acquired or inherited have now found that their land was within the Green Heartland Zone and with a policy restricting their future development. For many this only came to light after the LDCP was adopted. This has been an issue for a number of the owners who requested that this issue be readdressed to enable them to build on their land.

- b) The LDCP is currently being reviewed and whilst there are proposals for boundary changes, it will not be sufficient to enable sites such as this one to be relocated within the Intermediate Zone. However, the LDCP Working Group is sympathetic to the landowners for whom the land parcel is an investment to build their home and the new Draft Development Plan will include a policy clause that will give exceptions to landowners who were affected by the boundary change in the 2012-2022 LDCP.
- c) Until the revised Development Plan is formally adopted at a future date following statutory consultation and Executive Council resolution, the decision to grant development permission is contrary to the current adopted LDCP.

## 7. PROPOSED DEVELOPMENT

- a) The development site is situated within the Head O'Wain area of Blue Hill, just south east of the former clinic, at the lower side of the main road. This plot is situated in the Green Heartland Zone after the LDCP was adopted in 2012. The applicant purchased the land privately, however was unaware of the restriction on development. He then submitted an application in 2016 (Reference 2016/52) for development permission to construct a two bedroom property. The application was refused on the grounds that no development was allowed to be constructed in the Green Heart-land for residential purposes.
- b) The application seeks full development permission to

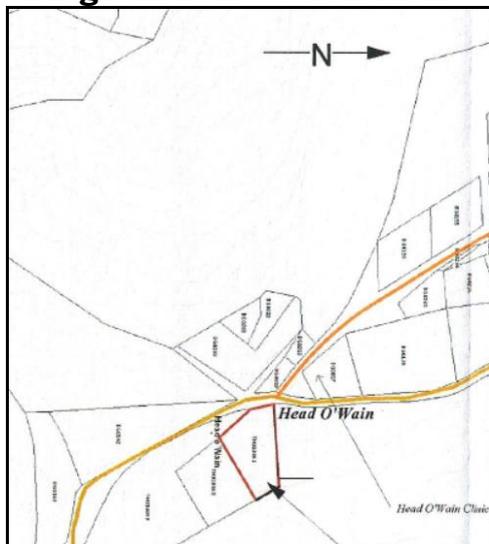
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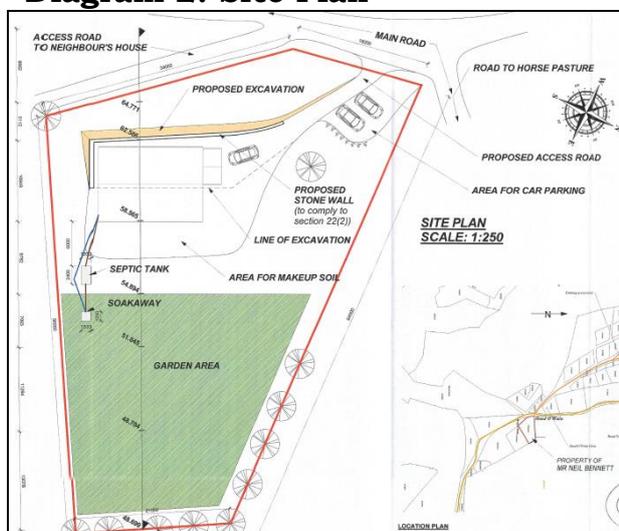
construct a two bedroom dwelling. Access onto the site will be from the western corner of the plot boundary, via the main road. The road will traverse downwards onto the site in a south easterly direction. Cut and fill operation is proposed, which will result in a three metre vertical embankment, being created at a sixty degree angle.

**Diagram 1: Location Plan**



- c) The dwelling will measure approximately 129m<sup>2</sup> in footprint, where it has been positioned centrally on the western side of the plot. The floor layout will comprise an attached garage and patio on the northern elevation, which will serve as the principle entrance into the main living area. An open planned kitchen, dining area and lounge is proposed, with a shared bathroom and two bedrooms at the southern elevation.

**Diagram 2: Site Plan**



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- d) The appearance of the dwelling will be similar to those in the surrounding area, being of single storey design. A gable roof is proposed consisting of IBR sheeting, although no colour has been indicated, this can be conditioned accordingly. External walls will be of rendered concrete blockwork.

### 8. OFFICER ASSESSMENT

- a) The appearance of the building will be similar to those in the area and complies in terms of siting, scale, proportion, details and external materials complies with the housing policy H.9 and IZ1(a) and therefore can be supported.
- b) As set out earlier in the report (Section 7: Background and Development Plan), this proposed development is not supported by the Green Heartland Policies of the LDCP, The LDCP Review Working Group, reviewing the development plan, is minded to make exemptions in the emerging LDCP 2020, to those land owners who prior to 2012 Green Heartland boundary change purchased land in the Intermediate Zone to build their house. In view of this decision by the LDCP Review Working Group that affords exemption in the Emerging LDCP 2020, this is considered as material consideration to the Green Heartland Policies of the current 2012 LDCP, and that development permission should be granted for a residential property in respect of this development application.

### 9. OFFICER RECOMMENDATION

- a) The Land Development Control Authority supported the material consideration for exception to the Green Heartland Zone and recommends to the Governor-in-Council to grant Full Development Permission subject to Conditions as set in Section D of the LDCA Report.

#### FINANCIAL IMPLICATIONS

- 10. Executive Council acts as the Planning Authority in this case.

#### ECONOMIC IMPLICATIONS

- 11. N/A

#### CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

- 12. N/A

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| <b>PUBLIC/SOCIAL<br/>IMPACT</b>  | 13. This development will increase the supply of residential accommodation on the Island.   |
| <b>ENVIRONMENTAL<br/>IMPACT</b>  | 14. Whilst the grant of development permission will allow built development in the Green Heartland which is contrary to the LDCP GH Policies, the site is within the existing Head O Wain residential area with a number of properties nearby. The overall impact on the natural environment of the area will therefore be minimal. |
| <b>PREVIOUS<br/>CONSULTATION/<br/>COMMITTEE<br/>INPUT</b>                  | 15. There was consultation on the development application and no representation was received from the community.  |
| <b>PUBLIC<br/>REACTION</b>   | 16. N/A   |
| <b>PUBLICITY</b>   | 17. The decision will be mentioned in ExCo radio briefing following the meeting.  |
| <b>SUPPORT TO<br/>STRATEGIC<br/>OBJECTIVES</b>                             | 18. The development will increase the supply of residential accommodation.  |
| <b>LINK TO<br/>SUSTAINABLE<br/>ECONOMIC<br/>DEVELOPMENT<br/>PLAN GOALS</b> | 19. N/A   |
| <b>OPEN/CLOSED<br/>AGENDA ITEM</b>   | 20. Recommended for the Open Agenda.  |

Corporate Support  
Corporate Services

15<sup>th</sup> May 2020

SOB

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