



Title of Report:	Planning Committee Report - LA01/2022/0127/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd March 2023
For Decision or For Information	For Decision

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

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

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:

	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

App No: LA01/2022/0127/O Ward: Ballymoney North

App Type: Outline

Address: Lands at Market Street and Parkview to the north of Jubilee Court and south of Gault Park, Ballymoney.

Proposal: Masterplan for residential development

Con Area: N/A Valid Date: 7th February 2022

Listed Building Grade: N/A Target Date: 23rd May 2022

Applicant: JMD Homes Ltd. 40 Ballytober Road. Bushmills

Agent: Gravis Planning. 1 Pavilions Office Park Kinnegar Drive. Hollywood BT18 9JQ

Objections: 1 **Petitions of Objection:** 0

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

Executive Summary

- This is a major application for outline permission for residential development. Pre application notification has been completed and a pre-application community consultation report submitted.
- The site is located within Ballymoney Town and is partially zoned for housing (designation BYH 30) as designated in the Northern Area Plan. The remainder of the site is not zoned.
- The red line as indicated includes adjacent approval for social housing approved under LA01/2021/1374/F as Phase 2 of the current proposal.
- A concept layout plan has been submitted.
- NI Water and the applicant have agreed a downstream engineering solution to mitigate the foul capacity issue and allow connection for this development proposal. This solution is to be fully funded and delivered by the applicant.
- There has been 1 objection received in relation to this application relating to loss of the existing field which forms part of the site.
- The proposed development is considered acceptable in this location having regard to the SPPS, PPS7, Addendum to PPS7, PPS8, NAP 2016 and other material considerations.

1 Recommendation

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within Ballymoney Town, between Market Street and Parkview and to the immediate south of Hebron Free Presbyterian Church and Gault Park. The application site extends to approximately 3.4ha and consists of a large agricultural field and adjacent derelict site to the immediate south. Much of the derelict site has been the subject of recent planning approval for social housing under LA01/2021/1374/F (Erection of 48 residential dwellings (social housing) and associated and ancillary works). The subject application proposes outline permission for residential redevelopment of the remaining western extent of the derelict site in conjunction with the agricultural field.
- 2.2 The western boundary of the agricultural field incorporates a road frontage of approx. 110m along Market Street, set to the rear of the existing public footpath. The eastern boundary extends to approx. 125m along the rear of properties fronting onto Parkview. The topography of the agricultural land is fairly level and comparable to that along Market Street with the exception of a pronounced increase in levels to the north-eastern corner adjacent Gault Park. The remaining part of the derelict site which forms part of the current outline permission is also comparable in levels. Existing vegetation is limited to a number of semi-mature trees along the western boundary. The remaining boundaries are defined by a variety of and wire and timber fencing.

- 2.3 The surrounding context is predominantly residential although a number of other uses do exist either adjacent or within proximity of the site and are generally restricted to Market Street. These include ecclesiastical, civic and amenity sites and commercial properties. Part of the northern boundary abuts existing properties at Gault Park comprising a variety of single storey and two storey properties. The eastern boundary abuts properties along Parkview, mainly comprising chalet bungalow properties. The southern boundary abuts Jubilee Court which comprises two storey dwellings elevated above the level of the site. There are a number of dwellings in proximity to the site. The nearest listed building is located approximately 180m from the subject site.
- 2.4 The site is located with Ballymoney Town Settlement Development Limit. The existing agricultural field is zoned for housing under designation BYH30 of the Northern Area Plan and which has a key site requirement of 25-35 dwellings per hectare. The remainder of the site is unzoned for any specific use but partly comprises an extant permission for residential development.

3 RELEVANT HISTORY

D/1994/0149 - Change of use of former UDR camp to agricultural retail and light engineering unit. Permission Granted.

D/1994/0341 - Erection of store in conjunction with proposed agricultural retail and light engineering unit.

D/1999/0371/F - Erection of general-purpose store/building. Permission Granted.

D/2008/0093/F - Residential development of 30 No. Houses - 8 No. Detached dwellings and 22 No. semi-detached dwellings. Permission Granted.

LA01/2015/0702/DC - Discharge of Planning Condition 13 in relation to D/2008/0093/F. Condition Discharged.

LA01/2021/0843/PAN - Residential masterplan, to include private and social/affordable housing (density in the range of 25-35 dwellings/ha. PAN accepted 30/7/2021.

LA01/2021/1374/F - Erection of 48 residential dwellings (social housing) and associated and ancillary works. Permission Granted 10/11/2022.

LA01/2023/0205/DC - Discharge of Conditions No. 11, 13 & 15 from LA01/2021/1374/F. Valid

4 THE APPLICATION

- 4.1 The application is described as a “Masterplan for residential development” and incorporates lands already the subject of permission under LA01/2021/1374/F for a social housing development proposal which remains extant. The current application is an outline permission which proposes redevelopment of the remainder of the site for residential use separate from that approved adjacent. The application includes a design concept plan.

Design & Access Statement

- 4.2 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.
- 4.3 The design and access statement provides details of community consultation, the site and surroundings, planning history, design principles and concepts that have been applied to the development and how issues relating to access and parking are proposed to be dealt with.
- 4.4 The report dated December 2021 demonstrates that the applicant has undertaken detailed consideration of the proposal in terms of the design principles and concepts.

ENVIRONMENTAL IMPACT ASSESSMENT

- 4.5 This proposal was subject to an environmental impact assessment screening as required by The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017).
- 4.6 The application was considered to fall within Schedule 2: Category 10(b) of the Regulations- Infrastructure projects; Urban development projects, including the construction of shopping centres and car parks.
- 4.7 Its is considered the environmental effects from the development would be limited to the site and the immediate surrounding area. The development is not considered to be unusually complex or hae any potentially hazardous environmental effects. Therefore it is considered that the development proposal will not have significnat environemntal impact.
- 4.8 Having considered the Planning (EIA) Regulations(NI) 2017 and taking into account the above assessment, it is considered that the development proposal will not have likely impacts of such a significance locally or in wider terms as to warrant the submission of an environmental statement (completed 2/3/2022).

5 PUBLICITY & CONSULTATIONS

External

- 5.1 Neighbours: 1 representation was received. The key concerns raised include:
- Loss of habitat / removal of trees.
 - Climate change targets.
 - Visual Impact / Character.
 - Impact on privacy.
 - Loss of view.
 - Protection of green space / loss of green space

Internal

5.2 Historic Environment Division – Archaeology and Historic Buildings: No objection.

NIEA Natural Environment Division : No objection.

NIEA Regulation Unit: No objection subject to conditions

NIEA Water Management : No objection subject to conditions

NIEA Drinking Water Inspectorate: No objection

DFI Roads: No objections subject to conditions.

NI Water – No objections subject to conditions.

Environmental Health – No objections subject to conditions.

DFI Rivers Agency- No objection subject to conditions.

NIE – No objection

NIHE – No objection

Proposal of Application Notice

5.3 As this application is considered a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.

5.4 A Proposal of Application Notice was submitted on 5th July 2021 and approved 30th July 2021 under LA01/2021/0843/PAN. The applicant advised that they intended to undertake the following forms of consultation in line with Covid-19 Emergency Planning Guidance (PACC):

- Press notice of the public event in a local paper and details of where additional information could be obtained.
- Leaflet distribution to all residents within 100 metres of the proposed site boundary
- Provision of website address, e-mail address and dedicated telephone contact number.

- Electronic invitation served to Causeway Coast and Glens Borough Council Member Services.

Community Consultation Report

- 5.5 The community consultation report (CCR) was submitted as part of the planning application, received 20th December 2021 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.6 It contains a copy of the methods of consultation carried out and comments and feedback from the consultation exercise in the local context. The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.
- 5.7 Feedback was received from stakeholders and a number of issues raised. Comments are set out in the CCR. The key issues raised relate to the relationship and differences between the social housing and private housing elements, traffic impact, potential impact on privacy / amenity and a query regarding the red line. Responses are set out within the CCR.
- 5.8 The CCR demonstrates that adequate community consultation has taken place and the key issues of concern have been considered prior to the submission of the application.

Habitat Regulations Assessment

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

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy (RDS)

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2 (PPS2): Natural Heritage

Planning Policy Statement 3 (PPS3): Access Movement and Parking

PPS7 – Quality Residential Environments

Policy QD1 – Quality in New Residential Development.

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas.

PPS8 – Open Space, Sport and Outdoor Recreation
Policy OS2 – Public Open Space in New Residential Development

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

DCAN 8 – Housing In Existing Urban Areas

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to planning policy, principle of the development, character / site context, open space, access / parking, design, overlooking / privacy, contamination / land use, flooding / drainage, natural heritage and other matters.

Planning Policy

- 8.2 The RDS 2035 seeks to promote more sustainable housing development within existing urban areas through encouraging compact urban forms as well as promoting more housing within existing urban areas by recycling land and buildings and by making use of other suitable sites. The RDS emphasises the need for the creation of high-quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.
- 8.3 The Strategic Planning Policy Statement for NI (SPPS) was published in September 2015 and states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. The relevant existing policy is outlined below.

- 8.4 As DCAN 8 is guidance, it is PPS7, The Addendum to PPS7 (safeguarding the character of established residential areas), and PPS12 which are the main policy context for considering the current proposal.
- 8.5 Policy QD1 of PPS7 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.

Principle of development

- 8.6 The proposed site is located within the Ballymoney Town Settlement Development limits and comprises a large area zoned for housing (designation BYH30) as well as additional adjacent lands which are not zoned, (whiteland) as defined by the Northern Area Plan 2016. That part of the site which is not zoned has been previously used as a military barracks and subsequently for agricultural retail and light industrial use. It has also been the subject of planning permission for residential development granted under D/2008/0093/F, condition 13 of which, was discharged under LA01/2015/0702/DC in respect of contamination investigation and submission of the necessary report. The site is located within an area predominantly residential in character.
- 8.7 A Pre-application Notification (LA01/2021/0843/PAN) in respect of a masterplan for residential development relating to the entirety of the site as identified within the red line has been accepted and application LA01/2021/1374/F granted.
- 8.8 The current application relates to outline permission for residential development of the remainder of the identified site and includes a design and access statement as well as a design concept plan which outlines proposals for the erection of approximately 64 units which equates to 26 units per hectare.
- 8.9 Designation BYH30 includes a single key site requirement of 25-35 units per hectare. Given the residential character and

context, Northern Area Plan designation and planning history, the principle of development is considered acceptable.

- 8.10 NIHE has been consulted in relation to Policy HOU 2 of the Northern Area Plan 2016 which requires proposals for schemes of more than 25 residential units, or on a site of 1 hectare or more, to contribute to meeting the needs of the wider community, where there is an established need for social or specialist housing, as established by the Housing Needs Assessment. As of March 2021, NIHE identified a projected housing need, from 2021-2026, of 135 social housing units for Ballymoney. NIHE supported phase 2 of development of this site (approved under planning application LA01/2021/1374/F) for 48 social housing units.

Character / Site Context

- 8.11 The surrounding site context is predominantly residential, although other uses do exist, primarily in relation to Market Street which provides the main site context for the proposed outline development. The residential character along Market Street is dominated by an eclectic mix of individual plots and smaller developments. Parkview provides the primary context for the extant social housing development but much less so for the current proposal. Parkview comprises large scale, high density social housing development to the east and north-east, although the properties at Gault Par and Parkview which abut the subject site are lower in density and partly comprise a more suburban character. The subject site incorporates an extensive roadside frontage extending along Market Street of approximately 110m and remains fairly constant in terms of topography which is comparable to the levels along the public road with the exception of the north-eastern corner which rises fairly steeply over a short distance.
- 8.12 The submitted concept plan indicates a single vehicular access taken from Market Street, located centrally along the site frontage with an internal access road extending along the site frontage to access dwellings on either side. An area of landscaping is proposed which is reflective of existing trees along the site frontage as these are likely to require removal to provide visibility splays. The proposed dwellings along the site frontage are orientated west to appropriately address the public

road / streetscape. No through road is proposed linking the site to surrounding development to provide a through road to Parkview and the proposed development is self-contained providing a number of streets and cul-de-sacs within the development extending around the site perimeter with a central area of development concentrated on a central area of public open space approximately 350 sqm. The southern extent of the proposed development comprises a linear spur taken from the main site portion which provides a smaller cul-de-sac with additional smaller area of public open space extending to approximately 67.5sqm. Boundary planting is proposed around the entire site perimeter.

- 8.13 The proposed concept layout is generally appropriate in terms of density, is reflective of the surrounding character and takes account of the existing urban grain and relationship with adjacent properties and land uses. As an outline application, matters of layout, design, access, parking, levels, building heights, public and private open space and landscaping are included within those matters reserved and will be subject to a detailed, comprehensive scheme at Reserved Matters stage.
- 8.14 The site comprises a large agricultural field and additional brownfield site. The site does not impact on any archaeological sites and is sufficiently removed from any listed building within the site context. Existing vegetation on site is limited and the site incorporates little in terms of landscape features with the exception of a number of semi-mature trees along the site frontage. Full landscaping details are required to identify any features to be retained as well as all proposed landscaping measures.

Open Space

- 8.15 The provision of public open space extends to almost 420 sqm which meets the 10% requirements outlined in Policy OS2 of PPS8. Open space is provided centrally within the main portion of the site with reasonable proximity of access to all properties. An additional small area serves those dwellings proposed within the proposed cul-de-sac area which forms the southern site extent. All areas of open space enjoy good levels of public supervision and represent practical areas. The central area is surrounded by the proposed road layout which to some extent

can reduce accessibility and safety. However, based on the scale of development and likely traffic movements within the development it remains acceptable and represents an attractive landscape area which is dominant within the overall layout.

- 8.16 As part of the Reserved Matters, full details of landscaping as well as any management or maintenance agreements will be required.
- 8.17 In terms of private amenity space, the proposed layout indicates that all appropriate levels of amenity space and garden depths are generally achievable within the layout subject to agreement at Reserved Matters. An existing right of way is also indicated linking the southern extent of the development through an existing public car park. The adjacent extant approval also includes a pedestrian link through connecting the two sites and provides a degree of connectivity and permeability through the proposed development.

Access /Parking

- 8.18 Ballymoney town is the third largest settlement within the Plan area, is recognised within the Regional Development Strategy's Spatial Framework as a Local Hub and is strategically located along the Northern Corridor. Ballymoney acts as an important local service centre providing a wide range of retail, health, educational, community and social services for the town's population and its significant rural hinterland. The subject site is located approximately 200m beyond the extent of the Town Centre as designated within the Northern Area Plan and is located on a main arterial route with regular town transport services available linking with the wider public transport network.
- 8.19 The site is also located within reasonable distance of nearby convenience shops and walking / cycling are practical within this context.
- 8.20 The proposed development is considered to be of appropriate density and character and incorporates in-curtilage car parking serving all proposed dwelling-houses as well as a small number

of apartment units. Additional communal parking is provided including private communal parking serving a number of units.

- 8.21 The Design and Access Statement indicates that the final scheme will incorporate a mix of in-curtilage, shared communal as well as visitor parking spaces. A Transport Assessment form has been submitted and DFI Roads consulted. No objections are raised subject to a site survey at 1:500 (minimum), submitted as part of the reserved matters application showing the accesses to be constructed and other requirements in accordance with the attached form RS1. DFI Roads point out that their consideration is not based on drawing 02 which includes a contextual concept plan in conjunction with the original submission for the adjacent development (which was subsequently amended). This drawing does not form part of the current application consideration.

Design

- 8.22 It is not necessary for proposals to replicate existing design within the site-context, but policy does require that they are sensitive to the character of the area surrounding the site in terms of design scale and the use of materials. As noted above development within the immediate site context varies with a both two storey and single storey dwellings adjacent the subject site as well as the extant permission adjacent which defines the maximum scale. The exact design and materials are consideration of the reserved matters. Annex A of The Addendum to PPS7 (Safeguarding the Character of Established Residential Areas) outlines the minimum internal space standards required for dwellings based on the level of accommodation.

Overlooking / Privacy

- 8.23 In terms of overlooking / impact on privacy, within an urban setting some degree of overlooking is inevitable. The subject site comprises road frontage with existing / approved development on remaining boundaries. Some concerns exist in relation to the potential relationship between the proposed development and a number of properties along Parkview, specifically Nos 6, 8, 12 and 14. Correspondence with the agent reiterates that the application seeks outline permission only and

no details regarding house type design have been submitted. The agent has also confirmed that where specific design concerns exist, these can be addressed at Reserved Matters stage through redesign while remaining in broad conformity with the concept plan. The concept plan indicates that the site is capable of development in general conformity with the layout, subject to confirmation / agreement of those matters to be addressed at Reserved Matters stage. Appropriate separation is achievable and with appropriate design measures will ensure that existing privacy and amenity is protected. Subsequent Reserved matters will also require existing and proposed ground levels as well as finished floor levels to demonstrate a satisfactory form of development to the east, south and a small part of the northern boundary.

Contamination / Land Use

- 8.24 In terms of conflict with adjacent land uses, the site is within a residential area and does not affect any designations or landscape features. As noted above the majority of the site is greenfield with the southern extent part of a brownfield site.
- 8.25 The current application incorporates the submission of a Phase 1 Preliminary Risk Assessment and Phase 2 Generic Quantitative Risk Assessment and Outline Remediation Strategy. NIEA (WMU) Water Management Unit has considered the impacts of the proposal on the water environment and advises that the proposal has the potential to adversely affect the surface water environment due to sewage disposal subject unless agreement is reached with NI Water.
- 8.26 NIEA Regulation Unit note the submission of the Generic Quantitative Risk Assessment (GQRA) which does not identify any unacceptable risks to environmental receptors. Regulation Unit has no objections to the development subject to conditions and informatives as recommended.
- 8.27 NIEA Drinking Water Inspectorate also do not raise any objections subject to adherence with relevant standards / guidance.

Sewerage

- 8.28 NIW has advised that the receiving foul sewerage network has reached capacity and that the public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties. NI Water and the applicant have agreed a downstream engineering solution to mitigate the foul capacity issue and allow connection for this development proposal. This solution is to be fully funded and delivered by the applicant. Both foul sewerage and surface water disposal is available.
- 8.29 The local Environmental Health Department has been consulted in relation to potential issues relating to public health and suitability of the site although it is advised that it will be the responsibility of the applicant and any appointed contractors to ensure and to demonstrate to the relevant regulatory authorities, full compliance with Health and Safety/Waste Management legislative conformance.
- 8.30 No objections have been raised subject to appropriate conditions although EHD do point out that the proposed development is within proximity of existing commercial premises and future occupants may suffer intermittent disturbance and loss of amenity as a result of noise and odours arising from activities associated with commercial premises.
- 8.31 EHD identifies fly tipped materials on site which they advise must be cleared, following appropriate waste classification for removal and disposal at a suitably licensed facility in accordance with relevant waste management legislative conformance. EHD advise that it is the responsibility of the applicant/consultant to ensure that all land contamination risks have been assessed and that the site is made suitable for use as well as adherence to the remediation/validation measures outlined within the supporting documentation.

Flooding / Drainage

- 8.32 A designated culverted watercourse flows along the southern boundary of the site. The Strategic Flood Map (NI) indicates that small areas of the 1% AEP fluvial flood plain are shown within the proposed development. DfI Rivers confirm that the small areas of remote flood plain shown within the proposed development can be ignored as they are modelling discrepancies.
- 8.33 The site is affected by pluvial ponding and under paragraph 6.32 of policy FLD 2 it is essential that a working strip of minimum width 5m is retained. DfI Rivers recommend that the working strip is shown on a site layout drawing and protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition.
- 8.34 A Drainage Assessment has been submitted and reviewed by DfI Rivers in conjunction with the associated schedule 6 consent. DfI Rivers confirms that, while not being responsible for the preparation of the assessment accepts its logic and has no reason to disagree with its conclusions. The DA has demonstrated that the design and construction of a suitable drainage network is feasible.
- 8.35 NIW has agreed additional measures to provide sewerage connection as outline above.

Natural Heritage Issues

- 8.36 The site comprises a large agricultural field and a portion of an adjacent brownfield site. The subject site incorporates little in the way of mature vegetation and has limited habitat value. A Biodiversity Checklist and Preliminary Ecological Assessment has been submitted and NED consulted. NED are content that the ecologist has considered the potential significance of impacts, as a result of the proposal, on protected/priority species and habitats. No NI Priority Habitats were identified within the application site, with the site consisting mostly of semi-improved, neutral type grassland vegetation with encroaching scrub. Sections of boundary vegetation, mainly to the west and north of the site, appear to be required to be

removed to facilitate the development, however this is not evident on plans. NED recommends the submission of a landscaping and planting plan to be submitted at Reserved Matters stage, which must include details of all vegetation works, including the retention of vegetation and compensatory planting, to include species list, made up of a mix of native species.

Representations

- 8.37 One objection to the proposal has been received and raises issues mainly relating to the loss of the existing green space and impact on natural habitat. The objector refers to the site as “green space”. However, the site is generally used for grazing animals, and is not designated as open space but rather is zoned for residential development within the Area Plan. The current proposal is therefore in conformity with the plan and is an appropriate land use for the subject site. The objector refers to the loss of the existing habitat, removal of trees and impact on existing fauna as well as wider environmental targets. Existing vegetation on site is limited and provides very limited habitat value. The current proposal appears to require the loss of a number of semi-mature trees along the site frontage and additional landscaping is proposed. As noted above, NED has been consulted and raise no objection in terms of biodiversity, loss of habitat or impact on flora or fauna. The objector also indicates that development of the site will impact on privacy and character. Subject to appropriate design and layout to be considered at Reserved Matters stage and issues relating to privacy can be satisfactorily addressed. The existing character is described above and is predominantly residential. Development of the subject site is appropriate and will not adversely impact local character.

9 CONCLUSION

- 9.1 The proposed development is acceptable in principle, complies with the local Area Plan and is appropriate in terms of locality, existing character, urban grain and site topography. The site is suitable for the proposed development, does not raise any issues of public health or safety and will not unacceptably impact on amenity. The concept is generally compliant with relevant

policy and guidance outlined above and is considered acceptable subject to details at Reserved Matters stage. Recommend approval.

10 CONDITIONS

<p>1</p>	<p>As required by Section 62 the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Planning Authority within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-</p> <p>i. the expiration of 5 years from the date of this permission; or</p> <p>ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: Time Limit</p>
<p>2</p>	<p>Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called ""the reserved matters""), shall be obtained from the Planning Authority, in writing, before any development is commenced.</p> <p>Reason: To enable the Planning Authority to consider in detail the proposed development of the site.</p>
<p>3</p>	<p>The development hereby permitted shall be in general conformity with drawing No 04 date received 29-DEC-2021 and shall be designed in accordance with the provisions of Planning Policy Statement 7: Quality Residential Environments, (Policy QD1) , Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation and Development Control Advice Note 8: Housing in Existing Urban Areas.</p> <p>Reason: To ensure a quality residential environment.</p>

<p>4</p>	<p>A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the accesses to be constructed and other requirements in accordance with the attached form RS1.</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>
<p>5</p>	<p>The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</p> <p>The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.</p> <p>Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Street (Northern Ireland) Order 1980.</p>
<p>6</p>	<p>A landscaping scheme shall be agreed with the Planning Authority at Reserved Matters stage and shall include a survey of all existing trees and hedgerows on the land, together with details of those to be retained and measures for their protection during the course of development. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate standard or other recognised Codes of Practise. The works shall be carried out during the first available planting season after the occupation of the dwelling. No development activity, including ground preparation or vegetation clearance, shall take place until the Plan has been approved in writing by the Planning Authority.</p> <p>The Plan shall include:</p>

	<p>a) Full details of the proposed retention of mature trees and hedgerows on the site. Details of any necessary vegetation removal must also be provided, with plans showing appropriate levels of native species planting to compensate for the loss of existing mature vegetation, if proposed.;</p> <p>b) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations;</p> <p>c) Planting Schedule to include details of new planting with appropriate numbers of native species of trees/shrub;</p> <p>d) Details of the aftercare of all planting on the site.</p> <p>Reason: To ensure the provision of a high standard of landscape and to protect existing trees and minimise the impact of the proposal on the biodiversity of the site, including protected/priority species.</p>
7	<p>A Management Maintenance Agreement, including management responsibilities in relation to refuse collection and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, (except for trees or other vegetation retained in the public interest) shall be submitted to and approved by the Planning Authority prior to the occupation of the first unit.</p> <p>Reason: To ensure the sustainability of the proposal through its successful establishment and long-term maintenance.</p>
8	<p>No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the Planning Authority.</p> <p>Reason: To ensure the dwellings integrates into the landform.</p>
9	<p>No development shall take place until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.</p>

	Reason: To ensure protection of the aquatic environment.
10	<p>No part of the development hereby approved, shall be commenced until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.</p> <p>Reason: To ensure a practical solution to sewage disposal from this site is possible.</p>
11	<p>No part of the development hereby approved, shall proceed beyond sub-floor construction until the foul sewerage network engineering solution to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water. No part of the development hereby approved shall be occupied until the developer has complied with all the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.</p> <p>Reason: To ensure a practical solution to sewage disposal from this site is possible.</p>
12	<p>If during development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: To protect environmental receptors and ensure the site is suitable for use.</p>
13	<p>After completing the remediation works under the above condition; and prior to occupation of any part of the development, a verification report shall be submitted in writing and agreed with Planning Authority. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance</p>

	<p>available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks.</p> <p>The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: To protect environmental receptors to ensure the site is suitable for the proposed use.</p>
14	<p>The development hereby approved shall not be occupied until the outlined remediation measures as detailed within Report Reference: P2660 Preliminary Risk Assessment and Generic Quantitative Risk Assessment (Dated June 2022) have been fully implemented.</p> <p>Reason: To protect environmental receptors to ensure the site is suitable for the proposed use.</p>
15	<p>Prior to occupation of any part of the development, a verification report shall be submitted for approval by the Planning Authority, demonstrating that remediation works and verification plan have been fully implemented in accordance with Condition 14.</p> <p>Reason: To protect environmental receptors to ensure the site is suitable for the proposed use.</p>
16	<p>On appointment of a contractor, a Construction Environmental Management Plan (CEMP) / Method of Works Statement (MOS) shall be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>
17	<p>At Reserved Matters Stage a scale plan shall be submitted indicating a working strip with a minimum width of 5m in relation to the designated culverted watercourse along the southern boundary of the site. This strip shall be protected</p>

	<p>from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development.</p> <p>Reason: To protect the adjacent watercourse.</p>
18	<p>At Reserved Matters Stage the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.</p> <p>Reason: To safeguard against surface water flood risk.</p>
19	<p>Proposed dwellings and finished levels shall take account of the existing culverted watercourse.</p> <p>Reason: To safeguard against flood risk.</p>
	Informatives
1	This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2	This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3	This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
4	This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5	The purpose of the Conditions 12 and 13 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be

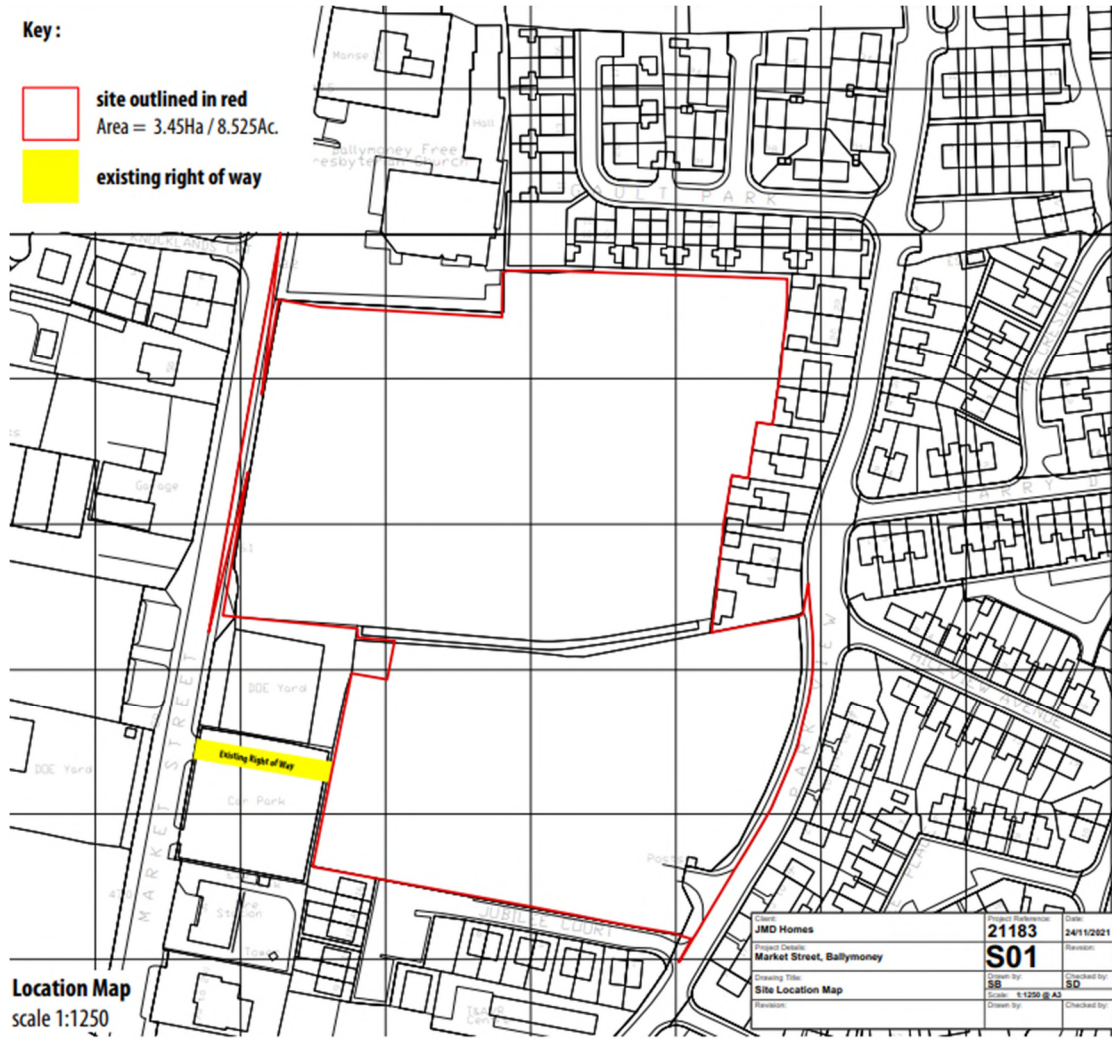
	determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part III of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.
6	The applicant should ensure that the management of all materials onto and off the site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999.
7	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 https://planningregister.planningsystemni.gov.uk/ .

Drawings

01, 04, RS1 & Doc 06

APPENDIX 1

Site location Plan



Appendix 2 Concept Plan

