Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 23rd March 2016
APPLICATION No: J/2013/0290/F
APPLICATION TYPE: Full

PROPOSAL: Removal of concrete capping with area retained for access with erection of handrails to vehicular and pedestrian retained bridges.

LOCATION: Bridge adjacent to listed buildings at Sion Mill Complex, Mill Lane, Sion Mills Strabane

APPLICANT: Brookmore Civil Eng. Ltd
AGENT: Manor Architects

ADVERTISEMENT: 06.11.2013
STATUTORY EXPIRY: 28.11.2013

RECOMMENDATION: Approve

REASON FOR PRESENTATION TO COMMITTEE: The overall area of the site exceeds 1 hectare. The application is therefore considered Major and does not fall within the Councils adopted Delegated Scheme.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

1. Description of Proposed Development

This proposal is for removal of concrete capping with area retained for access with erection of handrails to vehicular and pedestrian retained bridges

2. EIA Determination

This application has been screened by Council and as the development is not within a category listed in either Schedule 1 or Schedule 2 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, it is therefore considered that an EIA determination is not required.
3. Site and Surrounding Area

The site consists of the Herdmans Mill Complex in which there is a mix of modern and listed buildings, mill race, sports courts/pitches, landscaped gardens and a walkway. It is located within the development limit of Sion Mills, a local town as defined by the Strabane Area Plan 2001. The SAP identifies this area as being located within the Sion Mills Conservation Area. Within the Mill Complex two areas of open space are also zoned. The site is located alongside the River Mourne. The river has been designated as an Area of Special Scientific Interest and a Special Area of Conservation. West of the site is predominantly characterised by residential development including Sion House, and the Willows, a small private housing development.

Site Location Plan
Existing Site Layout

Proposed Site Layout

Bridge A – Vehicular
4. Site Constraints

The site is constrained by the following:

- The site is adjacent the River Mourne ASSI
- The site is adjacent the River Mourne SAC
- The site is within the designated Sion Mills Conservation Area
- Listed Building Ref: HB10/07/004
- Listed Building Curtilage Ref: HB10/07/001 A
5. Neighbour Notification Report

<table>
<thead>
<tr>
<th>Neighbour Address</th>
<th>Date Neighbour Notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 Mill Avenue, Liggartown, Sion Mills, Tyrone, BT82 9HE,</td>
<td>11/5/13</td>
</tr>
<tr>
<td>13 Willows, Liggartown, Sion Mills, Tyrone, BT82 9FQ,</td>
<td>11/5/13</td>
</tr>
<tr>
<td>14 Willows, Liggartown, Sion Mills, Tyrone, BT82 9FQ,</td>
<td>11/5/13</td>
</tr>
<tr>
<td>15 Willows, Liggartown, Sion Mills, Tyrone, BT82 9FQ,</td>
<td>11/5/13</td>
</tr>
<tr>
<td>16 Willows, Liggartown, Sion Mills, Tyrone, BT82 9FQ,</td>
<td>11/5/13</td>
</tr>
<tr>
<td>19 Willows, Liggartown, Sion Mills, Tyrone, BT82 9FQ,</td>
<td>11/5/13</td>
</tr>
<tr>
<td>Bt Exchange, Mill Avenue, Liggartown, Sion Mills, Tyrone, BT82 9HE,</td>
<td>11/5/13</td>
</tr>
</tbody>
</table>

6. Recent Relevant Site History

<table>
<thead>
<tr>
<th>APP REF</th>
<th>PROPOSAL</th>
<th>DECISION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>J/2013/0292/LBC</td>
<td>Demolition of Concrete Capping, with areas remaining for access to buildings on river frontage</td>
<td>To be decided</td>
<td></td>
</tr>
<tr>
<td>J/2013/0291/DCA</td>
<td>Demolition of Concrete Capping, with areas remaining for access to buildings on river frontage</td>
<td>To be decided</td>
<td></td>
</tr>
<tr>
<td>J/2013/0243/LBC</td>
<td>Removal of industrial metal chutes within the complex</td>
<td>Withdrawn</td>
<td>31.10.2013</td>
</tr>
<tr>
<td>J/2013/0148/LBC</td>
<td>Demolition of buildings within the Herdman's Mill Complex</td>
<td>Withdrawn</td>
<td>23.10.2013</td>
</tr>
<tr>
<td>J/2013/0142/DCA</td>
<td>Demolition of modern extensions on north, east and west elevations of Derg Mill</td>
<td>Appeal Withdrawn</td>
<td>02.09.2014</td>
</tr>
<tr>
<td>J/2013/0111/F</td>
<td>Change of use of former mill building to a 1MW centralised anaerobic digestion (CAD) facility</td>
<td>Appeal Withdrawn</td>
<td>02.09.2014</td>
</tr>
<tr>
<td>J/2012/0099/F</td>
<td>Retention of development to include the restoration of existing buildings and change of use to provide offices (class B1) and workshop units with ancillary retail (class B2) without compliance of Conditions 2, 4, 4 &amp; 5 under Article 28 of the Planning Order NI imposed on previous planning application reference J/2007/0021/F</td>
<td>Withdrawn</td>
<td>17.08.2012</td>
</tr>
<tr>
<td>J/2008/0561/F</td>
<td>Erection of 119 Houses, 29 Business Units, 30 Live/work units and a 72 bed Hotel with Spa, round an oval green; re-alignment of existing footpath &amp; retention of island and park</td>
<td>Refused</td>
<td>30.03.2015</td>
</tr>
<tr>
<td>J/2008/0448/F</td>
<td>Restoration &amp; alteration of listed buildings to provide neighbour shops, retail units, starter studios, exhibition area, mill museum, restaurant, coffee house, bar, library, creche/nursery, health centre and 96 flats. Construction of two new buildings, one containing 18 flats, the other a retirement</td>
<td>Refused</td>
<td>30.03.2015</td>
</tr>
</tbody>
</table>
### Appendix 10

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>J/2008/0447/DCA</td>
<td>Demolition of single storey link behind front facade of main building &quot;A&quot;, replacement of some roofs in building &quot;A&quot; and demolition of minor projections in rear building &quot;C&quot; as well as general stripping out.</td>
<td>Refused</td>
<td>30.03.2015</td>
</tr>
<tr>
<td>J/2008/0446/LB</td>
<td>Restoration &amp; alteration of listed buildings to provide neighbour shops, retail units, starter studios, exhibition area, mill museum, restaurant, coffee house, bar, library, creche/nursery, health centre and 96 flats. Construction of two new buildings, one containing 18 flats, the other a retirement home with 42 flats.</td>
<td>Consent refused</td>
<td>30.03.2015</td>
</tr>
<tr>
<td>J/2008/0439/F</td>
<td>Demolition of 108a &amp; pavilion; erection of 104 houses with new access roads; retention of and addition to sports facilities including new pavilion; relocation of sub station.</td>
<td>Permission granted</td>
<td>21.01.2012</td>
</tr>
<tr>
<td>J/2007/0805/CA</td>
<td>Existing buildings surrounding listed buildings are to be fully demolished to permit the refurbishment of listed buildings.</td>
<td>Consent refused</td>
<td>05.03.2008</td>
</tr>
<tr>
<td>J/2007/0804/LB</td>
<td>Existing buildings surrounding listed buildings are to be fully demolished to permit the refurbishment of listed buildings.</td>
<td>Consent refused</td>
<td>05.03.2008</td>
</tr>
<tr>
<td>J/2007/0031/DCA</td>
<td>Demolition of three disused workshops/stores</td>
<td>Consent refused</td>
<td>30.08.2007</td>
</tr>
<tr>
<td>J/2007/0021/F</td>
<td>Restoration of existing buildings and change of use to provide offices (Class B1), and workshop units with ancillary retail (Class B2). Demolitions and extensions.</td>
<td>Permission granted</td>
<td>30.08.2007</td>
</tr>
<tr>
<td>J/2007/0005/LDC</td>
<td>Restoration of existing buildings and change of use to provide offices (Class B1), and workshop units with ancillary retail (Class B2). Demolitions and extensions.</td>
<td>Consent granted</td>
<td>29.08.2007</td>
</tr>
</tbody>
</table>

### 7. Policy Framework

- Regional Development Strategy 2035
- Strabane Area Plan 1986 – 2001
- Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015
- PPS 2: Natural Heritage
- PPPS 6: Planning Archaeology and Built Heritage
- PPS 15: Planning and Flood Risk
8. Consultee Responses

NIEA Natural Heritage (NH): NH concerns were specifically regarding works which would affect the habitats of any species which reside within the SAC and ASSI adjacent to the river. NH are now content that these issues have been satisfactorily addressed, and a Habitats Regulations Assessment (HRA) to stage 2 Appropriate Assessment has been undertaken. The HRA has concluded that there will be no adverse effects on the integrity of the site provided mitigation is appended to any planning approval. NH have provided conditions in respect of the potential for pollution or contamination risks and remediation works which should be put in place which are attached at section 12.

NIEA Historic Buildings (HB): HB raised concerns regarding the demolition as works may damage the historic fabric of the existing mill buildings. Following receipt of structural reports and revised drawings which demonstrate that there will be no damage to the surrounding listed structures, HBU advise that the proposal is now compliant.

NIEA Land and Resource Management Unit (LRMU): LRMU have considered this proposal specifically with regard to potential contamination. They are satisfied that the proposed development should not result in any enhanced risks from any contamination at the site. As a result they have no objections subject to conditions and informatives (land contamination) – attached at section 12.

NIEA Historic Monuments (HM): HM advise that the proposal may uncover archaeological remains and therefore any works or demolition should be controlled through a developer-funded programme of archaeological works. Subject to conditions and informatives reflecting the above, they have no objection.

Environmental Health (EHD): EHD have been consulted in relation to any possible land contamination issues which would result from removal of the capping/covering over the waterway. They have no objections subject to conditions related to waste removal following removal of the capping.

Shared Environmental Services: SES have been consulted with regard to habitats which may be affected as a result of the development. They have concluded that the HRA carried out by NIEA remains to be valid and that the mitigation levels suggested should be included in any approval.

9. Representations

No representations have been received.

10. Planning Assessment, including Other Material Considerations

Section 6 (4) of The Planning Act (Northern Ireland) 2011 requires the Council to make planning decisions in accordance with the local development plan, unless material considerations indicate otherwise.
This proposal has been assessed against the provisions of the *Strabane Area Plan 1986 - 2001*, as well as other material considerations including the Regional Development Strategy; the Strategic Planning Policy Statement for Northern Ireland, PPS 2: Natural Heritage, PPPS 6: Planning Archaeology and Built Heritage, PPS 8: Open Space, Sport and Outdoor Recreation and PPS 15: Planning and Flood Risk.

The *Strabane Area Plan* 2001 identifies Sion Mills as a Local Town and as such defines a settlement development limit. Development proposals will be judged on their particular locational merits and will be dependent on the resolution, as appropriate, of infrastructural and technical problems.

With regard to recreation and open space, the River Mourne and its immediate environs are identified as having considerable potential for more passive forms of recreation which should be encouraged. It also states that the amenity of the river will be protected and enhanced.

The Strabane Area Plan also designates the The Sion Mills Conservation Area. The Conservation Area booklet outlines that this is an area of special architectural or historic interest where it is desirable to preserve or enhance its appearance.

*Strategic Planning Policy Statement for NI* - Planning for Sustainable Development is a material consideration and supersedes PPS 1 General Principles.

Para.2.3 - states that the planning system operates in the public interest of local communities. The basic question is whether the proposal would unacceptably affect amenities of owners or occupiers of neighbouring properties and the existing use of the land and buildings that ought to be protected in the public interest.

Para 5.72 relates to the refusal of planning permission. Sustainable development should be permitted having regard to the local development plan and all other material considerations unless the proposal will cause demonstrable harm to interests of acknowledged importance.

This Mill Site is located within settlement development limit in the eastern section of the Town. Whilst the site has not been zoned for a specific use, there are two sections of the Complex zoned for recreation and open space, as well as being located within the Conservation Area. The river has been designated as an Area of Special Scientific Interest and a Special Area of Conservation. The application site is located within the Mill Complex in the eastern section between the old Spinning Mill buildings which are Grade B+ listed.

This proposal involves the demolition and removal of some existing concrete capping within the area of the mill race and the erection of handrails on three “bridges”, one of which is vehicular the other two are pedestrian. The railings will be constructed in galvanised steel with a timber handrail. The concrete capping waste material will be removed from the site by the contractor. During the demolition and construction works, provisions will be put in place both to block water from the site, and to pump water from the existing pools into the river via a sluice gate. Once works are complete, the upstream plug will be removed and the water will be gradually returned to the river via the sluice gate. Consent to discharge will be required.
**Biodiversity, Nature Conservation and Local Natural Resources**

It has been concluded through consultation with NIEA (NH and LRMU) SES and EHD that with the implementation of appropriate mitigation measures there will be no contamination on the River which would adversely affect the River Mourne SAC and ASSI. The proposal therefore satisfies Policy NH 3 of PPS 2 as it is not likely to have an adverse effect on the integrity the ASSI.

A Habits Regulations Assessment (HRA) was carried out by NIEA on 21/11/2014, the result being – Appropriate Assessment complete and no adverse effect on site integrity. NIEA are therefore content that whilst the proposed works may impact on priority species whose habitats are located within the vicinity of works, appropriate measures can be put in place to protect these species during and after the development, therefore such species and their habitats will not be harmed. Specifically, bat surveys have been carried out between July and August 2014 and the report concluded that the bat roosts are unlikely to be impacted as a result of these works, therefore the impact on the local bat population is considered to be insignificant. As a result, it can be concluded that the proposal complies with Policies NH 2 and NH 5 of PPS 2 in that the development proposal will not result in an unacceptable adverse impact on, or damage to known priority habitats and priority species or European protected species.

**Built Heritage**

The Work Method Statements and technical drawings submitted with this proposal are to the satisfaction of the structural engineer as confirmed by through the correspondence on file dated 18th August 2015. He is satisfied that the steel supports related to the capping are independent from the buildings and do not provide structural stability to them, therefore the listed mill buildings adjacent the development site can be satisfactorily protected. NIEA HB are also content that the detail of the above will ensure no damage to the listed buildings as they are not supported by the capping surrounding and over the waterway. Additionally, given the potential for archaeological remains surrounding and within the development site, controlled demolition through a programme of archaeological works will ensure that any remains are identified, recorded and therefore preserved. It is therefore concluded that this development would not adversely affect the setting or structure of the listed buildings, and the design and materials proposed respect the character of this industrial location/buildings and as a result meet the requirements of Policy BH 11 of PPS 6.

**Residential Amenity/Local Community**

This project will permit the regeneration and re-use of this section of the Mill Complex which is currently vacant and partially derelict, and will in fact assist with the regeneration of this area which will likely to be of use to the wider public. It will enhance the recreational use of this area through use of the River Mourne. It is considered that this development proposal will not result in an unacceptable loss of amenity to the residents of any properties which are located within the environs of the Mill Complex. The proposal is therefore compliant with the Policies of the SAP and SPPS.
Flooding

Finally, it is considered that whilst the site is located within proximity of the River Mourne, the anticipated works meet the exceptions test as set down Policy FLD 1 of PPS 15 as the nature of this proposal would not require flood defences.

11. Conclusion and Recommendation

In light and consideration of the above, it can be concluded that overall the proposal meets policy requirements, therefore approval can be recommended subject to planning conditions. This proposal is relatively minor in nature – the overall site area has led to presentation to the Planning Committee. It is therefore respectfully requested that the Committee agree with my professional recommendation to Approve this application subject to conditions set out below.

12. Proposed Conditions

1. As required by Section 61 of 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.

2. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council 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 Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure no likely significant impact on River Foyle SAC/ASSI.

3. After completing the remediation works under condition 2; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Council. 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 no likely significant impact on River Foyle ASSI SAC.
4. No site works of any nature or development shall take place until a programme of archaeological work, 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. 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: Northern Ireland Environment Agency - Historic Monuments Unit 5 - 33 Hill St, Belfast BT1 2LA

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

5. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department of the Environment 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.

6. All works and pollution prevention measures must be undertaken as detailed in the Method Statement submitted by Manor Architects date stamped Area Planning Office 27 Oct 14.

Reason: To prevent any adverse impacts on the selection features of the River Foyle and Tributaries SAC/ASSI.