



Planning Committee Report LA01/2019/0225/F	28-APR-2021
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	Development Management and Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2019/0225/F	<u>Ward:</u> Ballymoney North
<u>App Type:</u>	Full Planning	
<u>Address:</u>	88 & 90 Charlotte Street & lands south of Charlotte Street East of the Meadows & West of Ishlan Court Westoncraff Park Our Lady of Lourdes School & St Brigid's Primary School Ballymoney	
<u>Proposal:</u>	Proposed Housing Development - 179 no dwellings (8no apartments, 63 no townhouses, 84no semi-detached, 24no detached) 'Gateway Type Traffic Calming measures' open space, roadways for private street determination and pumping station.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 06.03.2019
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>
Agent:	Footprint Architectural Design	
Applicant:	Hagan Homes Ltd	
Objections: 4	Petitions of Objection:	3
Support: 0	Petitions of Support:	0

Executive Summary

- **Full planning permission is sought for a housing development comprising 179 dwellings, including open space, playpark and pumping station.**
- **The site has been subject of previous planning permission granted for 186 Dwellings. A certificate of lawfulness has been granted in relation to works relating to this permission.**
- **Part of the subject site is affected by the Q100 fluvial flood plain.**
- **The current red line remains as per approved but the identified Q100 flood plain has been revised which reduces the area of the site capable of development**
- **That part of the site within the floodplain is to remain undeveloped with the exception of use as open space.**
- **That part of the site to be developed is located within the Settlement Development Limit of Ballymoney Town and is part of committed housing sites or zoned for housing as defined by the Northern Area Plan 2016. Part of the subject site lies outside the settlement development limit and is retained as a meadow to be maintained in perpetuity.**
- **The proposal incorporates traffic calming measures on Balnamore Road.**
- **The proposal includes re-positioning of existing land drains on site as well as additional drainage infrastructure and surface water attenuation measures.**
- **The application includes a Flood Risk Assessment/ Drainage Assessment, Contamination Risk Assessment, Tree Survey and Transport Assessment Form.**

- **NIHE has indicated that social housing is not a requirement as part of this proposal.**
- **The proposal is considered acceptable in policy terms with regard to the key issues including: Principle of Development, Residential amenity and Environment, Flooding / Drainage, Access / Traffic, Impact on natural environment, Archaeology or Built Heritage, Visual Amenity, Pollution, Noise or Disturbance and Design.**
- **Letters and petitions of objection have been received in relation to the application referencing issues relating to access / traffic including impact on the wider road network, Flooding and drainage and impact on character.**
- **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 proposed site comprises a large irregular plot of land extending to approximately 12.4 hectares. The site mainly comprises a large area of back land with the street frontage of the site limited to a small triangular plot incorporating a road frontage of approximately 100m which is set to the back of the public footpath and partially defined by a 1m wall. This part of the overall site originally comprised two detached bungalows on individual plots which were demolished some time ago and tapers to a narrow point of approximately 20m which links to the remainder of the site. This small, triangular plot represents the northern extent of the site onto Charlotte Street from which the proposed access is taken and currently incorporates the foundations of a dwelling which formed part of the previously granted housing development.
- 2.2 The remainder of the site incorporates a large plot of land extending from “The Meadows” to the west, to Our Lady of Lourdes Secondary School to the east. The site falls gently away from the level of the public road in a southerly direction towards the Ballymoney River which defines the site to the south and south-western boundaries, but is generally fairly level. The exception to this is the easterly extent of the site which rises steeply over a very short distance on the fringes of the site towards the adjacent post-primary school which is elevated. The boundary to the adjacent school is defined by a 2m metal security fence. The remainder of the northern extent of the site abuts existing residential properties including a number which front directly onto Charlotte Street as well as a number of properties located within Ishlan Court, Westoncrott Park and Westoncrott Avenue to the north-east. These

properties generally comprise detached bungalows. The area of land to the rear of properties off Charlotte Street would appear to have originally formed a small meadow with the southern boundary defined by a large coniferous hedge. These trees have been cut down and only the stumps remain on site. The boundary definition to Ishlan Court and Westoncroft is generally defined by a variety of wooden fencing formal hedging and informal planting while mature trees exist along the rear of 9 and 7 Ishlan Court and 78-86 Charlotte Street.

- 2.3 The majority of the site comprises fairly scrubby overgrown land with open drains / sheughs traversing the central portion as well as the perimeter adjacent The Meadows. The boundary to these properties comprises an engineered raised ditch effectively to create a levee between the proposed site and the adjacent properties. The boundary to the rear of Nos 1-5 The Meadows, comprise a variety of mature trees and shrubs. A variety of fencing and planting defines the private gardens to these properties. The south-eastern corner of the site abuts an adjacent play park an area of open space which serves a small social housing development at West Gate. The remaining south and south-western boundaries of the site abut the railway line and adjacent waste water treatment works and pumping station. Two large sewage pipes extend from the pumping station along the south-western perimeter of the site and into the area of open space and West Gate.
- 2.4 The majority of the site (as identified by the submitted red line), and the entirety of development as proposed, is located within the Ballymoney Settlement Development Limits and is within land which is part of committed housing sites or zoned for housing as defined by the Northern Area Plan 2016 (BYH 21 and BYH 22 – committed sites and a small part of Housing Zoning BYH 38 Land to the rear of West Gate. A portion of the site lies outside the identified settlement development limit which remains undeveloped as per the proposal. The site abuts the 1 in 100 year fluvial floodplain but development is restricted to lands outside this. The site falls within the consultation zone of an archaeological site and monument, is within Local Landscape Policy Area Designation BYL 02 -Ballymoney River Lower and is also affected by fluvial flooding and pluvial ponding.

- 2.5 The LLPA states that 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. The site is not immediately adjacent but is within proximity of a number of listed buildings. The immediate character of the area almost entirely comprises residential properties in addition to the adjacent post-primary school. A mix of commercial and industrial uses exist to the south of the site, located off Ballybrakes Road but have little relationship with the site context due to the intervening road, railway crossing and river.

3.0 RELEVANT HISTORY

D/2004/0560/O - Site for housing development (site as per current proposal). Article 33 Planning Appeal -Department recommended approval. Appeal dismissed 24.01.2006 due to potential traffic issues and absence of details regarding traffic impact.

D/2004/0717/F - Construction of access roadway off Charlotte Street to proposed Housing Development to include P.S.D. and incorporating 'Gateway' type/traffic calming measure on Balnamore Road. Permission Granted 27.04.2005

D/2005/0295/O – Proposed site for housing including open space incorporating Balnamore Road 'Gateway type traffic calming measure'. Department recommended refusal on Roads and flooding grounds. Following submission of a Traffic Impact Assessment and consultation with Roads Service, the draft access refusal reason was subsequently withdrawn. A revised concept plan was also submitted limiting development to those lands above the agreed Q100 level therefore addressing the remaining refusal reason. – Appeal Upheld 20.06.2007.

D/2008/0097/RM - Proposed housing development - 186 no. Dwellings (31 townhouses, 124 semi-detached, 31 detached) 'Gateway Type Traffic Calming measure' open space and roadways for private streets determination. Granted - 06.07.2011.

LA01/2017/0487/LDP - Completion of works to construct a single dwelling, access, hardstanding and hard and soft landscaping at site 3, approved under outline planning permission D/2005/0295/O and D/2008/0097/RM.
Approval Granted -07.06.2017

LA01/2017/1152/DC - Partial Discharge of Condition 2 of D/2005/0295/O (archaeological surveillance).
Partial Discharge 11.12.17

LA01/2017/1153/DC - Partial Discharge of Condition 8 of D/2008/0097/RM (programme of archaeological work). Partial Discharge 11.12.2017.

LA01/2017/1358/PAN – Pre-application notification of major application for residential development. Proposal of Application Notice acceptable.

4.0 THE APPLICATION

- 4.1 The scheme is for a Residential Development comprising 179no dwellings Gateway Type Traffic Calming measures' open space, roadways for private street determination and pumping station.

Habitat Regulations Assessment

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

Design & Access Statement

- 4.3 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application.
- 4.4 The design and access statement provides details of the design principles and concepts that have been applied to the

development and how issues relating to access to the development have been dealt with.

- 4.5 The report date received on 01-MAR-2019 demonstrates that the applicant undertook detailed consideration of the proposal in terms of the design principles and concepts in relation to the location of the proposed development, the design and the impact on the character of the immediate context.

Environmental Impact Assessment

- 4.6 This proposal was subject to an environmental impact assessment screening in accordance with The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 4.7 The application was considered to fall within Schedule 2: Category 10(B) of the Regulations - Urban development projects, including the construction of shopping centres and car parks. The site area is 12.4 ha and exceeds the threshold of 0.5 ha.
- 4.8 Having considered the proposal in line with the Regulations it was determined that the development proposal would not have any likely impacts of such a significance to warrant an environmental statement.

5.0 PUBLICITY & CONSULTATIONS

External: N/A

Internal:

NIEA- Water Management Unit, Regulation Unit and Natural Environment Division - No objections subject to conditions.

HED – Historic Monuments Unit and Historic Buildings Unit - No Objections subject to conditions

Translink – No Objections.

DFI Roads: No Objections subject to conditions

NIHE – No social housing need / No objections

NI Water: No objections.

Environmental Health: No objections subject to conditions.

DFI Rivers- No objections.

Shared Environmental Services – No objections.

Proposal of application Notice

- 5.1 The proposal falls within the Major category of development and as such the applicant was required to carry out community consultation at least 12 weeks prior to the submission of the application.
- 5.2 A Proposal of Application Notice was submitted on 19.10.2017 under LA01/2017/1358/PAN. The applicant advised that they intended to undertake the following forms of consultation:
 - A public event / meeting on 8-DEC-2017 in line with Regulation 5(2) of the Planning (Development Management) Regulations.
 - Advertisement of the public event in four local newspapers.
 - Notification of a number of local elected representatives, Causeway Coast and Glens Council and local groups.
 - Flyers to be issued to a number of identified properties. Neighbour notification of all properties within 200m radius of the proposal.

Community Consultation Report

- 5.3 The community consultation report (CCR) was submitted as part of the planning application, received on 01-MAR-2019 more than 12 weeks after the Proposal of Application Notice was received, as required by legislation.
- 5.4 It contains a copy of the methods of consultation carried out comments and feedback from the consultation exercise in the local context. The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.

- 5.5 One public event was held on 08-DEC-2017 and an additional event took place on 16-JAN-2018 between 16:00 and 19:00hrs. Fliers were delivered to all premises within a 200m radius of the site and the event advertised in the local press on 28-DEC-2017. Invitations were extended to the local council, elected representatives and local groups.
- 5.6 In regard to the public events, opinions of residents were recorded by members of the design team and feedback forms were provided. An additional two week period was observed to facilitate the submission of any additional comments. 17 responses were received within this time frame. Feedback indicated concerns regarding density, drainage, capacity of pumping station, impact on daylight / views, flooding, traffic, pedestrian links and boundary treatments.
- 5.7 The CCR demonstrates that adequate community consultation has taken place and the key issues of concern have been considered prior to the submission of the application.

6.0 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 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

Regional development Strategy 2035.

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

A Planning Strategy for Rural Northern Ireland

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

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

Planning Policy Statement 7: Quality Residential Environments

Planning Policy Statement 7 Addendum: Safeguarding the Character of Established Residential Areas

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

PPS12 – Housing in Settlements

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

Planning Policy Statement 21: Sustainable Development in the Countryside

Guidance

DCAN 8- Housing in Existing Urban Areas

Creating Places- Achieving Quality in Residential Developments

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposed site partly extends beyond the Ballymoney Settlement Development limit as per the Northern Area Plan 2016. The majority of the site (as identified by the submitted red line), and the entirety of development as proposed, is located within the Ballymoney Settlement Development Limits. The proposed development is within land which is part of committed housing sites or is zoned for housing as defined by the Northern Area Plan 2016, designations BYH 21 and BYH 22 – committed sites and a small part of Housing Zoning BYH 38 Land to the rear of West Gate). A portion of the site lies outside the identified settlement development limit and is to remain undeveloped. The main planning considerations for this application relate to the principle of the scheme and quality of the residential environment in terms of policy provisions under PPS7, Policy QD1; Addendum to Planning Policy Statement 7 Policy LC1; Policy OS2 of PPS8; and the provisions within the SPPS. Other issues include, traffic considerations, flooding and drainage as well as archaeological and environmental impacts.
- 8.2 The site has been the subject of previously granted planning permission and the area to be developed is identified in the local plan as either committed sites or part of a proposed housing site.

Principle of Development

- 8.3 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and guidance documents above. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the proposed development will cause demonstrable harm to interest of acknowledged importance.
- 8.4 The principle of development was established under the previous permissions including Outline and Reserved Matters and the site area remains unchanged. The proposed number of dwellings is reduced from 186 as per the approved Reserved

Matters to 179, however, crucially the area to be developed is also significantly reduced. As part of the outline planning appeal in relation to application D/2005/0295/O the Q100 Flood level was established and agreed with Rivers Agency and the appeal subsequently allowed. The subsequent Reserved Matters application proposed and granted under D/2008/0097/RM was reflective of the agreed flood level with the only part of the proposed development within the flood plain providing public open space. The current application has submitted a Flood Risk Assessment which identifies the Q100 as comprising a significantly larger area including the majority of lands adjacent the eastern boundary of properties at “The Meadows”. The implication for the proposed development is that the area capable of residential development is significantly reduced from that previously granted at Reserved Matters stage.

- 8.5 Based on the area to be developed (excluding any proposed open space – the majority of which is proposed within the floodplain) the previously approved scheme related to an area approximately 6.6ha in size. The current application relates to an area of approximately just over 5.9ha. This equates to an approximate density of just over 28 dwellings per hectare as per the original approval and just over 30 dwellings per hectare as per the current proposal. PPS12 identifies varying ranges of densities under which the approved Reserved Matters and the current proposal would be considered medium density. The density within the surrounding area / context relates to older development and is considerably lower at approximately 15 per hectare. The vast majority of the site forms part of two committed sites (BYH 21 and BYH 22). A very small part of the south-eastern corner of the site forms part of Housing Zoning BYH 38 – Land to rear of West Gate which requires that development be within the range of 25- 35 dwellings per hectare. A portion of the site lies outside the identified settlement development limit and is to remain undeveloped, retained as an informal meadow in perpetuity. As such the proposal is compliant with Policy CTY15 of PPS21 and will not mar the distinction between the settlement limit and the surrounding countryside or result in urban sprawl.

Planning Policy Statement 7- Quality Residential Environments- Creating Places

- 8.6 Policy QD 1 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. All proposals for residential development are expected to conform to all of the criteria outlined below:
- 8.7 Part (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'*.
- 8.8 Although the site covers a considerable area extending from Charlotte Street to just north of Ballybrakes Road and from The Meadows to Our Lady of Lourdes Secondary School and Westgate, critical views of the site are fairly restrictive. Charlotte Street extends from the town centre in a south-westerly direction and incorporates a variety of uses although it is dominated by residential properties and becomes increasingly suburban and low density in character. The site is located on the fringes of the Settlement development limit and the character of the area in immediate proximity to the site is almost entirely residential with the exception of the existing Police Station which is 260m north-east.
- 8.9 Although it does incorporate a variety of architectural styles and materials, development along the southern side of Charlotte Street is dominated by single storey and chalet bungalow detached properties with a fairly apparent building line extending from No 78 Charlotte Street which would have originally incorporated the two properties demolished to facilitate the current development. Additional two storey dwellings exist at "The Meadows" which is immediately west of the subject site, while on the opposite side of the road the character remains suburban with a greater variety of dwelling types including a number of two storey properties. Despite the extensive site area, the current application incorporates a limited road frontage and visual presence along Charlotte Street with the majority of the proposed development back-land in nature.

- 8.10 The roadside frontage of the site proposes 5 properties comprising one detached dwelling and two apartment buildings with two apartments in each. A material start has been made on the detached dwelling previously approved adjacent No 86 Charlotte Street under D/2008/0097/RM. This dwelling comprised a chalet bungalow type dwelling. The current application proposes a detached chalet bungalow dwelling with flat roofed single storey front porch and rear return. Ridge height is approximately 7m from FFL and in terms of character the design and materials would be generally considered acceptable. The proposed apartments comprise Georgian style hipped roof buildings finished in red brick which are dual frontage reflecting the fact that they are positioned either side of the access road with a dual aspect. These buildings provide key nodal buildings defining the entrance to the development while respecting the surrounding character.
- 8.11 Along the northern boundary dwellings at Ishlan Court and Westoncrott are generally single storey. The application also proposes a pedestrian link to Ishlan Court. Proposed dwellings at this location are two storey and generally set at a slightly lower level than those which exist and would be unlikely to appear unacceptable given the wider context and character. The north-eastern extent of the site rises steeply to the boundary with the adjacent secondary school which sits elevated above the site. Proposed dwellings along this part of the site remain two storey in height, are set at a much lower level than the adjacent school and would not appear out of character.
- 8.12 Ballybrakes Road exists to the south of the development, the character of which comprises a variety of uses including retail and industrial uses. While some medium to longer range views of the development site do exist, the proposal generally bears little relationship with the context of Ballybrakes Road. The remaining critical views of the site exist from West Gate to the south-east of the site which comprises a small social housing development mostly incorporating two storey terraced and semi-detached dwellings with communal playpark and open space. Both the playpark and existing area of open space abut the proposed development which incorporates two storey dwellings including four apartments within two number two storey buildings which are immediately adjacent the play park. The levels drop

steeply along this boundary which is reflected by the stepped finished floor levels in proposed dwellings which are appropriate to existing site contours and levels.

- 8.13 Density levels within the surrounding context vary greatly between existing privately owned development accessed off Charlotte Street and that at West Gate to the south-eastern corner which comprises Social Housing. Existing development off Charlotte Street forms the majority of the residential properties which abut the site boundary and reflect the site context and character to a much greater degree. From the relevant critical views the proposed ridge heights are appropriate and finished floor levels respect the site contours and surrounding development. Proposed density levels are higher than the surrounding context but are generally reflective of the previous approval on which a material start has been made.
- 8.14 The footprint and floor area of the proposed dwellings are considerably smaller than those found within the surrounding context. Although a variety of house types is proposed including apartments, the majority of dwellings comprise a frontage and footprint smaller than the smallest comparable two storey dwellings at The Meadows. The Addendum to PPS7 Safeguarding the Character of Established Residential Areas Annex A outlines the minimum space standards for housing types. The proposed units are within the identified acceptable minimum space standards.
- 8.15 Creating Places outlines that not only does the density, form and materials within a development strongly influence the quality of the residential environment but the mix of dwellings as well. A variety of different types and sizes of houses and apartments provides greater choice within a development, creates a balanced community by attracted a variety of people and households and also creates visual variety and interest. The character along Charlotte Street is fairly low-density and suburban in nature with a variety of dwelling types. Development adjacent Charlotte Street reflects this to some degree with the use of three detached buildings (two of which incorporate apartments) although the remainder of the development takes a much more homogenous approach in

terms of design and layout with the majority of dwellings incorporating the minimum required floor-space standard.

- 8.16 The overall layout comprises a large development served by a single access taken from Charlotte Street. The access point comprises a small, fairly triangular plot of land truncated by the access road. This portion of the site incorporates 6 units and narrows to approximately 20m incorporating only the access road and a small area of private gardens before opening up into a large plot of land which forms the remainder of the site. The overall layout could be considered to comprise a variety of streets and grids. On entering the main part of the site a number of dwellings front directly onto the access road all of which comprise small front gardens with areas of amenity space set to the rear and in-curtilage car parking some of which is paired with the adjacent dwellings. On the opposite side of the access road a large area of public open space as well as a play park is proposed which will give the impression of a fairly low density form of development particularly when combined with the large, retained meadow which is within the subject site and remains undeveloped as far as the river corridor to the south.
- 8.17 To the rear of sites 7-20 a small cul-de-sac is proposed served by an access road and turning head. This part of the site comprises a fairly small area, triangular in shape with boundaries adjacent existing residential development at Charlotte Street and Ishlan Court. Much of this area is dominated by the turning head with dwellings mostly positioned on the north-western side of the roadway with an additional two dwellings on the opposite site. All dwellings are semi-detached, orientated towards the roadway with the majority backing onto those properties at Charlotte Street. They generally incorporate small front gardens, with only units 15 and 16 comprising slightly more angular arranged driveways evident by the slightly awkward tapering front gardens. All dwellings comprise in-curtilage private car parking with additional communal spaces along the access road.
- 8.18 Units 21-49 are characteristic of a street mainly comprising semi-detached properties which are similar in size and design incorporating some minor design changes including finishes to provide a degree of variety and prevent a sterile streetscape. A visual break is provided by the detached dwelling at site 34

which is of a different design type, is dual frontage and provides a key building and nodal point at one of the main access road junctions. The vast majority of dwellings incorporate small front gardens with in-curtilage car parking which softens what could otherwise be a fairly hard streetscape and reduces the potential domination of car parking / hard-standing. Units 42 and 43 incorporate in-curtilage parking set further back within these sites due to their corner arrangement perpendicular to each other, however this off-set by the large rear / side gardens serving these dwellings.

- 8.19 Units 51-53 consist of a small terrace of three dwellings which are served by a small private drives / parking areas. The access serving no 51 is separated from the property by a small path area around the dwelling and is communal with No 49. Both dwellings remain sufficiently practical in terms of vehicular and pedestrian access. Bin collection areas are not provided, however sufficient space and access exists for presentation of refuse bins without compromising practicality.
- 8.20 Units 54-55 are set within a corner site with the adopted roadway on three sides (including a turning head to the south-eastern gable of No 54). These comprise a pair of semi-detached dwellings which incorporate dual frontage design to reflect the relationship with the road layout. The design of these dwellings in combination with the larger plots presents a more attractive vista from the surrounding road network and define the approach to a part of the site which effectively operates as a cul-de-sac.
- 8.21 Units 58-66 comprise both semi-detached and a small terrace which incorporates assigned car parking in front of two of the proposed dwellings but is limited in terms of visual impact. The remainder comprise small front gardens which soften the visual impact and provide defensible space to the public road. Sites 61 and 62 comprise a good dual frontage design which reflects the corner site while the remainder are orientated to the public road. Sites 67 and 68 comprise a more awkward arrangement evident by the step in frontages. However they again include small front gardens and in-curtilage car parking. Although the gable of Unit 68 is in very close proximity to the public footpath the use of dropped kerbs to provide vehicular access is likely to limit its use to serving no 68 alone. Nos 69 and 70 are set further back

into their plots due to the corner arrangement but incorporate an acceptable outlook and relationship with surrounding dwellings.

8.22 Units 73-92 has the characteristics of a street but is impacted upon by the extent dwellings are set back as well as the extent of hardstanding with a number of the properties served by car parking to the front of the dwelling. This is off-set to some degree by the pairing of front gardens which serves to break up the visual impact and soften the overall streetscape. Sites 83 and 90 comprise a perpendicular arrangement to each other with paired access serving allocated car parking spaces to each dwelling. Although the shared private drive area is in close proximity to the gable of No 90, in reality it is required to remain open to access the parking spaces and therefore unlikely to impact on the gable of this dwelling.

8.23 Sites 85-88 comprises four detached dwellings set within a small plot surrounded by the proposed road layout. These comprise four corner plots which back onto one another. They include dual frontage design, in-curtilage car parking and defensible space. Rear gardens incorporate road frontage side boundaries defined by a screen wall (facing brick) and planting. This can appear contrived and create sterile areas within a development but in this instance is over a very short distance and is softened by additional landscaping.

8.24 Sites 97-100 comprise four apartments consisting of two buildings which are comparable to good sized detached dwellings. These again provide a nodal point within the development with an extended vista of the units on approach along the public road. The two buildings are effectively set on a communal site with shared car parking and access divided evenly between the two buildings.

8.25 Units 101-110 back onto the south-eastern site boundary which abuts existing public open space which serves the existing development at West Gate. Dwellings are orientated towards the public road with finished floor levels gradually stepping down to reflect changing levels of site. All incorporate in-curtilage car parking some of which comprises car parking spaces in front of the dwellings. This is off-set by a number of the dwellings incorporating in-curtilage parking to the gable side

which facilitates small front gardens which has the effect of breaking up the level of hardstanding, softening the residential environment and in conjunction with the dwellings opposite present a fairly attractive streetscape. Units 111-114 are positioned in the extreme south-eastern corner of the site and are accessed by a small adopted turning head. Although a number of them comprise hardstanding to the front of the dwellings they include small areas of defensible space and appear as a small contained cul-de-sac.

8.26 The remainder of the proposed development effectively comprises four areas laid out in a grid-like formation with access roads surrounding each area. Each of these grids is of a scale which facilitates a layout of acceptable quality where dwellings can be appropriately orientated and each corner utilises dual frontage design (although distinct designs may have better served to define key nodal points within the development). These grids connect to form a single coherent street layout extending from 123-179 with proposed dwellings overlooking an area of public open space to the south of the site and the retained meadow which is indicated as being a managed area to ensure it does not become disused or unsightly which has the potential to create an attractive outlook even if it were not to act as formal open space. Similarly units 118-148 potentially form a coherent streetscape.

8.27 Each connecting road between these two roadways form individual residential areas which are more intimate in scale incorporating a variety of front gardens and areas of hardstanding to the front of dwellings. These areas are not dominated by hardstanding and incorporate sufficient green areas to soften the streetscape although they do include significant levels of on-street parking which may reduce the quality to some degree. These areas are over a shorter distance between junctions and have the potential to be more secluded with through traffic likely to be reduced. A formalised pedestrian access is proposed to Ishlan Court which abuts the northern site boundary and will create a degree of connectivity to existing residential areas separate from the sole access and provides a level of permeability within the surrounding context which would otherwise be lacking.

- 8.28 The development incorporates two distinct areas of public open space, one to the north-western extent of the development and the other to the southern extent. The use of a variety of open space can contribute to the quality and attractiveness of the layout, provide integral areas of open space for all residents within the development and can create structure and legibility within the design. The separate areas of open space increase accessibility and practicality for a greater number of residents and serve to improve the quality of the residential environment.
- 8.29 Part (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'* .
- 8.30 The site is within the consultation area of an identified archaeological site and monument (fortification) and is also located approximately 135m from the nearest Listed Building (Our Lady and St Patricks Church, Ballymoney) although the visual relationship is limited due to intervening buildings. Historic Environment Division (Historic Buildings) has been consulted to assess the potential impact from the proposal and advise that the proposal is sufficiently removed from any of the nearest listed buildings and would have no greater demonstrable harm on their setting when viewed against the relevant policy context. HED (Historic Monuments) has also been consulted and advise that the proposal satisfies the requirements of PPS6 and the SPPS subject to conditions for the agreement and implementation of a developer funded programme of archaeological works.
- 8.31 The site lies within Local Landscape Policy Area Designation BYL 02 : Ballymoney River Lower and identifies those features or combination of features that contribute to the environmental quality, integrity or character of this area including the wetlands along the Ballymoney River and the well wooded O'Hara Brook estate.
- 8.32 The designated LLPA states that outside the development limit any development will be restricted to that which is essential for agriculture. The southern extent of the proposed site abuts the Ballymoney River although the majority of existing mature

vegetation is on the opposite bank. The wetlands area along the river mainly remains outside the settlement development limit and outside the extent of proposed development therefore retaining the integrity of the LLPA and the river corridor. A Proposed Landscaping Plan (No 41A) has been submitted which indicates existing hedgerows retained, additional planting etc. An additional drawing indicates that maintenance of the retained meadow area will be carried out by a management company to prevent the area becoming disused / unsightly.

- 8.33 As part of the application a Preliminary Ecological Appraisal and tree survey have been submitted. This report concludes that the proposed development is not likely to result in a significant ecological impact when considered in light of the proposed mitigation measures including retention of mature trees and hedgerows, compensatory planting and retention of the floodplain. DAERA (NED) has been consulted and raise no objection.
- 8.34 Part (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'*.
- 8.35 Adequate provision of public and private open space as an integral part of the development is a requirement for all proposals. Public open space is a requirement for new residential development of 25 units or more, or on sites of one hectare or more. Policy OS2 of PPS8 (Open Space, Sport and Outdoor Recreation) outlines a number of criteria relating to the provision of open space, of which, the following are relevant to the current proposal.
- 8.36 A normal expectation will be at least 10% of the total site area: The current site area extends to approximately 12.4ha, however the area capable of development as a result of the SDL and revised Q100 is more in the region of 5.93 ha. The area of proposed public amenity space to the north-west of the site extends to approximately 0.71ha while the southern extent comprises an area over 0.17ha. The extent of public amenity

space provided within the development is considered acceptable.

Public open space not only has recreational and social value but is also considered vital to the overall design quality of the development. It can help promote biodiversity and contribute to the creation of an attractive, sustainable and varied residential environment. Public open space performs a number of functions including defining and separating urban areas, promoting health and well-being as well as providing visual amenity. Public open space is expected (among other criteria), to be designed in a comprehensive and linked way as an integral part of the development, have demonstrable recreational / amenity value, provide safe and easy access and be designed and located to take account of the amenity of nearby residents and those with disabilities. Narrow or peripheral tracts which are difficult to manage are generally considered unacceptable.

- 8.37 The current proposal incorporates two separate areas of public open space, a smaller area to the south of the development and the larger, main area of open space to the north-eastern corner of the site. In both cases the vast majority lies within the identified floodplain. Although the proposal benefits visually from the large undeveloped meadow to the south of the site which adds to the visual amenity of the entire development, the positioning of the larger area has the potential to create issues in terms of access and functionality. Children potentially have to cross a number of roads to access the open space which is exacerbated by the fact that the proposed playpark is also located adjacent the area of open space resulting in the majority of residents being significantly removed from it. In order to increase the accessibility of public open space for residents an additional area is proposed to the southern extent of the site. Although a more centrally located area of open space may have been more appropriate, the extent of the flood plain does impose restrictions on development and a material start on the previous development has been made. The proposal also incorporates small linear green spaces, one of which relates to the provision of a pedestrian access to the existing development at Ishlan Court which is proposed to be maintained by a management company. Overall the extent and quality of open space is considered acceptable.

8.38 For residential development of 100 units or more an equipped children's play area will be required as an integral part of the development: Policy FLD1 of PPS15 (Planning and Flood Risk), Paragraph 6.22 confirms that this policy allows for the provision of areas for amenity space within floodplains on the basis that they are not generally occupied and are unlikely to incur major damage as a result of flood inundation. Children's playgrounds are however not included within this exception as such proposals would have the effect of exposing a vulnerable group to flood risk. The proposal incorporates a play area extending to approximately 192sqm which is indicated as being outside the identified Q100 and incorporates climbing and play equipment (Drawing 41A). The positioning of the playpark towards the north western corner of the site remote from much of the development and adjacent two access roads does raise some concerns in terms of safety and access for children. The play area is enclosed with 1200mm galvanised railings to enhance safety with 1200mm estate railing defining both areas of public open space where they abut an access road

8.39 In terms of private amenity space Creating Places advises that a variety of different garden sizes should be provided to promote choice for residents. Back gardens should therefore be calculated as an average for the development as a whole and should be around 70sqm per house or greater. Garden sizes larger than the average would generally be considered to suit dwellings designed for families, while smaller areas may be appropriate for 1-2 bedroom houses or those located opposite or adjacent public or communal open space. Creating Places also determines that an area of around 40sqm will generally be unacceptable. In terms of the provision of apartments or one or two bedroom houses on small urban infill sites private communal space is acceptable and should range from a minimum of 10sqm to around 30 sqm per unit.

8.40 The development comprises a wide variety of private garden sizes and depths the majority of which are acceptable. Some issues exist with smaller or more awkward shaped gardens including some which taper to a narrow point. The proposed development incorporates optional sunrooms for a number of properties. The additional floor-space provided by the proposed sunrooms improves to the overall floor area when considered

against the relevant space standards. The sun-rooms on whole relate only to properties where the plot size is capable of accommodating the additional area without compromising levels of rear amenity space to an unacceptable degree.

8.41 On entering the site units 1-6 comprise four apartments (units 1-4) within two separate detached buildings and two additional detached dwellings. Units 1-2 are set within a fairly large but awkwardly shaped site. The building is set back from the roadside to reflect the building line and character along Charlotte Street and as a result the majority of the site amenity is set forward of the building. A smaller more private area exists to the side and rear part of which is enclosed within a screen wall and overall the level of private amenity space is acceptable. Units 3-4 are similar in layout albeit within a larger site and again incorporate fairly good levels of private amenity space.

Units 5 and 6 comprise two detached dwellings. Unit 5 is reflective of the dwelling previously approved and fronts onto Charlotte Street with separate private access and is set back to reflect the existing building line. It therefore incorporates a fairly large area to the front of the dwelling with the area of private amenity space to the rear reduced to a smaller more awkwardly shaped area which tapers to a point. Overall this limits the practicality of the private amenity space, although at its narrowest point the rear garden extends to 6m in depth in line with the western rear corner of the dwelling extending to 14m in line with the eastern rear corner. Overall levels of private amenity space are reasonable for a family dwelling of this nature.

8.42 Unit 6 also comprises a detached family dwelling which fronts onto the access road and backs onto unit 5. The dwelling incorporates a narrow rear garden depth of approximately 5 ½ metres from the rear of the dwelling although the site includes a large private side-garden enclosed within a brick screen wall. This provides both safety and privacy with a narrower green area between the wall and the access road to soften the visual impact. Overall the level of private amenity is good.

- 8.43 Units 7-20 (fronting onto the main access road) comprise 6 dwellings with a further 8 properties set within a small cul-de-sac. These properties incorporate a variety of garden depths and sizes with none falling below 7m in depth with the exception of sites 10 and 19. Both these properties are corner sites and designed to reflect their positioning with in-curtilage parking. Rear garden depths are limited to approximately 5m with the overall amenity area towards the lower end of the spectrum at approximately 50m. However, this is the exception within this group of dwellings and does not fall below the minimum acceptable levels with the majority of these properties comprising fairly good levels of practical, private amenity space.
- 8.44 Units 21-33 effectively form a street along the public road incorporating small front gardens, in-curtilage car parking and rear back gardens. Again levels of private amenity space vary significantly both in garden depths (none of which fall below 9m) and area. The smallest garden areas fall below the 70sqm which would be expected for family dwellings and additional include optional sunrooms which reduce levels of private amenity space to approximately 53 sqm. Although public open space does serve a different function, the lower levels of private amenity space serving some of these dwellings is off-set considerably by the proximity to the area of public open space and playpark which are located on the opposite side of the access road.
- 8.45 Units 34-66 mainly incorporate a variety of semi-detached and terraced dwellings. The proposed dwellings incorporate a good range of private amenity space with the majority incorporating good garden depths. Some areas of rear amenity space fall towards the lower end of the spectrum with units 60, 62 and 63 quite low.
- 8.46 These properties do not have proposed optional sunrooms which would reduce the levels of amenity space further. It is acceptable within a development that some properties incorporate levels of amenity space towards the lower end of the spectrum to provide variety provided they do not fall below acceptable levels. The levels of private amenity remain acceptable with the areas serving the remaining dwellings within this part of the development otherwise fairly good.

- 8.47 Units 67-100 comprise a variety of semi-detached and terraced dwellings with four apartments proposed to the north-eastern corner of the site. Again a variety of private amenity space is proposed ranging from garden depths of approximately 14m in depth to 7m. The properties along the north-eastern boundary back directly onto the local secondary school which is considerably elevated above the site. This is reflected in the areas of private amenity space serving these dwellings which includes a steep increase in levels over the last metre of each back garden which impacts practicality to a minor degree. Some of the properties within this part of the development are certainly towards the lower end of the acceptable range and below what would be expected for family dwellings. However, none fall below the minimum requirement and as an average amenity space serving these dwellings is acceptable. Again, optional sunrooms are restricted to two dwellings within this area, both of which incorporate more substantial areas of private amenity space.
- 8.48 The proposed apartments at units 97-100 comprise a communal site with in-site communal car parking and good levels of private amenity space to the rear of 97/98 and 99/100. Separate, more private areas of amenity space are proposed to the rear of each building with additional areas of residual space creating a low density character and fairly attractive setting to this corner of the site.
- 8.49 Units 101-114 define the south-eastern corner of the site and comprise a variety of two storey terraced and semi-detached dwellings most of which incorporate a good level of practical amenity space. Some of these properties do not incorporate front gardens as these areas are used to facilitate designated car parking spaces, but small areas of defensible space remain for all. Where optional sunrooms are proposed, these relate to the more extensive and spacious rear gardens which measure considerably above the acceptable average. Nos 109 comprises a slightly awkward amenity area characterised by a narrow, tapering garden but overall comprises an acceptable area of practical amenity space.
- 8.50 Units 115 – 131 comprise a variety of two storey detached, semi-detached and terraced dwellings all of which front onto the surrounding access roads. A number of these dwellings do not

include any front gardens and proposed levels of amenity space for some are low. The levels of amenity space are reduced further for the two corner dwellings at sites 123 and 127 as a result of optional sunrooms. However, this part of the development is immediately adjacent an additional area of public open space provided to the southern extent of the site which off-sets the slightly lower levels of amenity space where they exist. Additionally these dwellings are in close proximity to the retained meadow which, although not formal open space, is proposed to be maintained by a management company and will act as a wider informal area.

8.51 Units 132 – 147 comprise a similar arrangement and dwelling types as Nos 115-131 although levels of private amenity space appear to be more adequate and optional sunrooms are proposed where garden depths and sizes could more appropriately accommodate them.

Similarly units 148-166 incorporate a greater variety of garden spaces some of which are fairly good. Optional sunrooms are proposed where private amenity areas are capable of satisfactorily accommodating them.

8.52 Units 167 – 186 incorporate reasonable areas of rear private amenity space serving the majority of dwellings. Nos 170, 175, 179 and 186 provide a much lower level of private amenity space which are enclosed within boundary privacy walls due to their corner site location. However these remain within acceptable levels and are not compromised by the addition of optional sunrooms.

8.53 In terms of site boundaries the majority of those along the northern boundary exist and are defined by existing residential development and the adjacent school grounds. A number of small pockets of mature trees and vegetation exists along part of the site boundaries and are to be retained. The site itself is back-land in nature with little impact when viewed from Charlotte Street. The southern and western extent of the site remains unaltered and the character of the existing adjacent river corridor retained.

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

- 8.55 In line with policy the proposal incorporates a play area which extends to approximately 192sqm incorporating children's climbing and play equipment.
- 8.56 Part (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'*.
- 8.57 The site is located on the fringes of Ballymoney Town and the access would be considered to be within reasonable walking distance of shops and services. The movement pattern supports cycling and is generally considered acceptable with pedestrian / cycling linkages proposed through to Ishlan Court providing a degree of connectivity and permeability. The site is within easy cycling access of the town as well as the countryside. In terms of traffic calming measures, the road layout and junctions are considered acceptable. Access to public transport does exist and Charlotte Street provides an arterial route into the town centre although it is likely that the proposal would be car dominated.
- 8.58 Part (f): *'adequate and appropriate provision is made for parking'*.
- 8.59 Provision is made within the site for resident and communal visitor car parking. The majority of residential parking is in-curtilage within properties with a small number of dwellings as well as the proposed apartments served by communal driveways and allocated parking spaces. A number of proposed dwellings incorporate car parking spaces to the front therefore removing the potential for front gardens although small areas of defensible space are provided.
- 8.60 Communal driveways have the potential to raise issues in terms of practicality, however these are proposed in a small number of instances and overall would not appear to result in a significant impact either in terms of safety or residential amenity. Unit 68 raises some concerns in relation to proximity to the adjacent footpath / turning head although this is likely to function as an access to Nos 68 and 69 with little potential conflict with other

road users. The outlook from No 69 is not unacceptable compromised.

- 8.61 Sites 175 and 179 are served by in-curtilage car parking positioned to the rear of their respective private amenity spaces due to their corner site position. Pedestrian access is provided to access the rear of the proposed dwellings and areas of amenity space are enclosed separate from the proposed parking spaces. This arrangement is considered acceptable.
- 8.62 Part (g): *‘the design of the development draws upon the best local traditions of form, materials and detailing’*
- 8.63 The design of the proposed 179 units comprises a variety of house types and finishes include detached, semi-detached, terraced and apartments. A number of dwellings include handed versions as well as both smooth render and red facing brick options. The majority of semi-detached and terraced dwellings comprise two storey dwellings with narrow frontage and wide gable with pitched roof comprising grey interlocking roof tiles and black fascia. The designs are fairly simple, some with a variety of plaster detailing and door canopy over the front doors and plaster bands around windows, some with the addition of gable projecting bay windows while some semi-detached properties incorporate front elevation bay windows or small paired front projecting porches. House type S1 / S2 are corner units comprising two dwellings with dual frontage which appear as a simple elevation with window and door detailing to the front of one property and a more detailed front projecting pitched element with pitched dormer and bay window to the other.
- 8.64 A number of semi-detached properties comprise a step in finished floor levels to reflect the site gradient. These properties are generally finished in red facing brick with rendered detail or split horizontally comprising smooth render ground floor and red brick finish at first floor with plaster detailing. The small number of detached dwellings comprise a variety of sizes, designs and roof types. Dwelling D4 comprises a detached chalet bungalow type dwelling comprising pitched roof, first floor dormers and single storey front porch and single storey rear sun-room. The dwelling is reflective of the design proposed as part of the original permission and represents a gradual increase in ridge height between the single storey

dwellings which exist along the southern extent of Charlotte Street and the two storey apartments proposed at the entrance to the proposed development.

- 8.65 The detached dwelling at site 6 comprises a fairly large, narrow gabled, two storey red brick dwelling with hipped roof, single storey front porch and gable bay window. Apartments A3 (sites 1-4) comprise four apartments set within two large dual frontage building which is redolent of a large detached Georgian style dwelling comprising hipped roof, two storey projection and single storey flat roofed front porches. The building is again finished in red brick. Hipped roofs are not uncommon in the locality although they tend to relate more often to single storey dwellings while the two storey dwellings at The Meadows adjacent the site comprise pitched roofs. The Georgian style is the common architectural style which forms part of Charlotte Street albeit towards the Town Centre, however the northern side of Charlotte Street within the site locality does comprise a number of large two storey dwellings with varying architectural styles.
- 8.66 Apartments A1 are reflective of the majority of dwellings within the development comprising a two storey, pitched roof property which is characteristic of a detached dwelling with the addition of a gable porch access serving the first floor apartment.
- 8.67 The proposed dwelling designs are generally considered acceptable. The character of the site context is outlined above. The proposed dwellings are acceptable from a design perspective and are characteristic of dwellings within the immediate context. The design of the proposed dwellings draw upon the best local traditions of form, material and detailing.
- 8.68 Part (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'*.
- 8.69 Site 1-2 is set to the rear of Nos 1-3 The Meadows and comprises a two storey building with bathroom windows and a single gable bedroom window at both ground and first floor. Separation distances between dwellings at The Meadows

coupled with the oblique angle of view mean that any potential overshadowing or overlooking is very unlikely between properties with limited overlooking of rear amenity. Otherwise, no additional development is proposed adjacent those properties at the meadows. Site 5 comprises a chalet bungalow with a single first floor gable bedroom window directly facing the existing dwelling at No 86. This does raise some concerns as No 86 also incorporates a gable bedroom window at first floor level and separation between properties is limited at 6m. However, a material start has been made on the dwelling previously approved which is comparable in design terms. The distance between the rear of sites 5 and 6 could raise some concerns as site 6 is two storey, however site 5 comprises rear roof lights coupled with higher finished floor levels and a fairly oblique angle of view therefore limiting the potential for direct overlooking between dwellings. Some overlooking into the rear amenity of site 5 is likely, however this is not dissimilar to the arrangement approved as part of the previous permission and is not considered unacceptable.

- 8.70 Units 7-20 comprise 6 dwellings fronting onto the main access road with a further 8 effectively comprising a small cu-de-sac. Sites 7 and 11-16 back onto the existing dwellings along Charlotte Street (78-86) which are single storey / chalet bungalows. The existing dwellings sit slightly higher than the proposed dwellings (1m between FFL) and incorporate good back garden depths of over 25m with a number of mature trees along the boundary to Nos 80-84. Additionally fairly good back garden depths of approximately 10m are proposed resulting in considerable separation distances between existing and proposed dwellings as well as limited overlooking of existing rear private amenity space. This part of the development also backs onto Nos 5-9 Ishlan Court which are also bungalows, some of which have first floor accommodation including rear box dormers. FFL of existing dwellings are set approximately 1.5m above those proposed. Nos 7 and 9 incorporate limited back garden depths and are within close proximity of the site boundary which incorporates a number of mature trees to be retained. Few proposed dwellings bear a close relationship with this communal boundary and any potential impact on existing residential quality including from overlooking or overshadowing is limited.

- 8.71 In terms of the proposed relationship between proposed dwellings, the majority comprises semi-detached with no gable first floor windows and good separation between the gables of each pair of approximately 8m due to paired in-curtilage car parking. While some degree of overlooking in an urban context is unavoidable, Sites 8-10 back onto the gable of Site 11 and will potentially create a perception of being overlooked across the entire site including the front and rear gardens. Site 18 is similarly overlooked to a slightly lesser degree. Separation distances are generally acceptable for properties perpendicular to each other and boundary landscaping will significantly reduce any potential impact.
- 8.72 Sites 21-44 back onto a number of existing properties at Ishlan Court, Westoncroft Park and Westoncroft Avenue. Although these existing properties are sited in close proximity to the party boundary with limited back garden depths they are single storey and a number are orientated gable to the proposed site. Boundaries are defined by a variety of timber fences with some mature landscaping along the rear of those properties along Westoncroft Park. The proposed dwellings are set at a level just over 1.5m below finished floor levels of existing dwellings and incorporate back garden depths which range from approximately 10m to 16m. Creating Places recommends back garden depths of in the range of 10m and therefore these dwellings fall within the acceptable parameters. The main potential from overlooking extends from the limited back garden depths serving a number of existing dwellings, therefore the proposed dwellings would not be considered inappropriate or unacceptable. The potential for overlooking and overshadowing is reduced as a result of dwelling types, levels and orientation. In terms of the relationship between proposed dwellings, the vast majority are semi-detached with good separation between gables due to paired accesses. Site 34 which incorporates a rear first floor bedroom window is positioned at an awkward angle to site 35 (which does not include gable windows) and will result in some degree of overlooking of the rear private amenity space but not to an unacceptable extent.
- 8.73 Sites 70-83 back directly onto a local secondary school (Our lady of Lourdes) while a small area of land between St Brigid's primary school and the proposed site remains outside the

current proposal (units 93-100 back onto this area). Sites 45-49 back onto an associated playing field. The secondary school is positioned in an elevated position above the subject site which slopes quite steeply over a fairly short distance. The boundary definition is defined by a 2m metal security fence while the school comprises a large two storey flat roofed building with external ventilation / ducting equipment evident on the elevation adjacent site 48. Environmental Health has not raised any issues in terms of unacceptable impact from this equipment on residential amenity.

The proposal will not impact on the existing school, however it is likely that some overlooking will occur from existing first and ground floor classrooms to the rear of proposed dwellings with limited separation of less than 15m for most which is exacerbated by levels. It is noted however that the use of the school would be limited which would lessen the impact. The separation distance between proposed dwellings and the primary school is significantly increased due to a part of the existing site which is excluded. In terms of overshadowing the impact on school grounds is limited while the impact on proposed dwellings from the school would be very limited due to their relative position. In terms of the relationship between proposed dwellings, these comprise terraced dwellings with good separation between properties and limited potential for unacceptable overlooking including between No 96 and the adjacent apartments which incorporate only first floor bathroom windows on the opposing elevation.

- 8.74 The apartments at Nos 97-100 do not impact on each other or proposed dwellings, or overlook existing dwellings but do overlook the adjacent playpark to some degree (particularly 99-100) which includes rear first floor bedrooms. Generally introducing a degree of overlooking to areas of public open space is considered essential in creating a sense of public supervision and prevent anti-social behaviour although playparks can be a particularly sensitive issue, particularly when overlooked by adjacent development with no relationship / connectivity to the area which it otherwise serves. Overall the proposed apartments would not be considered inappropriate in planning terms and do not introduce unacceptable amenity issues.

- 8.75 Units 101-114 back onto the existing area of public open space at West Gate and introduces an additional level of public supervision which currently doesn't exist and could reduce the potential for anti-social behaviour within this adjacent site. The proposed dwellings will otherwise have limited impact on the area and there is no potential conflict.
- 8.76 In terms of the remainder of the development the subject site does not abut any other existing development and will be bounded by that part of the site remaining undeveloped or the proposed area of open space. In terms of the relationship between proposed dwellings:
Sites 115-131 comprise a variety of detached, semi-detached and terraced dwellings. A number of these properties back onto each other with separation distances in the acceptable range of 20 metres indicated by Creating Places therefore limiting the potential for overlooking. Some dwellings are perpendicular to each other raising the potential for impact on privacy. However, where this does occur the lack of first floor bedroom windows on opposing gables limits the potential impact. A small number of dwellings incorporate shorter back garden depths which may impose on privacy amenity to a greater degree. Those double fronted units on corner sites also incorporate additional screening walls to increase privacy levels.
- 8.77 Units 132 – 147 comprise a similar arrangement and variety of dwelling types. Where dwellings back onto one another the separation distances are acceptable. Where dwellings are perpendicular some of the back garden depths are below the 10m recommended by Creating Places and may create a degree of overlooking of the most private areas to the immediate rear of a number of dwellings. Some degree of overlooking is inevitable within such an urban context and can be significantly reduced by boundary planting / screening.
- 8.78 Units 148-166 have a slightly looser arrangement but this area is broadly similar to that above. Some back garden depths and arrangements are awkward in relation to neighbouring properties with a small number of dwellings in fairly close proximity to each other. This is off-set by the oblique angle of relative positioning which reduces the potential impact on privacy and residential amenity.

- 8.79 Units 167-186 comprise a similar arrangement to that outlined above included dwellings perpendicular to each other, However, separation distances are more extensive and the potential for any unacceptable impact on privacy is limited to a greater degree.
- 8.80 In terms of overshadowing the potential for any significant issues are limited. Overall the potential for adverse impact between existing land uses as well as between proposed units is fairly limited.
- 8.81 DAERA (Regulation Unit) has confirmed that the site may have been affected by contamination as a result of former uses and activities within the surrounding area including sewage works, and industrial uses. A Preliminary Risk Assessment has been provided as part of the application which indicates that while there have been a number of historical industrial sources of potential contamination within the local area, given the topography of the land, the distance away from the site and the nature of the ground these activities are unlikely to have any significant impact on the site. DAERA (RU) agrees with the conclusions of the report subject to conditions. DAERA Water Management Unit has been consulted and raise no objections subject to conditions protecting the surrounding water environment.
- 8.82 The local Environmental Health Department has not raised any objection to the proposal in terms of amenity or contamination although they do point out that intermittent disturbance may result due to the proximity to the local schools. The application includes a pumping station located adjacent the proposed play park. As a result a noise impact assessment and odour assessment have been submitted to assess the potential impact on future residents. As a pumping station the proposal is unlikely to pose an issue in terms of odour. Proximity to the playpark raises issues of safety and the pumping station (which is mostly positioned underground is enclosed within an 1800mm mesh security fence and access restricted. The local Environmental Health Department has indicated that the proposal will not result in any significant impact on amenity from odour or noise.

- 8.83 Part (i): *'the development is designed to deter crime and promote personal safety'*.
- 8.84 The proposed link between the subject site and Ishlan Court incorporates an access path with narrow landscaped areas either side which provides connectivity to surrounding development and permeability through the surround urban area. In terms of safety the path is proposed to be served with private lighting owned and maintained by a management company. The access path is well supervised by adjacent residential properties on all sides and the limited space either side of the path restricts the potential for congregating or anti-social behaviour.
- 8.85 Areas of public open space are remote from many of the properties within the development which can raise concerns regarding accessibility. Inevitably children are the most frequent users and for parts of the proposed development would have to travel some distance and / or cross a number of roads to access an area of open space or the playpark facilities provided. While ideally areas of public open space would be located throughout the development to provide reasonably immediate access, in a development of this size it is inevitable that access to playparks etc may be more removed from some properties. Footpaths are provided throughout the development and good quality fencing used to enclose the playpark and separate areas of open space from the road network. Areas of public open space are well supervised from surrounding properties and areas which could facilitate ant-social behaviour are limited.

Addendum to Planning Policy Statement 7 – Safeguarding the Character of established Residential Areas.

- 8.86 The previously granted permission on site equated to just over 28 dwellings per hectare. Based on the site area to be developed outside the identified floodplain the current application relates to an area of approximately just over 5.9ha which equates to an approximate density of just over 31 dwellings per hectare. This represents an increase in approximately 3-4 dwellings per hectare from that previously approved.

The vast majority of the site forms part of two committed sites (BYH 21 and BYH 22). A very small part of the south-eastern corner of the site forms part of Housing Zoning BYH 38 – Land to rear of West Gate which requires that development be within the range of 25- 35 dwellings per hectare. The density level outlined in this designation reflects the immediate proximity to West Gate which comprises a small, historic, social housing development which is high density and cannot be used as a singular comparison for the subject site. Lower density character and context exists along Charlotte Street which is less than 15 dwellings per hectare. Taking into consideration the fact that the identified site remains unchanged (albeit the extent of the flood plain has been re-assessed) the overall density level is comparable to that approved under D/2008/0097/RM which was assessed against the extant policy context.

- 8.87 The potential impact of the proposal in the immediate context would not be significant and the pattern and density would generally be in conformity with the local context. The proposal therefore meets criteria (a) and (b) of Policy LC1.

DCAN 8 : Housing in Existing Urban Areas

- 8.88 Additional guidance contained in DCAN 8 notes the importance of a design led approach, appreciating the context, protecting local character and maintaining environmental quality. The proposed scheme is generally in keeping with the guidance contained within DCAN8 in that the scheme enhances or protects the local context, provides a quality design layout and does not detract from the character of the area.

Flood Risk and Drainage Assessment

- 8.89 The Q100 Flood level was established and agreed with Rivers Agency as part of planning appeal D/2005/0295/O which was allowed. The subsequent Reserved Matters application for 186 dwellings granted under D/2008/0097/RM was reflective of the agreed flood level with only public open space within the flood plain. The current application has submitted a Flood Risk Assessment which identifies the Q100 as comprising a larger area than previously agreed including the majority of lands

adjacent the eastern boundary of properties at “The Meadows”. As a result the area capable of development as part of this proposal is reduced from that previously granted at Reserved Matters stage. The current proposal reflects the revised Q100 level.

8.90 The site lies partially within the 1 in 100 year fluvial flood plain and a Flood Risk Assessment (FRA) and Drainage Assessment (DA) have been received. No development is proposed within the flood plain which is partially utilised to provide open space. Paragraph 6.24 of PPS 15 (Planning and Flood Risk) states that “*where a proposal for residential development includes land adjacent to, or partially within a floodplain, it will normally be acceptable to utilise the flood plain for public open space associated with the housing. This will only be acceptable where there is no infilling of the open space.....*”. The proposed playpark remains outside the Q100.

8.91 The FRA / DA confirms the presence of a main land drain passing through the site (which originally formed part of a mill race) as well as two other drains. The mill race is identified as artificially engineered rather than a natural watercourse / drain. The original section of the mill race has been removed and the land drain terminates before it exits the north-western boundary of the site. As part of the FRA / DA site inspection was carried out which identified very little moving water within the main land drain even in wet conditions. The smaller drains are similar and terminate within the site. These land drains have been identified as only collecting water within the site. The FRA / DA indicates that all housing developments within the vicinity of the site discharge surface water to the existing culverted watercourse which bounds the western boundary of the site (Meadow Drain watercourse).

8.92 The application proposes realignment of existing land drains and new drainage infrastructure within the development including a small culverted section to extend the storm sewer to the existing Meadow Drain watercourse as well as measures to restrict the flow of surface water runoff from the proposed development (Drawing C204 Rev A of FRA/DA). On completion sections of the existing land drains will become redundant within new and retained land drains within the meadow area of

the site (Drawing C201 Rev A of FRA/ DA). The proposal is consistent with Policy FLD4 of PPS15.

8.93 Drainage measures within the development site are to be designed to Sewers for Adoption Standards and will be adopted by NI Water. DFI Rivers Agency has been consulted in relation to the proposal as well as those objections received. Rivers Agency references the fact that no infilling is proposed within the floodplain, that it is acceptable in policy terms to position public open space within the flood plain and that the FRA demonstrates the proposed development has a suitable freeboard of 600mm. Rivers Agency confirms that the logic of the Flood Risk Assessment and Drainage Assessment is accepted and no objections are raised in terms of flooding or drainage.

Schedule 6 application to divert and discharge to a watercourse has been agreed with NI Water including diversion and discharge arrangements. This consent requires renewal and agreement with NI Water prior to development. NI Water has been consulted and do not raise any objections.

Access / Traffic Impact

8.94 The application proposes a single access road serving the development onto Charlotte Street incorporating gateway type traffic calming measures provided at the 30mph speed limit along Balnamore Road (drawing No 37) as well as speed control bends within the development. The proposed road network is to be publicly adopted with the exception of a small number of communal driveways.

The application has the potential to significantly increase traffic volume onto Charlotte Street and the surrounding road network which connects to the town centre. A Transport Assessment Form (TAF) has been submitted as part of the application which highlights the fact that the access arrangements were previously agreed to serve 186 units as part of the matters reserved in relation to appeal decision D/2005/0295/O (D/2008/0097/RM). The TAF also highlights that a subsequent certificate of lawfulness was issued in relation to LA01/2017/0487/LDP which related to the completion of works to construct a single dwelling, access, hardstanding and hard and soft landscaping at site 3 as per the previous approval.

- 8.95 The current proposal relates to the same access arrangements with a reduction in the number of residential units and alterations to internal road layout. Objectors reference a 2009/2010 decision by the PAC which dismissed the appeal on the grounds of traffic impact. The reference of this application or appeal has not been provided and no record of an appeal at this time can be found. The reference appears to relate to the 2006 PAC decision in relation to D/2004/0560/O which was dismissed due to the lack of evidence submitted to assess the potential traffic impact on the local road network. As noted above subsequent planning appeal for outline permission for a housing development and traffic calming measures (D/2005/0295/O) was allowed. Reserved Matters for this permission incorporating 186 dwellings was granted under D/2008/0097/RM.
- 8.96 DFI Roads has been consulted in relation to both the proposal and objections received. DFI Roads has not raised any issues regarding the accuracy of the TAF and accept that the proposal will have no significant impact on the local highway network and that surrounding junctions are predicted to operate within capacity with minimal queuing and delay. No issues of road safety have been raised or unacceptable impact on the road network identified. Access and parking arrangements are determined to meet the required standards. Private Streets Determination drawings have been submitted and agreed with DFI Roads.

Representations

- 8.97 Four objection letters and three petitions of objection have been received in relation to the proposal which raise a number of issues:
- Character – see consideration under criterion (a).
- Flooding / Building on / adjacent to existing floodplain – see consideration under Flooding / Drainage.
- Traffic / access arrangements / Road Safety including previous Planning Appeal Commission Decision and accuracy of Transport Assessment– see consideration under Access / Traffic Impact.

9.0 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The scheme complies with current planning policy as highlighted above.

10.0 Conditions

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 noise level from the pumping station hereby approved shall not exceed 45.5 dB(A) LAeq(5mins) at 1m from the source.</p> <p>Reason: In the interest of residential amenity.</p>
3	<p>The odour concentration at the boundary of the nearest sensitive receptors shall not exceed 1.5 ouE/m³ as the 98th percentile of hourly averages.</p> <p>Reason: In the interest of residential amenity.</p>
4	<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 Drawing. No. 42D Proposed Road Layout date stamped 30th November 2020.</p> <p>Reason: To ensure there is a safe and convenient road system within the development and to comply with the</p>

	provisions of the Private Streets (Northern Ireland) Order 1980.
5	<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 until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drg. No. 42D Proposed Road Layout date stamped 30th November 2020. 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>
6	<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>
7	<p>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</p> <p>Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.</p>
8	<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>

9	<p>The visibility splays of 4.5 metres by 70 metres at the junction of the proposed access road with the public road, shall be provided in accordance with Drg. No. 42D Proposed Road Layout date stamped 30th November 2020, prior to the commencement of any other works or other development.</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>
10	<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>
11	<p>Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015 no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.</p> <p>Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.</p>
12	<p>Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in verges/service strips determined for adoption.</p> <p>Reason: In order to avoid damage to and allow access to the services within the service strip.</p>
13	<p>No other development hereby permitted shall be commenced until the road works indicated on Drawing. No. 42D Proposed Road Layout date stamped 30th</p>

	<p>November 2020 have been fully completed in accordance with the approved plans.</p> <p>Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.</p>
14	<p>No development hereby permitted shall be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.</p> <p>Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.</p>
15	<p>No infilling shall take place below the predicted Q100 fluvial flood level as indicated on drawing 39E received on 07-DEC-2020.</p> <p>Reason: In order to retain the natural function of the flood plain.</p>
16	<p>A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, shall be submitted to DAERA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>
17	<p>If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works shall cease and the Planning Authority notified immediately. Any 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</p>

	<p>with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
18	<p>On completion of all remediation works under Condition 17 and prior to occupation of the development, a verification report shall to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
19	<p>If, during the proposed development, any ground contamination is encountered then all works on the site shall cease. Causeway Coast and Glens Borough Council Environmental Health Department shall be informed and sufficient information to assess potential risks arising from the former use of the land shall be submitted and agreed. Any necessary mitigation / remediation measures shall be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance.</p> <p>Reason: In the interest of Residential Amenity</p>
20	<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.</p> <p>The POW shall provide for:</p> <ul style="list-style-type: none"> • The identification and evaluation of archaeological remains within the site;

	<ul style="list-style-type: none"> • Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ; • Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and • Preparation of the digital, documentary and material archive for deposition. <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>
21	<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 20.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>
22	<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 20. These measures shall be implemented and a final archaeological report shall be submitted to The Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with The Council.</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>
23	<p>Prior to the occupation of any part of the development, all hard landscape works including the installation of the play area and equipment shall be carried out in accordance with the approved details and to the appropriate Standard or other recognised Codes of Practice.</p> <p>Reason: In the interest of residential amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>

24	<p>During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Council, landscaping shall be carried out in accordance with the Proposed Landscape Planting Plan and maintained in perpetuity in accordance with the Landscape Management Plan, which were received by the Council on 24-SEP-2020.</p> <p>Reason: In the interest of visual and residential amenity.</p>
25	<p>The management and maintenance of open space and communal amenity areas including all play areas and equipment, trees, shrubs and the Meadow Area as identified on the stamped approved drawings No 41A, and No 72 and Landscape Management Plan which were received on 24-SEP-2020 shall be carried out by a Management Company to be appointed by the developer and shall continue to be maintained in perpetuity or as subsequently may be agreed in writing with the Council.</p> <p>Reason To ensure the continuity and sustainability of the approved landscape through its successful establishment and long term maintenance to achieve a quality residential development consistent with policy.</p>
26	<p>A signed copy of the Memorandum and Articles of Association relating to those areas identified in condition 25 shall be submitted to the Council prior to the occupation of any dwelling.</p> <p>Reason: To ensure successful establishment and long term maintenance of open space/amenity areas in the interests of visual and residential amenity.</p>
27	<p>No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.</p> <p>If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting</p>

	<p>season by another tree or trees in the same location of a species and size as specified by the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p>
28	<p>Existing hedgerows along the boundaries of the site as indicated on drawing No 41A which was received on 24-SEP-2020 shall be permanently retained at a height not less than 2 metres unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 28 days.</p> <p>Reason: In the interest of visual and residential amenity.</p>
29	<p>Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order no extensions, other than those expressly authorised by this permission as optional sunrooms indicated on drawing No 39E which was received on 07-DEC-2020 shall be constructed to the any approved dwelling.</p> <p>Reason: In the interest of residential amenity.</p>

Informatives

1	<p>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.</p>
2	<p>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.</p>
3	<p>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.</p>

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 Conditions 17 and 18 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 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.
6	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/ .

