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| <b>Planning Committee Report<br/>LA01/2017/0732/RM</b> | <b>27<sup>th</sup> February 2018</b> |
| <b>PLANNING COMMITTEE</b>                              |                                      |

| <b>Linkage to Council Strategy (2015-19)</b> |  |
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| <b>Strategic Theme</b>                       | Protecting and Enhancing our Environment and Assets  |
| <b>Outcome</b>                               | Pro-active decision making which protects the natural features, characteristics and integrity of the Borough |
| <b>Lead Officer</b>                          | Development Management and Enforcement Manager   |
| <b>Cost: (If applicable)</b>                 | N/a  |

|                                      |   |                                      |
|--------------------------------------|---|--------------------------------------|
| <b><u>No:</u></b>                    | <b>LA01/2017/0732/RM</b>  | <b><u>Ward:</u>Quarry</b>            |
| <b><u>App Type:</u></b>              | <b>Reserved Matters</b>   |                                      |
| <b><u>Address:</u></b>               | <b>Lands at former Maxwell's Spittal Hill Quarry, 209 Bushmills Road, Coleraine</b>   |                                      |
| <b><u>Proposal:</u></b>              | <b>Erection of 108 no. dwellings, comprising detached and semi-detached dwellings, with garages and all other associated site works, car parking, landscaping, including local area for play and interactive wetland habitat.</b> |                                      |
| <b><u>Con Area:</u></b>              | <b>N/A</b>  | <b><u>Valid Date:</u> 02.06.2017</b> |
| <b><u>Listed Building Grade:</u></b> | <b>N/A</b>  |                                      |
| <b><u>Agent:</u></b>                 | <b>Alan Patterson Design LLP</b>  |                                      |
| <b><u>Applicant:</u></b>             | <b>Farrans Homes</b>  |                                      |
| <b><u>Objections:</u> 0</b>          | <b><u>Petitions of Objection:</u> 0</b>   |                                      |
| <b><u>Support:</u> 0</b>             | <b><u>Petitions of Support:</u> 0</b>   |                                      |

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** reserved matters consent subject to the conditions set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located at the former Spittal Hill Quarry located at 209 Bushmills Road, Coleraine. The proposed site has been cleared of development and the lands fall away toward the north east of the site. There is also a large lake located at the North Eastern corner of the site. The site is made up of grassed areas and areas of hard standing. To the North and North East the site is bounded by a cliff face which bounds the dwellings at Loguestown Green and the buildings located within Loguestown Industrial Estate. To the east the site is bounded by metal fencing and vegetation which bounds an area of open space at Tullyarton Road and Lisnablagh Road. To the South and South West the site is bounded by the roadway and footpath to the existing dwellings at Spittal Quarry. To the West the site is bounded by existing vegetation and metal fencing which abuts the public footpath of Bushmills Road. The site is accessed via the Bushmills Road.
- 2.2 The proposed site is located within an area where there is a mix of development to include commercial premises, industrial units, playing fields, school and residential dwellings. Existing dwellings located at Spittal Quarry are predominantly two storey with a smooth render and red brick finish and include detached and semi-detached dwellings. Dwellings located at Loguestown Green are also predominantly two storey with a red brick finish. The dwellings located off Bushmills Road are a mix of two storey semi-detached dwellings and townhouses with a red brick, smooth render and dash. There are critical views of the proposed site from Bushmills Road travelling North and South.

### 3 RELEVANT HISTORY

C/2014/0260/O- Outline application for Nursing Home (approx 60 beds) on area of sites 188-207 previously approved as apartments under approval ref number C/2009/0746/RM, with appropriate site works, car parking and landscaping  
Permission Granted 26.09.2014

C/2011/0440/F, Proposed Change of House Type to Previous Approval C/2009/0746/RM comprising 9 no Semi Detached Dwellings ( Sites 45, 47, 48, 49, 51, 52, 153, 154 and 155 ), including garages and all other associated site works. Former "Maxwells" Spital Hill Quarry, 209 Bushmills Road, Coleraine, BT52 2BX. Permission Granted 19.12.2011.

C/2010/0513/RM, Lakeside Park comprising reinforced earth bank, aquatic marginal planting, local area for play, interactive wetland habitat, floating pontoons, including pumping station & aeration system. Lands at former Maxwells Spittle Hill Quarry, 209 Bushmills Road, Coleraine. Permission Granted 24.02.2011.

C/2009/0746/RM, Proposed redevelopment of former quarry & batching plant including regrading of site levels, to provide new residential development of 207 dwellings consisting of detached & semi-detached houses, townhouses, apartments, with garages, carports, access & associated right turning lane and other associated site works. Former Maxwells Spital Hill Quarry 209 Bushmills Road Coleraine. Permission Granted 27.05.2010.

C/2007/1106/O, Redevelopment of former quarry and batching plant, including regrading of site levels and provision of new residential neighbourhood, associated open space and landscaping and ancillary works. Former Maxwells Spittle Hill Quarry, 209 Bushmills Road, Coleraine. Permission Granted 04.06.2009.

C/2006/0390/O, Residential Development of dwelling houses & apartments along with associated retail accommodation, community facilities and road works. 209 Bushmills Road, Coleraine. Application Withdrawn 26.03.2007.

## 4 THE APPLICATION

- 4.1 Erection of 108 no. dwellings, comprising detached and semi-detached dwellings, with garages and all other associated site works, car parking, landscaping, including local area for play and interactive wetland habitat.

## 5.0 PUBLICITY & CONSULTATIONS

### 5.1 External Neighbours and Representation

Public Representation – There has been no representations received on this application.

### 5.2 Internal

**DFI Roads:** Has no objection, in principle, to the proposal.

**NI Water:** Has no objection, in principle, to the proposal.

**Rivers Agency:** Has no objection, in principle, to the proposal.

**DAERA:** Has no objection, in principle, to the proposal subject to conditions.

**Environmental Health:** Has no objection, in principle, to the proposal subject to conditions.

**Shared Environmental Services:** Has no objection, in principle, to the proposal subject to conditions.

## 6.0 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

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

## **7.0 RELEVANT POLICIES & GUIDANCE**

Regional Development Strategy 2035

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2- Natural Heritage

PPS 3- Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas

PPS 15 (Revised) Planning and Flood Risk

Supplementary Guidance

DCAN 8: Housing in Existing Urban Areas

Creating Places

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to: the principle of development; quality in new residential development; design concept; Access, Movement and Parking, Contamination, Ecological Impacts, Regrading works and Lake Pump, Balsting and Dust Impacts, Social Housing, Drainage Assessment, Environmental Impact Assessment and Habitats Regulations Assessment.

### **Principle of development**

8.2 The proposed site is located within the Settlement Development Limit for Coleraine and is located partially within zoning CEH 09 and CEH 10 for housing. However, the majority of the site is unzoned land or “white land.” There are no other zonings linked to this site. As CEH 09 was a committed site, the Northern Area Plan 2016 did not provide key site requirements.

8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

8.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

8.5 This is a reserved matters application and the principle of this development has been established at the site. The Outline application C/2007/1106/O was approved subject to a number of conditions. These conditions related to time limit, landscaping and open space, details of regrading works, details of lake pump and contingency plans, design and layout of the dwellings proposed, surface treatments, access and car parking and hard and soft landscaping. Further conditions related to provisions of existing and proposed ground levels and finished floor levels, siting and design of the children’s play area, habitat management, landscape maintenance, pedestrian access, a right hand turn lane, provision of a detailed remediation strategy and contamination, assessment of groundwater quality monitoring programme, blasting, monitoring ground vibration and flooding. These conditions have all been adhered to.

## Quality in New Residential Development

- 8.6 Policy QD 1 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.
- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- 8.7 The proposed site is located within an area where there is a mix of development to include commercial premises, industrial units, playing fields, school and residential dwellings. Dwellings within the area are predominantly two storey with a mix of semi-detached and detached properties and town houses. The dwellings have a mix of finishes which includes, smooth render, red brick and dash.
- 8.8 The proposed development includes provisions for 108 dwellings which includes a mix of house types. The dwellings proposed are predominately two storey but there are also some three storey split level properties and bungalows proposed as part of the scheme. The dwellings proposed will all have a slate or concrete tiled roof and will be finished with smooth render and facing brick. Overall the proposed design, scale, massing and appearance of the buildings are considered acceptable given as the proposed traditional form and finishes of the dwellings proposed allows the development to integrate into the existing character of the area. In terms of layout all the dwellings proposed will have in curtilage parking and provisions of front and rear gardens.
- 8.9 Having regard to the topography of the site the existing ground levels fall away toward the North of the site. There is a drop of approximately 10 metres from the south of the site toward the north of the site. Split level dwellings have been provided along the lake frontage where the ground level is at its lowest to minimise the impact of the difference in levels. The proposed development will use some retaining walls along the rear curtilage boundaries of dwellings to reduce the impact of the

differing levels. This will be combined with native tree and scrub planting which will reduce the overall visual impact of these walls. The use of retaining walls is unavoidable given the nature of the site which was a former quarry which, has significant changes in levels. On balance, the use of some retaining walls is considered acceptable as views of these will be limited from the public road and the tree planting will reduce their overall impact.

***(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;***

8.10 The site is not located in proximity to any Archaeological Sites and Monuments and is not located within an Area of Archaeological Potential. The site is not located in proximity to any listed buildings. The site is not located within a Local Landscape Policy Area and will not lead to the removal of any landscape features. The existing lake will be retained and additional landscaping will be used to enhance the overall area. Overall the proposed development will not have a detrimental impact on features of archaeological, built heritage or landscape importance. The proposed development therefore meets with Policy BH 2 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

***(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;***

8.11 In the Creating Places document it is recommended that all dwellings proposed should have access to 70 square metres of private amenity. All the proposed dwellings meet with this



recommendation and in most cases exceed this threshold. These areas of private amenity space will be grassed and boundaries will consist of hedging and fencing which will reduce the visual impact of the proposed dwellings.

8.12 Given the proposal includes provisions for 108 dwellings it exceeds the 25 unit threshold as stated in PPS 8 Open Space and Recreation policy OS 2 relating to open space in new residential development. In line with this policy there is an expectation that 10% of the total site area should be allocated as public open space. As part of the proposed development a total of approximately 1 hectare of public open space will be provided as part of the application. This is just below the 10% recommendation but given the existing lake will be retained as part of the proposal which restricts development on the site this is considered acceptable. It is considered that the proposed area of public open space is linked to the overall development as it is located toward the centre of the site. The proposed areas of open space have recreational and amenity value and access to these areas will be safe for proposed residents. The design, location and appearance takes into account nearby residents.

8.13 As the proposal includes the development of 100 units or more an equipped children's play area will be required as part of the proposal. This has been provided as part of the scheme and it is located generally within 400 metres of all the dwellings proposed. The location of the play area and the equipment proposed is considered acceptable. As part of this policy suitable arrangements must be put in place to ensure the areas of public open space are maintained. This will be ensured through the use of a condition.

***(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;***

8.14 This proposal includes provisions for 108 units. As part of the scheme provision for a children's play area has been provided and the location and equipment proposed is considered acceptable. Given the location of the proposed development close to the town centre of Coleraine it is considered that further neighbourhood facilities are not required.

***(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;***

8.15 This proposal is located within the Settlement Development Limit of Coleraine. The dwellings are located within walking and cycling distance to the town centre of Coleraine. The proposal will also provide convenient access to public transport as it is located beside the train station and bus links.

***(f) adequate and appropriate provision is made for parking;***

8.16 The proposal incorporates at least two in-curtilage parking spaces per dwelling. DFI Roads was consulted in relation to this scheme and raised no concern in regard to parking provision.

***(g) the design of the development draws upon the best local traditions of form, materials and detailing;***

8.17 The design of the proposed development is considered acceptable given the traditional form and finishes proposed as part of the scheme. The finishes include a slate roof or concrete tiled roof, smooth render and facing brick which are in keeping with the context of the area in which there are a mix of finishes.

***(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;***

8.18 In terms of design and layout the key issue in relation to this proposal, is the impact of the topography of the site which has the potential to allow for overlooking. Within Creating Places it is recommended that there should be a separation distance of around 20m or greater between the opposing rear first floor windows of new houses. All the dwellings that have a back to

back relationship meet with this threshold. In most cases this separation distance has been exceeded. Given the topography of the site this will reduce the potential for overlooking. It is considered on balance that given the separation distances proposed that there will be no concerns in regard to overlooking, loss of light or overshadowing. At the corner sites there are some back to side relationships but given the intervening garages, the positioning of windows and separation distances proposed there will be no concern in regard to overlooking, loss of light or overshadowing at these sites. It is also recommended that a 10 metre separation distance between the rear of new houses and the common boundary should be provided. This has been met in the majority of cases with several of the dwellings falling just below this.

8.19 Given the residential use it is considered that the proposed development will not have an adverse impact on the amenity of existing or proposed residents through noise or other disturbance. Environmental Health was consulted in regard to this application and raised no objection in principle subject to conditions and informatives.

***(i) the development is designed to deter crime and promote personal safety.***

8.20 This proposal will not lead to the creation of areas where anti-social may be encouraged. The back gardens of the proposed dwellings will be enclosed with a combination of walls, retaining walls, fencing and hedging this will increase security at the site. In regard to the provisions of the public open space these areas will be overlooked by the proposed dwellings and this will provide surveillance of this space. The proposed play park will be located at the eastern corner of the site but will be overlooked by 6 dwellings which is considered acceptable. The proposed development will not lead to the creation of spaces where anti-social activity will be encouraged.

## **Design Concept**

8.21 Policy QD 2 requires the submission of a Design Concept Statement to accompany all planning applications for residential

development. This has been accompanied with the application and has been deemed acceptable.

### **Impact on the character of the surrounding area**

8.22 Policy LC 1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

***(a) the proposed density is not significantly higher than that found in the established residential area;***

***(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and***

***(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.***

8.23 This proposal will provide 108 dwellings on a mainly white land site within the Coleraine Settlement Development Limit. This is a Reserved Matters application and the principle of development has already been established at the site. The proposed density is therefore considered acceptable at this location.

8.24 The proposed site is located within an area where there is a mix of development to include commercial premises, industrial units, playing fields, school and residential dwellings. Dwellings within the area are predominantly two storey with a mix of semi-detached and detached properties and town houses. The dwellings have a mix of finishes which includes, smooth render, red brick and dash. The dwellings proposed are made up of a mix of bungalows, two storey dwellings and three storey dwellings which are detached and semi-detached. The finishes include smooth render and facing brick which is acceptable having regard to the overall character of the area.

8.25 All the dwellings proposed are of a size not less than those set out in Annex A of the policy.

## **Access, Movement and Parking**

8.26 Initially DFI Roads raised concerns but amended plans have since been provided and DFI Roads are now content with the proposal subject to conditions. The PSD drawings have been accepted by DFI Roads. The proposed development is in keeping with Policy AMP 2 of PPS 3 Access, Movement and Parking as the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.

## **Contamination**

8.27 As part of the initial outline application condition 21, 22 and 23 related to potential impacts of contamination. Conditions 21 and 22 related to the submission of a Remedial Verification report to be submitted before any works commenced and to detail mitigation measures to be incorporated in the report. A Remedial Verification Report was submitted as part of this Reserved Matters application. DAERA Land, Soil and Air and Environmental Health were consulted in regard to this additional information. Environmental Health was content that condition 21 had been addressed by this report as verification samples recorded concentrations of concern below the Remedial Target Levels and soil samples recorded concentrations below the respective screening values. It is considered that the proposed development will therefore not pose a human health risk. DAERA has no objection to the discharge of condition 21 for phase 2 of the development, for environmental risks. However, it was stated that there was no confirmation of the extent of Phase 2 was provided.

## **Ecological impacts**

8.28 As part of the initial outline application reference C/2007/1106/O an Environmental Statement was submitted and agreed. An initial consultation was sent to Natural Environment Division. A request was made for additional information as the assessment of the impact on species within this Environmental Statement was considered out of date. An Ecological Impact Assessment DOC 1 dated 6<sup>th</sup> December 2017 was submitted following on from this. DAERA Natural Environment Division requested further information in the form of an Outline Construction Method Statement, photographs of the site, details on the activity of

Peregrine Falcons, clarification on badger survey details and a Lighting Plan. This information was all submitted as part of the application. Natural Environment Division was content with the detailing of these reports. The proposed development therefore meets Policies NH 2 and NH 5 of Planning Policy Statement 2: Natural Heritage as the development will not have a detrimental impact on species protected by law or habitats, species or features of Natural Heritage Importance.

### **Re-grading Works and Lake Pump**

8.29 Application reference C/2010/0513/RM addressed the issues relating to the proposed regrading and lake pump details. This application remains live. A condition will be used to ensure this regrading work is completed prior to the occupation of any dwelling approved under this application. The proposed lake pump is required to control the water level of the lake proposed as part of the scheme. This has been submitted as part of the Drainage Assessment and Addendum to Drainage Assessment Doc 4 and 5 dated 3<sup>rd</sup> May 2018. DFI Rivers was consulted in relation to this and did state that flooding at the site may result if the pumping station fails. DFI Rivers acknowledged that a backup emergency plan was provided but DFI Rivers did not comment on this. This emergency plan includes duty and standby pumps in case of pump failure, standby generator in case of power failure, high level alarm if pumps are unable to discharge the flow from the lake and telemetry system which will notify the Management Company if there is a failure and emergency response plan to deal with failures in the lake pump. A condition will be used to ensure the management and upkeep of this Lake Pump.

### **Blasting and Dust Impacts**

8.30 As part of the regrading works proposed blasting will be required. Environmental Health was consulted in relation to this application and did request a number of conditions to safeguard the impact of this work on the amenity of residents in the area. These conditions will be placed on any approval. Further to this a Construction Dust Impact Assessment was submitted as part of the application. Environmental Health was consulted in relation to this and raised no objection. Within this report the consultant concluded that there are no significant risk impacts as a result of

the development. Environmental Health confirmed that no complaints have been received in relation to dust arising from the application.

### **Social Housing**

8.31 Consideration has also been given to Policy HOU 2 of the Northern Area Plan which relates to Social and Supported Housing. Within this policy it is stated that proposals for schemes of more than 25 residential units, or on a site of 1 hectare or more, will be required to contribute to meeting the needs of the wider community, where there is an established need for social or specialist housing, as established by the Housing Needs Assessment. Given this is a reserved matters application to which the outline was approved prior to the adoption of the Northern Area Plan this provision is not relevant to this scheme. As part of the Outline application there was no condition relating to provision for social housing.

### **Drainage Assessment**

8.32 Under Policy FLD 3 of Planning Policy Statement 15 a Drainage Assessment will be required for a residential development comprising of 10 or more dwelling units or when the development site exceeds 1 hectare. Given the proposed development includes provisions for 108 residential units a Drainage Assessment was required.

8.33 A drainage assessment was submitted as part of the application. A consultation was sent to DFI Rivers who are content that as a result of the development there will be no increase in flood risk elsewhere as no extra storm water will be discharged to the designated watercourse known as Jubilee Terrace Drain located along the eastern boundary of the site. It was stated that flooding may result if the pumping station fails. Although a backup emergency plan has been proposed as part of the Drainage Assessment DFI Rivers did not comment on this. DFI Rivers stated that it should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. The proposed development therefore complies with this Policy FLD 3 of PPS 15.

## **Environmental Impact Assessment**

8.34 This proposal is considered to fall within Category 10 (B) of Schedule 2- The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks. This is a reserved matters application and an Environmental Statement was submitted under the Outline Application reference C/2007/1106/O. An EIA consultation was sent to DAERA who stated that the information provided within the Environmental Statement was now out of date. The Council under Regulation 13 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 determined that the environmental information already before it under the outline application was not sufficient to consider fully the environmental impacts of the proposal. A request was made to provide additional information within three months in line with this regulation and this information was submitted. DAERA was consulted in relation to this and were content with the information provided as it was considered that the proposal would not be likely to have a significant environmental impact. Further to this a press advert was sent to notify the public that additional information has been submitted.

## **Habitats Regulations Assessment**

8.35 The proposed site is located approximately 3.5 kilometres from the Bann Estuary SAC and the site is hydrologically linked via a small watercourse. As part of the application a Site Environmental Management Plan was submitted as part of the scheme. Shared Environmental Services and DAERA Natural Environment Division was consulted in relation to this application. Having considered the nature, scale, timing, duration and location of the project it was concluded by SES and DAERA that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. These mitigation measures include the submission of a final Construction Environmental Management Plan and the maintenance of lake design and operational maintenance.



## **CONCLUSION**

8.36 The proposed housing development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The principle of development has been established at the site under the outline approval. The proposed developments meets with the conditions as set out in former outline application. The proposed layout and topography of the site is considered acceptable. It is considered that there will be no unacceptable impacts on existing dwellings or proposed dwellings via overlooking, loss of light or overshadowing. Approval is recommended.

## 10 Conditions

1. As required by Section 62 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 5 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. All soft and hard landscaping incorporated in the stamped approved Drawing No.95 Rev 4 bearing Planning Authority date stamp 17th October 2018 and Drawing No. 94 Rev 3 date stamped 27rd July 2018 shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice before occupation of the first residential unit in the development.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

3. The scheme of planting as approved on drawing number No.95 Rev 4 date stamped 17th October 2018 and Drawing No. 94 Rev 3 date stamped 27rd July 2018 shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape in the interests of visual amenity.

4. Details of the maintenance and management of the open space communal areas and landscaped areas shall be carried out in accordance to Landscape Management and Maintenance Plan Drawing Number 99 date stamped 2<sup>nd</sup> June 2017.

Reason: To ensure the establishment and continuity of the approved open space, communal areas, and amenity areas through the long term maintenance to achieve a quality residential development.

5. The approved re-grading works and formation of the sides of the water body shall be completed prior to the occupation of any dwelling hereby approved. No development shall take place until the detail of this is submitted to and agreed in writing by the Council.

Reason: To ensure a satisfactory form of development.

6. No dwelling hereby approved shall be occupied until the lake pump and the associated management and contingency plans are carried out in accordance with the Lake Water Management Plan document No. 04 date stamped 22nd September 2010 of application reference C/2010/0513/RM and shall continue to be maintained in perpetuity or as subsequently may be agreed in writing with the Council. The approved lake pump shall be installed and the associated management and contingency plans shall be put in place prior to the rebounding of water levels within the lake.

Reason: In the interests of residential amenity and to ensure the proper functioning of the water body as part of the open space provision.

7. If during the development works, contamination is encountered which has not previously been identified, works shall cease and the Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to the Departments satisfaction.

Reason: Protection of health and environmental receptors to ensure the site is suitable for use.

8. Prior to the commencement of construction or any associated site works as hereby approved, the face stability mitigation measures as detailed in Section 11: 'Land Stability', Table 11.3, page 175 of the Environmental Statement shall be implemented in their entirety.

Reason: To ensure face stability in the interests of public and employee safety.

9. If, in the course of re-grading the site contours it is necessary to carry out blasting, each blasting charge shall be so balanced that a peak particle velocity of 10 millimetres per second and an air over pressure of 128 decibels is not exceeded at any occupied dwelling which is outside the ownership or control of the developer.

Reason: To safeguard the amenity of residents in the area.

10. No blasting shall take place within 100 metres of any occupied dwelling which is outside the ownership or control of the developer.

Reason: To safeguard the amenity of residents in the area.

11. The operator shall, when requested in writing by the Planning Authority, monitor levels of ground vibration and air over pressure at specified locations during blasting operations. The results of this monitoring together with any other details relating to the blast design, charge sizes, etc., shall be made available to the Department. In the event that the levels specified in condition number 26 are exceeded at any blast then no further blasting shall be permitted until the Planning Authority is satisfied that these standards will be met in future blasting operations.

Reason: To safeguard the amenity of residents in the area.

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated Drg. No. 104 Rev 05, (Drg no. IBH0068/P2/1020 Rev H) - Private Streets Determination, Road Layout Plan....dated 10th 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.

13. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

14. No part of the development hereby approved shall be occupied until the Developer has provided an efficient system of street lighting in accordance with Schedule 8 of The Private Streets (Construction) Regulations (Northern Ireland) 1994 as amended by The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Reason: To ensure the provision of adequate street lighting and in the interests of safety.

15. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

16. No development shall commenced until any (highway structure/retaining wall/culvert) requiring Technical Approval, as

specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

17. No development shall commence until a Certificate issued by a Chartered Structural Engineer certifying that the structure has been designed in accordance with the relevant standards and guidance, has been submitted to and accepted by DFI Roads. The certificate should state;

“I/We certify all reasonable professional skill and care has been used in the design & check of the above named structure in accordance with the following design standards and advice notes”

Reason: In the interests of road safety.

18. Lake design and operational maintenance must be in accordance with the details presented in the Drainage Assessment Appendix A (Lake design document) and the Landscape Management and Maintenance Plan.

Reason: To ensure lake water quality is maintained to protect water quality in downstream Bann Estuary SAC and to ensure no impact on mobile features of Skerries and Causeway SAC.

19. A final Construction Environmental Management Plan (CEMP) must be submitted by the contractor to the planning authority for agreement with NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. The full CEMP must be site specific with detailed method statement for all works near or liable to affect the lake onsite as well as detail on construction phase control of site solids runoff, and protection of the environment from hydrocarbons. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing with by the planning authority.

Reason: To ensure that the appointed contractor undertaking the work is fully appraised of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of Bann Estuary SAC and mobile features of Skerries and Causeway SAC.

20. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases into the watercourse along the south-eastern red line boundary.

Reason: To ensure there are no adverse impacts on the integrity of Bann Estuary SAC and mobile features of Skerries and Causeway SAC.

21. A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and the watercourse present along the south-eastern red line boundary.

Reason: To ensure there are no adverse impacts on the integrity of Bann Estuary SAC and mobile features of Skerries and Causeway SAC.

22. There shall be no works, including vegetation clearance, during the bird breeding season (1 March to 31 August inclusive).

Reason: To protect breeding birds.

23. Occupation of residential units is prohibited until all major reshaping and contouring works have been completed.

Reason: In the interests of residential amenity.

24. The combined noise level from the lakeside pumping station permitted by this permission, shall not exceed 56dB  $L_{Aeq}$  (5minutes) when measured at a distance 10 metres from the plant.

Reason: In the interests of residential amenity.

25. No blasting shall be permitted between the hours of 18.00 to 07.00, or at any time on Sundays, except in the following circumstances:

(i) In an emergency situation where there is a danger to persons in the proposed development.

(ii) Within a defined part of the proposed development and on a specified date or dates with prior written consent of the Council.

Reason: In the interests of residential amenity.

26. Glazing capable of providing a sound reduction of at least 30 dB  $R_{A,tr}$  for bedrooms and 25 dB  $R_{A,tr}$  for living rooms, with respect to the transmission of noise from the exterior to the interior of the building, shall be provided to all bedrooms and living rooms on facades adjacent to the Bushmills Road.

Reason: In the interests of residential amenity.

27. Glazing capable of providing a sound reduction of at least 26 dB  $R_w$  with respect to the transmission of noise from the exterior to the interior of the building, shall be provided to all habitable rooms on facades adjacent to the south-western boundary.

Reason: In the interests of residential amenity.

28. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 30 dB  $R_{A,tr}$  for bedrooms and 25 dB  $R_{A,tr}$  for living rooms, when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be provided to all bedrooms and living rooms on facades adjacent to the Bushmills Road. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dB(A), whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the requirements contained within, "The Building Control Technical Booklet K – Ventilation 1998.

Reason: In the interests of residential amenity.

29. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 26 dB  $R_w$  when in the open position (with respect to noise transmission from



the exterior to the interior of the building), shall be provided to all habitable rooms on facades adjacent to the south-western boundary prior to the occupation of any dwelling. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dB(A), whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the requirements contained within, "The Building Control Technical Booklet K – Ventilation 1998.

Reason: In the interests of residential amenity.

30. Prior to the occupation of any dwelling a 1.8 metre high acoustic barrier shall be erected along the whole length of the development site's south-western boundary. The barrier shall have a minimum self weight of 25 kg/m<sup>2</sup>.

Reason: In the interests of residential amenity.

31. Prior to the occupation of any dwelling hereby approved, the equipped children's play area shall be provided in accordance with the position shown on Drawing No. 95 Rev 4 and with the equipment specification shown on Drawing No. 116. This equipped children's play area shall be maintained in perpetuity.

Reason: To ensure adequate public open space provision including an equipped children's play area in accordance with the policy requirements of PPS 8 Open Space, Sport and Outdoor Recreation.

## Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. The Applicant is advised that developers are also now responsible for the cost of supervision of the construction of streets determined under The Private Streets Order. A fee of £1,000 plus 2% of the total Bond value will be paid directly to Roads Service before the Bond Agreement is completed.

3. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewer.

4. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

6. It is a DFI Roads requirement that any structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

7. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DFI Roads, Street Lighting Consultancy, Co.Hall, 182 Galgorm Road, Ballymena. The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of

supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

8. Removal of any hedgerow vegetation or trees for access purposes and removal or infilling of natural features such as earth banks and ditches should be avoided.

Any unavoidable hedgerow or tree removal should be carried out outside of the bird breeding season, which runs from 1st March to 31st August.

All works should remain within the access and construction footprint as shown on the original drawings.

Further advice may be sought from the Wildlife Officer, Northern Ireland Environment Agency, Klondyke Building, Gasworks Business Park, Belfast, BT7 2JA Tel: 028 9056 9551.

9. The applicant should refer and adhere to the precepts contained in Standing Advice Note No. 2. Multiple Dwellings, 4. Pollution Prevention Guidance, 5. Sustainable Drainage Systems, 7. Invasive Alien Species, 11. Discharges to the Water Environment, and 22. Culverting.

[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice.htm](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm)

10. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations

(Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to;
  - (i) affect the local distribution or abundance of the species to which it belongs;
  - (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or

- (iii) Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

11. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605.

12. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a newt while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of newts on the site, all works must cease immediately and further advice sought from the Wildlife Officer's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac

Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605.

13. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

14. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

15. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

16. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

17. The applicant's attention is drawn to the attached information note from NI Water.

# Site Location

