

**Derry City and Strabane District Council Planning Committee Report**

<b>COMMITTEE DATE:</b>	25 <sup>th</sup> March 2019
<b>DATE OF APPLICATION:</b>	09.07.2018
<b>APPLICATION NO:</b>	LA11/2018/0711/F
<b>APPLICATION TYPE:</b>	Full Planning Application
<b>PROPOSAL:</b>	Renovation of existing 9 no. self-contained 1 bed flats and demolition of existing rear returns. 3 storey rear extensions to provide an additional 6 no. self-contained 1 bedroom flats (14 units in total)
<b>LOCATION:</b>	56 & 58 Northland Road, Derry, BT48 0AL
<b>APPLICANT:</b>	Dunroe Properties Ltd
<b>AGENT:</b>	Liam McLaughlin Architects Ltd
<b>ADVERTISEMENT:</b>	14.08.2018
<b>RE-ADVERTISEMENT:</b>	01.01.2019
<b>STATUTORY EXPIRY:</b>	16.01.2019
<b>RECOMMENDATION:</b>	Approve

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**REASON FOR PRESENTATION TO COMMITTEE:** This is an application for more than 5 units.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

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### **1. Description of Proposed Development**

This proposal is for the renovation and extension to two three storey dwellings to provide fourteen one-bed apartments, seven apartments in each.

### **2. EIA Determination**

This proposal falls within Category 2 10 (B) of Schedule 2 of the Planning (EIA) Regulations (NI) 2017, however as this site does not meet the applicable threshold, an EIA Determination is not required.

### **3. HRA Carried Out**

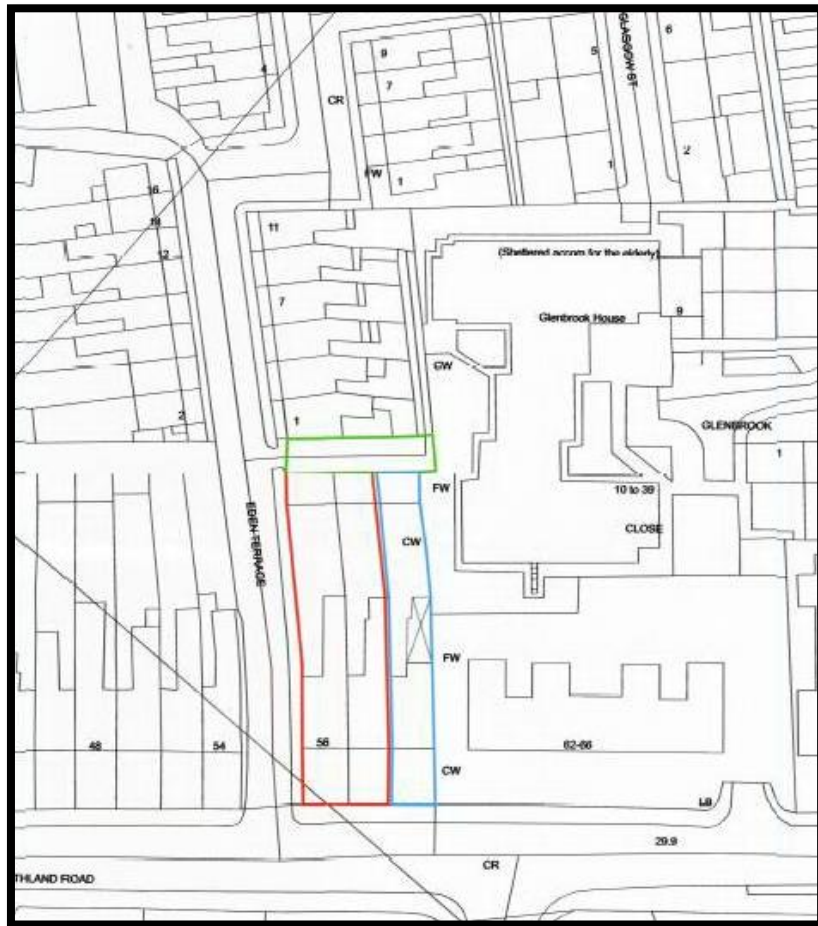
Assessment under the Habitats Regulations is not required as there is no watercourse directly abutting this site. Therefore, it is unlikely that there will any adverse effects on integrity of any National or European site. There are no trees or landscape features on this site which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

### **4. Site and Surrounding Area**

As can be seen in Figure 1, the application site is a rectangular shaped portion of land. It includes the both dwellings which are Grade B2 Listed Buildings. They each have a small front garden and rear yard area. The application site located on the Northland Road. The site is adjacent to no 60 Northland Road which has a similar proposal before planning which is to redevelop this property to provide 7 one bedroom apartments.

The site is located within Derry City and therefore within the development limit as defined by the Derry Area Plan 2011 (DAP 2011). The site is within the Magee Conservation Area and Flats Policy Area. It is outside, but bordering the Central Area boundary. It is within Zone C “all other areas” in relation to Policy TR 5 which deals with car parking of the DAP.

Figure 1 – Site Location Plan/Application Site



## 5. Site Constraints

Listed Building

Loughs Agency Consultation Zone

Magee Conservation Area

## 6. Neighbour Notification Report

Additional neighbour notification was sent on 18<sup>th</sup> December 2018 following the receipt of an amended proposal. No 8 Duncreggan Road who objected to this proposal was re-notified however no 12 Duncreggan Road was omitted. They were however re-notified in respect of no. 60 Northland Road which is the associated application. They responded via e-mail objection to LA11/2018/0667/F and this application on 30<sup>th</sup> December re-iterating their concerns previously raised on both applications. Therefore, Officers are content that they were aware of the amended plans in respect of this proposal and as such have not been prejudiced.

Neighbour Address	Date Neighbour Notified
1 Eden Terrace,Londonderry,Londonderry,BT48 0DH,	06/08/2018
27b ,Northland Road,Londonderry,Londonderry,BT48 7NF,	06/08/2018
27c ,Northland Road,Londonderry,Londonderry,BT48 7NF,	06/08/2018
Flat 1,54 Northland Road,Londonderry,Londonderry,BT48 7ND,	06/08/2018
Flat 2,54 Northland Road,Londonderry,Londonderry,BT48 7ND,	06/08/2018
Flat 3,54 Northland Road,Londonderry,Londonderry,BT48 7ND,	06/08/2018
Flat 4,54 Northland Road,Londonderry,Londonderry,BT48 7ND,	06/08/2018
Flat 5,54 Northland Road,Londonderry,Londonderry,BT48 7ND,	06/08/2018

Neighbour Address	Date Neighbour Notified
Mr & Mrs Williams, 8 Duncreggan Road,Londonderry,Londonderry,BT48 0AD,	04/09/2018
Richard Joan McGowan, 10 Duncreggan Road,Londonderry,Londonderry,BT48 0AD,	04/09/2018

## 7. Policy Framework

Regional Development Strategy (RDS) 2035

Strategic Planning Policy Statement (SPPS) for NI 2015

The SPPS supersedes PPS 1 General Principles and introduces transitional arrangements which will operate until the Council's Plan Strategy has been adopted. During this period planning authorities will apply the existing policy (contained in the PPSs, referred to as the retained policy) together with the SPPS. Any conflict between the SPPS and the retained policy must be resolved in favour of the SPPS. In this case there is no conflict.

Derry Area Plan (DAP) 2011:

Policy BE1 Urban Design

Policy BE 2 Listed Buildings

Policy BE 4 Conservation Area

Policy ENV 7 Retention of Trees, and Hedges and Landscape Requirements

Policy ENV 8 The Water Environment

Policy H1 Housing Design and Layout

Policy H2 Open Space Provision in New Housing Areas

Policy H5 Designated Flat Zones

Policy TR 5 Car Parking Provision in New Developments

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

Policy AMP 2 Access to Public Roads

Policy AMP 7 Car Parking and Servicing Arrangements

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

Policy BH 8 Expansion or Alteration of a Listed Building

Policy BH 11 Development affecting the Setting of a Listed Building

Policy BH 12 New Development in a Conservation Area

Planning Policy Statement (PPS) 7: Quality Residential Environments

Policy QD 1 Quality in New Residential Development

Planning Policy Statement 7 Addendum: Safeguarding Character of Established Residential Areas (aPPS 7)

Policy LC 2 The Conversion or Change of Use of Existing Buildings to Flats or Apartments

Policy LC 1 Protecting Local Character, Environmental Quality and Residential Amenity

Planning Policy Statement (PPS) 12: Housing in Settlements

Planning Control Principle 1 Increased Housing Density without Town Cramming

Planning Control Principle 2 Good Design

Planning Control Principle 3 Sustainable Forms of Development

Guidance Documents

Creating Places / Living Places

## **8. Consultee Responses**

- *NI Water*: This consultee has no objection subject to standard conditions and informatives regarding water supply, sewage disposal and drainage.
- *DFI Roads*: DFI Roads initially advised that given the number of apartments proposed 20 car parking spaces would be required. The agent submitted a car parking survey and supporting information. The scheme was also reduced by 1 unit. They have since responded following re-consultation re-iterating their previous response.
- *Environmental Health (EH)*: EH have no concerns and have provided standard conditions and advice regarding noise/disturbance during the construction phase, potential land contamination and storage of waste in order to mitigate any potential impacts on the existing residential properties.

## 9. Representations

There have been two letters of objection received in relation to this proposal from the residents of no. 12 Duncreggan Road and one letter from no. 8 Duncreggan Road. The concerns raised are summarised as follows:

- Lack of parking provision which leads to loss of amenity. The proposal therefore contrary to DCAN 8, Creating Places and PPS 3.
- The car parking survey is not realistic including streets outside the area where future residents would park their car.
- Overdevelopment of the site leading to loss of character.
- Fails to comply with Policy EXT 1 of PPS 7 Addendum.
- Lack of amenity space and private open space for residents as set out in Creating Places.

## 10. Consideration of objections

- In terms of parking as detailed in the below assessment, Planning consider that given the size and scale of the existing residential dwelling alongside the location of this property along a Radial Route and its future inhabitants, Planning consider that current parking will not be adversely affected to an unacceptable level.
- The scheme has been reduced and it is considered that the proposal is a suitable form of development within this area. The extension is subservient and will be finished to match and conform with the Listed Building. Materials are of a high standard. Flats are a prevalent form of development in this area.
- Policy EXT 1 of PPS 7 Addendum is not applicable in consideration of this proposal. This Policy relates to extensions to single properties for use within that property. The extension to this property is to create additional units of accommodation.
- In consideration of amenity space, Creating Places is a guidance document therefore is not strictly applicable in the assessment of this proposal. Given that this development will see the re-use of a Listed Building, is adjacent the Central Area, is within the Flats Policy Area and is nearby public open space it is considered that on balance an appropriate level of open space has been provided as detailed previously.

**11. Relevant Planning History**

REFERENCE NO:	SITE ADDRESS:	PROPOSAL:	DECISION:
LA11/2018/0564/LDE	56 Northland Road, Derry, BT48 0AL,	5 No. self-contained flats	Permitted Development
LA11/2018/0561/LDE	58 Northland Road, Derry, BT48 0AL,	4 No. self-contained flats	Permitted Development
LA11/2018/0474/LBC	56 & 58 Northland Road, Derry, BT48 0AL	Temporary removal of 6m section of boundary wall to the rear of 56 Northland Road to provide works access for repair and restoration of existing flats at 56 and 58 Northland Road	Under Consideration
LA11/2018/0712/LBC	56 & 58 Northland Road, Derry, BT48 0AL,	Renovation of existing 9no. self-contained 1 bed flats and demolition of existing rear returns. 4 storey rear extensions to provide an additional 8 no. self-contained bedroom flats (16 units in total )	Under Consideration
LA11/2018/0646/LBC	60 Northland Road, Derry, BT48 0AL	Restoration, renovation and extension to existing building to provide 8 no self-contained 1 bedroom flats.	Under Consideration
LA11/2018/0667/F	60 Northland Road Derry BT48 0AL	Change of use from dwelling to provide 4 no self-contained one bed flats, and erection of 3 storey extension to same to provide 3 no self-contained one bed flats (7 units in total)	Under Consideration

**12. Planning Assessment, including Other Material Considerations**

Section 6 (4) of The Planning Act (Northern Ireland) 2011 requires the Council to make planning decisions in accordance with the local development plan, unless material considerations indicate otherwise.

This proposal falls within use class C1: Dwelling houses. The main policy considerations in respect of this proposal falls within Policy H5 of the DAP, LC 2 of aPPS7, Policy QD 1 of PPS 7 and Planning Control Principles 1, 2 and 3 of PPS 12.

This proposal is two-fold, that is that there is a conversion/change of use element and then a new build rear extension to allow for additional units.



In terms of the conversion element **Policy H 5 of the DAP** is applicable. It states that planning permission will normally be granted for the conversion of buildings within the defined Flat Zones.

Primarily, in consideration of Policy H5, it is considered that this site is within the Flat Zone and is *not* within one of the areas defined as being unacceptable. This proposal is therefore considered to comply with Policy H5 and as such further assessment of the proposal falls under Policies LC 1 and LC2 and QD 1 primarily.

*Figure 3 – Current Images of Application Site*

*Site frontage onto Northland Road*



*Rear elevation from Eden Terrace*



**Policy LC2 of PPS 7 Addendum** states that planning permission will only be granted for the conversion or change of use of existing buildings to flats or apartments (including those for multiple occupancy) where all the criteria of QD1 are met alongside criteria (a) to (e) of Policy LC 2.

Primarily part (c) of Policy LC 2 of PPS 7 Addendum states that in terms of floor space the original property must be greater than 150 square metres gross internal floor-space to ensure that it is suitable for conversion, however an exception is permitted where the site is within the city/town centre, along key and link transport corridors/adjacent to main public transportation nodes.

These dwellings have a floor space of approximately 245 square meters each when measured internally. This is therefore above the threshold and is considered suitable for conversion under Policy LC 2.

In consideration of parts (d) and (e) of Policy LC 2 the flats/apartments are self-contained and the occupants will have their own bedroom, bathroom and a kitchen\living area. All of the flats/apartments within the converted dwellings section of this proposal have a front aspect onto the Northland Road and access to the public street. The rooms will be spread over the front and rear of

the property and have a shared access to the communal outdoor area. Therefore the proposal is compliant in this respect.

**Policy LC1 of PPS 7 Addendum** is considered given the new build element of this proposal in an area which is residential in character. This is an amplification of Policy QD1. It states that in established residential areas planning permission will only be granted for the infilling of vacant sites including extended garden areas to accommodate new housing where all the criteria of QD1 are met alongside criteria (a) to (c) of Policy LC 1.

In consideration of Policy LC1, the following is considered;

- (a) In terms of density, the proposed rear extensions will provide an additional three apartments to each unit. Flat Development has already been accepted at this site. It was approved under CLUD applications (LA11/2018/0564/LDE & LA11/2018/0561/LDE). Flats and sheltered accommodation are established and operational at no's 62 – 66 Northland Road (A/1992/0045). The sheltered accommodation was approved in 1987 (A/1986/0818). Therefore, the density of this proposed development is considered acceptable in this specific area.
  
- (c) The proposed flats/apartments have a floor space of approximately 36-40 square metres measured internally and therefore meet the requirements as set out in Annex A for a one person/one bedroom flat/apartment.

Further consideration is given to points (a) and (b) of Policy LC 2 and point (b) of Policy LC 1 under PPS 7 Policy QD 1 as these areas interrelate. As this is a Listed Building within the Conservation Area, particular consideration is also afforded to the overall design, finishes and impact on character.

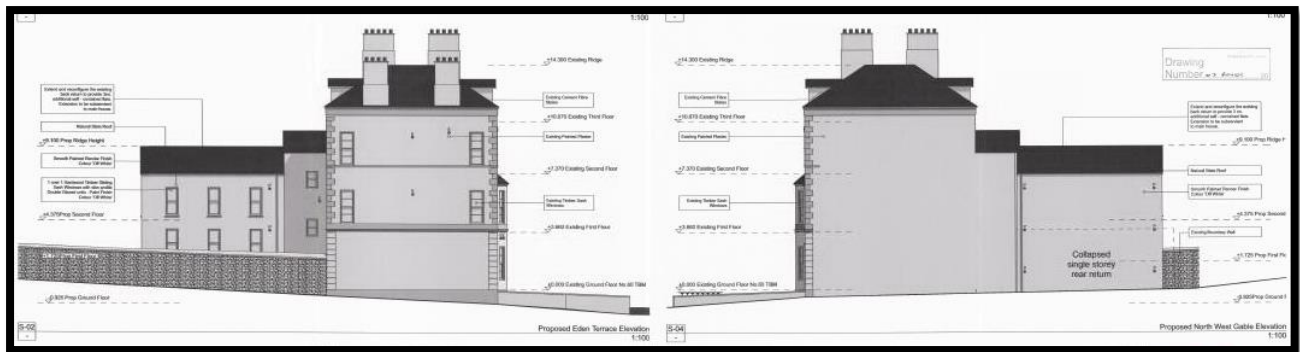
**Under Policy QD 1**, all proposals for residential development are expected to conform to all of the criteria outlined, i.e. (a) to (i).

- (a) In terms of surrounding context and character, as can be seen in Figure 3 below, the original buildings will be retained in terms of their structural walls and external appearance in particular the front elevations onto Northland Road. The existing rear returns will be extended by approximately 9m and will have a ridge height of approximately 10m. This is approximately 1m below the existing rear returns and approximately 5m below the overall ridge height of the existing dwellings. The height, scale and massing of the rear returns has been amended









- (b) These are Grade B2 Listed Buildings and no. 60 which adjoins this terrace is also listed. As such HED have been consulted under the associated Listed Building Consent applications. They have considered the proposal and have concluded that they are content with the proposal. They have provided conditions to be attached to any approval to ensure that the design and finishes are suitable on the Listed Building. This proposal will ensure the upkeep and re-use of a Listed Building and as such it is considered that there will be no unacceptable adverse impact on the local character of this area or this Listed Building this the proposal complies with Policies **B2 BE 4 of the DAP** and **Policies BH 8 and BH 11 of PPS 6**.
- (c) This proposal is to provide fourteen flats/apartments, and therefore there is no requirement to provide public open space. As can be seen above in Figure 2, shared private amenity space is located to the rear of the building indicated as grass and paving. This is approximately 11 square metres per building. The agent has also provided an indicative drawing which shows that the remainder of this site will provide further amenity space once the site is fully developed. The drawings show new planting (mixed shrubs and silver birch trees) within the site boundary to the rear of the building. This vegetation will aid in softening the visual impact of the proposal. There is no existing vegetation which has to be removed. This site is also within proximity of public spaces and parks such as The Public Walkway along the Riverfront and the open space at the Glen Road. Therefore, the proposal is considered to meet **part (c) of Policy QD 1** as well as **Policy ENV 7 of the DAP and Policy BH 12 of PPS 6**.
- (d) Local neighbourhood facilities are not required due to the scale of this scheme.
- (e) A movement pattern has been established along the Northland Road and Eden Terrace for both pedestrian and vehicular access. There is provision of a pedestrian footpath. This site is located along a main road with numerous bus stops within close proximity.

(f) In consideration of parking, the plans do not show the provision of any in-curtilage parking. DFI Roads have considered the impact of this proposal on the safety and convenience of pedestrians, road users and parking provision and have stated that under current parking guidelines the proposal would require 20 parking spaces. This is to allow for 1.25 spaces for each unit and visitor parking. This is a standard applied to new, purpose built development. This proposal is for the conversion of an existing building. As such the applicant was requested to complete a parking survey for this proposal and the associated application LA11/2018/0710/F.

The car parking survey was carried out between 18<sup>th</sup> and 21<sup>st</sup> May 2018. This survey demonstrated available parking spaces during the survey times. Previously, these properties operated as 4 no. and 5 no. self-contained flats. Some of these were larger units and could have accommodated two people sharing one apartment. In no. 56 there may have been 7-8 people residing in the 5 flats, and in no. 58 there could have been 8 people residing in the 4 flats. Therefore, whilst this proposal would see an increase of five apartment units in total, the number of persons residing could be less given that these are one-bed flats where there will be one person per unit. Therefore, whilst DFI Roads have re-iterated their previous response following consideration of the Parking Survey provided by the agent, given the above site history and consideration of the situation, Council have not requested that this parking is provided for this proposal.

Furthermore, Policy TR 5 of the DAP states that this site is located within Zone C. Under this Policy, normally parking is provided except where a site is located along a main radial route. Where this is the case, Zone B conditions can be applied. This allows for Council to take account of the nature of development, availability of existing parking and other local circumstances. This site is located along the Northland Road which Council consider to be a Radial Route and therefore it is considered that in this circumstance this property will enjoy a high level of public transport and is close by the City Centre. Additionally, DCAN 8 sets out tests (paragraph 3.37) to assess the acceptability of a reduced level of car parking. It is considered that this site meets these tests given that it enjoys a high level of pedestrian accessibility to local facilities and the public transport network and it is within 1km of the City Centre and therefore it can be assumed that car ownership among future residents is likely to be below average. As such reduced parking at this location would be a satisfactory consideration. However, on-street parking whilst it may be limited, can be provided in the adjacent streets nearby and in public car parks. Therefore having considered the above, it is concluded that the proposal complies with **Policy AMP 7 of PPS 3 and Policy QD 1 of PPS 7 and Policy LC 2 of PPS 7 Addendum and Policy TR 5 of the DAP.**

(g) As detailed above, the amendments to the existing building alongside the proposed extension are considered acceptable in terms of design, materials and finish. The finishes proposed include, timber sliding sash with opaque paint finish, external wall finish shall be painted render, roof covering shall be Bangor Blue natural slate or other locally sourced natural slate with blue/black ridge tiles and eaves 'clipped' and without exterior timber roof timbers and verges. Rain water goods to be cast iron or cast aluminium. This is considered acceptable in terms of the Listed Building and Conservation Area and is in also compliance with **Policies BE 1, BE 2 and BE 4 of the DAP** and **Policies BH 8, BH 11 and BH 12 of PPS 6**

(h) In consideration of the design and layout of the proposal, the rear return extension is the most significant change which requires consideration. The rear units will have living room and bedroom windows. The windows along the western boundary of no. 58 will overlook the blank gable wall of no. 56, and the living/kitchen window will overlook the rear amenity space. Beyond this, are the outbuildings which are not subject of this application (these are also listed) and the gable end of no. 1 Eden Terrace. Therefore, given the surrounding context and separation distances, there will be no adverse impact on amenity in terms of overlooking or loss of light to the adjacent properties. EHD have been consulted have no objections in terms of amenity subject to conditions. Additionally, access is provided to the rear yard where bins are stored in a designated area. The proposal also complies with the **SPPS and Policy BH 12 of PPS 6** in terms of amenity.

(i) The proposed units overlook the public street and rear amenity space therefore providing supervision of this public area thus helping to deter crime.

**PPS 12** further elaborates and applies to all residential development proposals within cities, towns, villages and small settlements in Northern Ireland. It promotes high quality of design, layout and landscaping alongside increased housing density in established residential areas whilst ensuring that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.

**Policy ENV 8** The Water Environment of the DAP is also considered. It states that development which is likely to introduce or increase water pollution to an unacceptable extent or adversely alter water levels in any body of water, watercourse or groundwater will not be permitted. There is no watercourse abutting this site, therefore there are no adverse impacts likely in this respect.



### 13. Conclusion and Recommendation

In conclusion, it is considered that on balance, the proposed of flats/apartments at this location are an acceptable form of development and are typical in terms of the established character of this area. This proposal involves the sympathetic conversion of two Listed Buildings within the Magee Conservation Area securing their upkeep. The proposal will permit an acceptable and quality living environment within a central location and nearby the City Centre. Therefore, it is considered that the proposal complies with all applicable Planning Policy and approval is recommended subject to the conditions proposed below.

### 14. Proposed 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 61 of the Planning Act (Northern Ireland) 2011.

2. The materials and finishes to be used in the construction of the external surfaces of the development hereby permitted, shall be in accordance with Drawing 07 Rev01 which details the following:

- Windows shall be timber sliding sash with opaque paint finish.
- The external finish shall be painted render.
- Roof covering shall be Bangor Blue natural slate or other locally sourced natural slate with blue/black ridge tiles;
- Eaves shall be 'clipped' and without exterior timber roof timbers and verges
- Rain water goods shall be cast iron or cast aluminium.

Reason: To ensure the materials and detailed design are in keeping with the character of the listed building.

3. At least 4 weeks prior to commencement of re-construction/building works on site, detailed landscaping proposals and cross sections indicating level changes shall be forwarded and agreed in writing by the Council in conjunction with HED.

Reason: To ensure the materials and detailed design are in keeping with the character of the listed building

4. No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
  - Arrangements for liaison with the Environmental Health Service
  - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
  - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
  - Mitigation measures as defined in BS 5528: 2009+A1:2014 – Code of practice for noise and vibration control on construction and open Sites shall be used to minimise noise disturbance from construction works.
  - Procedures for emergency deviation of the agreed working hours.
  - The Environmental Health Service encourages all contractors to be ‘Considerate Contractors’ when working in the city by being aware of the needs of neighbours and the environment.
  - Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
  - Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

5. Subject to the above conditions the development shall be carried in accordance with the stamped approved drawings 01, 02, 03 Rev01, 04 Rev01, 05 Rev01, 06 Rev01, 07 Rev01, 08 Rev01, 09 which were received on 9<sup>th</sup> July 2018 and 10<sup>th</sup> December 2018.

Reason: To ensure the development is carried out in accordance with the approved plans.