

Planning Committee Report LA01/2016/1580/F	28th November 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 & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2016/1580/F	<u>Ward:</u> Dundooan
<u>App Type:</u> Full Planning	
<u>Address:</u> Lands along Coleraine Road, Portstewart (frontages of no's 184 191 & 174 Coleraine Road & in front of No's 1-4 Cappagh More Square Glebe Portstewart)	
<u>Proposal:</u> Proposed right hand turning lane and social housing development access road including road widening and access alteration along Coleraine Road, Portstewart to service Social Housing zoning PTH 51 in Northern Area Plan 2016.	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 23.12.2016
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> MKA Planning Ltd, 32 Clooney Terrace, Waterside, Derry, BT47 6AE	
<u>Applicant:</u> Seahaven Homes, 2a Prospect Road Portstewart	
<u>Objections:</u> 6	<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 reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The proposed site is located just off the Coleraine Road in Portstewart between the dwellings at 191 Coleraine Road and 1 Cappaghmore toward the edge of the Settlement Development Limit for Portstewart. Currently this access is open and is used to gain access to an agricultural field to the rear. The north eastern boundary is bounded by a 2 metre high wall and the south eastern boundary is bounded by a 1 metre high fence.
- 2.2 This proposal is located within the Settlement Development Limit for Portstewart and the proposed access will facilitate a parcel of land zoned for Housing under PTH 51 of the Northern Area Plan. The site is located within close proximity to an Archaeological Site and Monument. The land surrounding the site is made up of residential developments, single dwellings, a graveyard, a site for an approved hotel and agricultural purposes.

3 RELEVANT HISTORY

LA01/2018/1272/F Residential development comprising 93 units; 29 no apartments, 61 no 2-storey semi-detached dwellings and 3 no 2-storey detached dwellings and associated landscaping/ open space, parking and roads access with right turning lane onto Coleraine Road. (Housing zoning PTH 51 in the Northern Area Plan 2016), Lands to the rear and north of 191 Coleraine Road, 19-45 Cappaghmore Manor and to the south of 12-14 Cromlech Park, Portstewart, Under Consideration

LA01/2017/1489/F Site for replacement dwelling removing foundations for hotel and closing off vehicular access constructed under permission C/2010/0271/F to facilitate the right hand turning lane to social housing zoning PTH 51 in the Northern Area Plan 2016. Nos.180-182 Coleraine Road directly North West of 184 Coleraine Road Portstewart. Permission Granted 15.05.2018

C/2010/0271/F Amendment to previously approved scheme to provide 21 no. room hotel with associated car parking and landscaping, Cappaghmore, 180 - 182 Coleraine Road, Portstewart. Permission Granted 05.08.2010

C/2004/1149/F Demolition of existing disused dwelling and outhousing to provide 15 Bed hotel, restaurant and bar with new entrance and car parking facilities, Cappaghmore, 180-182 Coleraine Road Portstewart. Permission Granted 10.02.2010

C/2004/1148/F Renewal of Redevelopment of Former Commercial and Residential Property to One and a Half Storey Buildings Comprising 2 No Craft Units, Tea Room and Guest Accommodation as Previous Application C/1999/01, Cappaghmore, Coleraine Road, Portstewart. Permission Granted 17.03.2005

C/1999/0104 Redevelopment of former commercial and residential property to one-and-a-half-storey buildings comprising 2 no craft units, tea room and guest accommodation. Cappaghmore, Coleraine Road, Portstewart. Permission Granted 11.04.2000

4 THE APPLICATION

- 4.1 Planning permission is sought for a proposed right hand turning lane and social housing development access road including road widening and access alteration along Coleraine Road, Portstewart to service Social Housing zoning PTH 51 in Northern Area Plan 2016.

Habitats Regulations Assessment Screening

- 4.2 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) Regulations (Northern Ireland) 1995 as the proposal does not have a hydrological link as a pathway for pollution to a European Site. The proposal would not be likely to have a significant effect on the features, conservation objectives or status or any of these sites.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** There are 7 representations from 6 separate objectors. Consideration of these is set out in Paragraphs 8.12-8.20 of this report.

Internal

- 5.2 **DFI Roads:** Has no objection to the proposal.

Historic Environment Division: Has no objection to the proposal.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development 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 the 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 (SPPS)

Planning Policy Statement 3 (PPS3) Access Movement and Parking

Clarification of Policy AMP 3: Access to Protected Routes

Planning Policy Statement 6 (PPS 6) Planning, Archaeology and The Built Heritage

Supplementary Documents

DCAN 15: Vehicle Access Standards

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of a new access; impacts on features of Archaeological Importance and; Representations, including traffic matters, need for social housing, visual impact, impact on neighbours and neighbour notification.

Planning Policy

- 8.2 The principle of the development proposed must be considered having regard to the Northern Area Plan and PPS policy documents specified above and the supplementary guidance. This proposal is located within the Settlement Development Limit for Portstewart and the proposed access will facilitate a parcel of land zoned for housing under PTH 51 of the Northern Area Plan. The site is located in proximity to an Archaeological Site and Monument.

Principle of a new access

- 8.3 The aim of the SPPS in relation to the provisions for access, is to restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes and promote road safety, in particular for pedestrians, cyclists and other vulnerable road users. This policy should be read in conjunction with Planning Policy Statement 3 Access, Movement and Parking with particular reference to Policy AMP 2, and AMP 3 which, is clarified in the policy document Clarification of Policy AMP 3: Access to Protected Routes, and DCAN 15.
- 8.4 Policy AMP 2 of PPS 3 relates to Access to Public Roads. Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where, such access will not prejudice road safety or significantly inconvenience the flow of traffic. A new access should be well designed to ensure the safety of all road users. The proximity to junctions and other existing accesses will be considered as part of this application. Good visibility is also essential for the safety and convenience of all road users.
- 8.5 This proposal is located within the edge of the Settlement Development Limit for Portstewart. Although this access will lead to an intensification of traffic onto Coleraine Road, the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. DFI Roads was consulted as the competent authority and raised no concern with the proposed development. The land to the east, as outlined in blue on the site location plan, is also zoned for social housing. In line with advice from DFI Roads the new access is well designed and will ensure road safety for all. The proximity to existing road junctions has been considered and it has been found that there will be good visibility from this access point.
- 8.6 Policy AMP 3 of PPS 3 relates to Access onto Protected Routes. Planning Permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access; where access cannot reasonably be taken from an adjacent minor road; and in the case of proposals involving residential development, it is

demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

- 8.7 This proposed access will facilitate a site zoned for social housing (PTH51) as set out in the Northern Area Plan. The proposed access cannot be taken from an adjacent minor road as this is not an option. DFI Roads was consulted in relation to this proposal and are content that the proposal would be acceptable and would not have a detrimental impact on the protected route. Given this the proposed development meets with the criteria set out in Policy AMP 3.
- 8.8 In regard to this proposal there was a concern that an existing permission for a hotel on the opposite side of the road would cause a conflict with the proposed access as it also included a right hand turning lane. In regard to the scheme for a new hotel a section of foundation had been laid and it was considered that a material start had commenced on the scheme. Considering a material start had commenced, this is an extant permission.
- 8.9 However, a subsequent application (reference LA01/2017/1489/F) proposing a replacement dwelling, which is sited in an area where the foundations of the hotel previously stood, was approved on 18th May 2018.
- 8.10 The existing foundations for the hotel have since been removed and a section of foundation for the replacement dwelling has been excavated with the concrete poured forming a new foundation for a dwelling. This has been confirmed by an inspection by Building Control. Further works have also been undertaken in relation to blocking up the previously approved hotel access point and construction of the new access point for the replacement dwelling. These works have included the relocation of a telegraph pole, removal of the drop kerbs required for the hotel access, and a section of the roadside verge has been seeded. On this basis, with a recent site inspection by the case officer, it is considered that a material start has been made on the replacement dwelling. As the foundations are located in the same position as the previous hotel foundation, officials are satisfied that the approval for the

replacement dwelling, and subsequent material start, has extinguished the previous permission for the hotel. Therefore, as there is no longer an extant permission for an entrance to the previously approved hotel, there is no conflict should the right hand turning lane be approved under this application.

Impact on Archaeological Features

- 8.11 The proposed site is located in proximity to an Archaeological Site and Monument. The key policy in relation to this Policy BH 02 of Planning Policy Statement 6 relate to this application and include provisions to preserve and protect Archaeological Remains of Local Importance and their Settings. Historic Environment Division was consulted as the competent authority on archaeological matters and was content that the proposed development satisfies the requirements of Policy BH 02.

Representations

- 8.12 There have been 7 representations from 6 separate objectors to this proposal. The main issues raised are summarised below:
- This is a rural housing development and will have a detrimental impact on the character of the area given its location on edge of settlement.
 - Impacts on traffic flow as the road is already busy and could not cope with more development.
 - Would destroy old field boundaries distinctive to landscape.
 - Impacts on business at 191 Coleraine Road which involves heavy goods vehicles and the impact additional traffic will have in the area.
 - Access facilitation for one development not good enough reason to ruin the landscape
 - The need for social housing and the fact that Social housing would not be located within walking distance to the town which would lead to congestion.
 - Social Housing conjures up the notion of crowded development.
 - Drawings don't reflect accurately what's on site it has been stated that drawing No. 1 should not be accepted as it is not an Ordnance Survey map.
 - Noise and disturbance road will create when constructed.

- Adverse Visual impact as it's an entrance to Portstewart and would have an impact on tourism it is your first impression of Portstewart.
- Aesthetics needs to be considered
- Proposed access would be substandard and visibility splays can't be achieved not accurate reflection on the ground
- Query over the need for third party lands.
- Privacy of existing dwellings would be impacted upon by any development
- Safety requirements for number of additional vehicles
- Access Arrangements fail to fulfil a safe means of access
- Impact on boundary wall at 191 Coleraine Road
- Surface water and impact on flooding
- Forthcoming housing development in close proximity of dwellings to wind turbine
- Impinge on residential amenity.
- Issue with Neighbour notification process.
- The development would destroy the natural beauty of Portstewart.
- Approval would set a precedent for high density residential development around the coastline.
- Plan to widen the road would serve no purpose other than to facilitate one parties development plan.
- Access facilitation would destroy the protection that the area has over its rural land.
- Access point is ill conceived and unsafe.

8.13 It should be noted that only planning matters relating to what planning permission is being sought for, as set out in the description of the P1 form, can be considered within the context of this planning application.

Traffic Matters

8.14 A number of issues relate to impacts on existing traffic, road safety, third party lands, impacts on existing accesses, noise and disturbance, and surface water and flooding issues. DFI Roads was consulted in relation to the representations and has made the following comments. To achieve the required visibility without affecting 3rd party lands, the existing road edge at the new development site access is being relocated approximately 1m out into the existing carriageway. The existing carriageway is being widened to the western side to provide a 3.25m wide right turning pocket and two 3.25m through lanes. The existing

road drainage will be relocated as required. There should be no adverse effect to any of the existing properties or boundaries. The proposed road widening is contained within the existing public road and verges. Given this, it is considered that the proposed development would not prejudice road safety. In terms of the potential for surface water and flooding the proposed site is not located within a surface flood zone. DFI Roads raised no concern in regard to this.

Need for Social Housing

- 8.15 There has been a number of objections in relation to the need for Social Housing but it should be noted that the land to which this access will provide entrance and exit from, is zoned for housing within the Northern Areal Plan under Policy PTH 51. This proposal solely relates to an access, and is not seeking permission for residential development. An application for residential development has now been submitted and is set out in the Relevant History section of this report and has the planning reference LA01/2018/1272/F.
- 8.16 Objections also raise concern that the application would set a precedent for high density development in the area. While this matter carries very limited weight to be considered in the processing of this planning application, it will be a matter in the consideration of LA01/2018/1272/F.

Visual Impact

- 8.17 Concern has been raised that this access will be located at an entrance to Portstewart. However, the land to the east of the road has been zoned for social housing and the proposed access is within the Settlement Development Limit of Portstewart. It was also stated within the objections that a development of this nature would destroy the natural beauty of Portstewart. It is considered that road widening of this nature, to facilitate access to land zoned for social housing within the Settlement Limit, would not have such a detrimental visual impact to warrant the withholding of planning permission.
- 8.18 The proposal does not include any buildings and primarily involves the widening of the existing road which would have a limited visual impact. It was also stated that access facilitation

would destroy the protection that the area has over its rural land. This site is located within the Settlement Development Limit of Portstewart and the land outlined in blue, on drawing number 01 date stamped 22nd December 2016, is zoned for housing. Given this land is zoned it is not offered additional protection and the approval of this application will not affect this. It was also stated that the provision of this access would only serve one parties development plan. The development plan in question is the statutory Area Plan for the Council Area which has been subject to a formal Examination in Public.

Impacts on Neighbours

- 8.19 This proposal concerns road widening, provisions of an access and a right hand turning lane. Impacts on privacy and the residential amenity of existing dwellings under this application would be limited. Consideration of such issues will be necessary in the assessment of LA01/2018/1272/F. There are also concerns on the impact of a wind turbine to the rear of 191 Coleraine Road which will likely need to be assessed under application LA01/2018/1272/F. Concern in regard to the increased traffic impacts of the development on the existing property at 191 Coleraine Road was raised. Having regard ot the to the Northern Area Plan housing zoning and consultation with DFI Roads in regard to this issue, it is considered that the proposal would not adversely affect any of the existing properties. DFI Roads are content with the proposal and the development therefore complies with Policy AMP 2 of PPS 3.

Neighbour Notification

- 8.20 An issue was raised in relation to the neighbour notification process. A delay in this notification took place as a site visit was required to identify all neighbours to be notified. This process has now been completed and all relevant neighbours have been notified. Revised plans were submitted, relating to technical changes to satisfy DFI Roads requirements. It was considered, on balance, that there was no further requirement to notify neighbours, as the revisions were considered to not be so substantial as to warrant further consultation.

9 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is located within the Settlement Development Limit for Portstewart and the access and right hand turning lane are proposed to facilitate an entrance to and from land zoned for housing in the Northern Area Plan. DFI Roads is content with the proposed development and it is considered that the proposed development would not prejudice road safety at Coleraine Road. The proposed development also meets with the relevant planning policy criteria and will be recommended for approval.

10 Conditions

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.

2. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m 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 user.

3. The visibility splays of 4.5 metres by 120 metres at the junction of the proposed access road with the public road, shall be provided in accordance with Drg. No.02 Rev 02, (Drg no. 16040:02A Rev F, Right Hand Turning Lane Access Detail) dated 2nd June 2017, 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.

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

4. 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.

5. 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.02 Rev 02, dated 2nd June 2017.

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.

6. 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.02 Rev 02, dated 2nd June 2017. 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.

Informatives

1. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of

erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

2. The Applicant is advised that developers are also now responsible for the cost of supervision of the construction of streets determined under The Private Streets Order. A fee of £1,000 plus 2% of the total Bond value will be paid directly to Roads Service before the Bond Agreement is completed.
3. 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.
4. 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
5. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DFI Roads, Street Lighting Consultancy, Co.Hall, 182 Galgorm Road, Ballymena. The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

Site Location

