



<b>Title of Report:</b>	<b>Planning Committee Report - LA01/2019/1164/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>23<sup>rd</sup> August 2023</b>
<b>For Decision or For Information</b>	<b>For Decision – Major Item</b>

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

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	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:

**App No: LA01/2019/1164/F      Ward: Roeside**

**App Type: Full Planning**

**Address: Lands adjacent to and to the rear of 48 Killane Road, Limavady**

**Proposal: Erection of 98 units with a mix of detached, semi-detached, terraced & single storey units in a range of 3, 4 & 5 bedroom house types. Works to include alteration of curtilage and boundary walls/pillars of no. 52 Killane Road to accommodate proposed development access.**

**Con Area: N/A      Valid Date: 23.10.2019**

**Listed Building Grade: N/A      Target Date: 20.05.2020**

**Agent: Studiorogers Architects Ltd, The Egg Store, 1 Mountsandel Road, Coleraine, BT52 1JB**

**Applicant: GM Holdings Ltd, 82 Carrowclare Road, Limavady, BT49 9EB**

**Objections: 95      Petitions of Objection: 0**

**Support: 0      Petitions of Support: 0**

## **Executive Summary**

- Full planning approval is sought for 98 dwellings with associated parking, open space, landscaping and new access onto Killane Road.
- The site is located within Limavady Town development limit and sited on lands which are within Housing Zoning LYH01 of the Northern Area Plan 2016.
- The proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas.
- The design and layout of the dwellings will not adversely harm neighbouring residential amenity.
- The proposal has been assessed against Policies QD 1 & LC 1.
- The proposal is acceptable in terms of drainage and flood risk perspective and Rivers Agency raises no objection.
- An Odour Impact Assessment has been submitted in support of this application and there is no unacceptable impact to proposed occupants of the development arising from the nearby Waste Water Treatment Plant.
- The proposal is satisfactory in terms of natural heritage and Natural Environment Division raises no objection,
- The access and parking are considered acceptable and DfI Roads raises no objection.
- 95 letters of objection to this development have been received.
- No consultee has raised any concerns with this development.
- The proposal is considered to comply with all relevant planning policies including the Northern Area Plan, SPPS, PPS2, PPS3, PPS6, PPS 7, Addendum to PPS 7, PPS8, PPS 11, PPS 12 and PPS 15

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

## 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 **Approve** full planning permission subject to the reasons set out in section 10.

## 2.0 SITE LOCATION & DESCRIPTION

2.1 The application site is located Lands to the rear of No. 48 Killane Rd, Limavady. The application site is proposed to be accessed via the construction of a new access onto Killane Rd, which will require alterations to the curtilage and boundary of No. 52 Killane Rd. The southernmost portion of the application site comprises the plot of the former dwelling at 50 Killane Rd, now demolished, with the remainder of the application site extending north comprising a large parcel of agricultural land which is relatively flat with some undulation across it. The southern boundary to the rear of Nos. 40-48 Killane Rd comprises a mix of mature trees, some of which are subject to a Tree Preservation Order, hedgerow approximately 2m in height and timber fencing approximately 1.2-1.3m in height. The western boundary comprises a mature field hedgerow approximately 2.5m in height, while the north western and north eastern boundaries comprise trees approximately 5-7m in height along the embankment of the by-pass. The eastern boundary is defined by an old agricultural track defined by a 1.5m hedge and row of trees approximately 6-7m in height. The north western boundary of No. 4 The Brickfield is defined by a 2.5m hedge, with a post and wire fence defining the boundary between site and adjacent open space to the rear of No. 4 The Brickfield.

2.2 The application site is located within the settlement limit of Limavady Town as defined in the Northern Area Plan 2016 on lands which are zoned residential use under housing zoning LYH 01. The application site sits at the northern periphery of the settlement limit with its western and northern edges running contiguous to the settlement limit. The application site is

bounded to the north east and north west by the Limavady bypass (Broad Rd/Ballykelly Rd), to the east by an existing area of open space, comprising a tennis club, bowling club and football field and to the south by housing along Killane Rd. The adjacent lands outside the settlement limit are agricultural in nature and form part of the designated Myroe/Hunter's Bend LLPA. The designated River Roe and Tributaries SAC/ASSI site is located approximately 70m North West of the application site.

### **3.0 RELEVANT HISTORY**

3.1 B/1986/0166 - Rear of 40-50 Killane Road, Limavady - Site For Private Housing Development – Permission Granted 13.06.1986.

B/1989/0167 - Rear of 40-50 Killane Road, Limavady - Erection of 50 No. two storey detached dwellings – Permission Granted 03.10.1991.

B/2005/0360/O - Adjacent and to the rear of 40-52 Killane Road, Limavady - Site for residential development to include a mix of detached, semi-detached and terraced dwellings with associated car parking and public open space – Permission Granted 19.06.2006.

B/2005/0367/O – Lands adjacent and to the rear of 40-52 Killane Road, Limavady - Site for residential development to include a mix of detached, semi-detached and terraced dwellings with associated car parking and public open space – Application Withdrawn 06.07.2006.

B/2006/0469/RM – Lands adjacent and to the rear of 40-52 Killane Road, Limavady - Erection of residential development to include a mix of 6 detached, 38 semi-detached and 87 terraced dwellings (131 dwellings) to include associated car parking and public open space – Permission Granted 20.05.2008.

### **4.0 THE APPLICATION**

4.1 The application proposes the construction of housing development comprising 98 units providing a mix of two storey detached, semi-detached and terraced dwellings, chalet and

bungalow style dwellings, which includes the provision of apartments. The proposal also includes access roads and footpaths, landscaping and public open space. Access to the site will be via a newly constructed access onto Killane Road.

- 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	1.5 Storey detached	6 No.
B	2 Storey detached/terrace	13 No.
C	2 Storey semi-detached/terrace	13 No.
D	2 Storey detached/semi-detached	15 No.
E	2 Storey detached/terrace	8 No.
F	2 Storey terrace	14 No.
G	2 Storey detached/semi-detached	4 No.
J	2 Storey detached	6 No.
K	Single Storey detached	2 No.
L	2 Storey detached	1 No.
M	Apartment – 2 storey building	4 No.
N	2 Storey semi-detached/terrace	4 No.
P	2 Storey terrace	4 No.
Q	2 Storey semi-detached	4 No.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.3 This proposal was subject to an environmental impact assessment screening as required by The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017).

- 4.4 The application was considered to fall within Schedule 2: Category 10(b) of the Regulations- Infrastructure projects;

Urban development projects, including the construction of shopping centres and car parks.

- 4.5 Its is considered the environmental effects from the development would be limited to the site and the immediate surrounding area. The development is not considered to be unusually complex or hae any potentially hazardous environmental effects. Therefore it is considered that the development proposal will not have significnat environemntal impact.
- 4.6 Having considered the Planning (EIA) Regulations(NI) 2017 and taking into account the above assessment, it is considered that the development proposal will not have likely impacts of such a significance locally or in wider terms as to warrant the submission of an environmental statement (completed 2/3/2022).

### **Design and Access Statement**

- 4.7 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application.
- 4.8 The design and access statement provides details of the design principles and concepts that have been applied to the development and how issues relating to access are proposed to be dealt with.
- 4.9 The Design and Access statement demonstrates that the applicant has undertaken detailed consideration of the proposal in terms of the design principles and concepts.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

**Neighbours:** Ninety Five letters of objection from 44 addresses have been received to this proposal, which raise the following points.

- Initial consultation not properly advertised or notified to neighbours

- Scheme not discussed with residents in any detail with no opportunity for feedback
- Request for another/further public consultation
- Removal of trees will have a detrimental effect on character and amenity/appearance of Killane Rd and natural habitat
- Development of such a scale will alter the character of the road and neighbouring area./ Out of character with surrounding character
- Removal/reduction of footpath along this stretch of Killane Rd to facilitate access will lead to safety concerns
- Unsuitable to build such high-density houses so close to the existing residential area which does not fit with the existing layout, which comprises mainly large spacious housing on large plots
- Can density be reduced
- Visually unattractive and inappropriate for the area.
- Will spoil the quiet ambience of this residential area
- Dwelling demolished at No. 50 to facilitate access should be re-built
- Two storey dwellings will result in overlooking and loss of privacy and impact upon enjoyment of property and garden
- Impact from construction noise will cause disruption
- Development has not dimensioned separation distance of properties backing onto existing properties along Killane Rd
- No buffer planting provided
- Should start with single storey adjacent to existing properties with buffer planting and greater separation distances
- Potential issue with management companies and poor maintenance and unfinished buildings
- What issues are in place to address noise issues
- Safety concerns due to construction adjacent to existing properties
- Increased traffic would be a safety hazard and have negative impact on community. Killane Rd popular with pedestrians and cyclists
- Congestion during peak times
- Increased traffic volume could cause gridlock of traffic to/from site and result in limited access for other road users in the surrounding area
- Environmental - air and noise pollution from traffic will result in negative health effects.



- Could a more suitable access point be found – i.e. from bypass
- Road not equipped for additional traffic
- Additional traffic will result in road surface along Killane Rd becoming undrivable. Killane Rd is already in a bad state of repair
- Visual impact of third (right hand turning) lane will be unacceptable due to loss of trees and grass verge
- Impact on Tyler Road. More traffic using it as a through road and speed of traffic, increasing risk to occupants and children. Request traffic calming measures within Tyler to dissuade use as a short cut.
- Need for a roundabout will destroy character
- Sewage system already overloaded/inadequate. Proposal will add to this issue.
- What measures are being put in place to improve WWTW
- Development will have a harmful impact on environment and public health
- Sewage system proposed will increase air pollution
- Potential increase in odour from WWTW due to additional loading. Already experience bad smells at times
- Site is within 400m of WWTW and within odour consultation zone and in should be subject to an Odour Encroachment Assessment in line within Policy WM5 of PPS11
- Will developer have to contribute to upgrade WWTW
- Water pressure already low in existing houses. Additional houses will lower this further which is not fair on existing houses.
- Impact on flora and fauna due to loss of agricultural lands. Lands currently home to a range of species (badger, fox birds, hedgehog, owl, squirrel, bees, rabbits)
- Bat activity noted at rear of premises. Proposed dwellings may impact on flight path.
- It is noted that storm water from site connects to River Roe. Has pollution and contamination measures for construction and post construction phases been investigated
- Impact of pollution on Curly River
- Has proper environmental and wildlife studies been carried out
- Lower density development would retain more wildlife due to larger gardens
- TPO trees must be protected at all costs with no exceptions.
- Loss of trees to create access along Killane Rd.

- TPO trees at risk from construction works or during occupation phase.
- Is there a need for additional housing at this location given other planning applications for high density housing in Limavady (Gorteen Site)
- Type of accommodation provided could increase potential for buy-to-let and lead to social housing which brings the possibility of increased crime and antisocial behaviour
- Potential damage to historic wall at Drenagh Estate. How will it be protected from additional traffic on Killane Rd.
- Has the Impact on schools been considered with 2 new developments in the area.
- Impact on value of homes
- How do you prevent houses being bought by investors
- Development will result in additional littering
- What impact will development have on services such as electricity, phone, water
- Lands between Killane Rd and River Roe is low lying and could cause problems with rainfall and sewage
- Is there anywhere in the proposal to build in keeping with Government's zero emissions plans for 2050

## 5.2 Internal:

DFI Roads: No objections subject to conditions

Environmental Health: No objections

NI Water: No objections

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 foul connection to WWTW

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

Historic Environmental Division: Historic Monuments: No objections subject to conditions

Northern Ireland Housing Executive: No objections

### **Proposal of Application Notice**

- 5.3 As this application is considered a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.
- 5.4 A Proposal of Application Notice was submitted on 21<sup>st</sup> May 2019 and approved 30<sup>th</sup> May 2019 under LA01/2019/0538/PAN. The applicant advised that they intended to undertake the following forms of consultation:
- Open evening walk-in event to be held in the Club House at Limavady Receptions Club, 54 Killane Rd, Limavady on the 4<sup>th</sup> June 2019.
  - A letter drop to adjacent properties was to be carried out the week beginning 22<sup>nd</sup> May 2019 notifying neighbouring properties of the public event.
  - Advertisement of public event in local newspapers the week beginning 22<sup>nd</sup> May 2019.

### **Community Consultation Report**

- 5.5 The Community Consultation Report (CCR) was submitted as part of the planning application, received 16<sup>th</sup> October 2019 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.6 It contains a copy of the methods of consultation carried out and comments and feedback from the consultation exercise in the local context. The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.
- 5.7 The public event was held 4<sup>th</sup> June 2019 between 7pm and 9pm and was attended by circa 25 members of the public. Feedback was received from stakeholders both during the public event

and subsequent to the event with a number of issues raised. Comments are set out in the CCR. The key issues raised relate to the principle of development, Roads/Traffic/Access, Drainage/Sewers/Water/Rivers, Ecology and the Natural Environment, Scale of units proposed and public event organisation. Responses are set out within the CCR.

- 5.8 The CCR demonstrates that adequate community consultation has taken place and the key issues of concern have been considered prior to the submission of the application.

## **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 8: Open Space, Sport and Outdoor Recreation

Planning Policy Statement 11: Planning and Waste Management

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, NI Water and representations.

## 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 under zoning LHY01. Given the land use zoning and the previous planning history on the site the proposed residential use is considered to be acceptable in principle, subject to complying with all other relevant policy and guidance.
- 8.3 A large number of representations have queried the need for additional housing at the application site given the other planning applications for high density housing at the Gorteen, Limavady, which have now been approved. The Planning Department advises that as this is a committed/zoned housing site (LYH 01), within the Northern Area Plan (NAP) 2016, there is no policy requirement to demonstrate a need for housing on this site. As a committed site there are no Key Site Requirements.

## Design and Layout

- 8.4 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.
- 8.5 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.
- 8.6 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 application site is located at the North Eastern edge of Limavady on the Northern side of the Killane Rd. The immediate surrounding area is defined largely by residential development the southern and eastern sides of the site with sporting and recreational lands to the east/South East. The dwellings along the northern side of Killane Rd which abut the application boundary are for the most part large two storey detached properties set within large linear plots, with significant vegetation to the front gardens which provides for an attractive streetscape. The western end of these houses and towards the town centre the character and scale of the dwellings change with a mix of single storey and two-storey present.

The former dwelling at No. 50 and part of the curtilage of No. 52 will accommodate the entrance to the housing site and provide for a replacement dwelling on the footprint of the former No. 50. The provision of a dwelling on this plot will maintain the street frontage along this section of road, while allowing for suitable access to be provided. The dwelling on plot 1 is a one and a half storey dwelling which is designed in a gate lodge style in recognition of Drenagh Estate, a short distance North East of the site. The scale of this dwelling is reflective of the scale of No. 52 and a less imposing feature at the entrance to the development than a two-storey dwelling akin to No. 48 would be. A key factor in the positioning of the entrance to the development and the dwelling at plot 1 is that the significant mature vegetation along the street frontage. This contributes significantly to the character and streetscape along this part of Killane Rd. Only one tree is to be removed to facilitate the access.

Additionally the submitted plans identify that, with the need to create a right hand turning lane, the carriageway will have to be widened at the site entrance. This will lead to the loss of some of the grass verge. However, the submitted plans do not indicate a loss of any trees on the opposite side of Killane Rd.

The majority of the application site is located on lands to the rear of Nos. 40-48 Killane Rd, which with the extent of mature vegetation along the street frontage will provide significant screening of the development when travelling along Killane Road from the South West. Some views will be attainable where there are gaps in development and where there are single storey dwellings to the street frontage. However, these views will be

relative short views and will not be significantly detrimental to the character, streetscape or visual amenity of the area.

The application site is relatively flat with no significant change in levels between the site and the adjacent housing. The proposed dwellings to the rear of Nos. 40-48 Killane Rd are a mix of single storey and two storey detached dwellings with two two-storey buildings which provide for four apartments to the southwestern corner of the site. These buildings are of a scale which is appropriate to the adjacent character and will not be overly dominant or oppressive to the existing dwellings. While the footprint of the proposed dwellings may not be as large as the existing dwellings, the proposed dwellings are of an appropriate size in accordance with the required dwelling standards as set out in Annex A of the addendum to PPS7.

The existing dwellings along the eastern side of the application site at the Brickfield comprise four large detached two storey dwellings. These dwellings are sited adjacent to the Broad Rd (by-pass) and occupy an elevated position above the by-pass which results in a prominent setting, although the degree of prominence and views from the by-pass vary seasonally due to the presence of vegetation. Again, the application site occupies a similar level to those dwellings at the Brickfield with the dwellings proposed in the Northern/North-Eastern portion of the application site of a similar scale to the existing dwellings at the Brickfield.

Despite the elevated position of the application site above the by-pass, the dwellings within the application site will be significantly screened when viewed from the by-pass by the significant level of mature landscaping on the embankments abutting the northern and eastern boundaries. Additional landscaping is proposed along the peripheral site boundaries to further augment the screening provided which will further reduce the visual impact and prominence of the proposed dwellings.

Both PPS7 and Creating Places advises that layouts should be designed to ensure that buildings are located and orientated to present an attractive outlook facing onto all roads, existing and proposed. The proposal has taken account of this throughout the development with many of the dwellings at internal road junctions presenting design features to address both frontages.



The northern end of the site proposes a semi-circular arrangement comprising ten dwellings. These dwellings are orientated to face internally into the application site to address the area of public open space adjacent, resulting in these ten dwellings backing onto the by-pass. While normally an undesirable arrangement, the significant screening afforded to the site by the landscaped embankment will restrict views of the rear facades of these dwellings and minimise the outlook from them. Additionally, the orientation of these dwellings provides for an overall better internal layout by addressing the public spaces and adjacent dwellings. In this instance, the site layout is considered to be acceptable.

The application site is located within a predominantly residential part of Limavady, with the housing along this part of Killane Rd being of a relatively low density. The application site proposes a density of approximately 20.4 dwellings per hectare, which would be in the region of 2 to 2.5 times the density levels found along Killane Rd and within the Tyler Rd, Tyler Avenue/Tyler Park development.

As outlined the application site is zoned for housing within the Northern Area Plan. PPS7, however notes that care should be taken to ensure local character, environmental quality and amenity are not significantly eroded and to maintain the privacy of existing residents.

The proposed development will not have an unacceptable adverse impact on the character and residential amenity of the area. The proposal does not relate to infill development or development which would significantly increase the density of an existing/redeveloped parcel of land. The scheme effectively provides for a replacement dwelling on the footprint of the former dwelling (No.50) and has taken care to ensure that the dwelling and access do not impinge on the vegetation along Killane Rd, which is of significant importance as demonstrated by the presence of a Tree Preservation Order on many of the trees, and which contributes to the local character and streetscape. Internally, the number/density of proposed dwellings to the immediate rear of the existing dwellings 40-48 is not significantly higher than exists and they are adequately separated in line with the guidance within Creating Places with appropriate boundary treatment and planting proposed in order to maintain privacy.

The concerns regarding the number and density of housing on the site is acknowledged. It is noted that the existing residential area comprises a very low density, and therefore a comparable density on the site would not result the most efficient and sustainable use of the land. The proposed development at 20.4 dwellings per hectare would be regarded as a medium density proposal. It is also noted that the previous approval on the site granted permission for 131 dwellings on the site. The proposed development provides for a significant reduction in the number and density of dwellings on the site.

While the proposed density is significantly higher than the established character in the immediate surroundings, the proposal provides for an appropriate form of development, and the increased density on the site will not have an unacceptable adverse impact on the character and residential amenity of the area.

The use of a variety of open space can contribute to the quality and attractiveness of the layout, provide integral areas of open space for all residents within the development and can create structure and legibility within the design. The separate areas of open space increase accessibility and practicality for a greater number of residents and serve to improve the quality of the residential environment. The provision of multiple areas of open space also assist with providing localised focal points within the development and visual relief.

The Planning Department is content that through the planning process, the development represents an appropriate development for the area, with conscious effort made to respect its surroundings.

***(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 immediately adjacent or within the vicinity of the application site. Historic Environment Division (HED) – Historic Buildings advise that No. 52 Killane House, (reference HB02/15/002), was delisted on 28/04/2000. The proposal will have no impact on the setting or physical condition of any listed building/structure.

HED – Historic Monuments were consulted to assess the likely impact on archaeological features. 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 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 any forthcoming approval.

The site includes a number of mature trees, mainly located at the southern end of the proposed development site, within the grounds and front/rear boundaries of the existing and former properties of No's 48 and 50 Killane Road, respectively. These trees include a number of attractive mature trees which significantly contribute to the visual amenity and character of the area. The visual significance and importance of these trees is reflected by the existence of a Tree Preservation Order (TPO) (Ref: TPO/2005/0062)

A Tree Survey Report was carried out to assess the health and condition of the trees within the site and provide recommendations for tree works. The proposed development has taken account of the existing landscape features and proposes to retain the majority of the existing trees and hedgerow.

In terms of trees to be removed to facilitate development this includes Trees/Groups 4-6 (non TPO Trees), and Tree 16 (TPO 17) along the site frontage. These trees identified to be removed either through physical condition or necessity to facilitate development/ access requirements.

Following initial concerns regarding the potential impact of the development upon these visually significant trees revised plans have been submitted which provide for Tree Protection measures including identification of Root Protection Areas, details relating to Tree Protection Barriers, and relocation of development outside of the Root Protection Area to minimise any impacts.

It is noted from representations received that the removal of trees, in particular trees covered by the TPO and the impact on the visual amenity and character of the area is a concern.

The Planning Department acknowledge that effort has been made in the design process to minimise the impact and requirement for tree removal. It is considered that the removal of the trees identified above would have limited impact on the visual integrity of the landscape, with visually significant mature TPO Lime trees (1-4 & 8-10), remaining as important features along the frontage and within the site. It is also important to consider the significant level of new landscaping proposed which will involve the planting of approximately 150 No. trees within the new development. This level of proposed planting will help to mitigate any tree loss, helping to maintain the visual amenity level and treed character of the site.

The proposed removal of trees and tree protection measures to be implemented have been considered and accepted by the Planning Department's tree officer, who has no objections to the proposal provided conditions to be attached to any forthcoming approval.

***(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 9.8% of 'usable' public open space throughout the development, with additional areas of planting along the peripheral boundary providing additional open space which will provide for visual amenity and contribute to the biodiversity value of the site as outlined in paragraph 5.13 of PPS8, which takes the total open space for the development to above 10%. On balance, given the

level of open space provision within the site the proposal 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. No equipped play area has been provided under this application as the proposal does not exceed either of these thresholds.

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 large variety of garden sizes with the smallest rear garden approximately 47m<sup>2</sup> while larger gardens sizes are in excess of 450m<sup>2</sup>. No garden area falls below the minimum required provision of 40m<sup>2</sup>. The Planning Department consider the level of private amenity provision to be acceptable.

The dwellings at plots 24-35 inclusive, which are to provide social housing accommodation provide smaller levels of private amenity, generally below 80m<sup>2</sup>. Given the restricted amenity provision at these plots the Planning Department consider it necessary to remove permitted development rights for further extensions to these properties in order to maintain a satisfactory level of amenity.

The submitted Landscape Plans 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 at this stage. 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 a detailed landscape management and maintenance plan and details of the management company prior to the 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 and location of the proposed development, there is no need for the provision of neighbourhood facilities for this

specific scheme. At a distance of approximately 550m, Limavady Town Centre is readily accessible to the application site by a number of methods, and will cater for the majority of local facilities and services of future occupants. In addition, there are recreational facilities adjacent to the application site and schools located within walking/cycling distance of the site, for example Drumachose Primary School and the Irish Language School which are located at Church Street.

It has not been identified within the Northern Area Plan that the provision of local neighbourhood facilities is required as part of the development of the application site.

***(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 application site is located to the north-eastern periphery of Limavady Town. However, it is only approximately 0.5km from the designated town centre as defined by the Northern Area Plan. Killane Rd benefits from public footpath provision which can accommodate pedestrians from the proposed development with walking times to the main town centre approximately 10-20 mins. Killane Rd is also identified within the Northern Area Plan as being part of the existing cycle network. The application site is located approximately 550m walking distance from the bus station which provides services to Derry/Londonderry and Coleraine as well as other local services.

Given the need to provide adequate access arrangements the existing proposal has made suitable alternative provision for access to No. 52 Killane Rd and for access to the playing fields adjacent the application site via the proposed access rd.

Internally within the site, the development provides pedestrian footpaths throughout and 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 and dedicated parking bays for the proposed dwellings and apartments. 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 dwellings are a predominately a mix of two storey detached and semi-detached dwellings with some chalet bungalow type dwellings. The finishes include smooth render and red facing brick to the walls. The roof forms are a mixture of pitched and hipped roof finished with a fibre cement flat non-profiled slate. The scale and design of the proposed dwellings are generally in keeping with the context of the area in which there are a range of dwellings types along Killane Rd. Boundary treatments to the properties are of a traditional form comprising a range of red brick and rendered walls with wrought iron railings and gates to public boundaries and site frontages, with timber fencing to the rear gardens.

Plot1 and the entrance to the development is designed in a traditional manner to reflect the character of the older adjacent properties along Killane Rd, with the roadside boundary defined by wrought iron gates and railing, with hedgerow, which will maintain the character and streetscape of the area which is defined by mature trees and hedgerow along its frontage. The dwelling at plot 1 and the entrance are designed in a gate lodge style with the entrance to the site comprising the vehicular access flanked either side by large pillars and wrought iron gates, reflective of that at Drenagh Estate approximately 0.5 miles North East of the site.

The Planning Department is satisfied that the design of the development is acceptable for the location and is reflective of the surrounding character, having regard to age, form and heritage of the surrounding area.

***(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. Given the siting of the application site, the only likely source of conflict is the relationship between the dwellings within the proposed site with each other and existing residential properties along the site boundaries. There may also be potential conflict between the dwellings within the application site with those on the adjacent approved housing site to the east of the application site through potential loss of amenity.

Paragraphs 7.15 and 7.16 of Creating Places outline the separation distances recommended to provide a satisfactory level of privacy. These paragraphs outline that on greenfield sites and in lower density developments, a separation distance of around 10m to the rear boundary where the property abuts the rear property of an adjacent dwelling, and around 20m between opposing rear first floor windows.

Objections have been received with concerns relating to a loss of privacy to the existing dwellings along Killane Rd to the southern site boundary. Some of the representations suggest that the immediately adjacent dwellings proposed to the rear of Killane Rd should be single storey with buffer planting provided.

At the southern end of the application site, there is one dwelling adjacent and east of No. 48 Killane Rd (plot 1), while there are five two storey detached dwellings at plots 14-18 and four apartments at plots 19-22 which back onto the dwellings at 40-48 Killane Rd. The dwellings at plots 14 and 16 have two storey rear projections, which sit approximately 7.6m (Plot 14) and 8.6m (plot 16) from the rear boundary. However, these returns only have a bathroom window in the rear facing façade which is to be obscured glazing and as such will not result in any adverse overlooking. The main rear facades of the dwellings at plots 14-17 range from approximately 10m to 11.1m. the apartment buildings at plots 19-22 are approximately 10m and 12m from the application site boundary.



The only building along this row which falls below 10m to the site boundary is the dwelling at plot 18 with the rear façade approximately 9.6 from the rear site boundary. However, given the size and depth of the plots along Killane Rd, there is a significant separation between opposing buildings ranging from approximately 35.5m to 42m. Given the separation between existing and proposed buildings along this boundary, coupled with the retention of existing vegetation and proposed boundary screening and landscaping there will be no unacceptable loss of privacy to the existing properties or their associated amenity spaces. Given by how little the dwelling at plot 18 is below the recommended 10m, the Planning Department is content that this will not give rise to an unacceptable loss of amenity to the opposing rear property.

The dwelling at plot 1 is a chalet bungalow with no first-floor windows facing directly towards the property or amenity space of No. 48. There are skylights proposed within the roof structure which will not give rise to direct views towards No. 48. It is not considered that the dwelling at plot 1 will have an unacceptable impact on the residential amenity of No. 48.

In addition, it is noted that the proposed development proposes to erect a 1.8m close boarded fence and new hedgerow to the rear of the proposed dwellings which back onto the dwellings at 40-48 Killane Rd, which will provide additional screening from the application site, and maintain privacy to the existing properties.

As the proposed development meets with the guidance within Creating Places in terms of separation and given the levels within the site are similar to those at the existing dwellings on Killane Rd, the Planning Department is satisfied that there is no need to require single storey dwellings within this part of the development or a landscaped buffer in order to maintain a satisfactory level of privacy.

The proposed dwelling on plot 94 sits immediately adjacent to the existing dwelling at No. 4 The Brickfield. Revisions to the initial house design were sought to remove two first-floor bedroom windows which would have overlooked the private amenity space of No.4. These windows have been removed which will eliminate direct views from these rooms. There is a window on the stairwell of the gable adjacent to No. 4. However

as this window serves a stairwell, views are transient and will be brief.

A large portion of the site layout has been designed with a back to back relationship, although there are also some instances where there are back to side relationships proposed e.g. close to road junctions and corner sites.

Care has been taken in the design of the layout to ensure that the dwellings achieve the separation distances outlined within Creating Places. Where dwellings are orientated back-to-back the development provides for garden depths a minimum of 10m and separation distances a minimum of 20m from opposing rear first floor windows.

There are a few instances within the development where separation between properties is reduced to less than 20m. Plot 9 is approximately 4.5m from the shared boundary with plots 34 and 35. The design of this dwelling type has been revised to remove first floor windows which would give rise to overlooking. The dwellings on plots 34 and 35 have the desired separation distance of 10m to the rear boundary.

The dwellings at plots 47 and 54 and 51 and 52 are orientated in a back to side relationship. The separation distances between the buildings again is less than 20m at approximately 18m (51-52) and 16.5m (47-54). The dwellings at plots 52 and 54 are only 3.5m from the boundary with plots 47 and 54 but have been designed with only bathroom/en-suite windows on the first floor which are to be obscured glazing ensuring there will be no adverse overlooking to the adjacent plots.

Overall, the Planning Department is content that the layout and design of the development will not give rise to conflict with existing or proposed dwellings through overlooking/loss of privacy.

Environmental Health in their response dated 3<sup>rd</sup> May 2023, advised that a Noise Impact Assessment would be required in order to assess the potential impact on the residential amenity of the occupants of the proposed development arising from transportation noise sources due to its proximity to the adjacent by-pass (Broad Rd and Ballykelly Road).

In response to this request, the agent has advised that appropriate mitigation measures including the use of appropriate

glazing to reduce sound levels in habitable rooms, acoustically silenced ventilation and acoustic fencing, can be used to minimise noise levels within the dwellings to an acceptable standard. The agent has provided examples of where these measures have been accepted in the processing of other planning applications. Having considered these measures, the Planning Department is content that the measures proposed by the agent can suitably mitigate against any adverse noise impacts associated with transportation sources, and do not require the submission of a Noise Impact Assessment in this instance. Appropriate conditions regarding the application of these measures are contained below at Section 10.

***(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 concerns 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 enclosed by appropriate boundary treatments, 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**

- 8.7 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.***

- 8.8 This proposal will provide 98 dwellings on a greenfield site within the Limavady Settlement Development Limit. As outlined above at Paragraph 8.5 the proposed development does not relate to the redevelopment of a site or infilling of a vacant site, other than at plot 1 which is akin to a replacement dwelling, whereby there is no change in density levels. Additionally, as outlined at Paragraph 8.5 criteria a, while the density levels of the proposed development are higher than that along Killane Rd, at 20.4 dwellings per hectare, the development is significantly reduced in number and density from that previously approved under application B/2006/0469/RM, which was for 131 units at 25.7 dwellings per hectare, and will not significantly erode the character of the area or have a significant detrimental impact on the residential amenity of the existing properties.
- 8.9 The proposed site is located within an area where the predominant land use is residential. Dwellings within the area are a mix of single and two storey with a mix of semi-detached and detached properties, with a variety of architectural styles. 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.
- 8.10 All the dwellings proposed are of a size not less than those set out in Annex A of the policy.

### **Social Housing**

- 8.11 Policy HOU 2 of the Northern Area Plan states 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.
- 8.12 Subsequent to consultation and discussion with the Northern Ireland Housing Executive (NIHE) the site layout was revised to make provision for 19 social housing units in accordance with the specific requirements identified by NIHE, which comprise of a mixture of dwellings and apartments. Upon review, the Housing Executive consider that all issues are resolved and fully support the scheme to help address housing need at this location.

8.13 Concerns have been raised within the submitted representation that the presence of social housing within the scheme may lead to increased crime and anti-social behaviour. As outlined above, the provision of Social Housing is a requirement under Policy HOU2 of the Northern Area Plan where there is an identified need. As there is an identified need for social housing within Limavady, the proposed development must contribute to meeting this need. Additionally, no evidence has been submitted to demonstrate that social housing within the development will result in an increase in crime or anti-social behaviour.

### **Access and Parking**

8.14 Access to the housing development from the public road will be via a new access onto Killane Rd, which will require alterations to the curtilage of No. 52 Killane Rd. The access arrangements will also provide a right turning lane for traffic accessing the site.

8.15 A large volume of objections raised concerns regarding the use of access onto Killane Rd and the potential for the additional vehicular movements to/from the site to result in traffic congestion in the vicinity. Objections also query why access cannot be obtained from the by-pass.

8.16 A Transport Assessment Form was requested by DFI Roads to assess the transport implications of the development. The Transport Assessment concludes that the development will have a minimal transport impact relative to the existing traffic flows in the area.

8.17 DFI Roads have assessed the proposal and following the submission of amended plans are content that access onto the public road, road junctions within the site etc. are to an acceptable standard and will not prejudice road safety. Additionally, DFI Roads offer no objections in relation to the volume of traffic associated with the development and the implication on traffic flows in the area.

8.18 With regard to the representations received in respect of access and traffic, it is advised that the Limavady by-pass (Broad Road and Ballykelly Rd) is a Protected Route. Policy AMP 3 which relates to access onto Protected Routes advises that access onto protected route will only be considered where access cannot be obtained from an adjacent minor road. As access is obtainable from Killane Rd and is not considered to result in any

road safety or congestion issues, access onto the by-pass is not supported by policy. The issues regarding traffic congestion have been addressed above at paragraphs 8.14 and 8.15 and are found to be acceptable.

## **Natural Environment**

- 8.19 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.
- 8.20 The River Roe and Tributaries SAC and ASSI is designated for their qualifying features; the presence of Atlantic Salmon, Otters, Oakwood and water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation.
- 8.21 Consultation with DAERA Natural Environment Division (NED) and Water Management Unit (WMU) highlighted concerns relating to the release of polluting discharges during the construction phase of the development causing degradation of the aquatic environment and an increase in suspended solids to surface watercourses, resulting in increased turbidity which could affect water quality and fish stocks downstream of the site.
- 8.22 Through the consultation process both DAERA NED, DAERA WMU and Loughs Agency have advised that subject to the implementation of best practice and the specified mitigation being implemented during the construction phase, including the submission of a Construction Method Statement, treatment of surface water prior to discharge and the provision of a buffer between construction works and watercourses 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.
- 8.23 A Biodiversity Checklist and Preliminary Ecological Appraisal (PEA) were submitted in support of the application to assess the potential ecological impacts of the development. The PEA concluded that there will be no significant impact to designated site and species including birds and newts. However, given the identification of badger setts within the vicinity of the application

site boundary and the proposed removal of features with bat roost potential, further survey works were identified to determine the impact on these specific species.

- 8.24A Bat Activity Survey was submitted which detailed the survey findings upon two trees within the application site which were found to be of moderate bat roost potential, although one tree was subsequently downgraded to low potential given its proximity to street lighting. The survey found that a number of bats were recorded foraging or passing overhead during the two activity surveys, but no bats were observed emerging from or re-entering the trees being surveyed. The proposed project is therefore not anticipated to have an impact upon roosting bats, and thus mitigation measures are not required.
- 8.25NED were consulted on the Bat Activity Survey and advised that they are content that the survey effort was in line with NIEA's current survey specifications. NED recommends that ecologically sensitive lighting is incorporated into the development to ensure that bats are not negatively impacted by any increase in illumination from the proposed street lighting.
- 8.26The Preliminary Ecological Appraisal survey identified 28 badger sett entrances within proximity of the application site, which identified the necessity for further detailed survey works in respect of badgers and the impact of the proposed development upon their habitat.
- 8.27Under the Wildlife Order, it is an offence to damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection, damage or destroy anything which conceals or protects any such structure or disturb a badger while it is occupying a structure or place which it uses for shelter or protection. A 25m buffer zone is afforded to sett entrances to minimise any potential disturbance to the protected species and ensure compliance with the current legislation.
- 8.28The submitted plans indicate that a number of setts are within 25m of the proposed development with those specific setts to be temporarily closed under licence to facilitate development. Upon review NED requested the submission of a dedicated Badger Mitigation Plan to detail the mitigation measures to be implemented in order to minimise impact on badgers.

- 8.29A Badger Mitigation Plan was subsequently submitted to address the issues raised by NED. The BMP identified seven setts within 25m of development which would require closure during the construction phase. The closure of these setts was agreed with DAERA given their classification of outlier, subsidiary and annex setts, and given the proximity of alternative badger accommodation.
- 8.30 The BMP provides for a range of mitigation measures to be provided including the timing of the closure of setts to outside of the breeding season, the appointment of an ecologist to serve as Ecological Clerk of Works who will conduct further badger surveys prior to the commencement of construction and the installation of the one-way exclusion gates. Additional measures to avoid undue disturbance to foraging/ commuting badgers will include timing restrictions on works, such that no works will be undertaken during hours of darkness. In addition, all open excavations should be covered at night or a means of escape, such as planks or soil ramps, installed and all pipes should also be sealed at night.
- 8.31 NED were consulted on the BMP and following amendments to the document advise that provided the plans detailed in the amended BMP are implemented, NED is content any significant impacts to badgers can be mitigated. Conditions have been provided to be attached to any approval to ensure appropriate mitigation is in place.
- 8.32 Following consideration of the relevant information and consultation with relevant bodies it has been demonstrated that 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.
- 8.33 The paragraphs above in relation to Natural Heritage address many of the issues raised within the letters of objection received. It is acknowledged that with the development of a greenfield site there will be some loss of habitat/natural heritage features. However, it is noted that the application site is predominantly used as arable lands with only the site boundaries and adjoining lands providing any significantly ecological value. The applicant has carried out ecological surveys in respect of the ecology of the site which are considered sufficient to appropriately assess the potential impacts of the development. The design and layout



of the development and the implementation of mitigations and best practice measures will ensure that there will be no significant adverse environmental impacts.

### **Habitat Regulations Assessment**

8.34 The proposed site is located approximately 70 metres South-East of the River Roe and Tributaries SAC/ASSI and is indirectly linked by an undesignated watercourse to the west of the site whereby it is proposed to discharge surface water from the proposed development. Shared Environmental Services (SES) were consulted in relation to this application and have carried out a Habitat Regulations Assessment on behalf of the Planning Department. SES advise that having considered the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

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

### **PPS15**

8.36 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.

8.37 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. Additionally, Rivers Agency Flood Maps indicate that part of the site may be subject to surface water flooding.

8.38 A drainage assessment and drainage plan was submitted by the applicant outlining the proposed surface water drainage layout for the application site. The application proposes to discharge surface water to a small watercourse 45m west of the application site. The proposed drainage system proposes to discharge storm water at greenfield discharge rate of 35 litres per second

and will include the use of a hydro-brake system and attenuation measures. DFI Rivers has been consulted with the Drainage Assessment for the site and advised that it has demonstrated that the design and construction of a suitable drainage network is feasible.

8.39 Given the conclusions of DFI Rivers, as the competent authority, the Planning Department is 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.

8.40 As there are no watercourses within the application site and no modification of any such watercourses, Policies FLD2 and FLD 4 are not engaged.

8.41 Concerns were raised within the representation letters received that the lands between Killane Rd and the River Roe is very low lying and the development could result in problems with rainfall and sewage. It is noted that some of the surrounding lands are susceptible to surface water flooding. However, it has been demonstrated that surface water from the application site can be dealt with satisfactorily.

## **NI Water**

8.42 The application proposes to dispose of foul sewage via NI Water's mains infrastructure. NI Water has advised that there is sufficient capacity within the Treatment Works to accommodate the proposed development. During the initial consultation process, NI Water advised that there is a 225mm diameter public foul sewer located within Killane Road. Within Limavady, there is significant downstream Incapacity and as such NI Water are currently not approving any additional connections. Given the proximity to the Waste Water Treatment Works, NI Water initially advised that a Pumped Discharge from the proposed development direct to the Wastewater Treatments Works should be considered. Amended plans were submitted which provided for a pumping station in the North-Western corner of the site to pump foul waste from the site direct to the Limavady WWTW, approximately 210m west of the site.

8.43 Subsequent discussions with NI Water (24.02.2022) advised that following reconsideration of the proposal, connection to the foul

sewer located within Killane Road could be accommodated. The site layout was further revised to remove the pumping station and in their consultation response dated 20/04/2023, NI Water confirmed the presence of a foul sewer within 20m of the site which could service the development.

8.44 In their response dated 15.02.2022, NI Water advised that as the site is located within the Wastewater Treatment Works' 400m odour consultation zone boundary, an Odour Encroachment Assessment was required to determine the compatibility of these proposals with the existing operation of the Wastewater Treatment Works in line with the requirements of Policy WM5 of PPS11.

8.45 An Odour Assessment was submitted by the applicant, which used odour dispersion modelling to calculate odour concentration at the proposed development. The odour dispersion modelling assessment has predicted that at the boundary of the proposed residential development site, odour emissions from the Limavady WWTP will result in an odour concentration in accordance with the recommended odour threshold of  $\leq 5$  ouE/m<sup>3</sup> for the 98th percentile of hourly average odour concentrations and will have a negligible impact on the nearest proposed receiver locations within the proposed residential development site.

8.46 NI Water and Environmental Health were re-consulted on the Odour Assessment and offer no objections. The proposal complies with Policy WM5 of PPS11.

8.47 Objections raised concerns in regard to the adequacy of the WWTW and the potential impact of the additional loading in terms of odour and pollution. NI water has advised that there is sufficient capacity at the WWTW to accommodate the development and as advised above, there is the capacity within the existing sewer network to service the site. The Odour Assessment has outlined that the odour levels at the nearest proposed receptors are within the acceptable standard and therefore there is no requirement for developer funded upgrade works to the WWTW under this application. The proposal has been assessed by NI Water and Environmental Health who have no objections to the proposal. The Planning Department is

content that concerns regarding foul disposal and the WWTW have been satisfactorily assessed.

8.48 Concerns have also been raised in respect of the impact the additional dwellings would have on the public water supply, mainly the potential impact on water pressure. NI Water in their most recent consultation response has indicated that there is a water supply within 20m of the site which can serve the site and have not raised any concerns regarding network pressure.

## **OBJECTION ISSUES**

8.49 Many of the issues raised within the letters of objection received have been addressed in the paragraphs above. With regards to the issues not addressed within the report above the Planning Department comments as follows.

8.50 Many of the objections raise concerns regarding the adequacy of the public consultation process which preceded this application. Concerns relate to a lack of advertising for the public event, a lack of sufficient discussion with neighbours, a lack of opportunity to provide feedback and calls for a further consultation event in order to raise concerns with the developer. As detailed above at Paragraph 5.4, the applicant set out the public consultation measures to be implemented, which included advertisement in the local paper, a letter drop to neighbouring properties and a public event. The consultation measures were accepted by the Planning Department as being adequate and the applicant has demonstrated within the Community Consultation Report that they implemented these measures as required. Section 4 of the Community Consultation Report outlines that feedback from attendees was both via informal discussion at the public event. In addition, the applicant advised that the presentation material was emailed to 10 attendees to study post-event and to some who were unable to attend the event. The agent notes that a number of letters of representation were received prior to the submission of the planning application. The Planning Department is satisfied that the applicant has met with the legislative requirement for carrying out community consultation and is content that no further community consultation is required.

- 8.51 Some representations have queried whether the impact on schools been considered with 2 new developments in the area. The provision of local facilities to be provided in conjunction with proposals for new residential development is assessed with relevant bodies, generally as part of the development plan process. The application site is zoned as a committed site with no key site requirements. As such no need for additional educational facilities has been identified as part of the development of these lands.
- 8.52 Concerns have been raised regarding the potential impact on the value of existing dwellings on Killane Rd. It is noted that no supporting evidence has been provided to substantiate these concerns.
- 8.53 It has been asked within the representations as to how to prevent houses being bought by investors. This issue lies outside of the planning process and the Council has no authority in regards to the sale/purchase arrangements for the site other than the allocated social housing units.
- 8.54 Concerns have been raised in regard to the potential for additional littering arising from the development. Appropriate waste management facilities will be put in place upon occupation of the development for weekly refuse collection. Litter outside of the application site caused, for example, by pedestrians from the development is beyond the control of the Planning Department. However, there is no evidence to suggest that there would be any increase due to the construction and occupation of the development.
- 8.55 Concerns have been raised as to what impact will it have on services such as electricity, phone and water. As outlined above, NI Water has not raised any concerns with regard the servicing of the site with water or raised concern regarding potential impacts beyond the site. With regards to other services, it will be the responsibility of the developer or occupier to service the site or individual dwellings accordingly.
- 8.56 Is there anywhere in the proposal to build in keeping with Government's zero emissions plans for 2050? The proposed

dwellings will be required to be built to current regulations which seek to reduce reliance on solid fuel consumption. Additionally, the applicant has advised that the dwellings have been designed with regard to solar gain. This is a matter outside the planning regime.

8.57 Concerns has been raised regarding safety due to construction adjacent to existing properties. This is a matter for the developer to ensure that the apply appropriate health and safety measures at work and apply due care when working in proximity to adjacent properties.

8.58 Concerns have been raised regarding such as dust and noise associated with the construction phase of the development and the environmental impacts associated with the additional traffic. Environmental Health has been consulted on the application and have not raised any concerns or objections. Environmental Health has referred to the relevant standards for construction noise levels which should be adhered to maintain acceptable noise levels. Environmental Health has not raised any concerns regarding dust or fumes/emissions from cars.

8.59A representation raised concerns regarding potential damage to historic wall at Drenagh Estate and questions how will it be protected from additional traffic. The stone wall at Drenagh Estate is located approximately 300m North East of the entrance to the application site. Dowland Rd is a two way road with a footpath along its entirety. It is not a narrow road with the flow of traffic unrestricted in both directions. There is no evidence to suggest that an increase in traffic along this road would result in damage to the wall which abuts the road. The responsibility for damage to the wall would be outside of the planning process.

8.60A number of concerns raised that the proposed development would result in an increase in traffic using the Tyler Rd, as a through road or shortcut and could result in safety issues for residents within the development. Some representations are of the opinion that traffic calming measures would be required within Tyler Rd to mitigate against increased traffic and traffic speeds. Given the proximity of the application site to Dowland

Rd and Scriggan Rd, which provide access to the by-pass, and Killane Rd, which provides access to the Town Centre, the Planning Department is satisfied that the proposed development would not result in any significant increase in traffic from the application site utilising Tyler Rd. DFI roads has considered the proposal and has not identified any need for traffic calming measures beyond the application site.

- 8.61 Some representations state that the additional traffic on Killane Rd will result in the surface becoming undrivable. This issue is for DFI Roads to consider as this is an adopted road. Accordingly this issue is given little weight.

## **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 proposed layout, scale and design is considered acceptable in regard to the site topography and surrounding context. It is considered that there will be no unacceptable impacts on existing dwellings or proposed dwellings via overlooking, loss of light or overshadowing. Impacts on features such as archaeology and TPO trees can be satisfactorily mitigated to ensure there is no significant adverse impacts. Satisfactory access, parking and sewage arrangements have been demonstrated. Approval is recommended.

## **10.0 Conditions and Informatives**

### **10.1 Regulatory Conditions:**

1. As required by Section 61 the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved Drawings:-

Drg. No. 29 Rev 04, Private Streets Determination Layout 1 of 3,  
Drg. No. 31 Rev 04, Private Streets Determination Layout 3 of 3,  
Drg. No. 32 Rev 01, Road Sections 1 of 2,  
Drg. No. 33 Rev 01, Road Sections 2 of 2,  
Drg. No. 34 Rev 02, Construction Details,  
Drg. No. 35 Rev 02, Construction Details, all dated 21st January  
2022 and  
Drg. No. 30 Rev 05, Private Streets Determination Layout 2 of 3,  
dated 15th May 2023.

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

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

The Department hereby determines that the width, position and  
arrangement of the streets, and the land to be regarded as being  
comprised in the streets, shall be as indicated on Drg. No. 29  
Rev 04, Private Streets Determination Layout 1 of 3 and Drg.  
No. 30 Rev 05, Private Streets Determination Layout 2 of 3  
dated 15th May 2023.

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.

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

No other development hereby permitted shall be commenced  
until the works necessary for the improvement of a public road  
have been completed in accordance with the details outlined  
blue on Drg. No. 29 Rev 04, Private Streets Determination  
Layout 1 of 3 date stamped 21st January 2022. The Department  
hereby attaches to the determination a requirement under Article  
3(4A) of the above Order that such works shall be carried out in  
accordance with an agreement under Article 3 (4C).



Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

5. 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.

6. 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.

7. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m from the junction with the public road.

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

8. The visibility splays of 4.5 metres by 90 metres at the junction of the proposed access road with the public road, shall be provided in accordance with and Drg. No. 29 Rev 04, Private Streets Determination Layout 1 of 3 prior to the commencement of any other works or other development.

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

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

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

10. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 2015, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

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

11. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

12. The development hereby permitted shall not be occupied until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

13. No residential unit on sites 36-39 and 47-98 inclusive shall be occupied until the details of the legal agreement for the transfer to a NIHE recognised Housing Association of the social housing units hereby approved has been submitted to the Council for agreement.

Reason: To ensure the provision of social housing units across the site in compliance with the requirements of HOU2 of the Northern Area Plan.

14. All habitable rooms within all residential units hereby approved shall be installed with glazing and ventilation specification capable of achieving a minimum weighted sound reduction index of 35 dB Rw (daytime) and 30 dB Rw (night-time), product details of which are to be provided to the Council prior to occupation of these units.

Reason: To ensure that future occupants of the development do not suffer intermittent disturbance as a result of noise from activities associated with the neighbouring Ballykelly Bypass.

15. Prior to occupation of any dwelling at sites 68 – 74 and 84 – 94 inclusive, a 1.8m high close boarded fence, with no gaps and a self weight of no less than 12kg/m<sup>2</sup> shall be along the rear garden boundaries of site 68-74 and 84-93 inclusive and along the eastern side boundary of site 94 and shall be maintained throughout the lifetime of the development hereby approved.

Reason: In the interests of Public and Private amenity.

16. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases into the watercourse approximately 40 metres to the west of the red line boundary.

Reason: To protect designated sites and priority habitats.

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

Reason: To protect designated sites and priority habitats.

18. Storm drainage of the site, during construction and operational phases, must be designed to the principles of the Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on aquatic environments. 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 protect designated sites and priority habitats.

19. 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 western boundary watercourse. Oil or fuel stored in this area shall be kept in a bunded area (providing 110% capacity) to ensure any leaking oil is contained and does not enter the aquatic environment.

Reason: To protect designated sites and priority habitats.

20. No development activity, including ground preparation or vegetation clearance, shall take place in until protection zones, clearly marked with posts joined with hazard warning tape, has been provided around each retained badger sett entrance within the site boundary at a radius of 25 metres (as shown in Figure 3 of the BMP, dated February 2023). No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zones unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site.

21. The Badger Mitigation Plan, dated February 2023 shall be implemented in full.

Reason: To protect badgers

22. At least 8 weeks prior to the commencement of development a Construction Environmental Management Plan shall be submitted by the applicant/approved contractor to the Planning Authority for agreement in consultation with DAERA Water Management Unit. This shall reflect and detail all the pollution prevention, mitigation and avoidance measures to be employed.

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

23. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Causeway Coast and Glens Borough Council Planning Authority and Environmental Health Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. 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. This strategy should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable.

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

24. After completing the remediation works under Condition 23 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. 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.

25. 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 The 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.

26. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 25.

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

27. 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 25. These measures shall be implemented and a final archaeological report shall be submitted to The Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with The 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.

28. No development shall proceed beyond sub-floor construction until an extension to the existing surface water network to serve the development is provided. The applicant may requisition NI Water in accordance with Article 154 of the Water and Sewerage Services for this purpose.

Reason: To ensure a practical solution to the disposal of surface water from this site.

29. Prior to the commencement of development hereby approved, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event. The site drainage shall be implemented as agreed prior to the occupation of any dwelling unit.

Reason – In order to safeguard against surface water flood risk

30. The developer shall nominate and appoint a Landscape Management Company to implement and maintain the landscape plans Drawing Nos. 02 Rev 04 and 58 Rev 01 and the Landscape Management and Maintenance Plan (Doc 09). The areas of public open space and amenity space identified on the landscape plans 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'.

31. The external street lighting shall be implemented in accordance with Bat Conservation Trust (BCT) guidelines with a light spill of less than 1 lux on boundary hedgerows and the area of woodland and all trees with bat roost potential (BRP) to avoid disturbance to foraging and commuting bats and other nocturnal wildlife.

Reason: To ensure no adverse impact on bats, a species protected by law.

32. The proposed open space and amenity areas identified on the stamped approved Drawing Nos. 02 Rev 04 and 58 Rev 01,

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.

33. 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. 02 Rev 04 and 58 Rev 01, and maintained in accordance with a detailed Landscape Management and Maintenance Plan (Doc 09), to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

34. 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.

35. No tree marked for retention on Drawing Nos. 02 Rev 04 and 58 Rev 01 shall be removed without prior consent being obtained from the Council. 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.

36. 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, 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.

37. Prior to any development on site, all trees identified to be retained as indicated on the approved Drawings, must have their roots protected, as per the measures detailed in the submitted Tree Survey Report and Arboricultural Method Statement by Dr Blackstock (Doc 05) and Drawing 58 Rev 01. The erection of fencing required for the protection of retained trees, 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.

38. All Arboricultural work shall be implemented in accordance with the submitted Tree Survey Report and Arboricultural Method Statement by Dr Blackstock (Doc 05) 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.

39. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking or re-enacting that Order, no garages, extension or enlargement (including alteration to roofs) shall be made to the dwellinghouses hereby permitted on plots 14, 15 and 24-35 inclusive, as indicated on approved Drawing 02 Rev 04, without the grant of a separate planning permission from the Council.

Reason: The further extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.

40. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking or re-enacting that Order, no first floor windows, other than those expressly authorised by this permission shall be constructed or altered.

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

### Informatives

1. 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.
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 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.
4. 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.

5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.
6. 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.
7. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
8. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
9. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
10. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in

respect of any necessary measures required to deal with the watercourse.



