

<b>Planning Committee Report LA01/2019/0508/F</b>	<b>27<sup>th</sup> November 2019</b>
<b>PLANNING COMMITTEE</b>	

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

<b><u>No:</u></b>	LA01/2019/0508/F	<b><u>Ward:</u></b>	Limavady
<b><u>App Type:</u></b>	Full		
<b><u>Address:</u></b>	Lands to the North of 82 Drumachose Park Limavady		
<b><u>Proposal:</u></b>	Provision of new pedestrian paths leading to a community garden incorporating seating area and planting.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	07.05.2019
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Causeway Coast & Glens Borough Council		
<b><u>Applicant:</u></b>	Bovalley Community Association Drumachose Park Limavady.		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## EXECUTIVE SUMMARY

- Planning permission is sought for the Provision of new pedestrian paths leading to a community garden incorporating seating area, planting and woodland activity play area.
- The site is located within Limavady and is an area of open space. There are no designations or zonings on this land, although it is protected under Policy OS1 of PPS 8 Open Space and Recreation which seeks to protect areas of open space.
- The proposal seeks to enhance the open space with the introduction of brick paviour and bitmac paths, rendered walls which act as seating, a timber Pergola, natural play areas, sensory planting, planted areas which includes a wild flower area and new apple and native trees. The proposal is considered sympathetic to Policy OS 1 and accords with the policy requirements.
- Due to the nature and scale of the proposed development there will be no adverse impact on the surrounding area or to residents.
- DfI Roads has been consulted and raises no objection. The proposal complies with PPS3.
- There have been no objections received to this application.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS and PPS 8.

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 site is located on lands to the North of No 82 Drumachose Park Limavady.
- 2.2 The site accommodates an open area of space within the vicinity of a housing development. There are some trees within the area and the rest is laid in grass. It is located in proximity of Bovalley Community Association. The houses front onto the green.
- 2.3 The site is within the settlement development limits of Limavady as designated in the Northern Area Plan. The surrounding houses are terraced two storey in design finished with redbrick.

## **3 RELEVANT HISTORY**

There is no relevant planning history.

## **4 THE APPLICATION**

- 4.1 Planning permission is sought for the Provision of new Pedestrian Paths leading to a community garden incorporating seating area and planting.
- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 of any European site.

## **5 PUBLICITY & CONSULTATIONS**

### **External:**

5.1 No objections have been received.

### **Internal**

5.2 **DfI Roads:** Has no objection to the proposal.

## **MATERIAL CONSIDERATIONS**

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development 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**

Regional Development Strategy (RDS)

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS3): Access Movement and Parking

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

### **Supplementary Planning Guidance**

Creating Places

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to principle of urban design and open space; traffic/road issues; and other matters.

### **Planning Policy**

- 8.2 The site is located within the settlement limit of Limavady as defined in the Northern Area Plan. Policy SET2 explains that each town within the Plan area has a settlement development limit, which defines the area where appropriate development will be acceptable in principle.
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance

### **Urban Design and Open Space**

- 8.4 Although this land is not designated as an area of open space in the Northern Area Plan 2016, for the purposes of PPS 8, open space is taken to mean all open space of public value. It goes on to say that the broad range of open spaces that are of public value include amenity green space, including communal green

spaces in and around housing. As such, this would define this application site and it would be afforded protection as if it were formally designated.

- 8.5 Policy OS 1 of PPS 8 relates to the protection of open space. The policy states that the Department (sic) will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. The supporting text within the policy continues saying that Open space is essential in any community for both amenity and recreation purposes and often contributes positively to the character, attractiveness and vitality of our cities, towns and villages. It provides areas for play - an essential element in the development of all children – and enhances the quality of the residential environment. It can also provide valuable areas for nature conservation and biodiversity, act as a buffer between conflicting land uses, help reduce flood risk, promote pedestrian linkages and provide ‘green lungs’ that can assist in meeting objectives to improve air quality. Ultimately open space and the use of such space contributes to the health and quality of life for all.
- 8.6 The application is for the redevelopment of green space to the fronts of residential development in Limavady. It is proposing to enhance and maintain this as open space, and as there is no proposal which results in any buildings, the principle is acceptable having regard to the thrust and spirit of OS1.
- 8.7 The space is currently an area of grass with some trees and planted areas. The proposal includes brick paviour and bitmac paths, rendered walls which act as seating, a timber picnic tables, sensory planting, and additional planted areas. This proposal will facilitate access for all and a more desirable space as well as an area for nature conservation and biodiversity.
- 8.8 The redevelopment should bring substantial community benefits. People can enjoy the benefits of meandering along the paths with flowers and raised beds with plants. The provision of a seating area ensures people can spend time and enjoy the area. The planted areas will give visual interest adding to the existing areas which will be retained.

8.9 In delivering this proposal, it compliments and enhances the open space, with large areas remaining untouched. There have been no objections.

8.10 It is considered that as this proposal seeks to maintain and enhance a protected area of open space and as the proposal will not result in any physical buildings it will not undermine the integrity of this space as a major area of open space. The proposal is policy compliant.

### **Traffic/Road Issues**

8.11 Policy AMP2 is the policy relating to access to Public Roads. This land is currently a major area of open space and there is no proposal within the application to create a new or redevelop any existing vehicular accesses.

8.12 DfI Roads has been consulted as the competent authority on traffic matters and it raises no objection on these grounds. The proposal does not conflict with PPS 3 and is acceptable.

### **Other Matters**

8.13 This area is already open space where individuals can congregate and spend time enjoying the outdoors. This proposal does not conflict with this current use, and the principle use will remain as open space. Any impact on the amenity of surrounding residents and neighbours is afforded very little weight as there is no change in the use of the land, and it is anticipated that any future users will continue to use this as an area of open space. Environmental Health has been consulted in this regard and it raises no objection, providing guidance on construction noise and in relation to any potential lighting.

## **9 CONCLUSION**

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposed development is an appropriate use of the land and is acceptable in terms of its layout and appearance. There will be no unacceptable impact on

neighbouring amenity given its existing use, and the proposal is acceptable in terms of road safety. 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 81 of the Planning Act (Northern Ireland) 2011.

## **INFORMATIVES**

1. Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is DfI Roads, Northern Division, Causeway Coast and Glens (West), County Hall, Castlerock Rd, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.
2. 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.
3. All construction plant and materials shall be stored within the curtilage of the site.
4. 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.

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. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
7. 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.
8. 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.

# Site Location



