

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 25th March 2019

APPLICATION No: LA11/2017/0870/F

APPLICATION TYPE: Full Planning application

PROPOSAL: Retention of 16 no semi-detached dwellings and one detached dwelling

LOCATION: No 4, 5, 6, 7, 8, 9, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 Glenview Manor,
Strabane

APPLICANT: Strabane Developments Limited

AGENT: Desmond O'Neill

ADVERTISEMENT: 12/10/17

STATUTORY EXPIRY: 26/10/17

EXPIRY: 30/03/17

RECOMMENDATION: Approval

REASON FOR PRESENTATION TO COMMITTEE: Housing development over 5 units.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

1. Description of Proposed Development

The application is for the retention of 17 detached and semi-detached dwellings. This is essentially a change of house type proposal and an amendment to the layout on part of a larger approved housing development which was granted permission for 46 units in August 2011 under application

J/2006/0811/F. The developer did not construct the dwellings in accordance with the approval and therefore has applied to retain the (now occupied) dwellings and road infrastructure as built.

2. EIA Determination

An EIA determination was carried out as the site is greater than 0.5ha; however, it was determined that no Environmental Statement was required as there would be no significant environmental impacts.

3. Habitats Regulation Assessment.

SES were consulted and advised that to “ensure compliance with Regulation 43 (3) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) ‘The competent authority shall for the purposes of the assessment consult the Department and have regard to any representations made by it within such reasonable time as the authority may specify.’” Council consulted with NIEA who advised that any potential conditions would be referring to works during the construction period. As the development has already been completed and an approval of this application will not necessitate any further construction works on-site, the information was not sought.

SES in a follow up conversation advised that as the development has been completed and NI Water have adopted the pipework under an Article 161 agreement they required no further input and were content for the proposal to proceed, as due to the works being already completed, it was not possible for a HRA to be carried out.

4. Site and Surrounding Area



Site location plan

The proposed site is approx. 0.9 ha located on unzoned white land within the development limits of Strabane as defined in the Strabane Area Plan 2001. The site forms part of an existing housing development known as 'Glenview Manor'.

The topography of the site is relatively flat and there is some hedgerows and vegetation located on the boundaries. The site is located in an established residential area; Glenevish Hill is an existing development of mainly detached two storey and single storey dwellings. Due to the fact that the application is for retention, any hedge removal or works required to the adjoining watercourses have been completed.

Site Constraints

There are no constraints identified on the application site.

5. Neighbour Notification Report

All relevant neighbours have been notified on the application. The occupants of the dwellings to be retained have also been notified.

Neighbour Address	Date Neighbour Notified
11 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
12 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
21 Glenevish Hill Town Parks Of Strabane Strabane Tyrone BT82 8LZ	10/10/2017
22 Glenevish Hill Strabane Tyrone BT82 8LZ	10/10/2017
23 Glenevish Hill Town Parks Of Strabane Strabane Tyrone BT82 8LZ	10/10/2017
24 Glenevish Hill Town Parks Of Strabane Strabane Tyrone BT82 8LZ	10/10/2017
26 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
27 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
28 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
29 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
30 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017

31 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
32 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
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40 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
41 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
42 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017

43 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
44 Glen Road Strabane Tyrone BT82 8LW	10/10/2017
44 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
45 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
46 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
4 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
5 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
6 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
7 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
8 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017
9 Glenview Manor Strabane Tyrone BT82 8FA	10/10/2017

6. Relevant Site History

Planning permission was granted on the site by DOE under application reference J/2006/0811/F for a development of 46 dwellings. This approval included the dwellings within the current application.

LA11/2015/0362/F – retention of 9 dwellings on former sites 16-29 Glenview Manor, Strabane, permission granted 22/09/17.



PSD drawing for approved J/2006/0811/F application

7. Policy Framework

RDS 2035 Policy RG8: Manage housing growth to achieve sustainable patterns of residential development.

Strabane Area Plan 2001 - The site is located on unzoned land within the development limits of Strabane as identified in the Strabane Area Plan.

Strategic Planning Policy Statement for NI – The SPPS is a statement of the Department’s policy on important planning matters that should be addressed across NI. The provisions of the SPPS apply to the whole of NI and are material to all decisions on applications. Sustainable development is at the

heart of the SPPS, which includes key principles for development and also strategic policies on housing, natural heritage etc.

PPS 3 Development Control: Roads Considerations – sets out the planning policies for vehicular and pedestrian access, transport assessment, and the protection of transport routes and parking.

PPS 7 Quality Residential Environments - The Council seeks to achieve residential developments that promote quality and sustainability in their design and layout, are in harmony with their townscape or landscape setting and which will ultimately make a positive contribution to the character and appearance of the country's settlements. Policy QD 1 of this PPS lists the criteria to be met by housing schemes and requires the submission of a Design Concept Statement demonstrating how the scheme will meet these criteria.

PPS 15 Planning and Flood Risk – sets out the Planning policies to minimise and manage flood risk.

8. Consultee Responses

DFI Rivers –Due to the size and nature of the development and potential risk from surface water flooding, a Drainage Assessment was requested. Upon receipt this was assessed by DFI Rivers and further information was requested with regard to access for the adjacent watercourse the “Nancy Burn”. The agent confirmed that during construction, this watercourse was piped contrary to the previous planning permission the agent provided confirmation from DFI Rivers Omagh Division that this will now be maintained infrastructure through an Article 161 agreement with NI Water. DFI Rivers Planning Advisory Unit were satisfied with this arrangement and have returned a consultation providing informatives in the event of an approval.

NI Water - Public water supply, surface water sewers are located within 20m of the proposal. Waste Water Treatment facilities are currently available at Strabane WwTW. Standard informatives provided.

DFI Roads –The application was required to be re-determined for private streets determination as the road was not constructed in accordance with the approved layout and as such had never been adopted.

Environmental Health - EHD has no objection in principle to the proposed development subject to informatives advising the developer of the proximity of a nearby wind turbine granted permission and those under consideration which may have a potential impact on residential amenity. Conditions have also been provided in relation to contaminated land should unforeseen circumstances be encountered during development, however as development is completed. These conditions are not relevant.

NIEA – Carried out a desktop response, NED advised that as the site is hydrologically connected to the Foyle and tributaries SAC/ASSI and a potential impact to the designated site could arise from the degradation of the adjacent aquatic environment from contamination run-off resulting during construction and operational works. As the had already been completed, it cannot be determined that no degradation of the water environment occurred.

SES – Council contacted SES who confirmed that due to the development being completed on site with an existing Article 161 agreement in place, they would have no further concerns or conditions to apply in the event of an approval. An appropriate assessment was therefore not carried out.

9. Representations

No representations have been received on the application.

10. 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 has been assessed against the provisions of the Strabane Area Plan, as well as other material considerations including the Regional Development Strategy; the Strategic Planning Policy Statement for Northern Ireland; PPS 3 Access Movement and Parking; PPS 15 Planning and Flood Risk; PPS 7 Quality Residential Environments; as well as consultation responses received.

The Strategic Planning Policy Statement for NI (SPPS)

The SPPS supports and strengthens PPS 7 in that it requires submission of a design concept to be sought and agreed with the developer. All new housing should demonstrate a high quality of design, layout including road infrastructure considerations and landscaping. Good design contributes to the creation of places to live that are safe and attractive and is also a key element in achieving sustainable development.

Strabane Area Plan 2001

The application site is located within the development limits of Strabane and was previously granted approval for housing.

Planning Policy Statement 3 Access Movement and Parking

Transport NI have assessed the application under PPS3 and have no objections to the development. The road and access were previously determined under J/2006/0811/F, a new determination was required as the road was not built in accordance with the agreed private streets determination plans.

PPS 7 Quality Residential Environments: Policy QD1 Quality in new Residential Development

All of the QD1 criteria (a-i) are expected to be met; they are each assessed below:

- a) In terms of the site's character, the site is located within an established residential area, and the layout, scale and massing of buildings are appropriate to the character and topography of the site. The 16 residential units are located on land which previously received permission for 16 dwellings. The layout and orientation of dwellings is similar to that which received permission under application J/2006/0811/F.



Proposed site layout plan

- b) There are no impacts on archaeology or built heritage.

- c) This application is essentially for amended house types amendments to the road layout and repositioning of the detached dwelling giving a total of 17, which form part of a larger housing scheme previously approved. Open space was considered as part of the original approval for the entire development approved under ref J/2006/0811/F. This proposal does not impact on the location and the provision of open space.
- In terms of private amenity space, adequate provision has been made for all dwelling units proposed, and these meet the standards as set out in Creating Places.
- The current proposal therefore meets the standards and guidance of Creating Places in terms of private amenity space for the dwellings and landscaping for the site.
- d) Local neighbourhood facilities are not required due to the scale of the scheme; however the site is located within the development limits of the Strabane and is within walking distance to the town centre and neighbourhood facilities.
- e) A movement pattern has been established for the development with provision made for internal footpaths and a footpath on Glenview Road which will connect to the existing network.
- f) Adequate provision has been made for parking within the development with in-curtilage parking provided for the dwellings. Transport NI has no concerns relating to the parking provision which meets the requirements of PPS 3 and the published 'Parking Standards'. In addition, the agent has submitted amended PSD drawings showing the development as built. DFI roads have accepted this and have provided conditions.
- g) The design of the dwellings uses a relatively simplistic traditional design, with simple proportions and finishes. All dwellings, including the 2 storey units and the storey and half dwellings, are finished in plain black tiles and Country Manor Cynet blend Brown brick. In the context of the adjacent existing development, the design is considered acceptable.



semi-detached housetype



Detached Dwelling as constructed

- h) The design and layout will not conflict with adjacent land uses and there will be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

- i) The development is designed to deter crime and promote personal safety to and from the site; the units are orientated so that they front onto the internal road within the development. Each curtilage has a high quality boundary to the front of each dwelling and rear gardens are enclosed with a fence. The proposal will therefore promote personal safety for the proposed and existing residents/users in the area.

Planning Policy Statement 15 Planning and Flood Risk

The proposal meets the requirements of PPS 15 policy FLD 3. A Drainage Assessment was submitted during the processing of the application, there was an initial query over the status of the “Nancy burn” watercourse to the rear of properties 4 to 9 and the DFI Rivers confirmed that the burn is a designated culvert that connects into NI Water infrastructure which is being maintained under a 161 agreement. The culverting would have occurred after the 2006 approval. With regards to culverting, policy FLD4 only permits artificial modification of a watercourse in exceptional circumstances i.e. if it is necessary to provide access or if it can be demonstrated that the watercourse needs culverted for engineering reasons. It is important to note that the developer having carried out the culverting of the watercourse is contrary to these exceptional circumstances under PPS 4. However, NI Water has advised that they will manage and maintain it under their 161 agreement with the developer. Therefore, there are no concerns regarding discharge requirements. Whilst this is contrary to policy and on balance and given the unique set of circumstances and the planning history of planning approval for housing being granted on this site, officers do not consider it appropriate that the culvert is removed as this would cause extreme hardship by removing the vast majority of the existing residents rear garden amenity space. Members should note that the occupants of these properties will not be permitted to build over the culvert and will be informed by way of an informative on any decision notice.

Conclusion and Recommendation

The proposal is considered acceptable in that it is in accordance with the Strabane Area Plan 2001 and other material considerations. Given the planning history of a similar approval on the site, this layout reasonably meets the criteria of QD1 of PPS 7, PPS 3 and PPS 15 and a quality residential environment

can be achieved. Other material considerations have also been taken into account, including the consultation responses received, and overall they justify an approval of the application.

It is therefore recommended that the Council's Planning Committee approve planning permission LA11/2017/0870/F for the proposed development subject to conditions set out below;

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

REASON: This is a retrospective application.

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

The Council 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 Drawing No. 06 Rev 02 bearing the date stamp 27 December 2018.

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

3. The area hatched at sites 28 - 30 on Drawing No. 06 Rev 02 bearing the date stamp 27 December 2018 shall be kept clear to provide a level surface no higher than 250mm above the level of the adjoining carriageway to provide adequate visibility splays from the afore mentioned sites. No walls or fences shall be erected, nor hedges nor formal rows of trees or planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out within or grown in this hatched area.

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