

Planning Committee Report LA01/2016/1258/RM	26th June 2019
PLANNING COMMITTEE	

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

<u>App No:</u>	LA01/2016/1258/RM	<u>Ward:</u>	Altahullion
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	Land opposite 30 Glengiven Avenue and 3, 5 and 15 Glenside Brae (land to East and South of the former Gorteen House Hotel) and to the rear of 27, 29, 33, 35, 47 and 59 to 63 Ballyquin Road, Limavady		
<u>Proposal:</u>	Construction of housing development comprising 201 dwellings providing a mix of 4 bedroom two storey detached and semi-detached dwellings and 4 bedroom semi-detached chalet dwellings, 3 bedroom two storey detached and semi-detached dwellings and 3 bedroom detached and semi-detached chalet dwellings, associated access roads and footpaths, landscaping and public open space.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	17.10.2016
<u>Listed Building Grade:</u>	N/A		
Applicant:	Mr Harry Boyle (Gorteen Group), Ardnargle, Seacoast Rd, Limavady, BT49 9DW		
Agent:	GM Design, 22 Lodge Road, Coleraine, BT52 1NB		
Objections:	2	Petitions of Objection:	0
Support:	1	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1.0 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 reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located Land opposite 30 Glengiven Avenue and 3, 5 and 15 Glenside Brae (land to East and South of the former Gorteen House Hotel) and to the rear of 27, 29, 33, 35, 47 and 59 to 63 Ballyquin Road, Limavady. The application site is a large site at 10Ha and encompasses one large agricultural field and approximately half of another field. A laneway dissects the application site which serves a number of single dwellings and farm buildings/land from the Ballyquin Rd. The application site undulates across the site and rises in a southern direction with the southern portion of the site on elevated lands above the roadside development along Ballyquin Rd. the eastern/north eastern boundaries contain built development immediately adjacent with a number of residential properties along the Ballyquin Rd and private laneway and Petrol Station/retail units in the north eastern section of the site. The existing boundaries of the site are generally well vegetated with mature vegetation along field boundaries and fencing and walls and vegetation to the boundaries of existing dwellings adjacent the site.
- 2.2 The application site is located within the settlement limit of Limavady Town as defined in the Northern Area Plan 2016. The application site is located on lands zoned for housing within the Northern Area Plan 2016 under zoning LYH 13. The site is located to the southern end of the settlement and is just inside the settlement limit. The western side of the Ballyquin Rd is currently characterised by roadside development comprising detached dwellings, commercial properties and a new petrol filling station and retail units at the northern end of the application site. The application site sits adjacent to the former

Gorteen Hotel site which is now demolished, with agricultural lands extending to the west and south of the site. To the west of the application site and beyond the settlement limit is the River Roe which is a designated Special Area of Conservation and Area of Special Scientific Interest and Roe Valley Country Park which are designated under LLPA01 and LLPA02 as well as LHP 06 – Roe Valley Park Historic Park, Garden and Demesne. To the north and east of the application site the prevailing land use is residential with relatively dense housing at Roemill Road and the housing between Ballyquin Road and Scroggy Road.

- 2.3 There are currently three live planning applications on the lands immediately adjacent the application site. Two reserved matters planning applications for housing, in association with the same outline approval as with this application exist to the immediate west and further west of the site under applications LA01/2016/1265/RM and LA01/2016/1267/RM. To the immediate east of the application site, to the northern end of the site, a current application for an integrated primary school is currently under consideration under LA01/2018/0349/F

3.0 RELEVANT HISTORY

- 3.1 B/2010/0440/O - 183 & 187 Roemill Road, Limavady, including lands to the north, east, south and west of the former Gorteen House Hotel, Junctions of Roemill Road/Catherine Street, Irish Green St/Greystone Road/Broad Road - Demolition of existing buildings, erection of housing with associated open space and landscaping, and community facilities. Improvements to existing road junctions in the vicinity – Permission Granted 20.10.2011

B/2008/0200/O - Nos. 183 and 187 Roemill Road, Limavady, including lands to the North, East, South and West of the Gorteen House Hotel. Also Junctions at Roemill Road/Catherine Street, Irish Green Street/Greystone Road and Greystone Road/Broad Road – Mixed use development including housing, retail, commercial and community uses. Associated landscape works and improvements to local road network. Demolition of existing buildings on site – Appeal Dismissed 28.09.2010

Adjacent Site

LA01/2018/0349/F - Lands adjacent and West of Nos 27 & 29 Ballyquin Road, Limavady – Construction of New 7 Class base Primary School and future Single Nursery Unit, with associated access road, car parking and external play areas – Current Application

LA01/2016/0872/F - Land opposite 30 Glengiven Avenue, 3, 5 & 15 Glenside Brae (to the east of the former Gorteen House Hotel) – Petrol filling station, including ancillary shop, car wash facilities, vehicle parking and associated landscaping as approved under LA01/2016/0048/RM, and additional hot food takeaway unit and first floor office accommodation – Permission Granted 21.10.2016

LA01/2016/0048/RM - Land opp 30 Glengiven Ave, 3,5 and 15 Glenside Brae (to the east of the former Gorteen House Hotel), Ballyquin Road, Limavady – Petrol filling station, including ancillary shop, car wash facilities, vehicle parking and associated landscaping – Permission Granted 28.04.2016

B/2012/0001/O - Land opposite 30 Glengiven Avenue and 3,5 and 15 Glenside Brae, Ballyquin Road, Limavady - Site for petrol filling station, including ancillary shop, car wash facilities, vehicle parking and landscaping – Permission Granted 23.09.2013

B/2012/0163/F - Lands to rear of and including 183 Roemill Road and to East of 175 Roemill Road Limavady – Erection of 50no. dwellings with associated new road system and landscaping – Application Withdrawn 16.12.2016

B/2010/0027/F - Lands at and surrounding the former Gorteen House Hotel and opposite Woodland Park, Glengiven Avenue and Glenside Brae, Limavady - Erection of residential development comprising 86 three storey, 33 two-and-a-half storey & 7 two storey dwellings, 36 apartments in three four storey blocks, access, landscaping and ancillary development – Application Withdrawn 06.01.2017

B/2009/0209/F - Ballyquin Road, Limavady (Adjacent to junction of Ballyquin Road & Roemill road and 100 metres north east of Gorteen House) – Erection of Health Village comprising health centre, nursing home and day care centre, ancillary retail with associated car parking - Permission Refused 31.08.2012

4.0 THE APPLICATION

4.1 The application proposes the construction of housing development comprising 201 dwellings providing a mix of 4 bedroom two storey detached and semi-detached dwellings and 4 bedroom semi-detached chalet dwellings, 3 bedroom two storey detached and semi-detached dwellings and 3 bedroom detached and semi-detached chalet dwellings, associated access roads and footpaths, landscaping and public open space. Access to the site is via an existing road onto Ballyquin Rd which currently serves the recently constructed petrol station and retail units. Internally, the site provides vehicular links to the adjacent reserved matters application LA01/2016/1265/RM which is currently under consideration. The proposal includes formal areas of public open space and a Neighbourhood Equipped Area of Play.

4.2 The proposal comprises a mix of dwelling types, the breakdown of which is set out below:

<u>House type</u>	<u>Height</u>	<u>Number of units</u>
A	2 Storey detached	2 No.
C1	1.5 Storey semi-detached	8 No.
C2	1.5 Storey detached	8 No.
C3	1.5 Storey semi-detached	20 No.
C4	2 Storey semi-detached and detached	49 No.
C6	2 Storey semi-detached	5 No.
C7	2 Storey detached	5 No.
C7A	2 Storey detached	14 No.
C7B	2 Storey semi-detached	10 No.
C7C	2 Storey semi-detached	12 No.

C7D	2 Storey detached	6 No.
C9	2 Storey detached	8 No.
C12	2 Storey detached	4 No.
D	2 Storey semi-detached	10 No.
D1	2 Storey semi-detached	4 No.
D2	2 Storey semi-detached	3 No.
D3	2 Storey semi-detached and detached	7 No.
E	2 Storey semi-detached	14 No.
E1	2 Storey detached	4 No.
E2	2 Storey semi-detached	8 No.

4.3 The application is a major application under Article 2(1) of The Planning (Development Management) Regulations (NI) 2015 because the proposal exceeds the 50 or more units and 2 hectare thresholds stated at section 6 of the associated Schedule. A PAN is not required for this reserved matters application under Section 27 of the 2011 Planning Act.

4.4 Given the size of the application site, the application was subject to an EIA Determination. Having carried out an EIA Determination a negative determination was made on the basis that the proposed development would not result in significant environmental harm.

4.5 As the application is a reserved matters application there is no requirement for the applicant to submit a Design and Access Statement under Section 40 of the 2011 Planning Act, and Articles 3 (3) (f) and 6 of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: There are two objections to the proposal.

The issues raised within the objections include

- Overlooking and loss of privacy
- Impact on the environment within objectors property

- Problems with drainage
- Disturbance, noise and nuisance
- Over development
- Impact on access to existing dwellings
- Impact on existing utility services to existing dwellings

One letter of support has been received in relation to the scheme.

5.2 Internal:

DFI Roads: No objections subject to conditions

Environmental Health: No objections

NI Water: No capacity for connection to foul sewer

Loughs Agency: No objections subject to conditions

Shared Environmental Services: No objections subject to conditions

Rivers Agency: No objections

DAERA: Natural Environment Division: No objections subject to condition

DAERA: Water Management Unit: No objections subject to condition

DAERA: Land, Soil and Air: No objections subject to condition

Historic Environmental Division: Historic Monuments: No objections 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 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

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

Planning Policy Statement 15: Planning and Flood Risk

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development, the design and layout; impact of the development on the character of the area; social housing; access and parking; Natural Environment; Habitat Regulations Assessment; flood risk and drainage and objections from third parties.

Principle of Development

8.2 The application site is located within the defined settlement limit of Limavady Town and is located on Lands zoned for housing within the Northern Area Plan 2016. Outline planning permission was granted on the application site under B/2010/0440/O, to which this application relates. Given the land use zoning and the planning history on the site the principle of housing on the site is established, and does not need to be assessed as part of this application. This application will be assessed against the conditions of the outline approval and against all other relevant policy and guidance.

Design and Layout

8.3 The SPPS states that the policy approach to housing in settlements must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures.

8.4 Policy QD1 of PPS 7 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. The design and layout of residential development should be based on an overall design

concept that draws upon the positive aspects of the character and appearance of the surrounding area.

- 8.5 All proposals for residential development will be expected to conform to all of the following criteria:

(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;

The proposed density averages 20 dwellings per hectare across the whole site (i.e. medium density). Given the proposed density of the development in comparison to the surrounding residential development sites, the Planning Department considers the proposal to be reflective of local character and does not result in overdevelopment of the site, as highlighted within the submitted objections. It is also noted that the letter of support submitted in relation to the scheme considers the nature and number of dwellings to be appropriate to the area. The proposed dwellings are a mix of chalet and two storey dwellings both detached and semi-detached. The dwellings are of a scale and design which is reflective of the surrounding area. The proposed development takes account of the existing topography of the site by proposing dwellings of a reduced scale to areas where there is the potential for conflict through dominance or loss of privacy on existing properties, as well as taking account of the prominent landform in the southern portion of the site, by also proposing chalet type dwellings to reduce the potential prominence of the development from approach to the south. The retention of existing landscape features along the site boundaries and laneway which dissects the site, as well as the provision of a large strip of open space running arterially through the development will reduce the density of the development and provide visual relief within the development.

(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;

There are no listed buildings/structures within or immediately adjacent to the application site and as such the proposal will

have no impact on the setting or physical condition of any listed building/structure.

An archaeological site was identified within the southern portion of the site and as such Historic Environment Division (HED) were consulted to assess the likely impact on archaeological features. HED advise that this application site was previously subjected to archaeological testing under planning reference B/2008/0200/O and archaeological licence AE/08/209. Archaeological features, including possible prehistoric activity, were identified. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of targeted archaeological works. This is to identify and record any archaeological remains in advance of new construction or to provide for their preservation *in situ*. The proposal therefore complies with Policy BH4 of PPS6 subject to conditions being attached to condition.

The proposed development contains several bands of mature trees and hedgerow along the external site boundaries and also along the existing private laneway which dissects the application site. The proposed development has taken account of the existing landscape features and proposes to retain the majority of the existing trees and hedgerow, with the exception of those for which removal is necessary to provide the internal road infrastructure and occasional encroachment onto proposed footprint of dwelling. A Tree Protection Plan has been submitted which details the Root Protection Area of the existing trees/hedgerow to be retained and outlines the Tree Protection Barrier location, which ensures development is kept outside of the root protection zone, ensuring adequate protection is afforded to the vegetation. The tree protection plan and the proposed removal of trees has been considered and accepted by the Planning Department's tree officer.

(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;

Policy OS2 of PPS8 states that the Planning Authority will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. Given the scale of the proposed development a normal expectation will be that at least 10% of the total site area is provided as open space. The proposed development provides for approximately 11% of public open space throughout the development, which complies with the requirements of Policy OS2.

Policy OS2 also states that for residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The proposal has provided for an equipped play area to the northern end of the site. The proposed play area provides eight different pieces of equipment, enclosed with a metal railed fenced area 1.2m in height.

Each of the proposed dwellings will provide private amenity spaces to the rear of the dwellings. Creating Places advises that in order to promote choice for residents a variety of garden sizes should be provided. The proposed development does provide for a variety of garden sizes with some rear gardens approximately 55-60m² while larger gardens sizes are in excess of 150m². No garden area falls below the minimum required provision of 40m². The Planning Department consider the level of private amenity provision to be acceptable.

The submitted Landscape Plan and associated Landscape Management plan, which outlines the methodology for the implementation and long term maintenance and management of the areas of open space in perpetuity are considered to be acceptable. No management company/agent has as yet been appointed to the proposed development, but by way of condition the developer will be required to submit details of the management company prior to the sale/occupation of the first dwelling.

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

Given the scale of this reserved matters application, there is no need for the provision of neighbourhood facilities on its own merits. As part of the outline planning approval the provision of community facilities was discussed and an area to the north of the application site was identified on the approved concept masterplan for community use. In the interim period it is noted that the new petrol filling station and retail units have been constructed immediately adjacent to this application site, and part of the site has been sold off, and a current planning application is in the planning system for the erection of a new integrated primary school. These existing and proposed facilities along with the provision of a bus route through the application site will provide adequate neighbourhood facilities which are adequate to serve the proposal.

(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;

The site is located in a suburban area close to the south-western periphery of Limavady Town. The application site forms part of a larger housing development granted planning approval under B/2010/0440/O, which is contained by the Ballyquin Rd to the East, Roemill Rd to the north and the Roe Valley Country Park to the west. The proposal provides pedestrian pathways throughout the site linking the site to Ballyquin Rd/petrol station/shop, play areas and adjacent proposed residential sites, which ultimately will provide for pedestrian access to the Roe Valley Country Park. The proposed housing development will also have a bus stop in the vicinity of its northern boundary with the adjacent application LA01/2016/1265/RM. The bus route through the housing development will afford convenient access to public transport which will link to the town centre. The proposal also incorporates traffic calming measures in the form of raised junctions, and provides for adequate infrastructures such as dropped kerbs etc. to assist with movement for the mobility impaired.

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

The proposed development will provide in-curtilage parking for the proposed dwellings comprised of a mix of side by side to the

front of the dwellings or end to end at the side of the dwellings. Visitor car parking has also been provided as part of the road network layout and some parking bays for visitor parking has been provided. DFI Roads has no objection to the level and arrangement of parking provision. The proposal complies with the standards for parking as outlined in the Parking Standards document.

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

The design of the proposed development is considered acceptable given the traditional form and finishes proposed as part of the scheme. The finishes include smooth render and facing brick with slim profile fibre cement roof tiles, which are in keeping with the context of the area in which there are a mix of finishes. The applicant has indicated that there will be a mix of brick finished proposed within the development. The dwellings to the north of the private laneway which serves No. 37 Ballyquin Rd are proposed to be red brick, while the dwellings to the south of the laneway are proposed to be grey in colour. Both of these colours are considered to be acceptable, and will provide some variety and choice to occupants. Boundary treatments to the properties are acceptable, comprising a mixture of render and brick walls, to match the associated dwellings, timber fencing to the rear gardens and estate railing and hedgerow to the front of the properties.

(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;

Given the primary land use within the immediate vicinity is residential there is no significant conflict between existing and proposed land uses in terms of acceptable uses. Plots 1-5 within the proposed development are sited to the rear of the existing petrol station and retail unit. Given the proximity of these differing uses there may be some potential for impact on the occupiers of the proposed dwellings. However these dwellings are located approximately 10m from the rear boundary of the site and proposes the erection of a 2m high acoustic fence which will assist with reducing potential noise from existing air

conditioning/extractor units on the rear façade of the retail units. Environment Health were consulted on the proposal and note the proximity of the proposal to the petrol station and hot food outlet but did not make any specific comments or objections to the relationship.

The proposed development will see proposed dwellings located in proximity to existing residential properties along the Ballyquin Rd and along the private laneway. The proposed dwellings along the eastern boundary of the southern portion are chalet type dwellings in line with the approved concept master plan, which takes account of the change in levels between the existing properties and the back to back nature of development.

The dwellings which back onto the roadside dwellings at Ballyquin Rd have ridge heights of 6.79m above finished floor level. As stated the proposed dwellings are site on land slightly higher than the existing dwellings. The proposed dwellings 114-126 are proposed to have finished floor levels between approximately 0.5m-2m higher than the dwellings at Nos. 33, 35, 47, 59 and 59a Ballyquin Rd. The rear of the proposed dwellings 114-126 are for the majority 10-11m from the rear boundary. There are a couple of these dwellings (plots 115, 120 and 122) which are 9-9.5m from the rear boundary and the dwelling at plot 114 is somewhat pinched and is 5m at the closest point from the rear boundary, although this dwelling is angled to the dwelling at No. 35. Given the chalet design of the dwellings at plots 114-126, the only first floor windows to the rear of the properties are sky lights in the slope of the roof. Therefore views from these windows are going to be restricted with no direct views towards the rear of the properties or rear amenity spaces. Private amenity of the existing dwellings at Ballyquin Rd and Nos. 33 and 35 can be further protected with the removal of permitted development rights to the dwellings at plots 114-126 to ensure that no dormer windows can be installed which could have a detrimental impact on residential amenity. The existing dwellings are located off the rear boundaries of the plots to varying degrees ranging from almost 14m to approximately 42m. Therefore the relationship between existing and proposed generally complies with the guidance within Creating Places which advocates a distance of around 20m between opposing rear first floor windows. The proposed layout and arrangement of proposed dwellings at this location is considered to be

acceptable and will not result in any significant adverse impact on residential amenity.

The residential amenity of the existing dwelling at No. 37 will not be significantly impacted upon by the proposed development given the separation distances between the proposed dwellings, the design of the dwellings and the topography. The proposed dwellings to the north and east of the No. 37 are between 35-40m from the dwelling, separated by existing boundary vegetation, existing laneway and a proposed road/grass verge, and will not result in views towards the rear amenity space of No. 37. The gables of the proposed dwellings at plots 63 and 71 are in close proximity to the rear amenity space of No. 37. The dwelling at plot 71 only has a bathroom window in the first floor gable, which will presumably be obscure glazing, and therefore not result in overlooking. The dwelling at plot 63 has one bedroom window at first floor level in the gable. This window will allow some views into the rear amenity space of No. 37, however it will not allow direct views towards the rear of the property or to the amenity space immediately adjacent the rear of the property which is considered to be the most private.

In terms of the relationship of the proposed dwellings the majority of the dwellings with a back-to-back relationship have adequate separation distances between the opposing rear elevations and rear boundaries. In the instances where the separation distances fall below the advised 10m and 20m boundaries it is only by a small amount and is not considered to result in an unacceptable relationship, which would have detrimental privacy or amenity impacts.

An objection letter was received from No. 37 Ballyquin Rd in relation to the proposed development and its impact on the occupant's right of way/means of access to their dwelling. No. 37 is accessed via a private laneway off Ballyquin Rd, along with other dwellings. The proposed development occupies lands on both sides of the laneway and the housing development seeks to close off the laneway prior to No. 37, with access proposed to be provided through the proposed housing development, which the objector indicates will impact upon their amenity/access to the property. The objector has indicated that they have an easement over the existing laneway for access to the property. The objector has indicated that legal advice sought on their behalf indicates that in order to alter/change the route then they would

require the objector's consent. In assessing the proposal in planning terms, an alternative means of access has been provided to the public road which will not prejudice road safety, and is therefore considered to be acceptable in principle, however, as planning permission does not extinguish or alter existing rights of way, this issue falls to be resolved outside of the planning system between the interested parties.

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

The proposed design and layout of the proposed development ensures that there are no issues arising in relation to crime and personal safety. The public amenity spaces and play area are overlooked by the fronts of dwellings to provide casual surveillance. The proposed layout ensures that rear gardens back onto each other and are fully enclosed, ensuring safe environs to the occupiers of individual dwellings. The proposed layout does not result in the formation of or link to any narrow unfrequented/underutilised routes which could result in a lack of surveillance.

Impact on the character of the surrounding area

- 8.6 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.

- 8.7 This proposal will provide 201 dwellings on a greenfield site within the Limavady Settlement Development Limit. This is a Reserved Matters application and the principle of development has already been established at the site, and the density was a consideration of the outline application. The areas of housing in

the vicinity of the area provide a variety of housing densities. To the north of the site along Roemill Rd and North East between Ballyquin Rd and Scroogy Rd development is of a relatively high density, while to the east of the site at Whitehill Park would be comparable to the proposed development.

8.8 The proposed site is located within an area where there is a mix of development to include commercial premises and residential dwellings. Dwellings within the area are a mix of single, storey and a half and 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 and red brick. The dwellings proposed are made up of a mix of chalet and two 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.

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

Social Housing

8.10 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 applicable to this scheme. As part of the Outline application there was no condition relating to provision for social housing.

Access and Parking

8.11 Access to the public road is proposed via Ballyquin Rd, utilising the existing road which serves the existing petrol filling station and retail units which sit adjacent to the Ballyquin Rd. DFI Roads have assessed the proposal and are content that access onto the public road and access provision, road junctions etc. within the site are to an acceptable standard and will not prejudice road safety.

8.12 Condition 16 of the outline planning approval required the submission of a phased scheme for the delivery of roads infrastructure improvements. The applicant has submitted a copy of the signed Article 122 agreement between the land owners and Department for Infrastructure (DFI) which provides for the upgrade of number of junctions as specified in points e-h of condition 16. The upgrade works identified in point I have already been completed by DFI. The upgrade works proposed in points a-c are proposed as part of the development proposal within this application and adjacent applications LA01/2016/1265/RM and LA01/2016/1267/RM. Point d will be developed as part of any future application on the undeveloped portion of land at the Ballyquin/Roemill Rd junction.

8.13 Condition 17 requires the provision of a combined footpath/cycle path along the frontage of the site at Ballyquin Rd, in line with the approved concept masterplan. However in the intervening period that part of the approved site has been developed for an alternative use, with a petrol filling station and retails units occupying a road frontage location instead of housing. Considering the change in land use, this condition is not considered to be implementable. It is noted that there is an existing footpath along the Ballyquin Rd outside the application site which will continue to provide for pedestrian needs.

Natural Environment

8.14 Given the hydrological link to the River Roe and Tributaries SAC/ASSI, a robust assessment of the proposed development for both construction and operational phases was required to ensure that there would be no polluting impact/degradation of the designated site. A number of reports were requested to assess the potential impact which included

- A Preliminary Risk Assessment
- Outline Construction Environment Management Plan
- Drainage Assessment

Confirmation on a means of foul disposal was also requested.

8.15 The above reports were submitted and identified any potential existing contamination, pollution pathways and the mitigation measures to be employed which will negate the risk to any aquatic environment.

- 8.16 Condition 21 of the associated outline approval required the submission of a site survey to assess potential contamination. A Preliminary Risk Assessment was submitted 1/8/2017 upon which DAERA Land, Soil and Air Department were consulted. The Preliminary Risk Assessment concluded that risk to the water environment as low as the site is greenfield and no onsite sources have been identified. DAERA Land, Soil and Air upon review has no objections to the development provided Conditions and Informatives are placed on any planning decision.
- 8.17 The submitted reports were also considered by DAERA Natural Environment Division, Water Management Unit and Shared Environmental Services. Given the findings of the reports and proposed mitigation the consultees have no objections, subject to condition and mitigation. Subject to the implementation of best practice and the specified mitigation the proposed the proposal will not have any significant detrimental impact on the integrity or selection features of any designated site in line with the requirements of the SPPS and Policies NH1 and NH3 of PPS2.
- 8.18 For information purposes, the above conclusion was arrived at on the basis that the application proposes to dispose of foul sewage via connection to the mains infrastructure. Please refer to paragraph 8.28 below which relates to issues concerning NI Water infrastructure.
- 8.19 As part of their consideration of the proposal DAERA requested that an Extended Phase 1 Habitat Survey be carried out to assess the potential impact of the development on protected/priority species and habitats. An Extended Phase 1 Habitat Survey and confidential Badger Survey was submitted by the applicant which identified that a number of trees/vegetation within the site was capable of supporting bat roosts and breeding birds. The vast majority of vegetation is to be retained where possible other than where removal is necessary for the provision of development or where trees may need to be removed for safety reasons. The retention of these trees will maintain habitat and foraging/commuting pathways for bats and birds and as such the proposal will not adversely impact upon these species. Natural Environment Division upon review of this information are content that no further surveys are required and that subject to the retention of identified vegetation

there will be no adverse impact on the identified species or their natural habitat.

8.20A survey was carried out to assess the potential impact on the badgers within the vicinity of the application site. Previous surveys carried out in relation to previous planning applications on the site identified badgers setts in the locality and the survey was required to be updated to reflect the current status of the species and/or setts in respect of the application site. Badgers and their setts are protected by law. DAERA Natural Environment Division were consulted on the findings of the survey and accept the findings and mitigation proposed within the document and propose conditions to ensure any impacts can be offset with no significant adverse impact on badgers in the area. Given the mitigation and conditions proposed by Natural Environment Division the proposed development will not result in adverse impact on protected species, priority species and their habitats in line with the SPPS and Policies NH2 and NH 5 of PPS2.

Habitat Regulations Assessment

8.21 The proposed site is located approximately 0.36 kilometres from the River Roe and Tributaries SAC/ASSI and the site is hydrologically linked to this site. 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 designated site. These mitigation measures include the submission of a final Construction Environmental Management Plan.

PPS15

8.22 The application site is not located within the 1 in 100 year fluvial floodplain or the 1 in 200 year coastal floodplain. Therefore Policy FLD 1 of PPS 15 is not engaged.

8.23 Given the size of the application site and number of dwellings proposed Policy FLD3 of PPS 15 is engaged which required the submission a Drainage Assessment. Objections have been received highlighting concerns that the proposed development may have on drainage and the impact additional surface water

may cause on the properties, namely 37 Ballyquin Rd and 59a Ballyquin Rd.

8.24 A drainage assessment and drainage plan was submitted by the applicant outlining the proposed storm and foul drainage layout for the application site. The application proposes to discharge surface water to an existing 600mm sewer to the north of the application site before entering an existing DFI Rivers culvert. The proposed drainage system include attenuation tanks to assist with the controlled discharge of storm water as agreed with DFI Rivers. DFI Rivers have been consulted with the Drainage Assessment for the site and accepts its logic and has no reason to disagree with its conclusions. Consequently, DFI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

8.25 Given the conclusions of DFI Rivers, as the competent authority, the Planning Department are satisfied that the proposed development will not result in any adverse impacts from surface water flooding/drainage issues throughout the site or on adjacent properties.

8.26 The proposed development seeks to divert an already culverted watercourse in order to accommodate the proposed development. The agent has indicated that the existing culvert is a field drain which transverses the site.

8.27 Policy FLD4 of PPS15 states that the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

8.28 Given that the principle of development has been established on the site, the existing culvert would interfere with a significant number of properties/landowners, the most practical solution would be to divert the culvert under the proposed network to allow ease of access for maintenance. DFI Rivers have

confirmed that they have granted consent to the diversion of the watercourse under Schedule 6 of the Drainage Order 1973.

NI Water

8.29 The application proposes to dispose of foul sewage via NI Water's mains infrastructure, as was approved in principle under the associated outline approval. During the consultation process within this application NI Water have advised that the 150mm diameter public foul sewer located within Ballyquin Road cannot serve this proposal due to lack of available capacity, and are therefore not accepting any new connections until an upgrade of the infrastructure has been implemented. However, to date the timeframe for any such upgrade is not known. In order to overcome this issue the Planning Department has negotiated with the applicant/agent on the issue and have resolved to proceed with the assessment of the application based on a connection to the mains infrastructure. In progressing the application, any forthcoming approval of this application will be subject to a condition limiting development to enabling works, such as roads infrastructure and some works to the dwellings i.e. construction to foundation/sub-floor level until such times as the development can connect to mains. It has also been agreed to extend the time frame for implementation of the planning approval to five years, which may allow for development of the sewer upgrade to come online.

8.30 If the applicant wishes to proceed beyond the limitations of the aforementioned condition prior to the upgrade of the NI Water infrastructure taking place they may wish to explore alternative means of appropriate foul disposal such as the installation of a temporary waste water treatment plant. However such a proposal would be subject to a separate planning application and would be subject to consultation with the relevant consultees to assess the potential impact on the aquatic environment and designated sites as a result of the proposed discharges required.

Issues Raised within Objections

8.31 One objection identifies issues relating to disturbance, noise and nuisance from the proposed development, but does not elaborate on the specific areas of concerns. With regards to the

proposed development Environmental Health were consulted in relation to any potential impacts on human health. In their response Environmental Health raised no objections to the proposal and provided informatives to be attached to any decision notice with regards to the noise exceedance levels of construction noise. Within the urban area there is always the potential for noise from adjacent properties, traffic etc. The Planning Department consider that the operational phase of the development i.e. post construction phase, will not result in any significant levels of noise or disturbance on existing residential properties.

8.32 An issue was raised with concerns relating to damage to existing services running along the existing private laneway to No. 37 Ballyquin Rd. In carrying out any development works in the vicinity of existing services, the onus is on the developer to exercise care and best practice in the diversion or relocation of such services to existing properties and ensure that there is no undue disturbance/loss of service beyond which may be considered reasonable to carry out essential works to the services.

8.33 One objection raised concerns regarding the impact the proposal would have on environmental features within their property which is immediately adjacent to the application site, primarily citing impact on trees, a small watercourse and wildlife. As mentioned above within the Natural Environment section the impact of the proposed development on such features has been examined through the submission of reports, surveys and through consultation with the relevant competent authorities. A tree survey was submitted and details for the protection of existing trees on the site to ensure no adverse impact through development. An outline Construction Environment Management Plan (CEMP) was submitted to advise how best working practice would be implemented, with a Construction Method Statement (CMS) required to be submitted by the appointed contractor. This will include provisions for working in close proximity to and diverting existing watercourses within the site and will ensure that appropriate mitigation measures are put in place to avoid adverse impact on the aquatic environment. This should also ensure no adverse impact occurs beyond the confines of the application site. Appropriate mitigation has been provided by way of condition to ensure that there will be no adverse impact

on existing wildlife within the immediate vicinity of the site through the retention of existing trees/vegetation and via other controlled works, which will require permission under separate legislation.

9.0 CONCLUSION

9.1 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.

10.0 Conditions and Informatives

10.1 Regulatory Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. 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 Drg. No. 05 Rev 06, (Drg No. P04, 1 of 2: Site Layout - Private Streets Determination) and Drg. No. 06 Rev 06, (Drg No. P04, 2 of 2: Site Layout - Private Streets Determination) both bearing the date stamp 16th October 2018.

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

3. The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

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

4. No dwelling(s) 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.

5. All trees/vegetation as shown on drawing number 04 Rev 06, bearing the date stamped 5th June 2019, must be retained in accordance with this plan.

Reason: To maintain biodiversity and to ensure the provision and maintenance of a high standard of landscape.

6. There shall be no site clearance or development activity within 25 metres of badger setts O1 and O3, as shown in the badger survey map, date stamped 22nd May 2017(Figure 3, Badger Survey), until badgers have been excluded and the setts have been closed under the terms of a licence issued by the Northern Ireland Environment Agency (DAERA).

Reason: To protect badgers and their setts.

7. Prior to the commencement of any works the appointed contractor shall submit a final Construction Method Statement (CMS) to the planning authority, for consultation and agreement with DAERA-WMU and Shared Environmental Services. The CMS must reflect and detail all the pollution prevention, mitigation and avoidance measures to be employed, as detailed within the outline CEMP Date Stamped 17/04/2018, and include a detailed earthworks management plan. The approved CMS shall be implemented

strictly in accordance with the approved details, unless otherwise agreed in writing by planning authority.

Reason: To ensure that the appointed contractor is cognisant of all mitigation and avoidance measures required to ensuring that there is no adverse effect on site integrity of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

8. Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development must first pass through appropriate pollution treatment, such as sediment traps and hydrocarbon interceptors, and flow attenuation measures.

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

9. 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 adjacent watercourse.

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

10. All site drainage shall be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual – Construction Industry Research and Information Association (CIRIA) Report C753 (2015).

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

11. No dwelling hereby approved shall be constructed beyond sub floor until such times as a foul mains connection has been provided by NI Water in accordance with Article 154 of the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended, Water and

Sewerage Services Act (Northern Ireland) 2016, or in the interim period an alternative means of disposal is agreed with NI Water, DEARA Water Management Unit and details submitted to and approved by Causeway Coast and Glens Borough Council.

Reason: To ensure a satisfactory means of foul disposal and to ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

12. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority 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 Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

13. After completing all remediation works under Condition 12 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

14. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Causeway Coast and Glens Borough Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

15. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 14.

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

16. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 14. These measures shall be implemented and an archaeological report shall be submitted to Causeway Coast and Glens Borough Council within 6 months of the completion of archaeological site works, or as otherwise agreed in writing with Causeway Coast and Glens Borough Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

17. 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.

18. Prior to the occupation of any dwelling hereby approved, the equipped children's play area shall be provided in accordance with Drawing No. 09 bearing the date stamp 17th October 2016. 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.

19. The proposed open space and amenity areas identified on the stamped approved Drawing Nos. 03 Rev 06 and 04 Rev 06, bearing the date stamp 05-JUN-2019, and the Landscape Management and Maintenance Plan (Doc 11), Appendix E, bearing the date stamp 05-JUN-2019, shall be carried out prior to the occupation of the dwellings hereby approved or as otherwise agreed in writing with the Council, and shall be managed and maintained in perpetuity in accordance with the Landscape Management and Maintenance Plan (Doc 11).

Reason: In the interest of visual and residential amenity.

20. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, all proposed landscaping shall be carried out in accordance with Drawing Nos. 03 Rev 06 and 04 Rev 06, bearing the date stamp 5th June 2019, and shall be maintained in perpetuity in accordance with the Landscape Management and Maintenance Plan (Doc 11), bearing the date stamp, to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

21. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or

hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

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

22. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of any dwelling, another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Department.

Reason: To ensure the continuity of amenity afforded by existing trees.

23. The developer shall nominate and appoint a Landscape Management Company to implement, manage and maintain the landscape management master plans Drawing Nos. 03 Rev 06 & 04 Rev 06 bearing the date stamp 5th June 2019 and the Landscape Management and Maintenance Plan (Doc 11). The areas of public open space and amenity space identified on the landscape management master plans and the Landscape Management and Maintenance Plan shall be maintained in perpetuity, to the satisfaction of the Council. A signed copy of the Memorandum and Articles of Association shall be submitted to the Planning Authority prior to the occupation of any dwelling.

Reason: To ensure the continuity and sustainability of the approved landscape design through its successful establishment and long term maintenance and to achieve a quality residential development consistent with Planning Policy Statement 7 'Quality Residential Environments'.

24. The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). No protected tree, other than those required for the purpose of carrying out development as indicated on the approved drawings; 03 Rev 06 & 04 Rev 06 (received 05-JUNE-2019), 113 Rev01 & 114 Rev01(received 31-OCT-2018), shall be, cut down, uprooted or destroyed, or have its roots within its root protection area damaged or subject to any soil level changes, or be subject to any form of tree surgery, without the

prior written consent of the Council, other than in accordance with the approved plans and particulars of this application. Development will be taken to include the main development, any associated buildings, access and service provision.

Reason: To ensure the retention of trees protected by the TPO and to ensure continuity of the landscape amenity afforded by these trees.

25. Prior to any development on site, all trees identified to be retained as indicated on the approved drawings; 03 Rev 06 & 04 Rev 06 (received 05-JUNE-2019), 113 Rev01 & 114 Rev01 (received 31-OCT-2018), must have their roots protected, as per the measures detailed in the Arboricultural Impact Assessment and Tree Survey Report (received 12- APR-2018) and Tree Protection Plans 113 Rev01 & 114 Rev01 (received 31-OCT-2018). The erection of fencing required for the protection of retained trees covered by a TPO shall be undertaken in accordance with BS5837 (2012) 'Trees in Relation to Construction'. The fencing must be in place before any equipment, machinery or materials are brought on to the site for the purposes of the approved development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No materials shall be stored or fires lit within these Root Protection Areas in accordance with this condition. The ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, other than in accordance with the approved plans and particulars of this application.

Reason: To protect the sensitive roots of the trees to be retained and ensure their future health and vitality.

26. All Arboricultural work shall be implemented in accordance with the submitted Arboricultural Impact Assessment and Tree Survey Report (received 12- APR-2018), and shall be carried out in accordance with BS5837 (2012) 'Trees in Relation to Construction'. Any remedial works to be carried out by a competent Tree Surgeon, preferably an Arboricultural Association approved contractor.

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

27. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no windows, dormers or extensions, other than those expressly authorised by this permission shall be constructed to the dwellings at plots 114-126 inclusive as identified on drawing No. 04 Rev 06 bearing the date stamp 5th June 2019.

Reason: To preserve the residential amenity of adjacent residential properties.

28. The first floor gable window on the dwelling at plot 71 as identified on drawing No. 04 Rev 06 bearing the date stamp 5th June 2019 shall be finished in obscure glazing.

Reason: To preserve the residential amenity of adjacent residential property.

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. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
4. If the applicant requires a temporary treatment plant for foul sewage then this will require a Discharge Consent issued by DAERA under the Water (Northern Ireland) Order 1999

However there is no guarantee that discharge consent will be granted. A number of site specific factors need to be taken into account in assessing the suitability of the proposed means of effluent disposal including proposed treatment methods.

The determination of a Discharge Consent application can only take place once the Department has received an application that is deemed to be complete. The applicant should also note the minimum processing time to obtain a discharge consent under the terms of the Water (Northern Ireland) Order 1999, if successful, is 4 months. Where problems are encountered the processing time may be longer.

5. The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes otters (*Lutra lutra*). It is also an offence to;

- (a) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- (b) 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;
- (c) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- (d) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of otter activity on the site, all work must cease immediately.

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.

The applicant should refer and adhere to the precepts contained in Standing Advice for Multiple Dwellings, Pollution Prevention

Guidance, Sustainable Drainage Systems, Invasive Alien Species, Discharges to the Water Environment, and Culverting. Standing advice notes are available at:

<https://www.daera-ni.gov.uk/articles/standing-advice-0>

6. 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 Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605

Any works within 25 metres of a badger sett will require a wildlife licence to be obtained from NIEA. Licence applications should be made to the Wildlife Inspector, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast, BT7 2JA. Tel. 028 905 69605

7. The applicant's attention is drawn to Article 4 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 bird; or
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or

- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

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.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

8. 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.

Standing advice notes are available at:

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm

9. Perspective purchasers whose property backs onto this watercourse should be made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.

An undesignated watercourse flows along the eastern boundary of the site. A 5m maintenance strip is required unless the

watercourse can be maintained from the opposite bank by agreement with the landowner.

10. The purpose of the Conditions 12 and 13 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and endues of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks
11. The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999.
12. The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.
13. For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:

Historic Environment Division – Historic Monuments
Causeway Exchange
1–7 Bedford St
Belfast,
BT2 7EG
Tel: 02890 823100
Quote reference: SM11/1 LDY 9:13

Application for the excavation licence, required under the *Historic Monuments and Archaeological Objects (NI) Order 1995*, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to:

Historic Environment Division – Historic Monuments Unit

Causeway Exchange
1–7 Bedford St
Belfast,
BT2 7EG

14. The archaeological report required to discharge Condition 16 shall, prior to submission to Causeway Coast and Glens Borough Council, be classified as a Final report by Historic Environment Division, Department for Communities, as per the requirements of the archaeological excavation licence issued under Article 41 of the *Historic Monuments and Archaeological Objects (NI) Order 1995*.

15. **Construction Noise Impact**

BS 5228: 1997 in relation to construction activities states,

“Noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health.”

Therefore, Causeway Coast and Glens Borough Council’s Environmental Health Department would request that the following informative be attached to any Planning Permission granted:

“Noise from construction activities should –

- (a) not exceed 75 dB $L_{Aeq, 1hr}$ between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB $L_{Aeq, 1hr}$ between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and
- (b) not exceed 65 dB $L_{Aeq, 1hr}$ between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and
- (c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the

boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”

Noise from Plant & Equipment

The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

Contamination

If, during the proposed development, any ground contamination is encountered then all works on the site should cease. Causeway Coast and Glens Borough Council Environmental Health Department should be informed and sufficient information to assess potential risks arising from the former use of the land should be submitted. Any necessary mitigation / remediation measures should be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance.

Radon

The applicant should determine if the proposed dwelling is in a radon affected area and if so what measures need to be incorporated in the fabric of the building to protect the health of future occupants

Adjoining site, Ballyquin Road

The applicant should note that a petrol filling station and hot food outlet exist on lands adjoining this site.

16. The developer is advised that any purchaser must be informed about the arrangements for the long term maintenance of the open

space/amenity areas within the approved development. In particular, during any transfer of title any purchaser must be made aware of the covenant that he/she must enter into with 'Chapel Road Management Co LTD', a company responsible for the upkeep of the development, including maintenance of the open space areas. This covenant will manage the approved development including the maintenance of open space.

17. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

