

| | |
|--|---|
| Title of Report: | Planning Committee Report – LA01/2020/1318/F |
| Committee Report Submitted To: | Planning Committee |
| Date of Meeting: | 25th August 2021 |
| For Decision or For Information | For Decision |

| | |
|--|--|
| Linkage to Council Strategy (2021-25) | |
| Strategic Theme | Cohesive Leadership |
| Outcome | Council has agreed policies and procedures and decision making is consistent with them |
| Lead Officer | Principal Planning Officer |

| | |
|------------------------------------|-----|
| Budgetary Considerations | |
| Cost of Proposal | Nil |
| Included in Current Year Estimates | N/A |
| Capital/Revenue | N/A |
| Code | N/A |
| Staffing Costs | N/A |

| | | | |
|-------------------------------|--|-----|-------|
| Screening Requirements | Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. | | |
| Section 75 Screening | Screening Completed: | N/A | Date: |

| | | | |
|--|------------------------------|-----|-------|
| | EQIA Required and Completed: | N/A | Date: |
| Rural Needs Assessment (RNA) | Screening Completed | N/A | Date: |
| | RNA Required and Completed: | N/A | Date: |
| Data Protection Impact Assessment (DPIA) | Screening Completed: | N/A | Date: |
| | DPIA Required and Completed: | N/A | Date: |

| | | | |
|--------------------------------------|--|----------------------------|--------------------|
| <u>App No:</u> | LA01/2020/1318/F | <u>Ward:</u> | Altahullion |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Land opposite 30 Glengiven Avenue & 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> | <p>Section 54 application to vary the wording of Condition 18 (LA01/2016/1258/RM) of the above mentioned approved residential development. The condition reads, "Prior to the occupation of any dwelling hereby approved, the equipped children's play area shall be provided in accordance with Drg No. 09. This equipped children's play area shall be maintained in perpetuity."</p> <p>The variation sought would read, "Prior to the commencement of a maximum 96 dwelling hereby approved, the equipped children's play area shall be provided in accordance with Drg No. 09. This equipped children's play area shall be maintained in perpetuity."</p> | | |
| <u>Con Area:</u> | N/A | <u>Valid Date:</u> | 04.12.2020 |
| <u>Listed Building Grade:</u> | N/A | <u>Target Date:</u> | |
| Agent: | Lauren Butcher, 25 Longfield Road, Eglinton, BT47 3PY | | |
| Applicant: | Braidwater Ltd, 25 Longfield Road, Eglinton, BT47 3PY | | |
| Objections: 0 | Petitions of Objection: 0 | | |
| Support: 0 | Petitions of Support: 0 | | |

Executive Summary

- **Planning permission is sought to vary the wording of condition 18 of Planning Approval LA01/2016/1258/RM, which relates to the provision of an equipped play area within the development.**
- **Planning Approval LA01/2016/1258/RM was granted permission for the erection of 201 dwellings with the equipped play area identified on approved drawing 09 to be provided prior to the occupation of any approved dwelling.**
- **The variation sought is to allow the construction of dwellings prior to the provision of the play area.**
- **The application does not alter any of the approved details under LA01/2016/1258/RM in terms of layout, design, landscaping etc.**
- **Approval is recommended subject to conditions.**

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

1 RECOMMENDATION

- 1.0 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 **Approve** planning permission subject to the conditions 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. Construction has commenced on approved development with dwellings under construction in the northern section of the application site adjacent the main access to 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 Two reserved matters planning applications for housing, in association with the same outline approval as with application LA01/2016/1258/RM exist to the immediate west and further west of the site. Application LA01/2016/1265/RM is located immediately adjacent and west of the site and has been granted planning permission with application LA01/2016/1267/RM, located further west currently under consideration. To the immediate east of the application site, to the northern end of the site, planning permission has been granted for an integrated primary school under application LA01/2018/0349/F.

3.0 RELEVANT HISTORY

- 3.1 LA01/2016/1258/RM - 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 - 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 – Permission Granted 01.07.2019

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

4.0 THE APPLICATION

- 4.1 The application seeks to vary the wording of Condition 18 of Planning Approval LA01/2016/1258/RM, which relates to the provision of an equipped children's play area, as part of the consented housing development. The variation relates to the timing of the provision of the play area, and would allow a specified number of dwellings to be constructed and occupied prior to the provision of the play area.

Habitat Regulations Assessment

- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed under planning application LA01/2016/1258/RM in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It was concluded that the proposal would not be likely to have a significant effect on the features of any European site. As this application does not propose any physical alterations to the layout and design of the development it is considered that the proposal will not result in any adverse impact on any European designated site.

Design & Access Statement

- 4.3 As per The Planning (General Development Procedure) Order (Northern Ireland) 2015, Section 6 4(a) a Design and Access Statement is not required as the conditions to which the variation is sought do not relate to design and access issues.

Environmental Impact Assessment

- 4.4 This proposal was subject to an environmental impact assessment screening in accordance with The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 4.5 Having considered The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and taking into account the above information, it is considered that the proposed development is not EIA development and would not require the preparation of an Environmental Statement.

5.0 PUBLICITY & CONSULTATIONS

External: N/A

Internal: N/A

- 5.1 Regulation 2(1)(b) of the DM Regulations has the effect that any change to or extension of an existing major development is to be treated as major where the change or extension itself meets or exceeds the relevant threshold or criterion in the corresponding entry in Column 2 of the Thresholds Table.
- 5.2 Application LA01/2016/1258/RM was classified as major as it exceeded the thresholds outlined in the table within the Schedule. However where an application is submitted for a change or extension to 'Major Development' the proposal is not subject to Pre-Application Community Consultation.

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
- 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 8: Open Space, Sport and Outdoor Recreation

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

8.0 CONSIDERATIONS & ASSESSMENT

Principle of Development

8.1 The proposal relates to the variation of condition 18 of planning permission LA01/2016/1258/RM relating to a reserved matters approval for a housing development comprising 201 dwellings. Planning approval was granted 01.07.2019. The application is currently extant.

8.2 The approved wording of Condition 18 states as follows;

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.

8.3 The justification for seeking the variation relates primarily to the location of the play area along a key transport route within the development and the health and safety risks that would occur by having to provide access to the equipped play area through an area which would remain under construction.

- 8.4 A phasing plan has been submitted under Drawing 02/1 which outlines the phases in which the development is to be constructed. The plan indicates six phases of development with phases 1, 2a and 2b located along the main transport road within the development linking to the equipped play area, which is located within Phase 2a. Phase 1 comprises of 34 dwellings, Phase 2a comprises 34 dwellings and phase 2b comprises 28 dwellings.
- 8.5 The variation of the condition proposes that up to 96 dwellings, which is the total combination of phases 1, 2a and 2b, can be commenced/constructed prior to the equipped children's area being provided.
- 8.6 In considering the proposed phased construction of the development it is accepted by the Planning Department that to provide the equipped play area prior to the occupation of the first dwelling may present a health and safety risk, as it is likely that the main roads within the development will only be constructed during each phase of development, which would cause conflict between residents trying to access the area and construction traffic. Additionally this conflict may discourage resident's to make use of the facility rendering it underused.
- 8.7 The variation of the condition as proposed will allow for the orderly construction of the development and will allow for the provision of the play area in a safe and compatible manner. Policy OS2 of PPS8 requires the provision of equipped children's play areas in developments of 100 units or more. The condition as proposed will ensure that the requirement of the policy is satisfied by ensuring that it will be provided prior to the commencement of the 96th dwelling within the development.
- 8.8 There are no changes proposed to the design, layout or landscaping details as approved under LA01/2016/1258/RM. As there are no changes to the approved scheme, the requirements of the Northern Area Plan, PPS2, PPS3, PPS6. PPS7, APPS7 and PPS15 are considered to be satisfied.

9.0 CONCLUSION

9.1 The proposed variation of Condition 18 is considered acceptable having regard to the Northern Area Plan 2016 and other material considerations. The scheme is compliant with current planning policy as highlighted above. Specifically, the amended condition ensures the provision of the equipped children's playground before the 100 unit threshold specified by Policy OS 2 of PPS 8 is reached. Approval is recommended.

10.0 Conditions and Informatives

10.1 Regulatory Conditions:

1. The development hereby permitted shall be begun prior to 01.07.2024.

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. Condition 7 has been discharged by application LA01/2020/0770/DC.
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 1 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. Condition 14 has been discharged by application LA01/2019/1412/DC.

15. Condition 15 has been discharged by application LA01/2020/0901/DC.

16. Condition 16 has been discharged by application LA01/2020/0901/DC.

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. No more than 96 dwellings hereby approved shall be commenced before the equipped children's play area as shown on Drawing No. 09 bearing the date stamp 17th October 2016 of planning approval LA01/2016/1258/RM is provided in its entirety in accordance with the approved plans.

Reason: To ensure provision of an equipped children's play area in accordance with Policy OS 2 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.

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 maintained 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 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. **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

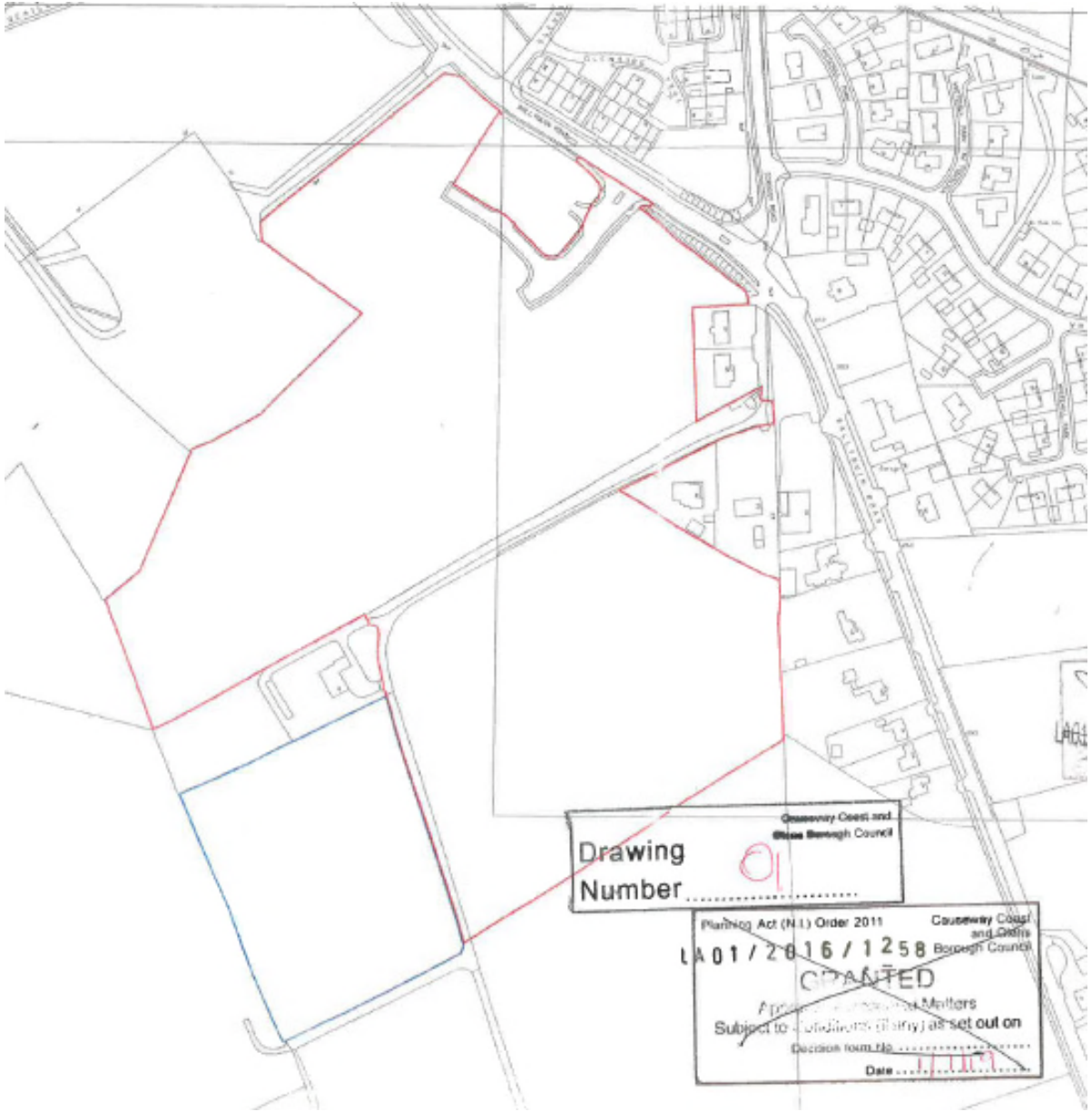
The applicant should determine if the proposed dwelling is in a radon affected area and if so what measures need to be incorporated in the fabric of the building to protect the health of future occupants

Adjoining site, Ballyquin Road

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

15. 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.
16. 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.

Site Location Map



Site Plan/Phasing Plan

