

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2023/0431/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>22/05/2024</b>
<b>For Decision or For Information</b>	<b>For Decision</b>
<b>To be discussed In Committee YES/NO</b>	<b>NO</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	NO
Capital/Revenue	N/a
Code	N/a
Staffing Costs	N/a

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

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.
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Section 75 Screening	Screening Completed:	No	Date:
	EQIA Required and Completed:	No	Date:
Rural Needs Assessment (RNA)	Screening Completed	No	Date:
	RNA Required and Completed:	No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	No	Date:
	DPIA Required and Completed:	No	Date:

**No:** LA01/2023/0431/F                      **Ward:** Ballymoney North

**App Type:** Full Planning

**Address:** Lands South of Semicock Park, Semicock Avenue and Route Gardens, to North of Greenhill Drive and the Council depot and to West of Knock Road, Ballymoney.

**Proposal:** Erection of 126 No. dwellings (47 No. of which will be social/affordable), creation of new accesses and roadways and other associated and ancillary works. (Amended Plans)

**Con Area:** n/a    **Valid Date:** 17.04.2023

**Listed Building Grade:** n/a    **Target Date:** 13.11.2023

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

**Applicant:** KMBC Properties Ltd. 2 St. Patrick's Street. Draperstown. BT45 7AL

**Objections:** 8                      **Petitions of Objection:** 0

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

## **Executive Summary**

- This is a major application for full permission for residential development comprising 126 dwellings. Pre application notification has been completed and a pre-application community consultation report submitted.
- The site is located within Ballymoney Town and is zoned for housing (designations BYH 26 and 27) as designated in the Northern Area Plan.
- Part of the site is subject to a Provisional Tree Preservation Order.
- The site marginally falls within the 1 in 100 year flood plain.
- An engineering solution to provide the necessary sewerage infrastructure has been identified but requires final agreement with NI Water.
- Supporting documents include Preliminary Ecological Appraisal, Noise Impact assessment, Odour Impact Assessment and Preliminary Risk assessment.
- Consultees have raised no objections subject to proposed conditions.
- 8 Representations have been received relating to Traffic / Road Safety, Flooding / Drainage, Impact on Character, Impact on amenity /privacy, Clarification of plan details. Boundary Details, Noise, Subsidence, Sewage Capacity, Impact on habitat / wildlife.
- 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.

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

## **1 Recommendation**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located within Ballymoney Town, extending between Knock Road to the east and Semicock Road to the west. Residential development exists to the immediate north of the site (Route Gardens / Semicock Ave, Semicock Park) while the southern boundary abuts Ballymoney Cemetery, Knock Road Civic Amenity site and residential development at Greenhill Drive and Semicock Road. The application site extends to approximately 5.04ha and primarily consists of a large agricultural field with access from Knock Road as well as an additional smaller adjoining field to the west, adjacent No 41 Semicock Road. A watercourse extends along the northern boundary, continuing along the boundary between the two existing fields and terminating at a culvert with screen / grille located towards the western boundary and within a small fenced off enclosure. This boundary, in addition to part of the north-western boundary comprise a number of mature trees which are the subject of a Tree Preservation Order (LA01/2024/0001/TPO).
- 2.2 The eastern boundary of the site is defined by a 1m post and wire fence and incorporates a road frontage of approx. 155m along Knock Road. This boundary is set to the rear of the existing public footpath and grass verge which extends to approximately 4.5m in width and incorporates street lighting and several flowering cherry trees. The subject site is set approximately 1m below the level of the public road and comprises agricultural land currently used for grazing cattle. The site is fairly level, rising gently towards the western boundary with the exception of a steeper bank which rises over

a short distance to the rear of Greenhill Drive which is partly elevated above the site. The boundary to rear of these properties is defined by existing timber slatted fencing and a mature hawthorn hedge. The boundary to the adjacent civic amenity site is defined by palisade fencing in conjunction with a number of semi-mature conifer trees along part of this boundary.

- 2.3 The northern boundary comprises a small embankment along the length of the existing watercourse and is primarily defined by a variety of timber fencing to the rear of the adjacent residential properties at Route Gardens and Semicock Avenue / Park which sit approximately 1m higher than the subject site.
- 2.4 The remaining field is similar in levels and topography and does not appear to be in agricultural use. This field is bounded to the north by No 41 Semicock Road and also abuts an existing laneway which serves the field and enclosed culvert / grille. The laneway boundary is defined by several large mature trees which are also subject of the existing TPO.
- 2.5 The surrounding context is predominantly residential although a number of other uses do exist within immediate proximity of the subject site, including the adjacent cemetery and civic amenity site as well as a filling station and church located on the eastern side of Knock Road. The residential character within the locality is mixed with two storey dwellings extending along the opposite side of Knock Road although the residential development abutting the site is almost exclusively single storey or chalet bungalows. The nearest listed building is located approximately 470m from the subject site.
- 2.6 The identified site has not been the subject of previous planning permission and the current application proposes full permission for residential redevelopment comprising 126 units.
- 2.7 The site is located with the Ballymoney Town Settlement Development Limit and is zoned for housing under two separate designations, BYH 26 and BYH 27.
- 2.8 The key site requirements for Designation BYH 26 are:

Development shall be within the range of 15 to 25 dwellings per hectare.

Additional lands will be required to provide an access to this site from a public road.

The development of this site will require substantial improvements to storm water drainage, with consequent potential costs to the developer.

- 2.9 The key site requirements for designation BYH 27 are:  
Development shall be within the range of 15 to 25 dwellings per hectare.  
The access shall be from Knock Road where a right turn facility may be required.  
Development of this site will require substantial improvements to the means of storm water disposal, with consequent potential costs to the developer.  
The hedgerow along the southern boundary shall be retained.

### **3 RELEVANT HISTORY**

LA01/2019/1014/PAN - Residential Development with access via Knock Road and Semicock Road, Ballymoney. Lands at No.41 Semicock Road and lands to south east of 37-49 Semicock Road; west of nos. 1-4 Knock Road; south of Semicock Park Semicock Avenue Route Gardens; and to the north of Greenhill Drive & Ballymoney Cemetery Ballymoney. PAN Accepted.

LA01/2022/1111/PAN - Proposed residential development of c. 113 No. dwellings, associated infrastructure and ancillary works. Lands at Knock Road Ballymoney (to the West of Knock Road North of Greenhill Drive and South of Semicock Avenue Ballymoney). PAN Accepted.

LA01/2024/0001/TPO – Lands at, and adjacent to Nos 39, 41 and 43 Semicock Road Ballymoney. Provisional Order Served

## **4 THE APPLICATION**

- 4.1 The application is a full application described as “Erection of 126 No. dwellings (47 No. of which will be social/affordable), creation of new accesses and roadways and other associated and ancillary works”. 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 received as part of the application provides details of community consultation, policy context, the site and surroundings, planning history, design principles and how issues relating to access and parking are proposed to be dealt with.
- 4.4 The report dated April 2023 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 have any potentially hazardous environmental effects. Therefore it is considered that the

development proposal will not have a significant environmental 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.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 Neighbours: 8 representations were received. The key concerns raised include:

- Traffic / Road Safety
- Flooding / Drainage
- Impact on Character
- Impact on amenity /privacy.
- Clarification of plan details.
- Boundary Details
- Noise
- Subsidence as a result of existing watercourse.
- Sewage Capacity
- Impact on habitat / wildlife.

### Internal

- 5.2 **Historic Environment Division – Historic Monuments Unit :**  
No objection.

**NIEA Natural Environment Division :** No objection.

**NIEA Regulation Unit:** No objection subject to conditions.

**DFI Roads:** No objections subject to conditions.

**NI Water (Multi – Units) –** Remains Outstanding.

**Environmental Health –** No objections subject to conditions.

**DFI Rivers Agency-** No objection subject to conditions.



**NIE** – No objection

**NIHE** – No objection

**Shared Environmental Services** - 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 17-10-2022 and approved 17-11-2022 under LA01/2022/1111/PAN. The applicant advised that they intended to undertake the following forms of consultation:
- Online consultation to commence December 2022 through the provision of the agent's website incorporating project information and contact details.
  - Public event to take place Thursday 8-12-2022 and advertised in a paper local to the development on 28-11-22 (Ballymoney Times).
  - Leaflet drop to take place week commencing 28-11-2022 incorporating those properties within a 100m radius of the application site. Leaflet information will contain details of the public event, website address, details of the project and online feedback form.
  - Dedicated project e-mail address and answerphone service will set up to allow stakeholders to engage.
  - Invitations to view online information issued to elected representatives.
  - Additional social media activity undertaken.

## **Community Consultation Report**

- 5.5 The community consultation report (CCR) was submitted as part of the planning application, received 10<sup>th</sup> April 2023 which is more than 12 weeks after the Proposal of Application Notice was received, as required by 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 Traffic management, amenity, boundary treatments, privacy, extent of social housing provision, design, subsidence, flooding / drainage and impact on existing rights of way. 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

PPS12 – Housing in Settlements

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

DCAN 8 – Housing In Existing Urban Areas

A Planning Strategy for Rural Northern Ireland.

SP18 – Design In Towns And Villages– To promote high standards of siting and design within towns and villages.

DES2- Townscape - To require development proposals in towns and villages to be sensitive to the character of the area.

## **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, amenity, contamination / land use, flooding / drainage, sewage, 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) 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 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.
- 8.7 The proposed site is located within the Ballymoney Town Settlement Development limits and comprises a large area of land extending to just over 5 hectares comprising two adjacent plots. Although not the subject of previous planning permission, both plots are zoned for housing (designations BYH 26 and BYH 27) as defined by the Northern Area Plan 2016. The site is located within an area predominantly residential in character.
- 8.8 A Pre-application Notification (Ref: LA01/2022/1111/PAN) in respect of residential development relating to the entirety of the identified site has been accepted.
- 8.9 The current application relates to full planning permission for residential development on the identified site and includes a site analysis plan and design and access statement which outlines the proposals for the erection of 126 units which equates to just over 25 units per hectare units per hectare.
- 8.10 Designation BYH26 and BYH 27 include a number of key site requirements. These include development within the range of 15-25 units per hectare, satisfactory access arrangements,

improvements to storm water drainage and retention of the southern boundary. The proposed density marginally exceeds the range identified but remains generally acceptable. The southern boundary is retained, and roads, drainage and sewage issues have been addressed. The proposed development is compliant with the Northern Area Plan 2016 and the principle of development is considered acceptable.

- 8.11 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. The response from NIHE indicates that Ballymoney town has a five-year projected new build requirement of 227 social housing units for the period 2022-2027 with 422 applicants on the waiting list as of December 2022 and 261 in housing stress. The current application proposes 47 social / affordable housing units within the scheme (approximately 37%). NIHE supports the current proposal which will help meet the identified social housing requirements within Ballymoney.

### **Planning Policy Statement 7- Quality Residential Environments- Creating Places**

- 8.12 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:
- 8.13 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'*.
- 8.14 The subject site is located towards the northern extent of Ballymoney Town (approximately 240m from the ring road)

extending between Knock Road and Semicock Road. The subject site has no physical relationship with Semicock Road to the west nor does it have any obvious visual relationship due to existing mature trees and built form which screens the site. The site's eastern boundary comprises an extensive road frontage along Knock Road which is dominated by medium to lower density residential development with public footpaths, grass verges and street-trees either side, forming a strong suburban character. As a result, the subject site exhibits a strong visual relationship with Knock Road.

- 8.15 Residential development along Knock Road comprises a variety of architectural styles and materials consisting of groups of two storey and single storey dwellings on both sides of the road. Berryfields Park is located directly opposite the subject site and comprises a development of mainly two storey detached dwellings finished in red facing brick with a number facing / extending along Knock Road.
- 8.16 Surrounding development immediately bounding the site comprises almost exclusively single storey and chalet bungalow properties although Greenhill Drive forms part of a larger development which includes two storey properties. Dwellings within adjoining developments are generally finished in either dash or smooth render with some brick detailing. Finishes vary more widely within the site context, including dash, smooth render, red facing brick and grey facing brick.
- 8.17 The proposed development comprises 126 proposed dwellings, 47 of which will be social / affordable. The site incorporates two separate access points taken from either end of the site frontage along Knock Road. The northern access serves units 1-79 which are identified as private housing while the southern access point serves units 80-125 which are identified as social housing. A pedestrian access is proposed to link the two.
- 8.18 The roadside frontage of the proposed development consists of 7 detached dwellings, 6 of which are orientated facing the public road, served by a private drive taken from the main access road and running parallel to Knock Road (Units 74-79). These plots are set slightly below the level of the public road, reflecting the existing site topography and include detached two storey and chalet bungalow dwellings with a variety of finishes, including

smooth render and red facing-brick. Density levels are lower within this part of the proposed development and dwelling footprints and plot sizes are comparable to the surrounding context. The proposed units in combination with the grass verge and retained street trees, form a strong roadside frontage and streetscape appropriate to the locality and reflective of the existing suburban character.

- 8.19 In addition, three of the properties along the site frontage consist of dual frontage, two storey individual house types which reflects their position on corner sites adjacent proposed access roads. The result is the provision of key buildings to appropriately define site entrances to the development.
- 8.20 The northern boundary is extensive, comprising lands to the immediate rear of Route Gardens, Semicock Avenue, Semicock Park as well as adjacent No 41 Semicock Road. Route Gardens incorporates a fairly recent development of detached single storey dwellings set perpendicular to the site boundary. The finished floor levels of these dwellings are set over 0.5m higher than proposed dwellings, reflecting the difference in site levels. The properties at Semicock Park and Drive consist of older, single storey, detached and semi-detached dwellings which generally back onto the subject site at varying angles. The subject site comprises a watercourse along the entire length of the northern boundary as far as No 15 Semicock Park. The watercourse incorporates a raised bank adjacent the existing properties and remains unaltered. Several adjacent dwellings incorporate boundary fences and walls as well as short area of boundary planting.
- 8.21 Proposed development along this northern boundary generally follows the outline of the site which is mirrored in the layout of the main access road. Density levels are comparable to existing development and generally creates a back-to-back arrangement with sufficient back garden depth providing separation to existing dwellings. Existing boundary hedgerows remain. Sites 1- 12 are all detached, comprising a variety of single storey and two storey dwellings fronting the access road which are set on good sized plots with in-curtilage car parking and small front gardens. Sites 13-26 are similar in plot size, arrangement and orientation with the addition of a number of semi-detached dwellings.



- 8.22 The extent of development along the northern boundary effectively creates an extensive “street” with public footpath either side as far as unit 24. While such a layout could appear visually stagnant, this is offset to a significant degree by the alignment of the access road which prevents an unimpeded view. Additionally, the variety of dwelling types within this part of the site as well as the more eclectic arrangement proposed opposite provides significant contrast between the two.
- 8.23 Units 25-27 form part of a Mews Court with different road surface treatment and reduced footpath. The plot arrangements and dwelling types remain similar to units 1-24 with a reduced back garden depth at 27 to incorporate the existing mature trees adjacent which form part of the preliminary TPO.
- 8.24 Units 28-39 comprises a small cul-de-sac located within the tapering western extent of the site comprising 12 units. This part of the site is affected by the existing watercourse which is currently culverted towards the western site boundary. Additional culverting is proposed over this part of the subject site to facilitate the development with retention of the open watercourse and culvert grill within an area of open space which is sectioned off from the remainder of the development. In addition, a number of trees exist within this part of the site which are subject to a preliminary TPO. Excepting a small number of poorer quality trees which are not considered fundamental to the TPO, the remainder are retained within the scheme.
- 8.25 The layout of units 28-39 includes 8 units set perpendicular to the existing dwelling at No 41 Semicock Road. Unit 36 comprises a larger dwelling set at an angle to the proposed private driveway with a tapering plot. The remaining three units incorporate small front gardens, in-curtilage parking and back onto south-western boundary. They are removed from existing dwellings and front directly onto the private drive. Although the proposed arrangement is not reflective of the existing urban grain along Semicock Road, the limited relationship with the public road and significant level of screening means that it remains acceptable. The existing dwelling at No 41 is two storey and incorporates a blank gable. Rear garden depths incorporated within the layout provide a sufficient degree of separation and density levels are considered acceptable.

8.26 Units 40-49 consist of 4 pairs of semi-detached dwellings (8) and two detached dwellings. These properties are all two-storey with the exception of site 49 and are similar in arrangement to much of the development along the northern boundary. All properties present to the proposed access road and back onto the existing development at Greenhill Drive. This adjacent development consists of single storey detached and semi-detached dwellings some of which comprise shallow rear gardens. Although adjacent properties are all single storey, Greenhill Drive forms part of a larger development which incorporates two storey dwellings. Several of the adjacent properties are set at a much higher level than the subject site (evident by the rising embankment over the adjacent part of the subject site) with mature native species hedgerow extending along the majority of the party boundary. The proposed finished floor levels remain just over 1.5m below that of neighbouring dwellings taking account of existing topography and the submission indicates that retaining structures are not necessary along this boundary.

8.27 Units 50-57 comprise 8 detached two storey dwellings centred on an area of open space and orientated perpendicular to the dwellings at Greenhill Drive which are elevated above the site. The proposed area of open space provides an attractive outlook serving these dwellings and the rear of part of Greenhill Drive as well as a visual break along the main access road. Units 50 and 57 are dual frontage, reflecting their corner site position and provide a suitable elevation towards the main access road. This element of the proposed layout is fairly centrally located within the overall site and is limited in terms of its relationship with surrounding development or public views. The dwellings comprise fairly extensive rear gardens to provide suitable separation and are appropriate in character.

8.28 Units 58 and 60 front directly onto the main access road and are comprise two storey buildings with in-curtilage car parking. Unit 58 appears is also bounded by the adjacent pedestrian access linking through the development to provide connectivity between both access roads / parts of the development and permeability through the site and access to the areas of public open space. Site 58 includes a detached garage forward of the building line towards the main access road which could appear

inappropriate within the streetscape but is well screened behind a proposed native species hedgerow.

8.29 Units 61 – 73 comprise a variety of dwelling types including chalet bungalow centred on a large area of public open space adjacent the main access road and accessed via a Mews Court. The area of open space provides an attractive outlook to dwellings opposite and within the Mews Court and also serves to significantly soften the uniformity of dwellings along the northern boundary and impact from hard standing / car parking. Units 61-73 generally front onto the Mews Court which forms part of the adopted roadway and provides a more secluded area within the overall development unlikely to attract through-traffic. Units 63-66 are unusually accessed from an additional shared private driveway taken from the adopted roadway with circular turning area. As this acts as a private driveway a bin drop off point is provided adjacent either side of the private drive and screened from adjoining dwellings with a low wall.

8.30 The remainder of the development (units 80 -126) comprises the social housing element which is accessed separately from the southern extent of the site frontage and incorporates a variety of detached and semi-detached dwellings and apartments. The access road falls slightly from the main road and includes a large area of open space with bespoke play area along the entirety of the southern boundary abutting the adjacent civic amenity site. This serves to provide an attractive entrance to this part of the development and outlook for many of the dwellings and apartments as well as provide a buffer to the adjacent site which may create some degree of noise and odour disturbance. The location of the open space also provides a much lower density character within this part of the development which incorporates a degree of public roadside frontage and aspect. This is sustained by the positioning of communal car parking located to the rear of the apartments, further limiting the impact of hard-standing visible within the streetscape. Dwelling / apartment types are comparable in scale, form and finishes with dwellings within the locality.

8.31 The remainder of this part of the development abuts the adjacent cemetery along part of the southern boundary and comprises a higher density form of development characterised by small semi-detached dwellings and apartment blocks which

are two-storey with considerable areas of hard-standing to provide car parking along the property frontages. The visual impact is broken up to some degree by small pockets of landscaping within front gardens which also serve to provide areas of defensible space. Although higher in density than much of the proposed development and surrounding character, it comprises a small percentage of the overall development with limited public aspect. Development along the site boundary mainly comprises two storey semi-detached dwellings with rear garden depths of approximately 10m backing onto the adjacent cemetery with significant planting along the boundary. The most extensive areas of hard standing are internalised within a small extent of the site with limited views either externally or from elsewhere within the site.

- 8.32 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.
- 8.33 The application consists of a large development scheme extending to approximately 5 hectares incorporating varying levels of density, dwelling types and plot size interspersed with a number of areas of public open space. The proposed layout takes a cohesive approach while also creating a number of smaller distinctive areas within the scheme. The proposed development is compliant with the area plan and key site requirements and incorporates existing boundaries and also takes account of those trees protected by the provisional TPO. The development 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.
- 8.34 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'.

- 8.35 The site is not within the designated Ballymoney Area of Archaeological Potential and is substantially removed from any listed buildings the nearest being approximately 470m away. The site does lie within the consultation area of an identified archaeological site (pauper burial ground) and on this basis Historic Environment Division (HMU) has been consulted.
- 8.36 HED (Historic Monuments) has considered the impacts of the proposal and is content that it satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.
- 8.37 The site incorporates a number of existing mature hedgerows and trees along the identified site boundaries as well as individual trees within the site and street trees along the roadside verge.
- 8.38 Much of the existing mature vegetation form the common boundaries between the subject site and adjacent development. A single, mature deciduous tree exists fairly centrally within the site while a copse of mature trees within the north-western extent of the site and along the adjacent boundaries are the subject of a Provisional Tree Preservation Order (LA01/2024/0001/TPO). While a small number of the poorer quality trees may require removal, the proposed scheme generally incorporates the retention of any trees which lie within the development site and are the subject of the TPO.
- 8.39 As part of the application the agent has provided a supporting document (email of 8th April 2024), regarding the Provisional TPO on site and outlining how the development retains the trees and does not impact on the designation. It is also noted that the Landscape layout drawing, also includes details of Tree Protection including location of protective fencing.
- 8.40 It is considered that the proposed design has incorporated trees as a fundamental part of the scheme, with care taken to limit any impact of development on retained trees. Root Protection Areas are indicated, with Tree Protection details provided. It has therefore been demonstrated the existing trees on site are

sufficiently incorporated within the design, ensuring that the character and visual amenity of the site is maintained. The level of retained trees on site along with proposed landscaping will keep the treed character and attractive local landscape setting on site.

- 8.41 The submitted Landscape Proposals Plan and Boundary Treatment Plans indicate existing boundary planting which is to be retained within the scheme and augmented including the existing mature hedging adjacent Greenhill Drive and a number of the existing cherry trees along the site frontage.
- 8.42 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'.
- 8.43 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.
- 8.44 A normal expectation will be at least 10% of the total site area: The current site area extends to approximately 5ha. The extent of proposed public amenity space provided within the site comprises approximately 0.6 ha made up of 4 distinct areas positioned throughout the site. The extent of public amenity space provided within the development is considered acceptable.
- 8.45 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.

- 8.46 Proposed areas of public space are located throughout the site which not only softens the visual impact within the development but also creates a more attractive outlook and ensures all residents have reasonable access to practical areas of public open space.
- 8.47 The layout comprises four main areas. The largest is located along the southern boundary and while this primarily serves the defined social housing units, a formalised pedestrian link is provided to create permeability within the development. This area is extensive and dominates the southern extent of the site, providing a large, landscaped, recreational area and play park serving the development which is publicly supervised by surrounding properties overlooking the area.
- 8.48 The second area is located opposite plots 6-8 and primarily functions as a village green providing a large, practical area between the Mews Court and main access road. This area enhances the visual character of the development and provides an attractive outlook for a number of properties as well as creating a practical amenity area which also serves as a nodal point within the development.
- 8.49 The third main area of public open space is located at units 50-57 and incorporates retention of the existing mature tree on site within this landscaped area. Although it creates a distinctive sense of place relating primarily to the surrounding dwellings, it also creates an attractive outlook for dwellings opposite as well as softens the visual impact within the development, extending both along the access road and boundary adjacent Greenhill Drive. Again, this area is practical, providing public seating, pathway and landscaped areas.
- 8.50 The smallest area of proposed public open space is located towards the north-western corner of the site and primarily

serves those dwellings which form the cul-de-sac. Although smaller in totality and divided by the access road, this area serves important functions. Firstly, it ensures retention and protection of those trees which are the subject of the TPO, secondly it provides an attractive, leafy aspect on approach thirdly it provides a practical area of open space localised to the surrounding dwellings and fourthly it defines the extent of the cul-de-sac creating a very distinctive area and sense of place within the larger development.

- 8.51 Additional planting is proposed throughout the development to create a more attractive environment, augment site boundaries, provide privacy and define specific areas. Additional planting is provided within all areas of proposed open space including that along the site frontage. Although this retains the suburban character and plays an important role in softening the development, it's practicality as an area of public open space is limited due to its narrow form and setting along the site frontage and primarily represents an area of residual space which forms part of the development setting.
- 8.52 While most rear gardens are defined by separating boundary fences, additional rear boundary planting is proposed for those developments internally within the site. Additional boundary planting is also proposed along the front of many of the proposed plots as well as between front garden areas, particularly along the site frontage and along the main access road.
- 8.53 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.



- 8.54 The development comprises a wide variety of private garden sizes and depths the majority of which are practical in terms of plot size and shape and meet the necessary standards. Some issues do exist more awkward shaped gardens although they too, generally provide a good level of private amenity.
- 8.55 On entering the site at the northern access, units 1-26 incorporate fairly good plot sizes incorporating 3/4 bedroom family dwellings. These units generally incorporate 10m back garden depths (site 1 falls slightly below this) and all include good levels of private amenity to the rear with small front gardens and in-curtilage car parking. Plot 11 is slightly awkward with the plot boundary tapering in close proximity to the dwelling, but overall amenity provision is good and provides a reasonable degree of privacy. Plot 27 incorporates a narrower garden depth at approximately 8m but is well screened by existing planting and due to the linear form of the dwelling incorporates a wider plot which provides a good level of amenity space.
- 8.56 Units 28-36 all incorporate good levels of private amenity as well as small areas of defensible space to the front of each dwelling. Units 37-38 incorporate slightly more awkward rear gardens which taper due to the adjacent culvert but remain acceptable. The amenity space and back garden depth serving unit 39 is quite poor with limited amenity space behind the building line. However, it exceeds the minimum requirement and is unusual in its limitations within the overall scheme.
- 8.57 Sites 40-49 back on to Greenhill Drive which is elevated above the subject site. These plots incorporate back garden depths of approximately 10m providing a suitable distance between party boundaries and neighbouring properties and provide a suitable level of private amenity space.
- 8.58 Units 50-57 are orientated perpendicular to the southern site boundary with three of the plots backing on to the site of plot 49. Back garden depths and overall plot sizes exceed the average requirement. Units 53-57 back onto proposed social housing to the rear with a back-to-back arrangement. Dwellings on plots 52 and 53 are positioned in closer proximity to existing development at Greenhill Drive due to orientation with side

gardens proposed between the dwellings and the existing boundary.

- 8.59 Units 58 and 59 comprise a slightly more awkward relationship with surrounding development but are generally acceptable in terms of private open space. The remainder of the private housing units from plots 60-73 are also generally acceptable with only unit 73 comprising a contrived arrangement with proposed car parking spaces to the rear impacting on the practicality and overall area proposed. However, the main area proposed to the immediate rear of the dwelling meets the necessary minimum standards and again such an arrangement is unusual within the overall development.
- 8.60 In terms of the social housing units, the proposed dwellings all incorporate reasonable levels of private amenity space relative to the extent of accommodation proposed (a number of these units are smaller, 2-bedroom properties). While some incorporate slightly reduced back garden depths, the extent of amenity space provide for each dwelling remains within acceptable parameters and generally provides a good degree of choice, ranging from the lower end of the spectrum to considerably above the recommended average.
- 8.61 In terms of proposed apartment development, these all include small front / rear garden areas serving the ground floor apartments providing areas of defensible space. Separate communal amenity space is provided serving as the primary amenity areas for residents. Due to the use of apartment blocks and the proposed arrangement, the units served by each communal area is not clearly defined. However, the multiple communal amenity areas are sufficiently positioned to provide reasonable access for all residents and comprise practical areas of a size which provide adequate private amenity areas.
- 8.62 Part (d): 'adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development'.
- 8.63 For residential development of 100 units or more an equipped children's play area will be required as an integral part of the development: The proposal incorporates a play area extending to approximately 110sqm incorporating climbing play

equipment, seating, and sensory planting. The positioning of the playpark towards the south-eastern corner of the site remote from much of the development does raise some concerns in terms of accessibility although it is located within a wider area of open space providing an extensive buffer between it and the access road. The play area is enclosed with 1200mm bow top railings to enhance safety.

- 8.64 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’.
- 8.65 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 site is located on the fringes of Ballymoney Town approximately 525m from the designated town centre and the site is considered to be within reasonable walking distance of shops and services. The movement pattern supports walking and cycling with permeability through the site and linkages to public transport facilities. The development incorporates bespoke accommodation for wheelchair users and includes both in-curtilage and designated disabled parking spaces where appropriate.
- 8.66 In terms of traffic calming measures, a transport survey incorporating trip generation analysis (TRICS) has been submitted which indicates that the public road network can satisfactorily accommodate the additional vehicular traffic associated with the development. No additional traffic calming measures are considered necessary and as the proposal incorporates two separate accesses, a right-hand turning lane is not considered necessary as part of the scheme.
- 8.67 DFI Roads has no objections to the proposed access arrangements to the subject site or internally. PSD drawings

have been submitted in relation to those roadways to be publicly adopted.

- 8.68 Part (f): ‘adequate and appropriate provision is made for parking’.
- 8.69 Provision is made within the site for residential and visitor car parking. The majority of residential parking is in-curtilage with private dwellings incorporating a minimum of two parking spaces. The level of car parking provision for some of the social housing units does raise a degree of concern. Plots 115-118 are served by single car parking spaces while a number of private units would appear to have an over-provision. Car parking cannot be calculated simply as an overarching figure but must be provided in a manner which provides accessible parking facilities throughout the development.
- 8.70 While there is some evidence that car-ownership among social housing residents is lower than private housing, there is no policy provision for accepting a lesser parking provision within social housing schemes. However, car parking limitations within the development relate to a small number of proposed units and for the most part social housing units are well served and include additional on-street visitor parking spaces within close proximity of all units. Proposed apartments are served by private driveways with sufficient communal parking space allocation to the rear or each block which includes allocated disabled spaces. Overall, the relevant parking standards are met and the parking provision within the overall development is acceptable.
- 8.71 Part (g): ‘the design of the development draws upon the best local traditions of form, materials and detailing’.
- 8.72 The design of the proposed 126 units comprises a variety of house types and finishes include detached, semi-detached and apartments. A number of dwellings include handed versions as well as both smooth render and red facing brick options. The surrounding character comprises a fairly eclectic mix of dwelling types, in terms of scale, architectural styles and finishes. Many of the dwellings adjacent are single storey with a greater concentration of two storey dwellings opposite the site.

- 8.73 The submitted Design and Access Statement outlines that the building form and materials reflect the local character and draws upon the form, materials and detailing of previously approved phases of residential development in the area. The proposed development incorporates a variety of dwelling types which are reflective of the surrounding character.
- 8.74 The proposed dwellings are mainly two-storey interspersed with single storey and chalet bungalow dwellings, a small number of which comprise bespoke wheelchair access and layout.
- 8.75 Dwellings are generally fairly simple in form and suburban in character, mainly incorporating pitched roof gables with various two storey front and rear projections as well as single storey front porches, pitched dormers and a small number of mono-pitch gable projections. A number of semi-detached properties (HT D) are two storey with hipped roof which is reflective of their narrow frontages.
- 8.76 A number of chalet bungalows (HTA, HTG) are dispersed throughout the development including along the site frontage and obviously incorporate larger footprints and plots.
- 8.77 A number of the social housing units comprise (HTZ1) semi-detached, narrow gable fronted properties which are smaller in footprint with no additional projections.
- 8.78 A number of corner sites comprise bespoke, dual frontage properties (M2, C1, A1), which are reflective of their position within the development to present an appropriate elevation to both public aspects and also create nodal points within the development.
- 8.79 Apartment blocks are two storeys with small projections to either end giving the appearance of a pair of semi-detached dwellings which is more reflective of the surrounding character. The small number of wheelchair accessible properties within the proposed social housing are generally simple in form and comprise a number of specific accommodation requirements which differs from the remainder of the development.
- 8.80 Finishes include a variety of brown facing brick (the specific colour has not been identified) as well as white smooth render

(with different options presented for several proposed dwelling types). Several of the larger dwellings and those on corner plots also include some architectural detailing and mid height banding which serves to identify key sites within the development and provide contrast to some of the simpler facing brick finishes. Roof finishes are black, non-profiled tiles with upvc windows, black upvc rainwater goods and composite doors.

- 8.81 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 and wider site context varies significantly with a both two storey and single storey dwellings in proximity to the subject site. 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.
- 8.82 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.
- 8.83 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'.
- 8.84 The site is located within a predominantly residential area with existing residential properties adjacent the northern boundary, western boundary and a large part of the southern boundary. The remainder of this boundary abuts the adjacent cemetery and civic amenity sites.
- 8.85 Design Guide "Creating Places" states that on green field sites good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable although consideration can be given to smaller distances. Creating Places also states that

where the proposed development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking with a minimum of around 10m between the rear of new houses and the common boundary.

- 8.86 Existing residential properties along the northern boundary comprises three adjoining developments. Route gardens consists of detached single storey dwellings generally positioned gable to the subject site and set approximately 1.5m higher due to a difference in existing ground levels. Semicock Avenue and Semicock Drive form part of a larger comprehensive development comprising older single storey and chalet bungalow properties set at various angles and distances from the common boundary and also remain slightly elevated above the site. A number of these properties incorporate rear boundary retaining walls as a result. The existing watercourse extends along this boundary.
- 8.87 On entering the subject site, sites 1 -3 along the northern boundary comprise two storey properties backing onto the gable of Route Meadows. Although two-storey, these proposed dwellings are generally designed to incorporated limited first floor, rear elevation windows which primarily serve bathrooms and hallways. As the properties at Route Meadows are single storey and the separation distance to existing dwellings is at least 20m, there is limited potential for direct overlooking even considering the difference in levels and existing 1.8m boundary fencing. Cross sections have been provided which indicate that finished ridge heights of proposed dwellings extend to approximately 1.7m above those at Route Meadows and given the separation distance there is limited impact as a result of overshadowing and the proposed dwellings will not appear overly dominant.
- 8.88 The remainder of proposed development along the northern boundary comprises both single storey and two storey properties which, in itself reduces any potential impact on surrounding properties. Dwellings within Semicock Avenue and Semicock Drive are positioned at various angles and distances to the common boundary. However, in all cases a minimum separation distance of 20m is maintained and given the fact that existing dwellings are generally single storey / chalet bungalow

there is limited potential for direct overlooking or significant overlooking of rear amenity spaces. Cross sections at Plot 8 indicate HTA which is a chalet bungalow dwelling which extends 0.2m above the ridge height of the existing neighbouring dwelling. Cross sections are also provided at plot 15 which also comprises a chalet bungalow. The adjacent dwelling on Plot 16 is two-storey but again separation distances remain acceptable with a fairly oblique relationship with the orientation of a number of existing dwellings.

- 8.89 Cross section D indicates the relationship between dwellings at Semicock Park and the proposed two storey, hipped roof dwellings (HTD) at plots 19-24. Taking account of the existing difference in ground levels the proposed dwellings are approximately 3m above the ridge level of existing dwellings with a separation distance of 23m. The impact on existing privacy is limited and again, although the proposed dwellings are immediately south of existing development, overshadowing is not likely to be a significant issue.
- 8.90 No 41 Semicock Road comprises a large, detached dwelling immediately adjacent the north-western extent of the proposed development and sits at a comparable level to the subject site. This property is two-storey with a blank gable but is located approximately 4m from the common boundary. The proposed dwellings along this boundary are two-storey with rear first floor facing windows. These dwellings are unlikely to impact in terms of direct overlooking between opposing windows due to the relative perpendicular orientation but will likely create some overlooking to the existing rear amenity which currently does not exist. Some degree of overlooking within an urban context is generally unavoidable and given the proposed garden depths and proposed boundary planting, it would seem feasible that the amenity area to the rear of No 41 can be suitably protected from an unacceptable impact on privacy.
- 8.91 The rear amenity areas of No 37 and 39 Semicock Road do not directly abut the subject site but are in close proximity. Extensive mature trees which form part of the provisional TPO exist between the subject site and these properties and their privacy is not likely to be impacted.



- 8.92 No 16A Greenhill Drive comprises an unusual arrangement which appears at odds to the urban grain formed by the remainder of this development and appears as an awkwardly positioned dwelling immediately adjacent the subject site with a contrived access arrangement between Nos 16 and 18. This existing dwelling comprises a chalet bungalow with gable first floor windows. Plot 40 which comprises a two-storey dwelling with rear elevation first floor windows (HTB) is positioned in closest proximity but includes a 10m back garden depth and is not positioned back-to-back. As a result, views between existing and proposed first floor windows are very oblique and the likely of significant impact on privacy is acceptable given the existing mature party boundary and position of the existing detached garage at No 16A.
- 8.93 The remainder of existing development which abuts the subject site extends as far as No 32 Greenhill Drive. Again, these properties are either single storey or chalet bungalows and are elevated above the subject site. Cross sections along this boundary indicate varying difference in levels between existing and proposed dwellings ranging from approximately 0.7m to approximately 3.5m. Where the difference in levels is less pronounced the separation distance between existing and proposed dwellings is considerable extending to over 28m in some instances and therefore the impact on these properties from proposed development is limited.
- 8.94 Sites 52 and 53 are located in much closer proximity to the common boundary but are orientation perpendicular to existing dwellings. Only site 52 incorporates a two-storey dwelling (HTF) with only bathroom windows on the relevant facing elevation. In addition to the pronounced difference in levels, the lack of facing first floor bedroom windows and the extent of existing vegetation means that the limited separation distance is acceptable. Site 53 comprises a chalet bungalow and set considerably below the level of the existing dwelling and will not impact.
- 8.95 Given the existing vegetation along the common boundary, which is proposed to be augmented, as well as the difference in levels and existing dwelling types, the proposed development is not likely to significantly impact on existing development at Greenhill Drive either in terms of privacy or overshadowing.

- 8.96 The remainder of the southern site boundary abuts the adjacent cemetery and civic amenity site. The cemetery is elevated above the subject site and continues to rise gently away from the common boundary which is defined by mature native species hedgerow. The civic amenity site is at a comparable level to the subject site with the boundary defined by palisade fencing and mature conifers. As a result of topography and proximity, any potential impact would likely be in relation to the proposed development as a result of contamination, noise and odour.
- 8.97 Refuse collection areas are included within the development as well as enclosed communal bin stores serving proposed apartment development. Communal bin collection areas are demarcated and separated from private amenity areas. Due to the short period of use these are unlikely to cause any significant impact on adjacent residential properties. Communal bin stores comprise small bespoke storage buildings finished similarly to the apartments. These provide acceptable communal access and although in some cases they are in proximity to neighbouring dwellings, the high quality of these stores will serve to significantly reduce noise and odour.
- 8.98 In support of the application, several additional reports have been submitted including a Preliminary Risk Assessment, an Odour Impact Assessment and a Noise Impact Assessment. Consultation has been carried out with the local Environmental Health Department (EHD) and NIEA (Regulation Unit).
- 8.99 The PRA indicates that there are no current or historical sources of contamination present on the site itself, apart from the presence of a limited area of peat deposits along the southeastern site boundary, which is not considered to pose a significant risk to the proposed housing development.
- 8.100 Ballymoney Cemetery and a household recycling centre are located upgradient and immediately adjacent to the southern site boundary and is identified as posing a potential risk to the site through the lateral migration of contaminants via shallow groundwater. However, ultimately these off-site potential sources of contamination are not considered to pose a

significant risk to the proposed development or on-site surface watercourse given the limited amounts of groundwater expected to be present beneath the site and the clayey nature of the glacial subsoils. In summary, this PRA classifies the identified potential contaminant linkages as very low to low risk based on the data available and the site is considered suitable for its proposed residential end use.

8.101 ADMS air dispersion modelling was undertaken using odour emission values based on published odour concentrations for similar facilities, and adopted emissions rates based on MSW facilities for the bin lorry depot and recycling skip area. The odour emission factors were calculated and the maximum 98th percentile level odour concentrations were predicted for all of the closest residential receptor locations. The results demonstrated that the most significant odour concentrations are primarily confined to the immediate vicinity of the recycling centre skip area, and also the council depot lorry storage area. The statistical results of the 98th percentile 1-Hr maximum odour concentrations for all receptors were found to be significantly below the recommended threshold levels of 1.5 ouE/m<sup>3</sup>, as recommended within the Horizontal H4 guidance criteria. The highest modelled odour concentration for any residential dwelling was predicted to be 0.60 ouE/m<sup>3</sup> at location R6 for the 2021 MET data, which is 0.9 ouE/m<sup>3</sup> less than the H4 guidance level. In addition, no exceedances in the odour threshold level were predicted within the external amenity areas of the site. In summary the report concludes that the predicted odour impact associated with the proposed residential development is anticipated to be low and no further mitigation measures have been recommended.

8.102 Baseline noise measurements were recorded on 29th March and 3rd – 5th April 2023, and the results were used to calculate any potential noise impact on the proposed residential units. In relation to road traffic noise, the monitoring results were also compared against the recommended noise criteria outlined in ProPG2017 and BS8233:2014 standards, and the results demonstrated that internal noise levels would require appropriate mitigation. Based on the baseline noise survey results, this assessment recommends the installation of suitably rated windows which meet a sound reduction value of 25dB Rw. In addition, it is also recommended to install an alternative

means of ventilation such as mechanical ventilation, or similar. Using an alternative means of primary ventilation thus negates the necessity to open windows.

- 8.103 The predicted noise levels at each receptor location were compared against the existing background levels, and the degree of impact was determined thereafter. The results demonstrate that predicted noise levels solely attributable to the civic recycling centre and council depot are below the existing background levels at each of the closest proposed residential units. Noise impact is anticipated to be low and as such, no further mitigation measures have been proposed.
- 8.104 EHD has raised no objection to odour and no objections to the issue of noise subject to conditions. In terms of contamination EHD and NIEA Regulation Unit have no objections subject to proposed conditions.
- 8.105 The site includes part of a river culvert and grille which is enclosed within a fenced off area within the north-western extent of the site. This culvert is subject to routine maintenance and inspection in relation to blockages and is accessed from a laneway which abuts the site, taken from Semicock Road. This area remains within a proposed maintenance strip and is separated from the surrounding development and adjacent amenity space by a boundary planting. As the culvert is already enclosed within a 1.8m slatted fence and gate there are no additional safety issues.
- 8.106 Both surface water and foul sewage are indicated as being disposed of to the mains sewer. NIW (multi-units west) indicates that while there is available capacity at the relevant Waste Water Treatment Works the downstream catchment is constrained by overloaded sewage infrastructure including one or more downstream Unsatisfactory Intermittent Discharges (UID's) which are causing a negative impact on the environment. For this reason, NI Water is recommending connections to the public water supply network are curtailed and recommend refusal. The applicant will need to apply to NI Water for a Water Impact Assessment. NI Water will assess the proposal to see if any mitigating measures are required to allow for connection. Subject to successful outcome and subject to re-consultation, NI Water may reconsider its recommendation.

- 8.107 In support of the application, a Solution Engineer Report undertaken by NIW has been provided. This states that development at this location is restricted at present by pipe capacity issues downstream of the proposed site. The options proposed take account of the network capacity issues limiting new connections to the NIW wastewater network at this location. The report sets out high level details on the various options and recommendations for next steps for the developer.
- 8.108 Once the preferred option has been confirmed as viable and the necessary details provided, NIW has confirmed they will work with the developer to agree the concept, including any potential changes undertaken to provide consent for any storm discharge proposed to the NIW network and provide guidance on delivery of the scheme.
- 8.109 The agent has confirmed that the WWIA process with NI Water is on-going and a viable solution has been identified, as per the Solution Engineers Report dated November 2022. This report is noted as identifying a feasible stormwater off-setting solution that is acceptable to the applicant. On this basis the applicant suggests that while discussions are on-going regarding the detail design of a solution, the imposition of appropriate conditions would address this issue as part of any subsequent planning permission requiring the necessary agreements to be in place with NIW prior to the commencement of any development on site. Such a condition or conditions would appear sufficient to address this outstanding issue on the basis that it would be incumbent on the developer to resolve this issue to the satisfaction of NIW prior to any works.
- 8.110 NIEA (Water Management Unit) has confirmed that if NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal. NIEA (Water Management Unit) recommends that no development should take place on-site until the method of effluent disposal has been agreed in writing with Northern Ireland Water (NIW) or consent to discharge has been granted.

8.111 Part (i): 'the development is designed to deter crime and promote personal safety'.

8.112 The proposed pedestrian link between the two access roads provides permeability through the site and access to more remote areas of open space within the development. In terms of safety the path extends over a short distance, is enclosed within a low wall, with only a small, landscaped strip to one side and is well supervised by surrounding properties. The pedestrian link is designed to promote personal safety and prevent the potential for congregating or anti-social behaviour.

8.113 Areas of public open space are well dispersed throughout the development providing accessible amenity to all residents. Inevitably children are the most frequent users of these areas, and their proximity prevents younger children travelling some distance or crossing several roads to access an area of open space. All areas of open space including seating areas and are otherwise subject to good levels of public supervision from surrounding properties.

8.114 While ideally the play area would be more centrally located, this is off set by the fact that it is set within a larger area of open space which is enclosed on three sides with internalised footpath providing a safe, open approach. Footpaths are provided throughout the development and good quality fencing used to enclose the playpark from the road network.

### **Flooding / Drainage**

8.115 Initial assessment of site constraints indicated that the site is partially affected by both pluvial ponding (surface water) and fluvial flooding resulting from the designated watercourse along the northern site boundary.

8.116 In support of the application, a Flood Report has been submitted. The FRA shows that the red line boundary of the site is within the 1 in 100 year fluvial flood plain. However, no built development, including private gardens, is proposed within the 1% AEP present day flood fluvial extent (1 in 100 year fluvial flood plain). Dwellings located adjacent to the watercourse are

to be provided with a freeboard of +750mm to be added to finish floor levels. The Flood Report indicates that finished ground levels should be designed so that ground falls away from dwellings.

- 8.117 Where a proposal for residential development includes land adjacent to or partially within a flood plain, it will normally be acceptable to utilise the flood plain land for public open space associated with the housing. While an area adjacent the existing culvert to the north-western extent of the site lies within a proposed area of open space and additional area has been identified within plots 2 and 3. For this reason the plot depths have been reduced to retain a communal area although this has not been annotated. DFI Rivers point out that it should be a condition that the area of floodplain be designated as open space and should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.
- 8.118 The Flood Report and associate site plan indicates a 5m maintenance strip is to be provided in relation to the designated watercourse. DFI Rivers points out that this should be protected from impediments including tree planting, hedges, permanent fencing, sheds, land raising, permitted development rights or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times. To achieve this the applicant has proposed that property boundaries within the maintenance strip be defined with demountable fencing.
- 8.119 The Flood Report indicates a 900mm culvert is to be provided towards the north-western extent of the site to access the additional lands. Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. The proposed culverting is acceptable in policy terms and will be subject to approval from DfI Rivers under Schedule 6 of the Drainage Order 1973.
- 8.120 The DA has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event with an additional allowance for climate change (10%) could be contained in the attenuation system, when

discharging at existing green field runoff rate, and therefore exceedance waters can be safely dealt with without breaching the consented discharge rate. Further assessment of the drainage network will be made by NIW prior to adoption.

### **Natural Heritage Issues**

- 8.121 A preliminary Ecological Appraisal and Biodiversity Checklist have been submitted in relation to the site. The development proposals were assessed as having 'negligible' impact on habitat for nesting birds. The removal of the small amount of vegetation around the development area is not likely to have an impact on foraging and commuting bats. Evidence of other protected fauna on site was not found.
- 8.122 NIEA (NED) notes that the site contains Japanese knotweed which is listed as an invasive species on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended). The site is also hydrologically connected to Garry Bog Area of Special Scientific Interest (ASSI), Special Area of Conservation (SAC) and Ramsar site.
- 8.123 In support of the proposal the applicant has submitted a Japanese Knotweed Management Plan (document 12), completed by ATG group, dated 23/02/24 and an outline Construction and Environmental Management Plan (oCEMP) (document 11), completed by RSK, dated March 2024.
- 8.124 NED have reviewed the submitted Outline oCEMP and note the method statement outlined in appendix 3 for the installation of the culvert to Semicock Road tributary which includes the use of a coffer dam to facilitate in-water works and the use of sandbags and silt fences to prevent sediment flow into the stream. NED also note the additional mitigation measures proposed to avoid run-off/pollution of the tributary including a 5m working buffer to the tributary during construction and the use of an earth bund between construction works and the stream. NED are content that provided the measures outlined in the oCEMP are adhered to, the installation of the culvert is unlikely to have a significant impact to the aquatic environment.



8.125 NED is content that subject to implementation of the management measures included in the Japanese Knotweed management plan, there is likely to be no significant effect from the invasive species.

### **Representations**

8.126 8 representations have been received in relation to the current application. The key concerns raised include:

8.127 Traffic / Road Safety – As noted above the applicant has undertaken TRICS to identify the volume of traffic associated with the development. The key site requirements identified that a right-hand turning lane may be necessary. However, DFI Roads are content with the proposed access arrangements without further alterations to the public road or mitigation measures. DFI Roads also consider the existing road network capable of accommodating the proposed development without any impact on traffic or road safety.

8.128 Flooding / Drainage – Both have been addressed as part of the submitted Flood Report and Drainage Assessment. These identified that no additional flooding will occur as a result of the proposal and the drainage network is capable of accommodating the development (subject to agreement of engineering solution to be agreed with NIW). Marginal flooding is identified within the site to be mitigated within areas of public space in line with Revised PPS15.

8.129 Impact on Character – The proposed development is located within a predominantly residential and suburban area with an eclectic mix of house types within the surrounding context. The proposed development takes account of topography, boundaries and existing character, proposing a variety of dwelling types appropriate to the area.

8.130 Impact on amenity /privacy – a combination of suitably designed dwellings, site levels, separation distances and retention of boundary vegetation suitably address any potential impact on amenity or privacy.

8.131 Clarification of plan details / Boundary details – Additional clarification was sought on a number of plan details including

indication of a small, hatched area identified within the plot of No 16A Greenhill Drive as well as clarification regarding the extent of existing boundary vegetation. The hatched area relates to the outer extent of the identified maintenance strip. Revised plans have been received clarifying the extent of existing boundary vegetation as well as proposed planting details. Re-notification has been carried out on the revised plan and subsequent landscaping plan has been received to tally.

8.132 Noise – A noise Impact Assessment has been received and Environmental Health Consulted. There are no objections in terms of noise. Although there may be some general disturbance as a result of the development this is will be temporary and subject to relevant working controls.

8.133 Subsidence – This issue appears to stem from maintenance works / clearing of the existing watercourse. The current application does not propose any additional works likely to impact on the stability of boundary walls to the rear of existing properties. A maintenance strip is retained as part of the development and maintenance works will remain the responsibility of DFI Rivers.

8.134 Sewage Capacity – Refer to above. Further agreement is necessary with NIW regarding engineering solution measures and can be dealt with by way of appropriate conditions.

8.135 Impact on habitat / wildlife - Existing trees on site are the subject of a Provisional Tree Preservation Order and are retained within the development. Boundary vegetation is retained and only part of the existing watercourse is culverted in order to provide access. NIEA has been consulted and subject to appropriate conditions are content that the proposal will not impact on habitat / protected species etc.

## **9 CONCLUSION**

9.1 The proposed development is acceptable in principle, complies with the local Area Plan including having regard to the key site requirements and is appropriate in terms of locality, existing character, urban grain and site topography. The site is suitable for the proposed development and does not raise any issues of

public health or safety. The proposal will provide social housing to meet housing need in Ballymoney. The layout and house types have been designed to respect amenity between existing and proposed dwellings. Adequate provision is made for private and public open space including provision of an equipped children's playground. Protected trees are retained within the site. Adequate access and parking arrangements are provided. Appropriate sewerage provision is subject to conditions. The proposal is generally compliant with relevant policy and guidance outlined above and is considered acceptable. Approval is recommended.

## 10 PROPOSED 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>No development shall commence until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewerage from the development. A connection to the public sewer will not be permitted until the Article 161 Agreement has been authorised.</p> <p>Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment.</p>
3	<p>The development hereby approved shall not proceed above subfloor level until the solution identified in Condition 2 has been implemented and agreed in writing with Council and NIW Water.</p> <p>Reason: To ensure appropriate foul and surface water drainage of the site.</p>

<p><b>4</b></p>	<p>The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). No protected tree, other than those required for the purpose of carrying out development as indicated on the approved Drawings, shall be, cut down, uprooted or destroyed, or have its roots within its root protection area damaged or subject to any soil level changes, or be subject to any form of tree surgery, without the prior written consent of the Council, other than in accordance with the approved plans and particulars of this application. Development will be taken to include the main development, any associated buildings, access and service provision.</p> <p>Reason: To ensure the retention of trees protected by the TPO and to the ensure continuity of the landscape amenity afforded by these trees.</p>
<p><b>5</b></p>	<p>No development shall commence until full specification details and construction methods for driveways (including Site 28), (to be constructed using a no-dig specification within Root Protection Areas of retained Trees on site), are submitted to and approved in writing by the Council. The development thereafter shall be implemented in strict accordance with the approved details and BS5837 (2012) 'Trees in Relation to Construction'.</p> <p>Reason: To protect the sensitive roots of the trees to be retained and ensure their future health and vitality.</p>
<p><b>6</b></p>	<p>No development shall commence until all trees identified to be retained as indicated on the approved Drawings have their roots protected, as per the measures detailed in Drawing 62B. The erection of fencing required for the protection of retained trees shall be undertaken in accordance with BS5837 (2012) 'Trees in Relation to Construction'. The fencing shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the approved development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No materials shall be stored, or fires lit within these Root Protection Areas in accordance with this condition. The ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried</p>

	<p>out, other than in accordance with the approved plans and particulars of this application.</p> <p>Reason: To protect the sensitive roots of the trees to be retained and ensure their future health and vitality.</p>
<b>7</b>	<p>No areas of private amenity space shall be located within the area of floodplain, as identified in Fig 4-2 of the submitted Flood Risk and Drainage Assessment (Doc 06A) dated November 2023.</p> <p>In the interest of public safety.</p>
<b>8</b>	<p>The area of floodplain, as identified in Fig 4-2 of the submitted Flood Risk and Drainage Assessment (Doc 06A) dated November 2023 shall not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.</p> <p>Reason: In order to retain the natural function of the flood plain.</p>
<b>9</b>	<p>The maintenance strip for the existing watercourse along the northern boundary as indicated on drawing 03D shall be provided and protected from impediments including tree planting, hedges, permanent fencing, sheds or land raising. Access to and from the maintenance strip shall be available at all times.</p> <p>Reason: In the interest of public safety and to ensure access to the maintenance strip is available at all times.</p>
<b>10</b>	<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, garages or other buildings, other than those expressly authorised by this permission indicated on drawing No 03D shall be constructed to any approved dwelling at plots 1-27.</p> <p>To prevent flooding and ensure access is available to the maintenance strip at all times.</p>

<b>11</b>	<p>All dwellings located adjacent to the watercourse shall include a freeboard of +750mm. Finished floor levels shall be as indicated on drawing 03D.</p> <p>Reason: In the interest of public safety and to protect against flooding.</p>
<b>12</b>	<p>No development shall commence until the applicant has submitted a Drainage Assessment, compliant with FLD 3 &amp; Annex D of PPS 15, to be agreed with the Council in consultation with DFI Rivers 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 with an additional allowance for climate change (10%).</p> <p>Reason: In order to safeguard against surface water flood risk.</p>
<b>13</b>	<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 shall be notified immediately.</p> <p>This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>.</p> <p>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: Protection of environmental receptors to ensure the site is suitable for use.</p>
<b>14</b>	<p>After completion of all remediation works under Condition 13 and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Planning Authority. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance</p>

	<p>available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>.</p> <p>The verification report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
<b>15</b>	<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 shall 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>
<b>16</b>	<p>The façade of the dwellings shall have glazing installed providing a Sound Reduction of at least 25dB Rw.</p> <p>Reason: In the interest of residential amenity.</p>
<b>17</b>	<p>All dwellings shall incorporate an acoustic ventilation system (with equivalent glazing Sound Reduction) with specification to comply with Building Control Technical Booklet K and ventilation rates in accordance with Technical Booklet K.</p> <p>Reason: In the interest of residential amenity.</p>
<b>18</b>	<p>No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP,</p>

	<p>unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:</p> <p>a) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;</p> <p>b) Construction methodology and timings of works for the installation of the culvert at the northwestern section of the Semicock tributary;</p> <p>c) Mitigation to protect the aquatic environment during the removal of Japanese Knotweed;</p> <p>d) Site Drainage Management Plan; including Sustainable Drainage Systems(SuDS), foul water disposal and silt management measures;</p> <p>e) Water Quality Monitoring Plan;</p> <p>f) Environmental Emergency Plan.</p> <p>Reason: To ensure implementation of mitigation measures and prevent impacts to downstream designated sites.</p>
<p><b>19</b></p>	<p>The Japanese Knotweed Management Plan (document 12), completed by ATG group, dated 23/02/24, shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved plan, unless otherwise approved in writing by the Planning Authority.</p> <p>Reason: To minimise the impact of the proposal on the biodiversity of the site and to prevent the spread of invasive species.</p>
<p><b>20</b></p>	<p>No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:</p>



	<ul style="list-style-type: none"> <li>• The identification and evaluation of archaeological remains within the site;</li> <li>• Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;</li> <li>• Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and</li> <li>• Preparation of the digital, documentary and material archive for deposition.</li> </ul> <p>Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</p>
<b>21</b>	<p>No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under the previous condition.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</p>
<b>22</b>	<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>
<b>23</b>	<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</p>

	<p>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>
<b>24</b>	<p>The surface finishes of the private driveways and communal parking areas serving units 101-118 shall be as scheduled on the key outlined on drawing 03D.</p> <p>Reason: In the interest of visual amenity.</p>
<b>25</b>	<p>No dwelling hereby approved shall be occupied before the Equipped Play Area as indicated on Drawings 62B and 78 is provided in its entirety in accordance with the approved plans.</p> <p>Reason: To ensure provision of an equipped children's play area in accordance with Policy OS 2 of PPS 8 Open Space, Sport and Outdoor Recreation.</p>
<b>26</b>	<p>Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no extension, garage, shed, outbuilding, wall, fence or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected in relation to plots 105-118 without express planning permission.</p> <p>Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area.</p>
<b>27</b>	<p>Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional or altered windows, doors and openings shall be formed in any of the development hereby approved without express planning permission.</p> <p>Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties.</p>

<p><b>28</b></p>	<p>The development site frontage wall shall be constructed in its entirety prior to the occupation of any dwelling unit in accordance with the approved details as shown on drawing No 36B and to the appropriate British Standard or other recognized Codes of Practice. All boundary treatments shall be retained permanently.</p> <p>Reason: To ensure the provision and maintenance of a high-quality residential environment.</p>
<p><b>29</b></p>	<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 Landscape Proposals Plan (62B) and maintained in perpetuity in accordance with the Landscape Management and Maintenance Plan Document dated October 2023.</p> <p>Reason: In the interest of visual and residential amenity.</p>
<p><b>30</b></p>	<p>The management and maintenance of open space and communal amenity areas including all play areas and equipment, trees and shrubs as identified on the stamped approved drawings Nos 03D, 36B and 62B and the Landscape Management and Maintenance Plan Document dated October 2023 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>
<p><b>31</b></p>	<p>A signed copy of the Memorandum and Articles of Association relating to those areas identified in condition 30 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>
<p><b>32</b></p>	<p>No retained tree as identified on drawings 36B and 62B shall be cut down, uprooted or destroyed or have its roots</p>

	<p>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 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>
<b>33</b>	<p>Existing hedgerows along the boundaries of the site as indicated on drawings 03D, 36B and 62B shall be permanently retained at a height not less than 3 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>
<b>34</b>	<p>All walls, estate railings, screen walls and screen timber fencing as shown on drawing 36B shall be provided along the curtilage boundary of each dwelling/ apartment (and where shown within the curtilage of each dwelling/ apartment) as indicated prior to the occupation of the associated dwelling / apartment. All boundary treatments shall be retained permanently.</p> <p>Reason: In the interest of residential and visual amenity.</p>
<b>35</b>	<p>All railings and fencing relating to the play area as indicated on drawing 62B shall be provided prior to the occupation of the first dwelling.</p> <p>Reason: In the interest of public safety.</p>
<b>36</b>	<p>The residential 47 units identified as site numbers 80-126 on drawing No 03D hereby approved, shall be used solely for the purposes of Social Housing and shall be managed only by a registered Housing Association.</p>

	Reason: To ensure the position of the 47 Social Housing units in Ballymoney and to comply with Policy HOU 2 of the Northern Area Plan 2016.
<b>37</b>	No unit shall be occupied until the details of the legal agreement for the transfer of the social housing units to a NIHE recognised Housing Association has been submitted to the Council for agreement.  Reason: To ensure the provision of social housing in Ballymoney and to comply with Policy HOU2 of the Northern Area Plan 2016.
	<b>Private Streets Determination (PSD) Conditions to follow in Addendum Report</b>
	Informatives
<b>1</b>	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.
<b>2</b>	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.
<b>3</b>	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.
<b>4</b>	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.
<b>5</b>	Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973 and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
<b>6</b>	Any proposals in connection with the development, either temporary or permanent which involve interference with

	any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
<b>7</b>	Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of DFI Rivers. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
<b>8</b>	If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
<b>9</b>	Where a designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by DFI Rivers. Actual requirements should be determined in consultation with DFI Rivers.
<b>10</b>	There will be a general presumption against the erection of buildings or other structures over the line of culverted watercourses. Any proposal for such requires the written consent/approval of the Rivers Agency. Failure to obtain such approval is an offence under the Drainage Order which may lead to prosecution or other statutory action as provided for.
<b>11</b>	The purpose of the Conditions 13 & 14 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.
<b>12</b>	You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal.

# APPENDIX 1

## Site location Plan





# Appendix 2

## Site Plan

