

## **Item B**

**Lands south east of 10, 12, 12  
and 32 Gortenanima  
Crossnadonnell Road and  
north west of 2, 4, 32, 34, 58,60,  
70 & 72 Whispering Pines  
Rosssair Road, Bovally  
Limavady**

**B/2014/0272/RM**

**Reserved Matters**

**27<sup>th</sup> May 2015**

<b><u>No:</u></b>	<b>B/2014/0272/RM</b>	<b><u>Ward:</u> Aghanloo</b>
<b><u>App Type:</u></b>	<b>Reserved Matters</b>	
<b><u>Address:</u></b>	<b>Lands south east of 10, 12, 14 and 32 Gortenanima, Crossnadonnell Road and north west of 2, 4, 32, 34, 58, 60, 70 &amp; 72 Whispering Pines, Rosssair Road, Bovally, Limavady</b>	
<b><u>Proposal:</u></b>	<b>Housing development comprising of 77 dwellings comprising 40 no two storey 3 bed semi detached, 27 no two storey 4 bed detached and 10 no two storey 4 bed semi detached dwellings</b>	
<b><u>Officer:</u></b>	<b>Martin McErlain ext: 7182</b>	
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u> 18 November 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	
<b><u>Agent:</u></b>	<b>GM Design Associates, 22 Lodge Road, Coleraine, BT52 1NB</b>	
<b><u>Applicant:</u></b>	<b>Bovally Developments C/o Agent</b>	
<b><u>Objections:</u> 0</b>	<b><u>Petitions of Objection:</u> 0</b>	
<b><u>Support:</u> 0</b>	<b><u>Petitions of Support:</u> 0</b>	

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

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA**

The application site comprises a portion of rough grazing land, which is no longer used for agricultural purposes, due to the proximity to the adjacent housing development approved under the reserved matters application (B/2012/0119/RM). The site is relatively flat with some slight undulation across the site. There is a small rise in the landform to the rear of the dwellings in Gortenanima before the site starts to dip gently at first, then steeply towards the Castle River. The northern and western site boundaries which abut existing dwellings in the adjacent housing developments are defined by timber close boarded

fences. The south eastern boundary which runs along the Whispering Pines Development and forms the settlement limit as proposed in the draft Northern Area Plan 2016 is a 1.7 metres high blockwork and rendered wall with 2 metre high pillars at intervals. The northern/north eastern boundaries of the site as per the red line are undefined.

The site is located within the defined settlement limit of Limavady Town as per the Limavady Area Plan 1984-1999, but is excluded from the settlement limit and zoned for open space within the Greenbelt within the draft Northern Area Plan 2016. There is a proposed Landscape Policy Area located in the eastern/north eastern section of the site which runs along the Castle River corridor. The site is located within an area which is surrounded primarily by residential development, with housing located on three sides of the site. The housing to the north west and west of the site is predominately two storey, while the housing along the south eastern boundary in Whispering pines is a mix of single and two storey, with the single storey houses abutting the site boundary.

### **3 RELEVANT HISTORY**

**B/2005/0399/O** Site for housing development with associated landscaping of public open space to include playing field, play area, pavillion with parking and riverside park – Refused 28.04.2009 but allowed by the Planning Appeals Commission under decision 2009/A0124 on 19.08.2010

**B/2012/0119/RM:** Residential development comprising of 36 no, two storey semi-detached dwellings and associated access roads (phase 1 of wider outline development) at Lands South-East of 36 and 49 Crossnadonnell Road and North-East of 50-58 Petrie Place, Limavady – Approved 03.09.2013

### **4 THE APPLICATION**

4.1 Planning permission is sought to develop the subject land for a housing development of 77 dwellings comprising 40 no two storey 3 bed semi detached, 27 no two storey 4 bed detached and 10 no two storey 4 bed semi detached dwellings.

4.2 Revisions to the scheme have been received during processing of the application. These have improved the scheme by:

omitting a dwelling from the layout to improve separation distances, frontage car parking replaced with in curtilage parking to soften the appearance and increase private amenity space so all dwellings to above the minimum requirement.

## **5 PUBLICITY & CONSULTATIONS**

### **External:**

#### **5.1 Neighbours: No representations have been received.**

### **Internal:**

#### **5.2 Transport NI:** The proposed access, development layout are considered to be acceptable, subject to conditions regarding Private Streets.

**NI Water:** Public water supply and public foul sewer is available.

**Environmental Health:** Have no concerns with the proposal subject.

## **6 MATERIAL CONSIDERATIONS**

#### **6.1** Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

#### **6.2** The development plan is:

- Limavady Area Plan 1984 - 1999
- Draft Northern Area Plan 2016

#### **6.3** The Regional Development Strategy (RDS) is a material consideration.

#### **6.4** Due weight should be given to the relevant policies in the development plan.

#### **6.5** All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

PPS 1 General Principles

PPS 3 Access, Movement and Parking

PPS 7 Quality Residential Environments

Addendum to PPS7 – safeguarding the character of established residential areas

PPS 8 Open Space, Sport and Outdoor Recreation

PPS 12 Housing in settlements

Supplementary Planning Guidance

Creating Places

Living Places

DCAN 8 Housing in Existing Urban Areas

DCAN 15 Vehicular Access Standards

Supplementary Planning Documents

Trees and Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The principle of residential development on the site has already been established by virtue of the PAC decision 2009/A0124 under planning reference B/2005/0399/O. The main considerations in the determination of this application relate to: the principle of the housing development in this location; the suitability of the scheme in terms of layout, density, scale, massing and design; the impact on neighbouring amenity; the acceptability of the road infrastructure; landscaping and boundary treatment, public open space and private amenity space.

### **Principle of Development**

- 8.2 The site is located within the defined settlement limit of Limavady Town as per the Limavady Area Plan 1984-1999, but is excluded from the settlement limit and zoned for open space within the Greenbelt within the draft Northern Area Plan 2016. The principle of residential development on the site has already

been established by virtue of the PAC decision on 2009/A0124 under planning reference B/2005/0399/O which was live at the time of the submission of this current application.

- 8.3 The principle of the type and scale of development proposed must be considered having regard to the PPS policy documents specified above.

### **Layout**

- 8.4 The proposed layout of the housing development is broadly in keeping with that on the approved concept plan which was granted approval through the planning appeals process. The housing is confined mainly to the western and south western portion of the site, nestling into the adjacent housing on the three sides, whilst the proposed open space is located on the eastern portion of the site. The proposal comprises a long row of dwellings backing onto Whispering Pines while other dwellings back onto existing properties at Petrie Place and towards the dwellings currently under construction from phase 1 approval B/2012/0119/RM. There is a cul-de-sac type of development in the northern portion of the site and a small row of 5 dwellings sitting adjacent to the open space, while centrally there is a core grouping of dwellings which are surrounded by a circular road. Given the layout is broadly in accordance with the concept previously accepted and that the circular road layout provides a relative ease of movement throughout the development the layout is suitable for the scheme. The layout will also lend itself to a suitable degree of informal surveillance by neighbouring properties.

### **Density**

- 8.5 The proposal will see the construction of 77 dwellings within a site area of 3.51 Hectares. This results in an overall density of 21.9 dwellings per hectare, although this does include the area of open space. The density of this proposed development is similar to that found in the phase 1 development under construction, and while it may be slightly higher than the surrounding established residential areas, it is not significantly higher, or to a degree which would erode the character, environmental quality or amenity to an unacceptable level. The

proposal is in compliance with Policy LC1 of the Addendum to PPS 7 and Planning Control Principle 1 of PPS 12.

### **Scale, Massing and design.**

- 8.6 The proposal provides three house types which are a variety of detached and semi-detached. The house types are the same as those in the previously approved B/2012/0119/RM (phase 1), which is under construction and nearing completion. The dwellings are two storey in height and will be finished primarily in a red brick finish with elements such as raised bay windows and side projections and the rear elevations finished in a smooth render. Given that the dwellings are the same as those previously approved, they are considered to be appropriate to the area and in keeping with the established character. Where there is a corner site the choice of dwelling to occupy these plots have a dual frontage design, to ensure that there are no blank facade on the key elevations. The proposed dwellings are a mix of 3 and 4 bedroom dwellings and when measured internally these dwelling are in accordance with the space requirements in Annex A of the Addendum to PPS 7, with the 3 bedroom dwelling at approximately 92.75 square metres and the 4 bedrooms dwellings approximately 107 square metres. Therefore this complies with policy LC1 part C.

### **Neighbouring Amenity**

- 8.7 The proposed development has been designed and laid out to ensure that there is no significant detrimental impact on the privacy and amenity of adjacent of adjacent dwellings. The majority of the dwellings have a separation distance of 10 metres, to the common boundary and 20 metres to the rear of opposing dwellings. Where there is the case that some of the dwelling have a separation less than 10 metres, the distance is still in excess of 8 and there is still a separation distance of 20 metres to the rear of the opposing dwelling. In addition tree planting is proposed along the rear boundaries of these properties to ensure that an adequate level of privacy is maintained. Given the proposed boundary treatment shown and the separation distances shown there will be no significant adverse impact the opposing properties. The land is relatively flat, with the dwellings with a separation distance of less than 10

metres to the boundary approximately 0.5 metres lower than the opposing dwelling. Overall the layout and arrangement of dwellings in the proposed development will be such that there will be no significantly adverse impact on neighbouring properties.

### **Road Infrastructure**

- 8.8 Access to the proposed development will be through phase one of the development approved under B/2012/0119/RM, which is taken from Petrie Place. Therefore the access arrangement is in compliance with condition 3 of the Planning Appeals Commission Decision (2009/A0124). Transport NI have been consulted in relation to the layout/road alignment within the proposed development. Transport NI have no objections to the roads layout.
- 8.9 Parking has been provided for the dwellings in a range of forms. The majority of parking is accommodated within the curtilage of the dwellings either to the side of the dwelling or to the front of the dwelling. Where parking to the front only of dwellings has been provided, small grass strips and trees have been provided to soften the visual impact of the hardstanding required to accommodate the parking areas. In addition, there are some grouped parking bays. These parking bays are located adjacent to the dwellings which they are designed to serve. The majority of the parking bays are designed to sit at 90 degrees to the road while a small portion sits parallel to the road, for the dwellings which sit opposite the area of open space. This mixture of parking will ensure that the necessary parking provision for the proposed dwellings is achieved, while at the same time the layout will ensure that there is not an over dominance of car parking and hardstanding to the front of the dwellings which would result in a somewhat undesirable appearance.

### **Landscaping and boundary treatment**

- 8.10 The main perimeter boundaries of the development are to be planted out with trees and hedgerow such as Alder, Ash, Beech, Horse Chestnut, in order to reinforce the existing site boundaries which currently define the existing adjacent housing developments. The level of planting proposed along these boundaries is significant and will protect the privacy and



amenity of adjacent properties. The existing perimeter boundaries are currently defined by timber close boarded fences, and the proposed planting will reinforce these boundaries and provide some alternative soft landscaping.

- 8.11 Within the development the rear and side boundaries of the phase one development dwellings are defined by the standard 1.8m timber fence, while not indicated on the site layout it has been clarified with the agent that the same type of boundary treatment will be continued throughout this second phase of development. At corner sites where screening towards private amenity areas is required the boundary treatment will consist of a screen wall and fence combination which will be finished in materials which match the dwellings.
- 8.12 The development proposes significant landscaping along the perimeter boundaries of the site and in the rear gardens of many of the sites in the form of trees and hedgerow. In addition there are grassed areas and hedgerow/trees to the front of many of the dwellings to soften the visual appearance of the areas of hardstanding and to ensure a more appealing surrounding.

### **Public open space**

- 8.13 Policy OS 2 of PPS 8 states that The Department (now Planning Authority/Council) 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. The proposal has provided a large area of open space in the eastern portion of the site. The area of the open space is around 5800-5900 square metres. Given the site area is 3.51 Hectares this equates to almost 20% of the total site area and therefore satisfying the space requirement of the policy. The proposal will see the existing agricultural land levelled and re-sown to provide a more even and level area for the residents. The location of the open space is in keeping with the concept plan approved at appeal and therefore is in compliance with that approval.

### **Private amenity space**

8.14 Each of the 77 dwellings proposed have their own amenity spaces. Due to the layout and design of the development there is a wide variety of plot sizes. Therefore resulting in a range of private amenity spaces associated with the dwellings. The private amenity spaces range from the smallest, at approximately 50 square metres, to the largest which are close to and in excess of 300 square metres. Creating Places outlines that a variety of private open spaces can promote diversity and create choice for potential residents, which this development provides. Creating Places also states that the average plot size of 70 square metres per house is desirable and that no dwelling should have a private space of less than around 40 square metres. The site layout plan has indicated that the average plot size of the development as a whole is 86 square metres, and as such the average is well above the recommended standards set out in Creating Places. The variety of plot sizes will provide sufficient choice for potential occupiers.

### **Other Matters**

8.18 There are no features of built or natural heritage which will be impacted upon by the proposed development. The development does not encroach on the 10 metres buffer of the Castle river as stipulated on the PAC decision, which ensure no disturbance to the mature vegetation and possible habitats along the river corridor.

## **9 CONCLUSION**

9.1 The proposed housing development is considered acceptable in this location having regard to the area plan and other material considerations. The development is an appropriate use of the land and is acceptable in terms of its layout and appearance. In accordance with para 52 of PPS 1, no significant harm would be caused to neighbouring amenity. Matters relating to access, landscaping and open space can be secured by planning condition. Approval is recommended.

## 10 CONDITIONS/ INFORMATIVES

### 10.1 Regulatory Conditions:

- 1 As required by Section 62 the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by the expiration of a period of 2 years from the date hereof.

Reason: Time limit.

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

The Planning Authority 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.09 Revision 02 PSD Layout Plan bearing the date stamp 24th April 2015.

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

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

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

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

- 5 All landscaping incorporated in the stamped approved landscape plan, Drawing No. 02 Revision 03 bearing the date stamp 24th April 2015, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development or before occupation of the first residential unit in the development, whichever is the later.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

- 6 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.

- 7 A landscape management plan, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, (except for trees or other vegetation retained in the public interest) shall be submitted to and approved by the Planning Authority prior to the occupation of the first dwelling hereby approved, whichever is the sooner. The landscape management plan shall be carried out as approved.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

## 10.2 Informatives:

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

2. This 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.
3. 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.
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
5. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

6. The Applicant is advised that developers are also now responsible for the cost of supervision of the construction of streets determined under The Private Streets Order. A fee of £1,000 plus 2% of the total Bond value will be paid directly to Roads Service before the Bond Agreement is completed.
7. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
8. All construction plant and materials shall be stored within the curtilage of the site.
9. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from

TransportNI's Street Lighting Consultancy, 40a Benson Street, Lisburn. The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

10. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
11. Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served.

Surface water sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served. Application to NIW is required to obtain approval to connect.

The water requirements for you proposal may be eligible for the provision of a public watermain if it will serve more than 1 property and each property will have an individual supply direct from the proposed public watermain under Article 76 of the above order.

The sewers within your proposal may be eligible for consideration for adoption under Article 161 of the above order if they meet the criteria as set out in the current Sewers for Adoption specification

No construction to 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.

The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to determine how your proposal may be served. Due to an existing sewer crossing the proposed development site, the proposer would need to consult with NI Water.

All services within the development should be laid underground in the interests of visual amenity

None of the dwellings hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans in the interest of public health

12. The applicant's attention is drawn to the need to comply with all conditions imposed on the outline planning permission, some of which may need to be satisfied prior to the commencement of any work on the site pursuant to that permission and to this approval of reserved matters.





