

Planning Committee Report LA01/2015/0349/O	22nd August 2018
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 and Enforcement Manager
Cost: (If applicable)	N/a

<u>App No:</u>	LA01/2015/0349/O	<u>Ward:</u>	Rathbrady
<u>App Type:</u>	Outline Planning Permission		
<u>Address:</u>	Lands Situated Adjacent and South Of The Church Of The Christ King Parochial House 4 Scroggy Road, Limavady		
<u>Proposal:</u>	Proposed residential development and open space with access onto Scroggy Road (rationalisation of housing and open space lands as identified under DNAP 2016 resulting in an overall increase in the provision of open space).		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	24th June 2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	St Marys Church Parish Centre 29 Linenhall Street, Belfast, BT2 8AB		
Agent:	TSA Planning Ltd 20 May Street Belfast, BT1 4NL		
Objections:	163	Petitions of Objection:	0
Support:	112	Petitions of Support:	0

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** outline planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises a large area of open space to the east of Scroggy Road, Limavady. The site is roughly L-shaped and consists of a three playing pitches and two additional fields. One of which is currently used for agriculture while the second field which slopes down from east to west is not heavily used and is somewhat overgrown.
- 2.2 The site is located within the settlement limit of Limavady and is situated to the south east of the town centre within a predominantly residential suburban area. To the north of the site there is a church and further playing fields, to the east and south is largely residential, while the west onto Scroggy Road is a mix of residential with a number of community facilities, including a further church and health centre.
- 2.3 The housing stock within the area includes a broad mix of designs including single storey, two storey and one-and-a-half storey dwellings.
- 2.4 The northern portion of the site is zoned open space while the southern portion is zoned housing land (LYH 18) as defined in the Northern Area Plan 2016 Map No. 4/01a.

3.0 RELEVANT HISTORY

There is no relevant history on this site.

4.0 THE APPLICATION

- 4.1 Planning permission is sought for a residential development and open space with access onto Scroggy Road. This includes the rationalisation of zoned housing and identified open space lands as identified under Northern Area Plan 2016. Whereby, it is proposed to permit residential development on the identified open space along the length of the site fronting onto Scroggy Road and to permit open space on the zoned housing land to the rear.
- 4.2 In accordance with Regulation 12 of The Planning (Environmental Impact Assessment) Regulation (NI) 2017, an EIA determination was carried out under Schedule 2 category 10 (B). Officials concluded on 06 November 2015 that the proposed development did not merit the submission of an Environmental Statement.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are 163 objections to this proposal.

The objections raised matters of concern in relation to:

- The removal of a portion of hedgerow to the southern boundary to provide a pedestrian access to Shanreagh Park.
- Residential amenity and antisocial behaviour issues associated with the pedestrian access.
- Loss of habitat and impact on biodiversity.
- Safety concerns in relation to the access arrangement.
- Increased traffic onto Scroggy Road exacerbating congestion issues.
- Loss of open space and no justifiable need for additional housing.
- Change to the character with the introduction of two storey housing.
- Loss of privacy as a result of the access abutting rear gardens.
- Loss of privacy in general, loss of light, overshadowing noise pollution, general disturbance.

- Concern was also expressed that the consultation period was not long enough while it was also suggested that the application was not advertised.

- 5.2 The majority of the objections centred on the provision of the pedestrian link, giving rise to antisocial behaviour, loss of habitat, degradation of a historic boundary and impacts on biodiversity. An amendment to the concept plan was received on 10th November 2017. The amendment removed the pedestrian link to Shanreagh Park and associated hedge removal. Following further consultation of the amendment 112 representations were received in support of the decision to remove the pedestrian link.
- 5.3 Objections relating to the lack of need for the development are unsubstantiated. The proposal seeks to fulfil the housing allocation defined in the NAP 2016.
- 5.4 Advertising of the planning application and the consultation period for neighbour notification were carried out in line with statutory requirements.
- 5.5 Objections relating to access and traffic, the loss of open space, character of the area and residential amenity impacts are considered under the Consideration and Assessment in section 8.0.
- 5.6 **Internal**
- Environmental Health:** has no objection subject to condition
- NIEA:** has no objection subject to condition
- Historic Environment Division:** have no objection subject to condition
- Rivers Agency:** have no objection subject to condition
- Loughs Agency:** have no objection subject to condition
- Northern Ireland Water:** have no objection subject to condition
- Housing Executive:** have no objection subject to condition
- DFI Roads:** have no objection subject to condition

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 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

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS3: Access Movement and Parking

PPS 8: Open Space, Sport and Outdoor Recreation

PPS 7: Quality Residential Environments

PPS15: Planning and Flood Risk

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to:
- Principle of development including the rationalisation of zoned open space
 - The Key Site Requirements for Housing Zoning LYH 18 of the Northern Area Plan 2016

- The quality of the residential environment
- Drainage
- Impact on River Roe and Tributaries SAC/ASSI

Planning Policy

- 8.2 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.3 The site is located within the development limit of Limavady and is within a predominantly residential area. The site includes the housing zoning LYH 18 and an area of identified open space as identified in the Northern Area Plan 2016.

Principle of development including the rationalisation of zoned open space

- 8.4 The SPPS does not contain operational policy specific to residential development but seeks to facilitate an adequate supply of sustainable housing within existing urban areas; with regards open space the SPPS reaffirms the presumption against the loss of open space.
- 8.5 The proposed development is for outline planning permission for a residential development. The application seeks permission to develop the western portion of housing zoning LYH 18 along with the adjacent lands to the north, which are identified open space. To justify the loss of open space, the remainder of the housing zoning LYH 18 is to be developed as an area of open space for use by the Wolfhounds Gaelic Athletic Club.
- 8.6 The area of the identified open space and the housing zoning are broadly comparable. The area of open space that it is proposed to develop measures 25,423m² while the area of the housing zoning to be offered in exchange equates to 24,668m². This results in a net loss of open space of 755m².
- 8.7 In considering the reordering of the designations in this manner consultation was undertaken with the Development Plan team. In their initial response they advised that as the proposal relates to part of the zoned site, and seeks its reconfiguration overall, it should be assessed as per the key site requirements of the LYH18 but regard should be had to any other material consideration which, in this case, relate to the reconfiguration of

the proposed housing site on to the area identified as existing open space, its assessment under PPS 8, and the impact this would have on the immediate and wider area.

- 8.8 Loss of open space is exceptionally permissible under the provisions of OS1 of PPS 8, where alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality. The issue of equivalence was raised with the agent as it was felt that the initial concept did not adequately demonstrate a like for like comparison between the existing and proposed open space.
- 8.9 The area calculation provided by the agent on drawing No. 12 dated 24th June 2015 does not accurately reflect the area of open space. The plan depicts the site with the areas to be transferred highlighted as “A” and “B”. A linear strip of open space to the south of area “A” has been omitted which accounts for the 755m² nett loss outlined above. The general condition and topography of area “B” raised further questions about the equivalence of the two sites.
- 8.10 In their response, the agent argued that the northern portion of area A, measuring approximately 10,000m² had been allowed to lapse into agricultural use. It was also argued that the reorganisation of the space created a better relationship between the proposed open space and the end user, (GAA Club) consolidating the land into one entity. The re-contouring and improvement of the area B was also demonstrated. Officials understand that the Church owns the entirety of the application site which includes the area zoned for housing which is to become open space.
- 8.11 While the northern portion of area A has been used for agriculture for more than 5 years, it would not follow that the site could be considered lost as an area of open space, as PPS 8 affords protection irrespective of the general condition of the land. However, the irregular shape of this portion of the site coupled with its divorced relationship to the remaining open space, most likely contributed to the lack of use and subsequent use for agricultural grazing. As such, there is merit in the consolidation of open space into one linear entity.

- 8.12 The loss of open space incurred as a result of the proposed arrangement could potentially be offset by an efficient arrangement of the consolidated space. The agent, in a submission dated 18 November 2016, has demonstrated how the site could be regraded and the concept plan dated 10 November 2017 clarifies the required improvements as part of the proposal.
- 8.13 The rationalisation would also link the consolidated open space to the existing area of open space which serves Shanreagh Park. While pedestrian linkages have been surrendered, there would be biodiversity benefits to a single corridor of open space within the context of an urban area. In addition, the revised arrangement of the housing land affords significantly improved access to the existing road network. This also gives the housing land greater legibility and enhanced townscape value with direct access and frontage onto Scroggy Road.
- 8.14 The proposed consolidation presents demonstrable benefit for both the open space and the housing zoning. The loss of 755m² of open space should be considered in the context of a total consolidated area of 96,000m², where the revised layout offers greater potential and flexibility for future use of the space. When coupled with the improved relationship of the housing land it is considered that the proposal satisfies that exception defined in PPS 8. Therefore specific material considerations indicate that a departure from the zoning provision of the plan are justified.

LYH 18 NAP 2016

- 8.15 The area for development is approximately 4.6ha. The Key Site Requirements (KSR) for housing zoning LYH 18 call for a density in the range of 15 to 25 dwellings per hectare which given the area of the site would give a figure of between 69 and 115 dwellings. The concept plan gives an indicative figure of 100 dwellings.
- 8.16 KSR 2 states that a minimum of 19 dwellings shall be required for social housing. The Housing Executive in their consultation response have requested that 19 social housing units be retained by way of a condition of the reserved matters.
- 8.17 The proposed concept is in accordance with KSR 3 and 5 which stipulates a ridge height of 6 metres along interfaces and a

separation distance and rear amenity depth of 10m to preserve amenity and privacy. The concept plan includes annotations relating to these requirements along the site boundary to Scroggy Road and Shanreagh Park. These have not been included on lands adjacent to No. 20 Scroggy Road. However, this can be dealt with by condition. The 10 metre garden depth is not indicated throughout the development. However, the provisions of PPS7 and associated guidance would be sufficient in this regard.

8.18 KSR 4 states that proposals shall identify all trees and hedgerows worthy of retention and ensure that no activity, works or storage takes place within the limit of the crown spread of the trees, or a distance of half the height of the trees, whichever is the greater. Implementing the proposed concept plan would result in the removal of a row of conifers which bisect the northern portion of the site. These serve as a wind break to the open space, they contribute little in terms of visual amenity and biodiversity and would not be worthy of retention.

8.19 Initial concern that the access road would threaten the existing vegetation to the eastern boundary were addressed with the introduction of the open space corridor. The remainder of the layout does not threaten the existing vegetation and any permission would be subject to condition regarding identification, protection and retention of trees and hedgerows. As such, the proposed development is in accordance with the KSRs defined in the NAP 2016.

PPS 7: Quality Residential Environments

8.20 The layout of the proposed development is considered under the criteria defined in Policy QD1 of PPS 7. In considering criterion (a) the density of the development would be significantly higher than is demonstrated within the surrounding urban grain. The established grain is of its time, while the proposed development is in line with the KSR of the NAP 2016 and demonstrates a more sustainable use of land. The layout seeks to reflect the established character on Scroggy Road with the use of larger detached units fronting onto the road and continuing the established built form. Ridge heights are restricted along established boundaries to achieve a sympathetic relationship.

- 8.21 A number of objections raised concern in relation to the impact on the character of the area with the introduction of two storey dwellings within the site. As outlined above there is a broad mix of architectural styles within the surrounding area and it would be unreasonable and an inefficient use of land to insist on single storey or one-and-a-half storey throughout. In line with the policy, the development seeks to present a sympathetic transition along the boundary with existing development.
- 8.22 Criterion (b) relates to the protection of archaeological, built heritage, and landscape features within and around the site. Historic Environment Division has recommended that an archaeological evaluation be submitted ahead of any decision on the application is willing to accept the risk this can be dealt with by condition. The Agent has made a formal request for the evaluation to be dealt with by condition.
- 8.23 The proposed development would not impact on built heritage features while the historic hedgerow to the site boundary is to be retained along with all boundary vegetation. Objections relating to the loss of the hedgerow and associated impacts on biodiversity were directly related to the provision of the pedestrian link and have been addressed with the removal of the link.
- 8.24 Criterion (c) requires the development to provide adequate public and private amenity space. Policy OS2 of PPS8 calls for a minimum of 10% of the total site area to be given over to open space and for residential developments of 100 units or more to provide an equipped children's play area.
- 8.25 The concept plan is indicative and it is difficult to be accurate in measuring the areas of open space. As outlined above, the officer calculated the site area to be approximately 4.6ha. The open space provision is approximately 0.46ha. Any grant of planning permission would be subject to condition in relation to public and private amenity space.
- 8.26 The plan indicates the provision of an equipped play area as is required under PPS8 for a development of over 100 units. Given that Limavady town is severely under provided for in terms of equipped children's play area there is a clear need for a local neighbourhood facility. Therefore, in accordance with

criterion (d) of QD1, it would be reasonable to attach a condition requiring an equipped play area irrespective of the number of units applied for.

- 8.27 Criterion (e) and (f) seek to ensure the development promotes sustainable transport options, meets the needs of those with impaired mobility, respects rights of way and ensures adequate provision for car parking. The indicative nature of the outline application is such that certain elements could only be considered at Reserved Matters Stage.
- 8.28 The layout of the development supports active travel and the rationalisation of the zonings affords greater opportunity for connection to the wider road network and has improved movement throughout the development. The pedestrian link to Shanreagh Park was initially requested to improve permeability and connectivity. One of the objectives of which is to improve social cohesion. However, given the level of local opposition to this element of the development it would have been unreasonable to pursue such a measure.
- 8.29 A number of objections also raised concern with regards the impact of traffic on residential amenity and public safety grounds. DfI Roads Service have considered these objections in their response dated 20th November 2017 and have no grounds for concern.
- 8.30 The design of the layout is acceptable and offers a mix of Cul-de-sacs and active connected streets with positive frontages and a centralised open space and play area. The layout promotes surveillance and public safety and should help to deter crime.
- 8.31 With regards the relationships with adjoining land uses the proposal is in line with the KSR as defined in the NAP 2016 and seeks to establish a sympathetic relationship with adjacent properties. Separation distances are annotated on the plan and where necessary can also be dealt with by condition. As such the proposal is in accordance with the defined criteria of policy QD1.
- 8.32 A number of objections raised concerns in relation to overlooking, overshadowing, noise and general disturbance.

The layout meets the prescribed separation distances for residential development as outlined in Creating Places and the reduced ridge height of 6 metres onto neighbouring properties should also mitigate overlooking and will not give rise to overshadowing. Concerns about antisocial behaviour were in direct relation to the pedestrian link which has now been removed.

- 8.33 Specific concern is raised in relation to overlooking and amenity impacts as a result of the proposed access between 26 and 28 Scroggy Road. The access was defined under the KSR of the NAP 2016 which has been through public consultation and independent examination. Notwithstanding, the design of the access should seek to mitigate amenity impacts.

Drainage

- 8.34 In considering the potential for flooding and other drainage issues across the site and in the surrounding area a drainage assessment was submitted for consideration under Policy FLD 3 of PPS15. Officials consulted with DfI Rivers Planning Advisory Unit who are the competent authority in this regard. Having considered the drainage assessment, DfI Rivers have no grounds to object to the proposed development from a drainage or flooding perspective.

Impact on River Roe and Tributaries SAC/ASSI

- 8.35 With regards environmental designations and the provisions of the Habitats Regulations, the Planning Authority have screened the proposed development and found there to be no impact on sensitive receptors. As a precautionary measure informal consultation was undertaken with Shared Environmental Service who have confirmed that there is not likely to be a significant effect on the River Roe & Tributaries SAC.

9.0 CONCLUSION

- 9.1 This proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The proposed rationalisation of zoned land has clear benefits, allowing for a residential development which integrates with the established built environment and an area of open space which has enhanced potential. Therefore material considerations indicate that a departure from the zoning provisions of the Plan

are justified. The proposed development is in accordance with the key site requirements of the Northern Area Plan 2016 and the relevant planning policy, guidance and other material considerations, including the SPPS. The proposed development does not present demonstrable harm to the amenity of neighbouring residents and would not detract from the character and environmental quality of the surrounding area. Issues relating to the built and natural environment have been fully considered, appropriate assessment has been undertaken with regards protected habitats and drainage. Approval is recommended.

10.0 Conditions

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Planning Authority within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.Reason: Time Limit
2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Planning Authority, in writing, before any development is commenced.
Reason: To enable the Planning Authority to consider in detail the proposed development of the site.
3. The layout shall be designed in accordance with the approved concept plan identified as drawing no. 10D which was received on 10th November 2017, Policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the associated supplementary guidance "Creating Places".
Reason: To ensure the provision of a quality residential development.
4. The development hereby permitted shall include the provision of at least 20% of the overall number of dwelling units submitted at reserved matters stage for social housing units. Details of the

mix, number, and location of the social housing units shall be submitted to and approved by the Council at reserved matters stage.

Reason: To ensure the provision of social housing units in Limavady and to comply with Policy HOU 2 of the Northern Area Plan 2016.

5. No unit shall be occupied until the details of the legal agreement for the transfer of the social housing units to a NIHE recognised Housing Association has been submitted to the Council for agreement.

Reason: To ensure the provision of social housing in Limavady and to comply with Policy HOU2 of the Northern Area Plan 2016.

6. Development shall not be greater than two storeys in height to ensure that the character of the area is respected. Development on peripheral edges of the site adjacent existing housing shall be restricted to 6 metres in height over finished floor level to preserve the residential amenity of existing residents.

Reason: In the interest of residential amenity.

7. A landscaping scheme shall be agreed with the Planning Authority at Reserved Matters stage and shall include a survey of all existing trees and hedgerows on the land, together with measures for their protection during the course of development. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice.

Reason: In the interest of visual amenity.

8. No part of any dwelling shall be less than 10 metres from the site boundary to ensure existing and proposed dwellings have satisfactory amenity and privacy.

Reason: In the interests of residential amenity.

9. A 1m screen wall rising to 1.8m shall be provided along the boundary to 26 and 28 Scroggy Road before occupation of the development.

Reason: In the interests of residential amenity.

10. The layout shall be designed in accordance with Policy OS2 of Planning Policy Statement 8: Open Space Sport and Outdoor Recreation and shall include an Equipped Play Area.
Reason: To ensure the provision of a quality residential development.
11. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the accesses to be constructed and other requirements in accordance with the attached form RS1.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
12. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.
Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of The Private Street (Northern Ireland) Order 1980.
13. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.
Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.
14. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division 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.

15. No construction shall be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains. A diversion may be necessary. Consultation with NIW is required at an early design stage.

Reason: To prevent disturbance/ damage to existing sewers / watermains and in the interest of public safety.

16. No development shall take place until a detailed earthworks management plan has been submitted to and agreed in writing by the Council. All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures. Storm water can carry pollutants into watercourses and high volume discharges can alter the prevailing hydrological regime, both of which can impact on fisheries interests. The earthworks management plan shall include methods of control of run-off from working areas, and mitigating measures to prevent pollution of watercourses, during the construction phase.

Reason: To prevent pollution of surface waters.

17. The development shall include public open space areas measuring not less than 10% of the overall site area and one equipped children's playground. The submission of Reserved Matters shall include a landscape management plan, including details of equipment to be provided on the proposed play area, shall be submitted to and approved by the Council setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all landscaped areas and play areas. The landscape management plan shall be carried out as approved. Provision of the areas shall take place as development progresses in accordance with a scheme to be agreed with the Council before development commences.

Reason: To ensure the provision, establishment and maintenance of a quality residential environment.

18. No development shall take place until: planning permission has been granted for a new training pitch facility on the land identified by the orange hatching on Drawing 01 date stamped received 24 June 2015 and; the new training pitch on that land has been completed in its entirety.

Reason: To ensure appropriate provision of open space in accordance with the policy requirements of PPS 8 Open Space, Sport and Outdoor Recreation.

