

Planning Committee Report LA01/2017/0758/F	23rd May 2018
PLANNING COMMITTEE	

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

<u>App No:</u>	LA01/2017/0758/F	<u>Ward:</u>	Lurigethan
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Between 23 & 39 Mill Street, Ballycastle		
<u>Proposal:</u>	Provision of 4 No. detached dwellings and associated site works and landscaping (Amendment to previously approved housing development ref: E/2005/0498/F and E/2009/0421/F)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	06.06.2017
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	19.09.2017
Applicant:	Alastair McHenry Construction Ltd		
Agent:	G M Design Associates Ltd		
Objections:	10	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

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

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 **APPROVE** planning permission subject to the reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located between Nos. 23 & 39 Mill Street, Ballycastle. The site is rectangular in shape. The land rises steeply towards the rear of the site. The plot of land has been cleared and fenced off. The site comprises overgrown grassland and rubble/rock areas. The northern site boundary is defined by fencing. The eastern boundary consists of walls and fencing stepped in height due to existing ground levels. The southern and western boundaries are currently open but are fenced off for development purposes. Access to the site is from Mill Street.
- 2.2 The site is located within the settlement limit of Ballycastle and in the Antrim Coast and Glens AONB. Residential accommodation is located to the north, east and west of the site. A field is located opposite the site. Residential development has also been approved north of the site on land identified in blue on the site location map. Housing within this area is a mix of detached and terrace properties with parking being a combination of on and off street dependent on plot size.

3.0 RELEVANT HISTORY

E/2009/0421/F

Design amendment to approved housing development (ref: E/2005/0498/F) for change of approved house type on sites 1, 2, 3 & 4 and erection of 1no. additional 1½ storey dwelling
Approval - 08.02.2011

E/2005/0498/F
Erection of 4 No. detached dwellings and 8 No. town houses
Approval - 27.02.2008

4.0 THE APPLICATION

- 4.1 Proposed site is for 4 No. detached dwellings and associated site works and landscaping (Amendment to previously approved housing development ref: E/2005/0498/F and E/2009/0421/F).

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

10 letters of objection have been received in relation to this application. The main issues raised are summarised below and will be considered and assessed in the remainder of this report:

- Impact on character of the area due to inappropriate design and layout
- Small plot sizes, narrow road frontage, lack of space between boundaries and encroachment of main building line is inconsistent with the traditional pattern of development and plot grain characterising the surrounding context.
- Town Cramming
- Proposed density higher than that found in the surrounding area
- Development breaks established building line
- Impact on residential amenity of No. 39 Mill Street (particularly to the first floor conservatory/living area) due to proximity of dwellings resulting in loss of privacy, overlooking and dominance concerns.
- Devaluation of neighbouring properties
- Loss of view from neighbouring properties
- Inaccurate description and drawings

5.2 Internal:

DFI Roads: No objections

NI Water: No objections

Environmental Health: No objections

Historic Environment Division – Historic Monuments: No objections

Geological Survey of NI: No objections

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)

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 6 – Planning, Archaeology & the Built Heritage

PPS 7 – Quality Residential Environments

Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas

Supplementary Planning Guidance

Development Control Advice Note 15 Vehicular Access Standards

Building on Tradition – A Sustainable Design Guide for the NI Countryside

Antrim Coast & Glens AONB Design Guide

DCAN 8 – Housing in Existing Urban Areas

Creating Places

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located inside the development limit of Ballycastle within the Antrim Coast and Glens AONB. It is within Ballycastle Area of Archaeological Potential. This site has been zoned for Housing (BEH 17 & 18) and detailed as committed sites in NAP 2016. Policy SET 2 refers to development within Settlement limits and that proposals should be sensitive to the size and character of the settlement.
- 8.2 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, local

character, environmental quality and residential amenity, natural heritage, archaeology and access.

Principle of Development

- 8.3 This site has been zoned for Housing (BEH 17 & 18) and detailed as committed sites in NAP 2016. Housing developments have already been approved on this site so the principle of development is acceptable.

Local Character, Environmental Quality and Residential Amenity

- 8.4 PPS 7 promotes quality residential development in all types of settlements. DCAN 8 and Creating Places is additional guidance intended to supplement this policy in terms of improving the quality of new housing development.

Policy QD1 – Quality in New Residential Development

This policy sets out a presumption against housing development in residential areas where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Proposals for new residential development should comply with the following criteria:

(a) Character and context

The site has planning permission granted for housing and it is zoned for housing in NAP. Therefore, the principle of housing development is acceptable. The original proposal entailed 5 dwellings and was contrary to policy as it did not respect the surrounding context in Mill Street due to overdevelopment; narrow plot size; inappropriate design; breaking the building line; impact on residential amenity; limited amenity space; and unacceptable relationship with the rear retaining wall due to the height and close separation distances.

Amendments were received addressing all issues and the proposal was reduced to 4 dwellings; the building line was respected; plot frontage was increased, gable frontage design was removed; private amenity space was increased; and there is a better relationship with the rear retaining wall. Each dwelling fronts onto Mill Street with their own access and in curtilage

parking to the front as well as a small garden. Each dwelling has their own private rear garden before the site slopes steeply upwards in a western direction. Sections provided show the land beyond the useable rear garden will have a small retaining wall then it will be sloped at a gradient of 1 in 2 with shrubbery and then green terramesh will be used. This is a satisfactory arrangement and is less dominant to prospective occupiers.

Proposed dwelling heights are two stories with two house types proposed. Hard surfacing and proposed landscaping is satisfactory. The new design and layout is acceptable to reflect the topography of the site. Mill Street is characterised by dwellings of various heights – bungalows, 1.5 stories, 2 stories and 3 stories (split level). A contextual elevation showing the relationship with neighbouring properties was provided and proposed dwellings at two stories are considered visually acceptable, although they do sit at a lower level than adjacent properties. The amended housing development does not cause unacceptable damage to the character of the surrounding area as it now respects the surrounding context and is considered appropriate to the character and topography of the site in terms of layout, scale, proportions, landscaping and hard surfaced areas.

(b) Archaeological and built heritage

HED: Historic Monuments was consulted and have no objections.

(c) Public and private open space provision

Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.19 states all houses should have an area of private open space behind the building line and it should be approx. 70m² per house or greater. Smaller areas may be more appropriate for houses with 1 or 2 bedrooms but any individual house with an area of less than around 40m² will generally be unacceptable.

Housing units 1 & 4 have private open space areas approx. 85m² which is above recommended requirements. Housing units 2 & 3 differ in that their private amenity areas are approx. 65m². This amenity space provision is considered acceptable in this instance as it is only slightly lower than 70m² and the site is

located within Ballycastle close to parks, open space areas etc. It is considered that all housing units within this development have satisfactory private open space.

Proposed landscaping includes front and rear gardens, hedging along the south western, south eastern and north eastern boundaries. Due to the topography of the site, land will be graded at the rear with shrubbery and green terramesh and a 1.8m high timber fence at the top. The front boundary treatment along Mill Street will be a 1.1m high rendered wall with hedging behind. Timber fencing will separate the private amenity spaces for each dwelling unit. All boundary treatments are considered acceptable in style, height and finish and contribute to a quality residential development.

Given the scale of the proposals public open space is not required.

(d & e) Neighbourhood facilities and movement patterns. Given the proposal is in the settlement limit of Ballycastle which contains various facilities such as schools, shops, professional services, play parks etc, the developer is not required to make provision for local neighbourhood facilities as an integral part of the development nor provide a movement pattern as access to public transport and the amenities of Ballycastle town is already available.

(f) Parking.

The proposal is acceptable in terms of parking, informed through consultation with DFI Roads.

(g) Design

The amended scale, form, massing and appearance, materials and detailing of the housing units are acceptable and will not detract from the character and appearance of the surrounding area. The proposed housing units are two stories high and there are two house types proposed although similar in design. There is a mixture of house types and designs along Mill Street so the design of this development is considered satisfactory. Proposed materials/finishes are white painted render for the walls with dark grey/violet blue cladding, fibre cement roof slates, Upvc windows and rainwater goods (dark grey or black) and hardwood painted

doors. These materials are in keeping with those used in other housing developments within the locality.

(h) The site has dwellings located adjacent and then a housing development has been approved to the rear of the site. Objections were received from No. 39 Mill Street which is located south west of the site. Main concerns were overlooking, loss of light, loss of privacy and dominance with reference made to their first floor sun room. During site inspection of their property, it was evident the original scheme for 5 dwellings would harm their residential amenity given a number of factors. Amendments were sought and received and the new layout will not adversely harm their residential amenity due to: the reduction from 5 to 4 dwellings; increased separation distances; adherence to the established building line (dwellings pushed back approx. 2m); and, no first floor windows facing their property. The proposal due to these amendments would not result in unreasonable overlooking, overshadowing or dominance issues. Objectors were re-notified of the amendments but no further correspondence has been received. The proposal will not unacceptably harm the residential amenity of No. 23 Mill Street located north east of the site given the appropriate layout, separation distances and the only window directly facing this property is for a first floor ensuite. The housing development approved to the rear of the site will not be unacceptably affected by this development as it sits at a much higher level due to ground levels. Noise is not perceived to be an issue as this proposal is for a housing development adjacent to existing housing within the settlement limit of Ballycastle and Environmental Health has no objections.

- (i) The development has been designed to deter crime and promote personal safety. Proposed units are designed with security in mind and following completion there will be adequate boundaries in the form of fencing, render walls and retaining walls due to site levels.

8.5 The Addendum to PPS 7 seeks to safeguard the character of Established Residential Areas. The key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and are in

harmony with the local character of established residential areas, villages and smaller settlements.

Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity

The original proposal resulted in town cramming as it was considered to be overdevelopment. The scheme was then reduced from 5 to 4 dwellings which is now acceptable in terms of density as it respects the surrounding context. The pattern of development is in keeping with the overall character of the established residential area. All dwelling units are satisfactory in terms of size requirements.

Natural Heritage

- 8.6 The site is located in the Antrim Coast and Glens AONB. Policy NH 6 of PPS 2 refers to Areas of Outstanding Natural Beauty. Proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Proposals should respect local architectural styles and patterns as well as local materials, designs and colour. The proposal does not offend this policy as the development respects the surrounding context in terms of layout, scale, massing and design.

Archaeology

- 8.7 Policy BH 2 of PPS 6 refers to The Protection of Archaeological Remains of Local Importance and their Settings. The proposal is located within the Ballycastle Area of Archaeological Potential and the buffer zone of an archaeological site and monument so consultation was carried out with HED: Historic Monuments. Their response indicated no archaeological objection.

Access

- 8.8 Policy AMP 2 of PPS 3 refers to Access to Public Roads and advises planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. DFI Roads was consulted in relation to this application and have no objections following the submission of several amendments. The proposal is acceptable

in terms of the accesses for each dwelling and the car parking provision for this development.

Habitats Regulations Assessment

- 8.9 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Other matters

- 8.10 Objectors raised concern with the potential loss of view from the neighbouring properties. The loss of view is seen to be in the private interest, not necessarily in the public interest and as stated in paragraph 2.3 of the SPPS, “The planning system... does not exist to protect the private interests of one person against the activities of another...”. The loss of view has been considered, however the protection of a private view is not enough to warrant a refusal).
- 8.11 Objectors also raised concern with that the description and drawings were inaccurate. The description of the proposal has since been amended and all drawings are now accurate with the correct scales annotated.

9 CONCLUSION

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal meets the requirements of planning policies and provides a quality residential development. 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. Private amenity areas are adequate in size. The design and layout does not unacceptably harm neighbouring residential amenity. The proposal is sensitive to the AONB location within Ballycastle. There are no archaeological concerns and the development has satisfactory accesses and parking. 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 During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Council, landscaping shall be carried out in accordance with the "Site Layout General Arrangement" and maintained in accordance with the "General Notes - Landscape Management" as detailed on Drawing No. 02D bearing the date stamp 12th April 2018.

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

- 10.3 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 Council, 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 Council gives its written consent to any variation.

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

- 10.4 No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 02D and DFI Roads FCD 1 Form bearing the date stamp 12th April 2018. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

- 10.5 The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient

shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

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 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.
- 11.3 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.
- 11.4 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 Environmental Health advise the following:

“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.”

All plant and equipment including vehicles used in connection with the development should be so situated, operated and maintained to prevent the transmission of noise and vibration to surrounding sensitive receptors/ nearby residential properties.

The proposed development is in close proximity to existing commercial offices/yards. The commercial offices/yards may give rise to conditions which could result in loss of amenity enjoyed by the proposed development due to elevated levels of noise and odour. Any future owners/occupiers are advised that recourse under statutory nuisance legislation relating to noise and odour impacts, associated with the existing offices/yards will be precluded to future owners/occupier.

The installation or erection of any outdoor lighting should consider any adverse impacts to neighbouring properties. All lighting provisions should meet lighting guidance CIE – International commission on Illumination – Guide on the limitation of the effects of obtrusive light from outdoor lighting installations or ILP – Institute of Lighting Professionals – Guidance notes for the reduction of obtrusive light.

The applicant should be aware that Development is within a Radon Affected Area at a probability level of 1-3 %. The applicant is strongly recommended to access the updated atlas at:
<http://www.ukradon.org/information/ukmaps> and
<https://www.gov.uk/government/publications/radon-indicative-atlas-for-northern-ireland>.

Further information regarding radon (How it affects you and Guidance with respect to what mitigation measures will be required to safeguard health) can be accessed from the Causeway Coast and Glens Borough Council website Health and Built Environment Department – Environmental Protection/Building Control sections accessed at:

<https://www.causewaycoastandglens.gov.uk/live/health-and-built->

environment/environment-health-and-well-being/environmental-protection”.

*Building Regulations (NI) 2012 Guidance Technical Booklet C “Site Preparation and Resistance to Contaminants and Moisture, October 2012 : Section 3 provides further information on the level of protection required and directs to the Building Research Establishment (BRE Reports) which provide detailed guidance on protective measures relevant to new dwellings in NI). Technical Booklet C can be accessed at: <http://www.buildingcontrol-ni.com/regulations/technical-booklets>

11.6 DFI Roads advise the following:

Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council’s approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development’s consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is: DFI Roads, Northern Division, Causeway Coast and Glens (East), Trillick House, 49 Queen Street, Ballymoney, BT53 6JD. A monetary deposit will be required to cover works on the public road.

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.

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 public road to enter the site.

The applicant is advised to contact the Street Lighting Engineer at County Hall, Coleraine regarding the re-locating of the existing street light on Mill Street.

11.7 NI Water advise the following:

Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served. Application to NIW is required to obtain approval to connect.

Surface water sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served. Application to NIW is required to obtain approval to connect.

Available capacity for Waste Water Treatment Works / Sewer Network.

The water requirements for this proposal may be eligible for the provision of a public watermain if it will serve more than 1 property (1 property if accessed directly from a public road/area) and each property will have an individual supply direct from the proposed public watermain under Article 76 of the above order.

From the 23rd May 2016 the Developer must enter into an Agreement for Adoption of the Sewers under Article 161 of the above order. They must be designed to meet the criteria as set out in the current Sewers for Adoptions specification. A connection to the public sewer will not be permitted until such times as the Article 161 Agreement has been authorised by NIW.

No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or greater. A diversion may be necessary. Consultation with NIW is required at an early design stage to prevent disturbance/damage to existing sewers/watermains and in the interest of public safety.

The applicant is advised to contact NIW through its Customer Relations Centre on 08457440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

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 Customer Relations Centre on 08458 770002.

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced.

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016, until the mandatory Sewer Adoption Agreement has been authorised by NIW.

Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.

Site Location Map

