



Title of Report:	Planning Committee Report – LA01/2016/1265/RM
Committee Report Submitted To:	Planning Committee
Date of Meeting:	23rd June 2021
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Principal Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:

	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>App No:</u>	LA01/2016/1265/RM	<u>Ward:</u>	Coolessan
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	Lands opposite 24-44 Woodland Walk and including the former Gorteen House Hotel site, Roemill Road, Limavady.		
<u>Proposal:</u>	Erection of housing development comprising 127 dwellings with associated parking, open space, landscaping and new access onto Roemill Road		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	17.10.2016
<u>Listed Building Grade:</u>	N/A		
Applicant:	Roehill Properties Ltd, 16 Seacoast Rd, Limavady, BT49 9DW		
Agent:	Clyde Shanks Ltd, 2nd Floor, 7 Exchange Place, Belfast, BT1 2NA		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Executive Summary

- Reserved Matters approval is sought for 127 dwellings with associated parking, open space, landscaping and new access onto Roemill Road.
- The site is located within Limavady development limit.
- The site is located on lands which are partly within Housing Zoning LYH12 and partly on un-zoned land which comprises the site of the former Gorteen Hotel.
- The proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas.
- The design and layout of the dwellings will not adversely harm neighbouring residential amenity.
- The proposal has been assessed against Policies QD 1 & LC 1 of PPS7 and its Addendum.
- The proposal is acceptable in terms of drainage and flood risk and Rivers Agency raises no objection.
- A Preliminary Risk Assessment (PRA) has been submitted in support of this application and there is no unacceptable risk to the water environment as the application site is considered low risk.
- The proposal is satisfactory in terms of natural heritage and Natural Environment Division raises no objection,
- The access and parking are considered acceptable and DfI Roads raises no objection.
- No letters of objection to this development have been received.
- No consultee has raised any concerns with this development subject to conditions.
- The proposal is considered to comply with all relevant planning policies including the Northern Area Plan, SPPS, PPS 15, PPS 7, Addendum to PPS 7, PPS 3 and PPS 2.

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

1.0 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 **GRANT** reserved matters consent subject to the reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located Lands opposite 24-44 Woodland Walk and including the former Gorteen House Hotel site, Roemill Road, Limavady. The application site is a large site at 6.47Ha. The application site comprises of the former Gorteen hotel site, and agricultural lands immediately adjacent it to the west and north of the hotel site. A tree-lined access dissects the application site which served as one of the accesses to the hotel from Roemill Rd. The roadside boundary along Roemill Rd is defined by a band of mature trees approximately 10-12m in height. The western boundary of the site is defined by mature trees and a block built wall to the northern portion along the boundary of St, Canice's Graveyard. The remainder of the boundary is defined by a mature hedgerow. The southern boundary is defined by a number of mature trees and a hedgerow. The eastern site boundary is defined by hedgerow to the southern portion while the northern half of the boundary is undefined. The application is relatively flat with some undulation throughout. The site contains a number of trees and hedgerows within the interior of the application site, with many of the trees within the application site subject to protection under a Tree Preservation Order.
- 2.2 The application site is located within the settlement limit of Limavady Town as defined in the Northern Area Plan 2016. The majority of the application site is located on lands which are un-zoned within the Northern Area Plan 2016, with the western portion of the application site located within housing zoning LYH 12. The application site sits on the former Gorteen Hotel site

which is now demolished, with agricultural lands extending to the west and south of the site. To the west of the application site and beyond the settlement limit is the River Roe which is a designated Special Area of Conservation and Area of Special Scientific Interest and Roe Valley Country Park which are designated under LLPA01 and LLPA02 as well as LHP 06 – Roe Valley Park Historic Park, Garden and Demesne. To the north and east of the application site the prevailing land use is residential with relatively dense housing at Roemill Road.

- 2.3 There is currently a live planning application on the lands immediately adjacent and west of the application site. A reserved matters planning application for housing, in association with the same outline approval as with this application exist under LA01/2016/1267/RM. To the immediate south/ south-east of the application site, planning permission has been granted for a large housing development under application LA01/2016/1258/RM, as well as permission for an integrated primary school under LA01/2018/0349/F. A petrol filling station and fast food outlet also exists to the east of the site adjacent to the Ballyquin Road.

3.0 RELEVANT HISTORY

- 3.1 B/2010/0440/O - 183 & 187 Roemill Road, Limavady, including lands to the north, east, south and west of the former Gorteen House Hotel, Junctions of Roemill Road/Catherine Street, Irish Green St/Greystone Road/Broad Road - Demolition of existing buildings, erection of housing with associated open space and landscaping, and community facilities. Improvements to existing road junctions in the vicinity – Permission Granted 20.10.2011

B/2008/0200/O - Nos. 183 and 187 Roemill Road, Limavady, including lands to the North, East, South and West of the Gorteen House Hotel. Also Junctions at Roemill Road/Catherine Street, Irish Green Street/Greystone Road and Greystone Road/Broad Road – Mixed use development including housing, retail, commercial and community uses. Associated landscape works and improvements to local road network. Demolition of existing buildings on site – Appeal Dismissed 28.09.2010

Adjacent Site

LA01/2016/1258/RM - Land opposite 30 Glengiven Avenue and 3,5 and 15 Glenside Brae (land to East and South of the former Gorteen House Hotel) and to the rear of 27, 29, 33, 35, 47 and 59 to 63 Ballyquin Road, Limavady - Construction of housing development comprising 201 dwellings providing a mix of 4 bedroom two storey detached and semi-detached dwellings and 4 bedroom semi-detached chalet dwellings, 3 bedroom two storey detached and semi-detached dwellings and 3 bedroom detached and semi-detached chalet dwellings, associated access roads and footpaths, landscaping and public open space – Permission Granted 01.07.2019

LA01/2016/1267/RM - Lands to the rear of and including 183 Roemill Road and to the East of 175 Roemill Road, Limavady, Co Londonderry, BT49 9EX – Erection of 146 No. dwellings with associated new road system and landscaping – Current Application

B/2012/0163/F - Lands to rear of and including 183 Roemill Road and to East of 175 Roemill Road Limavady – Erection of 50no. dwellings with associated new road system and landscaping – Application Withdrawn 16.12.2016

B/2010/0027/F - Lands at and surrounding the former Gorteen House Hotel and opposite Woodland Park, Glengiven Avenue and Glenside Brae, Limavady - Erection of residential development comprising 86 three storey, 33 two-and-a-half storey & 7 two storey dwellings, 36 apartments in three four storey blocks, access, landscaping and ancillary development – Application Withdrawn 06.01.2017

B/2009/0209/F - Ballyquin Road, Limavady (Adjacent to junction of Ballyquin Road & Roemill road and 100 metres north east of Gorteen House) – Erection of Health Village comprising health centre, nursing home and day care centre, ancillary retail with associated car parking - Permission Refused 31.08.2012

4.0 THE APPLICATION

4.1 The application proposes the construction of housing development comprising 127 dwellings providing a mix of two storey detached and semi-detached dwellings with a terrace of three and a terrace of four dwellings also proposed. The proposal also includes access roads and footpaths, landscaping and public open space. Access to the site will be via a newly constructed access onto Roemill Road. Internally, the site provides vehicular links to the adjacent reserved matters applications LA01/2016/1258/RM, which has been granted approval, and LA01/2016/1267/RM which is currently under consideration.

4.2 The proposal comprises a mix of dwelling types, the breakdown of which is set out below:

<u>House type</u>	<u>Height</u>	<u>Number of units</u>
A1	2 Storey detached	1 No.
B	2 Storey detached	2 No.
C	2 Storey detached	11 No.
C1	2 Storey detached	3 No.
C2	2 Storey detached	1 No.
C3	2 Storey detached	3 No.
D	2 Storey semi-detached	4 No.
E	2 Storey detached	1 No.
E1	2 Storey detached	2 No.
E2	2 Storey detached	1 No.
F	2 Storey detached	1 No.
G	2 Storey semi-detached/terrace	4 No.
H	2 Storey detached	4 No.
H1	2 Storey detached	3 No.
H2	2 Storey detached	3 No.
H3	2 Storey detached	2 No.

J	2 Storey semi-detached	8 No.
J1	2 Storey semi-detached	10 No.
K	2 Storey semi-detached	14 No.
L	2 Storey semi-detached	12 No.
M	2 Storey semi-detached	12 No.
N	2 Storey semi-detached	16 No.
N3	2 Storey semi-detached	4 No.
P	2 Storey terrace	3 No.
Q	2 Storey detached	1 No.
Q1	2 Storey detached	1 No.

4.3 The application is a major application under Article 2(1) of The Planning (Development Management) Regulations (NI) 2015 because the proposal exceeds the 50 or more units and 2 hectare thresholds stated at section 6 of the associated Schedule. A PAN is not required for this reserved matters application under Section 27 of the 2011 Planning Act.

4.4 Given the size of the application site, the application was subject to an EIA Determination. Having carried out an EIA Determination a negative determination was made on the basis that the proposed development would not result in significant environmental harm. The EIA Determination was completed 14.06.2017.

4.5 As the application is a reserved matters application there is no requirement for the applicant to submit a Design and Access Statement under Section 40 of the 2011 Planning Act, and Articles 3 (3) (f) and 6 of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: No objections have been received to this proposal

5.2 Internal:

DFI Roads: No objections subject to conditions

Environmental Health: No objections

NI Water: No network capacity for connection to foul sewer

Loughs Agency: No objections subject to conditions

Shared Environmental Services: No objections subject to conditions

Rivers Agency: No objections

DAERA: Natural Environment Division: No objections subject to condition

DAERA: Water Management Unit: No objections subject to condition

DAERA: Land, Soil and Air: No objections subject to condition

Historic Environmental Division: Historic Monuments: No objections subject to conditions

6.0 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: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

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

Planning Policy Statement 15: Planning and Flood Risk

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: principle of development, the design and layout; impact of the development on the character of the area; social housing; access and parking; Natural Environment; Habitat Regulations Assessment; flood risk and NI Water.

Principle of Development

- 8.2 The application site is located within the defined settlement limit of Limavady Town and is located partly on lands zoned for housing and partly on lands with no land use zoning within the Northern Area Plan 2016. Outline planning permission was granted on the application site under B/2010/0440/O, to which this application relates. Given the land use zoning and the planning history on the site the principle of housing on the site is established, and does not need to be assessed as part of this application. This application will be assessed against the conditions of the outline approval and against all other relevant policy and guidance.

Design and Layout

- 8.3 The SPPS states that the policy approach to housing in settlements must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures.
- 8.4 Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.
- 8.5 All proposals for residential development will be expected to conform to all of the following criteria:

(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 buildings, structures and landscaped and hard surfaced areas;

The proposed density averages 20 dwellings per hectare across the whole site (i.e. medium density). Given the proposed density of the development in comparison to the surrounding residential development sites, the Planning Department considers the proposal to be reflective of local character and does not result in overdevelopment of the site. The housing development layout is generally in conformity with the approved outline concept master plan, which indicates the conceptual layout and arrangement across the entire lands approved by B/2010/0440/O. The layout proposes the general back to back arrangement, but this application is slightly tied in that the road layout is somewhat determined by the two adjacent applications, where the roads connect through each site. The layout has provided an acceptable layout which sees the dwellings address the roads, and where necessary dual frontage designs have been provided to ensure attractive facades address both roads. The proposed dwellings are a mix of two storey dwellings both detached and semi-detached, with a small grouping comprising of terraces of three and four dwellings respectively. The dwellings are of a scale and design which is reflective of the surrounding area, and those proposed within the adjacent applications LA01/2016/1258/RM and LA01/2016/1267/RM. The topography of the site is fairly flat with a change in proposed finished floor levels of 2.75m across the entire site. The retention of existing landscape features along the site boundaries, particularly along Roemill Rd and the proposed central avenue which dissects the site, as well as the provision of a large strip of open space running arterially through the development will reduce the density of the development and provide visual relief within the development, and maintain the visual amenity and character to which it makes such a positive contribution.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

There are no listed buildings/structures within or immediately adjacent to the application site and as such the proposal will have no impact on the setting or physical condition of any listed building/structure.

Historic Environment Division (HED) were consulted to assess the likely impact on archaeological features. HED advise that this application site was previously subjected to archaeological testing under planning reference B/2008/0200/O and archaeological licence AE/08/209. Archaeological features, including possible prehistoric activity, were identified. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of targeted archaeological works. This is to identify and record any archaeological remains in advance of new construction or to provide for their preservation *in situ*. The proposal therefore complies with Policy BH4 of PPS6 subject to conditions being attached to condition.

The proposed development contains several bands of mature trees and hedgerow particularly along the site frontage onto Roemill Rd, and along the entrance road to the former hotel, as well as along the western boundary. The mature bands of trees within and around the site significantly contribute to the visual amenity and character of the area. The importance of these trees is reflected by the existence of two Tree Preservation Orders within the site (TPO/2005/0036 and TPO/2016/0031/LA01). An Arboricultural Impact Assessment was carried out to assess the condition of the trees within the site. The proposed development has taken account of the existing landscape features and proposes to retain the majority of the existing trees and hedgerow, with the exception of those for which removal is necessary to provide the internal road infrastructure and those which have been assessed as dead or dying/in decline within the Tree survey report. The retention of the mature trees will provide the setting for the development, offer screening to the development, and will provide an attractive element to the main area of open space which traverses the site north to south, making a positive contribution to the visual amenity of the development. A Tree Protection Plan has been submitted which details the Root Protection Area of the existing trees/hedgerow to be retained as well as details relating to Tree Protection Barriers, which ensures development is kept outside

of the root protection zone, ensuring adequate protection is afforded to the vegetation. The tree protection plan and the proposed removal of trees has been considered and accepted by the Planning Department's tree officer, who has provided conditions to be attached to any forthcoming approval.

(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 discrete 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;

Policy OS2 of PPS8 states that the Planning Authority 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. Given the scale of the proposed development a normal expectation will be that at least 10% of the total site area is provided as open space. The proposed development provides for approximately 14.5% of public open space along the central avenue of the development. Additionally, the retention of the wooded area provides additional areas of greenery, which provide additional open space as outlined in paragraph 5.13 of PPS8. Given the level of open space provision within the site the proposal complies with the requirements of Policy OS2.

Policy OS2 also states that for residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. This reserved matters application does not contain an equipped play area. The equipped play area is to be sited immediately adjacent the southern site boundary within the site granted reserved matters approval under LA01/2016/1258/RM. The siting of the equipped play area is as per the stamped approved concept masterplan approved at the outline stage, which sees the equipped area located centrally within the overall approved housing development. There is a local area of play proposed within the site which is located to the northern end of the site adjacent to the pedestrian pathway.

Each of the proposed dwellings will provide private amenity spaces to the rear of the dwellings. Creating Places advises that

in order to promote choice for residents a variety of garden sizes should be provided. The proposed development does provide for a large variety of garden sizes with the smallest rear garden approximately 48m² while larger gardens sizes are in excess of 190m². No garden area falls below the minimum required provision of 40m². The Planning Department consider the level of private amenity provision to be acceptable.

The submitted Landscape Plans and associated Landscape Management schedule, which outlines the methodology for the implementation and long term maintenance and management of the areas of open space in perpetuity are considered to be acceptable at this stage. No management company/agent has as yet been appointed to the proposed development, therefore a condition is necessary to ensure the developer submits a detailed landscape management and maintenance plan details of the management company prior to the sale/occupation of the first dwelling.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

Given the scale of this reserved matters application, there is no need for the provision of neighbourhood facilities on its own merits. As part of the outline planning approval the provision of community facilities was discussed and an area to the north of the application site was identified on the approved concept masterplan for community use. In the interim period it is noted that the new petrol filling station and retail unit has been constructed in close proximity to the application site to the east, and planning approval has recently been granted for a new integrated primary school to the south east of the site. These existing and proposed facilities along with the provision of a bus route through the application site will provide adequate neighbourhood facilities which are adequate to serve the proposal.

(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 site is located in a suburban area close to the south-western periphery of Limavady Town. The application site forms part of a larger housing development granted planning approval under B/2010/0440/O, which is contained by the Ballyquin Rd to the East, Roemill Rd to the north and the Roe Valley Country Park to the west. The proposal provides pedestrian pathways throughout the site linking the site to Ballyquin Rd/petrol station/shop, play areas and adjacent proposed residential sites, which will also provide for pedestrian access to the Roe Valley Country Park. The proposed housing development will also have a bus stop in the vicinity of its southern boundary. The bus route through the housing development will afford convenient access to public transport which will link to the town centre. The proposal also incorporates traffic calming measures in the form of raised junctions, and provides for adequate infrastructures such as dropped kerbs etc. to assist with movement for the mobility impaired.

(f) adequate and appropriate provision is made for parking;

The proposed development will provide in-curtilage parking for the proposed dwellings comprised of a mix of side by side to the front of the dwellings or end to end at the side of the dwellings. Visitor car parking has also been provided as part of the road network layout and some parking bays for visitor parking has been provided. DFI Roads has no objection to the level and arrangement of parking provision. The proposal complies with the standards for parking as outlined in the Parking Standards document.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The design of the proposed development is considered acceptable given the traditional form and finishes proposed as part of the scheme. The dwellings are a predominately a mix of two storey detached and semi-detached dwellings with some short terraces. The finishes include smooth render and facing brick which is predominately red in colour but there is some options for yellow brick. The roof formations are a mixture of pitched and hipped roof with the finishes of slate or flat profiled roof tiles proposed, which are in keeping with the context of the area in which there are a mix of finishes. Boundary treatments to the properties are acceptable, comprising rustic red brick walls,

to match the associated dwellings, timber fencing to the rear gardens and estate railing and hedgerow to the front of the properties.

(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;

Given the primary land use within the immediate vicinity is residential there is no significant conflict between existing and proposed land uses in terms of acceptable uses. Given the siting on the application site, the only likely source of conflict is the relationship between the dwellings within the proposed site and also the relationship of the dwellings within the application site with those on the adjacent approved and proposed housing sites either side of the application site and the potential loss of amenity.

Paragraphs 7.15 and 7.16 of Creating Places outline the separation distances recommended to provide a satisfactory level of privacy. These paragraphs outline that on greenfield sites and in lower density developments a separation distance of around 10m to the rear boundary where the property abuts the rear property of an adjacent dwelling, and around 20m between opposing rear first floor windows.

Many of the properties within the development meet with these requirements. However there are a number of groupings of dwellings, primarily within the central section of the development, which fall below these figures. One of the primary reasons for this is the road alignment, and location of primary roads within the site, which is somewhat dictated by the adjacent development sites, in order to tie in with the schemes, and the necessity to access roads in a forward gear, has resulted in plot depths being shortened and dwellings being set further into the site to achieve these requirements.

Dwelling blocks 11-22 and 23-36 have separation distances of 19m and 18.5m respectively, with garden depths ranging from 9 to 9.5m. Additionally the dwellings at plots 74-77 have a separation distance of 19.5m, while the opposing dwellings at plots 72 and 79 have a separation distance of 18.5m. The dwellings at plots 70/71 and opposing plots 80/81 have the

shortest separation distance of approximately 18m. The dwellings at plots 88-97 have a separation distance of between 18.5m and 19m.

The dwellings at plots 109 -111 sit perpendicular to the opposing dwellings at plots 120 and 127, and have a garden depth of 9m. The dwelling at plot 43 sits at an angle to the dwelling to the rear at plot 42. This dwelling has been altered in its design to remove the window in the rear façade which came within close proximity of the rear garden of Plot 42, thereby removing the potential for overlooking. While these figures fall under the 20m figure they are not significantly below these levels, nor will they result in significant loss of privacy on opposing properties. The Planning Department consider that the arrangement of dwellings provided is acceptable in terms of residential amenity, and while there are some shortcomings in the separation distances these will result in a better overall layout to the housing development.

(i) the development is designed to deter crime and promote personal safety

The proposed design and layout of the proposed development ensures that there are no issues arising in relation to crime and personal safety. The public amenity spaces and play area are overlooked by the fronts of dwellings to provide casual surveillance. The proposed layout ensures that rear gardens back onto each other and are fully enclosed, ensuring safe environs to the occupiers of individual dwellings. The proposed layout does not result in the formation of or link to any narrow unfrequented/underutilised routes which could result in a lack of surveillance.

Impact on the character of the surrounding area

- 8.6 Policy LC 1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area;

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

8.7 This proposal will provide 127 dwellings on a part brownfield part greenfield site within the Limavady Settlement Development Limit. This is a Reserved Matters application and the principle of development has already been established at the site, and the density was a consideration of the outline application. The areas of housing in the vicinity of the area provide a variety of housing densities. To the north of the site along Roemill Rd and North East between Ballyquin Rd and Scroogy Rd development is of a relatively high density, while to the east of the site at Whitehill Park would be comparable to the proposed development.

8.8 The proposed site is located within an area where there is a mix of development to include commercial premises and residential dwellings. Dwellings within the area are a mix of single, storey and a half and two storey with a mix of semi-detached and detached properties and town houses. The dwellings have a mix of finishes which includes, smooth render and red brick. The dwellings proposed are made up of a mix of chalet and two storey dwellings which are detached and semi-detached. The finishes include smooth render and facing brick which is acceptable having regard to the overall character of the area.

8.9 All the dwellings proposed are of a size not less than those set out in Annex A of the policy.

Social Housing

8.10 Consideration has also been given to Policy HOU 2 of the Northern Area Plan which relates to Social and Supported Housing. Within this policy it is stated that proposals for schemes of more than 25 residential units, or on a site of 1 hectare or more, will be required to contribute to meeting the needs of the wider community, where there is an established need for social or specialist housing, as established by the Housing Needs Assessment. Given this is a reserved matters application to which the outline was approved prior to the adoption of the Northern Area Plan this provision is not

applicable to this scheme. As part of the Outline application there was no condition relating to provision for social housing.

Access and Parking

- 8.11 Access to the public road is proposed via a new access from Roemill Rd, which will also provide a right turning lane on the Roemill Road for traffic accessing the site. DFI Roads have assessed the proposal and are content that access onto the public road and access provision, road junctions etc. within the site are to an acceptable standard and will not prejudice road safety.
- 8.12 Condition 16 of the outline planning approval required the submission of a phased scheme for the delivery of roads infrastructure improvements. An Article 122 agreement exists between the relevant land owners and The Department for Infrastructure (DFI) which provides for the upgrade of a number of junctions elsewhere within Limavady as specified in points e-h of condition 16. The Right turn facility outlined at point b is provided for within this application. The upgrade works identified in point l have already been completed by DFI. The upgrade works proposed in points a and d are proposed as part of the development proposal within adjacent applications LA01/2016/1258/RM and LA01/2016/1267/RM. Point c will be developed as part of any future application on the undeveloped portion of land at the Ballyquin/Roemill Rd junction.
- 8.13 Condition 17 requires the provision of a combined footpath/cycle path along the frontage of the site at Ballyquin Rd, in line with the approved concept masterplan. However in the intervening period that part of the approved site has been developed for an alternative use, with a petrol filling station and retail units occupying a road frontage location instead of housing. Considering the change in land use, this condition is not considered to be implementable. It is noted that there is an existing footpath along the Ballyquin Rd outside the application site which will continue to provide for pedestrian needs. This parcel of land also falls outside the application boundary of this application.

Natural Environment

- 8.14 Given the hydrological link to the River Roe and Tributaries SAC/ASSI, a robust assessment of the proposed development

for both construction and operational phases was required to ensure that there would be no polluting impact/degradation of the designated site.

- 8.15 Condition 21 of the associated outline approval required the submission of a site survey to assess potential contamination. The Preliminary Risk Assessment concluded that there were a number of potential pollutant linkages which would require further assessment. Subsequent to this report, additional Ground Investigation Report and Generic Quantitative Contamination Land Risk Assessments were submitted. These reports documented the findings of intrusive investigations which included soil sampling, ground water sampling and ground gas sampling. The reports concluded that in relation to soils, groundwater and the on-site gas regime the site is not considered to be a risk to future development or controlled water receptors. DAERA Land, Soil and Air and Environmental Health, upon review, have no objections to the development provided Conditions and Informatives are placed on any planning decision.
- 8.16 In addition to the above an Outline Construction Environment Management Plan was submitted which outlines the mitigation measures to be implemented during the construction phase of the development. Following consultation with DAERA (NED and WMU) and Shared Environmental Services and subsequent amendments and clarification to this document the consultees have no concerns subject to conditions.
- 8.17 Subject to the implementation of best practice and the specified mitigation the proposal will not have any significant detrimental impact on the integrity or selection features of any designated site in line with the requirements of the SPPS and Policies NH1 and NH3 of PPS2.
- 8.18 The above conclusion was arrived at on the basis that the application proposes to dispose of foul sewage via connection to the mains infrastructure. Please refer to paragraph 8.33 below which relates to issues concerning NI Water infrastructure.
- 8.19 As part of their initial assessment DAERA Natural Environment Division highlighted the need for the submission of additional information in the form of an Extended Phase 1 Habitat Survey,

to include a full badger survey, given the results of the previous surveys carried out on the site.

8.20 An Extended Phase 1 Habitat Survey was submitted, which contained the result of a number of surveys including Extended Phase 1 Habitat Survey, Badger Survey, Bat Survey and Otter Survey, (all to NIEA specification), Smooth Newt Habitat Suitability Assessment and other Ecological Assessments. The results of the surveys found that the significant treelines along the boundaries and central parts of the site are locally significant features of significant utility to birds and mammals and are regarded as UK and NI Priority Habitat. The survey found no record of invasive species, badgers, otters or smooth newt habitat.

8.21 The survey found a number of mature trees on the site to have potential for bat roosting. These trees were subject to emergence surveys but no bats were recorded. The survey concluded that bat activity was confined to foraging and commuting.

8.22 Natural Environment Division considered that additional information was requested given that many of the trees exhibited bat roost potential and requested that either further bat survey work be carried out or lighting plans be submitted to demonstrate that there would be no adverse impact on bats.

8.23 Subsequent to this request the applicant submitted an Assessment of Street Lighting Proposal document, outdoor lighting reports based on the proposed lighting layout for the development as well as a lighting plan showing Lux levels and light spill. DAERA Natural Environment Division were re-consulted on this information and now offer no objections subject to conditions.

8.24 Following consideration of the relevant information and consultation with relevant bodies it has been demonstrated that the proposed development will not result in adverse impact on protected species, priority species and their habitats in line with the SPPS and Policies NH2 and NH 5 of PPS2.

Habitat Regulations Assessment

8.25 The proposed site is located approximately 0.2 kilometres from the River Roe and Tributaries SAC/ASSI and the site is

hydrologically linked to this site. Shared Environmental Services and DAERA Natural Environment Division were consulted in relation to this application. Having considered the nature, scale, timing, duration and location of the project it was concluded by SES in consultation with DAERA that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European designated site. These mitigation measures include the submission of a final Construction Environmental Management Plan and a condition in respect of limiting works on site until a means of foul sewage disposal has been agreed with NI Water or an alternative means of foul disposal has been permitted. The issue of foul sewage disposal and the potential impact on the designated River Roe and Tributaries SAC/ASSI is discussed in further depth below at paragraph 8.33.

Flood Risk

- 8.26 The application site is not located within the 1 in 100 year fluvial floodplain or the 1 in 200 year coastal floodplain. Therefore Policy FLD 1 of PPS 15 is not engaged.
- 8.27 Given the size of the application site and number of dwellings proposed Policy FLD3 of PPS 15 is engaged which required the submission a Drainage Assessment.
- 8.28 A drainage assessment and drainage plan was submitted by the applicant outlining the proposed storm drainage layout for the application site. The application proposes to discharge surface water to an existing sewer to the north east of the application site before entering an existing DFI Rivers culvert. The proposed drainage system include attenuation measures in the form of oversized pipes to assist with the controlled discharge of storm water as agreed with DFI Rivers. DFI Rivers have been consulted with the Drainage Assessment for the site and accepts its logic and has no reason to disagree with its conclusions. Consequently, DFI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.
- 8.29 Given the conclusions of DFI Rivers, as the competent authority, the Planning Department are satisfied that the proposed development will not result in any adverse impacts from surface water flooding/drainage issues throughout the site or on adjacent properties.

8.30 DFI Rivers have confirmed that an undesignated culverted watercourse traverses the site and have outlined that in line with the requirements of Policy FLD2 a 5 m maintenance strip is required. The agent has provided details of the proposed culvert route and has identified the required maintenance strip as required by Policy FLD2 within the submitted Drainage Assessment Addendum document. It is also proposed to culvert an open sheugh in the south western portion of the site. The proposed development also seeks to divert the culverted watercourse in order to accommodate the proposed development. DFI Rivers have confirmed that the proposal satisfies the requirements of Policy FLD2.

8.31 Policy FLD4 of PPS15 states that the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

8.32 Given that the principle of development has been established on the site, the existing culvert would interfere with a significant number of properties/landowners, the most practical solution would be to divert the culvert under the proposed network to allow ease of access for maintenance. With respect to the culverting of the open sheugh part of the culverting is required to facilitate access from the application site into the adjacent site to the west. Given that facilitating access is one of the exceptions to culverting it makes practical sense to culvert the remaining section in the vicinity of the dwellings to ensure an overall better layout. DFI Rivers have confirmed that they have granted consent to the diversion of the watercourse under Schedule 6 of the Drainage Order 1973.

NI Water

8.33 The application proposes to dispose of foul sewage via NI Water's mains infrastructure, as was approved in principle under the associated outline approval. During the consultation process within this application NI Water have advised that the 150mm diameter public foul sewer located within Ballyquin Road cannot serve this proposal due to lack of available capacity. NI Water are not accepting any new connections until an upgrade of the infrastructure has been implemented. In order to progress the application to a conclusion the Planning Department propose that any forthcoming approval would be subject to a condition (Condition 18) limiting development to enabling works, such as roads infrastructure and some works to the dwellings i.e. construction to foundation/sub-floor level until such times as the development can connect to mains. The Planning Department have also proposed to extend the time period for implementation of the planning approval to five years, which may allow for development of the sewer upgrade to come online. These measures allow for the applicant to make a material start on the development within the permitted timeframe of the approval, even in the absence of an upgraded foul sewage network.

8.34 If the applicant wishes to proceed beyond the limitations of the aforementioned condition prior to the upgrade of the NI Water infrastructure taking place they may wish to explore alternative means of appropriate foul disposal such as the installation of a temporary waste water treatment plant. However such a proposal would be subject to a separate planning application and would be subject to consultation with the relevant consultees to assess the potential impact on the aquatic environment and designated sites as a result of the proposed discharges required.

8.35 The application was scheduled to be presented to the Planning Committee on 23rd September 2020, but was withdrawn from the schedule following a written submission from the applicant/agent, objecting to the inclusion of the abovementioned condition on the planning approval. The submission objects to the inclusion of the condition on the grounds that such a condition is unlawful in that outline planning permission was granted on the basis that foul sewage could be dealt with via the public infrastructure, with no issue raised by NI

Water, and that the disposal of foul sewage was not one of the matters reserved to be dealt with under this application.

8.36 The Planning Department sought advice on this matter. During recent discussions with consultees, NI Water has advised that they still cannot confirm funding or a timeframe for the completion of the required upgrade works and therefore cannot accept connection of this development at this time.

Consequently, as there are no existing means of foul disposal the proposal cannot be approved unless mitigation is in place which allows for alternative means of foul disposal and also to ensure that there are no adverse environmental impacts.

8.37 As advised above at paragraph 8.25 the site is hydrologically lined to the River Roe and Tributaries SAC/ASSI. When considering the application the Council is bound by The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995. In the absence of an authorised means of foul disposal, including an alternative means of disposal, the development could result in a significant adverse impact on this designated site.

8.38 The proposed condition, arrived at on foot of an appropriate assessment and on the information available, provides the certainty necessary to ensure the absence of adverse effects on European designated sites and to allow the permission as per Regulation 43(5) & 43(6) of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995. In this regard the Planning Department consider the retention of the proposed condition 18 to be necessary to ensure the application complies with The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, and allow for planning permission to be granted.

9.0 CONCLUSION

9.1 The proposed housing development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The principle of development has been established at the site under the outline approval. The proposed developments meets with the conditions as set out in the former outline application. The proposed layout and topography of the site is considered

acceptable. It is considered that there will be no unacceptable impacts on existing dwellings or proposed dwellings via overlooking, loss of light or overshadowing. Approval is recommended.

10.0 Conditions and Informatives

10.1 Regulatory 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 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. 51 Rev 03 (Sheet 1), Site Layout Private Streets Determination and Drg. No. 52 Rev 03 (Sheet 2), Site Layout Private Streets Determination, date stamped 30th June 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.

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drg. No. 51 Rev 03 (Sheet 1), Site Layout Private Streets Determination and Drg. No. 52 Rev 03 (Sheet 2), Site Layout Private Streets Determination, date stamped 30th June 2020. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to

provide a proper, safe and convenient means of access to the development are carried out.

4. 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 no later than 6 weeks after the occupation of the final dwelling.

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

5. The visibility splays of 4.5 metres by 70 metres at the junction of the proposed access road with the public road, shall be provided in accordance with Drg. No. 51 Rev 03 (Sheet 1), Site Layout Private Streets Determination and Drg. No. 52 Rev 03 (Sheet 2), Site Layout Private Streets Determination, date stamped 30th June 2020 prior to the commencement of any other works or other development.

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

6. 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.

7. Notwithstanding the provisions of the *Planning (General Permitted Development) Order (Northern Ireland) 2015* no garages shall be sited closer than 6.0 metres from the back of the footway or the near edge of a shared surface carriageway.

Reason: To ensure that there is space for a parked vehicle without encroaching onto the footway or service strip.

8. Notwithstanding the provisions of the *Planning (General Permitted Development) Order (Northern Ireland) 2015*, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

9. Prior to the commencement of any works the appointed contractor shall submit a final Construction Method Statement (CMS) to the planning authority, for consultation and agreement with NIEA-WMU, prior to the commencement of any works. The CMS must reflect and detail all the pollution prevention, mitigation and avoidance measures to be employed, as detailed within the outline CEMP Date Stamped 22/10/2018. The approved CMS shall be implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that the appointed contractor is cognisant of all mitigation and avoidance measures required to ensuring that there is no adverse effect on site integrity of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

10. A suitable buffer of at least 10 metres must be maintained between the locations of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and all watercourses, as well as the settlement pond.

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

11. Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development must first pass through appropriate treatment, such as settlement ponds, silt fences and cut-off trenches.

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

12. A final Construction Environmental Management Plan and finalised Site Drainage Plan shall be submitted by the applicant/approved contractor to the Planning Authority for agreement prior to works commencing. This should reflect and detail all the pollution prevention, mitigation and avoidance measures as outlined within the Outline Construction Environment Management Plan and all additional submitted information.

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

13. Storm drainage of the site, during construction and operational phases, must be designed to the principles of the Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on aquatic environments. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753 (2015)

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

14. No dwelling hereby approved shall be constructed beyond sub floor until such times as a foul mains connection has been provided by NI Water in accordance with Article 154 of the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended, Water and Sewerage Services Act (Northern Ireland) 2016, or in the interim period an alternative means of disposal is agreed with NI Water, DEARA Water Management Unit and details submitted to and approved by Causeway Coast and Glens Borough Council.

Reason: To ensure a satisfactory means of foul disposal and to ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

15. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

16. After completing the remediation works under Condition 19 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

17. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Causeway Coast and Glens Borough Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
- The identification and evaluation of archaeological remains within the site;
 - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

18. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 21.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

19. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 14. These measures shall be implemented and an archaeological report shall be submitted to Causeway Coast and Glens Borough Council within 6 months of the completion of archaeological site works, or as otherwise agreed in writing with Causeway Coast and Glens Borough Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

20. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

21. The external street lighting shall be implemented in accordance with stamped approved drawing nos.43 and 44 both bearing the date stamp received 16th November 2018, and accompanying Outdoor Lighting Report documents Doc 08 and Doc 09, also bearing the date stamp received 16th November 2018.

Reason: To ensure no adverse impact on bats, a species protected by law.

22. The proposed open space and amenity areas identified on the stamped approved Drawing Nos. 20 Rev 05 and 45 Rev 02 – 48 Rev 02, received 20th July 2020, shall be carried out prior to the

occupation of the dwellings hereby approved or as otherwise agreed in writing with the Council.

Reason: In the interest of visual and residential amenity.

23. Prior to the commencement of development a detailed Landscape Management and Maintenance Plan shall be submitted in writing to the Council for approval, detailing the long term management and maintenance schedule for the landscaping within the development.

Reason: To ensure the continuity and sustainability of the approved landscape design through its successful establishment and long term maintenance and to achieve a quality residential development consistent with Planning Policy Statement 7 'Quality Residential Environments'.

24. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, all proposed landscaping shall be carried out in accordance with Drawing Nos. 20 Rev 05 and 45 Rev 02 – 48 Rev 02, received 20th July 2020, and maintained in accordance with a detailed Landscape Management and Maintenance Plan, as required by conditions 27, to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

25. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

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

26. No tree marked for retention on Drawing 02 Rev 08 received 20th July 2020 shall be removed without prior consent being obtained from the Council. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of any dwelling, another tree or trees shall be planted at the same

place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Department.

Reason: To ensure the continuity of amenity afforded by existing trees.

27. The developer shall nominate and appoint a Landscape Management Company to implement and maintain the landscape plans Drawing Nos. 20 Rev 05 & 45 Rev 02 – 48 Rev 02 bearing received 20th July 2020 and the Landscape Management and Maintenance Plan as request by condition 27. The areas of public open space and amenity space identified on the landscape plans shall be maintained in perpetuity, to the satisfaction of the Council. A signed copy of the Memorandum and Articles of Association shall be submitted to the Planning Authority prior to the occupation of any dwelling.

Reason: To ensure the continuity and sustainability of the approved landscape design through its successful establishment and long term maintenance and to achieve a quality residential development consistent with Planning Policy Statement 7 'Quality Residential Environments'.

28. *The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). No protected tree, other than those identified to be removed as indicated on the approved Drawing 02Rev08 and Arboricultural Impact Assessment and Tree Protection Plan (Appendix 5) of DOC 06 Rev04, (received 20-JUL-20), shall be, cut down, uprooted or destroyed, or have its roots within its root protection area damaged or subject to any soil level changes, or be subject to any form of tree surgery, without the prior written consent of the Council, other than in accordance with the approved plans and particulars of this application. Development will be taken to include the main development, any associated buildings, access and service provision.*

Reason: To ensure the retention of trees protected by the TPO and to the ensure continuity of the landscape amenity afforded by these trees.

29. *All Arboricultural work shall be implemented in accordance with the detail in the submitted Arboricultural Method Statement, Tree Survey Report and Tree Protection Plan (Appendix 5) of DOC 06 Rev04 and Drawings 20Rev03, and detailed extracts 1-4 (45 Rev02- 48 Rev02) (received 20-JUL-2020) and shall be carried out in accordance with BS5837 (2012) 'Trees in Relation to Construction'. Any remedial works to be carried out by a competent Tree Surgeon, preferably an Arboricultural Association approved contractor.*

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

30. *Prior to any development on site, all trees identified to be retained as indicated on the approved Drawings, must have their roots protected, as per the measures detailed in the Arboricultural Impact Assessment and Tree protection Plan (Appendix 5) of DOC 06 Rev04 and Drawing 02Rev08 (received 20-JUL-2020). The erection of fencing required for the protection of retained trees covered by a TPO shall be undertaken in accordance with BS5837 (2012) 'Trees in Relation to Construction'. The fencing must be in place before any equipment, machinery or materials are brought on to the site for the purposes of the approved development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No materials shall be stored or fires lit within these Root Protection Areas in accordance with this condition. The ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, other than in accordance with the approved plans and particulars of this application.*

Reason: To protect the sensitive roots of the trees to be retained and ensure their future health and vitality.

31. *Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking or re-enacting that Order, no garages, extension or enlargement (including alteration to roofs) shall be made to the dwellinghouses hereby permitted on plots 4, 48, 79, 80, 81 and 82 without the grant of a separate planning permission from the Council.*

Reason: The further extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.

32. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking or re-enacting that Order, no first floor windows, other than those expressly authorised by this permission shall be constructed.

Reason: To preserve the residential amenity of adjacent residential properties.

33. A maintenance strip/wayleave along the western site boundary shall be maintained as indicated on approved Drawing 02 Rev 08 received 20th July 2020. This wayleave shall be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development within plots 11, 22, 23, 35 and 36.

Reason: To allow for the future maintenance of the culverted watercourse.

34. Prior to the commencement of development or occupation of the first dwelling details of all structures/apparatus proposed to be located within the identified local area of play shall be submitted in writing to the Council for approval.

Reason: To preserve the residential amenity of adjacent residential properties.

Informatives

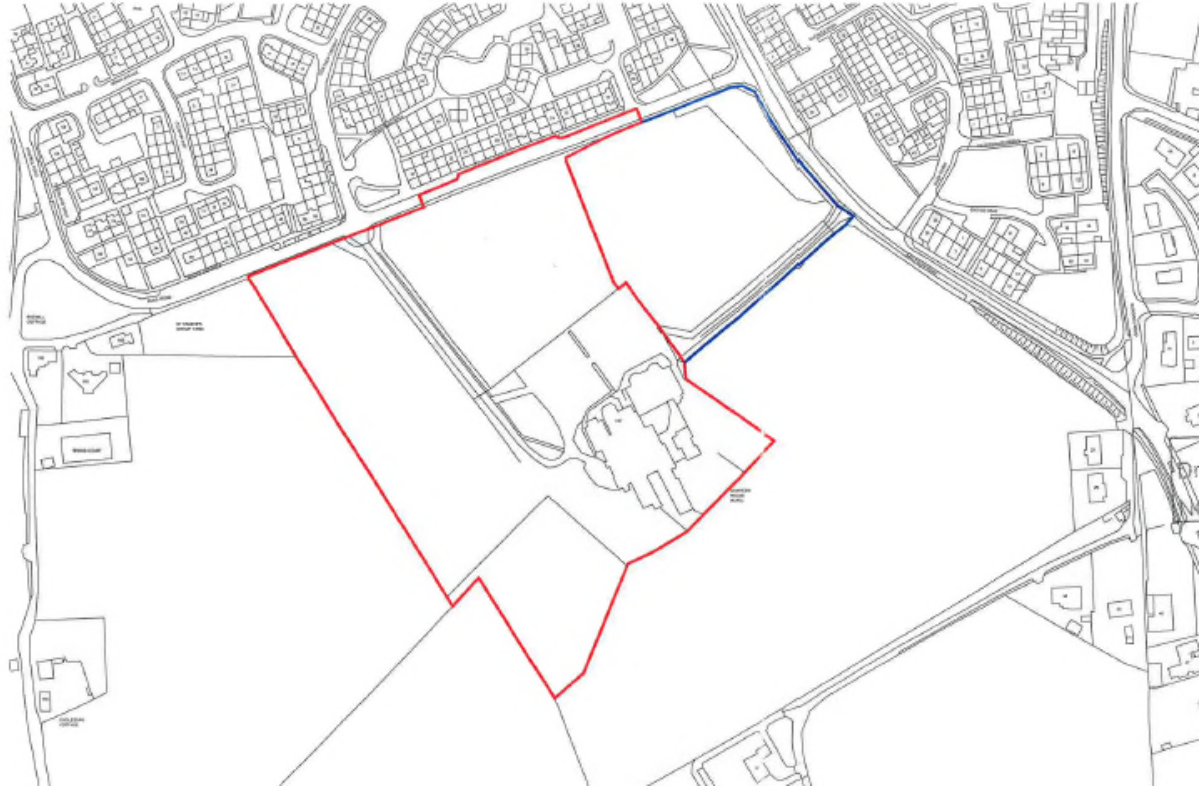
1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. 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.

4. 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.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.
6. Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.
7. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
8. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
9. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
10. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in

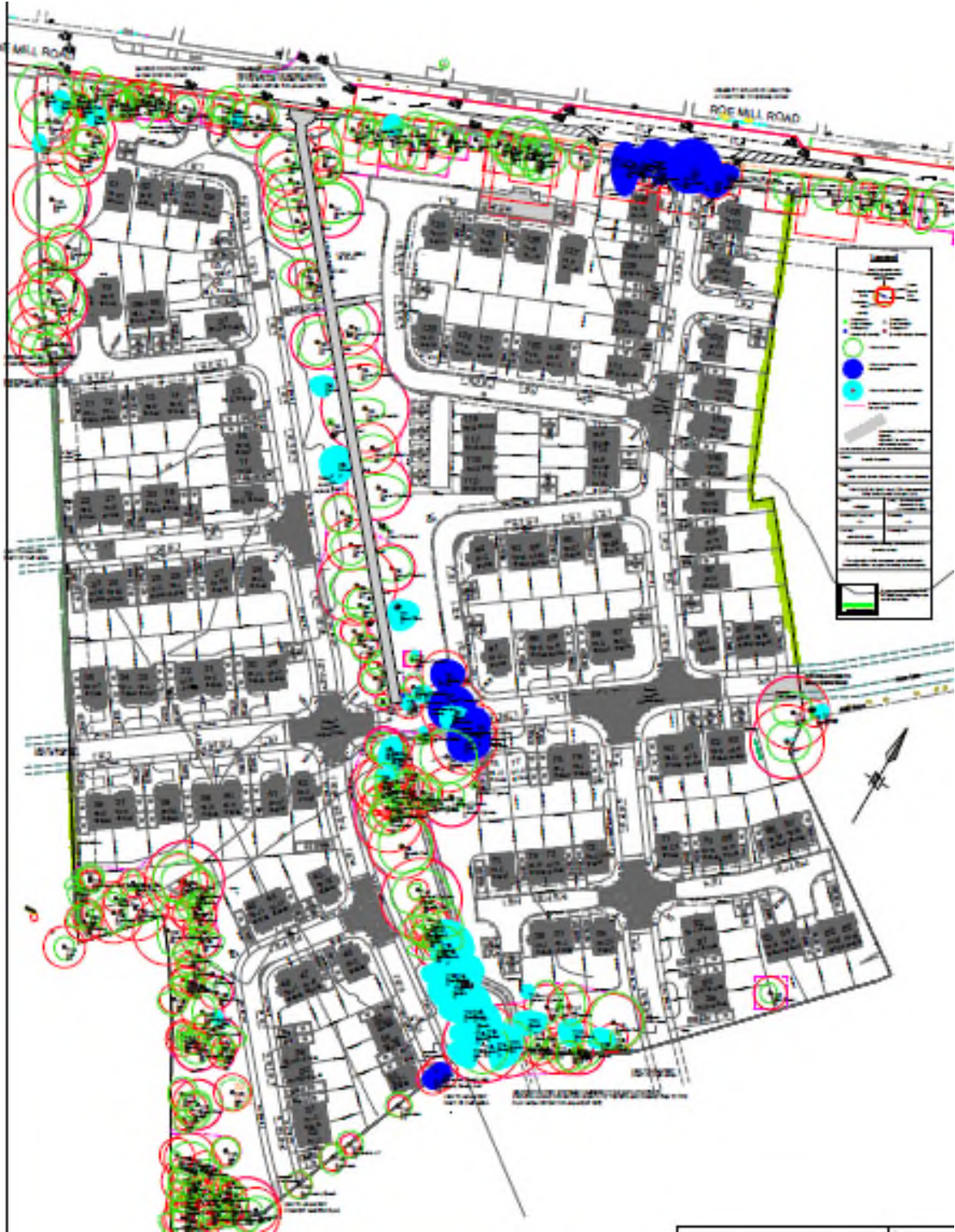
respect of any necessary measures required to deal with the watercourse.

11. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.
12. There will be a general presumption against the erection of buildings or other structures over the line of culverted watercourses. Any proposal for such requires the written consent/approval of the Rivers Agency. Failure to obtain such approval is an offence under the Drainage Order which may lead to prosecution or other statutory action as provided for.
13. The development hereby permitted shall not be commenced until any 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.

Site Location Map



Site Layout Plan



Addendum

LA01/2016/1265/RM

1.0 Update

- 1.1 Correspondence was received from the agent on 16th September 2020 following the publication of the initial Planning Committee Report, scheduled for Planning Committee on 23rd September 2020, which was subsequently withdrawn from that meeting. The correspondence challenged the need for and wording of a number of proposed planning conditions as outlined within the Planning Committee Report, and sought their removal or re-wording respectively.
- 1.2 Informal consultation was carried out with the relevant consultees in respect of the relevant conditions, and a number of the conditions initially proposed have subsequently been removed or amended as detailed in the 26 May 2021 Planning Committee Report. At the date of the publication of the Planning Committee Report for the May Agenda there were outstanding comments from NI Water regarding the wording of proposed conditions 11 and 13.
- 1.3 Condition 11 states “Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development must first pass through appropriate treatment, such as settlement ponds, silt fences and cut-off trenches.
Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.”
- 1.4 Condition 13 states “Storm drainage of the site, during construction and operational phases, must be designed to the principles of the Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on aquatic environments. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753 (2015).

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.”

2.0 Consideration

- 2.1 Condition 11 required mitigation measures to be implemented including settlement ponds, silt fences and cut-off trenches to ensure that there were no polluting impacts from surface water being discharged to the approved watercourse during both construction and operational phases. Condition 13 required the surface water drainage system to be designed to SUDS principles during both phases.
- 2.2 The (Agent’s) submission outlines that the surface water drainage network will be designed to the requirements of NI Water and subsequently adopted by them, and that NI Water will not permit discharging to a watercourse via any of the treatment measures proposed at operational stage. These measures and the SUDS principles will be maintained during the construction phase of development.
- 2.3 Correspondence received from NI Water on 20th May 2021 has confirmed that they have no objections to the removal of the words “and operational” from both conditions.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum, and agree with the recommendation to approve as set out in Paragraphs 1.1 & 9.1 of the Planning Committee Report, subject to the conditions proposed including conditions 11 and 13 as amended below.

Proposed Conditions

11. Prior to discharge to watercourses, any surface water generated during the construction phase of the development must first pass through appropriate treatment, such as settlement ponds, silt fences and cut-off trenches.

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

13. Storm drainage of the site, during the construction phase, must be designed to the principles of the Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on aquatic environments. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753 (2015)

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.