Title of Report:	**Planning Committee Report – LA01/2019/1355/F**
Committee Report Submitted To:	**Planning Committee**
Date of Meeting:	**24th August 2022**
For Decision or **For Information**	**For Decision – Major Application**

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:

No: LA01/2019/1355/F **Ward: Drumsurn**

App Type: Full Planning

Address: Lands located approx. 120 metres East of the junction of Edenmore Road and the Limavady Territorial Army Centre (30a Edenmore Road) in Limavady

Proposal: Proposed housing development comprising 76 no. dwellings (38 no. semi-detached dwellings, 29 no. detached dwellings, 3 no. terraced townhouses and 6 no. apartments), garages, open space, landscaping, access and associated site works

Con Area: n/a **Valid Date: 11.12.2019**

Listed Building Grade: n/a

Agent: Turley, 37 Clarendon Street, Derry-Londonderry, BT48 7EG

Applicant: Loskan Properties Ltd, 13 Crossnadonnell Road, Limavady, BT49 0BD

Objections: 3 **Petitions of Objection: 0**

Support: 0 **Petitions of Support: 0**

Executive Summary

- The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The site is within the settlement limits of Limavady within housing zoning LYH 20 as shown in NAP 2016.
- The principle of development including layout, design and amenity, open space, social and supported housing, access, movement and parking and Habitat Regulation Assessment have been considered and are acceptable.
- There are no adverse impacts upon flooding, natural heritage, archaeology and relationship with neighbouring properties.
- There is current capacity in the NI Water wastewater network for this development.
- Three objections have been received in relation to this application and no letters of support. Representations have been fully considered.
- No statutory consultee has raised any concerns with this proposal.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 2, PPS 3, PPS 6, PPS 7, Addendum to PPS 7, PPS 8, PPS 15 and the design document "Creating Places".
- Approval is recommended.

Drawings and additional information are available to view on the Planning Portal - https://epicpublic.planningni.gov.uk/publicaccess/

1 RECOMMENDATION

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

2 Site Location and description

2.1 The site is a square shaped plot of land measuring 3.5 hectares which is located within the settlement development limit of Limavady. The site is currently a grassed field and is accessed to the west by a lane from Edenmore Road.

2.2 The site is bounded to the north west by the existing residential areas of Rosendale Avenue, Rosslea Gardens, Rossvale Gardens and Rossview Drive. To the south western boundary is the Territorial Army Base. To the south east and north east are agricultural fields which are outside the settlement limit.

2.3 The north western, north eastern, and south eastern boundaries are defined by a 2 metre high hedge. The south western boundary is defined by a 1 metre high post and wire fence, behind this fence is a lane to a vacant shed with the Army Barracks beyond this lane.

2.4 The topography is relatively flat. There are no watercourses identified within the site boundaries. The site is 600 metres to Castle River to the east and 1.9km to River Roe to the west. There are no mature trees within the site boundaries.

2.5 The character of dwellings in the vicinity are a mixture of single and two storey dwellings. The site is within the settlement limits of Limavady within housing zoning LYH 20 as shown in NAP 2016.

3 RELEVANT HISTORY

3.1 LA01/2016/0638/PAN - Lands approximately 50m North East of the junction of Edenmore Road and the Limavady TA Centre, Edenmore Road, Limavady - Proposed residential development comprising detached and semi-detached dwellings and new access with associated

ancillary accommodation and parking (approximately 80 units in total). - Proposal of Application Notice Acceptable - 12th September 2016

4 THE APPLICATION

4.1 This application seeks permission for “Proposed housing development comprising 76 no. dwellings (38 no. semi-detached dwellings, 29 no. detached dwellings, 3 no. terraced townhouses and 6 no. apartments), garages, open space, landscaping, access and associated site works”.

4.2 The proposed house types are as follows;

House type A are detached dwellings and have a ridge height of 8.8 metres, gable depth of 6.8 metres and frontage length of 11.1 metres.

House type A1 are detached dwellings and have a ridge height of 8.8 metres, gable depth of 6.8 metres and frontage length of 11.1 metres.

House type A2 are detached dwellings and have a ridge height of 8.8 metres, gable depth of 6.8 metres and frontage length of 11.1 metres.

House type B are detached dwellings and have a ridge height of 9 metres, gable depth of 11 metres and frontage length of 6.5 metres.

House type C are detached chalet bungalows and have a ridge height of 6.4 metres, gable depth of 10.2 metres and frontage length of 9.9 metres.

House type C1 are detached chalet bungalows and have a ridge height of 6.4 metres, gable depth of 10.2 metres and frontage length of 9.9 metres.

House type D are detached dwellings and have a ridge height of 9.2 metres, gable depth of 7 metres and frontage length of 10.8 metres.

House type D1 are detached dwellings and have a ridge height of 9.2 metres, gable depth of 7 metres and frontage length of 10.8 metres.

House type E are detached dwellings and have a ridge height of 8.7 metres, gable depth of 10.9 metres and frontage length of 6.2 metres.

House type F are semi-detached dwellings and have a ridge height of 8.8 metres, gable depth of 10.5 metres and frontage length of 5.8 metres.

House type F1 are semi-detached dwellings and have a ridge height of 8.8 metres, gable depth of 10.5 metres and frontage length of 5.8 metres.

House type G are semi-detached dwellings and have a ridge height of 8.5 metres, gable depth of 9.4 metres and frontage length of 5.85 metres.

House type G1 are semi-detached dwellings and have a ridge height of 8.5 metres, gable depth of 9.4 metres and frontage length of 5.85 metres.

House type H are terrace dwellings and have a ridge height of 8.8 metres, gable depth of 9.3 metres and frontage length of 6 metres.

House type J are semi-detached dwellings and have a ridge height of 8.3 metres, gable depth of 8.4 metres and frontage length of 5.25 metres.

Proposal of Application Notice

4.3 The proposal falls within the Major category of development as per The Planning (Development Management) Regulations (Northern Ireland) 2015 as the development for housing comprises 50 units or more and as such the applicant entered into pre-application community consultation including the submission of a Proposal of Application Notice (PAN) under application LA01/2016/0638/PAN. The applicant organised and facilitated a public event, with appropriate community notification and advertisement. The applicant submitted a pre-application community consultation report with the application.

4.4 The applicant advertised a pre-application public information event for the application by placing advertisements in the Londonderry Sentinel and The Chronicle which were published on 22nd June 2016. The applicant also notified local elected representatives and residents via post. The consultation event took place on 29th June 2016 at Roe Valley Leisure Centre. The event was held between 4pm and 7.30pm. 6 people attended the event. Attendees were invited to provide comments on the proposed development by way of a feedback form.

4.5 The applicant received 2 feedback forms which indicated that the respondents did not favour residential development of the site. One respondent preferred bungalows along the north western boundary. One

respondent suggested the access to Edenmore Road to be insufficient to accommodate the level of traffic from the scheme.

4.6 Due to the passage of time since the public event a Voluntary Public Information event was held on 9th October 2019 in the Roe Valley Leisure Centre between 4pm and 7.30pm. Prior to this it was advertised in the Londonderry Sentinel on 2nd October 2019 and Limavady Chronicle on 3rd October 2019. Each of 106 nearby properties and 5 local Councillors were issued a letter informing them of the event. There were 7 people in attendance and none completed a feedback form.

4.7 Results from the PAN are highlighted in the pre-application community consultation report which is available to view on the website.

Community Consultation Report

4.8 The community consultation report (CCR) was submitted as part of the planning application, received on 11th December 2019 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.

4.9 It contains a copy of the methods of consultation carried out, comments and feedback from the consultation exercise in the local context. The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.

Environmental Impact Assessment

4.10 As the development is within Category 10(B) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017 the Council is obliged under Regulation 12(1) of these Regulations to make a determination as to whether the application is for EIA development. The Council determined on 4th March 2020 that the proposal is not an EIA development and as such this planning application, did not need to be accompanied by an Environmental Statement.

5 PUBLICITY & CONSULTATIONS

5.1 External

The neighbours identified for notification within the terms of the legislation were notified on 17th December 2019,14th June 2021 and 14th

July 2022. The application was advertised on 1st January 2020, 23rd June 2021 and 20th July 2022.

5.2 Internal

Environmental Health: No objection to the proposal.

Northern Ireland Water: No objection to the proposal.

DFI Roads: No objection to the proposal.

DAERA(NIEA) – Water Management Unit: No objection to the proposal.

DAERA (NIEA) - Natural Environment Division: No objection to the proposal.

DAERA (NIEA) - Regulation Unit(RU) Land and Groundwater Team: No objection to the proposal.

Northern Ireland Housing Executive - No objection to the proposal.

Shared Environmental Services - No objection to the proposal.

Loughs Agency - No objection to the proposal.

Rivers Agency - No objection to the proposal.

Historic Environment Division Historic Monuments - No objection to the proposal.

6 MATERIAL CONSIDERATIONS

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

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 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2 (PPS 2) Natural Heritage

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

Planning Policy Statement 6 (PPS 6) Planning, Archaeology and Built Heritage

Planning Policy Statement 7 (PPS7) Quality Residential Environments

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

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

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

Creating Places

Development Control Advice Notice 8: Housing in Existing Urban Areas (DOE 2002)

8 CONSIDERATIONS & ASSESSMENT

8.1 The main consideration in the determination of this application relate to the Principle of Development, Design and access statement, Key Site Requirements, Open Space, Social and Supported housing, Flood Risk, Access, Movement and Parking, Natural Heritage, Archaeology, Safeguarding residential and work environs, Representations and Habitat Regulation Assessment.

Principle of Development

8.2 Planning Policy Statement 7, Quality Residential Environments, Policy QD1 Quality in New Residential Development is a material consideration and states the following criteria within QD1 must be met:

(a) The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of building, structures and landscaped and hard surfaced areas; The context surrounding the site is described in paragraph 2.1 - 2.5 above. The proposed development comprises 76 dwellings of which 38 are semi-detached dwellings, 29 are detached dwellings, 3 are terraced townhouses and 6 are apartments. They have unifying design elements of colour, material and detailing displayed through the use of red brick, render, dark grey / black slates or tiles, hardwood doors and upvc windows. The appearance and use of materials is acceptable in this urban setting which displays a range of dwelling types and finishes.

8.3 The proposed dwellings range in ridge heights which vary from 6.4 - 9.2 metres. Proposed gable depths range from 6.8 to 11 metres. Frontage lengths range from 5.25 to 11.1 metres. The apartment block K has a ridge height of 10.5 metres, gable depth of 9.6 metres and frontage length of 14 metres.

8.4 The scale and massing of the proposed house types and 1 apartment block with different ridge heights, gable depths and frontage lengths are acceptable in this urban context and complies with criteria a of QD1.

8.5 A design and access statement, site analysis and the proposed drawings detail all proposed hard and soft landscaping and boundary treatment. The road layout will be tree lined. Three areas of open space have been provided of sufficient size for the development. The layout and design takes account of the need for adequate daylight, sunlight and privacy.

8.6 The proposed layout is respectful of the area in terms of layout, scale, proportions and appearance and complies with the creating places guidance and criteria ‘a’.

8.7 (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; The site is not within an archaeology consultation zone and there are no listed buildings nearby. The applicant has submitted an Archaeological Impact Assessment due to the size of the site, HED Archaeology and Built Heritage have been consulted and are content with no objections subject to conditions. The existing hedgerows along the north eastern and south eastern boundaries are to be retained, therefore existing landscape features on site are being protected. The proposal complies with criteria 'b'.

8.8 (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discreet groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area; The communal open space area measures 0.4 hectares for the entire development which is 11 percent area of the overall site area and sufficient for the size of development. The open space area is subdivided into a 3 areas. There are grassed areas, walking paths and tree planting. The ground levels of the communal open space areas are fairly flat, the areas are multi-functional and accessible to all areas of the development given their central position.

8.9 The proposed layout shows ample private amenity space for all sites. The range of private amenity space is between 58 square metres to 180 square metres. The are 7 sites (54, 55, 57, 58, 59, 60 and 61) slightly below 70 square metres. The other dwellings have a minimum of 70 square metres private amenity space. The apartment block (64-67) has private amenity space of 160 square metres which gives 27 square metres for each apartment which is acceptable. The site has a 5 metre planted buffer along the north eastern and south eastern boundaries which will soften the visual impact of the development with the open countryside. The private amenity areas are grassed areas which have the necessary size calculated as an average space standard for the development as a whole, and is on average are greater than the 70 sq m per house or 10-30 sq m for apartments that is specified in Creating Places guidance and therefore comply with criteria 'c' of Policy QD1.

8.10 (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development; The development is considered to be close to all amenities as it is located within the settlement limit of Limavady. Footpaths are to be provided and Edenmore Road is serviced by public transport and the site is in close proximity to shops, schools and

Churches that are nearby in Limavady. Given the scale of the development, the proposal does not require local neighbourhood facilities. The proposal complies with criteria ‘d’ of this policy.

8.11 (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures; The applicant has submitted plans which show access for vehicles and footpaths for pedestrians. Cyclists may also use the road to access this development. DFI Roads have been consulted and are content. There is a footpath within the development and paths proposed in the open space area which would be accessible by all users and each property has adequate parking. The proposal complies with criteria ‘e’ of this policy.

8.12 (f) adequate and appropriate provision is made for parking; The applicant has submitted plans showing the road layout with footpaths and parking for all sites. DFI Roads have been consulted and are content. The proposal complies with criteria ‘f’ of this policy.

8.13 (g) the design of the development draws upon the best local traditions of form, materials and detailing; The proposed development comprises 38 semi-detached dwellings, 29 detached dwellings, 3 terraced townhouses and 6 apartments which all have unifying design elements of colour, material and detailing gained through the use of red brick, render, dark grey / black slates or tiles, hardwood doors and upvc windows. The proposed dwellings range in ridge heights which vary from 6.4 - 9.2 metres. Proposed gable depths range from 6.8 to 11 metres. Frontage lengths range from 5.25 to 11.1 metres. The apartment block K has a ridge height of 10.5 metres, gable depth of 9.6 metres and frontage length of 14 metres. The visual variety of house types / apartments with different heights, frontages and range of materials is acceptable within the wider setting. The proposal complies with criteria ‘g’.

8.14 (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; The design and layout will not create conflict with adjacent residential land uses. The proposed layout shows varying separation distances between proposed dwellings and rear boundaries.

8.15 All sites generally have 10 metres or slightly more rear garden depth. When dwellings are proposed back to back there is at least a separation

distance of 20 metres which is sufficient to mitigate any adverse impacts from overlooking.

8.16 All dwellings have been designed so that 1st floor gable windows do not face a neighbouring first floor window this means there is no adverse impacts from overlooking. There is sufficient distance between all proposed dwellings to have no issues from overshadowing. For example the proposed dwelling at site 2 has a separation of 4.5 metres to the proposed dwelling at site 3 and house type A at site 2 has no first floor gable window facing site 3 and the proposed dwelling with house type A1 at site 3 has no first floor window facing site 2.

8.17 The applicant has demonstrated through the plans that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Consultees have raised no issues in relation to noise. The proposal complies with criteria 'h'.

8.18 (i) the development is designed to deter crime and promote personal safety; The design of the development incorporates principle front elevations facing the proposed access road and onto open space areas in order to add to the security of the area by looking over public areas in so doing it is secure by design. There are no screened isolated areas which would encourage anti-social behaviour. The development is designed to deter crime and promote personal safety. The proposal complies with criteria 'i' of policy QD1. The proposal is also in keeping with Development Control Advice Notice 8: Housing in Existing Urban Areas (DOE 2002) and the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas.

Design and access statement

8.19 PPS 7 Policy QD 2 Design Concept Statements, Concept Master Plans and Comprehensive Planning is a material planning consideration and states the Department will require the submission of a Design Concept Statement, or where appropriate a Concept Master Plan, to accompany all planning applications for residential development.

A Concept Master Plan will be required for planning applications involving:

(a) 300 dwellings or more; or

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

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

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

8.21 The proposal is for 76 residential units with a site area of 3.5 ha. The application site incorporates the entire housing zoning LYH 20. The developer has submitted a design and access statement and detailed site analysis to support the current planning application that identifies key characteristics and constraints of the site which link to the key site requirements as set out in the development plan for housing zoning LYH 20. The proposal complies with policy QD2 of PPS 7.

Key Site Requirements

8.22 The site is zoned for housing in the NAP 2016. The key Site requirements are;

- Development shall be within the range of 15 to 25 dwellings per hectare.

- Development shall generally not be greater than two storeys in height to ensure that the character of the area is respected.

- The hedgerow along the north eastern boundary shall be retained.

- Appropriate screen tree and shrub planting shall be provided along the boundary with the TA Centre.

- The south eastern boundary shall be supplemented with native species tree planting.

8.23 The development has a range of dwellings of 22 units per hectare. The development is generally not greater than two storeys in height in that only the apartment block K is three storeys and has a ridge height of 10.5 metres. Generally overall the house types are not greater than two storey. The north eastern and south eastern boundaries are being retained with supplemental planting of native species planting. The south

western boundary with the TA Centre is to be defined by tree and shrub planting. The proposal conforms to the key site requirements of zoning LYH 20.

Open Space

8.24 PPS 8 Policy OS 2 Open Space is a material considertion and states that the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.

8.25 As there are 76 residential units proposed a minimum of 10 percernt open space is a requirement under policy.

8.26 The open space area measures 0.4 hectares which is 11 percent area of the overall site area and is sufficient for the size of development. The open space area is subdivided into a 3 areas. There are grassed areas, walking paths and tree planting throughout the open space. The communal open space areas are fairly flat, are multi-functional and accessible to all areas of the development given its central position. The open space will have amenity value for local residents.

8.27 The applicant has submitted a Landscape Management Plan DOC 04 REV 02 received on 22nd July 2022 showing adequate management of the open space. A planning condition can be added to any decision notice to ensure that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy. The open space that is proposed complies with policy OS 2 of PPS 8.

Social and supported housing

8.28 Policy HOU 2, Social and supported housing within NAP states 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. Where the Housing Needs Assessment establishes there is a need in an identified settlement or within a locality for social or specialist housing, a

minimum of 20% of the total number of dwellings in the scheme will be required to be provided, subject to the level of need identified and in agreement with the Northern Ireland Housing Executive.

8.29 The NIHE have advised that a housing mix of 6 no. 2 person 1 bedroom apartments, 6 no. 3 person 2 bedroom houses and 3 no. 5 person 3 bedroom houses are required. In response the proposal identifies sites 53-67 for social housing. NIHE are content and have requested that a condition requiring the development of the social housing units to be applied to any planning approval. The proposal complies with Policy HOU 2 of NAP.

Flood Risk

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

- A residential development comprising of 10 or more dwelling units

-A development site in excess of 1 hectare

-A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.

8.31 As the size of the site is 3.5 ha and given the nature of the development proposing 76 residential units, a Drainage Assessment has been submitted. DFI Rivers have been consulted and are content subject to a condition requiring a Final Drainage Assessment to be submitted and agreed as part of any decision. As DFI Rivers are content the proposal complies with policy FLD 3 and paragraph 6.115 of the SPPS.

Access, Movement and Parking

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

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

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

8.33 There are 76 dwellings proposed with 1 access to Edenmore Road therefore a Private Streets Determination has been submitted as required. DFI Roads have been consulted and are content subject to conditions. Edenmore Road is not a protected route. As DFI Roads are content the proposal complies with Policy AMP 2 of PPS 3 – Access, Movement and Parking.

Natural Heritage

8.34 PPS 2 Policy NH2 – Species Protected by Law and Policy NH5 – Habitats, Species or Features of Natural Importance are applicable. A Preliminary Ecological Appraisal report has been submitted, Natural Environment Division have been consulted and are content with the proposal. SES have also been consulted and have no objections subject to a condition relating to the previously proposed WWTW, which is no longer required as mains will now be used. On this basis the proposal complies with policy NH2 and NH5 in that it has been demonstrated that the proposal is not likely to harm any European protected species, Habitats, Species or Features of Natural Importance.

Archaeology

8.35 PPS 6 Policy BH4 and paragraph 6.11 of the SPPS - Archaeological Mitigation is applicable. The applicant submitted an Archaeological Impact Assessment. Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Department will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences. HED Archaeology and Built Heritage have been consulted and are content subject to conditions. The proposal complies with policy BH4 and paragraph 6.11 of the SPPS.

Safeguarding residential and work environs

8.36 Paragraph 4.12 of the SPPS is a material consideration. This paragraph relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage,

waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

8.37 The issues in paragraph 4.12 have been considered above however the one remaining issue to consider is the means of sewerage disposal. The applicant originally proposed a WWTW and envisaged NI Water taking over management and maintenance once the housing development was constructed. However, NI Water asked the applicant to carry out a Pre Development Enquiry (PDE) and consequently a mains solution has become feasible with capacity at the existing WWTW. The applicant has amended the proposal to indicate mains for foul sewage disposal after liaising with NI Water. NI Water have stated in the consultation response that there is available capacity at the Waste Water Treatment Works and have added conditions to ensure the network is provided for the link to the WWTW. On this basis the proposal complies with paragraph 4.12 of the SPPS.

Representations

8.38 Three objections have been received. Two related to the positioning of the Waste Water Treatment Works, which has consequently been removed from the proposal after the applicant liaised with NI Water about an alternative mains solution for sewage disposal. Neighbours were re-notified and no subsequent objection was received. The third objection relates to traffic congestion, loss of natural beauty and loss of privacy. DFI Roads have been consulted and are content that the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. The site is located within the development limit and is zoned for housing and natural heritage has been considered in paragraph 8.34. The site is set back down a lane behind the TA Centre so is not overly visible from Edenmore Road. The objector is separated from the proposed development by 2 existing dwellings therefore will not be affected adversely by a loss of privacy. All representations have been considered.

Habitat Regulations Assessment

8.39 Habitat Regulations Assessment Screening Checklist - Conservation (natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015: The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland)

1995 (as amended). Shared Environmental Services were consulted and they are content. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

9 CONCLUSION

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

10 Conditions

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

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

2. All hard landscape works shall be carried out prior to the occupation of any part of a dwelling unit in accordance with the approved details as shown on drawings No.65 REV 01 received 18th May 2021 and No.73 REV 04 received 7th July 2022 and the appropriate British Standard or other recognised Codes of Practice.

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

3. Prior to the occupation of any dwelling unit, each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system shall also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

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

4. The proposed open space and amenity areas identified on the Drawings 73 REV 04 received 7th July 2022, No.74 REV 02 received 21st July 2022 and Landscape Management Plan DOC 04 REV 02 received on 22nd July 2022 shall be carried out prior to the occupation of any dwelling hereby approved or as otherwise agreed in writing with the Council, and shall be managed and maintained in perpetuity in accordance with the Landscape Management Plan DOC 04 REV 02.

Reason: In the interest of visual and residential amenity.

5. 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 No.74 REV 02 received 21st July 2022, and shall be maintained in perpetuity in accordance with the Landscape Management Plan DOC 04 REV 02 received on 22nd July 2022, to the satisfaction of the Planning Authority. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual and residential amenity.

6. The developer shall nominate and appoint a Landscape Management Company to implement, manage and maintain the 3 areas of open space identified on drawing No 73 REV 04 received 7th July 2022, the landscape plan No.74 REV 02 received 21st July 2022 and the Landscape Management Plan DOC 04 REV 02 received on 22nd July 2022. The areas of public open space and amenity space identified on the drawing 73 REV 04 received 7th July 2022, the landscape plan and the Landscape Management Plan 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'.

7. No development shall be commenced until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Reason: To ensure a practical solution to sewage disposal from this site is possible.

8. No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on the solution design drawing to NI Water to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water.

Reason: To ensure a practical solution to sewage disposal from this site is possible.

9. Prior to occupation of any dwelling unit, the developer shall comply with all of the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Reason: To ensure a practical solution to sewage disposal from this site is possible.

10. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland 2016.

11. The 15 residential units identified as site numbers 53 – 67 on drawing No 73 REV 04 hereby approved, shall be used solely for the purposes of Social Housing and shall be managed only by a registered Housing Association.

Reason: To ensure the position of the 15 Social Housing units in Limavady and to comply with Policy HOU 2 of the Northern Area Plan 2016.

12. No development shall take place until a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 is submitted to the Planning Authority for its consideration and approval.

Reason: To safeguard against flood risk to the development and elsewhere.

13. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately. This new

contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. 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. This strategy shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable.

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

14. After completing the remediation works under Condition 13 and prior to occupation of the development, a Verification Report shall be submitted in writing and agreed with Council. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. The Verification Report shall 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.

15. All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason: To prevent pollution to surface waters which is detrimental to fisheries interests.

16. 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 the 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.

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 16. □

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

18. 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 16. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the 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.

19. 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. 68 REV 03 received 7th July 2022, Roads Layout PSD date stamped 18th July 2022.

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.

20. 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. 68 REV 03 received 7th July 2022, Roads Layout PSD date stamped 18th July 2022.

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.

21. 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.

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

22. No dwelling units 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.

23. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m from the junction with the pubic road.

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

24. No development shall take place until the visibility splays of 4.5 metres by 90 metres at the junction of the proposed access road with the public road, are provided in accordance with Drg. No. 68 REV 03 received 7th July 2022, Roads Layout PSD date stamped 18th July 2022.

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

25. 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.

26. 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 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.

27. The development hereby permitted shall not be adopted until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

28. 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.

29. All boundary treatments such as screen walls shall be constructed prior to the occupation of any dwelling unit in accordance with the approved details as shown on drawing No 73 REV 04 received 7th July 2022 and the appropriate British Standard or other recognized Codes of Practice.

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

Informatives

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

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

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the

development under other prevailing legislation as may be administered by the Council or other statutory authority.

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

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

6. The 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. Information relating to the requirements of the road bond can be found at this link https://www.infrastructure-ni.gov.uk/sites/default/files/publications/infrastructure/road-bonds-agreements-and-bond-reductions-v2.pdf

7.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.

8. The service strips coloured green with black hatching on the approved plan have been determined as lands to be adopted by the Department for Infrastructure. It is, therefore, essential that vendors inform house purchaser of their limited rights within such strips. It is strongly recommended that the developer does not sell or lease the land from the service strips as parts of housing plots. If land for service strip is to be sold or leased to house purchasers the vendor must insert in the deeds the following clause or covenant:-

“The purchaser hereby covenants with the vendor that he/she, the purchaser, and his/her successors in title will not at any time hereafter

erect or construct any building wall or fence or plant any tree or shrub on the strip of land shown hatched……on the plan annexed hereto, nor do or suffer to be done therein or thereon any act, matter or thing whereby the cover of soil over or the support of the pipes, wires and/or cables laid in the said strip of land shall be altered or which may render access thereto more difficult or expensive and shall understand that the road authority and statutory undertakers have unencumbered right of access to the said strip of land."

9. It is a DfI Roads requirement that any structures which fall within the scope of the current version of CG300 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

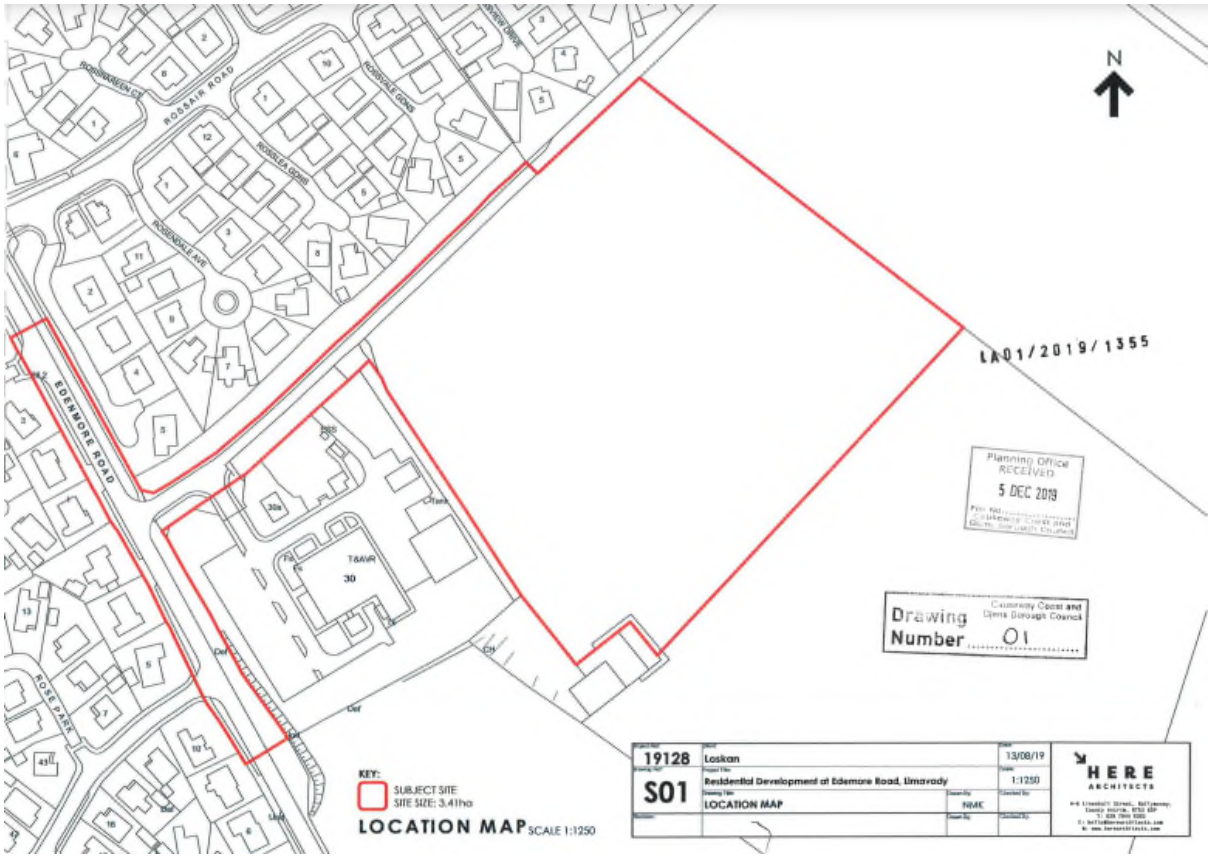
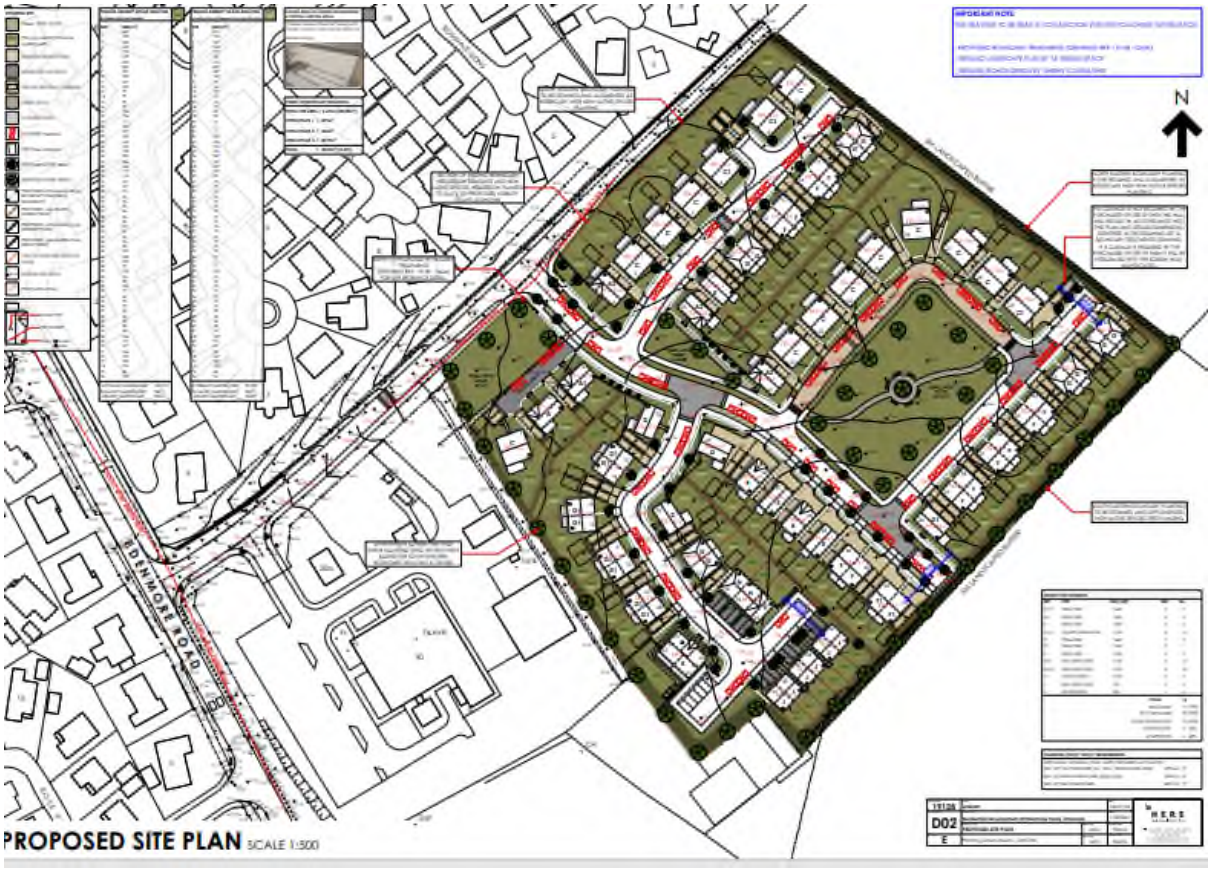
10. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

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

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

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

Site Location Map



Proposed Site Plan