



**Causeway
Coast & Glens
Borough Council**

Planning Committee Report Item 5.10	28th September 2016
PLANNING COMMITTEE	

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

ITEM 5.10

**Old Mill Buildings. Adjacent 60
Main Street Cloughmills**

LA01/2015/0242/F

Full Planning

28th September 2016

<u>App No:</u>	LA01/2015/0242/O	<u>Ward:</u>	Cloughmills
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Old Mill Buildings Adjacent 60 main Street, Cloughmills		
<u>Proposal:</u>	Proposed Single Dwelling House and Access		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	04/02/15
<u>Listed Building Grade:</u>	N/A		
Applicant:	Causeway Coast and Glens Borough Council		
Agent:	Robinson & Sons, 59 High Street. Ballymoney		
Objections: 0	Petitions of Objection: 0		
Support: 0	Petitions of Support: 0		

Drawings and additional information are available to view on the Planning Portal- www.planningni.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 condition set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site, a former mill, is within the settlement development limits of Cloughmills and located towards the southern extent of the village. The mill buildings and chimney remain in situ and are in reasonably good condition.

- 2.2 The mill buildings are made up of four small different blocks. The use of buildings are characterised by basalt stone with red

brick quoins and arches over doors and windows. There is a large red brick chimney at the South East of the site. The application building is located to the eastern extent of the site. The site is adjacent to the banks of the Cloughmills water, the lands to the front and rear of the mill buildings are currently utilised as community gardens / allotments. The site slopes down towards the adjacent river Cloughmills Water.

- 2.3 The site is accessed off the Ballycregagh Road and shares the same public access point as the local medical centre, opticians, chemists and a private dwelling at No.60.
- 2.4 The site is entirely within the Cloughmills settlement development limits and adjacent an area zoned for housing (CSH 07) as per the Northern Area Plan. The site is also within an area of archaeological potential and a local landscape policy area (CSL 01).

3.0 RELEVANT HISTORY

D/2011/0164/F - Proposed new biodiversity riverside park incorporating children's play area
Approved 29.03.2012

D/2011/0254/F - Phase 2 Development of Biodiversity Park to include Allotments and Composting Toilet Facility
Approved 09.05.2012

D/2015/0027/F - Alterations to building to provide disabled toilet facilities
Approved 30.09.2015

4.0 THE APPLICATION

- 4.1 Planning permission is sought for the restoration of an existing mill building to incorporate a new camping barn, meeting rooms, workshop, stores and ancillary accommodation including toilet facilities and a kitchen.
- 4.2 The application includes the repair and alternation of the existing building and replacement of the roof.

5.0 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours: There are no objections to the proposal.

Internal

5.2 Transport NI: No objection subject to conditions.

Environmental Health: No objection subject to conditions.

Northern Ireland Water: No objection.

NI Water: No objection.

Rivers: No Objection subject to the Management Plan.

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 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy 2035.

Northern Area Plan 2016.

Strategic Planning Policy Statement for Northern Ireland (SPPS).

A Planning Strategy for Rural Northern Ireland.

Policy PSU 1 - Community Needs - To allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities.

DES 2 - Townscape - Development proposals in towns and villages are required to make a positive contribution to townscape.

Planning Policy statements:

PPS3 - Access, Movement & Parking -

Policy AMP 1- Creating an Accessible Environment

Policy AMP 2 - Access to Public Roads.

Policy AMP 7 - Car Parking & Servicing Arrangements

PPS 6 - Planning, Archaeology and The Built Heritage.

Policy BH2 – The Protection of Archaeological remains of Local Importance and their settings.

PPS15 - Planning & Flood Risk -

Policy FLD 1 - Development in Flood Plains

PPS16 - Tourism

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: planning policy context; the principle of development in this area; built heritage; amenity; contamination; flooding; and access and parking.

Planning Policy Context

- 8.2 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements.
- 8.3 The aim of the development is to provide useable space for the community events and organisations which already use the site for the promotion of the natural environment.
- 8.4 The Regional Development Strategy 2035 promotes a sustainable approach to the provision of tourism infrastructure. This means developing a tourism offer to provide a choice of accommodation whilst balancing this against the need to protect the natural and built environment.
- 8.5 The site is entirely within the Cloughmills settlement development limits and adjacent an area zoned for housing (CSH 07) as per the Northern Area Plan. The site is also within an area of archaeological potential and a local landscape policy area (CSL 01).
- 8.6 The Northern Area Plan 2016 states that “Realising the tourism potential of the Plan area will continue to require investment in marketing, product development, and physical facilities in terms of visitor infrastructure, especially visitor accommodation”.
- 8.7 The NAP 2016 also states that community facilities “often provide an essential and valuable service to local residents, particularly those without access to a car, and can help create or reinforce a sense of community.
- 8.8 Policy TSM 1 of PPS16 states that Planning Permission will be granted for a proposal for tourist development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement.

Built Heritage

- 8.9 The current application relates to one of the remaining buildings which formed a corn and flax mill present on early edition Ordnance Survey maps. The site is noted on the Historic Monuments Unit Industrial Heritage Record and as such is protected under Policy BH2 of PPS6 - The Protection of Archaeological Remains of Local Importance and their Settings. This policy will only permit proposals which would adversely affect archaeological sites of local importance where it is considered that the importance of the proposed development outweighs the value of the remains.
- 8.10 The current proposal seeks to retain the existing built form and incorporates measures for refurbishment and retention of the majority of the built fabric with replacement of materials where necessary. The proposed works generally respect the existing built form and will not have an adverse effect on the character of the original building. The Historic Environment Division has considered the impact of the proposal and is content with the proposal, conditional on the basis of a developer led agreed programme of archaeological works and surveying. As such the proposal meets the policy test of BH2.
- 8.11 In terms of the proposed use incorporating the provision of this type of community and tourist facility, such a proposal is appropriate within the settlement and is sympathetic to the existing setting and built fabric which is of archaeological importance. Policy is supportive of such proposals provided they are compatible with surrounding land uses, will not harm the amenities of nearby residents and satisfactory access arrangements can be provided.

Amenity

- 8.12 The proposal is within an historic industrial site which is bounded to the north by commercial / medical premises. The site is adjacent an area designated for housing to the north-east as well a number of residential premises which front onto Ballycregagh Road. A number of further residential dwellings exist at Holmlea Terrace opposite the site. A separation of 75m exists between the proposal and the nearest residential property therefore there is no impact on existing privacy. The Environmental Health Department has been consulted and no

objections have been raised in relation to the issue of residential amenity from noise.

Contamination

- 8.13 Environmental Health has confirmed that investigation is required in relation to the potential for contamination on site including ground contamination from gases as a result of flax processing and residual organic contamination from previous hen houses.
- 8.14 EHO recognises that any possible contamination risk is low level they advocate a precautionary approach and recommend that investigation works are carried out through the use of negative conditions of any subsequent planning approval.

Flooding

- 8.15 The site is located within the flood plain and a Flood Risk Assessment (FRA) was submitted. Rivers Agency accepts the conclusions of the Flood Risk Assessment. It recognises that extreme flood events would cause flooding to the site, the extent of which would be dependent on the flood magnitude. The proposed flood management and mitigation measures outlined in the FRA would aid in managing the flood risk. These include the use of demountable flood barriers to doors, windows and other openings. The Flood Risk Assessment also indicates that the internal flooding of the ground floor would occur to a maximum of 0.26m.
- 8.16 Policy FLD1 of PPS15 allows development on the basis that it meets with one of the listed exceptions. The current application relates to a change of use though not defined as an exception within FLD1, for the purposes of this proposal, the most relevant is that of replacement of an existing building. The existing structure would be eligible for replacement but for its historic importance and as the application proposes the refurbishment, re-use and retention of this historic building it is pragmatic to allow the proposal as planning gain on the basis that satisfactory flood protection and management measures can be provided.
- 8.17 As the renovated building and car park are predicted to be affected by flooding which would prevent access or egress the applicant proposes the provision and implementation of a Flood Management Plan to mitigate any risk.

- 8.18 The proposed layout incorporates limited camping facilities (six), at first floor level only with meeting rooms and a workshop at ground floor level, therefore ensuring awareness of any potential flood event. The Flood Risk Assessment proposes the management of the 1st floor of the building as a safe refuge on a short term provision in the event of flooding occurring as it lies above any predicted flood level. In the event of flood where evacuation is not possible the nearest safe location outside the floodplain would be to take safe refuge within the first floor of the building. The probable duration of refuge required during a flood event is estimated up to 3 hrs 45 minutes.
- 8.19 Access to the first floor is provided both in the form of a stairwell and lift. Predicted flood events are of limited frequency, severity and time lapse as indicated in the Flood Risk Assessment and in the event of a flood it would be considered possible to implement satisfactory refuge accommodation and evacuation procedures as required without creating an unacceptable risk.
- 8.20 Rivers Agency have concurred with the FRA that the development will not materially increase the flood risk elsewhere.

Access and Parking

- 8.21 The existing access is proposed to be upgraded and a car parking area provided to the front of the site. Transport NI has been consulted and no objection raised subject to condition.

9 CONCLUSION

- 9.1 The proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The re-use of the existing building as a community / tourist facility would ensure its upkeep and retention and provide community facilities / tourist accommodation. The site has a low level potential to have contaminants which can be investigated by way of negative conditions. The site is also with the floodplain. However, the scheme does not propose any new buildings, the site is already in use and an agreed flood risk assessment was submitted as part of this application. Recommend approval.

10 CONDITIONS

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

Reason: Time Limit.

- 10.2 No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed in accordance with approved Drawing No. 01A bearing the date stamp 03 February 2016 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

- 10.3 No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

- 10.4 Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Historic Monuments Unit to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

- 10.5 No development shall commence until Causeway Coast and Glens Borough Council Planning Department has received in writing for prior approval in consultation with the Environmental Services Department, details of the preliminary/targeted investigation report (undertaken in accordance with the Model Procedures for the Management of Land Contamination (CLR 11, 2004)), to include:

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

- 10.6 The development hereby permitted shall not commence until any unacceptable risks as identified are remediated. A remediation strategy shall be submitted for prior approval with Causeway Coast and Glens Borough Council Planning Department in consultation with Environmental Services, prior to remediation measures being implemented on site. There shall be no deviation/amendment to the design of the remediation strategy without written details being forward for prior approval with Causeway Coast and Glens Borough Council Planning Department in consultation with Environmental Services”.

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

10.7 In the event that previously unknown contamination is encountered at any time when carrying out the approved development that was not previously identified or falling outside the scheme of the approved remediation strategy (submitted as per condition 2), Causeway Coast and Glens Borough Council Planning Department shall be notified immediately and works shall cease pending submission and agreement of a written report detailing the proposed investigation, risk assessment and remediation scheme. This new contamination shall be fully investigated and a risk assessment undertaken in accordance with the Model Procedures for the Management of Land Contamination (CLR 11, 2004).

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

10.8 Following completion of remedial measures implemented under approved remediation strategy (Required under Conditions 2 and 3 as necessary), and prior to occupation of the development, a written verification report shall be submitted for prior approval with Causeway Coast and Glens Borough Council Planning Department in consultation with Environmental Services. The verification report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR 11,2004). The verification report shall present suitable evidence that all the remediation and monitoring works have been undertaken and shall demonstrate the effectiveness of the works in managing and remediating all the risks and achieving the remedial objectives”.

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

10.9 No operation in or from any building hereby permitted shall commence until A Flood Management Plan has been submitted to Planning and agreed in writing.

Reason: To mitigate the risk of flooding.

11 INFORMATIVES

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.5 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.
- 11.6 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.
- 11.7 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.
- 11.8 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.
- 11.9 Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on

the road as a result of the development, must be removed immediately by the operator/contractor.

11.10 All construction plant and materials shall be stored within the curtilage of the site. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

11.11 For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:

Historic Environment Division – Historic Monuments Unit

Causeway Exchange

1–7 Bedford St

Belfast,

BT2 7EG

Quote reference: SM11/1 ANT 23:12

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

11.13 Full regard shall be given to all relevant and current guidance and standards during investigation and monitoring works and the remediation and verification processes. Such detail shall be incorporated within any reports required to be submitted for prior approval by Causeway Coast and Glens Borough Council Planning Department.

11.14 The applicant and their consultant are advised to have full regard to the Council Guide to Interested Parties, Development of Land Affected by Contamination. (Available from Causeway Coast and Glens Borough Council), which provides details of the information which the Council expects to be contained within reports submitted for approval (including checklist documentation for remediation and validation stages).

- 11.15 The applicant is advised that Building control approval is required to confirm, that given the ground conditions, they are satisfied that all necessary precautions have been taken to protect the occupants and properties from contamination risks.
- 11.16 The applicant is advised that care should be exercised in the removal of contaminated sources from the site, during any required site clearance, to ensure that the existing contamination load within soil and ground water is not increased. The applicant should ensure that the management of all waste materials onto and off the site meet with waste management legislative requirements. The applicant is advised to consult with the waste regulatory body on such matters: NI Environment Agency.
- 11.17 It is the responsibility of the developer, to ensure the development is safe and suitable for the purpose for which it is intended and that any unacceptable risks from contamination will be successfully addressed through remediation.
- 11.18 The applicant is advised to recognise the importance of ensuring thorough and competent professional assistance in the investigation, assessment and remediation of land contamination risks supported by suitable professional indemnity insurance.
- 11.19 The applicant shall ensure full compliance with relevant Health and Safety legislative requirements in the assessment and clearance of asbestos containing materials, and full regard shall be made to CIRIA Technical Guidance C733, (2014) "Asbestos in soil and made ground: a guide to understanding and managing the risks".
- 11.20 The applicant is advised to contact NIW through its Customer Relations Centre on 08458 770002 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern.
- 11.21 If during the course of developing the site the developer uncovers a pipe not previously evident NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 08457 440088.

