



Planning Committee Report LA01/2018/1563/F	28 October 2020
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2018/1563/F	<u>Ward:</u> Greystone
<u>App Type:</u> Full Planning	
<u>Address:</u> Lands 140m N of 8 Barley Hill Limavady	
<u>Proposal:</u> 18 semi-detached dwellings and 1 detached dwelling with associated internal network tree lined avenues, car parking and amenity space	
<u>Con Area:</u> N/a	<u>Valid Date:</u> 21.12.2018
<u>Listed Building Grade:</u> N/a	
Agent: Gerard McPeake Architectural Ltd, 31a Main Street, Limavady	
Applicant: Brian McCracken Ltd, 16 Point Road, Magilligan, Limavady	
Objections: 57	Petitions of Objection: 0
Support: 19	Petitions of Support: 0

Executive Summary

- The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The site is within the settlement limits of Limavady within housing zoning LYH 11 which is a committed site as shown in NAP 2016. Meaning there are no key site requirements in the current Development Plan because the site has existing extant planning approval.
- The principle of development including layout, design and amenity, access, movement and parking and Habitat Regulation Assessment have been considered and are acceptable.
- There are no adverse impacts upon flooding, natural heritage and relationship with neighbouring properties.
- There is current capacity in the NI Water wastewater network for this development.
- There have been 57 objections that have been received in relation to this application and 19 letters of support.
- No statutory consultee has raised any concerns with this proposal.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 2, PPS 3, PPS 7, Addendum to PPS 7, PPS 8, PPS 15 and the design document "Creating Places".
- Approval is recommended.

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application comprises 2 plots of land, one an 'L' shaped plot of land with 17 houses proposed and one rectangle plot with 2 houses proposed. The site measures approximately 0.78 hectares in area. The site is an active building site with 12 of the 19 dwellings under construction. The site is accessed to the south through Whitehill Park, Mount Eden and Lowry Park. To the north west of the site is a lane with access to Scroggy Road but there is no through access due to a high gate which is outside the control of the applicant.
- 2.2 The site is bounded to the north by the existing residential development of Thorndale and Meadowvale Park which back onto the proposed site and have a defined boundary of 2 metre garden fences or some hedging. To the western boundary adjacent Limavady Cemetery is a 3 metre high mature hedge and some 2 metre high fencing. The eastern boundary with the open space area is undefined. To the east of the open space is the residential area of Mount Eden. The southern boundary leads into an existing residential avenue and associated dwellings which have recently been constructed.
- 2.3 The topography is sloped, down to the south of the site and rising up to the north of the site where the site levels are a similar level to the ground level in Thorndale and Meadowvale Park.
- 2.4 There are no watercourses identified within the site boundaries. There is a small watercourse 77 metres to the south west of the site. The site is 964 metres east of the River Roe and Tributaries SAC/ASSI. There are no mature trees within the site boundaries.
- 2.5 The site is within the settlement limits of Limavady within housing zoning LYH 11 which is a committed site as shown in NAP 2016.

Limavady Cemetery adjoins the site to the west. There is an existing residential area to the north and recently constructed residential area south of the site with an area of open space to the east. The character of dwellings to the north are predominantly single storey and to the south, predominantly two storey.

3 RELEVANT HISTORY

B/2006/0261/F - Land adjacent to 102 Whitehill Park, Limavady - Erection of residential development comprising of 158 semi-detached, terraced townhouses, maisonettes & apartments with associated car parking and common open spaces - Permission Granted - 2nd September 2009

B/2010/0035/F - Land adjacent to 102 Whitehill Park, Limavady - Proposed amendment to residential development. Change to 12no. Dwellings: house type M/M1 on sites 47-58, formerly 2 buildings with 6 no. Townhouses in each, to be split to create 12 semi-detached houses with associated amenity, car parking and common open space - Permission Granted - 23rd September 2010

B/2010/0217/F - Land adjacent to 102 Whitehill Park, Limavady - Amendment to previously approved application B/2006/0261/F for residential development. Change of 1 detached, 4 semi-detached, 26 townhouses and 51 apartments (81 total) to provide (71 total) 34 semi-detached, 22 townhouses and 15 apartments with associated amenity space and car parking - Permission Granted - 18th May 2012

LA01/2016/1129/F - Lands adjacent and North of 62 Whitehill Park, Limavady - Change of house type from previous planning approval to provide 10 dwellings instead of 12, consisting of 6 semi detached and 3 terrace dwellings and 1 detached dwelling, with associated internal road network and car parking - Permission Granted - 21st September 2017

LA01/2018/0004/F - Lands 60m North of 64 Whitehill Park, Limavady - 20 semi detached dwellings with associated internal network tree lined avenues, car parking and amenity space - Permission Granted - 11th December 2018

4 THE APPLICATION

- 4.1 Full Planning Permission is sought for “18 semi-detached dwellings and 1 detached dwelling with associated internal network tree lined avenues, car parking and amenity space.” The proposed

development has 7 different house types which are all designed to be 2 storey dwellings.

5 PUBLICITY & CONSULTATIONS

5.1 External

All neighbours identified for notification within the terms of the legislation were notified on 19th February 2019, 28th July 2020, 5th September 2019, 19th February 2020, 28th July 2020, 29th July 2020 and 29th September 2020. Two neighbour notifications expire on 14th October 2020. The application was advertised on 16th January 2019 and 5th August 2020.

5.2 To date, 77 representations have been received. There are 57 objections, 19 representations of support and 1 non committal representation. The 57 objections have been received from 29 separate addresses which can be broken down into; 11 from one address, 4 from one address, 4 addresses have submitted 3 objections each, 7 addresses have submitted 2 objections each and the rest are from individual properties. The 19 representations of support have been received from , 3 are from one property, 6 properties have submitted 2 letters of support each and the rest are from individual properties.

5.3 The issues raised can be summarised as follows;

- overlooking,
- loss of privacy,
- over-bearing development,
- overshadowing,
- loss of amenity,
- nuisance caused by operational noise during construction,
- anti-social behaviour,
- loss of natural light,
- loss of an alleged right of way,
- decrease in property values,

- use of lane outside application site.
- Flooding and Planning Policy Statement 15,
- potential pollution to River Roe and Tributaries SAC,
- Sky-line development,
- elevated nature of the development,
- location of open space,
- site alleged to be greenbelt,
- Character of the proposed dwellings and brick finishes,
- Planning Policy Statement 7, Policy QD1,
- Planning Policy Statement 12 - Housing,
- Draft Northern Area Plan key site requirements
- Objections raised to historical planning applications B/2006/0261/F and B/2010/0217/F,
- development has already commenced,
- alleged to be major development,
- alleged inaccurate plans,
- some dwellings not neighbour notified
- dumping outside the site boundary.

5.4 **Internal**

Environmental Health Department: No objections

DAERA – Drainage and Water: No objections

NI Water: No objections

DFI Roads: No objections

Environmental Impact Screening Opinion

- 5.5 As the development falls within Category 10(B) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017

the Council is obliged under Regulation 12(1) of these Regulations to make a determination as to whether the application is for EIA development. The Council determined on 21st January 2019 that the proposal did not need to be accompanied by an Environmental Statement.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 7 (PPS7) Quality Residential Environments

Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas

Planning Policy Statement 8 (PPS 8) Open Space, Sport and Recreation

Planning Policy Statement 15 (PPS 15) Planning and Flood Risk
Creating Places

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: Principle of Development including layout, design and amenity, Open space, Flood Risk, Access, Movement and Parking, Natural Heritage, Safeguarding Residential and Work Environs, Habitat Regulation Assessment and Representations.

Principle of Development including layout, design and amenity

- 8.2 Planning Policy Statement 7, Quality Residential Environments, Policy QD1 Quality in New Residential Development is a material consideration and states the following criteria within QD1 must be met:
(a) The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of building, structures and landscaped and hard surfaced areas;
- 8.3 Paragraph 2.5 describes the existing context surrounding the site. The proposed development comprises 18 semi-detached dwellings and 1 detached dwelling which have unifying design elements of colour, material and detailing gained through the use of red brick, render, clay tiles, hardwood doors and upvc windows. The appearance and use of materials is acceptable in this urban setting which displays a range of dwelling types and finishes. The general position of the proposed dwellings and road layout are in general conformity with the original concept and originally approved scheme.
- 8.4 The proposed dwellings range in ridge heights which vary from 8.2 metres to 8.6 metres. Proposed gable depths range from 9.2 metres to 10 metres. Frontage lengths range from 6 to 10.2 metres. The proposed house types are as follows,

House type B and its handed version are 2 storey semi-detached dwellings have a ridge height of 8.6 metres, gable depth of 9.2 metres and frontage length of 6.2 metres.

House type C is a 2 storey semi-detached dwelling with ridge height of 8.6 metres, gable depth of 9.3 metres and frontage length of 6.2 metres.

House type C1 is a 2 storey semi detached dwelling with a 8.6m ridge height, 9.3m gable and 6.3m frontage length.

House type D is a 2 storey semi detached dwelling with a 8.4 metre ridge height, 6.2 metre gable and frontage length of 10.2 metres.

House type B1 is a 2 storey semi-detached dwelling with ridge height of 8.4 metres, gable depth of 9 metres and frontage length of 6 metres.

House type H is a 2 storey detached dwelling that has a 8.2 metre ridge height, 10 metre gable depth and 7.2 metre frontage length.

House type J is a two storey semi-detached dwelling with 8.6 metre ridge height and 9.3 metre gable depth and 6.2 metre frontage length.

The scale and massing of the proposed house types with different heights and frontage widths is acceptable in this urban context and complies with criteria a of QD1.

- 8.5 Nos 65 - 67 Meadowvale Park are single storey semi-detached dwellings that are positioned at an angle so do not have a direct back to back relationship with sites 1029 and 1030. Site 1029 has an FFL of 31.70 and site 1030 has FFL of 31.40. The extant approval had 31.70 as FFL for the 2 sites backing onto Nos 65-67 Meadowvale Park which is now comparable to the proposed levels. The existing FFL of Nos 65-67 Meadowvale Park is 32.50 which is slightly higher than the 2 sites 1029 - 1030. The separation distance is 20 metres and the rear garden depth for site 1029 is 11.1 metres which is an acceptable distance.
- 8.6 The proposal under consideration has reduced the number of dwellings from the extant approval by 3 along the northern boundary. The proposal provides extra space for each dwelling along the shared boundary with Thorndale and Meadowvale Park. By increasing the garden depths, lowering the ridge heights and removing any 2nd floor windows at sites 1036 - 1037 from the extant approval this has improved the amenity of adjacent neighbours at Meadowvale Park and Thorndale to a more satisfactory level in comparison to the development that could be built in extant approval B/2010/0217/F.

- 8.7 Sites 1038 - 1045 are the proposed row of dwellings that back onto the cemetery, these dwellings have satisfactory rear garden depths ranging from 10.8 metres to 11.76 metres and amenity space of 81 - 98 square metres this is satisfactory. There are 4 house type B, 2 number house type C, one house type B1 and one house type D. These house types are 2 storey semi-detached dwellings and are satisfactory backing onto the cemetery.
- 8.8 Sites 1037 and 1038 face onto the open space in the north west corner of the development. House type D on site 1037 faces west towards the cemetery which is satisfactory. The house type D on site 1038 faces north toward the open space and towards the rear of No 23 Thorndale which is a bungalow with a door at first floor level opening onto a balcony. The distance from the front of house type D across the open space is 30 metres. The rear elevation of No 23 Thorndale is 3 metres from the boundary. The combined distance of 27.5 metres and 3 metres is sufficient separation distance of 30.5 metres for the proposed dwelling at site 1038 to have negligible overlooking.
- 8.9 A design and access statement, site analysis and the proposed drawings detail all proposed hard and soft landscaping and boundary treatment. The road layout will be tree lined and permeable paving is included in hard surfaces. An existing area of open space, contained outside the application site but within the applicants control has been provided and is greater than the required 10 percent of the overall site area. A second area of open space has been included within the north western corner of the site. The applicant has submitted a long term management plan for the open space in the earlier approval under B/2006/0261/F and this is still acceptable. The layout and design takes account of the need for adequate daylight, sunlight and privacy.
- 8.10 The proposed layout is respectful of the area in terms of layout, scale, proportions and appearance and complies with the creating places guidance and criteria 'a'.
- 8.11 (b) features of the archaeological and built heritage and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development; The site is not within an archaeology consultation zone and there are no listed buildings nearby. There are no existing landscape features on site to protect with no mature trees. The proposal complies with criteria 'b'.
- 8.12 (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discreet groups of trees will be required

along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area; The communal open space area measures 2.3 hectares for the entire development which is more than sufficient for the size of development exceeding the 10 percent requirement. The open space area is subdivided into a play area, grassed area and tree lined paths. This is multi-functional and accessible to all areas of the development given its central position.

- 8.13 The current proposal is for 19 dwellings which does not trigger the mandatory open space requirement in its own right however as this is part of a larger development it is important that the open space within the original concept plan for B/2006/0261/F is retained. The main area of open space to the east of the proposal is being retained and a smaller area of open space in the north western part of the development is also incorporated into this proposal with 2 dwellings facing onto the area of open space. A tree lined avenue is included as part of the proposal.
- 8.14 The proposed layout shows ample private amenity space for all sites. Site 1029 has private amenity space of 135 square metres. Sites 1030 and 1031 have private amenity space of 112 and 102 square metres respectively. Sites 1032 and 1033 have private amenity space of 113 and 103 square metres respectively. The sites 1034 and 1035 have private amenity space of 93 and 101 square metres respectively. The sites 1036 and 1037 have private amenity space of 103 and 112 square metres respectively. The sites 1038 and 1039 have private amenity space of 97 and 92 square metres respectively. The sites 1040 and 1041 have private amenity space of 98 and 89 square metres respectively. The sites 1042 and 1043 have private amenity space of 85 and 86 square metres respectively. The sites 1044 and 1045 private amenity space of 91 and 81 square metres respectively.
- 8.15 The 2 dwellings adjacent and east of No 103 Barleyhill both have private amenity space of 70 square metres which is acceptable given the position and relationship to dwellings south of these 2 properties as they do not have a direct back to back relationship. The private amenity areas have a mixture of grassed areas and permeable paving areas and the sizes comply with criteria 'c' of Policy QD1 and Creating Places.
- 8.16 (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development; The development is considered to be close to all

amenities as it is located within the settlement limit of Limavady. Footpaths are to be provided and Scroogy Road is serviced by public transport and the site is in close proximity to shops, schools and Churches that are nearby in Limavady. Given the small scale of the development, the proposal does not require local neighbourhood facilities. The proposal complies with criteria 'd' of this policy.

- 8.17 (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures; The applicant has submitted plans which show access for vehicles and footpaths for pedestrians. Cyclists may also use the road to access this development. DFI Roads have been consulted and are content. There is a footpath within the development and paths proposed in the open space area which would be accessible by all users and each property has adequate parking. Objections were raised in relation to an alleged right of way along the northern boundary. A check was carried out within Council in relation to this and it was confirmed that there was no asserted right of way within the site, this was also confirmed by the agent who advised that there was an easement for underground cabling that the developer was respecting. The proposal complies with criteria 'e' of this policy.
- 8.18 (f) adequate and appropriate provision is made for parking; The applicant has submitted plans showing the road layout with footpaths and parking for all sites. DFI Roads have been consulted and are content. The proposal complies with criteria 'f' of this policy.
- 8.19 (g) the design of the development draws upon the best local traditions of form, materials and detailing; The development comprises 18 semi-detached dwellings and 1 detached dwelling which have unifying elements of colour, material and detailing gained through the use of red brick, render, clay tiles, hardwood doors and upvc windows. The range in ridge heights vary from 8.2 metres to 8.6 metres. The range in gable depths is 9.2 metres to 10 metres. The range in frontage lengths is 6 to 10.2 metres. The visual variety of house types with different heights, frontages and range of materials is acceptable as a phase of the larger development. The proposal complies with criteria 'g'.
- 8.20 (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; The design and layout will

not create conflict with adjacent residential land uses. The proposed layout shows varying separation distances between proposed dwellings and rear boundaries. The dwellings at Thorndale and Meadowvale Park have limited rear garden depth at their properties. For example No 23 Thorndale is 2 metres from the boundary at its closest point. In comparison the proposed development all have at least 10 metres rear garden depth along this northern boundary which is equal or greater than the existing properties at Thorndale and Meadowvale Park and adheres to Creating Places guidance.

- 8.21 There is an extant approval under B/2010/0217/F which is a material consideration when considering the separation distances between the site and existing properties. Sites 1036 - 1037 in the extant approval have a rear garden depth of 9 metres with a 2 and a half storey dwelling approved under house type M and M1 which displays a ridge height of 9.7 metres. The proposed house types D and B1 for sites 1036-1037 have a ridge height of 8.4 metres which is 1.3 metres lower than the extant approval. The proposed house types D and B1 have no windows on the 2nd floor due to be lower ridge height restricted to 2 storey. The garden depth is 13 metres. The proposal is acceptable under policy and is a betterment than that approved under the extant approval.
- 8.22 Extant House type X adjacent the open space which is now numbered site 1029 had a rear garden depth of 9 metres and a ridge height of 9 metres. The extant semi-detached dwelling is proposed to be replaced by one dwelling which has a rear garden depth of 11 metres and a ridge height of 8.2 metres. The ridge height has been reduced by 0.8 metres. This arrangement is acceptable under policy and is a more satisfactory solution than the extant approval.
- 8.23 The extant approval had 8 semi-detached dwellings with rear garden depths of 10 metres between the current sites 1030 - 1035. This has been reduced to 6 semi-detached dwellings meaning the dwellings are more spaced out and they have between 11.5 - 12.6 metre rear garden depths which is an increase of 2.5 - 3.6 metres. The separation distance is on average 22 metres. The extant house type C for these sites had an 8.9 metre ridge height for 2 storey semi-detached dwellings with a single storey return. Sites 1030 -1031 and 1032 - 1033 now propose a B1 house type with a 8.4m ridge height. This is a 0.5 metre reduction from the extant approval. The separation distance is 22 metres from site 1031 to No 63 Meadowvale Park which adheres to Creating Places guidance.

- 8.24 Sites 1034 -1035 have a house type J proposed which are 2 storey semi-detached houses with a ridge height of 8.6 metres which is a reduction of 0.3 metres from those approved under the extant approval. These 2 semi-detached dwellings are under construction and during the processing of the application the agent has reduced the 2 storey return to a single storey return. The separation distance is 21 metres. The rear garden depth for sites 1034 - 1035 is 12.6 metres and this is an increase of 2.6 metres from those granted under the extant approval that had a ridge height of 0.3 metres higher.
- 8.25 The proposed dwellings backing onto Thorndale and Meadowvale Park are situated at the highest part of the site. The 2006 extant approval has a finished floor level 31.70 for site 1029 reducing slightly through the intervening row of sites 1030 - 1036 to a FFL at site 1037 of 30.30. The current proposal has FFL's of 31.70 for site 1029, 31.40 for sites 1030 - 1035 and 30.30 for sites 1036 - 1037. Sites 1029, 1030-1031 1036-1037 have levels similar to the extant approval whilst sites 1032 - 1033 have FFL approximately 0.25 metres higher than the extant approval and sites 1034 - 1035 have an FFL 0.85 metres higher than the extant approval. The proposed levels for sites 1029 - 1037 are comparable to the levels at Thorndale and Meadowvale Park meaning the proposed dwellings are not on elevated ground and this will ensure there is no adverse impact from overlooking or overshadow.
- 8.26 The existing dwelling north of the proposed open space is No 23 Thorndale and the open space in this north western corner of the site has levels between 30.21 to 30.70. The distance from site 1038 with its house type facing No 23 Thorndale is 30 metres. Site 1038 has a FFL of 30.60 which is comparable to the levels at No 23 Thorndale. Site 1037 with house type D faces away from No 23 Thorndale so they do not have a direct back to back relationship with a separation distance is 19.5 metres. Given the relationship were the proposed dwelling at site 1037 does not face directly to existing dwellings to the north then the levels and separation distances are acceptable.
- 8.27 There is a separation distance of 19 metres from the rear return of No 57 and No 59 Meadowvale to proposed dwellings at sites 1034 - 1035. Sections are provided that show the ground level at No 59 Meadowvale Park is 31 with its FFL slightly above that. There are no first floor windows at No 57 - 59 so it will be ground floor windows that are to be considered for potential overlooking. Sites 1034 - 1035 have a FFL of 31.40. The FFL's are comparable. While the rear garden depths at 57 and 59 Meadowvale are restricted to approximately 8

metres, there is sufficient separation distance of 20-21 metres achieved by the rear garden depth of 12.6 metres from the sites 1034-1035 proposed dwelling to have negligible impact from overlooking.

- 8.28 No 61 - 63 Meadowvale are semi-detached single storey dwellings which have an FFL of 32, sites 1031 - 1032 have FFL of 31.40 and a separation distance building to building of 22 metres. This is acceptable distances in terms of the surrounding context and to also have negligible impact in terms of overlooking and overshadowing.
- 8.29 Nos 65 - 67 Meadowvale Park are single storey semi-detached dwellings that are positioned at an angle so do not have a direct back to back relationship with sites 1029 and 1030. Site 1029 has an FFL of 31.70 and site 1030 has FFL of 31.40. The extant approval had 31.70 as FFL for the 2 sites backing onto Nos 65-67 Meadowvale Park which is now comparable to the proposed levels. The existing FFL of Nos 65-67 Meadowvale Park is 32.50 which is slightly higher than the 2 sites at 1029 - 1030. The separation distance is 20 metres and the rear garden depth for site 1029 is 11.1 metres which is an acceptable distance to ensure no adverse impact from overlooking, overshadowing, loss of light or loss of privacy on existing dwellings.
- 8.30 The extant approval B/2010/0217/F has 12 dwellings backing onto Meadowvale Park and Thorndale. The proposal under consideration has reduced this number to 9. By reducing the number of dwellings, increasing the garden depths, lowering the ridge heights and removing all 2nd floor windows from sites 1036 -1037 this has improved the amenity of adjacent neighbours at Meadowvale Park and Thorndale to a more satisfactory level in comparison to the development that could be built in extant approval B/2010/0217/F. The potential impact on adjacent properties at Meadowvale Park and Thorndale had been reduced in terms of overlooking, loss of light, overshadowing and loss of privacy / amenity. The proposal will have less of an overbearing nature than the extant approval and now that the proposed ground levels have been reduced to be comparable with the existing properties the proposal will not be sky-line development.
- 8.31 Sites 1038 - 1045 are the proposed row of dwellings that back onto the cemetery, these dwellings have satisfactory rear garden depths ranging from 10.8 metres to 11.76 metres and amenity space of 81 - 98 square metres this is satisfactory. There are 4 number house type B, 2 number house type C, one house type B1 and one house type D. These house types are 2 storey semi-detached dwellings and due to

heights, design and separation distances have a satisfactory relationship to the existing cemetery.

- 8.32 Sites 1037 and 1038 face onto the open space in the north west corner of the development. House type D on site 1037 faces west towards the cemetery which is satisfactory. The house type D on site 1038 faces north toward the open space and towards the rear of No 23 Thorndale which is bungalow with a door at first floor level opening onto a balcony. The distance from the front of house type D across the open space is 30 metres. The rear elevation of No 23 Thorndale is 3 metres from the boundary. The combined distance of 27.5 metres and 3 metres is sufficient separation distance of 30.5 metres for the proposed dwelling at site 1038 to have no adverse impact in terms of overlooking, overshadowing, loss of light or loss of privacy.
- 8.33 The applicant has demonstrated through the plans no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Consultees have raised no issues in relation to noise. There is a cemetery to the west of the proposal and open space to the east which reduces the amount of private amenity space that the proposal effects. The dwellings to the north at Meadowvale Park and Thorndale have adequate separation distance as to have no unacceptable adverse affects as considered above. The proposal complies with criteria 'h'.
- 8.34 (i) the development is designed to deter crime and promote personal safety; The design of the development with principle front elevations facing the main road and onto open space areas adds to the security of the area by looking over public areas in so doing it is secure by design. There are no screened isolated areas which would encourage anti-social behaviour. This is an important element of the design of the development and is acceptable and is designed to deter crime and promote personal safety. The proposal complies with criteria 'i' of policy QD1.
- 8.35 PPS 7 Policy QD 2 Design Concept Statements, Concept Master Plans and Comprehensive Planning is a material planning consideration and states the Department will require the submission of a Design Concept Statement, or where appropriate a Concept Master Plan, to accompany all planning applications for residential development. A Concept Master Plan will be required for planning applications involving:
- (a) 300 dwellings or more; or

(b) the development, in part or full, of sites of 15 hectares or more zoned for housing in development plans; or

(c) housing development on any other site of 15 hectares or more.

8.36 In the case of proposals for the partial development of a site zoned for housing the Concept Master Plan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken. Any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land identified for residential use in a development plan.

8.37 The proposal is for 19 residential units with a site area of 0.78 ha. It is part of a much larger scheme previously approved under planning application B/2006/0261/O. Part of the site has already been developed and some of the original site which is adjacent and to the southeast remains to be developed. A concept plan for the whole development was submitted under the 2006 planning approval. The current proposal is in general conformity with the submitted concept plan. For example retaining the open space which is integral to the development, retaining a similar road layout and having similar housing density. The developer has submitted a design and access statement and detailed site analysis to support the current planning application that identifies key characteristics and constraints of the site which link back to the original concept plan. The proposal complies with policy QD2.

8.38 Addendum to PPS 7: Safeguarding the Character of Established Residential Areas applies and Policy LC 3 Permeable Paving in New Residential Developments is a material consideration and states that favourable consideration will be given to using permeable paving within new residential developments as a means of reducing the risk of flooding associated with surface water run-off. Where appropriate private driveways, patios, paths and shared hard landscaped surfaces should be built using permeable paving materials.

8.39 The applicant has included areas of permeable paving within each of the 19 sites which is considered acceptable. The proposal complies with policy LC3.

Open Space

8.40 PPS 8 Policy OS 2 Open Space states the Department will only permit proposals for new residential development of 25 or more units, or on

sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.

- 8.41 The existing open space area for the entire site has been considered acceptable in planning applications B/2006/0261/F and B/2010/0217/F so there is no need to revisit this however for consistency and openness this policy will now be considered.
- 8.42 The proposal is for 19 residential units with a site area of 0.78 ha. If this was a stand alone development it would not require open space provision however it is part of a much larger scheme previously approved under planning application B/2006/0261/O. The communal open space area measures 2.3 hectares for the larger extant development which is more than sufficient for the size of development exceeding the 10 percent requirement. The open space area is subdivided into a play area, grassed area and landscaping to include tree lined paths. This is multi-functional and accessible to all areas of the development given its central position. This is acceptable.
- 8.43 It has been demonstrated on the site layout and landscaping plan that the open space will have recreational and amenity value given the landscaped area, grassed areas and equipped play area. The open space area is split into paths for walking, grassed areas, landscaped areas and a play area so it will be multi-functional. The open space is designed for safe and easy access, it has entry points which are close to all dwellings in the development and dwellings are designed so that they overlook the part of open space which is within this application that makes the open space area more secure.
- 8.44 The paths within the open space and landscaped areas are designed to be accessible for nearby residents. Given the open space large site area, there is different topography within the open space area that will suit all and will be accessible to people with disability. There are no mature trees or important heritage features within the site to protect.
- 8.45 Planning permission will not be granted until the developer has satisfied the Department that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.
- 8.46 The development is owned by Brian McCracken Ltd the applicant and he has set up Barleyhill Management Company Limited on 7th March 2016 to maintain and upkeep the open space area. However, during

the processing of original application B/2006/0261/F The Greenbelt Group Company had been set up to maintain and upkeep the open space area. In order to process this application this application will use the original conditions and the applicant will be advised that he should submit a variation of condition application under Section 54 if the applicant intends to use a different management company to maintain and upkeep the open space. The 2006 approval has conditions relating to the open space maintenance and upkeep, on this basis the Council will be satisfied to use conditions on any approval for the open space management and maintenance. The proposed development complies with policy OS 2 of PPS 8.

Flood Risk

8.47 Paragraph 6.107 of the SPPS and Policy FLD 3 of the Revised Planning Policy Statement 15 - Planning and Flood Risk applies and states a drainage assessment will be required for all development proposals that exceed any of the following thresholds:

- A residential development comprising of 10 or more dwelling units
- A development site in excess of 1 hectare
- A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.

8.48 The development is for 19 units therefore a Drainage Assessment is usually required. However, the site has extant approvals B/2006/0261/F and B/2010/0217/F and this is a material consideration in this instance. DFI Rivers were contacted and on 2nd September 2019 they confirmed in a telephone conversation that a Drainage Assessment was not required given the planning site history within an existing housing development. The proposal complies with FLD 3.

Access Movement and Parking

8.49 Policy AMP 2 of PPS 3 Access, Movement and Parking applies and states planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and

b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.50 The applicant has submitted plans showing the road layout and parking. Private Street Determination drawings have been submitted for this development and DFI Roads have been consulted and are content subject to conditions and informatives. Whitehill Park is not a protected route. As DFI Roads the competent authority are content the proposal complies with Policy AMP 2 of PPS 3 – Access, Movement and Parking.

Natural Heritage

8.51 PPS 2 Policy NH2 – Species Protected by Law and Policy NH5 – Habitats, Species or Features of Natural Importance are applicable. No issues with protected species or habitats were identified in the 2006 and 2010 approvals. During the site inspection the case officer did not observe any signs that indicated that any protected species were on site.

8.52 The hedgerow between sites 1038 - 1045 and the cemetery is being retained. There is no mature trees or hedgerow being removed. There is no watercourse in the vicinity of the site. Shared Environmental Services were contacted by email and they confirmed that there was no hydrological link to the River Roe and Tributaries SAC/ASSI with the closest watercourse approximately 77 metres from the site. A formal consultation is not required. On this basis the proposal complies with policy NH 2 and NH 5 in that it has been demonstrated that the proposal is not likely to harm any European protected species, Habitats, Species or Features of Natural Importance.

Safeguarding residential and work environs

8.53 Paragraph 4.12 of the SPPS is a material consideration. This paragraph relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best

placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

8.54 The issues in paragraph 4.12 have been considered above so the one remaining issue to consider is the means of sewerage disposal. NI Water have stated in the consultation response dated 19th August 2020 that the WWTW has available capacity. There are currently capacity issues within the NI Water foul sewer network downstream of this development. However, as this site has extant planning approval, NI Water are content to permit a connection. On this basis the proposal would comply with this paragraph 4.12 of the SPPS.

Habitats Regulations Assessment

8.55 Habitat Regulations Assessment Screening Checklist - Conservation (natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015: The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites. Shared Environmental Services were contacted by email and they confirmed that there was no hydrological link to the River Roe and Tributaries SAC/ASSI with the closest watercourse being located approximately 77 metres from the site and that further assessment was not required.

Representations

8.56 77 representations have been received. There are 57 objections, 19 representations of support and 1 non committal representation. Issues raised are overlooking, loss of privacy, over-bearing development, overshadow, loss of amenity, loss of natural light. These issues have been considered in paragraphs 8.20-8.33 above.

8.57 Nuisance caused by operational noise during construction has been considered by Environmental Health and they have added informatives. Anti-social behaviour has been considered in paragraph 8.12 in that open space areas are overlooked by the proposed dwellings. Loss of an alleged right of way has been considered in paragraph 8.17. Decrease in property values has been raised, the

planning system operates in the public interest of local communities and the region as a whole, and encompasses the present as well as future needs of society. It does not exist to protect the private interests of one person against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. It has been assessed in paragraphs 8.2-8.32 that residential amenity will not be affected so in that respect property values have been considered.

8.58 Use of lane outside application site is not relevant to this application given it is not within the application and the agent has not indicated that it will be used and it is currently closed by a high locked gate so is not being used at present. Flooding and Planning Policy Statement 15 is considered in paragraphs 8.47 - 8.48. Potential pollution to River Roe and Tributaries SAC has been considered in paragraph 8.55. Sky-line development and the elevated nature of the development is considered in paragraphs 8.20-8.33.

8.59 The location of open space has been considered in paragraphs 8.40-8.46. Alleged to be greenbelt, the site is zoned for housing it is not located in a greenbelt area. Character of the proposed dwellings and their brick finishes is considered in paragraph 8.19. Planning Policy Statement 7 and Policy QD1 has been considered in paragraphs 8.2-8.34. Planning Policy Statement 12 Housing in settlements is a material consideration for preparing development plans and dealing with individual planning applications. Site density, form, character and the proposed house types have been assessed in paragraphs 8.2-8.37. Draft Northern Area Plan and its key site requirements is now out of date as the Northern Area Plan 2016 is the current Development Plan for the area. Objections raised to historical planning applications B/2006/0261/F and B/2010/0217/F, this application is a stand alone application so any objections or letters of support have been submitted and have been assessed. Development has already commenced, so the applicant has commenced development at his own personal risk. Alleged to be major development, the development does not fit the criteria for major development due to its size being under 2 ha. Alleged inaccurate plans, there was an inconsistency on drawing 14 REV 03 where the FFL for site 1034 was noted as 31.45. It is 31.40 on drawing 09 REV 07 received 20th August 2020 and on drawing 11 REV 04 received 11th September 2020. The agent as now amended this detail to correctly

read 31.40, and the new drawing is 14 REV 04. Some dwellings not neighbour notified because they do not meet neighbour notification criteria. Dumping outside the site boundary, the alleged dumping that is occurring outside the site boundary has no relevance to this application. All representations have been fully considered.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The principle of the housing development is acceptable on this site. The design and layout have been fully assessed within the context of its surroundings and has been considered acceptable. All amenity, open space, natural heritage, flooding and roads issues have been considered. Representations have been fully considered. The proposal complies with policy. Approval is recommended.

10 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. The proposed open space and amenity areas on the stamped approved drawing No. 05 Rev 05, received by Planning Service on 01.09.2009 in connection with B/2006/0261/F shall be maintained by The Greenbelt Group Company to the satisfaction of the Planning Authority. The Memorandum and Articles of Association shall be in accordance with the copy submitted to the Planning Service on 22/02/12.

Reason: To ensure successful establishment and long term maintenance of open space/amenity areas in the interests of visual and residential amenity.

3. During the first available planting season after the issue date of this decision, or as otherwise agreed in writing with the Planning Authority, landscaping shall be carried out in accordance with the Landscape Management Plan, which was received by Planning Service on 1st September 2009 in association with B/2006/0261/F, to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

4. All hard landscape works shall be carried out prior to the occupation of any part of a building in accordance with the approved details as shown on drawing No.09 REV 07 received 20th August 2020 and the appropriate British Standard or other recognised Codes of Practise.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

5. The scheme of planting as shown in drawing No. 09 REV 07 received 20th August 2020 shall be carried out during the first available planting season after the issue date of this decision. 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 unless the Council gives written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape in the interests of visual amenity.

6. Prior to the occupation of any building, each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may

be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

7. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drg. No. 11 Rev 04, Site Layout - Phase 3 bearing the date stamp 11th September 2020.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

8. The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4%(1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

9. No part of the development hereby approved shall be occupied until the Developer has provided an efficient system of street lighting in accordance with Schedule 8 of The Private Streets (Construction) Regulations (Northern Ireland) 1994 as amended by The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Reason: To ensure the provision of adequate street lighting and in the interests of safety.

10. The development hereby permitted shall not be occupied until any (highway structure/retaining wall/culvert) requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

11. No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to the lands.

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

4. You should refer to any other general advice and guidance provided by consultants in the process of this planning application by reviewing all responses on the Planning Portal at [http://epicpublic.planningni.gov.uk/public access/](http://epicpublic.planningni.gov.uk/public%20access/).

5. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

6. The developer is advised that any purchaser must be informed about the arrangements for the long term maintenance of the public open space / common areas within the approved development.

7. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction)

(Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

8. The Applicant is advised that developers are also now responsible for the cost of supervision of the construction of streets determined under The Private Streets Order. A fee of £1,000 plus 2% of the total Bond value will be paid directly to Roads Service before the Bond Agreement is completed.

9. It is a DfI Roads requirement that any structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

10. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

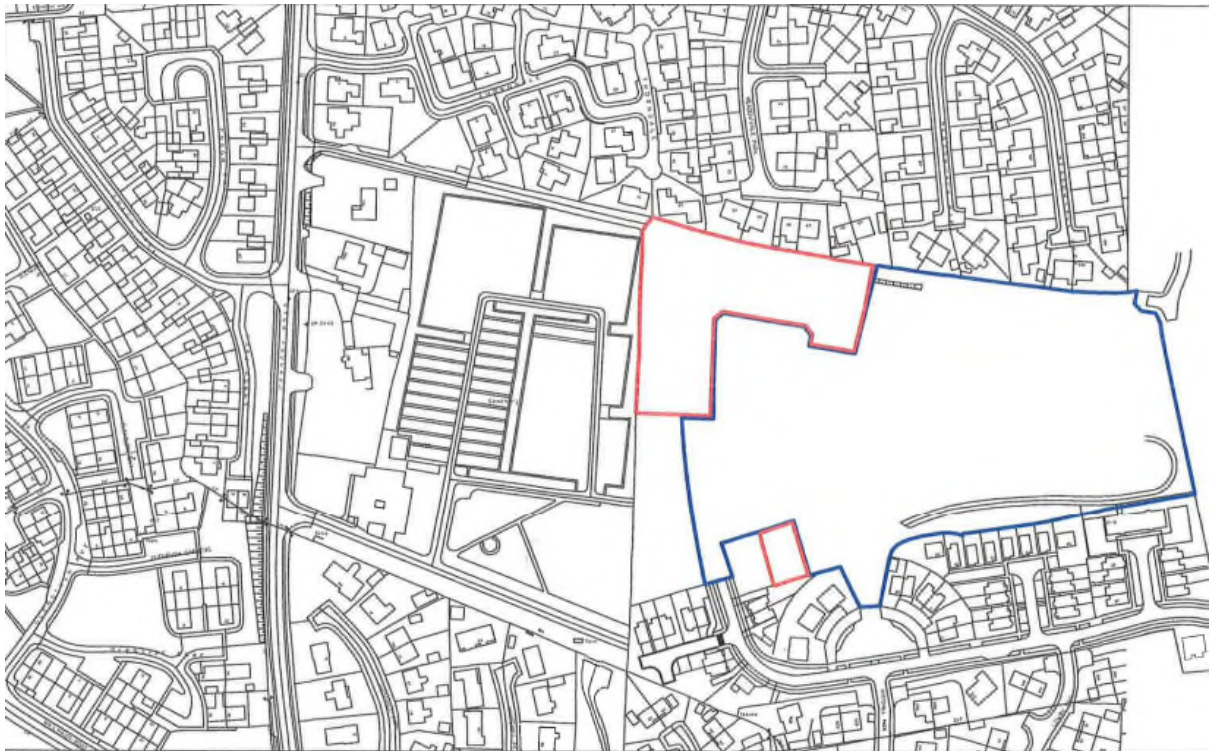
11. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Co.Hall, 182 Galgorm Road, Ballymena. The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

12. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

13. All construction plant and materials shall be stored within the curtilage of the site.

14. The developer is advised that any purchaser must be informed about the arrangements for the long term maintenance of the public open space / amenity areas within the approved development. In particular, during any transfer of title any purchaser must be made aware of the covenant that he/she must enter into regarding the upkeep of the development, including maintenance of the common areas. This covenant will manage the approved development including the maintenance of open space.

Site Location Map



Block Plan

