



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2021/1438/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>27<sup>th</sup> April 2022</b>
<b>For Decision or For Information</b>	<b>For Decision</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: LA01/2021/1438/F      Ward: Roeside**

**App Type: Full Planning**

**Address: Lands to the rear of 29-55 Church Street (former Daintyfit Factory), Church Street, Limavady**

**Proposal: Section 54 application to vary Condition 2 (Quantitative Risk Assessment), Condition 3 (Remediation Strategy and Implementation Plan) Condition 4 (Remediation measures implementation) and condition 6 (Verification Report) of planning approval B/2005/0827/F - Erection of housing (59 residential units with associated car parking)**

**Con Area: N/A      Valid Date: 22.11.2021**

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

**Agent: Gerard Mc Peake Architectural, 31a Main Street, Limavady, BT49 0EP**

**Applicant: Turland Group, 6 Dunglady Road, Upperlands, Maghera**

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

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

## Executive Summary

- Planning permission is sought to vary the wording of conditions 2, 3, 4 and 6 of Planning Approval B/2005/0827/F which granted permission for 59 residential units with associated car parking.
- Conditions 2 and 3 require the submission of a suitable quantitative risk assessment and remediation strategy and implementation plan to be provided prior to the commencement of development. Conditions 4 and 6 outline that development shall not be occupied until the remediation measures as described in the remediation strategy under condition 3 have been implemented and completed to the satisfaction of the Department through the submission of a verification report.
- The variation sought is to allow for the provision of the quantitative risk assessment and remediation strategy and implementation plan to be provided prior to the occupation of development, and to allow for the phased occupation of the development prior to the verification of necessary remediation works having been completed
- The application does not alter any of the approved details under B/2005/0827/F in terms of layout, design, landscaping or access.
- Approval is recommended subject to conditions.

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

## **1 RECOMMENDATION**

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

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located at lands to the rear of 29-55 Church Street (former Daintyfit Factory), Church Street, Limavady. The application site has been redeveloped and is currently under construction with the provision of the housing on the site as approved under B/2005/0827/F to the northern and central part of the site, while the southern part of the site is currently occupied by the Gaelscoil and Naiscoil Leim An Mhadaidh. The site is located off Church Street to the rear of a terrace of two storey dwellings. The northern site boundary between the site and the terrace adjacent is defined by a stone wall approximately 2m in height. The western site boundary is defined by a newly erected paladin fence which separates the site from the pedestrian link which runs from Church Street to Drumachose Primary School/Scroggy Park. The southern boundary is defined by a red brick wall, while the eastern boundary is defined by a mix of metal fencing and vegetation.
- 2.2 The application site is located within the settlement of Limavady Town as defined in the Northern Area Plan 2016. The site is located on lands which are identified as an Existing Area of Economic Development and within an identified Area of Archaeological Potential within the Northern Area Plan 2016. There are a variety of land uses within the immediate vicinity of the application site with Drumachose Primary School to the west of the site, Drumachose Church to the North West of the site and a Royal Mail sorting office and Presbyterian Church to the east of the site. There are residential developments to the north along Church Street, to the south at Scroggy Park and to the west at Alexander Terrace.

### **3.0 RELEVANT HISTORY**

- 3.1 B/2005/0827/F - Daintyfit Factory, Church Street, Limavady - Erection of housing (59 residential units with associated car parking) – Permission Granted 11.01.2011

B/2008/0364/F - Land 40 metres north of 17 Scroggy Park, Limavady. Site accessed from Church Street - Temporary mobile classroom and toilet block to provide temporary premises for proposed nursery school – Permission Granted 15.12.2008.

B/2010/0178/F - Former Daintyfyt factory, Church Street, Limavady - Temporary mobile classroom and ancillary accommodation for primary school – Permission Granted 17.09.2010.

B/2010/0307/F - Former Daintyfyt Factory, Church Street, Limavady - Temporary mobile classroom and ancillary accommodation for nursery school – Permission Granted 10.12.2010

B/2010/0365/F - Opposite 9 and 10 Scroggy Park, Limavady, County Londonderry - Erection of two storey free Presbyterian Church and associated parking – Permission Granted 01.03.2011

B/2012/0206/F - Former Daintyfyt Factory, Church Street, Limavady - Temporary mobile classrooms and toilet accommodation for Primary School – Permission Granted 14.02.2013

B/2012/0212/F - 57 Church Street, Limavady - Proposed cultural centre (Temporary mobile accommodation) for Glor Leim An Mhadaidh – Permission Granted 01.02.2013.

B/2014/0293/F - Gaelscoil Leim an Mhadaidh Primary School 57 Church Street Limavady - Proposed new modular double mobile classroom with toilets located to the rear of the site.– Permission Granted 23.06.2015

LA01/2018/1178/F - Gaelscoil Leim an Mhadaidh, 57 Church Street, Limavady - Proposed new modular building with dining and server facilities and office accommodation – Permission Granted 25.11.2019

LA01/2021/0681/F - Gaelscoil Leim An Mhadaidh, 57 Church Street, Limavady - Demolish 10.5 linear metres of existing brick boundary wall. Installation of new 2.4m high wire mesh gate to grant temporary vehicular and pedestrian accesses via Scroggy Park to Gaelscoil until reinstatement works. Estimated reinstatement June 2024 – Current application

#### **4.0 THE APPLICATION**

- 4.1 The application is a Section 54 application to vary Condition 2 (Quantitative Risk Assessment), Condition 3 (Remediation Strategy and Implementation Plan) Condition 4 (Remediation measures implementation) and condition 6 (Verification Report) of planning approval B/2005/0827/F - Erection of housing (59 residential units with associated car parking). The variation relates to the timing by which the required information must be submitted.
- 4.2 The application is a major application under Article 2(1) of The Planning (Development Management) Regulations (NI) 2015 because the proposal exceeds the 50 or more units thresholds stated at section 6 of the associated Schedule. A PAN is not required for this application under Section 27 of the 2011 Planning Act.

#### **Environmental Impact Assessment**

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

require the preparation of an Environmental Statement. This determination was made on 23/03/2022.

## **5.0 PUBLICITY & CONSULTATIONS**

### **External:**

**Neighbours:** There are no objections to the application.

### **Internal:**

**No Consultation required**

## **6.0 MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

DCAN 8 - Housing in Existing Urban Areas

Creating Places

## 8.0 CONSIDERATIONS & ASSESSMENT

### Planning Policy

- 8.1 The proposed development must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to the demonstration of a material start having been made of application B/2005/0827/F and to the acceptability of the revised terms of the conditions which are sought to be varied.

### Conditions to be varied

- 8.2 Condition 2 of B/2005/0827/F states;

The development hereby permitted shall not commence until a suitable quantitative risk assessment has been submitted in writing and agreed with the Department. This risk assessment needs to be informed by:

- 1) Desk study prepared by Alpha Environmental dated August 2010.



2) An intrusive site investigation taking account of all sources of contamination on the site, including the electrical sub-stations and the oil storage tanks identified in the Desk Study. Also this investigation shall take account of NIEA LMR advice to Planning Service of 11 October 2010.

3) Evaluation of the risks to both human health and environmental receptors using the current UK frameworks for risk assessment.

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

Condition 3 of B/2005/0827/F states;

The development hereby permitted shall not commence until a suitable remediation strategy and implementation plan has been submitted in writing and agreed with the Department. This strategy needs to be informed by the quantitative risk assessment delivered under Condition 2 and detail:

1) All unacceptable risks on site and the remedial objectives and criterion for each;

2) Remediation measures to mitigate the risks (including site maps, plans of the remediation);

3) An implementation plan and a timetable of works.

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

Condition 4 of B/2005/0827/F states;

The development shall not be occupied until the remediation measures as described in the remediation strategy under condition 3 have been implemented and completed to the satisfaction of the Department.

The Department must be given 2 weeks written notification prior to the commencement of remediation work.

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

Condition 6 of B/2005/0827/F states;

After completing the remediation works under conditions 4 and 5; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Department. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The verification report shall 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 to ensure this site is suitable for its residential use.

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

- 8.3 Due to the development being at an advanced stage of construction the proposal seeks to vary the wording of conditions 2 and 3 to a form of wording whereby the works required by the respective conditions may be submitted prior to the occupation of the development, as it is no longer possible to comply with the condition. It is proposed to vary condition 4 to a form of wording which allows occupation of phases 1 and 2 of the development, as outlined in an accompanying drawing, prior to the carrying out of the remediation works required by conditions 2 and 3. Condition 6 requires the submission of a verification report detailing that any necessary remediation works required by conditions 4 and 5 have been completed to the satisfaction of the Planning Authority. Again, it is proposed to vary this condition to allow occupation of the development up to and including phase 2 prior to the submission of the verification reports.

#### **Commencement of B/2005/0827/F**

- 8.4 Given the time period for commencement of the approved development has lapsed, acceptance of the variation of conditions proposed is reliant upon a material start having been commenced on the original approval.

- 8.5 Planning application B/2005/0827/F was granted approval 11<sup>th</sup> January 2011, and as such a material start was required to be made by 11<sup>th</sup> January 2016. The applicant has advised that a foundation inspection was conducted by Building Control on 27<sup>th</sup> October 2015, and has provided supporting information in the form of a letter from Building Control and photographs of the trenches dug with concrete poured. Building Control were contacted in the processing of the application and have verified the details provided to be correct.
- 8.6 The foundation put in place relates to a dwelling in the north western corner of the site at plot 11 on the approved plans (B/2005/0827/F). Measurements obtained by an official regarding the location of the foundations found that they appear to be constructed in the correct location as per the approved location.
- 8.7 However, while the works carried out were done so within the time frame for commencement, and were carried out in the correct location, to determine a lawful commencement, the proposed works are required to be carried out in accordance with the conditions of approval, which requires any pre-start conditional works to be carried out in advance of development commencing.
- 8.8 In this case the pre-start commencement conditions relating to the identification and remediation works relating to ground contamination (conditions 2 and 3) are of significant relevance. It is the assessment of the importance of these conditions to the overall permission which must be considered to determine if they go to the heart of the permission, and whether the works carried out on the site can be deemed lawful (Whitley Principle).
- 8.9 Conditions 2 and 3 of the permission sought specific details regarding the identification of contamination sources within the site and subsequent suitable remediation and implementation strategy. The reason for conditions 2 and 3 of approval B/2005/0827/F are given as the 'Protection of health and environmental receptors to ensure the site is suitable for use'. As such, the conditions go to the heart of the permission and ordinarily non-compliance would result in operational works being unlawful.

8.10 Following the grant of planning approval B/2005/0827/F there have been several documents which have been produced with regards to the identification and remediation of contamination within the site. The documents have been submitted via this Section 54 application and via applications LA01/2021/1290/DC and LA01/2021/1497/DC.

1. Pentland Macdonald Ltd. Quantitative Contamination Risk Assessment. Scroggy Park/Church Street, Limavady. Report No. PM12-1203. December 2012.
2. Pentland Macdonald Ltd. Contamination Assessment and Remediation Strategy. Church Street, Limavady. Report No. PM17-1175. November 2017.
3. Pentland Macdonald Ltd. Letter Report – Remediation Implementation Plan. Site at Church Street Limavady. Ref. PM18-1064. 6th April 2018.
4. Pentland Macdonald Ltd. Letter Report Re: Site at Church Street Limavady - Contamination Delineation Exercise. Ref. PM20-1157. 2nd March 2021.
5. Pentland Macdonald Ltd. Contamination Remediation Verification Report. Phases 1-3, Old Distillery Gardens, Church Street, Limavady. Report No. PM20-1157A. January 2022.

8.11 Above document No. 1 has been submitted with this application while documents 2-5 have been submitted with applications LA01/2021/1290/DC and LA01/2021/1497/DC as they aim to subsequently discharge the conditions to which this Section 54 application relates.

8.12 Report No. 1 listed above was prepared on behalf of the Gaelscoil Leim an Mhadiadh and relates to the lands to the southern portion of the approved B/2005/0827/F site, which it currently occupies for a temporary basis.

8.13 The Contamination Assessment and Remediation Strategy document (November 2017) outlines that the investigation works were carried out in October and November 2017. Site photographs within the document indicate that no further development had taken place beyond those put in place by the previous landowner (foundations, which as set out at Paragraph 8.6 above, related to one dwelling only). The findings of the investigation found that there was some risk to human health

from reduced soil quality in the southern part of the survey area, which did not include the lands within the school in the southern part of the site which had previously been subject to investigative works in 2012.

- 8.14 In 2018 the applicant submitted a Discharge of Condition application (LA01/2018/0176/DC) which submitted a copy of the Contamination Assessment and Remediation Strategy document along with a Remediation Implementation Plan (April 2018). During the processing of the application the Environment Health Department were consulted on the submitted reports and advised that they were content for conditions 2 and 3 to be discharged.
- 8.15 The discharge of condition application was refused on the basis that the reports had not been submitted prior to works commencing. The correspondence to the applicant however advised that the reports submitted complied with the conditions and the proposed remediation works were agreed. The letter did not make any reference to the extant or otherwise nature of the permission or for the need to demonstrate a lawful commencement on the original approval.
- 8.16 A further submission was made by the agent in April 2021 - Delineation report 2021 – which related to a contamination delineation exercise and revised remediation strategy. The letter also clarified that works were now commenced on site. It was at this point that correspondence was issued by the Council advising of need for a Section 54 application in order to vary the wording of respective conditions relating to contamination, and in doing so demonstrate that a lawful commencement has been made on the B/2005/0827/F approval.
- 8.17 In considering the matter of the lawful commencement a balanced judgement on all matters must be considered. These include;
- The works carried out in October 2015. These works were operations carried out in the course of the approved development.
  - The information required by conditions 2 and 3 of planning approval B/2005/0827/F was submitted previously to the Council for consideration, and their content was found to be acceptable.

8.18 As set out at Paragraph 8.15 above, in response to the discharge of condition application Ref: LA01/2018/0176/DC, notwithstanding that the application was refused, the Planning Department advised that the submitted Contamination Assessment and Remediation Strategy reports were agreed. Therefore, it would be unreasonable for the Council to pursue enforcement action on these works as the public health objective of the conditions had been met. Therefore, the works are considered lawful in that enforcement action will not be undertaken against them. This position is consistent with *R (on the application of Hart Aggregates v Hartlepool Borough Council (2005))* as the Council was content with the contamination assessment and remediation strategy, to enforce would be judicially reviewable as being either irrational or an abuse of power.

8.19 As the permission is considered to be extant by virtue of the above, the conditions proposed to be varied can be considered accordingly.

### **Variation of Conditions 2 and 3**

8.20 It is proposed to vary the wording of the timing requirement for the submission of the required information from 'The development hereby permitted shall not commence' to 'The development hereby permitted shall be occupied'.

8.21 Given that it is not possible to comply with the condition of the original approval, consideration must turn to whether the wording as proposed is acceptable, given the matters to which the conditions relate to.

8.22 As the documentation previously submitted as part of the LA01/2018/0176/DC application in respect of conditions 2 and 3 was found to be of acceptable content, as confirmed by Environmental Health, during the processing of application LA01/2018/0176/DC, and the relevant works were carried out prior to any substantive amount of works being carried out on the site, the risks to both human and environmental receptors have been identified and an appropriate scheme for necessary remediation works devised. As the documents previously submitted have addressed the concerns regarding contamination and the risk to receptors in phases 1, 2 and 3 of

the development, the proposed variation of conditions 2 and 3 will not prejudice the overall aim of the conditions. As the development is not yet occupied, the proposed variation will allow a mechanism to allow the conditions to be discharged through the appropriate means. However, as there may be future works to be carried out in respect of the phase 4 area of the development, the condition shall be required to be worded so that it retains the ability to seek the submission of further necessary reports in respect of the identification of contamination sources within and subsequent suitable remediation and implementation strategy.

### **Variation of Conditions 4 and 6**

- 8.23 It is proposed to vary the wording of conditions 4 and 6 to allow occupation of part of the development, specifically phases 1 and 2, in advance of carrying out all necessary remediation works as required by condition 3, and subsequent provision of the verification reports relating to these works. A 'Phasing Plan' (Drawing 02) has been submitted with the application which outlines the extent to which each phase of development extends to.
- 8.24 The rationale for the proposed wording of both conditions is that only a small amount of contamination was identified within the site through the 2017 Contamination Assessment. This contamination was found to be located on lands which fall within phase 3 as identified on the submitted phasing plan. Therefore, as phases 1 and 2 of the development are advanced to the point where they can now be occupied, and as no remediation works, or subsequent verification for these phases were required, it is sought to permit occupation of these premises in the absence of the verification report, with the verification report to be submitted and cleared prior to the occupation of any phase 3 dwelling.
- 8.25 During the processing of this application, a Contamination Remediation Verification Report has been submitted for phases 1-3 of the development, under application LA01/2021/1290/DC, which outlines what remediation works were carried out to address these issues. The recommended remediation measures were appropriately carried out across the relevant areas of communal landscaping and private front gardens at the site. The report concludes that the unacceptable risks associated with

contaminated land at Phases 1-3 of the Old Distillery Gardens scheme, Church Street, Limavady have been satisfactorily mitigated. While it would appear that all necessary remediation works for phases 1-3 have been completed to a satisfactory degree, a precautionary approach must be applied in that this should be verified by the competent authorities in respect to the remediation works i.e. DAERA Regulation Unit and Environmental Health, and no phase of development should be occupied until it has been verified as safe to do so.

8.26 Consequently, officials are content that the wording of the condition can be varied to allow occupation of the development on a phased basis subject to verification of any necessary remediation works being carried out to an acceptable standard. Again Phase 4 of the development is located on the lands currently occupied by the Gaelscoil Leim an Mhadiadh. Any future occupation of this phase would be required to be restricted until any necessary remediation works and verification are carried out on these lands. Therefore, the revised wording of the above conditions must be tailored to ensure any necessary remediation works within any phase of development can be carried out and verified prior to occupation. This wording has been agreed by the applicant.

8.27 As the proposal is a Section 54 application to a previously approved and does not propose any physical alterations to the development approved, consideration of the proposal against the SPPS, PPS 7 and other planning policies is not required.

## **9.0 CONCLUSION**

9.1 Despite the works having commenced prior to the submission of the necessary information as requested by conditions 2 and 3 of planning approval B/2005/0827/F being unlawful, a material start is accepted. This is because pursuance of enforcement action against these works would be regarded as unreasonable when considered in the context of the Contamination Assessment and Remediation Strategy reports being agreed within application LA01/2018/0176/DC.

9.2 With Regards to conditions 2, 3, 4 and 6, it is accepted that the terms of the conditions can be amended to allow for the identification of any contamination, carrying out of necessary



remediation works and verification of works to be completed prior to the occupation of any phase of development as outlined on the accompanying phased development plan (Drawing 02). Approval is recommended.

## **10.0 Conditions and Informatives**

### Conditions

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. No phase of the development hereby permitted (as outlined on approved drawing 02, bearing the date stamp 22<sup>nd</sup> November 2021) shall be occupied until a suitable quantitative risk assessment has been submitted for that phase in writing and agreed with the Council. This risk assessment needs to be informed by:
  - 1) Desk study prepared by Alpha Environmental dated August 2010.
  - 2) An intrusive site investigation taking account of all sources of contamination on the site, including the electrical sub-stations and the oil storage tanks identified in the Desk Study. Also this investigation shall take account of NIEA LMR advice to Planning Service of 11 October 2010.
  - 3) Evaluation of the risks to both human health and environmental receptors using the current UK frameworks for risk assessment.

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

3. No phase of the development hereby permitted (as outlined on approved drawing 02, bearing the date stamp 22<sup>nd</sup> November 2021) shall be occupied until a suitable remediation strategy and implementation plan for that phase has been submitted in writing and agreed with the Council. This strategy needs to be informed

by the quantitative risk assessment delivered under Condition 2 and detail:

- 1) All unacceptable risks on site and the remedial objectives and criterion for each;
- 2) Remediation measures to mitigate the risks (including site maps, plans of the remediation);
- 3) An implementation plan and a timetable of works.

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

4. No phase of the development hereby permitted (as outlined on approved drawing 02, bearing the date stamp 22<sup>nd</sup> November 2021) shall be occupied until the remediation measures for that respective phase, as described in the remediation strategy under condition 3, have been implemented and completed to the satisfaction of the Council.

The Council must be given 2 weeks written notification prior to the commencement of remediation work.

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

5. If during the development works, any contamination is encountered which has not previously been identified, works shall cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing and subsequently implemented and verified to its satisfaction as per Condition 3.

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

6. No phase of the development hereby permitted (as outlined on approved drawing 02, bearing the date stamp 22<sup>nd</sup> November 2021), after completing the remediation works under conditions

4 and 5, shall be occupied in that respective phase until a verification report is submitted in writing and agreed with the Council. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

The verification report shall 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 to ensure this site is suitable for its residential use.

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

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

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

8. The gradient of the access shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

9. The Private Streets (Northern Ireland) Order 1980. 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 Drawing No 02 bearing the date stamp 02 February 2010.

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.

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

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

11. 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.

12. A planting plan including native species boundary planting shall be submitted and approved by the Department.

Reason: To improve foraging availability for bats.

13. Lighting proposals to include minimal light spill and all light directed away from site boundaries shall be submitted and approved by the Department.

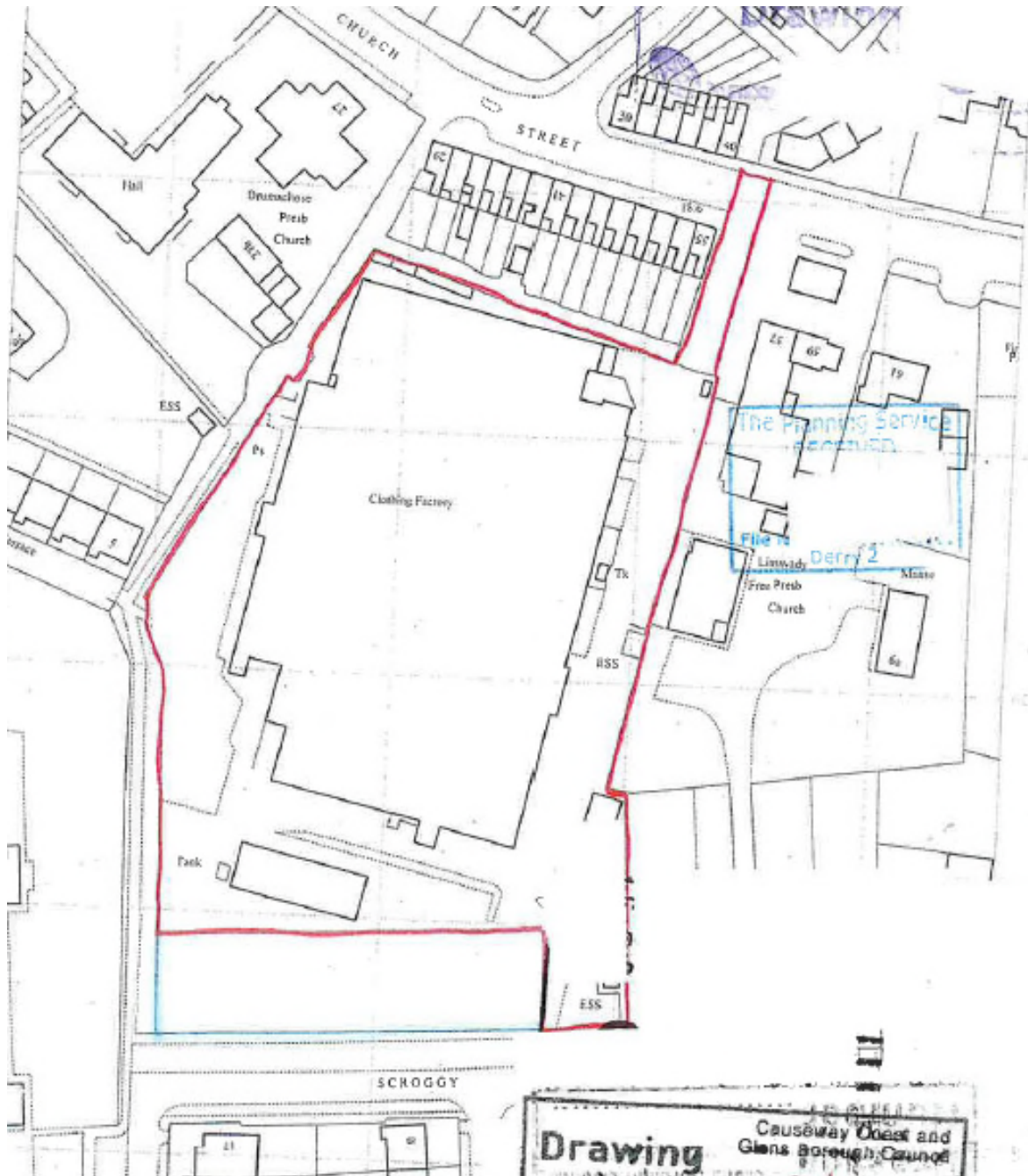
Reason: To minimise the impact of the proposal on foraging bats.

### Informatives

1. 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.

2. 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.
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. 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. All informatives as specified on planning approval B/2005/0827/F remain applicable.

# Site Location Map



# Block Plan

