

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2017/1028/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>23rd October 2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Objection Item Application</b>
<b>To be discussed In Committee YES/NO</b>	<b>NO</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

<b>Estimated Timescale for Completion</b>	
Date to be Completed	N/A

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

<b>Legal Considerations</b>	
Input of Legal Services Required	<b>NO</b>
Legal Opinion Obtained	<b>NO</b>

<b>Screening Requirements</b>	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:

<b><u>App No:</u></b>	<b>LA01/2017/1028/F</b>	<b><u>Ward:</u></b>	<b>Greysteel</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Lands to the west and south west of no. 249 Clooney Road Greysteel</b>		
<b><u>Proposal:</u></b>	<b>Proposed housing development - Comprising of 28 No. Dwellings, a mixture of detached and semi-detached dwellings, (27 No. Dwellings at two storey, 1 No. Dwelling single storey) with detached domestic garages (Scheme includes 5 No. Social dwellings)</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>07.08.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	<b>16.11.2017</b>
<b>Agent:</b>	<b>AQB Architectural Workshop LTD, 12a Ebrington Terrace, Waterside, Derry, BT47 6JS</b>		
<b>Applicant:</b>	<b>Mrs Teresa Cassidy, 249 Clooney Road, Greysteel, BT47 3DZ</b>		
<b>Objections: 40</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 1</b>	<b>Petitions of Support: 0</b>		

## Executive Summary

- Planning permission is sought for a proposed housing development - Comprising of 28 No. Dwellings, a mixture of detached and semi-detached dwellings, (27 No. Dwellings at two storey, 1 No. Dwelling single storey) with detached domestic garages (Scheme includes 5 no. Social dwellings).
- The application site is located within the settlement development limits of Greysteel on land zoned for housing.
- The application has been assessed against the relevant policies within the NAP, SPPS, PPS2, PPS3, PPS7, PPS8 & PPS15.
- Consultation was carried out with DFI Roads, Environmental Health, Loughs Agency, DFI Rivers, NI Water, Northern Ireland Housing Executive, NIEA WMU & NED. No objections were raised by any consultee.
- As site is steeply sloping, specific measures are incorporated to ensure a quality residential environment.
- The proposal includes extensive open space provision.
- 5 social housing units are included.
- Access is both from the A2 Clooney Road and from Tullyverry Drive.
- NI Water are content with sewerage connection subject to conditions.
- 40 objections have been received from 31 households and 1 support representation has been received.
- Approval is recommended.

**Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.gov.uk/>**

## **1 RECOMMENDATION**

- 1.0 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.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The site is an irregular sized plot of land measuring 1.95ha hectares in an urban area, which encompasses 2 rectangular fields. The topography of the land rises steeply up from the Clooney Road at the front of the site in a southerly direction. The 2 fields are currently used for agricultural grazing and are separated by a hawthorn hedge. There is no watercourses in the vicinity of the site. The northern boundary adjacent the Clooney Road is defined by a 2 metre high hedge. The western boundary is part defined by a 2 metre high mature hedge in the field adjacent the Clooney Road and part defined by a 1 metre high post and wire fence and some gorse bushes in the 2<sup>nd</sup> field back from the Clooney Road. The southern boundary is defined by a post and wire fence and some gorse bushes. The eastern boundary adjacent the school in the 2<sup>nd</sup> field is defined by a 2.4 metre high metal fence, south of the school it is defined by a 1 metre high post and wire fence. In the field adjacent the Clooney Road the eastern boundary is defined by a 1 metre high post and wire fence adjacent the neighbouring dwelling, the boundary is undefined / open south of this dwelling in the field adjacent Clooney Road.
- 2.2 The local area is characterised by residential properties adjacent the site on Clooney Road, Faughanvale Primary School is located to the east on Vale Road and a Sports pitch and pavilion is on the opposite side of the Clooney Road. This site extends to the settlement limit of Greysteel to the south so agricultural fields are to the south of the site.
- 2.3 The site is located within the settlement limits of Greysteel on land zoned for housing designation GLH 01 as per the Northern

Area Plan 2016. This is a committed site due to the planning history so there are no key site requirements.

### **3.0 RELEVANT HISTORY**

- 3.1 B/2011/0280/O – Lands to west and south west of 249 Clooney Road, Greysteel – Proposed housing development Approved– 19.12.2012

### **4.0 THE APPLICATION**

- 4.1 The application seeks full planning permission for a proposed housing development - Comprising of 28 No. Dwellings, a mixture of detached and semi-detached dwellings, (27 No. Dwellings at two storey, 1 No. Dwelling single storey) with detached domestic garages (Scheme includes 5 No. Social dwellings).

### **5.0 PUBLICITY & CONSULTATIONS**

- 5.1 **External:** All neighbours identified for notification within the terms of the legislation where notified on 22nd August 2017, 23rd October 2019, 18th December 2019 and 15<sup>th</sup> August 2024. The application was advertised on 23rd August 2017, 6th November 2019 and 7<sup>th</sup> August 2024.

40 objections from 31 households and 1 support representation have been received to this application.

#### **5.2 Internal:**

DFI Roads: No objections.

Environmental Health: No objections.

DFI Rivers: No objections to the proposal.

DAERA Natural Environment Division: No objections.

DAERA Water Management Unit: No objections.

Loughs Agency: No objections.

Northern Ireland Housing Executive: No objections.

NI Water: No objections.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.3 This proposal was subject to an environmental impact assessment screening as required by The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 5.4 The application was considered to fall within Schedule 2: Category 10(b) of the Regulations- Infrastructure projects; Urban development projects, including the construction of shopping centres and car parks.
- 5.5 It is considered that the development proposal will not have likely impacts of such a significance locally or in wider terms as to require the submission of an environmental statement. The Applicant received a letter to this effect on 4<sup>th</sup> September 2017.

## **6.0 MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.

- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

Planning Policy Statement 15 (PPS15) Planning and Flood Risk

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main consideration in the determination of this application relate to the principle of development, Open Space, Social and Supported Housing, Access, Movement and Parking, Planning and flood risk, Natural Heritage, NI Water’s Wastewater Network, Proximity to WWTW, Habitat Regulation Assessment and Representations.

### **Principle of Development**

- 8.2 Planning Policy Statement 7 – Quality Residential Environments  
The proposal is sited on land zoned for housing within zoning GLH 01, which is a Committed Site meaning there is no key site requirements due to the planning history B/2011/0280/O. The planning history has expired but is considered a material

planning consideration. The general principle of housing is acceptable at this location as it is in conformity with the development plan.

- 8.3 Policy QD 1 Quality in New Residential Development applies; The following criteria within QD 1 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 buildings, structures and landscaped and hard surfaced areas;
- 8.4 The paragraph above entitled “site characteristics and area” describes the existing context surrounding the site. The proposed development comprises 23 no 2-storey dwellings, 4 no 1 ½ storey dwellings and 1 single storey dwelling. There are 8 detached dwellings and 20 semi-detached dwellings. There are 15 dwellings with garages and 13 dwellings without garages. The dwellings have unifying design elements of colour, material and detailing gained through use of facing brick, render, flat non profiled grey slates, white pvc doors and windows. The appearance and use of materials is acceptable in this urban setting which displays a range of dwelling types.
- 8.5 There are 15 house types proposed, with a mixture of heights. The ridge heights vary from 5.1 metres to 9 metres. Frontage lengths range from 5.7 metres to 10.7 metres. The gable depth vary from 7.2 metres to 11.2 metres. The dwellings all have a pitched roof style that fits in with the roof type in the area.
- 8.6 The original scheme has been amended with a reduction from 32 to 28 units. The reduction in numbers has enabled the development to be developed appropriately rather than crammed or overdeveloped. The housing development includes 4 two storey dwellings fronting onto Clooney Road with a substantial number of housing units (24) to the rear of the site beyond the substantial area of open space. All relevant plans and sections have been provided as identified on proposed layout drawing No.10 - 10. Open space areas have been incorporated within the proposal and a satisfactory road layout has been proposed with access to Clooney Road and a secondary link access to Tullyverry Drive. The proposal is located on a slope so a careful design has been required to enable a satisfactory development. Existing levels change from



16m at the Clooney Road site frontage to 43m at the rear of the site. Landscape buffers are proposed along the northern boundary with the countryside and to the east with Faughanvale Primary School.

- 8.7 It has been demonstrated that the design and layout of the residential development draws upon the positive aspects of the character and appearance of the surrounding area. The Applicant has demonstrated that the proposal meets criteria 'a'.
- 8.8 (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;
- 8.9 The site is not within an archaeology consultation zone and there is no listed buildings nearby. There are no buildings on site and there is no mature trees within the site. The site has a steep gradient and the applicant has designed a layout to integrate into this slope. The proposal complies with criteria 'b'.
- 8.10 (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
- 8.11 There is adequate public open space for this development because the approximate 20% of the development identified as open space is now usable for all after amendments have been received. The open space is located centrally so it is integral to the development. The open space has amenity value for local residents. The open space is split into 4 zones which incorporates 3 level playing areas, walking paths and significant planting of meadow areas with wildflowers, woodland planting and hedges. The open space area being accessible for all residents means there is easy and safe access for residents and there will be full public surveillance of the entirety of the proposed open space areas. The design of the open space with a mixture of sloped topography and with level playing areas is suitable as a children's play space or for people with disabilities. No equipped children's play area is required because the

threshold of 100 units has not been met as per policy OS2 of PPS 8. There is approximately 20% open space which exceeds the 10% policy OS2 requirement for this development and the open space areas are designed sufficiently as to meet the needs of all the residents that would live here.

- 8.12 The proposed layout shows ample private amenity space for all sites. When the wider development site is considered as a whole, the average private amenity space and garden depth is satisfactory.
- 8.13 The private amenity areas are grassed / planted areas which have the necessary size calculated as an average space standard for the development as a whole, and is on average equal to or greater than the 70 sq m per house that is specified in Creating Places guidance. The proposal complies with criteria 'c' of this policy.
- 8.14 (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- 8.15 The residential development is considered to be close to all amenities as it accesses Clooney Road in the settlement limit of Greysteel. This road is serviced by public transport in the form of buses and it is within Greysteel so a shop and a school are nearby and therefore the proposal complies with criteria 'd' of this policy.
- 8.16 (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; Public footpaths and walking paths are provided within the development which will support walking and a link to Tullyverry Drive will support connectivity. DFI Roads has been consulted several times and have considered traffic from the development and have no objections. The proposal complies with criteria 'e' of policy.
- 8.17 (f) adequate and appropriate provision is made for parking; Each site has parking shown within its own private boundary. DFI Roads have been consulted and are content. As DFI - Roads

have no objections the proposal complies with criteria 'f' of this policy.

- 8.18 (g) the design of the development draws upon the best local traditions of form, materials and detailing; The design of the development in terms of form, materials and detailing is considered acceptable given the range of single to two storey dwellings. The proposal complies with criteria 'g'.
- 8.19 (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;
- 8.20 The surrounding area is a mixture of residential, educational and outdoor sports. There is an existing residential development to the east where the existing housing at Tullyverry Drive is located. To the north on the opposite side of Clooney Road is St Marys Faughanvale GAA pitches. To the west is Faughanvale Primary School and 2 other existing residential properties at No 249 Clooney Road and No 5 Vale Road. To the south is the development limit of Greysteel with agricultural fields beyond the development limit. The proposed residential development will not create conflict with adjacent land uses.
- 8.21 Site 1 with an amended house type H2 (8.5m ridge, 10m frontage length, 9m gable depth) has been brought forward slightly to reduce the impact on No.243 Clooney Road. It has no windows at first floor level on the gable facing No 243. An obscure glazed window on the ground floor gable for the bathroom and one modest sized window for the utility room means that the privacy of the existing resident at No 243 is protected. The change in dwelling position bringing it forward slightly will reduce impact from overshadowing. Site 28 house type E2 a 2 storey semi detached dwelling has a first floor window facing No 243 Clooney Road. However, there is intervening mature vegetation on the boundary and No 243 has a garden depth of 180 metres meaning there will be no impact on the amenity of No 243 Clooney Road in terms of loss of privacy or overshadowing.
- 8.22 Site 5 adjacent the school has been amended to include a buffer planting strip of approximately 2 metres along the school

boundary and the proposed dwelling is set back 5 metres from the boundary which will ensure privacy for the school.

- 8.23 No 5 Vale Road is an existing single storey detached dwelling located south of site Nos 16-17. The scheme has been amended and the sites 16-17 have had a change in house type design from F to J. House type J are 2 storey semi-detached dwellings (7.5m ridge height, 5.7m frontage length, 7.2m gable depth). The site 16 dwelling type has been reduced in size from a split level dwelling with a 10 metre ridge to a two storey dwelling with a 7.5 metre ridge height. Sites 16-17 are located 20 metres from No. 5 Vale Road and the proposed dwelling is located at a lower FFL than No.5 by approximately 3 metres. The separation distance is acceptable at mitigating any effects of overlooking, there will be no significant overlooking to or from No 5 Vale Road. Sites 16-17 are north of No.5 Vale Road so will not have any overshadowing impact due to the southern sun path. Once the development is complete there are no unacceptable noise issues that have been identified, any general background noise is common in everyday life and would not have any significant impact on the occupiers of nearby dwellings. The pedestrian link adjacent No 5 Vale Road has been removed from the proposed plans so is no longer a consideration.
- 8.24 There are 4 existing dwellings which are located at Nos 28, 45, 47 and 49 Tullyverry Drive which back onto the proposed site and are located west of sites 22 – 28.
- 8.25 No. 28 Tullyverry Drive is an existing chalet bungalow with gable facing site No 26 which has an 'L' type single storey wheelchair accessible dwelling. No windows or private amenity space will be overlooked by the proposed dwelling at site No 26.
- 8.26 No.49 Tullyverry Drive is an existing chalet style bungalow which backs onto site No 25 which has a house type 'D2' which is a detached 2 storey dwelling (8.8m ridge height, 7.2m frontage length, 9.7m gable depth). There is 17 metres separation distance between No.49 Tullyverry Drive and the closest proposed dwelling at site No.25. This is acceptable distance for no significant impact on the privacy of No.49, given the topography, design of the proposed dwelling with a 8.8

metre ridge height and that No.49 is positioned at an angle meaning windows do not directly face each other. Overshadowing from site No 24 and No 25 will be low given the separation distance of 17 metres from No 49 Tullyverry Drive to site No 25 and 23 metres to site No 24.

- 8.27 No.47 Tullyverry Drive is an existing single storey detached dwelling which backs onto sites 23-24 which has a house type 'E' semi which is a 2 storey semi detached dwelling (8.4m ridge height, 6.4m frontage length, 8.9m gable depth). The separation distance is 20 metres between the rear of the buildings. There is a proposed double staggered row hedge to retain privacy to the existing dwelling and sites 23-24 have a rear garden depth of 12 metres which is sufficient to retain privacy between the proposal and No 47 Tullyverry Drive.
- 8.28 No.45 Tullyverry Drive is an existing single storey detached dwelling which backs partially onto sites 22 - 23 which has a house type 'H' (site 22) which is a 2 storey (8.4m ridge height, 10m frontage length, 8.9m gable depth) and 'E' semi (site 23) which is a 2 storey semi detached dwelling (8.4m ridge height, 6.4m frontage length, 8.9m gable depth). No.45 Tullyverry Drive does not have a direct window to window relationship given the slight angle of the dwelling position at No 45 Tullyverry Drive and site 22 which is also sited at an angle. The separation distance is 20 metres rear building to proposed rear of building at site 23 and 25m separation to site 22. There is a proposed double staggered row hedge to retain privacy to the existing dwelling and site 23 has a rear garden depth of 12 metres and No 22 has a rear / side garden of 15 metres which is sufficient to retain privacy between the proposal and No 45 Tullyverry Drive.
- 8.29 Other existing dwellings at Tullyverry Drive are not adjacent the proposed housing development so will not be impacted by the proposal in terms of overlooking or overshadowing.
- 8.30 There is a substantial difference in finished floor levels between sites 10 – 15 and the row of houses at 5 - 9. The Applicant has mitigated the difference by introducing split level ground floors and by stepping the rear garden levels. This means that there is a gradual change in ground level difference between sites 10-15 to 5-9 which is acceptable.

- 8.31 The proposed housing development has sufficient garden depths to safeguard privacy of proposed future residents and house types have been carefully designed to ensure windows on gables do not overlook each other. For example site 2 and site 3 each have a house type 'H'. The gable between each will have no windows at first floor level which face each other at the same level and bathroom windows will have obscure glazing. At ground floor level windows will not directly face each other and are limited on site 3 to a utility room window and an obscure glazed bathroom window.
- 8.32 It has been demonstrated that the design and layout of the residential development would have no unacceptable effects on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The proposal complies with criteria 'h' of this policy.
- 8.33 (i) the development is designed to deter crime and promote personal safety. The open space area being accessible for all residents means there is easy and safe access for residents and there will be full public surveillance of the entirety of the proposed open space areas. It has been demonstrated that the design and layout of the residential development would deter crime and promote personal safety. The proposal complies with criteria 'i'.
- 8.34 The proposal complies with criteria A to I and Policy QD 1 of PPS 7.

### **Design Concept Plan**

- 8.35 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.

- 8.36 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.
- 8.37 The proposal is for 28 residential units with a site area of 1.94 ha. A site appraisal, concept plan and the proposed drawings detail all proposed hard and soft landscaping and boundary treatments. The road layout will be sweeping through the site and a secondary access will link to Tullyverry Drive. Paving is included in hard surfaces. There are 4 communal areas of open space provided. The entire zoning is being developed.
- 8.38 The developer has submitted a site appraisal and concept plan to support the current planning application that identifies key characteristics and constraints of the site. The proposal complies with policy QD2 of PPS 7.

### **Open Space**

- 8.39 Policy OS 2 of PPS 8 Open Space in new residential development is a material consideration and it 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.
- 8.40 An exception to the requirement of providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided. An exception will also be considered in cases where residential development is

designed to integrate with and make use of adjoining public open space.

8.41 Where the provision of public open space is required under this policy, the precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to the following:

(i) A normal expectation will be at least 10% of the total site area;

(ii) For residential development of 300 units or more, or for development sites of 15 hectares or more, a normal expectation will be around 15% of the total site area; and

(iii) Provision at a rate less than 10% of the total site area may be acceptable where the residential development:

- is located within a town or city centre; or
- is close to and would benefit from ease of access to areas of existing public open space; or
- provides accommodation for special groups, such as the elderly or people with disabilities; or
- incorporates the 'Home Zone' concept.

8.42 For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The Department will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme.

8.43 There are 28 residential units proposed so it exceeds the 25 unit threshold and therefore open space is a required. A minimum of 10 percent of the application site is required as open space. There is approximately 14 percent of the site identified as open space and this will be further considered below.

8.44 Public open space required by this policy will be expected to conform to all the following criteria:



- it is designed in a comprehensive and linked way as an integral part of the development;
- it is of demonstrable recreational or amenity value;
- it is designed, wherever possible, to be multi-functional;
- it provides easy and safe access for the residents of the dwellings that it is designed to serve;
- its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities; and
- it retains important landscape and heritage features and incorporates and protects these in an appropriate fashion.

8.45 The open space is located centrally so it is integral to the development. The open space has amenity value for local residents and is multi-functional. The open space is split into 4 zones which incorporates 3 level playing areas, walking paths and significant planting of meadow areas with wildflowers, woodland planting and hedges. The open space area being accessible for all residents means there is easy and safe access for residents and there will be full public surveillance of the entirety of the proposed open space areas. The design of the open space with a mixture of sloped topography and with level playing areas is suitable as a children's play space or for people with disabilities. The proposal complies with this element of policy OS 2.

8.46 Planning permission will not be granted until the developer has satisfied the Department 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. Arrangements acceptable to the Department include:

- (a) a legal agreement transferring ownership of and responsibility for the open space to the local district council; or
- (b) a legal agreement transferring ownership of and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or
- (c) a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements.

- 8.47 In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.
- 8.48 A draft management agreement has been received from the Applicant and a landscape management and maintenance plan. Policy OS 2 sets out how an area of identified open space is linked to a legal agreement for its management and maintenance. The draft agreement DOC 04 received 20th September 2019 is not linked to an area of identified open space on any of the layout drawings and is in draft form. This is conditioned to be submitted as part of any approval. The landscape management and maintenance plan DOC 05 shows how the open space areas will be managed and maintained, its implementation may be conditioned as part of any approval. The proposal complies with criteria 'a', 'b' or 'c'.
- 8.49 The open space that is proposed complies with the associated criteria of this policy therefore the proposal complies with OS 2 of PPS 8.

### **Social and supported housing**

- 8.50 Policy HOU 2, Social and supported housing with NAP states 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.
- 8.51 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.
- 8.52 There are 5 units proposed for social housing. 20% of 28 units is 5.6 units. NIHE have been consulted and are content with the breakdown of social housing which includes a wheelchair accessible bungalow. The latest proposed layout and drawings complies with Policy HOU 2 of NAP. Provision is regulated by condition.

## **Access Movement and Parking**

- 8.53 Policy AMP 2 of PPS 3 Access, Movement and Parking applies:  
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.
- 8.54 DFI Roads has been consulted and has no objections. They have considered objections relating to traffic and the link to Tullyverry Drive and consider the road layout to be sufficient to handle the projected traffic volumes. The proposed layout to cater for 28 dwellings is sufficient with a 5.5 metre width to serve up to 400 dwellings. Policy AMP 3 is considered below. As DFI Roads are content the proposal complies with Policy AMP 2 of PPS 3 – Access, Movement and Parking.
- 8.55 Policy AMP 3 of PPS 3 Access, Movement and Parking applies: The Clooney Road A2 is a Protected Route so the Protected Route Policy for other protected routes within settlements shall be considered.
- 8.56 Access to Protected Routes: DFI Roads will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:  
Other Protected Routes – Within Settlement Limits
- 8.57 Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of the existing access;
- (a) where access cannot reasonably be taken from an adjacent minor road; or
  - (b) in the case of proposals involving residential development, it is demonstrated to DFI Roads satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising

standards of road safety or resulting in unacceptable proliferation of access points.

- 8.58 The planning history B/2011/0280/O indicated a main access to Clooney Road and this application has a similar main access point. There are 3 dwellings accessed directly from Clooney Road. It has been demonstrated through the road layout that to develop this challenging site with its steep slope and to create a quality environment without compromising standards of road safety that the access points to the protected route are required. DFI Roads has been consulted and they confirmed they have no objections. As DFI Roads are content the proposal complies with Policy AMP 3 of PPS 3 – Access, Movement and Parking.

### **Planning and Flood Risk**

- 8.59 Paragraph 6.115 of the SPPS and Policy FLD 3 of PPS 15 ; Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains 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 hard surfacing exceeding 1000 square metres in area.
- 8.60 Due to the size of the site area being 1.95 ha and nature of the development proposing 28 residential units, a drainage assessment is required. DFI Rivers has been consulted on the amended Drainage Assessment and whilst they have no objections they have requested a final DA to be conditioned as part of any decision. NI Water has indicated that mains is available for surface water disposal. The proposal complies with policy FLD 3 of PPS 15 and paragraph 6.115 of the SPPS.

### **Natural Heritage**

- 8.61 Policy NH 5 of PPS 2 - Habitats, Species or Features of Natural Heritage Importance is a material consideration and states planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

8.62 A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

8.63 Natural Environment Division refers to guidance in relation to identifying or assessing potential risks to natural heritage interests. The site inspection for the application identified a hedgerow on site, so in accordance with NED advice, a biodiversity checklist was requested. A biodiversity checklist was received on 2nd August 2019 and completed by Willow Environmental. NED were consulted with the biodiversity checklist and in their response referred the Planning Officer to their standing advice and guidance. The ecologist has indicated a positive response for removal of some hedgerow. However, the ecologist has indicated mitigation planting will be incorporated into the proposed layout ensuring no net loss of biodiversity. The ecologist has indicated no impact on bats or badgers and the ecologist envisages that no priority species or habitats will be adversely impacted by the development proposal. On this basis, the proposal complies with NH5 of PPS2 as it has been demonstrated that the development would not be harmful to species that may use this priority habitat (hedgerow).

## **Wastewater Network**

- 8.64 Paragraph 4.12 of the SPPS is relevant. 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.
- 8.65 The Applicant has indicated mains for foul sewage disposal. NI Water have stated in the consultation response that there is available capacity at the Waste Water Treatment Works. There is a public foul sewer within 20 metres of the proposed development boundary which can adequately service these proposals. On this basis, the proposal complies with paragraph 4.12 of the SPPS.

## **Proximity to WWTW**

- 8.66 Planning Policy Statement 11, Planning and Waste Management, Policy WM 5 applies and states for development in the vicinity of Waste Management Facilities that proposals involving the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs), will only be permitted where all the following criteria are met:
- it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
  - it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.
- 8.67 Northern Ireland Water have confirmed the proposal is in a consultation zone in proximity to a Waste Water Treatment Works. NI Water have no objections to the proposal given the separation distance of 290 metres to the WWTW. Environmental Health has been consulted in relation to the

proximity of the WWTW and has no objection subject to future occupants being made aware that they may suffer intermittent disturbance and loss of amenity as a result and that recourse under statutory nuisance legislation relating to the WWTW will be precluded to future owners / occupiers. As EH and NI Water have no objections and are content given the separation distance of 290 metres between the proposal and the WWTW the proposal complies with Policy WM 5 of PPS 11.

### **Habitats Regulations Assessment**

8.68 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). There are no hydrological linkages from the site to any watercourse. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

### **Representations**

8.69 There has been 40 objections and 1 support representation. The majority of objectors live in Tullyverry Drive and some from Vale Road. There has been several amendments to the application so some of the original comments relating to proposed 3 storey dwellings are not relevant as the dwellings are either 2 storey, 1 ½ storey or single storey. Objection issues relating to overlooking, privacy, loss of light, overshadowing and noise are considered in paragraphs 8.19 – 8.32 above. Traffic and road safety objection issues are considered at paragraphs 8.53 – 8.58 above.

8.70 Loss of natural habitat objection issues are considered under paragraphs 8.61 – 8.63 above. Drainage and flooding objection issues are considered under paragraphs 8.59-8.60. An objection raised the issue of subsidence during construction, this is a matter for the Applicant to consider in conjunction with Building Control. From the site inspection no issues have been identified relating to subsidence.

- 8.71 Representations have been received concerning ownership of a section of land entering Tullyverry Drive, the strip of land located north of No.49 Tullyverry Drive is outside the application red line so is not a matter for consideration. DFI Roads has also highlighted in their response that the link to Tullyverry Drive will require 3rd party land. A general informative will be added to any decision about ownership.
- 8.72 Housing density has been raised. The density of the dwellings is considered acceptable in that 28 units with a site area of 1.94 ha is acceptable for this zoning.
- 8.73 40 objections have been received from 31 households. There is one support representation but no comments have been received with this representation.
- 8.74 All of the issues raised by the representations have been considered.

## **9 CONCLUSION**

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan and other material considerations, including the SPPS and Planning Policy Statements 2, 3, 7, 8, 11 and 15. The proposal is for 28 dwellings and is located on land zoned for housing within the settlement of Greysteel. The layout shows open space areas and includes provision for 5 social houses. The site is located on steep rising land and the layout has carefully utilized the slope enabling a development that avoids steep inclines and unnecessary cut and fill. A secondary access links to Tullyverry Drive which will improve connectivity for residents. There is an acceptable relationship between existing and proposed properties. All consultee responses and representations have been considered. As the proposal has complied with various planning policies it is acceptable. Approval is recommended.



## 10.0 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 drawing No 48 REV 04 received 3rd April 2023 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 developer shall nominate and appoint a Landscape Management Company to implement, manage and maintain the 4 areas of open space identified on drawing No 10-10 received 4 March 2024 and shall be maintained in accordance with DOC 05 Landscape Management and Maintenance Plan received 16th October 2019. The areas of public open space and amenity space identified on the drawing No 10-10 received 4th March 2024 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'.

5. The proposed open space and amenity areas identified on Drawing Nos 48 REV 04 received 3rd April 2023 and 10-10 received 4th March 2024 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 05 received 16th October 2019.

Reason: In the interest of visual and residential amenity.

6. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, all proposed landscaping shall be carried out in accordance with drawing No 48 REV 04 received 3 April 2023, and shall be maintained in perpetuity in accordance with the Landscape Management Plan DOC 05 received on 16th October 2019, 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.

7. All boundary treatments comprising screen walls / retaining walls / railings shall be constructed in their entirety at each site prior to the occupation of the dwelling in that site in accordance with the approved details as shown on drawing Nos 10-10 received 4th March 2024, 11-5 received 11th July 2024, 69 -70 received 20th April 2023. The development frontage wall with railings and gates at Clooney Road as shown on drawing Nos 10-10 received 4th March 2024, 11-5 received 11th July 2024, 69 -70 received 20th April 2023 shall be provided in its entirety prior to the occupation of any dwelling on the overall site. All boundary treatments shall be retained permanently.

Reason: To ensure the provision and maintenance of a high-quality residential environment.

8. The 5 residential units identified as site numbers 16, 17, 18, 19 and 26 on drawing No 10-10 received 4 March 2024 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.

9. No housing 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.

10. 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. 33 Rev 07 Private Streets Determination Road Layout dated 11 July 2024.

Reason: To ensure there is a safe and convenient road system within the DfI Roads development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

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

No development hereby permitted shall take place until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drg. No. 33 Rev 07 Private Streets Determination Road Layout dated 11 July 2024. 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.

12. 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.

13. No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied 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.

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

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

15. 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.

16. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

17. 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.

18. Prior to the occupation of any dwelling unit, road 3 as identified on drawing 10-10 received 4th March 2024 shall be constructed and linked to the existing road at Tullyverry Drive.

Reason: In order to achieve connectivity between developments.

19. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%).

Reason: In order to safeguard against surface water flood risk.

20. Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted and constructed by the developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

21. 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.

22. A formal water / sewer connection application must be made for all developments prior to occupation of any dwelling, including those where it is proposed to re-use existing connections.

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.

23. All services within the development shall be laid underground.

Reason: In the interests of visual amenity.

24. Prior to the occupation of any dwelling the foul water drainage works on-site and off-site shall be constructed by the developer in line with the approved design to NI Water satisfaction.

Reason: In the interest of public health.

25. 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: 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.

26. During excavation works, If the water table is encountered, an appropriate abstraction/impoundment licence under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 and consent to discharge under the Water (Northern Ireland) Order 1999 shall be acquired from NIEA Water Management Unit.

Reason: To protect the water environment.

27. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional or altered windows, doors and openings shall be formed without express planning permission.

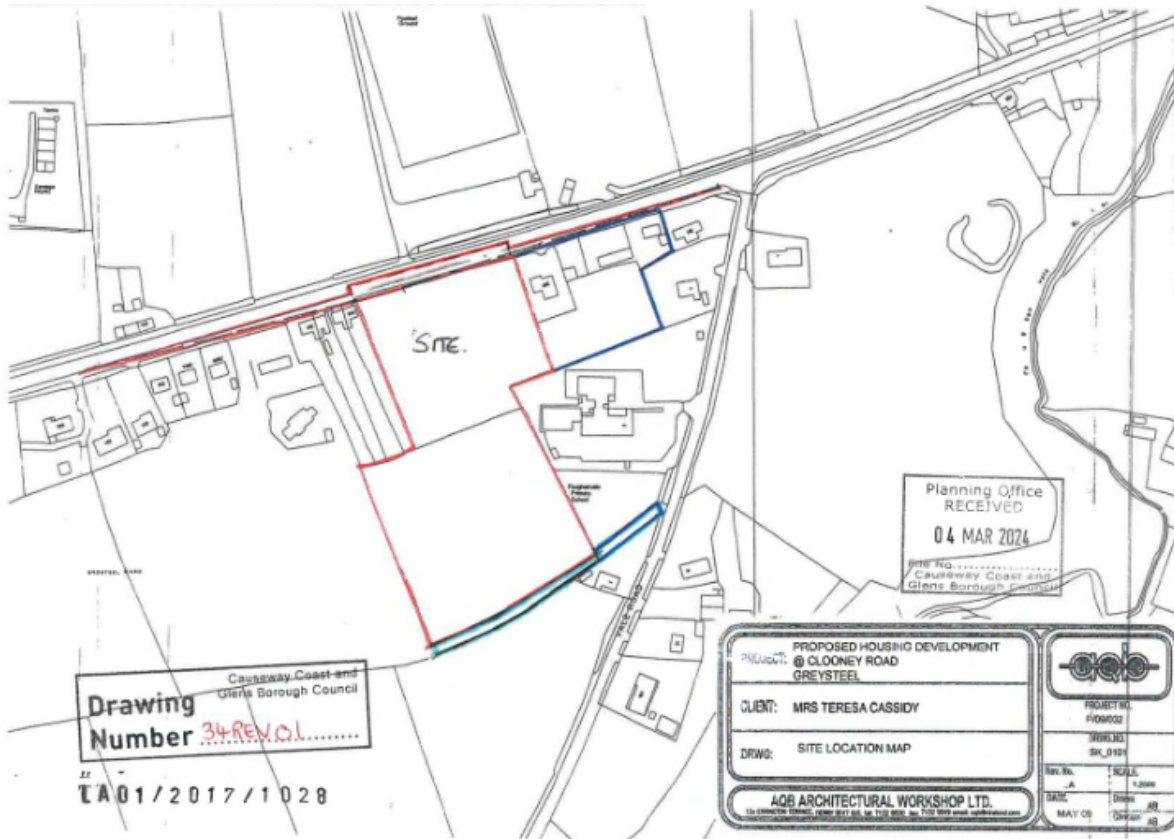
Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties.

### **Informatives**

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

3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <https://planningregister.planningsystemni.gov.uk/simple-search>
6. Future occupants of the development may suffer intermittent disturbance and loss of amenity as a result of noise, light and odour arising from activities associated with the nearby Primary School, Football Pitches and Waste Water Treatment Works ( approx 290 metres NW of the proposed development). Any future owners/occupiers are advised that recourse under statutory nuisance legislation relating to noise, light and odour from the existing sources will be precluded to future owners/occupiers.

# Site Location





# Site Layout



# Landscape Drawing

