

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 4th November 2020

APPLICATION No: LA11/2018/0372/RM

APPLICATION TYPE: Reserved Matters planning application

PROPOSAL: Local distributor road (in accordance with requirements of approval A/2005/0217/O

LOCATION: H1B Lands - Phase 1 East South of Beragh Hill Road and north of Skeoge Link Road, Galliagh.

APPLICANT: BW Homes & Construction Ltd

AGENT: Gemma Jobling

ADVERTISEMENT: 08.05.2018

STATUTORY EXPIRY: 22.05.2018

RECOMMENDATION: Approve

REASON FOR PRESENTATION TO COMMITTEE: Major development over 1 hectare.

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

Development consisting of a distributor road to provide an internal access route through the H1C zoning. This will facilitate a safe access arrangement to service the overall zoning of H1C, to an agreed adoptable standard for DFI Roads, this is achieved by linking this proposed road with the two smaller sections to the west and east of the site that have already been completed or commenced.

The proposed development is for a distributor road and forms part of the Concept Master Plan for the H1C zoning which was granted permission under reference A/2004/0071/O. During the processing of this application the agent submitted a Road safety audit response report, Drainage

Assessment Report, Preliminary Risk Assessment, Pollution Prevention, badger survey and Badger report.

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. In addition, the outline application A/2005/0217/O was submitted with an Environmental Statement and the reports submitted during the course of the application were to supplement and follow on from the findings of that ES.

3. Habitats Regulation Assessment

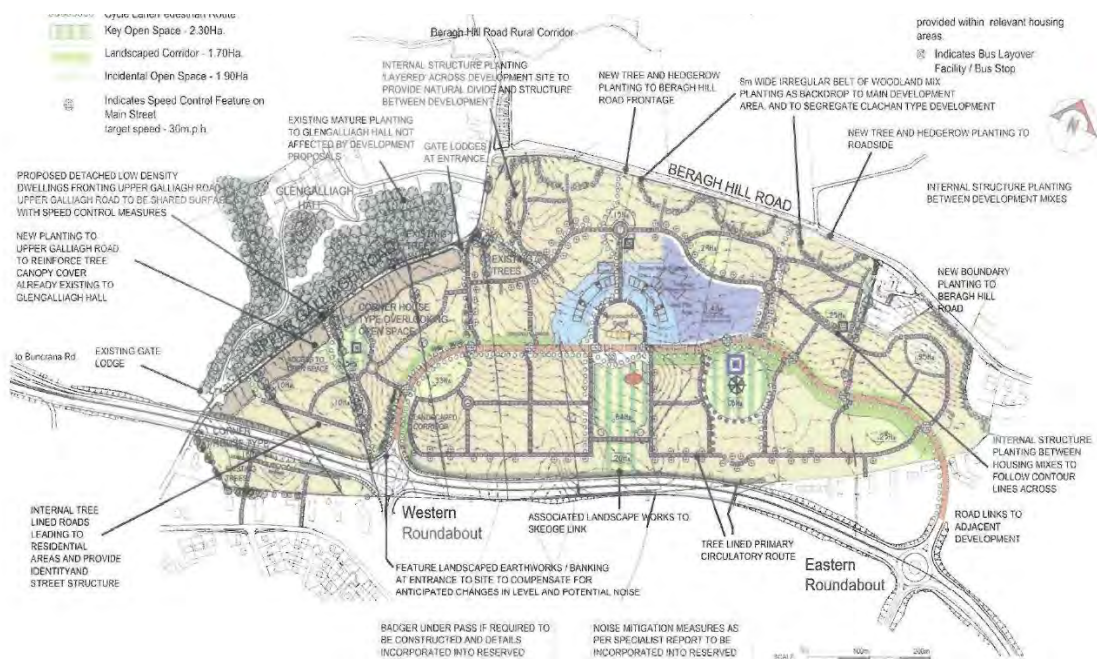
The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

4. Site and Surrounding Area

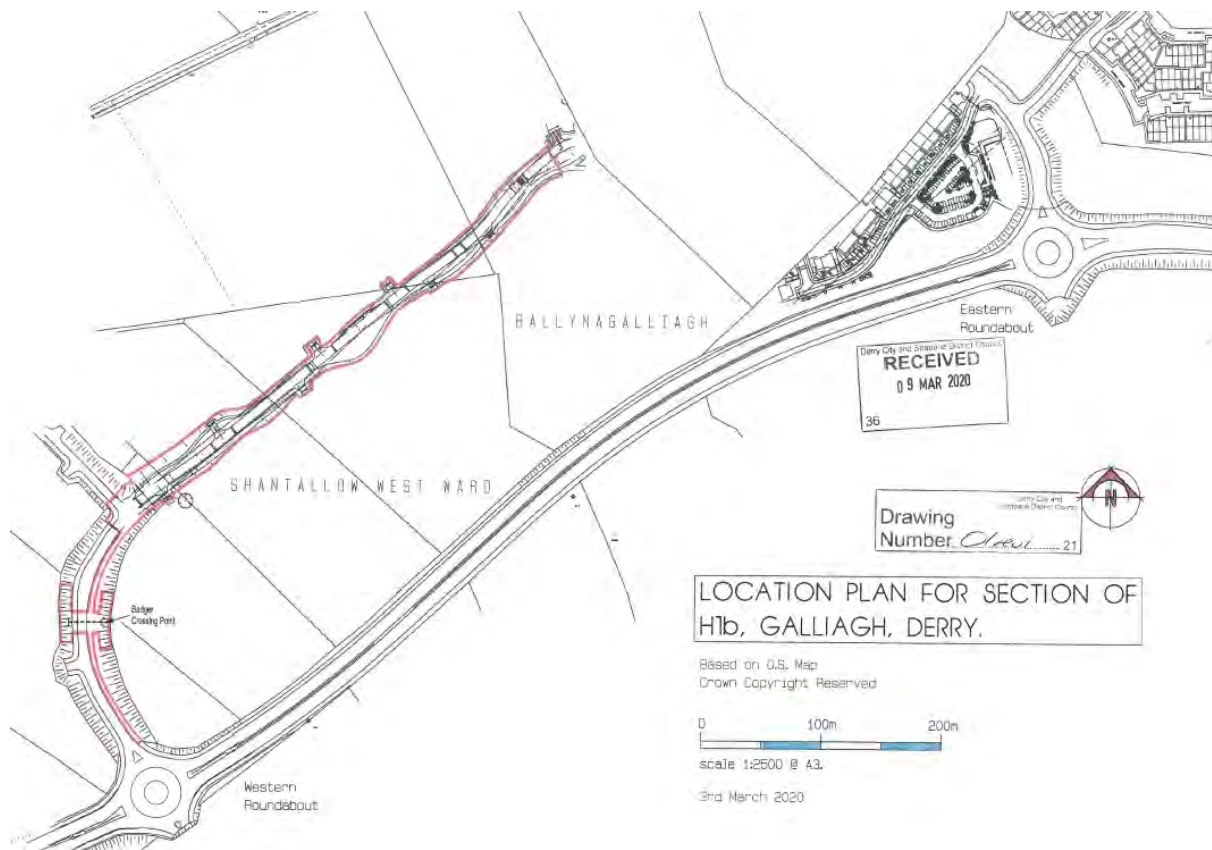
The site is on zoned housing land within the development limits as defined in the Derry Area Plan 2011. It is part of the H1B zoning and forms part of the approved Concept Master Plan. The proposal is to agree the detail of the main connecting road between the two existing roundabouts on the Skeoge link. The road's purpose will be to provide a main arterial route through the centre of the zoning where smaller access can then be provided to access the residential areas and commercial areas in an organised and safe way. The road will also be designed to a standard that can allow a bus to provide a service through the development and to allow school buses to access the zoned school site. The road will ultimately be adopted by DFI Roads and will become part of the public road network.



Site in wider context with H1B zoning at Skeoge



Approved Concept Master Plan for the H1B zoning, planning ref: A/2005/0217/O



Site Location Plan

5. Site Constraints

The site is within an area of archaeological potential and a Loughs Agency consultation zone. Council consulted with NIEA archaeology and built heritage and also with the Loughs Agency. A summary of their replies can be found later in this report.

6. Neighbour Notification Report

Relevant Neighbour Notification was carried out.

7. Relevant Site History

A/2005/0217/O – Housing and associated facilities for new residential neighbourhood, zoned as H1B in the Derry Area Plan 2011.

8. Policy Framework

RDS 2035 - SFG7 Strengthen the role of Derry as the Principal City of the North West; meeting the housing needs of the area.

Derry Area Plan 2011- The site is located on zoned housing land (H1B) as defined in the Derry 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 2 Natural Heritage – sets out the policies for the conservation, protection and enhancement of our natural heritage.

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 6 Planning, Archaeology and the Built Heritage – Sets out the planning policies for protection and conservation of archaeological remains and features of the built heritage.

PPS15 Planning and Flood Risk – looks at the possible sources of flooding and potential flood risk which need to be considered; including surface water run-off and drainage.

Creating Places/Living Places – this is guidance to aid designers in creating quality residential developments.

9. Consultee Responses

Environmental Health – Based on the information presented, EHS would concur with the conclusions of the various submitted reports. Informatives will be included on any decision notice to advise the applicant what to do if any unexpected contamination is discovered during development.

Loughs Agency – Conditions provided in the event of an approval requiring storm water should not be discharged to a nearby watercourse unless first passed through pollution interception and flow attenuation measures. These conditions are as per the outline approval conditions.

Shared Environmental Services – The planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Derry City and Strabane District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that, it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.

NI Water – As the proposed road network will be used for the provision of clean water infrastructure and the removal of foul sewage and the removal of storm water, Ni Water provided the following advice; Public water supply is located within 20m of the proposal and surface water sewers are available. However, there are no foul sewers available therefore the Developer is required to consult with NIW. There is available capacity in the waste water treatment facilities at Culmore WWTW to serve the proposal. Standard informatives have been provided.

DFI Roads – The road layout is considered acceptable and DFI Roads has no objections to approval being granted to this application subject to conditions and informatives.

HED Archaeology and Built Heritage - Historic Environment Division: Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

DFI Rivers – have considered that policies FLD 1, 2, 4 and 5 are either acceptable or not applicable to this site. With regards to FLD 3 The agent submitted a drainage assessment as part of the application and DFI Rivers have no reason to disagree with its conclusions

NIEA;

Natural Environment Division – Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.

Water Management Unit - are content with the Outline Construction Method Statement – Pollution Prevention document provided.

Land, Soil and Air - Regulation Unit Land and Groundwater Team have no objections to the development, informatives will be included on any decision notice to advise the applicant what to do if any unexpected contamination is discovered during development.

10. Representations

No representations were received during the course of the application.

11. 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 Derry Area Plan 2011, as well as other material considerations including the Regional Development Strategy; the Strategic Planning Policy Statement for Northern Ireland; PPS 2 Natural Heritage ; PPS 3 Access Movement and Parking; PPS6 Archaeology and The Built Heritage and PPS15 Planning and Flood Risk

There provision of the distributor road is in accordance with the requirements of PPS 3, flood risk and land drainage in accordance with PPS 15; protection of archaeology and built heritage in accordance with PPS 6; protection of natural heritage interests in accordance with PPS 2, all of which are supported through the SPPS for NI. Other material considerations have also been taken into account, including the advice from consultees and overall they justify an approval of this reserved matters application.

The purpose of the Distributor is a fundamental building block for the zoning as found in the approved Concept Master plan approved with the outline application. This is essential to achieve

comprehensive phased development in line with the aforementioned CMP. It allows for a logical progression of the zoning which will be completed in incremental phases until the overall zoning has been completed.

It facilitates access to all parts of the zoning giving each landowner equal access to the wider public road network, avoiding piecemeal development and the sterilising of parcels of land through lack of a road connection.

In addition to the approved CMP under the outline application ref A/2005/0217/O. the principle of the distributor road has also been agreed as part of the accompanying section 76 legal agreement that ensures the development is carried out in an orderly, and in the case of the stakeholders, a balanced and fair way.

The distributor will form a spine through the development which will allow the subsequent housing developments to program in their own road networks but tied into an agreed hierarchy of roads with the Distributor being the major element. This adds to the developments ability to be permeable internally with the distributor road creating the links externally to create connectivity. In this case it will be the access to the two existing roundabouts upon Skeoge and the minor subsidiary access onto the Beragh Hill road.

The Strategic Planning Policy Statement for NI (SPPS)

The SPPS supports and strengthens PPS 3. All new development 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.

Derry Area Plan 2011 - The application site is located on zoned housing land H1B, as identified in the Derry Area Plan.

Planning Policy Statement (PPS) 2 Natural Heritage - With regards to Policy NH 5- Habitats, Species or Features of Natural Heritage Importance where 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

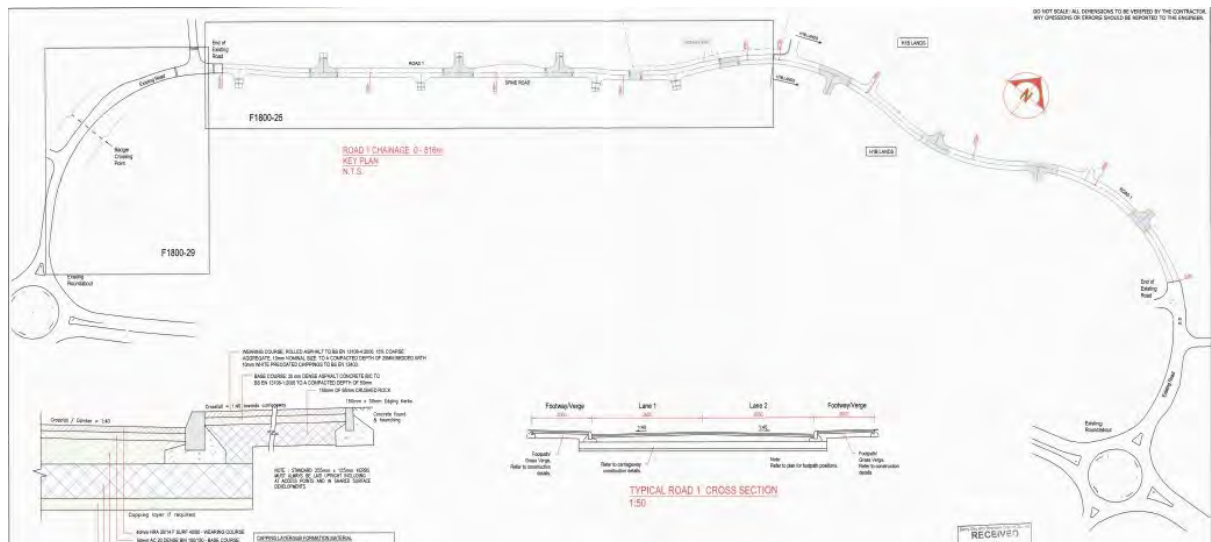
will be required. Council is content that the application site does not contain any meaningful vegetation that would be worthy of retention. Within the red line of the application site there was evidence of mammal holes. A badger survey was duly submitted and NIEA were consulted and advised that the mammal holes found within the site are unlikely to be badger and therefore they were content that the proposed development is unlikely to significantly impact badgers. The proposed road is part of a wider concept that has protected and enhanced the existing natural assets in an agreed open space strategy under the outline approval and associated Legal Agreement.

Any loss of hedgerow or other field boundaries will be more than offset by a planting scheme and schedule, whilst not being part of this particular application this planting will be provided as part of the wider housing applications that will feed into this distributor road. This can be found in the relevant section dealing with the open space requirements of the Concept Master Plan for the overall H1B zoning under planning ref A/2005/0217/O.

Planning Policy Statement 3 Access Movement and Parking



Existing portion of distributor road which will link up with application proposal



Section of road (in long rectangular box) in relation to the two existing Skeoge road roundabouts. Note that the two sections of road from the roundabouts have either been completed or are currently under construction.

Planning Policy Statement 6 Planning Archaeology and the Built Heritage – Historic Environment Division Protecting Historic Monuments had previously imposed archaeological mitigation conditions under the outline approval, A/2005/0217/O as the zoning has several areas which may have some archaeological potential. In particular, to the south east of the site there is a significant “Rath” which will be protected as part of the open space strategy. During the processing of this application HED assessed the application and on the basis of the information provided they were content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirement. As per the outline approval they have also provided conditions seeking a programme of archaeological work to be submitted and access to the site should be given to an archaeologist at all times.

PPS 15 Planning and Flood Risk

Policy FLD 1 - The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100-year fluvial floodplain.

Policy FLD 2 - The site is unaffected by a designated watercourse and on the maps available there was no indication that the proposed development was affected by an undesignated watercourse.

Policy FLD 3 - The proposal meets the requirements of PPS 15 policy FLD 3. A Drainage Assessment was submitted during the processing of the application which was considered appropriate to the scale and nature of the development.

Policy FLD 4 - There are no proposals to artificially modify a watercourse.

Policy FLD 5 – Not applicable.

12. Conclusion and Recommendation

The proposal is considered acceptable in that it is in accordance with the Derry Area Plan 2011 and other material considerations; specifically, the proposal is on zoned housing land and adjacent to development under construction which has been approved in line with the approved comprehensive concept master plan for the H1B zoning. The proposal meets the policy in that; there is provision of infrastructure works in accordance with PPS 3; and consideration of natural heritage interest in accordance with PPS 2 and archaeology in accordance with PPS6 and PPS15 Planning and Flood Risk all of which are supported through the SPPS for NI. Other material considerations have also been taken into account including the advice from consultees and overall they support an approval of the application.

It is therefore recommended that Council's Planning Committee approve Planning permission LA11/2018/0372/RM for the proposed development subject to the conditions set out below;

Proposed Conditions

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the later of the following dates: -
 - (i) The expiration of a period of 8 years from the grant of outline planning permission; or
 - (ii) The expiration of a period of 2 years from the date hereof.

Reason: Time limit.

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The 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. 14 bearing the date stamp 29 January 2020.

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 14 bearing the date stamp 29 January 2020. 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.

4. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor 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 determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

5. No construction traffic access to the approved site will be permitted off Beragh Hill Road or Upper Galliagh Road.

Reason: In the interests of road safety.

6. All construction traffic will enter and exit the site via Skeoge Link Road.

Reason: In the interests of road safety.

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

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

8. No site works of any nature or development shall take place until a programme of archaeological work, has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council's Planning Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

9. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

10. A final Construction Method Statement, agreed with the contractor, must be submitted to the Council Planning Department at least eight weeks before works commence to identify all measures to be employed to prevent pollution of the adjacent watercourse from sediment, concrete, fuels or chemicals, as set out in the outline Construction Method Statement.

Reason: To prevent polluting discharges entering and impacting on the site integrity of Lough Swilly SAC and SPA.

11. The development shall be carried out in accordance with the stamped approved Drawing, No's: 01 Rev 01, 10 rev 1, and 14 Date Stamped 10/05/20, 29/01/20 and 09/03/20.

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