

Planning Committee Report LA01/2017/1005/F	17th April 2019
PLANNING COMMITTEE	

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

<u>App No:</u>	LA01/2017/1005/F	<u>Ward:</u>	Clogh Mills
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands abutting and South of 9-12 Princess Gardens Cloughmills.		
<u>Proposal:</u>	Construction of 14 semi-detached dwellings and associated site works.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	28.07.2017
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	10.11.2017
Applicant:	Doranda Developments Ltd		
Agent:	Michael Whitley Architects		
Objections:	10	Petitions of Objection:	1
Support:	0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises an irregular shaped plot of land extending to approximately 0.5ha which comprises fairly poor quality agricultural land currently used for grazing horses. The site is bounded on two sides by existing residential development at Princess Gardens, Hollow Lane and Springhill Manor as well as back-land commercial sites accessed off Main Street. The site is accessed off the existing adopted roadway which serves Springhill Manor. The site is fairly level although it does rise slightly to the east along the boundary to the properties at Hollow Lane which are elevated slightly above the proposed site. The south-western boundary is defined by a post and wire fence, the north-western boundary to the rear of Princess Gardens comprises a combination of wooden slatted fencing and vegetation while the north-eastern boundary is defined by a variety of wooden slatted fences and retaining walls. The remaining boundary backs onto an existing laneway and is defined by a low hawthorn hedgerow. There are no significant natural features on site.
- 2.2 The surrounding residential properties consist of a variety of social and private housing including detached and semi-detached two storey dwellings finished in wet dash incorporating a mix of pitched and hipped roofs.

- 2.3 The site extends partially beyond the settlement limits of Cloughmills village as designated in the Northern Area Plan 2016 and partly defines the western extent but is not zoned for any specific use. The site within the consultation zone of an archaeological site and monument and is within 145m of a nearby waste water treatment works.

3 RELEVANT HISTORY

D/2006/0247/F – Proposed residential development at rear of Princess Gardens, Cloughmills:- Refused 23.03.2007. Appeal dismissed 15.10.09

4 THE APPLICATION

- 4.1 Construction of 14 semi-detached dwellings and associated site works (original submission proposed 16 semi-detached dwellings). Proposal consists of 14 semi-detached two storey dwellings with private amenity space, in-curtilage car parking and landscaped areas. Finished floor levels range from 95.175 to 96.875 and fall below the existing boundary levels to the north, south and east. Access is taken from the existing public roadway serving the adjacent housing development at Springhill Manor. The proposed access roadway is to be adopted. The applicant intends to use mains sewerage and surface water sewer.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are 10 No. objections and 1 petition of objection to the proposal from 7 No. separate identified addresses. The reasons for objecting are summarised below:

- Impact on privacy including potential direct overlooking between properties and overlooking of private amenity space.
- Reduction in natural light / overbearing / overshadowing of existing properties from those proposed.

- Increase in noise, pollution and general disturbance including from additional traffic from additional residents, refuse lorries, deliveries etc. Proximity of site to Waste Water Treatment Works.
- Impact on existing character and views within context of the site including views of surrounding countryside from existing dwellings. Visual impact from proposal on existing character of village. Overdevelopment of village.
- Increased development of existing village / increased density / resulting in urban sprawl. Contrary to Northern Area Plan aim to promote development that enhances the character and identities of existing settlements. Should not be developed under the villages plan and alternative site with lesser impact are available.
- Additional traffic levels / inadequate car parking. Increase in traffic through existing privately owned residential site. Additional impact on existing road network from proposed traffic and impact on public safety particularly within village. Current parking issues associated with existing operating commercial businesses. Existing traffic / manoeuvring issues including access to the wwtw from a narrow access in centre of village.
- De-valuation of existing properties as a result of the proposal.
- Issue of proposed social housing / shortage of properties for private rental / sale rather than providing housing opportunities for existing residents.
- Flooding and Drainage. Existing flooding issues on lands adjacent as well as quality of land and ground conditions. Poor drainage on site. Impact on existing sewers, capacity of existing waste water treatment works (wwtw) to accommodate additional residential properties.
- Discharge from existing wwtw and impact on existing watercourse / fishlife.
- Additional overhead powerlines / NIE infrastructure and potential impact on public health as a result.
- Security concerns for local business which abuts proposed site. Additional vehicular access to rear of existing commercial site.
- Possible redevelopment of nearby commercial buildings as a result of the proposal which would lead to further pressure on existing road network.

5.2 Internal

DFI Roads: Has no objection to the proposal.

NI Water: Advises that there is available capacity and has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

Rivers Agency: Has no objection in relation to the Drainage Assessment.

DFC Historic Environment Division: Advise that the proposal satisfies the policy requirements of the SPPS and Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

6.0 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

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.

RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

DCAN 8 - Housing in Existing Urban Areas

Planning Policy Statement 15: Planning and Flood Risk

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places – Achieving Quality in Residential Environments

7.0 CONSIDERATIONS & ASSESSMENT

- 7.1 The main considerations in the determination of this application relate to: principle of development; the design and layout; impact of the development on the character of the area; traffic and road safety; impact from flooding and drainage; impact from proximity to waste water treatment works; impact on archaeology and impact on the residential amenity of surrounding properties.

Principle of Development

In the Northern Area Plan 2016, the majority of the site is located within Cloughmills village settlement development limits and is not zoned for any specific use. The site is bounded on two sides by existing residential development and is considered to be a whiteland site. The site incorporates a narrow triangular sliver of land tapering to a point along the south-western boundary of the site which extends just beyond the defined Cloughmills Settlement Limit, However, the red line boundary of the site is reflective of the parcel of land identified within the NAP 2016. Such a deviation from the Plan would not ordinarily be considered acceptable without material considerations which justify a decision to the contrary. In this instance the proposed site comprises one of the very few remaining greenfield plots which form the defined settlement limit of Cloughmills village.

The site incorporates a poorly defined boundary comprising a simple post and wire fence which does not provide a clear or naturally defined boundary to the development limit as per the Northern Area Plan. The site also incorporates a narrow tapering piece of land which has limited effect in terms of either the general size and shape of the plot identified within the Plan, or the character of the defined settlement development limits when viewed from surrounding critical views. This additional narrow portion of land has negligible impact on the conformity or objectives of the adopted plan and therefore the principle of development is considered to be acceptable.

- 7.2 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

Design and Layout and Impact on Character of the Area and Impact on Residential Amenity

The proposal was amended from 16 units to 14 units on 02 May 2018.

(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;

The proposed site is located within an area which comprises a variety of uses but which is dominated by residential properties to the north and east including Springhill Manor accessed off Drumadoon Road and Princess Gardens and Hollow Lane accessed off Main Street. Due to the location of the site coupled with surrounding residential and commercial development, views of the proposal are particularly limited and generally restricted to the proposed access road from Springhill Manor.

The character of the area generally comprises two storey detached and semi-detached residential properties with a small number of semi-detached single storey dwellings within the immediate locality. Density levels are within the low to medium ranges (approx. 24 units per hectare). To the south east of the site a number of commercial properties exist which are accessed off Main Street and incorporate a small number of outbuildings and storage areas adjacent the site.

The proposal comprises 14 No. two storey, detached dwellings accessed off an adopted roadway taken from that serving Springhill Manor. Density levels generally remain in keeping within the locality at approximately 28 units per hectare, would be considered to be within the medium density range and is appropriate for the locality.

The proposed dwellings are two storey in height (approximately 8.5m from finished floor level) and generally comprise a simple form with pitched roof, grey roof-tiles and painted render. A small number of key corner sites incorporate dual frontage designed dwellings with hipped roofs and gable end front door canopies.

Sites 9-14 comprises three pairs of semi-detached dwellings with stepped down ridges to reflect the changing ground levels which fall from east to west along the southern extent of the site and is reflected in finished floor levels which fall from 96.39 to 95.175.

The proposal respects the surrounding context in terms of density, height scale and massing when assessed against the existing form of development within the locality is appropriate to the surrounding character.

As such, the proposal is in keeping with criterion (a) Of Policy QD1 and Policy LC1 of the Addendum to PPS7: Safeguarding the Character of Established Residential Areas.

(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;

The application site is located within proximity of an archaeological site and monument (enclosure) and over 220m from a listed building and curtilage (church) with considerable intervening development. DFC Historic Environment Division has been consulted in relation to the potential impact on the known archaeological site and advise that the proposal satisfies the policy requirements of the SPPS and PPS6: Planning, Archaeology and the Built Heritage.

The site incorporates limited landscape features with the exception of some boundary hedging along the existing laneway beyond the south-eastern boundary. This hedgerow is indicated on the plan as part of the overall development and can be conditioned for retention. No issues are arising in relation to archaeology and landscape features.

(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;

Policy OS2 of PPS8 does not apply in this instance as it requires the provision of public amenity space for 25 units or more whereas the current application proposes 14 units. However, the proposal does incorporate significant residual areas of landscaping / planting, particularly along the northern and eastern boundaries which abut existing residential development.

In terms of private residential amenity space all dwellings incorporate private rear gardens and small patio areas ranging from 48sqm to 170sqm with an average of 86 sqm which is above the 70 sqm average advocated by Creating Places Design Guide. Dwellings 1-8 also incorporate additional small front gardens while units 9-14 avail of designated parking spaces to the front of each unit with small areas of defensible space between the car parking spaces and dwellings. Designated car parking serving these units are separated by additional landscaping to soften the visual impact from the extent of hard-standing.

Sufficient access to refuse storage is available with refuse facilities of 3 No 240L receptacles which can be presented to the publicly adopted footpath for collection.

The proposal incorporates an additional planting buffer comprising hedgerows and individual trees of mixed species along the western boundary which serves to soften the visual impact and more appropriately define the settlement development limit. This landscape boundary ranges from 1-4 metres in depth and is deemed to be acceptable in this instance due to the current limited boundary treatment of a post and wire fence and to provide a quality residential development of appropriate density.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

No issues arising in relation to local neighbourhood facilities - the proposal is not of such significant size as to require the provision of neighbourhood facilities.

(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;

The access road and footpath are to be publicly adopted and provide access to village amenities and public transport facilities within walking distance.

(f) adequate and appropriate provision is made for parking;

DFI Roads has no objection to the level and arrangement of parking provision, which incorporates 28 assigned spaces comprising in-curtilage car parking serving units 1-8, assigned car parking serving units 9-14 and 7 additional visitor car parking spaces serving the development. Objection letters referring to additional traffic and issues with the existing road network within Cloughmills have been referred to DFI Roads who advise that they are content that the existing public road network can accommodate the additional traffic associated with the current proposal and that it will not result in any road safety issues.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The local area comprises a variety of house types, and archaeological styles including pitched roofs, hipped roofs, two storey, single storey and a variety of finishes including black roof tiles, brown roof tiles, pebble dash and roughcast render some of which is painted.

The current proposal incorporates house types which are reflective of the character of the area both in terms of size, scale, design and materials. The form of the proposed dwellings incorporate mainly a two storey pitched roof design with a small number of hipped roof all of which incorporate appropriate window to wall ratio, ridge height, eaves height and fenestration details which means that the proposal will integrate with the established character of the area and is acceptable.

(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;

The site is overlooked to some extent from existing properties along the north-western and part of the north-eastern boundaries.

These properties comprise two storey dwellings which incorporate rear, first floor windows facing the site and are generally sited at either a similar level or slightly above the application site levels.

The proposed site levels and finished floor levels sit below the surrounding levels and fall from the eastern to western boundaries.

Creating places recommends a separation distance of 20m between rear first floor facing windows. The current proposal incorporates a significant separation distance between existing and proposed dwellings which extends to a minimum of approximately 26m with the nearest existing dwelling at No 4 Hollow Lane. The current proposal will not result in any significant overlooking to the rear amenity space of existing dwellings due to separation distances and levels while areas of private amenity space proposed as part of this development are generally screened from overlooking from existing properties and provide a good level of privacy.

The proposal does not dominate existing properties and will not result in loss of light or overshadowing to existing adjacent properties due to separation distances and levels.

Proposed dwellings are designed to prevent direct overlooking between the gables of neighbouring dwellings with facing gable first floor windows serving stairwells / landings. Overlooking of private amenity space from the rear of adjacent dwellings is limited and restricted to levels which would be expected / appropriate within an urban context.

In terms of the impact on views from existing properties, while the site is currently used for grazing it falls within the defined urban context and as such development is acceptable. The loss of existing views would have very minimal material weight.

The local Environmental Health Department has been consulted in relation to amenity issues including proximity to the local waste management facility and waste water treatment works and advise that no relevant complaints have been made in relation to the existing operation of the retail shop, the waste water treatment works or the waste management facility.

While this cannot guarantee that impacts on future residents would not occur due to noise and odour, the proposal is not deemed to be incompatible or unacceptable. The agent has pointed out that the proposed development is positioned slightly further away from the wwtw than some existing residential properties.

Environmental Health recommends the addition of informatives to any planning permission highlighting these issues.

Environmental Health has also recommended an additional informative outlining the restrictions in noise levels during the construction phase of the development to limit impact on existing residential properties.

(i) the development is designed to deter crime and promote personal safety.

No issues arising in relation to crime and personal safety.

8.0 Other Issues:

Other matters raised by objectors which are not previously covered are considered in the following section:

- Officials asked DFI Roads to consider submitted objections by way of re-consultations on 8th September 2017, 31st July 2018 and 6th February 2019.
- Increased development – should not be developed under the villages plan and alternative sites with lesser impact are available. The proposed site falls within the settlement development limits and falls to be considered under the prevailing policy outlined above. The site is assessed on it's own merits and it is not a policy requirement to assess alternative sites. The proposal is considered acceptable in terms of principle, character etc.

- In terms of additional traffic levels. DFI Roads has been consulted with objections as outlined above and have raised no objections to the proposal. Objections refer to access through an existing privately owned residential site (Springhill Manor), however access to this development is publicly adopted and forms part of the public road network. In terms of existing parking and manoeuvring issues associated with other businesses / uses within the village DFI Roads has not considered the additional traffic associated with the current proposal to be unacceptable or the public road network incapable of accommodating the additional traffic.
- De-valuation of existing properties. This is not a material consideration, however it is unlikely that the current proposal would negatively impact on existing residential properties to any significant degree.
- Flooding and Drainage. In line with Policy FLD3 of PPS15 Planning and Flood Risk, a Drainage Assessment has been received. Rivers Agency has been consulted and point out that responsibility for the accuracy of the information rests with the developer but that they have no objections from a drainage or flood risk perspective. A number of informatives have been proposed.
- Discharge from existing wwtw / impact on existing watercourse. The wwtw is operated in line with the existing legislative requirements and guidelines regarding water quality / treatment, discharging to any watercourse and is monitored on a continual basis. NI Water has advised that there is available capacity at the receiving waste water treatment works to accommodate the proposed residential development.

- Shortage of properties for private rental or sale rather than providing housing opportunities for locals. The application was originally submitted for social housing as described, however the agent amended this description at the outset of the application which has been additionally amended to reduce the number from the 16 units to 14. The application has been re-advertised and neighbours re-notified as necessary.
- Additional overhead powerlines / electrical infrastructure and impact on public health. The proposal will be required to connect to the mains electricity network and will require consultation and agreement with NIE regarding proposed equipment and positioning which is likely to be of a scale appropriate to a development of this nature. In terms of the impact on public health, existing electricity infrastructure exists throughout the village to serve existing residents and there is no information to indicate that additional infrastructure would result in an unacceptable public health risk.
- Security concerns for existing local businesses. Although the proposed development abuts the rear of some commercial properties, the proposal will introduce a level of public supervision which currently doesn't exist which could potentially aid security of these properties. Satisfactorily securing premises is a matter for the business owner.
- Possible redevelopment of nearby commercial buildings, resulting additional impact on existing road network. Any future applications which require planning permission will be subject to consultation with DFI Roads and assessment in relation to associated traffic and parking.

9.0 CONCLUSION

9.1 This proposal is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The principle of this low / medium density development is acceptable in this area which is characterised by residential development. It is acceptable in terms of layout and appearance and will have no significant harm in terms of residential amenity and road safety. Approval recommended.

10 Conditions:

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

Reason: Time Limit.

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

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

10.3 No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 18 bearing the date stamp 10th December 2018. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

10.4 The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 18 dated 10th December 2018.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

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

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

10.6 No part of the development hereby approved shall be occupied until the Developer has provided an efficient system of street lighting in accordance with Schedule 8 of The Private Streets (Construction) Regulations (Northern Ireland) 1994 as amended by The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Reason: To ensure the provision of adequate Street Lighting and in the interests of safety.

10.7 The development hereby permitted shall not be commenced until any retaining wall requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

10.8 No existing tree to be retained as identified on drawing 19 which was received on 25-MAR-2019 shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with the relevant standards.

Reason: To ensure the continuity of amenity afforded by existing trees.

10.9 The existing hedgerows to be retained as identified on drawing No 19 which was received on 25-MAR-2019 shall be permanently retained at a height not less than 1.5 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.

Reason: To ensure the development integrates into the countryside.

10.10 During the first available planting season following the commencement of development or as otherwise agreed in writing with the Council, landscaping shall be carried out in accordance with the Planting Details Plan (Drawing No. 19) and Planting Details – Schedules document both received on 25-MAR-2019 and maintained in accordance with the Landscape Management and Maintenance Plan also received on 25-MAR-2019, to the satisfaction of the Council.

Reason: In the interest of visual and residential amenity.

10.11 The finished floor levels of units 9-14 shall be as indicated “proposed design level” as per drawing No 04F which was received on 25-MAR-2019.

Reason: To ensure a satisfactory form of development.

11.0 Informatives

11.1 This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

11.2 This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

11.3 This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

11.4 This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

- 11.5 The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992. Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.
- 11.6 The Applicant is advised that developers are also now responsible for the cost of supervision of the construction of streets determined under The Private Streets Order. A fee of £1,000 plus 2% of the total Bond value will be paid directly to Roads Service before the Bond Agreement is completed.
- 11.7 Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
- 11.8 It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. All construction plant and materials shall be stored within the curtilage of the site.
- 11.9 Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DFI Roads, Street Lighting Consultancy, County Hall, 182 Galgorm Road, Ballymena. The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision.

- 11.10 It is a DFI Roads requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.
- 11.11 Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is Jobs & Benefits Office, 37 – 45 John Street, Ballymoney, BT53 6DT. A monetary deposit will be required to cover works on the public road.
- 11.12 Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
- 11.13 Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
- 11.14 Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

- 11.15 If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
- 11.16 The applicant should ensure that any future occupiers/owners of the dwellings are made aware that an existing retail shop, waste management facility and waste water treatment works are located in close proximity and may result in loss of amenity due to noise and odour associated with these facilities. Any future owners/occupiers are advised that recourse under statutory nuisance legislation relating to noise and odour impacts, associated with the above mentioned noise sources will be precluded to future owners/occupiers.
- 11.17 Noise from construction activities should –
- (a) not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and
 - (b) not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and
 - (c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.

- 11.18 The water requirements for your proposal may be eligible for the provision of a public watermain if it will serve more than 1 property (1 property if accessed directly from a public road / area) and each property will have an individual supply direct from the proposed public watermain under Article 76 of the Water and Sewerage Service (NI) Order 2006 (as amended).
- 11.19 From the 23rd May 2016 the Developer must enter into an Agreement for Adoption of the Sewers under Article 161 of the above order. They must be designed to meet the criteria as set out in the current Sewers for Adoptions specification. A connection to the public sewer will not be permitted until such times as the Article 161 Agreement has been authorised by NIW.
- 11.20 The applicant is advised to contact NIW Waterline on 03457 440088 or waterline@niwater.com, upon receipt of this decision to discuss any areas of concern. Application forms and guidance are also available via these means.
- 11.21 If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.
- 11.22 Although it has been determined NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced.
- 11.23 No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.
- 11.24 Development should not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

11.25 Development should not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

