

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2022/0726/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>24<sup>th</sup> January 2024</b>
<b>For Decision or For Information</b>	<b>For Decision</b>
<b>To be discussed In Committee YES/NO</b>	<b>NO</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	Development Management and Enforcement Manager

<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>Legal Considerations</b>	
Input of Legal Services Required	<b>NO</b>
Legal Opinion Obtained	<b>NO</b>

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.
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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:

**No:** LA01/2022/0726/F **Ward:** Route

**App Type:** Full Planning

**Address:** Lands at 1 Milltown Road, Ballymoney

**Proposal:** Proposed residential development consisting of 9no. apartments and 8 Semi-detached dwellings

**Con Area:** No **Valid Date:** 27.06.2022

**Listed Building Grade:** N/A

**Agent:** Studio Rogers Ltd. The Eggstore, 1 Mountsandel Road. Coleraine. BT52 1JB

**Applicant:** Noel Kelly. 93 Largy Road. Portglenone, Ballymena. BT44 8BZ

**Objections:** 7 **Petitions of Objection:** 0

**Support:** 1 **Petitions of Support:** 0

## **Executive Summary**

- Full planning permission is sought for the proposed demolition of existing buildings and redevelopment of site consisting of 9no. apartments and 8 Semi-detached dwellings
- The site is located within Ballymoney Settlement Development Limit as designated within the Northern Area Plan 2016. The site is immediately beside and elevated from Local Landscape Policy Area Designation BYL02 (Ballymoney River Lower).
- The site is brownfield and located within a predominantly residential area.
- The previous incorporated commercial / industrial uses and three large buildings currently remain on site.
- The site is noted on the Industrial Heritage Record and forms part of a flour mill/corn mill complex dating to at least the early 19th century. The site also falls within the consultation zone of a known archaeological site adjacent Finvoy Road (Bronze Age Enclosure).
- The application proposes a three storey apartment block comprising 9 apartments with 8 terraced and semi-detached dwellings.
- 7 Representations have been received as well as 1 letter of support.
- Residential units meet the required space standards.
- The proposal is considered acceptable in terms of scale, massing and design.
- The proposal includes a shortfall in parking of two spaces but is considered appropriate given the site layout and context.
- Public open space is not a requirement for this proposal. A variety of amenity area is provided for each residential unit with additional communal and residual landscaped area.
- The proposal does not significantly impact on existing residential amenity.

- There are no impacts on natural heritage.
- There are no objections from consultees.
- The proposal is considered acceptable at this location and complies with Policy QD 1 of PPS 7, Policy LC 1 of APPS 7 and Creating Places. Approval is recommended.

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

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the refusal reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at No. 1 Milltown Road, Ballymoney, comprising an irregular plot of land extending to approximately 0.38 ha. The site is located to the eastern side of Milltown Road adjacent the Ballymoney River and includes a reasonably flat plot extending approximately 66m along the road frontage. The site includes a number of large, disused buildings which are commercial / industrial in appearance and set to the north-eastern corner of the site, approximately 9m back from the public road. The existing built form includes two large rectangular buildings (24.5m x 13m and 29m x 15m respectively) which are adjoining and set perpendicular to each other with the smaller of the two orientated with the gable at an angle to the public road. These buildings are just over 7m in height (approx), of blockwork construction with pitched roof finished in corrugated metal. The most northerly of the two is constructed immediately adjacent the existing watercourse and forms part of the riverbank.
- 2.2 A third building is also attached which comprises a much smaller footprint extending to approximately 11.5 x 9.5m but is considerably higher extending to three storeys (approximately 9.5m). This building appears older and is redolent of an old mill building. A small, derelict single storey structure is attached to the south-eastern gable of this building. Although generally level the rear of the site forms a bank with land to the rear of this elevated and incorporating a number of residential properties. The party boundary is defined by a combination of 1.8m wooden slatted fences and retaining structures. The roadside boundary is generally undefined with the exception of a small part of the adjacent bridge wall.
- 2.3 The site is located within the settlement development limit of Ballymoney Town and is not zoned for any particular use (whiteland).

It is located within an area which is predominantly residential in character with the addition of some commercial uses to the immediate north-west including a petrol filling station. The site is also located immediately adjacent an existing Local Landscape Policy Area which includes the adjacent river corridor. The site is indicated within existing flood maps as partially falling within an area of pluvial ponding as well as fluvial flooding. The site also partially falls within the consultation zone of an existing archaeological site.

- 2.4 Existing residential properties to the rear are two storey and elevated above the subject site with single storey detached dwellings directly opposite the site on Milltown Road.

### **3 RELEVANT HISTORY**

D/1982/0244 – Milltown, Ballymoney Offices and Stores. Permission Granted 10/12/1982. (Subject Site)

D/1995/0207 - 1 Milltown Road Ballymoney. Change of use of vacant soft-drinks store to building and joinery works. Permission Granted 6/11/1995. (subject site).

D/1998/0247 - 1A Milltown Road Ballymoney – Change of use of ground floor office to taxicab office. Permission Granted 21/10/1999. (Subject site).

D/2004/0310/F - Housing Development, incorporating open space, roadways for private streets determination and engineered river flood bank. Allowed at appeal 25/4/2005. (Adjacent subject site).

D/2004/0973/O - Proposed site for housing development. Allowed at appeal 27/9/2006. (Adjacent subject site)

D/2009/0297/RM - Proposed 3 apartments, 6 townhouses and alterations to private streets determination. Permission granted 14/6/2011. (Adjacent Subject Site).

D/2009/0298/RM - Proposed 10 townhouses and roadway for private streets determination. Permission Granted 24/5/2011. (Adjacent Subject Site).

## **4 THE APPLICATION**

- 4.1 The proposal relates to the erection of 9no. apartments and 8 Semi-detached dwellings.
- 4.2 The application site has been the subject of previous planning permission for a variety of commercial and industrial uses outlined above.
- 4.3 The proposal is a mixed residential scheme comprising 9 no. apartments and 8 Semi-detached dwellings. The proposal consists of a single apartment building positioned along the site frontage with two storey terraced and semi-detached dwellings along the rear (eastern) boundary. The apartment block is three storeys in height comprising a modern / industrial type design with sawtooth roof. Access is taken from the Milltown Road at the south-western corner of the site providing access and communal parking to the rear of the apartment block and access to the front of the proposed dwellings which incorporate in-curtilage parking. Additional visitor car parking is proposed along the access road.
- 4.4 The site is located within the Settlement Development Limit of Ballymoney as zoned within the Northern Area Plan 2016. The site is immediately beside part of Local Landscape Policy Area Designation BYL02 which includes the river corridor and public open space

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

Neighbours: 1 Letter of support received encouraging the inclusion of Swift Bricks into the proposed apartment blocks.

7 No. objections received from separate addresses. The reasons for objecting are summarised below:

- Impact on Character
- Scale, Massing, Design, Dominance.
- Levels of amenity space.
- Lack of Designated Bin Store / Odour
- Lack of Maintenance Strip for Riparian access.
- Sewerage Capacity.
- Lack of demand.
- Loss of light.

- Impact on Privacy / Residential amenity
- Vehicular Access / Parking / Traffic Volume / Road safety.
- Pedestrian Access / Movement / Accessibility.
- Extent of Neighbour Notification.

## 5.2 Internal:

DFI Roads: No objections.

Historic Environment Division: No objections.

NI Water: No objections.

Environmental Health: No objections.

DFI Rivers: No Objections.

NIE: No Objections.

DAERA Natural Environment Division: No objections.

## 6 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 3: Access, Movement and Parking

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

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

DCAN 8: Housing in Existing Urban Areas.

Creating Places.

PPS12: Housing in Settlements.

Planning Policy Statement 15 (Revised): Planning and Flood Risk.

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 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; traffic and road safety; impact from flooding and drainage and impact on archaeology and impact on the residential amenity of surrounding properties.
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above.

## Principle of Development

- 8.3 In the Northern Area Plan 2016, the site is located within Ballymoney settlement development limits, is not zoned for any specific use and is considered to be a whiteland site. Although the existing use is commercial / industrial, the site is bounded on all sides by existing residential development. The RDS sets a regional target of 60% of new housing to be located in appropriate 'brownfield' sites within the urban footprints of settlements greater than 5,000 population (Ballymoney exceeds this). Brownfield sites are defined as land that is or was occupied by a permanent structure within a defined settlement limit. The term may encompass vacant or derelict lands, infill sites, land occupied by redundant or underused buildings, a piece of industrial or commercial property that is abandoned or underused. The site represents brownfield land that, subject to all other environmental and planning considerations is appropriate for residential development. As the character and established use of the area is predominantly residential the principle of development is considered acceptable.

## Local Character, Environmental Quality and Residential Amenity

- 8.4 Planning Policy Statement 7 promotes quality residential development in all types of settlements. DCAN 8 and Creating Places is additional guidance intended to supplement this policy in terms of improving the quality of new housing development.

***(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;***

### Context

- 8.5 The proposed site is located approximately 388m from Ballymoney Town Centre and is within an area comprising a variety of uses including nearby petrol filling station and retail units as well as additional commercial uses further west along Ballybrakes Road. Although the existing site is currently commercial and has been the subject of a number of previous uses, it is disused and located within an area predominantly residential in character, dominated by a large residential development to the south and east at Millbrooke as well as

residential development to the immediate north at Riverside Close and on the opposite side of Milltown Road.

- 8.6 Due to its proximity to the town centre and roadside location along a main arterial route, the subject site represents a key site within the surrounding context, particularly on approach from the south, and currently dominates a number of critical views as a result of location, scale and proximity to nearby road junctions.
- 8.7 The site is fairly flat, with developed land to the south elevated above the site by approximately 1-3 m. The residential character of the area comprises a variety of dwelling types with the eastern side of Milltown Road dominated by two storey detached and semi-detached dwellings, with those in closest proximity to the south elevated above the subject site. The opposite side of Milltown Road also incorporates a variety of house types although those directly opposite and fronting onto Milltown Road are almost exclusively single storey. Density levels vary and range between approximately 28-35 units per hectare.
- 8.8 Although the residential character is predominantly two storey, the existing site is commercial and the built form reflective of the industrial heritage in scale and design. The site originally comprised a number of large industrial type buildings the majority of which have been demolished. The remaining structures comprise three large buildings to the north-eastern corner of the site. These buildings including two large, linear structures, one of which forms the bank to the adjacent river, with a third large three storey building extending to approximately 10m in height. This building would appear to have formed part of the original historic use as a mill and dominates the site as well as the immediate surrounding context.
- 8.9 The proposal comprises 4 semi-detached dwellings and a terrace of 4 dwellings to the rear portion of the site with a three-storey apartment block comprising 9 units located to the front of the site. The proposed apartment block extends to approximately 22.9m frontage and 10.8m in height incorporating saw-tooth roof and narrow gables due to the stepped footprint. Scale and massing is broken up both vertically and horizontally through the use of architectural detailing and materials as well as the use of asymmetrical saw tooth roofing which reduces eaves level to approximately 8m and reduces the massing of the roof. The design and vertical definition creates the appearance of a terrace of narrow, three storey properties fronting onto Milltown Road. Finishes include grey facing brick and grey metal cladding on the upper third and roof which serves to break massing up further and is

reflective of the historic industrial use and mill building. A contextual elevation has been provided extending from the development at Milltown to the south through the subject site and demonstrates the change in levels across the streetscape as well as the proposed apartment block in the context of existing dwellings to the south which sit considerably higher. The apartment block does not dominate the streetscape to an unacceptable degree when viewed from critical views and the site frontage does not appear overdeveloped with a good degree of separation between apartments and existing development.

8.10 The proposed dwellings are positioned to the rear of the site which significantly reduces their visual impact from critical views. They are two storey with approximately 6m frontage and 9.4m gable, comprising simple front and hipped roofs with a mix of white render and grey tile cladding as well as grey roof tiles. The dwellings extend to approximately 8m in height and are generally in keeping with the existing residential character.

### **Density**

8.11 Policy LC 1 of PPS 7 Addendum Safeguarding the Character of Established Residential Areas sets out criteria for redevelopment of existing buildings to accommodate new housing. One of these is that the proposed density is not significantly higher than that found in the established residential area. Density of the overall development exceeds the average surrounding area but is reflective of the inclusion of apartments which is not commonplace in the immediate context. The proposal is generally appropriate in terms of density for the locality and the inclusion of apartments is acceptable within a residential development of this nature given the site character and context.

### **Levels**

8.12 Proposed site and finished floor levels are appropriate given existing site levels and topography both of the site and surrounding environment. Finished floor levels of proposed residential units sit substantially below the land and dwellings to the south and falls gently in a northerly direction. This is reflected in proposed finished floor levels which reduce by approximately 0.75m from units 17 to 10.

## **Landscaping / Hard Surfacing**

- 8.13 In terms of landscaping and hard surfacing, the existing site has been historically developed and incorporated substantial built form. The current application proposes a single access taken from the southern extent of the site and navigates to the rear of the apartment block and front of the dwellings providing vehicular access and parking. As a result, access and parking arrangements are well screened from public vantage points, do not dominate the layout and are offset by additional landscaped areas and the use of a private drive to serve a number of dwellings. Landscaping includes both public and private areas including along the site frontage (although public open space is not a requirement due to the scale of development), communal areas and private gardens including small, landscaped areas to the front of the majority of dwellings and private gardens to the rear. Given the original industrial nature of the site which previously incorporated extensive development, the proposal will introduce additional greening but remains appropriate to the context.
- 8.14 The proposal respects the surrounding context in terms of density, height scale and massing when assessed against existing site structures and context. The proposed development does not dominate the existing streetscape with built form along the site frontage limited to the apartment block. This is designed in a manner which reduces the overall massing and visual impact and is combined with additional landscaping both along the site frontage and within the layout. The remainder of the development comprises dwellings positioned to the rear of the site which take account of site topography and sit substantially lower than existing dwellings to the south.

## **Boundaries**

- 8.15 The proposal incorporates a number of new boundaries as well as utilising a section of the existing building which forms the river bank to provide the necessary retaining structure as well as providing flood defence. The front of the site along the public road is defined by a combination of 1.2m wall and railing set behind a proposed landscaped area while a 1.8m wall is proposed along the rear boundary which backs onto an adjacent area of open space as part of adjacent development. An additional wall is proposed adjacent the southern boundary, set within the site to provide the necessary retaining structure to retain the existing bank and address the difference in levels between the site and adjoining development elevated above the site.

8.16 The proposed development is considered appropriate to the surrounding character in terms of the siting, scale massing and density when viewed within the context of the subject site. The proposal is in keeping with criterion (a) Of Policy QD1 and Policy LC1 (a) and (b).

### **Space Standards**

8.17 Criterion (c) of Policy LC1 of of the Addendum to PPS7: Safeguarding the Character of Established Residential Areas requires that all dwelling units and apartments are built to a size not less than those set out in Annex A of that document. The proposed apartments incorporate a variety of accommodation including 3 person, 2 bedroom and 2 person, 1 bedroom apartments with the ground floor apartments indicated as disabled access layouts. Based on the level of accommodation Annex A requires that the apartments extend to a minimum internal floorspace of 60-65sqm and 50-55 sqm respectively. The proposed apartments meet the requirements of Annex A of the Addendum to PPS7 and criterion (c) of Policy LC1. The proposed dwellings also meet the necessary floorspace standards.

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

8.18 There are no listed buildings within the vicinity of the site. However, the site is noted on the industrial Heritage Record and forms part of a flour mill/corm mill complex dating to at least the early 19th century. The site also falls within the consultation zone of a known archaeological site adjacent Finvoy Road (Bronze Age Enclosure).

8.19 HED (Historic Monuments) has been consulted on the proposal and advise that, given the surviving condition and character of the industrial heritage remains at this site, the current proposal, which would result in the removal of the remaining mill buildings, may be made acceptable to policy requirements providing it is conditional on pre-development archaeological mitigation to ensure any remaining archaeological remains at the site are appropriately recorded.

8.20 HED are content that the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements and having regard to the

response from HED, the proposal is considered to satisfy Criterion (b) of Policy QD 1 and PPS 6.

8.21 The site does not incorporate any significant landscape features due to the extent of historic development but is located on the bank of Ballymoney River Corridor which forms part of Local Landscape Policy Area BYL 02 (Ballymoney River Lower). Those features that contribute to the environmental quality, integrity or character of this area includes the wetlands along the Ballymoney River and the well wooded O'Hara Brook estate. This policy determines that development will be restricted to that which is essential for agriculture, outside of the development limit while within the development limit, only proposals which do not adversely affect existing trees, or the nature conservation value of the wetlands adjoining the river, will be acceptable.

8.22 As noted above, one of the existing buildings on site forms part of the existing riverbank. The current application proposes retention of this elevation sufficient to retain the engineering works and provide a boundary wall along the riverbank. No additional engineering works or tree / vegetation removal is proposed along the river corridor and the quality of the LLPA is unaffected.

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

8.23 Policy OS2 of PPS8 does not apply in this instance as it requires the provision of public amenity space where 25 units or more are proposed. The current application proposes 17 units. Additionally, the application site comprises a historical industrial use which has been the subject of extensive development characterised by a number of large buildings and hardstanding. The site is brownfield and does not incorporate any existing landscaping or vegetation within the site boundaries.

8.24 Although public open space is not a policy requirement, the proposal does incorporate significant areas of residual space within communally accessible areas which will significantly soften the existing industrial character as part of the proposed residential development. This includes a landscaped area across the entire site

frontage with low boundary wall and railings set to the rear which defines the front boundary and softens the existing character.

8.25 Additional landscaping is also proposed along the entire southern boundary adjacent the access road and visitor parking which provides significant greening within the development and breaks up the extent of hardstanding. This area utilises the existing embankment to development at Millbrooke which is elevated above the subject site and serves to provide a buffer between the two. An area of public open space is also provided adjacent the access point. In terms of safety this would not otherwise represent an acceptable location for public open space utilised by children due to proximity to the access and adjacent public road and if necessary in policy terms, would be required to be relocated within the development. However, as a residual area of communal open space it provides a fairly large and practical area utilised as a public seating area enclosed within a roadside boundary wall and establishes an attractive setting at the entrance to the site if correctly managed.

8.26 The guidance document *Creating Places* outlines the extent of necessary private amenity space provision and determines that in the case of apartment developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens and should range from a minimum of 10 sq m per unit to around 30 sq m per unit (Para 5.20). The current proposal incorporates extensive residual greenspace around the apartment building which established its setting within the development but also incorporates more practical private areas. Adjacent the northern elevation is an area extending to approximately 46 sqm which is sufficiently large and practical to distinguish it from mere residual space. Additionally, a more bespoke area is located to the immediate rear of the apartment building and extends to approximately 112sqm. Taken together, these two areas represent approximately 17.5 sqm per unit not including additional residual areas or the adjacent area of open space which extends to approximately 183sqm opposite the apartment building. In total the provision of amenity space serving the proposed apartments is considered acceptable.

8.27 For dwellings, *Creating Places* determines that a variety of different garden sizes should be provided, and back garden provision calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater. For any individual house an area less than around 40 sqm will generally be considered unacceptable (Para 5.19). The proposed dwellings (units



10-17) incorporate a significant variety in private garden areas ranging from 165sqm to 40sqm. The average is towards the higher end of the recommended provision at approximately 62 sqm. Units 12-15 all incorporate the minimum recommendation of 40 sqm, units 10 and 11 incorporate 68sqm and 55sqm respectively while units 16 and 17 incorporate 53sqm and 165sqm respectively. The development is small in scale incorporating only 8 dwellings and includes a significant variety in the provision of amenity space as recommended within Creating Places. It also is appropriate in terms of the average calculation while none of the proposed dwellings incorporate levels of private amenity space provision which fall below the minimum threshold recommended in Creating Places. On this basis the provision of private amenity space serving each of the proposed dwellings is considered to meet the recommended provisions outlined in Creating Places and complies with criteria (c) of Policy QD1.

8.28 Beyond private amenity areas, additional landscaped areas are incorporated to the front of the majority of dwellings, providing defensible space and softening the extent of hardstanding. In terms of landscaping, additional planting is utilised throughout the development to define communal amenity areas as well as small front gardens, refuse collection points and refuse storage areas. The introduction of planting aids in screening utilitarian areas both within the development and from the public road as well as softening the extent of hardstanding and car parking. Primary landscaping within the development is positioned along the southern boundary, providing a backdrop and softening the visual impact of the development from critical views as well as enhancing the residential environment and providing privacy screening between the proposal and existing dwellings.

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

8.29 No local neighbourhood facilities are required to be provided by the developer given the nature and scale of the proposal.

8.30 The proposal is considered to satisfy Criterion (d) of Policy QD 1.

***(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and***

***convenient access to public transport and incorporates traffic calming measures;***

8.31 The proposed scheme incorporates disabled access accommodation on the ground floor apartments with car parking to the immediate rear. The subject site is located approximately 388m from the designated town centre with an existing filling station and large retail shop along with a small number of other smaller retail units approximately 30m away. The public footpath exists on the opposite side of the public road with easy access to these facilities and the public bus and train stations within walking distance. The proposal incorporates in-curtilage car parking serving all proposed dwellings with additional communal parking serving the apartments and visitor car parking serving the overall development. Car parking provision is sufficiently distributed within the layout to ensure accessibility and additional communal cycle stands are provided to the rear of the apartment block. The road network provides pedestrian and cycling connections to the town centre as well as wider public transport links and the proposal supports walking and cycling. There is no requirement for traffic calming measures given the nature of the proposal. The design of the apartment building and site layout meet the needs of people whose mobility is impaired.

8.32 The proposal is considered to satisfy Criterion (e) of Policy QD 1.

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

Access / Parking

8.33 Access is taken from a single access point to the southern extent of the site frontage with the relevant visibility splays provided in both directions. The main access road serving the development is to be publicly adopted with an additional private driveway serving 4 of the dwellings as well as some car parking for the apartments. PSD drawing have been submitted and DFI Roads consulted.

8.34 The parking calculation indicates that 28 car parking spaces are required based on the proposed level of residential accommodation with only 26 spaces provided, a shortfall of two car parking spaces. Car parking provision is quite well dispersed throughout the development with good levels of car parking provided in proximity to the proposed apartments, four of which are to the immediate rear and necessary to provide good access for mobility impaired. Of the residential units, 10 and 11 are the furthest from communal parking areas but incorporate the required in-curtilage parking spaces to serve

these units. Units 12-16 incorporate single in-curtilage car parking and may potentially create somewhat of a pinch point due to the proximity to apartment parking. However, they are within reasonable distance of communal parking spaces as to not be considered impractical. Unit 17 also incorporates two in-curtilage parking spaces.

8.35 While a shortfall in parking does exist, the scheme is small and is located in very close proximity to services including convenience shop opposite as well as public transport and is within walking distance of the town centre. All dwelling units incorporate some degree of in-curtilage parking and the apartments are fairly well served. Based on the proposed scheme, car parking is considered to meet Criterion (f) of Policy QD 1. No objections are proposed in terms of road safety or capacity and the proposal is considered acceptable subject to conditions.

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

8.36 The subject site has a long established industrial / commercial use originating as a flour /corn mill and more recently incorporating other uses such as joinery workshop. The site originally comprised a number of large buildings dominating the site, the majority of which have been demolished, with only the three buildings described above remaining. The proposed apartment design is of a scale and form redolent of industrial use with incorporation of a saw-tooth roof and the form broken up vertically into narrower elements. This is also reflected in the use of finishes / materials which includes grey facing brick and metal cladding.

8.37 The proposed dwellings are simple in form comprising two and two and a half story dwellings, gable hipped and finished in smooth render and black cedar cladding. The form of the proposed dwellings incorporate appropriate window to wall ratio, ridge height, eaves height and fenestration details which means that the proposal will integrate within the established character of the area. Finishes and materials are considered acceptable given the locality, scale of the development and history of the subject site. The proposal is considered to satisfy Criterion (g) of Policy QD 1.

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

8.38 As noted, the use on site is historically industrial / commercial with the most recent permissions outlined above. However, the site is located in a predominantly residential area, is appropriate to the character and is unlikely to introduce any significant impact on existing residential premises beyond the construction phase. The site fronts directly onto the public road and is bounded by the Ballymoney River to the north-west with an area of open space associated with an adjacent development to the north-east. The nearest existing residential properties are located to the immediate south of the site at Millbrooke Drive (which is accessed off the Finvoy Road) a number of small detached and semi-detached single storey dwellings located on the opposite side of Milltown Road.

### **Privacy**

8.39 The subject site is fairly level with the public road, with the development at Millbrooke Drive comprising two-storey dwellings substantially elevated above the site. At the time of site inspection a number of split level dwellings were also under construction extending east along Millbrooke Drive. The proposed development generally does not incorporate new buildings along the shared boundary (with the exception of unit 17), with the access road, planted buffer and retaining wall all located along the southern boundary. Creating Places advises that where development is proposed on green-field sites or in lower density areas, good practice indicates that a separation distance of around 30m between apartments and existing residential properties should be observed. While the site is not greenfield, the proposed apartment building is located fairly centrally along the western boundary, approximately 31m from any of the properties at Millbrooke Drive and 25m from any of the properties to the west of Milltown Road. Riverside Close exists approximately 95m to the north. Levels annotated on the site plan indicate that the apartment block will have a finished floor level approximately 3m below those at Millbrooke Drive and given its position relative to these properties will not result in any overshadowing effect. Although the potential impact on Milltown Road properties is potentially greater, it is again not unacceptable given the significant separation distance.

8.40 In terms of overlooking, the combination of levels and separation distance is such that direct overlooking between the proposed apartments and existing properties would be unlikely to impact privacy. The front elevation of properties along Milltown Road directly face the apartment development and include rear private gardens already more significantly overlooked by two storey properties to the

rear of these dwellings. Existing dwellings at Millbrooke Drive are substantially elevated and as a result the proposed three storey apartment development will sit marginally above these. Given the significant separation distance and relative angle of view, direct overlooking between properties is unlikely to result including into rear amenity areas given existing boundaries.

- 8.41 The proposed dwellings are positioned along the eastern boundary which forms an area of open space associated with nearby development and as a result any potential impact is negligible. Unit 17 is located to the south-eastern corner of the site along the southern boundary and represents the closest proposed dwelling to existing residential properties at Millbrooke Drive. This dwelling is located approximately 15.5m from the nearest existing dwelling and orientated gable to these existing dwellings. The gable is blank, which in combination with the proposed separation distance and relative finished floor levels will render any potential impact on these properties very unlikely. The rear of units 16 and 17 are approximately 34m from the gable of No 40 Millbrooke Drive which at the time of site inspection was under construction. This dwelling is split level with gable window. Given the separation distance between the two, no significant direct overlooking will occur.
- 8.42 The relationship between proposed apartments and proposed residential properties incorporates a separation distance of at least 20m between opposing first floor windows which is comparable to the guidance outline in Creating Places regarding rear first floor facing windows. The relationship between the front to back of proposed properties is acceptable given the separation distances and relative angle between these properties which ensures that where views do exist, they are fairly oblique and as a result there is no significant impact on privacy.

### **Refuse / Odour**

- 8.43 The proposed layout incorporates the use of refuse storage and collection areas to serve the apartment development as well as collection areas to serve a number of the dwellings. Such areas have the potential to be unsightly as well as impact on amenity through odour and the potential attraction of pests. The bin store area serving the apartment is located to the northern area of the site, set back approximately 4.6m from the public road but well screened from view through the use of walling and landscaping. This area is within reasonable distance for apartment residents while sufficiently removed

to reduce any potential amenity issues and will be subject to a management company agreement to ensure it is appropriately managed. The bin store is located a minimum of 30m away from the nearest existing residential property on Milltown Road and is unlikely to cause any impact from odour. It is approximately 50m from those properties at Millbrooke Drive.

- 8.44 Refuse collection areas are located internally within the site on the corner of the adopted access road approximately 9m from the rear of the apartment block. Again, this will be subject to a management agreement and are sufficiently removed to prevent amenity issues. The collection area is in a prominent location within the development but is well screened and will be utilised on a temporary basis. The local Environmental Health department has been consulted and raise no objection to the proposal as a result of refuse arrangements either to proposed or existing properties.

## **Noise**

- 8.45 In terms of noise, the site is unlikely to impact on existing residential beyond the construction phase and the application proposes a compatible use to the locality. The site is located within proximity to both the public road and the nearby railway line and as a result a Noise Impact assessment has been completed. Although railway noise levels were found to be well below the recommended criteria for both daytime and night-time periods, the NIA advises that internal noise levels require appropriate mitigation against road traffic noise. Environmental Health proposes appropriate conditions to meet the required noise levels.

## **Contamination**

- 8.46 Due to the previous uses on site the potential for contamination exists. A Preliminary and Generic Quantitative Risk Assessment (PRA & GQRA) report has been provided by RSK Ireland Ltd in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data. No unacceptable risks to environmental receptors are identified for the development, Consultation has been carried out with both Environmental Health and NIEA (Regulation Unit). No objections have been raised and conditions are proposed to ensure the site is suitable for the proposed use. The proposal is considered compliant with criterion (h) of Policy QD 1.

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

8.47 The proposed apartment building has an outlook onto Milltown Road. Proposed communal areas are well supervised by proposed development and there are no areas considered likely to encourage ant-social behaviour. All communal areas will be subject to a management maintenance agreement. The proposal is considered to be designed to deter crime and promote personal safety.

8.48 The proposal is considered to satisfy Criterion (i) of Policy QD 1.

**Natural Heritage**

8.49 The site adjoins Local Landscape Policy Area: Designation BYL 02: Ballymoney River Lower which incorporates the adjacent river corridor. The original mill building is derelict and potentially represents roosting areas for protected species (bats). A bat survey and construction statement has been submitted. The bat survey indicates that no bats were recorded emerging or re-entering the building and NIEA- NED confirm that they are content the building is unlikely to currently support roosting bats. NED does advise that if roosting bats are found during works, all works must stop and advice sought from NIEA Wildlife Team. NED notes that some vegetation may require removal and advises that the vegetation on the site may support breeding birds. All wild birds and their nests are protected under the Wildlife Order. NED therefore advises that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season. NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats. Provided the recommendations made within the Construction Method Statement are adhered to and appropriate pollution prevention measures are implemented during the construction and operational phases of the development, the proposal is unlikely to have a significant impact on the river habitat.

8.50 The proposal is considered to satisfy Policy ENV 1 of the Northern Area Plan 2016 and the requirements of Planning Policy Statement 2: Natural Heritage.

## **Water / Sewerage**

8.51 The application is served by mains connection to both foul sewer and storm water. NI Water has advised that capacity at the wastewater treatment works are available to serve the proposal and a public foul sewer exists within 20m of the proposed development boundary which can adequately service the proposal. There is no public surface water sewer within 20m of the proposed development boundary however access is available via extension of the existing public surface water network. NI water propose planning conditions to ensure the proposal is satisfactorily served.

## **Drainage / Flooding**

8.52 The site lies immediately adjacent Ballymoney River. Site Layout Drawing Number '02A' contains a detailed topographical survey of existing levels within the site, these levels demonstrate the site to be above the 1 in 100-year fluvial flood level at this location. This is reinforced by information contained within the Cover Letter dated 11-9-23. DfI Rivers confirm that the development does not lie within the 1 in 100 years fluvial or 1 in 200 year coastal flood plain and the site layout drawing also demonstrates a suitable freeboard of greater than 600mm for all development.

8.53 Space for a maintenance strip is provided and DfI Rivers confirm that the layout does not reduce the existing maintenance access to the watercourse and as such Revised PPS 15 FLD 2 is satisfied. Due to the proximity of the proposals to a designated flood defence embankment the applicant is required to contact DfI Rivers Area Office to obtain Schedule 6 consent before any works that could impact the embankment commence. The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 years event, including an allowance for climate change (10%) and urban creep (10%), could be contained through the addition of an underground online attenuation system, when discharging at a maximum consented rate of 40.52l/s, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption. DfI Rivers raises no objections but to ensure compliance with PPS 15, a condition is proposed to ensure the potential flood risk from exceedance of the network, is managed by appropriate condition.



## Habitats Regulation Assessment

8.54 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas 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, conservation objectives or status of any of these sites.

### Representations:

8.55 Seven representations have been received from individual addresses raising a number of issues outlined below:

- Impact on Character – See Consideration. Based on history, existing built form and site context the proposal is not considered to significantly impact on character.
- Scale, Massing, Design, Dominance. See Consideration. Design , scale and massing are considered acceptable
- Levels of amenity space. See Consideration. Levels of amenity space for individual dwellings and apartments vary but are considered acceptable as a comprehensive development.
- Lack of Designated Bin Store / Odour. See Consideration. Refuse storage and collection areas are proposed where necessary and screened. Separation from existing properties is sufficient to prevent any impact from odour. EHD has been consulted and raise no objections.
- Lack of Maintenance Strip for Riparian access. See Consideration, Riparian access has been demonstrated and accepted by DFI Rivers.
- Sewerage Capacity. See Consideration. Capacity exists to serve the development.
- Lack of demand. The proposal incorporates a variety of residential accommodation and associated amenity within a predominantly residential location with good access to local services, the town centre and transport links.
- Loss of light. See Consideration. The proposal is significantly separated from existing properties and will not result in loss of light.

- Impact on Privacy / Residential amenity. See consideration. The proposal is not considered to significantly impact on residential amenity of existing or proposed residents.
- Vehicular Access / Parking / Traffic Volume / Road safety. See Consideration. The proposal represents a shortfall in parking of two spaces but is considered to generally provide sufficient levels of parking for a scheme of this scale at this location. DFI Roads has been consulted and raise no objections in relation to traffic volume, road network capacity, access arrangements or road safety.
- Pedestrian Access / Movement / Accessibility. See Consideration. The proposal is considered to provide / encourage pedestrian accessibility and movement.
- Extent of Neighbour Notification. Neighbour notification has been carried out in compliance with the relevant requirements. 6 of the 7 objectors were originally notified as part of this process. The remaining address did not meet the requirements for neighbour notification. A number of additional dwellings within proximity of the subject site were under construction at the time of site inspection. These included from number 40 Millbrooke Drive extending eastward.

## **9.0 CONCLUSION**

9.1 The proposal seeks the demolition of existing buildings on site with construction of an apartment building comprising 9 apartments as well as 8 dwellings. The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The principle is acceptable in this area which is characterised by residential development. Given existing buildings / previous use on site it is considered acceptable in terms of layout and appearance and will result in no significant impact in terms of residential amenity, road safety, flooding or natural heritage interests.

The proposal is considered acceptable at this location and meets the requirements of Policy QD 1 of PPS 7, Policy LC 1 of APPS 7 and Creating Places. Approval is recommended.

## 10 CONDITIONS

Drawings: 03E, 06A, 07A, 08A, 11B, 12, 13, 14A, 15A, 16A, 17A, 18A, 19A, 21, 22A, 23A, Standard Construction Details (Rev 03), Preliminary Risk Assessment and Generic Quantitative Risk Assessment, Construction Method Statement.

1	<p>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.</p> <p>Reason: Time Limit.</p>
2	<p>The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</p> <p>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. 22A PSD Site Layout date published 22 November 2023.</p> <p>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.</p>
3	<p>The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</p> <p>No other development hereby permitted shall be [commenced/occupied] until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing. No. 22A PSD Site Layout date published 22 November 2023. 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).</p> <p>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.</p>

4	<p>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.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
5	<p>No residential unit 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.</p> <p>Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.</p>
6	<p>The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m from the junction with the public road.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.</p>
7	<p>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.</p> <p>Reason: To ensure the provision of adequate street lighting and in the interests of safety.</p>
8	<p>The residential units hereby approved shall have upgraded acoustic glazing and ventilation system providing Sound Reduction levels of 33dB Rw.</p> <p>Reason: In the interest of residential amenity.</p>
9	<p>The residential units hereby approved shall incorporate sound reduction of not less than 53dB Rw for walls.</p> <p>Reason: In the interest of residential amenity.</p>

10	<p>All dwellings shall incorporate an acoustic ventilation system (with equivalent glazing Sound Reduction) with specification to comply with Building Control Technical Booklet K and ventilation rates in accordance with Technical Booklet K.</p> <p>Reason: In the interest of residential amenity.</p>
11	<p>Prior to occupation of the development hereby approved a Remediation Strategy shall be submitted to the Planning Authority detailing how the ACM impacted soils at WS03 will be remediated and verified as referenced in the submitted Preliminary Risk Assessment and Generic Quantitative Risk Assessment, Report Reference 604463-R1 (00), dated March 2023. If required, a verification report shall be submitted to demonstrate that remediation works have been fully implemented, for approval by the Planning Department of Causeway Coast and Glens Borough Council in consultation with the local Environmental Health Department</p> <p>Reason: In the interest of residential amenity and to ensure the site is suitable for the proposed use.</p>
12	<p>Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 &amp; 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 including an allowance for climate change (10%) and urban creep (10%).</p> <p>Reason: To safeguard against surface water flood risk.</p>
13	<p>The Construction Method Statement (4/10/2023) shall be adhered to and appropriate pollution prevention measures implemented during the construction and operational phases of the development.</p> <p>Reason: To protect the river habitat.</p>
14	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease, and the Planning Authority notified immediately.</p>

	<p>This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>. 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.</p> <p>Reason: In the interest of residential amenity and protection of environmental receptors to ensure the site is suitable for use.</p>
15	<p>After completing the remediation works under the above condition; and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Planning Authority. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>.</p> <p>The verification report shall present all remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
16	<p>No part of the development hereby approved 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.</p> <p>Reason: To ensure a practical solution to the disposal of surface water from this site.</p>
17	<p>All planting comprised in the approved details of drawing No 03E shall be carried out during the first planting season following the commencement of the development and any shrubs which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or</p>

	<p>diseased shall be replaced in the next planting season with other similar size and species.</p> <p>Reason: To ensure the provision, establishment, and maintenance of a high standard of landscape.</p>
18	<p>All retaining structures as indicated on drawing No 03D shall be constructed prior to the occupation of any residential unit.</p> <p>Reason: To ensure a satisfactory form of development.</p>
19	<p>A Management Maintenance Agreement, including management responsibilities in relation to refuse collection and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, (except for trees or other vegetation retained in the public interest) shall be submitted to and approved by the Planning Authority prior to the occupation of the first unit. A landscape management plan shall be submitted and carried out as approved.</p> <p>Reason: To ensure the sustainability of the proposal through its successful establishment and long-term maintenance.</p>
20	<p>Notwithstanding the provisions of The Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order) no garages, extensions or other buildings shall be erected at units 12-15 other than those expressly authorised by this permission.</p> <p>Reason: To ensure the satisfactory provision of amenity space.</p>
21	<p>All boundaries as shown on drawing No 03E shall be provided along the curtilage boundary of each dwelling/ apartment (and where shown within the curtilage of each dwelling/ apartment) as indicated prior to the occupation of the associated dwelling / apartment.</p> <p>Reason: In the interest of residential and visual amenity.</p>
22	<p>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</p>

	<p>POW shall provide for:</p> <ul style="list-style-type: none"> <li>• The identification and evaluation of archaeological remains within the site;</li> <li>• Mitigation of the impacts of development through licensed excavation, recording or by preservation of remains in-situ;</li> <li>• Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and</li> <li>• Preparation of the digital, documentary and material archive for deposition.</li> </ul> <p>Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</p>
23	<p>No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 22.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</p>
24	<p>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 22. 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 Causeway Coast and Glens Borough Council.</p> <p>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.</p>

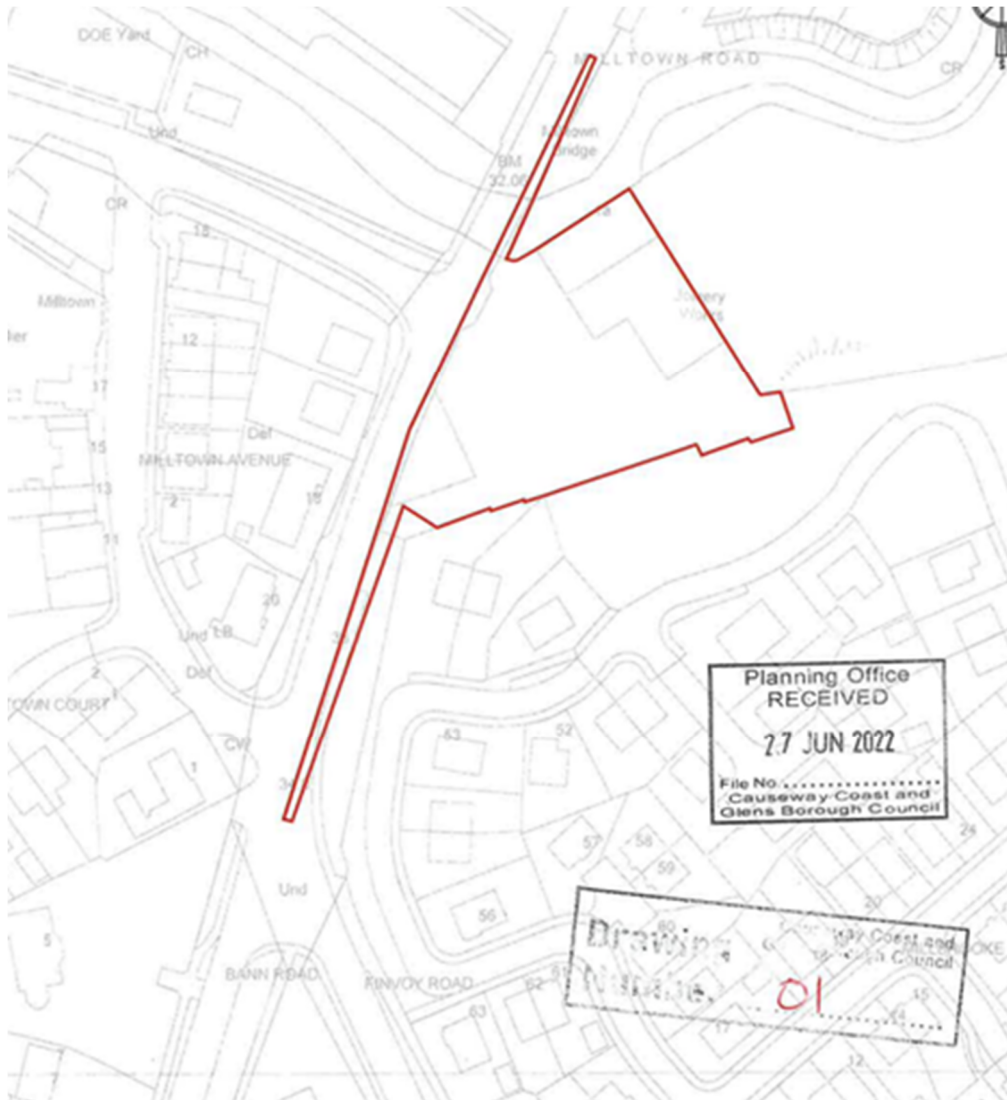


## Informatives

1	This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2	This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3	This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
4	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	The purpose of the Conditions 14 and 15 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part III of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.
6	The applicant is advised that the proposed development is closely situated to the Derry / Londonderry - Belfast Trainline. Future owners/occupants of the development may suffer intermittent disturbance and loss of amenity as a result of noise arising from the above source. Any future owners/occupiers are advised that recourse under Statutory Nuisance legislation may be precluded in relation to the prevailing conditions.
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.

<b>8</b>	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.
<b>9</b>	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.
<b>10</b>	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.
<b>11</b>	Where a designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by DFI Rivers. Actual requirements should be determined in consultation with DFI Rivers.
<b>12</b>	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 <a href="https://planningregister.planningsystemni.gov.uk/simple-search">https://planningregister.planningsystemni.gov.uk/simple-search</a>

# Site Location Plan:





# Contextual Elevation



CONTEXTUAL ELEVATION MILLTOWN ROAD - not to scale