

LDP-PS-REP-32

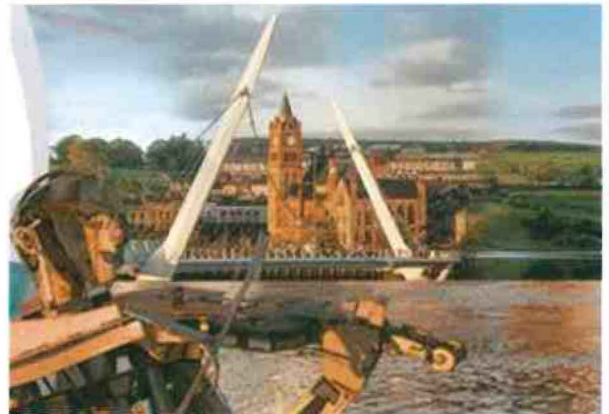
**RE: DERRY CITY &
STRABANE DISTRICT
COUNCIL;
LOCAL DEVELOPMENT
PLAN 2032
DRAFT PLAN STRATEGY**



Representations to Draft Plan Strategy

ON BEHALF OF

Mr Jackson



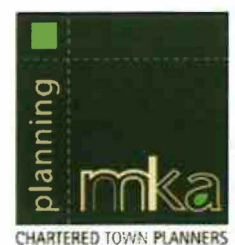
AUTHOR

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Summary.

Designation SETT 2 – Development within Settlement Development Limits

Designation SETT2 is unsound as the policy fails Soundness Tests of CE2 and CE4 – Coherence and Effectiveness.

The policy is not founded on a robust evidence basis which explains the rationale in respect to the nil provision of any zoned housing land or net additional social dwellings in the Waterside area of the City.

We recommend that a robust, up to date assessment of the urban footprint is undertaken to ensure the suitability and availability of sites to facilitate the development ambitions of the Council.

An assessment of the existing and future social housing need in this specific area up to 2032 needs to be considered and how the DPD will ensure that this need can be met by the Plan.

The vast majority of housing zonings in this area are either built out or already have planning permission and there is no requirement to provide social housing.

The proposed Strategy is unrealistic and inappropriate, has not properly considered the relevant alternatives and it is not based on a relevant evidence base.

The proposed Strategy has limited flexibility and it is not robust even to deal with changing circumstances.

The proposed Strategy needs to consider an extension of the existing development limit in this part of the City to meet the existing and future housing need up to 2032.

1.0 Amplification.

1.1 Designation SETT 2 states each settlement in the settlement hierarchy will have a defined development limit, beyond which there will be a presumption against further urban development (subject to development in accordance with the other relevant policies.)

(The current development limits in the DAP 2011 and SAP 2001 will remain in place and continue to guide development until they are reviewed and adopted in the LPP).

1.2 The Draft LDP states at Paragraph 16.14 that most of the District's settlements have sufficient land to meet their housing requirement up to 2030. The LDP will seek to manage the District's housing zonings by:

a. Zoning (by defining and refining) the committed housing land and prioritising sites, using phasing to focus on early delivery, in the city and towns;

b. Not zoning additional land for housing generally;

c. Identifying additional housing land on brownfield sites and otherwise in sustainable, accessible and central locations;

d. zoning additional housing lands only in an exceptional circumstance, where a specifically identified local need, and lack of alternative lands, is robustly evidenced. These sites should also be sustainable, accessible and central locations as far as possible;

e. Within villages and small settlements, identify and manage the priority housing areas for early delivery, at appropriate density levels;

f. Managing the amount, type and location of dwellings outside of settlements through Policies HOU 18 to HOU 26; and

g. By actively monitoring the amount, type and location of all dwellings being approved and implemented, with a view to revising the LDP zonings or policies so as to ensure that adequate housing is actually being delivered.

1.3 In terms of this submission Criteria d is particularly important. Criteria d states:-

d: Zoning additional housing lands only in an exceptional circumstance, where a specifically identified local need and lack of alternative lands, is robustly evidenced. These sites should also be sustainable, accessible and central locations as far as possible.

1.4 Criteria d identifies exceptional circumstances for zoning additional housing lands where there is a specific local need and a lack of alternative lands. We believe that these exceptional circumstances exist in Waterside in terms of a specific social housing need and a lack of alternative lands.

1.5 We consider these two material factors below.

Local Housing Need.

1.6 This submission is based on the premise that there is a site specific need for more social housing in the Top of the Hill area of the Waterside.

1.7 The Derry City and Strabane Housing Investment Plan 2019-23 identifies a significant general social housing need in the Waterside area, namely:-

Waterside 1 - 150

Waterside 2 - 129

Waterside 3 - 168

Total - 447

1.8 Top of the Hill can make a significant contribution to meeting the social housing need in the Waterside considering that many of the housing zonings in the Waterside have already been built out or the permissions have no conditions requiring the provision of social housing development.

1.9 This approach is not without precedent. We are aware that the Council and the NIHE have recently approved social housing applications in Culmore Village where there is no social housing need but which meets the social housing need in the Cityside area of the City.

1.10 There is also likely to be a significant social housing need in this part of the Waterside over the draft LDP period from 2023 to 2032.

Alternative Lands at Top of the Hill.

1.11 Policy SETT2 is not founded on a robust evidence basis as it has not considered the various planning permissions for residential development on the zoned and white land sites in the Waterside. The urban capacity analysis does not vigorously assess the potential of each site to make a meaningful contribution to housing within the Council area. There is no assessment of constraints or site specific issues which may impact on the delivery of these sites. The question as to whether new lands are required can only be fully answered having completed a robust urban capacity analysis of sites (zoned and windfall) and consideration given to infrastructure

constraints. Any assessment of the urban footprint must also take issues of availability and suitability into consideration.

- 1.12 We have looked at the various housing zonings in the Derry Area Plan 2011 and planning permissions granted in the Waterside. We believe that in this particular area of the Waterside there is a site specific need for more new housing which the subject site is ideally located to meet. We attach at Table MKA1 below our analysis of the Department's Housing Monitor which clearly shows that nearly all the surrounding housing zonings have already been developed.

Table MKA1 – Waterside Housing Zonings Completed.

Housing Zoning	Development Status	No. of Units
H18	Fully Developed	6 Built
H19	Fully Developed	414 Built
H20	Fully Developed	188 Built
H21	Fully Developed	79 Built
H22	Partially Developed	219 Approved (LA11/2016/0561/RM)
H23	Partially Developed	83 Available (85 approved A/2006/0269/F)
H25	Partially Developed	97 Built (LA11/2016/1022/F – 16 Units A/2011/0262/F – 9 Units A/2003/0720/F – 42 Units A/2001/0336/F – 20 Units) 791 Remaining
H26	Fully Developed	58 Built
H27	Fully Developed	530+ Built. Lidl food store proposed.
H28	Fully Developed	161 Built
H29	Fully Developed	71 Built (LA11/2017/0912/F – 8 Units LA11/2015/0586/F – 20 Units LA11/2017/0842/F – 43 Units)
H31	Fully Developed	169 Built
H33	Fully Developed	8 Built

- 1.13 Our analysis of the various planning permissions indicates that none of these planning permissions has any requirement within it to provide social or affordable housing on this housing zoning.
- 1.14 These permissions indicate that while there are significant areas of undeveloped zoned housing land or “white land” with planning permission for residential development within the Waterside there is no legal requirement on these extant permissions to provide any social or affordable housing.
- 1.15 We were involved in a similar situation in Portstewart in the Northern Area Plan 2015 where the PAC approved a large housing site for social housing along Coleraine Road in Portstewart as the undeveloped housing zonings all had permissions that did not require any provision of social housing.
- 1.16 In these circumstances we believe it is appropriate for Criteria d to be applied and there is clearly a need for additional housing lands to be zoned within the Top of the Hill area.
- 1.17 We believe there are specific community relation issues at Top of the Hill which prevents this site specific housing need being met elsewhere in the Waterside, in particular at Ballyoan. Therefore, we believe that additional land needs to be brought into the settlement and zoned to accommodate this identified social housing need.
- 1.18 It is important when reviewing the effectiveness and delivery of its housing land supply the potential of sites which can be brought forward quickly is recognized by the Council. In this context we provide details of the Jackson lands at Corrody Road, Waterside.

2.0 Site Specific Considerations.

- 2.1 In the context of the strategic representations set out above, the LDP, might in future, consider the suitability of the Jackson lands, at Corrody Road, Waterside.
- 2.2 We attach a number of plans and maps to identify the site at **Appendix MKA1**.
- 2.3 We also attach the earlier submission to the Council in the course of preparation of the LDP at **Appendix MKA 2**.

Appendix MKA 1

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- Development Limit
- Central Area
- Lands Zoned for Housing Use
- Lands Zoned for Industrial Use
- Lands Zoned for Mixed Use
- Lands Zoned for Recreation and Open Space Use
- Existing Recreation and Open Space
- Area subject to further study
- Community Woodland and Pedestrian Link
- Local Centre
- Area of Local Nature Conservation and Amenity Importance
- Ballyarnett Country Park and Historic Racecourse
- Major Road Proposals
- Skeoge Road Line Option 1 - See Paragraph 14.8
- Skeoge Road Line Option 2 - See Paragraph 14.8
- Archaeological Sites and Monuments



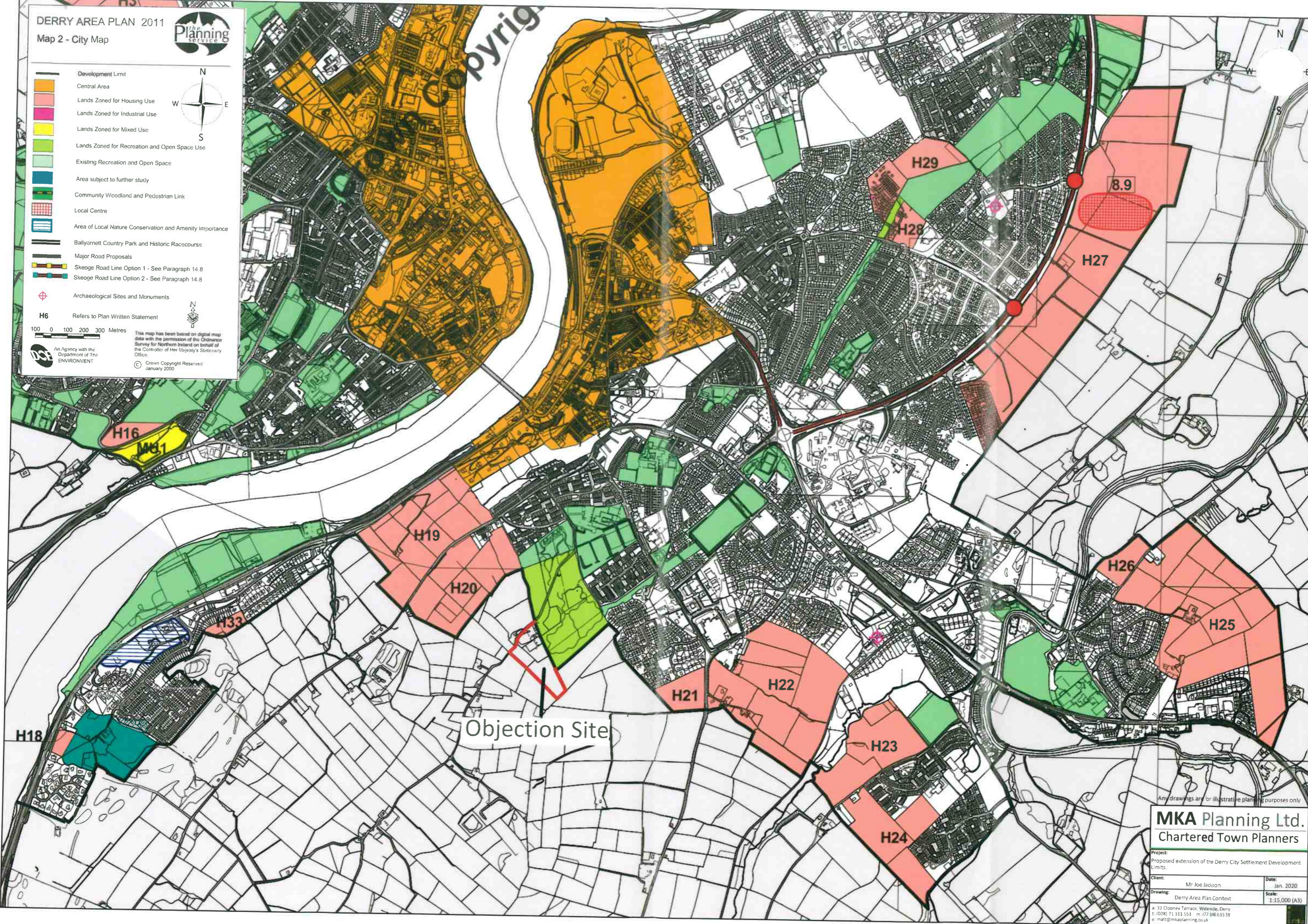
H6 Refers to Plan Written Statement

100 0 100 200 300 Metres



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Objection Site

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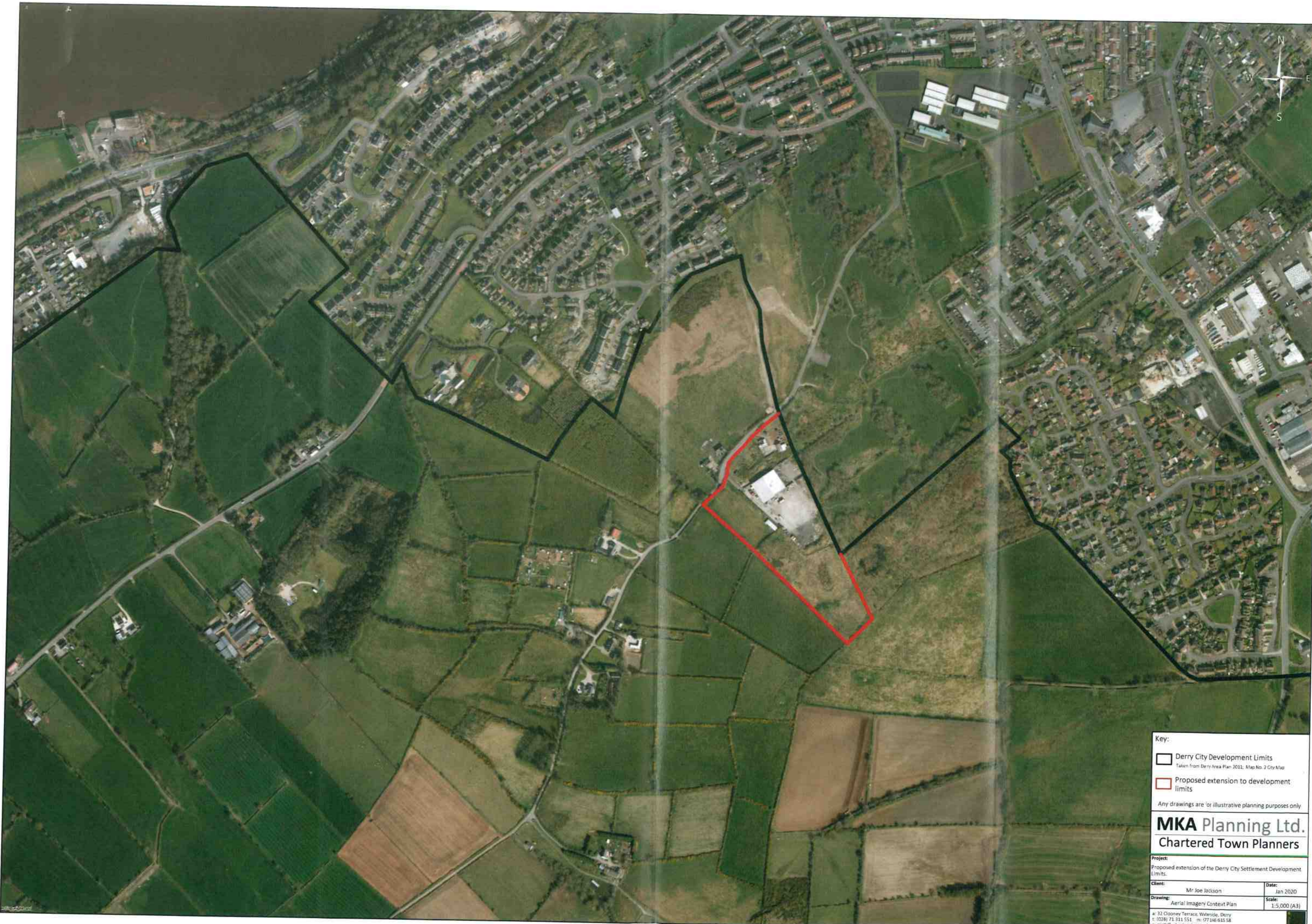
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Project: Proposed extension of the Derry City Settlement Development Limits.



Client: Mr Joe Jackson Date: Jan. 2020

Drawing: Derry Area Plan Context Scale: 1:15,000 (A3)

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Key:

-  Derry City Development Limits
Taken from Derry Area Plan 2011: Map No. 2 City Map
-  Proposed extension to development limits

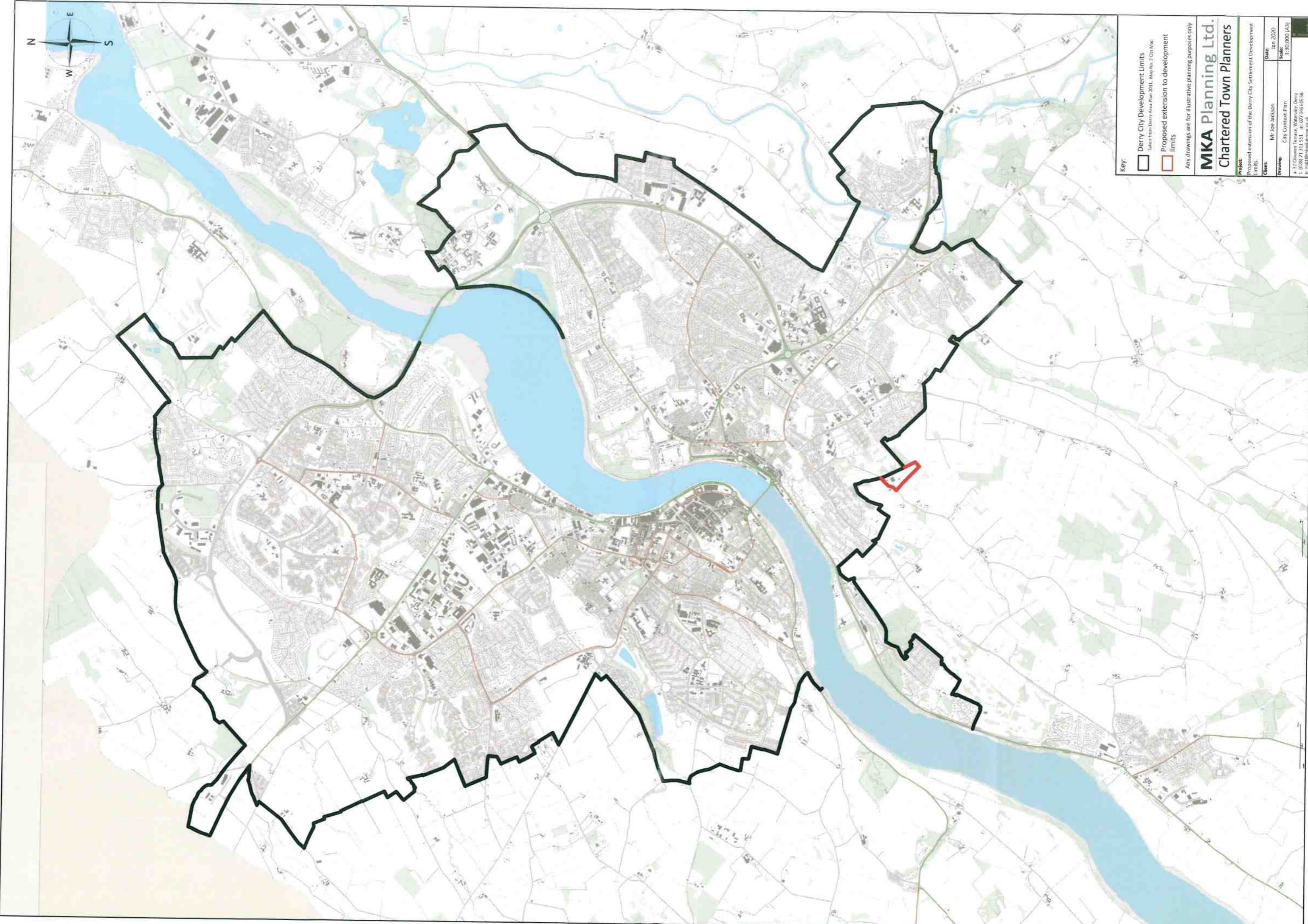
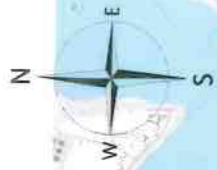
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Project:
Proposed extension of the Derry City Settlement Development Limits.

Client: Mr Joe Jackson	Date: Jan 2020
Drawing: Aerial Imagery Context Plan	Scale: 1:5,000 (A3)

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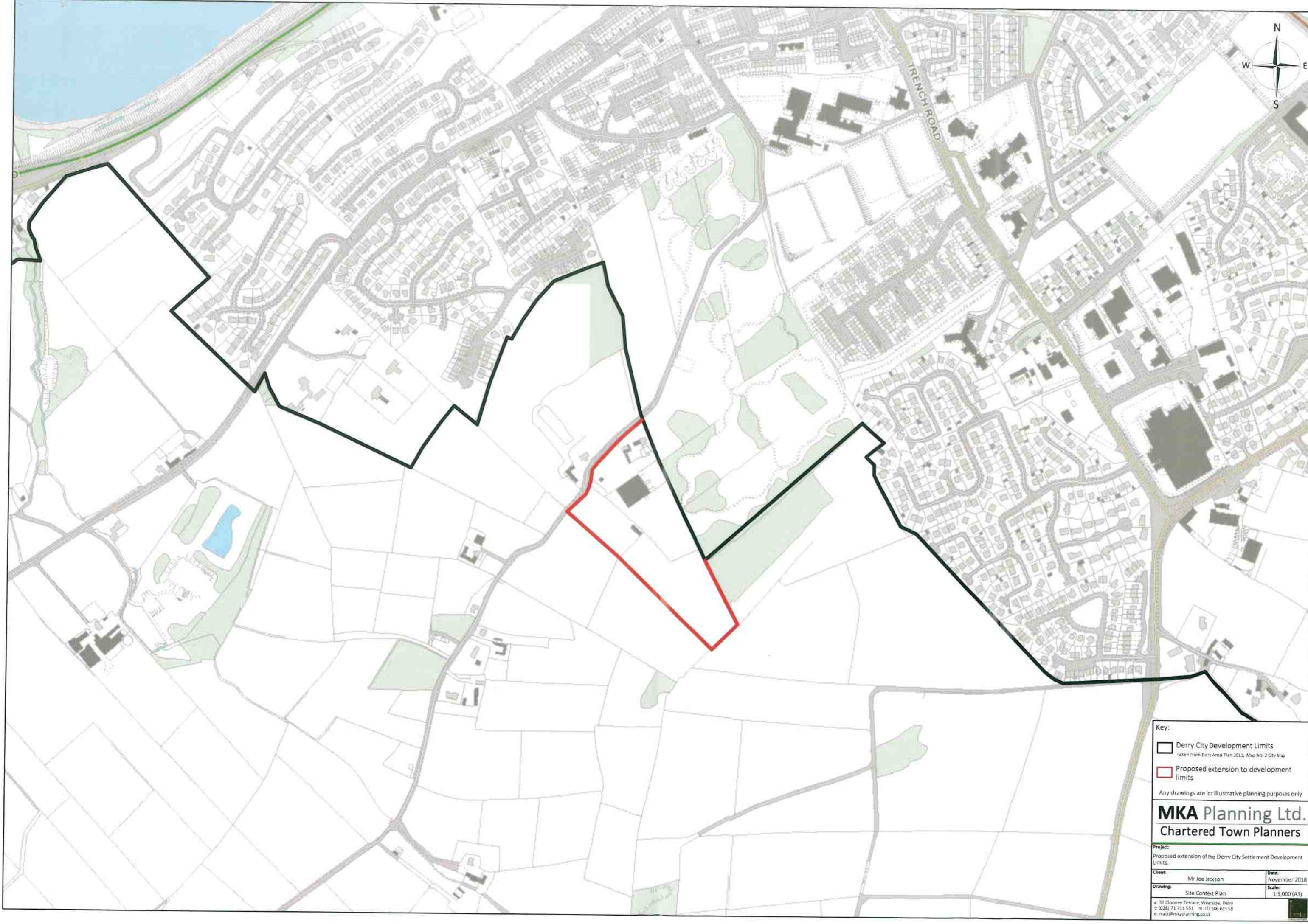
Client: Mr Joe Jackson

Date: Jan 2000

Drawing: City Centre Plan

Scale: 1:30,000 (A3)

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Key:

- Derry City Development Limits
Taken from Derry Area Plan 2011, Map No. 2 City Map
- Proposed extension to development limits

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Project:
Proposed extension of the Derry City Settlement Development Limits.

Client:	Mr Joe Jackson	Date:	November 2018
Drawing:	Site Context Plan	Scale:	1:5,000 (A3)

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Appendix MKA 2

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21st December 2018

Ms Maura Fox
Head of Planning
Derry City and Strabane District Council
98 Strand Road
Derry
BT48 7NN

Dear Madam

RE: PROPOSED LANDS AT CORRODY ROAD, WATERSIDE, DERRY INCLUDED WITHIN THE NEW SETTLEMENT DEVELOPMENT LIMITS FOR DERRY CITY AND ZONED FOR HOUSING USE IN THE NEW DERRY CITY AND STRABANE DISTRICT COUNCIL LOCAL DEVELOPMENT PLAN 2030.

We refer to the above development proposal and enclose site location plan with the subject site outlined in red at **Appendix MKA1**.

This representation requests that the subject lands should be incorporated within the new development limits of Derry City and zoned for residential use in the emerging Local Development Plan (LDP) for the Derry City and Strabane Council area.

This representation is supported by the following maps attached at **Appendix MKA1**:-

- Plan MKA1 - City Context Plan.
- Plan MKA2 – Local Context Plan.
- Plan MKA3 – Aerial Map.
- Plan MKA4 - DAP Zonings Map.
- Plan MKA5 - Site location plan.

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Town Planners: Claudine Christy [MRTPI] - claudine@mkaplanning.co.uk
Lee Kennedy - lee@mkaplanning.co.uk
Leeanne Hegarty - leeanne@mkaplanning.co.uk

Office Manager: Mary Kennedy - mary@mkaplanning.co.uk
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These context plans are referred to throughout the representation below.

Site Description.

The subject site measures approx. 1.48 ha and comprises a large commercial premises, tyre recycling facility, adjoining derelict properties and a large hardstanding area to the rear of these premises.

In the Derry Area Plan 2011 the land is zoned within the countryside, outside the development limits of L'Derry. The subject site, however, currently adjoins the City development limit on its eastern boundary.

There are derelict buildings and farm yards on both sides of the Corrody Road, adjacent the subject site and it is both an isolated location and it is an area defined by dereliction and a poor environment. The existing commercial/industrial building is also visually unsightly and the perimeter of the site is defined by a visually unsightly palisade fence.

There is extensive planning history on the subject site and this is set out at Appendix MKA2.

The Derry City and Strabane Local Development Plan- Preferred Options Paper (POP).

The current proposal will be fully in line with Social Development Objective (iv) of the Preferred Options Paper which states:

iv) To provide for approximately 12,000 new homes by 2032 in a variety of formats designed to meet the needs of families, including single parent families, small households, the elderly and disabled and single people, at sustainable locations accessible to community services, leisure and recreational facilities, for those people with and without a car. Housing schemes in Derry city and Strabane particularly will require imaginative and innovative design, including mixed use schemes, and possibly mixed tenure, to ensure that they link into the existing urban fabric.

The subject site will help to meet the new emerging LDP's identified functions;

- To allocate sufficient land to meet society's needs.
- To facilitate sustainable growth by coordinating public and private investment to encourage development where it can be of most benefit to the wellbeing of the community.

We support Option 2- Planned Growth set out in the POP which indicates a population growing to 160,000 and requires 12,000 new homes within the district. The subject site can help to meet this population growth and accommodate these new homes.

Inclusion of the subject site into the City development limits and zoning for housing use will help achieve the Regional Development Strategy's and the Strategic Planning Policy Statement's objectives to help promote and encourage a balanced community and will create more sustainable forms of development.

Planning Merits of Subject Site.

All, or any part of, the subject lands should be incorporated within the new settlement limits of Derry City and zoned for housing for the following planning reasons: -

1. We accept that there is a significant over zoning of housing land on the cityside of Derry. We also believe that the Council must look seriously at potentially de-zoning housing zonings H30 and H32 which have not been developed despite being zoned for housing since 1996.
2. However, we believe that in this particular area of the Waterside there is a site specific need for more new housing which the subject site is ideally located to meet. We attach at Table MKA2 below our analysis of the Department's Housing Monitor which clearly shows that nearly all the surrounding housing zonings have already been developed.

Table MKA2 – Waterside Housing Zonings Completed.

Housing Zoning	Development Status	No. of Units
H18	Fully Developed	6 Built
H19	Fully Developed	414 Built
H20	Fully Developed	188 Built
H21	Fully Developed	79 Built
H22	Partially Developed	219 Approved (LA11/2016/0561/RM)
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H31	Fully Developed	169 Built
H33	Fully Developed	8 Built

Source: DOE and Council Housing Monitor.

3. Table MKA 2 clearly shows that there has been a significant need and demand for new housing in this particular area of the Waterside. The building out of the various surrounding housing zonings shows that there is no longer any remaining housing land in this part of the City.
4. There is clearly a spatial deficiency in the current provision of housing land within this part of the City. Combined with this the NIHE Housing Investment Plan (HIP) for Derry and Strabane 2015-2019 indicates a significant social housing need for over housing for over 56 households in housing stress within this part of the City, (Appendix MKA3).
5. The successful development of housing zonings H19 and H20 clearly shows a significant demand for private market housing at this location.
6. The Council needs to consider the feasibility of certain housing zonings in the DAP 2011 which have never been developed despite the fact they have been zoned for 22 years. The feasibility of H30, H32 and H2 must clearly be questioned and there must be significant doubt

whether these zonings will ever deliver housing units. The Council needs to re-evaluate all existing zonings.

7. This is a brownfield site, on the edge of the settlement limit, which currently contains buildings and the site is already in an degraded or derelict state and there is an opportunity to improve the environment by incorporating it within the development limit and zoning it for residential use.
8. The housing need figures for this area of Top of the Hill clearly demonstrate a social housing need in this area and all of the adjoining housing zonings have been fully built out. Many of the existing brownfield sites in this area of the Waterside have already been redeveloped for residential development leaving little opportunities for housing development on previously developed land in this area. The current development of St Brecon's School ensures that there is no longer in terms of the sequential test set out in the Regional Development Strategy and PPS 12 a significant reserve of previously developed "brownfield" land windfall sites to supplement existing housing zonings.
9. The subject site is a natural extension of the existing surrounding built up area of Gobnascale, Hollymount and Lisaghmore and will provide badly needed housing in this area where there is significant need and demand for new housing.
10. While the subject site is located on an elevated located just above the Top of the Hill Community Park the recent success of residential developments at a similar altitude and elevation at Magowan and Ballymagowan Park Creggan has demonstrated that these elevated locations are suitable locations for residential developments.
11. It is clear that zoning housing land at Crescent Link, Tullyalley or Drumahoe in the Waterside will not help meet either private housing demand or social housing need in the Top of the Hill area as the cultural identities and allegiances would dictate that housing land would need to be zoned in this specific location to meet the local communities needs.

Therefore, for the reasons set out above, we request that the Council include all, or part of, the subject site, into the new settlement development limits of Derry and zone it for housing use.

If you have any queries or wish to discuss this matter further please contact the undersigned at anytime.

Yours faithfully



Matthew Kennedy MRTPI
Principal Planning Consultant
MKA Planning Ltd.

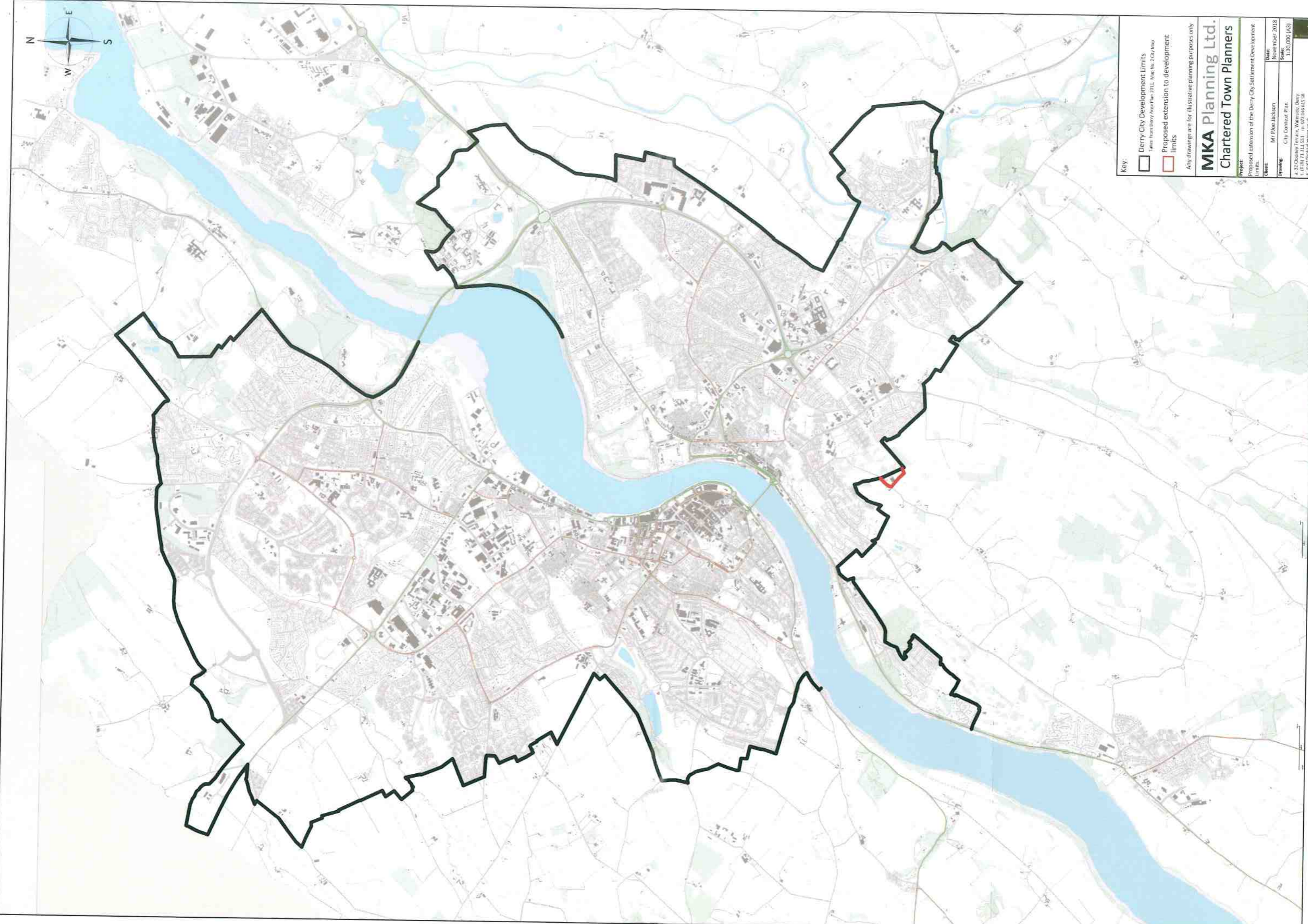
Client – Mr Joe Jackson.

Architect – Mr David Graham.

Appendix MKA 1

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Key:

- Derry City Development Limits
Taken from Derry Area Plan 2011, Map No. 2 City Area
- Proposed extension to development limits

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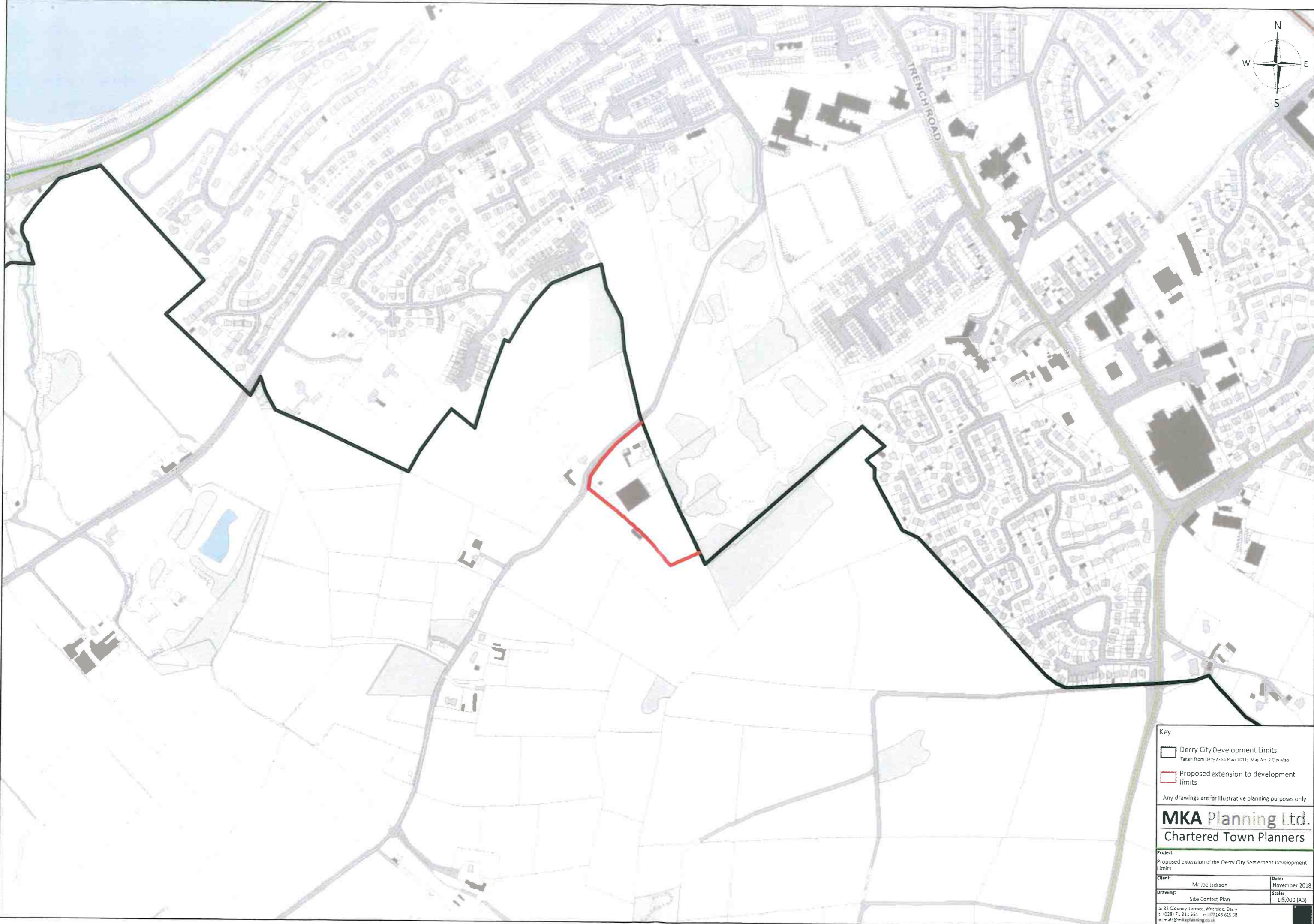
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Project:	Proposed extension of the Derry City Settlement Development Limits		
Client:	Mr Pádraic Jackson	Date:	November 2018
Drawing:	City Council Plan	Scale:	1:30,000 (A3)
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Appendix MKA 2

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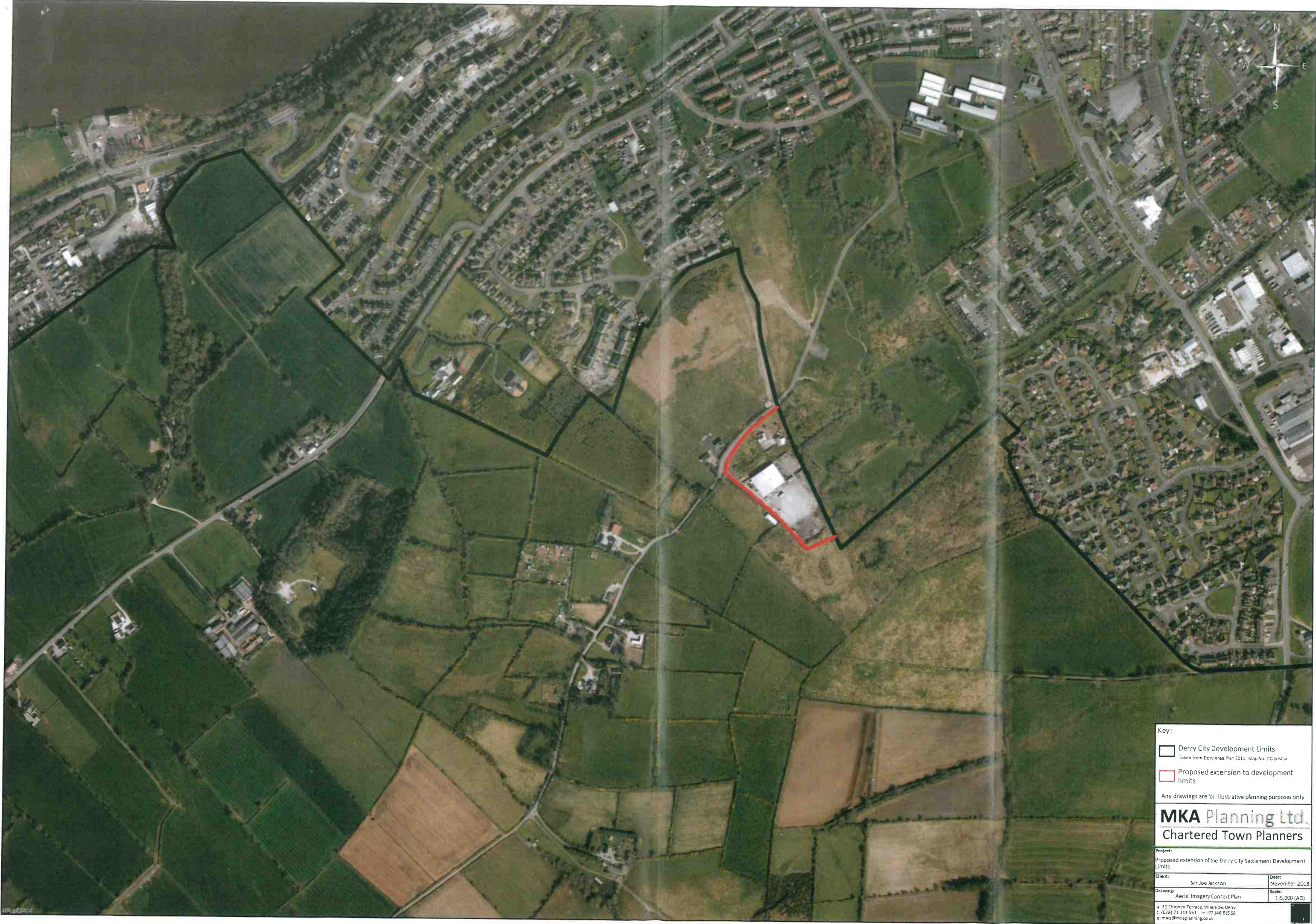
Client:	Mr Joe Jackson	Date:	November 2018
Drawing:	Site Context Plan	Scale:	1:5,000 (A3)

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Appendix MKA 3

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Key:

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Project: Proposed extension of the Derry City Settlement Development Limits.	
Client: Mr Joe Jackson	Date: November 2018
Drawing: Aerial Imagery Context Plan	Scale: 1:5,000 (A3)

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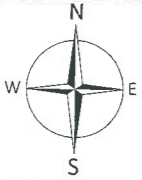
Appendix MKA 4

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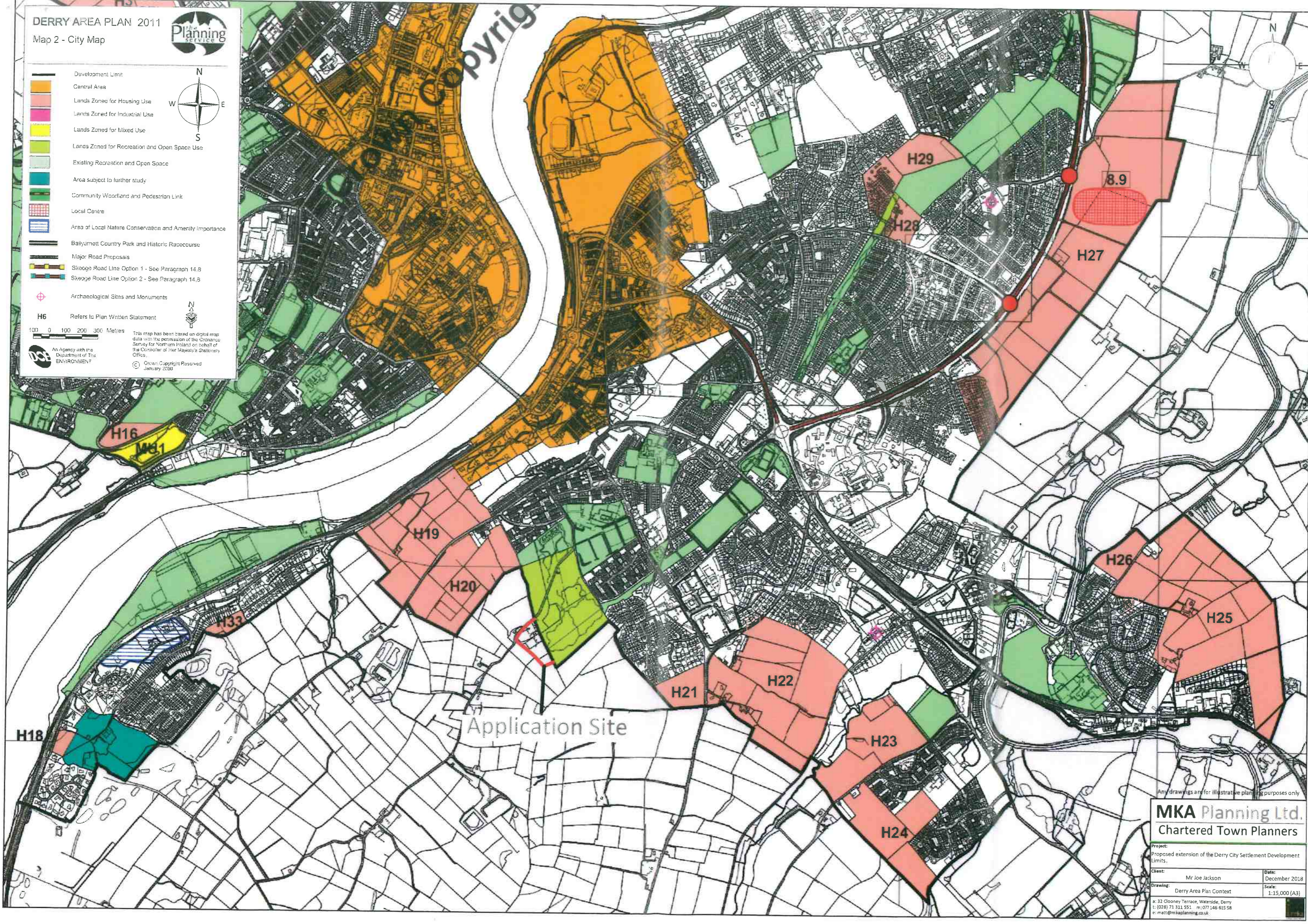
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- Archaeological Sites and Monuments
- H6 Refers to Plan Written Statement



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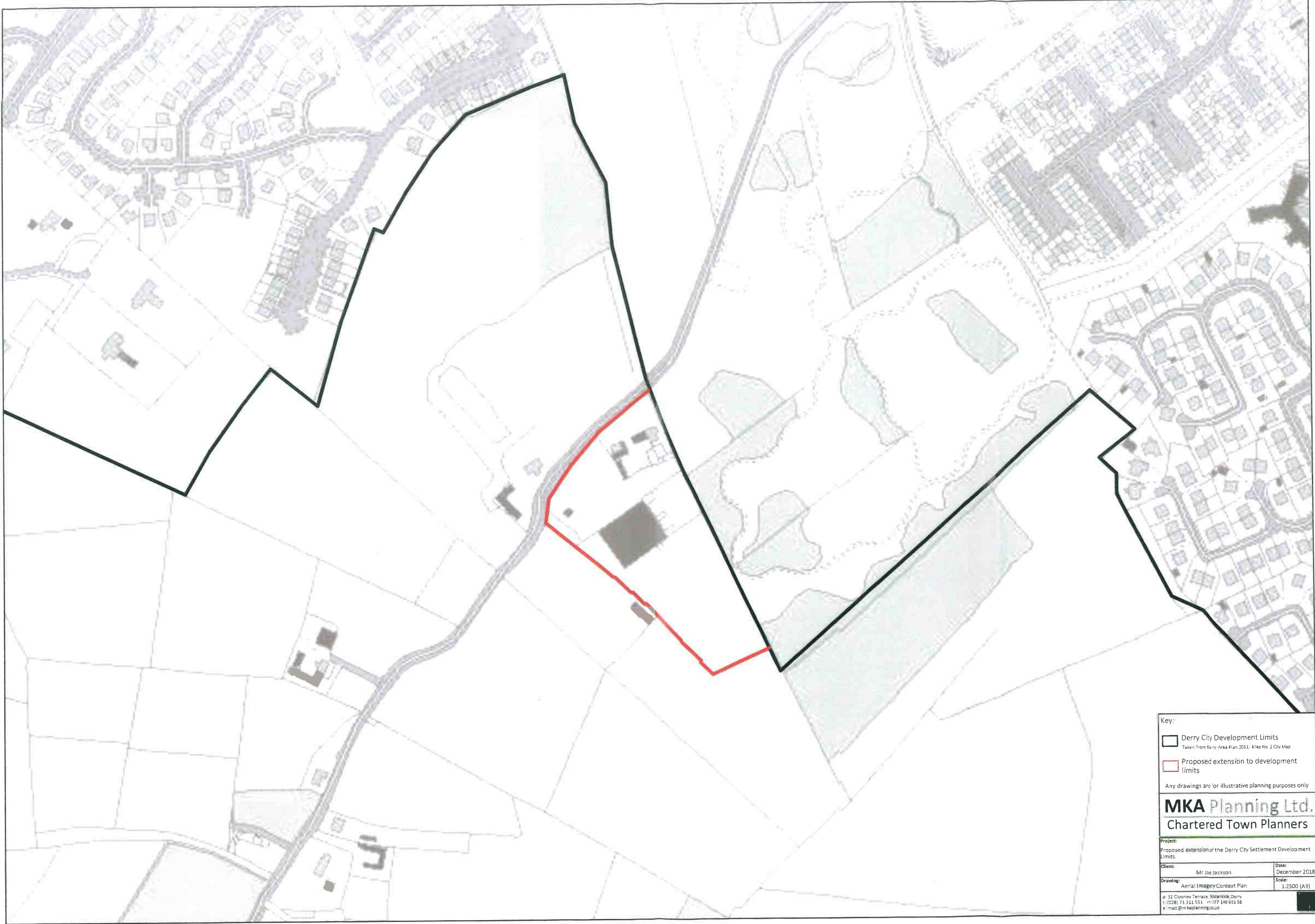
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Project: Proposed extension of the Derry City Settlement Development Limits.		Date: December 2018
Client: Mr Joe Jackson	Scale: 1:15,000 (A3)	
Drawing: Derry Area Plan Context	Address: 32 Clooney Terrace, Waterside, Derry T: (028) 71 311 553 M: 077 146 615 58 E: matt@mkaPlanning.co.uk	

Appendix MKA 5

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Project: Proposed extension of the Derry City Settlement Development Limits.

<small>Client:</small> Mr Joe Jackson	<small>Date:</small> December 2018
<small>Drawing:</small> Aerial Imagery Context Plan	<small>Scale:</small> 1:2500 (A3)

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