

Planning Committee Report Item – LA01/2017/0964/F The Old Mill, Main Street, Cloughmills	22nd November 2017
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	Principal Planning Officer
Cost: (If applicable)	N/a

The Old Mill, Main Street Cloughmills

**LA01/2017/0964/F
Full Planning**

22nd November 2017

<u>App No:</u>	LA01/2017/0964/F	<u>Ward:</u>	Cloughmills
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Old Mill, Main Street, Cloughmills.		
<u>Proposal:</u>	Proposed refurbishment and alterations to existing community building (RDP Grant application) as a resource to the existing community activities at Edible Cloughmills and extension into derelict adjacent structure to provide communal spaces, training kitchen and storage facilities.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	19/07/2017
<u>Listed Building Grade:</u> N/A			
<u>Applicant:</u>	Causeway Coast and Glens Borough Council		
<u>Agent:</u>	Bell Architects Ltd		
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0		
<u>Support:</u> 0	<u>Petitions of Support:</u> 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 condition set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site, a former mill, is within the settlement development limits of Cloughmills and located towards the southern extent of the village. The mill buildings and chimney remain in situ and are in reasonably good condition.
- 2.2 The mill buildings are made up of four small different blocks. The use of buildings is characterised by basalt stone with red

brick quoins and arches over doors and windows. There is a large red brick chimney at the south-western corner of the site. The application building is located to the south-eastern extent of the site. The site is adjacent to the banks of the Cloughmills water, the lands to the rear of the mill buildings are currently utilised as community gardens / allotments. The site slopes from north to south down towards the adjacent river - Cloughmills Water.

- 2.3 The site is accessed off the Ballycregagh Road and shares the same public access point as the local medical centre, opticians, chemists and a private dwelling at No.60.
- 2.4 The site is entirely within the Cloughmills settlement development limits and adjacent an area zoned for housing (CSH 07) as per the Northern Area Plan. The site is also within an area of archaeological potential and a local landscape policy area (CSL 01).

3.0 RELEVANT HISTORY

D/2011/0164/F - Proposed new biodiversity riverside park incorporating children's play area. Old Mill Site, Main Street Cloughmills.

Approved 29.03.2012

D/2011/0254/F - Phase 2 Development of Biodiversity Park to include Allotments and Composting Toilet Facility. Old Mill Site, Main Street, Cloughmills.

Approved 09.05.2012

D/2015/0027/F - Alterations to building to provide disabled toilet facilities. Old Mill Site, Main Street, Cloughmills.

Approved 30.09.2015

LA01/2016/0242/F - Restoration of old mill building to accommodate new camping barn, meeting rooms, workshop, store and ancillary accommodation. Old Mill Site, Main Street Cloughmills.

Approved 05.10.2016

4.0 THE APPLICATION

- 4.1 Planning permission is sought for the proposed refurbishment and alterations to an existing community building as a resource to the existing community activities at Edible Cloughmills and extension into the derelict adjacent structure to provide communal spaces, training kitchen and storage facilities
- 4.2 The application includes the repair and alteration of the existing building with replacement of the adjoining derelict structure.

5.0 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** There are no objections to the proposal.

Internal

- 5.2 **Transport NI:** No objection subject to conditions.

Environmental Health: No objection subject to conditions.

Northern Ireland Water: No objection.

NI Water: No objection.

Rivers: Advise against development.

6.0 MATERIAL CONSIDERATIONS

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

- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016.

Strategic Planning Policy Statement for Northern Ireland (SPPS).

A Planning Strategy for Rural Northern Ireland.

PPS3 - Access, Movement & Parking.

PPS 6 - Planning, Archaeology and the Built Heritage.

PPS15 - Planning & Flood Risk.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of development; built heritage; amenity; contamination; flooding; and access and parking.

Principle of Development

- 8.2 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements.
- 8.3 The aim of the development is to provide a training kitchen and useable space for the community organisations which already use the site for the promotion of community events and activities.

- 8.4 The site is entirely within the Cloughmills settlement development limits and adjacent an area zoned for housing (CSH 07) as per the Northern Area Plan. The site is also within an area of archaeological potential and a local landscape policy area (CSL 01).
- 8.5 The NAP 2016 states that community facilities “often provide an essential and valuable service to local residents, particularly those without access to a car, and can help create or reinforce a sense of community.”
- 8.6 In terms of the proposed use incorporating the provision of this type of community and tourist facility, such a proposal is appropriate and acceptable in principle at this location. Policy is supportive of such proposals provided they are compatible with surrounding land uses, will not harm the amenities of nearby residents and satisfactory access arrangements can be provided.

Built Heritage

- 8.7 The current application relates to one of the remaining buildings which formed a corn and flax mill present on early edition Ordnance Survey maps. The site is noted on the Historic Monuments Unit Industrial Heritage Record and as such is protected under Policy BH2 of PPS6 - The Protection of Archaeological Remains of Local Importance and their Settings. This policy will only permit proposals which would adversely affect archaeological sites of local importance where it is considered that the importance of the proposed development outweighs the value of the remains.
- 8.8 The current proposal seeks to retain and refurbish the existing built form and incorporates measures for the replacement of the adjoining derelict structure where necessary. The proposed works generally respect the existing built form and will not have an adverse effect on the character of the original building. The Historic Environment Division has considered the impact of the proposal and is content with the proposal, conditional on the basis of a developer funded agreed programme of archaeological works and surveying. As such the proposal meets the policy test of BH2.

Amenity

- 8.9 The proposal is within an historic industrial site which is bounded to the north by commercial / medical premises. The site is also adjacent an area designated for housing to the north-east as well a number of residential premises which front onto Ballycregagh Road. Further residential dwellings exist at Holmlea Terrace opposite the site. A separation of 75m exists between the proposal and the nearest residential property. Therefore there is no impact on existing privacy. The Environmental Health Department has been consulted and no objections have been raised in relation to the issue of residential amenity from noise or odour.

Contamination

- 8.10 Environmental Health has confirmed that investigation is required in relation to the potential for asbestos containing materials in or on the building as well as limitation regarding noise from construction activities.
- 8.11 The Environmental Health Department advocates a precautionary approach and recommend the submission of asbestos surveys and reports as well as limitation of noise from construction activities through the use of negative conditions of any subsequent planning approval.

Flooding

- 8.12 The site is located within the flood plain and a Flood Risk and Drainage Assessment (FRA) was submitted. Rivers Agency refers to the fact that the recommended freeboard of 600mm cannot be achieved (in conjunction with sympathetic renovation) and advises that approval of emergency evacuation plans and procedures is outside their remit. As a result Rivers Agency advises against the development. The submitted Flood Risk Assessment recognises that extreme flood events would cause flooding to the site, the extent of which would be dependent on the flood magnitude. Flooding within the application boundary would occur to a depth of 140mm during a Q30 event and to a depth of 200mm during a Q50 event. The proposed flood management and mitigation measures outlined in the FRA would aid in managing the flood risk. These include the use of demountable flood barriers to doors, windows and other openings to provide a level of defence up to a flood level of 600mm.

- 8.13 Policy FLD1 of PPS15 allows development on the basis that it meets with one of the listed exceptions. The current application relates to a change of use incorporating refurbishment and partial replacement. Though not defined as a specific exception within FLD1, for the purposes of this proposal, the most relevant is that of replacement of an existing building. The existing structure would be eligible for replacement but for its historic importance. As the application proposes the refurbishment, re-use and retention of this historic building it is pragmatic to allow the proposal as planning gain on the basis that satisfactory flood protection and management measures can be provided.
- 8.14 As the renovated building and car park are predicted to be affected by flooding which would prevent access or egress the applicant proposes the provision and implementation of a Flood Management Plan to mitigate any risk.
- 8.15 The proposed layout incorporates limited facilities which would be utilised on a temporary basis including community space / meeting areas, a demonstrator kitchen, stores and a boiler room therefore ensuring awareness of any potential flood event. In the event of flooding occurring, prior to evacuation of the site the Flood Risk Assessment proposes evacuation to the elevated area of the site comprising a yurt and toilets. Points of building entry would permit dry egress from the building to the refuge site which would provide shelter, heating and toilet facilities until floodwater had receded or emergency service attended. The agent has subsequently confirmed that both the route to, and the means of refuge are suitable for persons with limited mobility. The probable duration of refuge required during a flood event is estimated up to 3 hrs 45 minutes.
- 8.16 Rivers Agency have concurred with the FRA that the development will not materially increase the flood risk elsewhere.

Access and Parking

- 8.17 The existing access remains unaltered although the car park is to be upgraded and parking area provided to the front of the site. DFI Roads has been consulted and no objection raised subject to condition.

9 CONCLUSION

- 9.1 The proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The re-use of the existing building as a community facility would ensure the refurbishment, upkeep and retention of a historically important building and provide community facilities. The building has the potential to contain asbestos materials which can be dealt with by way of negative conditions. The site is within the floodplain. However, the scheme does not propose any new buildings, the site is already in use and satisfactory flood management measures have been proposed and can be dealt with way of negative condition. Approval is 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 No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked out in accordance with approved Drawing No. 02A bearing the date stamp 19th September 2017 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

- 10.3 No site works of any nature or development shall take place until a programme of archaeological work, including an industrial archaeology survey, has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of archaeological remains within the site, for

mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

- 10.4 Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division 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.

- 10.5 No operation in or from any building hereby permitted shall commence until A Flood Management Plan has been submitted to Planning and agreed in writing.

Reason: To mitigate the risk of flooding.

11 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 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.
- 11.6 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.”
- 11.7 The applicant is advised to have an asbestos survey carried out prior to any works of demolition or refurbishment being undertaken, in compliance with relevant legislative requirements under the Control of Asbestos Regulations (NI) 2012. Any identified Asbestos containing material must be removed and disposed of in full compliance with all health and safety and waste management legislative requirements and to the satisfaction of the appropriate regulators Health and Safety Executive NI and NI Environment Agency (Waste Management Unit).

- 11.8 In circumstances where the asbestos survey confirms asbestos containing materials are present, documentation including: waste classification, proposed removal/disposal measures and validation of asbestos removal and certification (waste management documentation) should be forwarded to Causeway Coast and Glens Borough Council Planning Department in consultation with the Environmental Health Department
- 11.9 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.
- 11.10 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.
- 11.11 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.
- 11.12 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.
- 11.13 The applicant is advised that building control approval is required and should be contacted in relation to any queries
- 11.14 For information regarding compliance with Food Safety legislation and Health and Safety legislation the applicant should liaise with the environmental health department.

- 11.15 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.
- 11.16 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.
- 11.17 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.
- 11.18 All construction plant and materials shall be stored within the curtilage of the site. 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.
- 11.19 For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:
- Historic Environment Division – Historic Monuments Unit
Causeway Exchange
1–7 Bedford St
Belfast,
BT2 7EG
- Quote reference: SM11/1 ANT 23:12
- 11.20 Application for the excavation licence, required under the Historic Monuments and Archaeological Objects (NI) Order 1995, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project.
- 11.21 The applicant shall ensure full compliance with relevant Health and Safety legislative requirements in the assessment and

clearance of asbestos containing materials, and full regard shall be made to CIRIA Technical Guidance C733, (2014) "Asbestos in soil and made ground: a guide to understanding and managing the risks".

- 11.22 The applicant is advised to contact NIW through its Customer Relations Centre on 08458 770002 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern.
- 11.23 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 08457 440088.

Site Location

