

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2016/1267/RM</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>For Decision or For Information</b>	<b>For Decision</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	Principal Planning Officer

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

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

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

<b><u>App No:</u></b>	<b>LA01/2016/1267/RM</b>	<b><u>Ward:</u> Coolissan</b>
<b><u>App Type:</u></b>	<b>Reserved Matters</b>	
<b><u>Address:</u></b>	<b>Lands to the rear of and including 183 Roemill Road and to the East of 175 Roemill Road, Limavady, Co Londonderry, BT49 9EX</b>	
<b><u>Proposal:</u></b>	<b>Erection of 144 No. dwellings with associated new road system and landscaping</b>	
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u> 14.10.2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	
<b><u>Applicant:</u></b>	<b>Columb Henry (Roemill Homes), 9 Dunmore Street, Coleraine, BT52 1EL</b>	
<b><u>Agent:</u></b>	<b>Kevin Cartin Architects Ltd, Unit 5 Belmont Office Park 232-240 Belmont Road, Belfast, BT4 2AW</b>	
<b><u>Objections:</u> 16</b>	<b><u>Petitions of Objection:</u> 0</b>	
<b><u>Support:</u> 0</b>	<b><u>Petitions of Support:</u> 0</b>	

## **Executive Summary**

- Reserved Matters approval is sought for 144 dwellings with associated parking, open space, landscaping and new access onto Roemill Road.
- The site is located within Limavady development limit.
- The site is located on lands which are mainly within Housing Zoning LYH12 and partly on lands within the identified LLPA – LYL02
- The proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas.
- The design and layout of the dwellings will not adversely harm neighbouring residential amenity.
- The proposal has been assessed against Policies QD 1 & LC 1.
- The proposal is acceptable in terms of drainage and flood risk perspective and Rivers Agency raises no objection.
- A Preliminary Risk Assessment (PRA) has been submitted in support of this application and there is no unacceptable risk to the water environment as the application site is considered low risk.
- The proposal is satisfactory in terms of natural heritage and Natural Environment Division raises no objection,
- The access and parking are considered acceptable and DfI Roads raises no objection.
- 16 letters of objection to this development have been received.
- No consultee has raised any concerns with this development.
- The proposal is considered to comply with all relevant planning policies including the Northern Area Plan, SPPS, PPS 15, PPS 7, Addendum to PPS 7, PPS 3 and PPS 2.

Drawings and additional information are available to view on the Planning Portal- <https://epicpublic.planningni.gov.uk/publicaccess/>

## 1.0 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 **GRANT** reserved matters consent subject to the reasons set out in section 10.

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located Lands to the rear of and including 183 Roemill Road (now demolished) and to the East of 175 Roemill Road, Limavady. The application site is 7.4Ha. The application site is comprised of a large agricultural field which is relatively flat with some slight undulation throughout. Access to the site will be via the construction of a new access onto Roemill Rd to the North Western corner of the site through the plot formerly occupied by the dwelling at No. 183 Roemill Rd which is now demolished. The application site sits immediately adjacent and south of St. Canice's Graveyard, with the northern site boundary defined by the 1.6-1.7m stone wall of the graveyard. The eastern boundary is defined by mature trees and hedgerow with the trees approximately 15-20m in height. The southern boundary represents the settlement limit of Limavady and is defined by mature trees, approximately 8-10m in height and hedgerow approximately 3-4m. The western boundary is comprised again by mature hedgerow approximately 4m in height with some larger trees spaced along the boundary, with mature vegetation along the boundaries of the dwelling at No. 175. The relatively new dwelling at No. 173 is defined by a ranch style fence to the southern and eastern boundaries while the eastern boundary of No. 181 is defined by a block built wall and hedge approximately 3.5m in height. A number of mature trees exist within the field to the western portion of the site between the dwellings at Nos. 173 and 175. These trees are approximately 12-15m in height. The site contains a number of trees and hedgerows within the interior of the application site, with many of the trees within the application site subject to protection under a Tree Preservation Order.

- 2.2 The application site is located within the settlement limit of Limavady Town as defined in the Northern Area Plan 2016. The application site is located on lands which are zoned within the Northern Area Plan 2016 for residential use under housing zoning LYH 12. The application site sits adjacent and west of the former Gorteen Hotel site which is now demolished. To the west of the application site and beyond the settlement limit is the Roe Valley Country Park which are designated under LLPA01 as well as LHP 06 – Roe Valley Park Historic Park, Garden and Demesne, with the River Roe which is a designated Special Area of Conservation and Area of Special Scientific Interest forming part of the Country Park. To the immediate north of the application site lies St Canice's Graveyard, which abuts the application site, with a number of larger detached residential properties to the North West which also form part of the Roe Valley Country Park (LLPA01). Further to the north and east of the application site the prevailing land use is residential with relatively dense housing at Roemill Road.
- 2.3 To the east of the application site two housing development applications have been approved under applications LA01/2016/1258/RM and LA01/2016/1265/RM which are also associated with outline approval B/2010/0440/O. A petrol filling station and fast food outlet also exists to the east of the site adjacent to the Ballyquin Road.

### **3.0 RELEVANT HISTORY**

- 3.1 B/2010/0440/O - 183 & 187 Roemill Road, Limavady, including lands to the north, east, south and west of the former Gorteen House Hotel, Junctions of Roemill Road/Catherine Street, Irish Green St/Greystone Road/Broad Road - Demolition of existing buildings, erection of housing with associated open space and landscaping, and community facilities. Improvements to existing road junctions in the vicinity – Permission Granted 20.10.2011

#### Other history on site

B/2008/0200/O - Nos. 183 and 187 Roemill Road, Limavady, including lands to the North, East, South and West of the Gorteen House Hotel. Also Junctions at Roemill Road/Catherine

Street, Irish Green Street/Greystone Road and Greystone Road/Broad Road – Mixed use development including housing, retail, commercial and community uses. Associated landscape works and improvements to local road network. Demolition of existing buildings on site – Appeal Dismissed 28.09.2010

B/2012/0163/F - Lands to rear of and including 183 Roemill Road and to East of 175 Roemill Road Limavady – Erection of 50no. dwellings with associated new road system and landscaping – Application Withdrawn 16.12.2016

### Adjacent Site

LA01/2016/1258/RM - Land opposite 30 Glengiven Avenue and 3,5 and 15 Glenside Brae (land to East and South of the former Gorteen House Hotel) and to the rear of 27, 29, 33, 35, 47 and 59 to 63 Ballyquin Road, Limavady - Construction of housing development comprising 201 dwellings providing a mix of 4 bedroom two storey detached and semi-detached dwellings and 4 bedroom semi-detached chalet dwellings, 3 bedroom two storey detached and semi-detached dwellings and 3 bedroom detached and semi-detached chalet dwellings, associated access roads and footpaths, landscaping and public open space – Permission Granted 01.07.2019

LA01/2016/1265/RM - Lands opposite 24-44 Woodland Walk and including the former Gorteen House Hotel site, Roemill Road, Limavady – Erection of housing development comprising 127 dwellings with associated parking, open space, landscaping and new access onto Roemill Road – Permission Granted 24.06.2021

B/2010/0027/F - Lands at and surrounding the former Gorteen House Hotel and opposite Woodland Park, Glengiven Avenue and Glenside Brae, Limavady - Erection of residential development comprising 86 three storey, 33 two-and-a-half storey & 7 two storey dwellings, 36 apartments in three four storey blocks, access, landscaping and ancillary development – Application Withdrawn 06.01.2017

B/2009/0209/F - Ballyquin Road, Limavady (Adjacent to junction of Ballyquin Road & Roemill road and 100 metres north east of

Gorteen House) – Erection of Health Village comprising health centre, nursing home and day care centre, ancillary retail with associated car parking - Permission Refused 31.08.2012

#### 4.0 THE APPLICATION

4.1 The application proposes the construction of housing development comprising 144 dwellings providing a mix of two storey detached, semi-detached and chalet style dwellings. The proposal also includes access roads and footpaths, landscaping and public open space. Access to the site will be via a newly constructed access onto Roemill Road. Internally, the site provides vehicular links to the adjacent reserved matters application LA01/2016/1265/RM which is currently under consideration.

4.2 The proposal comprises a mix of dwelling types, the breakdown of which is set out below:

<u>House type</u>	<u>Height</u>	<u>Number of units</u>
A	2 Storey detached	11 No.
A1	2 Storey detached	6 No.
AX	2 Storey detached	7 No.
C	2 Storey detached	9 No.
D	2 Storey detached	6 No.
E	Chalet Bungalow detached	3 No.
E1	Chalet Bungalow detached	2 No.
F	2 Storey semi-detached	6 No.
G	2 Storey semi-detached	43 No.
G1	2 Storey detached	5 No.
H	2 Storey semi-detached	7 No.
H1	2 Storey detached	1 No.
I	2 Storey semi-detached	38 No.

4.3 The application is a major application under Article 2(1) of The Planning (Development Management) Regulations (NI) 2015 because the proposal exceeds the 50 or more units and 2 hectare thresholds stated at section 6 of the associated Schedule. A PAN is not required for this reserved matters application under Section 27 of the 2011 Planning Act.

4.4 Given the size of the application site, the application was subject to an EIA Determination. Having carried out an EIA Determination a negative determination was made on the basis that the proposed development would not result in significant environmental harm. The EIA Determination was completed 14.06.2017.

4.5 As the application is a reserved matters application there is no requirement for the applicant to submit a Design and Access Statement under Section 40 of the 2011 Planning Act, and Articles 3 (3) (f) and 6 of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

## 5.0 PUBLICITY & CONSULTATIONS

### 5.1 External:

**Neighbours:** Sixteen letters of objection from 10 addresses have been received to this proposal, which raise the following points.

- Loss of privacy to new dwelling (No. 173) through overlooking and lack of separation from proposed dwellings within development
- Impact on country park – character and appearance ability to enjoy it in the same way
- High density of development – not suitable for this area in proximity to country park
- Lack of protection to lands south of site for potential future development
- Protection of trees within site
- Loss of privacy to 175 – location of a number of dwellings in close proximity to property will result in loss of privacy and feeling hemmed in
- Detrimental to natural beauty of area
- Impact on wildlife



- Effect tranquillity of the surrounding area
- Impact on sewage system – while there is capacity at the WWTW there is a lack of capacity within the network
- Risk to pollution during and after construction
- Area should not be built on rather kept to conserve wildlife and their habitats
- Lands regularly flood
- No environmental assessment of the development
- Impact of access onto Roemeill Rd - increased numbers will add to congestion. The location of the proposed access has seen many accidents in the past

## 5.2 Internal:

DFI Roads: No objections subject to conditions

Environmental Health: No objections

NI Water: No capacity for connection to foul sewer

Loughs Agency: No objections subject to conditions

Shared Environmental Services: No objections subject to conditions

Rivers Agency: No objections

DAERA: Natural Environment Division: No objections subject to condition

DAERA: Water Management Unit: No objections subject to condition

DAERA: Land, Soil and Air: No objections subject to condition

Historic Environmental Division: Historic Monuments: No objections subject to conditions

## 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.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

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

Planning Policy Statement 15: Planning and Flood Risk

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 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; social housing; access and parking; Natural Environment; Habitat Regulations Assessment; flood risk and drainage and representations.

### **Principle of Development**

8.2 The application site is located within the defined settlement limit of Limavady Town and is located on lands zoned for housing within the Northern Area Plan 2016. Outline planning permission was granted on the application site under B/2010/0440/O, to which this application relates. Given the land use zoning and the planning history on the site the principle of housing on the site is established, and cannot be reassessed as part of this reserved matters application. This application will be assessed against the conditions of the outline approval and against all other relevant policy and guidance. General compliance of the development with the outline approval conditions are considered below in the body of the report.

### **Design and Layout**

8.3 The SPPS states that the policy approach to housing in settlements must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing

urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures.

8.4 Policy QD1 of PPS 7 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. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

8.5 All proposals for residential development will be expected to conform to all of the following criteria:

***(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 density averages 19.5 dwellings per hectare across the whole site (i.e. medium density). Given the proposed density of the development in comparison to the surrounding and adjacent approved residential development sites, the Planning Department considers the proposal to be reflective of local character and does not result in overdevelopment of the site. The housing development layout is generally in conformity with the approved outline concept master plan, which indicates the conceptual layout and arrangement across the entire lands approved by B/2010/0440/O. The layout proposes a general back to back arrangement, but this application is slightly tied in that the road layout is somewhat determined by the adjacent housing site, where the roads connect through each site. The layout has provided an acceptable layout which sees the dwellings address the roads, and where necessary dual frontage designs have been provided to ensure attractive facades address both roads. The proposed dwellings are a mix of two storey detached and semi-detached dwellings, and chalet bungalows. The dwellings are of a scale and design which is reflective of the surrounding area, and those proposed within the adjacent approved developments granted under applications LA01/2016/1258/RM and LA01/2016/1265/RM. The topography of the site is fairly flat with a change in proposed finished floor levels of less than 1m across the entire site and little in the way

of alterations to existing ground levels. The retention of existing landscape features along the site boundaries within the development, and further augmentation will maintain and enhance the visual amenity and character of the site.

Objection letters have raised concerns regarding the impact the housing development will have on the character, appearance and tranquillity of the surrounding area and adjacent Country Park, with some objections requesting a significant buffer along the western section of the development adjacent to Laurel lane which provides access to the Country Park.

Consideration of these matters have been taken into account during the processing of the application, while also being mindful of the planning history on the site and the approved Concept Masterplan, with which the proposal must accord with. During the processing of the application the layout has been revised with regards to establishing a buffer between the development and the laneway along the western boundary which leads to the Country Park. This has resulted in the removal and relocation of dwellings away from the western boundary, particularly in the southern portion of the site, and provision of open space and dense planting along the western boundary to screen the site from the laneway and entrance to the Country Park. The closest dwelling to laneway along the western boundary is approximately 7.5m, which is still further away from the laneway than the existing property at No. 175.

Development of the site will alter the character of the site given its current agricultural state. However the application site is within the settlement limit of Limavady Town, located on lands zoned for housing within the Northern Area Plan, and has outline approval for housing. The proposal complies with the conditions of the outline approval. The layout and density of the development is similar to that in the adjacent developments approved under LA01/2016/1258/RM and LA01/2016/1265/RM, and to existing housing developments within the wider vicinity.

The Planning Department is content that through the planning process the development represents an appropriate development for the area, with conscious effort made to respect its surroundings.

***(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;***

There are no listed buildings/structures within or immediately adjacent to the application site and as such the proposal will have no impact on the setting or physical condition of any listed building/structure.

Historic Environment Division (HED) were consulted to assess the likely impact on archaeological features. HED advise that this application site was previously subjected to archaeological testing under planning reference B/2008/0200/O and archaeological licence AE/08/209. Archaeological features, including possible prehistoric activity, were identified. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of targeted archaeological works. This is to identify and record any archaeological remains in advance of new construction or to provide for their preservation *in situ*. The proposal therefore complies with Policy BH4 of PPS6 subject to conditions being attached to condition.

The proposed development contains numerous mature trees and hedgerow predominately along the application site boundaries, with a group of four beech trees located within the main body of the site to the north western portion of the application site. The mature trees within and around the site significantly contribute to the visual amenity and character of the area. The importance of these trees is reflected by the existence of a Tree Preservation Order within the site (TPO/2005/0036). A Tree Survey Report was carried out to assess the health and condition of the trees within the site and provide recommendations for tree works. The proposed development has taken account of the existing landscape features and proposes to retain the majority of the existing trees and hedgerow, with the exception of those for which removal is necessary to provide the internal road infrastructure and those which have been assessed as dead or dying/in decline within the Tree survey report. This includes the retention of one of the mature beech trees (Tree No.65) within the body of the site. This tree is one of the few trees within the main body of the site, and is a visually significant feature within the site. Previous proposed layouts sought the removal of this tree along with adjacent trees

which were in a poor condition as per the updated Tree Survey Report dated 02/10/2019. The revised scheme sees the tree retained and will form an important visual feature within the site and will be an attractive asset, making a positive contribution to the visual amenity of the development and overall character of the area.

A Tree Protection Plan has been submitted which details the Root Protection Area of the existing trees/hedgerow to be retained as well as details relating to Tree Protection Barriers, which ensures development is kept outside of the root protection zone, ensuring adequate protection is afforded to the vegetation. The tree protection plan and the proposed removal of trees has been considered and accepted by the Planning Department's tree officer, who has provided conditions to be attached to any forthcoming approval.

***(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 states that the Planning Authority will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. Given the scale of the proposed development a normal expectation will be that at least 10% of the total site area is provided as open space. The proposed development provides for approximately 11.5% of 'usable' public open space throughout the development, with additional areas of planting providing additional open space as outlined in paragraph 5.13 of PPS8. Given the level of open space provision within the site the proposal complies with the requirements of Policy OS2. In addition to the public open space provided within the application site, the Roe Valley Country Park is situated adjacent to the application site, with pedestrian access provided to allow ease of access to this large area of public open space.

Policy OS2 also states that for residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. This reserved matters application does not contain an equipped play area. The equipped play area is to be sited immediately adjacent the southern site boundary within the site granted reserved matters approval under LA01/2016/1258/RM. The siting of the equipped play area is as per the stamped approved concept masterplan approved at outline stage, which sees the equipped area located centrally within the overall approved housing development. There are two localised area of play proposed within the site which are located to the northern end of the site, behind St Canices's graveyard, and centrally within the site.

Each of the proposed dwellings will provide private amenity spaces to the rear of the dwellings. Creating Places advises that in order to promote choice for residents a variety of garden sizes should be provided. The proposed development does provide for a large variety of garden sizes with the smallest rear garden approximately 62m<sup>2</sup> while larger gardens sizes are in excess of 300m<sup>2</sup>. No garden area falls below the minimum required provision of 40m<sup>2</sup>. The Planning Department consider the level of private amenity provision to be acceptable.

The submitted Landscape Plans and associated Landscape Management Plan, which outlines the methodology for the implementation and long term maintenance and management of the areas of open space in perpetuity are considered to be acceptable at this stage. No management company/agent has as yet been appointed to the proposed development, but by way of condition the developer will be required to submit a detailed landscape management and maintenance plan and details of the management company prior to the occupation of the first dwelling.

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

Given the scale of this reserved matters application, there is no need for the provision of neighbourhood facilities for this specific scheme. As part of the outline planning approval the provision of community facilities was considered and an area to the north of



the application site was identified on the approved concept masterplan for community use. In the interim period it is noted that the new petrol filling station and retail unit has been constructed to the east, adjacent Ballyquin Rd, while planning permission has also been granted for a new integrated primary school to the south of the petrol station, also adjacent to the Ballyquin Rd. These existing and proposed facilities along with the provision of a bus route through the application site will provide adequate neighbourhood facilities which are adequate to serve the proposal.

***(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 site is located in a suburban area close to the south-western periphery of Limavady Town. The application site forms part of a larger housing development granted planning approval under B/2010/0440/O, which is contained by the Ballyquin Rd to the East, Roemill Rd to the north and the Roe Valley Country Park to the west. The proposal provides pedestrian pathways throughout the site linking the site to Ballyquin Rd/petrol station/shop, play areas and adjacent proposed residential sites. The application site also provides for pedestrian access to the Roe Valley Country Park along its western boundary. The proposed housing development will also have a bus stop within the site which is identified as being in a relatively central location. The bus route through the housing development will afford convenient access to public transport which will link to the town centre. The proposal also incorporates traffic calming measures in the form of raised junctions, and provides for adequate infrastructures such as dropped kerbs etc. to assist with movement for the mobility impaired.

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

The proposed development will provide in-curtilage parking for the proposed dwellings. Visitor car parking has also been provided as part of the road network layout and some parking bays for visitor parking has been provided. DFI Roads has no objection to the level and arrangement of parking provision. The

proposal complies with the standards for parking as outlined in the Parking Standards document.

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

The design of the proposed development is considered acceptable given the traditional form and finishes proposed as part of the scheme. The dwellings are a predominately a mix of two storey detached and semi-detached dwellings with some chalet bungalow type dwellings. The finishes include smooth render and red facing brick to the walls. The roof forms are a mixture of pitched and hipped roof with the finishes of slate or flat profiled roof tiles proposed, which are in keeping with the context of the area in which there are a mix of finishes, including the style and finishes of some of the buildings within the Country Park. Boundary treatments to the properties are acceptable, comprising rustic red brick walls, to match the associated dwellings, timber fencing to the rear gardens and estate railing and hedgerow to the front of the properties.

***(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;***

Given the primary land use within the immediate vicinity is residential there is no significant conflict between existing and proposed land uses in terms of acceptable uses. Given the siting of the application site, the only likely source of conflict is the relationship between the dwellings within the proposed site with each other and existing residential properties along the site boundaries. There may also be potential conflict between the dwellings within the application site with those on the adjacent approved housing site to the east of the application site through potential loss of amenity.

Paragraphs 7.15 and 7.16 of Creating Places outline the separation distances recommended to provide a satisfactorily level of privacy. These paragraphs outline that on greenfield sites and in lower density developments a separation distance of around 10m to the rear boundary where the property abuts the rear property of an adjacent dwelling, and around 20m between opposing rear first floor windows.

A large portion of the site layout has been designed with a back to back relationship, although there are also some instances where there are back to side relationships proposed e.g. close road junctions. Generally the dwellings within the site layout achieve the separation distances outlined within Creating Places. There are however a small number of dwellings within the development which fall a small level below the recommended separation distances. One of the primary reasons for this is due to the road alignment, and location of primary roads within the site, which is somewhat dictated by the primary access point and adjacent development site, in order to tie in with the schemes, as well as the necessity to access roads in a forward gear. This has resulted in plot depths being shortened and dwellings being set further into the site to achieve these road safety requirements.

Most of the dwellings which fall under the recommended separation distances, particularly the two storey dwellings do not have a significantly reduced separation distance to the rear boundary. Dwellings such as those at plots 97 and plots 99-102 have plot depths of 8.5-9m. However the dwelling at plot 97 has a separation distance of 19.5m to the opposing dwelling at plot 105, only marginally below the recommended separation distance and 23m to the dwelling at plot 106 which is acceptable.

The dwelling at plot 55 is the only dwelling which has a restricted plot depth to the rear boundary at approximately 7.5m. The separation to the opposing dwelling at plot 59 is approximately 18m. While this is below the recommended levels it is not considered to be so significant that it would result in significant adverse impacts on residential amenity. Its relationship to the dwelling to the rear is dictated by the roads which bound both plots. The dwelling is of a scale and siting which is reflective of the road frontage it sits on. Plot 55 along with plot 59 sit perpendicular to the dwellings at plots 56 and 58, with only the private driveways separating them from the private amenity spaces of 56 to 58. Despite this there will be no overlooking from the dwellings at 55 and 59 as the first floor gable windows are windows which serve en-suites and will be obscure glass. This can be safeguarded through the imposition of an appropriate condition.

The dwellings along the eastern site boundary are compatible with the housing within the adjacent housing site (LA01/2016/1265/RM). The dwellings at plots 88, 93, 112 and 136 only have windows in the first floor gables which serve en-suites and can be finished in obscured glazing, reducing views into the adjacent sites. Again this can be safeguarded by condition. The dwellings at plots 84-87 have first floor windows facing towards the adjacent housing site but have sufficient separation (9.5-13m) to the rear boundary with vegetation also screening views beyond the rear of the plots.

The proposed housing site abuts two existing dwellings along the western side of the application site at Nos. 173 and 175 Roemill Road.

No.173 Roemill Rd is to the North West corner of the site. Previous layouts of the development proposed four dwellings initially fronting toward No. 173 (plots 1-4). Following consideration of the relationship between properties the site layout was amended so that the dwellings at plots 1-4 were orientated to back onto the plot at No. 173. The four dwellings are now sited 14-14.5m from the shared boundary between them and No.173 with 20m between properties. The layout also proposes a planting buffer to the rear of the properties. While concerns were raised regarding the impact on privacy at No. 173, the applicant has sought to address the issue and has achieved a separation distance to the desired levels outlined within Creating Places. The level of separation proposed and the proposed landscaping will ensure no significant adverse impacts on the privacy of No.173. It is also noted that planning permission for the dwelling at No.173 was granted after outline planning was granted on the application site.

A number of objections have been received with concerns relating to a loss of privacy to the dwelling at No. 175 Roemill Rd, which is to the extreme western side of the application site, along the small laneway which leads to the Country Park. The initial site layout proposed a number of two storey dwellings sited to back directly towards the dwelling which would have resulted in a loss of amenity. The site layout was subsequently revised to address this issue and the number of dwellings along the southern boundary of No. 175 reduced from four to two. The two dwellings which abut the boundary were reduced to chalet bungalow type dwellings with no first floor rear windows, thereby

reducing the potential for overlooking. The reduction in height of the dwellings will also reduce the potential for the proposal to dominate or enclose the dwelling. The two storey dwellings at plots 16 and 17 are approximately 18.20m from the site boundary and 60m from the rear of the dwelling at No. 175, and the dwelling at plot 19 is orientated to not look directly towards the plot of No.175. These amendments, coupled with the retention of mature vegetation along the site boundaries will maintain a satisfactory level of separation and privacy to the occupants of No. 175.

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

The proposed design and layout of the proposed development ensures that there are no issues arising in relation to crime and personal safety. The public amenity spaces and play area are overlooked by the fronts of dwellings to provide casual surveillance. The proposed layout ensures that rear gardens back onto each other and are fully enclosed, ensuring safe environs to the occupiers of individual dwellings. The proposed layout does not result in the formation of or link to any narrow unfrequented/underutilised routes which could result in a lack of surveillance.

**Impact on the character of the surrounding area**

- 8.6 Policy LC 1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

***(a) the proposed density is not significantly higher than that found in the established residential area;***

***(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and***

***(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.***

- 8.7 This proposal will provide 144 dwellings on a greenfield site within the Limavady Settlement Development Limit. This is a

Reserved Matters application and the principle of development has already been established at the site, and the density was a consideration of the outline application. The areas of housing in the vicinity of the area provide a variety of housing densities. To the north of the site along Roemill Rd and to the east between Ballyquin Rd and Scroogy Rd development is of a relatively high density, while to the site at Whitehill Park would be comparable to the proposed development.

8.8 The proposed site is located within an area where the predominant land use is residential. Dwellings within the area are a mix of single, storey and a half and two storey with a mix of semi-detached and detached properties and town houses. The dwellings have a mix of finishes which includes, smooth render and red brick. The dwellings proposed are made up of a mix of chalet and two storey dwellings which are detached and semi-detached. The finishes include smooth render and facing brick which is acceptable having regard to the overall character of the area.

8.9 All the dwellings proposed are of a size not less than those set out in Annex A of the policy.

### **Social Housing**

8.10 Consideration has also been given to Policy HOU 2 of the Northern Area Plan which relates to Social and Supported Housing. Within this policy it is stated that proposals for schemes of more than 25 residential units, or on a site of 1 hectare or more, will be required 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. Given this is a reserved matters application to which the outline was approved prior to the adoption of the Northern Area Plan this provision is not applicable to this scheme. As part of the Outline application there was no condition relating to provision for social housing.

### **Access and Parking**

8.11 Access to the public road is proposed via a new access from Roemill Rd, which will also provide a right turning lane on the Roemill Road for traffic accessing the site. The access is located at a bend in the road and required the demolition of the dwelling at No. 183 to facilitate the new access which will run between St

Canice's Graveyard and No. 181 Roemill Rd. DFI Roads have assessed the proposal and are content that access onto the public road and access provision, road junctions etc. within the site are to an acceptable standard and will not prejudice road safety.

8.12 Condition 16 of the outline planning approval required the submission of a phased scheme for the delivery of roads infrastructure improvements. An Article 122 agreement exists between the relevant land owners and Department for Infrastructure (DFI) which provides for the upgrade of number of junctions elsewhere within Limavady as specified in points e-h of condition 16. The Right turn facility outlined at point 'a' of condition 16 is provided for within this application. The upgrade works identified in point I have already been completed by DFI. The upgrade works proposed in points b and d of condition 16 are proposed as part of the development proposal within adjacent applications LA01/2016/1258/RM and LA01/2016/1265/RM. Point c will be developed as part of any future application on the undeveloped portion of land at the Ballyquin/Roemill Rd junction.

8.13 Condition 17 requires the provision of a combined footpath/cycle path along the frontage of the site at Ballyquin Rd, in line with the approved concept masterplan. However in the intervening period that part of the approved site has been developed for an alternative use, with a petrol filling station and retails units occupying a road frontage location instead of housing. Considering the change in land use, this condition is not considered to be implementable. It is noted that there is an existing footpath along the Ballyquin Rd outside the application site which will continue to provide for pedestrian needs. This parcel of land also falls outside the application boundary of this application, and is therefore not within its remit to consider.

## **Natural Environment**

8.14 Given the hydrological link to the River Roe and Tributaries SAC/ASSI, a robust assessment of the proposed development for both construction and operational phases was required to ensure that there would be no polluting impact/degradation of the designated site.

8.15 Condition 21 of the associated outline approval required the submission of a site survey to assess potential contamination. A

Preliminary Risk Assessment was submitted 19/6/2018 upon which DAERA Land, Soil and Air Department and Environmental Health were consulted. The Preliminary Risk Assessment concluded that risk to the water environment as low as the site is greenfield and no onsite sources have been identified. Upon review DAERA Land, Soil and Air and Environmental Health have no objections to the development provided Conditions and Informatives are placed on any planning decision.

8.16 In addition an Outline Construction Environment Management Plan was submitted (19/06/2018) which outlines the mitigation measures to be implemented during the construction phase of the development to minimise potentially adverse impacts. Following consultation with DAERA (NED and WMU) and Shared Environmental Services both consultees have no concerns subject to the requirement for final CEMP to be submitted by the appointed contractor prior to the commencement of development

8.17 Subject to the implementation of best practice and the specified mitigation being implemented during the construction phase, the proposal will not have any significant detrimental impact on the integrity or selection features of any designated site in line with the requirements of the SPPS and Policies NH1 and NH3 of PPS2.

8.18 For information purposes, the above conclusion was arrived at on the basis that the application proposes to dispose of foul sewage via connection to the mains infrastructure. Please refer to paragraph 8.33 below which relates to issues concerning NI Water infrastructure.

8.19 Initially the application was accompanied by a badger survey which had been conducted in 2012. The survey noted activity within the application site but no setts were identified. As part of their initial assessment DAERA Natural Environment Division highlighted the need for the submission of additional information in the form of an Extended Phase 1 Habitat Survey, to include a full badger survey, given the timing and results of the previous surveys carried out on the site.

8.20 An Extended Phase 1 Habitat Survey was submitted, which contained the result of a number of desktop and field based



surveys, surveying the habitats and species potential of the site. The results of the surveys found no record of otter activity or smooth newt habitat. Badger activity was noted adjacent to the site but not within the site and no latrines were identified within the site.

- 8.21 The survey found a number of mature trees on the site to have moderate bat roosting potential. Some of these trees were identified to be felled within the Tree Survey Report. Therefore the survey recommended that these trees be subject to a bat survey prior to felling or tree surgery. The report also outlined the potential impact of artificial lighting on foraging and commuting bats. The remaining existing hedgerows and trees along the site boundaries offer moderate conservation value for wildlife, and are to be retained and augmented as part of the development process.
- 8.22 A subsequent Bat Emergence Survey was submitted in October 2019. The survey was conducted over three dates from 23<sup>rd</sup> August to 25<sup>th</sup> September 2018. The survey results concluded that no bats were observed emerging from or re-entering any of the trees surveyed and that no impact will arise upon roosting bats from the proposed development.
- 8.23 DAERA Natural Environment Division were re-consulted on this information and requested additional information in relation to the bat survey carried out in terms of the positioning of the surveyors relative to the trees and the times that the surveys were carried out. Natural Environment Division also requested that a bat friendly lighting plan be submitted to accompany the report.
- 8.24 Additional information regarding the bat survey along with a bat friendly lighting plan to reflect the current site layout was submitted in October 2020. DAERA Natural Environment Division were re-consulted on this information and again considered the information to be insufficient to determine the impact on bats. Given the time lapse from the initial surveys DAERA advised that the Preliminary Ecological Appraisal (PEA) and bat surveys were out of date and would be required to be updated.
- 8.25 An updated Bat Activity Survey and Preliminary Ecological Appraisal was submitted in July 2021. DAERA was consulted on

this information. Following consideration of the information are content that the lighting levels proposed along the site boundaries are acceptable and will minimise the impact on bats. Additionally four bat boxes have been proposed to provide compensatory roosting habitat for bats, which NED also consider acceptable. NED have provided conditions to be attached to the approval notice to mitigate the impact on bats, a protected species.

8.26 NED sought further information regarding the potential for newts to exist within the vicinity of the application site. Further clarification was provided on the matter by MCL Consulting who clarified that the area in question had previously flooded due to a blocked drain. This issue has been resolved and the site has dried out, removing the potential suitable habitat to exist. NED are content that there will be no likely impact on newts. The revised Preliminary Ecological Appraisal noted no impact on badgers or otters.

8.27 Following consideration of the relevant information and consultation with relevant bodies it has been demonstrated that the proposed development will not result in adverse impact on protected species, priority species and their habitats in line with the SPSS and Policies NH2 and NH 5 of PPS2.

### **Habitat Regulations Assessment**

8.28 The proposed site is located less than 0.1 kilometres from the River Roe and Tributaries SAC/ASSI and the site is hydrologically linked to Lough Foyle SPA/Ramsar site. Shared Environmental Services were consulted in relation to this application and have carried out a Habitat Regulations Assessment on behalf of the Planning Department. Having considered the nature, scale, timing, duration and location of the project it was concluded by SES in consultation with DAERA that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European designated site. These mitigation measures include the submission of a final Construction Environmental Management Plan and confirmation of an approved means of foul waste disposal prior to occupation of any dwelling. This issue will be discussed further below at Paragraph 8.33.

## **PPS15**

- 8.29 The application site is not located within the 1 in 100 year fluvial floodplain or the 1 in 200 year coastal floodplain. Therefore Policy FLD 1 of PPS 15 is not engaged.
- 8.30 Given the size of the application site and number of dwellings proposed Policy FLD3 of PPS 15 is engaged which required the submission a Drainage Assessment. Additionally, Rivers Agency Flood Maps have shown that part of the site are subject to surface water flooding.
- 8.31 A drainage assessment and drainage plan was submitted by the applicant outlining the proposed storm drainage layout for the application site. The application proposes to discharge surface water directly to the River Roe at a rate of 68 litres per second. The proposed drainage system include attenuation measures in the form of an attenuation tank to assist with the controlled discharge of storm water as agreed with DFI Rivers. DFI Rivers have been consulted with the Drainage Assessment for the site and accepts its logic and has no reason to disagree with its conclusions. Consequently, DFI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.
- 8.32 Given the conclusions of DFI Rivers, as the competent authority, the Planning Department are satisfied that the proposed development will not result in any adverse impacts from surface water flooding/drainage issues throughout the site or on adjacent properties.
- 8.33 DFI Rivers initially highlighted that an undesignated watercourse flows along the eastern side of the site and have outlined that in line with the requirements of Policy FLD2 a 5 m maintenance strip is required. Rivers Agency also referred to Policy FLD4 of PPS15 which states that the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:
- Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;

- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

8.34 The agent has outlined within the drainage assessment that there are no known watercourse within the application site. The watercourse along the eastern boundary is within the adjacent application site LA01/2016/1265/RM, with details around the maintenance wayleave and culverting of the watercourse assessed under that application. Therefore as there are no watercourses within the application site and no modification of any such watercourses, Policies FLD2 and FLD 4 are not engaged.

### **NI Water**

8.35 The application proposes to dispose of foul sewage via NI Water's mains infrastructure, as was approved in principle under the associated outline approval. During the consultation process within this application NI Water have advised that the 150mm diameter public foul sewer located within Ballyquin Road cannot serve this proposal due to lack of available capacity, and are therefore not accepting any new connections until an upgrade of the infrastructure has been implemented. However, to date the timeframe for any such upgrade is not known. In progressing the application, any forthcoming approval of this application will be subject to a condition limiting development to enabling works, such as roads infrastructure and some works to the dwellings i.e. construction to foundation/sub-floor level until such times as the development can connect to mains. It has also been proposed to extend the time frame for implementation of the planning approval to five years, which may allow for development of the sewer upgrade to come online. The applicant/agent has confirmed that they are accepting of the condition.

8.36 If the applicant wishes to proceed beyond the limitations of the aforementioned condition prior to the upgrade of the NI Water infrastructure taking place they may wish to explore alternative means of appropriate foul disposal such as the installation of a temporary waste water treatment plant. However such a proposal would be subject to a separate planning application and would be subject to consultation with the relevant

consultees to assess the potential impact on the aquatic environment and designated sites as a result of the proposed discharges required.

## **OBJECTION ISSUES**

8.37 Many of the issues raised within the letters of objection received have been addressed in the paragraphs above.

Concern was raised regarding the protection that would be afforded to the lands to the south of the development site if planning is granted, and that it could lead to development of these lands. The Planning Department would clarify that the lands to the south of the application site are located in the rural area outside of the settlement limit of Limavady as per the Northern Area Plan 2016, and therefore any planning application for housing development is unlikely to be supported by the Area Plan or prevailing planning policy. Any application on these lands would be subject to meeting with the prevailing policies in place at that time.

Concerns have been raised regarding the visual impact of the development being detrimental to the natural beauty of the area. While it is acknowledged that the development will alter the landscape within the immediate confines of the site, the application has taken account of the surroundings and has provided landscape buffers to the site boundaries where there are adjacent interests in order to minimise the visual intrusion of the development. The dwellings within the development are appropriate to the surrounding context and will not result in a significant adverse visual impact on the wider area.

With respect to the impact on the Country Park it is noted that the entrance to the Country Park Car Park is located adjacent to the southern boundary of the site with the park extending south and to the north west of the car park. The Country Park does not abut the application site and therefore, will not significantly impact upon the amenity of those using it. As previously outlined significant landscaping is proposed along the western site boundary of the application site to provide a buffer to the laneway to reduce the presence of the urbanising impact of the dwellings, and maintain a tranquil approach to the Country Park.

## 9.0 CONCLUSION

9.1 The proposed housing development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The principle of development has been established at the site under the outline approval. The proposed developments meets with the conditions as set out in the associated outline application. The proposed layout and topography of the site is considered acceptable. It is considered that there will be no unacceptable impacts on existing dwellings or proposed dwellings via overlooking, loss of light or overshadowing. Approval is recommended.

## 10.0 Conditions and Informatives

### 10.1 Regulatory Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. 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 Drg. No. 59 Rev 06 (Sheet 1), Site Layout and Drg. No. 60 Rev 06 (Sheet 2), Site Layout, both date stamped 24<sup>th</sup> July 2020.

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.

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No other development hereby permitted shall be commenced until

the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drg. No. 59 Rev 06 (Sheet 1), Site Layout, date stamped 24<sup>th</sup> July 2020. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

4. 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.

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

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.

6. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m from the junction with the public road.

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

7. The visibility splays at the junction of the proposed access road with the public road, shall be provided in accordance with Drg. No. 59 Rev 06 (Sheet 1), Site Layout, date stamped 24<sup>th</sup> July 2020 prior to the commencement of any other works or other development.

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

8. 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.

9. Notwithstanding the provisions of the Planning (General Development) Order (NI) 1993 no garages shall be sited closer than 6.0 meters from the back of the footway or the near edge of a shared surface carriageway.

Reason: To ensure that there is space for a parked vehicle without encroaching onto the footway or service strip.

10. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

11. No other development hereby permitted shall be commenced until the road works indicated on Drg. No. 59 Rev 06 (Sheet 1), Site Layout, date stamped 24<sup>th</sup> July 2020 have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.



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

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.

13. The appointed contractor shall submit a final Construction Environmental Management Plan (CEMP) to the Planning Authority, for consultation and agreement with NIEA-WMU, prior to the commencement of any works. The CEMP must reflect and detail all the pollution prevention, mitigation and avoidance measures to be employed, as detailed within the outline CEMP Date Stamped 18/06/2018. The approved CEMP shall be implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure no adverse effects on the site integrity of River Roe and Tributaries SAC and Lough Foyle SPA and Ramsar site.

14. Prior to the commencement of any development hereby approved a detailed earthworks management plan must be provided, this should include methods of control of run-off from working areas, and mitigating measures to prevent pollution of watercourses.

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

15. A suitable buffer of at least 10 metres must be maintained between the locations of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and all watercourses, as well as any settlement pond.

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

16. Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development must first pass through appropriate treatment, such as settlement ponds, silt fences and cut-off trenches.

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

17. No dwelling hereby approved shall be constructed beyond sub floor until such times as a foul mains connection has been provided by NI Water in accordance with Article 154 of the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended, Water and Sewerage Services Act (Northern Ireland) 2016, or in the interim period an alternative means of disposal is agreed with NI Water, DEARA Water Management Unit and details submitted to and approved by Causeway Coast and Glens Borough Council.

Reason: To ensure a satisfactory means of foul disposal and to ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

18. Storm drainage of the site, during construction and operational phases, must be designed to the principles of the Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on aquatic environments. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753 (2015)

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

19. 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 Causeway Coast and Glens Borough Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

20. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 15.

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

21. 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 14. These measures shall be implemented and an archaeological report shall be submitted to Causeway Coast and Glens Borough Council within 6 months of the completion of archaeological site works, or as otherwise agreed in writing with Causeway Coast and Glens Borough Council.

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.

22. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

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

23. The proposed communal open space and amenity areas identified on the stamped approved Drawing Nos. 50 Rev 09 received 08/10/2021 and No.122 received 20/04/2020, shall be carried out prior to the occupation of any dwelling hereby approved or as otherwise agreed in writing with the Council.

Reason: In the interest of visual and residential amenity.

24. Prior to the commencement of development a detailed Landscape Management and Maintenance Plan shall be submitted in writing to the Council for approval, detailing the long term management and maintenance schedule for the landscaping within the development.

Reason: To ensure the continuity and sustainability of the approved landscape design through its successful establishment and long term maintenance and to achieve a quality residential development consistent with Planning Policy Statement 7 'Quality Residential Environments'.

25. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, all proposed landscaping shall be carried out in accordance with Drawing No.56 Rev 03 (received 15/10/2020), and maintained in accordance with a detailed Landscape Management and Maintenance Plan, as required by condition 24, to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

26. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

27. No tree marked for retention on Drawing Nos. 50 Rev 09 (received 08/10/2021) and No.56 Rev 03 (received 15/10/2020) shall be removed without prior consent being obtained from the Council. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of any dwelling, another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Department.

Reason: To ensure the continuity of amenity afforded by existing trees and biodiversity value afforded by existing trees and hedgerow vegetation

28. The developer shall nominate and appoint a Landscape Management Company to implement and maintain the landscape plans No. 50 Rev 09 (received 08/10/2021), No.56 Rev 03 (received 15/10/2020), No.122 (received 20/04/2020) and the Landscape Management and Maintenance Plan as requested by condition 24. The areas of public open space and amenity space identified on the landscape plans shall be maintained in perpetuity, to the satisfaction of the Council. A signed copy of the Memorandum and Articles of Association shall be submitted to the Planning Authority prior to the occupation of any dwelling.

Reason: To ensure the continuity and sustainability of the approved landscape design through its successful establishment and long term maintenance and to achieve a quality residential development consistent with Planning Policy Statement 7 'Quality Residential Environments'.

29. The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). No protected tree, other than those identified to be removed as indicated on the approved Drawings, No's 50 Rev 09 (received 08/10/2021) & 05 Rev 03, (received 05/10/2020), 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.

Reason: To ensure the retention of trees protected by the TPO and to ensure continuity of the landscape amenity afforded by these trees.

30. All Arboricultural work shall be implemented in accordance with the detail in the submitted Drawings No's 50 Rev 09 (received 08/10/2021) & Arboricultural Method Statement (Doc 03 Rev 02 received 5<sup>th</sup> October 2021) and shall be carried out in accordance with BS5837 (2012) 'Trees in Relation to Construction'. Any remedial works to be carried out by a competent Tree Surgeon, preferably an Arboricultural Association approved contractor.

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

31. Prior to any development on site, all trees identified to be retained as indicated on the approved Drawings, must have their roots protected, as per the measures detailed in Nos. 50 Rev 09 (received 08/10/2021), No.56 Rev 03 (received 15/10/2020), No.117 (received 02-OCT-19) and Arboricultural Method Statement (Doc 03 Rev 02 received 5<sup>th</sup> October 2021). The erection of fencing required for the protection of retained trees covered by a TPO as indicated on Drawing No.56 Rev 03 (received 15/10/2020) shall be undertaken in accordance with BS5837 (2012) 'Trees in Relation to Construction'. The fencing must 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 out, other than in accordance with the approved plans and particulars of this application.

Reason: To protect the sensitive roots of the trees to be retained and ensure their future health and vitality.

32. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

33. After completing all remediation works under Condition 32 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

34. No works to trees no.62, 63 and 64 shall take place until a DAERA Wildlife Licence has been obtained and evidence of this has been provided to the Planning Authority in writing.

Reason: To minimise the impact of the proposal on bats.

35. Within twenty four hours prior to felling, trees no.62, 63 and 64 shall be checked for bat presence by a competent ecologist. The felling of those specified tree must be carried out using soft-fell techniques, under the supervision of a competent ecologist. Remaining intact crevices present in limbs must be left overnight to give hidden bats an opportunity to escape.

Reason: To minimise the impact of the proposal on bats.

36. Bat boxes, as shown on Drawing No.128, received 21<sup>st</sup> September 2021, must be installed at the locations shown prior to the felling of those trees identified as having roosts presents.

Reason: To ensure roosting opportunities are not significantly impacted as a result of the proposal.

37. The external street lighting shall be implemented in accordance with the stamped approved Outdoor Lighting Report documents Doc 11 and Doc 12, received 15th October 2020.

Reason: To ensure no adverse impact on bats, a species protected by law.

38. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking or re-enacting that Order, no garages or other building, extension or enlargement (including alteration to roofs) shall be made to the dwelling houses hereby permitted on plots 7, 23, 24, 26, 32, 49, 50, 58, 59, 60, 61, 62, 70, 71, 72, 95, 99, 100, 101, 102, 104, 105, 106, 108,109, 111, 113,114, 115, 123, 124, 125, 126, 127, 130 and 131 without the grant of a separate planning permission from the Council.

Reason: To ensure the provision of adequate private amenity space.

39. The first floor gable windows serving the en-suite rooms on the dwellings at plots 55, 59, 88, 93, 112 and 136 as identified on drawing No. 50 Rev 09 received 08/10/2021 shall be finished in obscure glazing, and permanently retained thereafter.

Reason: To preserve the residential amenity of adjacent residential property.

40. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking or re-enacting that Order, no first floor windows, other than those expressly authorised by this permission shall be constructed.



Reason: To preserve the residential amenity of adjacent residential properties.

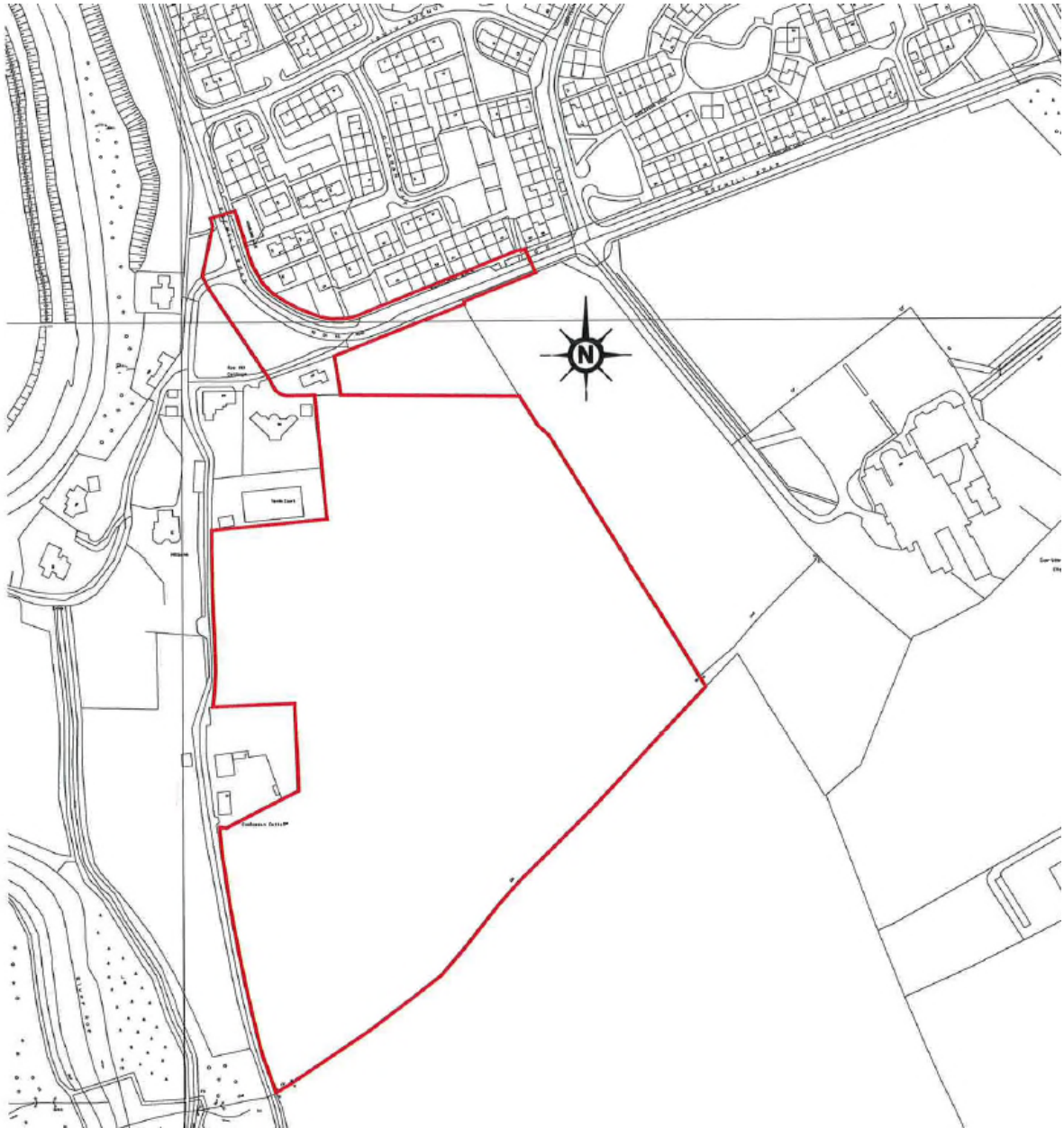
### Informatives

1. 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.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This 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.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.
6. Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.
7. 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.
8. 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.

9. 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.
10. 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. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.
12. 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.

# Site Location Map



# Site Layout Plan

