

<b>Planning Committee Report LA01/2017/1113/O</b>	<b>28<sup>th</sup> November 2018</b>
<b>PLANNING COMMITTEE</b>	

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

<b><u>App No:</u></b> LA01/2017/1113/O	<b><u>Ward:</u></b> Ballycastle
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> Land adjacent to 17 Strandview Road, Ballycastle	
<b><u>Proposal:</u></b> Proposed two storey house and double garage	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 29.08.2017
<b><u>Listed Building Grade:</u></b> N/A	<b><u>Target Date:</u></b> 12.12.2017
<b>Applicant:</b> Mr M McShane, 43 Mill Street, Ballycastle, BT54 6ES	
<b>Agent:</b> McCurdy Surveying, 16 Clare Road, Ballycastle, BT54 6DB	
<b>Objections:</b> 14	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 **REFUSE** planning permission subject to the reasons set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The existing site is located at land adjacent to 17 Strandview Road, Ballycastle. The site is rectangular in shape and comprises overgrown vegetation. The site slopes steeply downwards in a northern and eastern direction. The site is accessed via a narrow public right of way which leads from Strandview Road to Quay Road. The site is surrounded by dwellings except for Leabank Nursing Home located to the south east. Boundary treatment of the site consists of a stepped wall adjacent to No. 17 Strandview Road. The north eastern boundary is defined by a retaining wall and hedging and the south western boundary is undefined. The boundary adjacent to Leabank Nursing Home is formed by fencing and a wall.
- 2.2 The site is located within the settlement limit of Ballycastle with the general character of the local area formed by large plots comprising detached dwellings of various designs/finishes with front and rear gardens and off-street parking. Leabank Private Nursing Home is located south east of the site.

## **3.0 RELEVANT HISTORY**

- 3.1 E/1998/0122: Site for two detached dwellings (Withdrawn)

## 4.0 THE APPLICATION

4.1 Proposed site for two storey house and double garage.

## 5.0 PUBLICITY & CONSULTATIONS

### 5.1 External:

Fourteen (14) No. objectors have submitted 27 No. letters of objection. The main issues raised are summarised below and will be considered and assessed in the remainder of this report:

- Land ownership in relation to “Bo Lane” – no vehicular access over the laneway has been permitted to access the site.
- Road Safety.
- Safety concerns in terms of laneway being used by adults, young children going between home, the primary school and playing fields as there is no pedestrian footpath which would be dangerous and intimidating to pedestrians.
- Increased traffic and congestion.
- Intensification of vehicular use of this very narrow lane.
- Width of access is unsuitable for this development.
- Poor visibility and a lack of sight lines from the lane at the junction with Strandview Road.
- Impact upon the residential amenity of neighbouring properties in terms of overlooking, overshadowing and dominance.
- Impact of proposal on Nos. 5 & 7 Beechwood Avenue given the difference in levels and the presence of a retaining wall along the shared boundary.
- Detrimental impact upon the character of the area given this site is elevated.
- Impact on the natural beauty and amenity of the countryside nature of the lane.
- Impact upon bird and other wildlife given the observance of bat and hedgehog activity in the area in the milder months. (The site only comprises overgrown vegetation with no substantial trees. It is an urban site surrounded by built up development so it is not considered necessary to consult with DEARA: Natural Environment Division).
- Inaccuracies in the application forms:
  - Q11 – previous planning history not detailed

- Q12 – Wrongly completed as use of an existing unaltered access to a public road
- Q15 – Right of Way not shown
- Red line of site does not extend to Strandview Road
- Incorrect Ownership Certificate completed
- P2A Notice served incorrectly on No. 7 Silverspring instead of No. 6 Silverspring.

(All of these issues were addressed through the submission of revised plans and forms with notice served upon the relevant parties).

## 5.2 Internal:

DFI Roads: Refusal recommended

NI Water: No objections

Environmental Health: 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 7: Quality Residential Environments

### **Supplementary Planning Guidance**

Antrim Coast and Glens AONB Design Guide

Development Control Advice Note 15 Vehicular Access Standards

DCAN 8 – Housing in Existing Urban Areas

Creating Places

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The application site is located within Ballycastle settlement limit within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB).

- 8.2 The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.
- 8.3 The main considerations in the determination of this application relate to: local character, environmental quality and residential amenity; access and natural heritage.

### **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) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;**

The proposed site is located within the settlement limit of Ballycastle. The proposal is for a two storey detached dwelling with access from Strandview Road. A dwelling on this site is considered appropriate given its location within the urban area surrounded by residential development and the area is characterised by detached dwellings on similar sized plots. Cross sections through the site were requested to assess the proposed height of the dwelling at two stories and the potential impact this could have on the character of the area (elevated site with public views from Beechwood Avenue) and on neighbouring properties in particular those on Beechwood Avenue. In the absence of this information, it is impossible to determine if a two

storey dwelling is permissible on this site. The indicative layout provided shows a small garden area to the front of the dwelling with hard surfacing for car parking and a rear garden area. This arrangement would respect other dwellings within the settlement limit. Although the principle of a dwelling on the site is accepted, due to insufficient information the proposal fails to meet this criterion in terms of scale for the topography of the site which potentially could harm the character and appearance of the area given the public views available.

***(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;***

There are no features of the archaeological and built heritage within the site in need of protection. There are no important landscape features within the site in need of protection. Existing site boundaries can be retained.

***(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;***

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. 70m<sup>2</sup> 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 40m<sup>2</sup> will generally be unacceptable. The proposed dwelling occupies a good sized site with ample amenity space (approx. 400m<sup>2</sup>) which is well above recommended requirements, and is more than adequate for the usual domestic needs.

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

***(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;***

Given the proposal is in the settlement limit of Ballycastle which contains various facilities such as schools, shops, recreational grounds, 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 is already available.

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

The proposal is acceptable in terms of the parking provision necessary for a dwelling on the site.

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

As this proposal is an outline application for a two storey dwelling, the detailed design is not submitted. The proposed design should be reflective of other dwellings within the surrounding area with complementary materials/finishes. The detailed design including scale, form, massing and appearance, materials and detailing of the dwelling is assessed at reserved matters stage.

***(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;***



The site is surrounded by residential housing except for Leabank Nursing Home located to the south east. The proposed dwelling should not adversely impact Nos. 17 Strandview Road, Leabank Nursing Home or No. 7 Silverspring in terms of overlooking given adequate separation distances. Although the detailed design is not known at outline stage, the location of windows can be designed to limit any loss of privacy to these neighbouring properties at reserved matters stage. Given the lack of submission of cross sections through the site, it is presently unknown if the proposal would harm the residential amenity of Nos. 5 & 7 Beechwood Avenue in terms of overlooking, overshadowing and dominance as it is not clear as to the extent of the difference in levels. Noise is not perceived to be an issue as this proposal is for a dwelling adjacent to existing housing within the settlement limit of Ballycastle and Environmental Health have no objections.

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

The development has been designed to deter crime and promote personal safety.

**Access and Movement**

- 8.5 Several objections have been received in relation to road and pedestrian safety as well as increased traffic and congestion. There are concerns in relation to the width of this access, poor visibility and a lack of sight lines at the junction with Strandview Road.
- 8.6 There is also concerns that there is no vehicular access over the laneway “Bo Lane”, which is to be used to access the site. Third parties own the laneway. However, the upkeep and all public liability was assigned to the then Moyle District Council in 1998 and the laneway was asserted as a public right of way. Prior to this it was used as a pedestrian right of way for 90 years. The only established right of way over Bo Lane is restricted to the section extending from Strandview Road along the frontage of Nos. 15 & 17 Strandview Road. The application site beyond this does not benefit from any vehicular right of way. Consultation

occurred with Michael McConaghy of the Council which confirms that Moyle District Council asserts the laneway described as “Bo Lane” as a public right of way. In terms of whether or not the applicant has permission to access the site via this laneway and provide the visibility splays at the junction with Strandview Road is a civil matter between all parties involved.

- 8.7 DFI Roads was consulted on this application and are aware of all objections raised. Their initial response objected on the grounds that the proposal would prejudice the safety and convenience of road users as it intensifies the use of an existing access at which visibility splays cannot be achieved and the width of the existing access renders it unacceptable for intensification of use.
- 8.8 The agent has repeatedly tried to address these road concerns by submission of amended plans and additional information. Reference was made to the approval granted at Leabank Nursing Home (E/2015/0009/F). DFI Roads have advised the delivery of wood pellets to the rear of the Nursing Home is not relevant to this proposal. The pellets are delivered every three weeks which equates to 2 vehicle movements every 21 days. A single dwelling will generate 10 vehicle movements per day which is a significant increase on the existing lane and the existing lane width is not adequate.
- 8.9 On final consultation with DFI Roads in their response dated 6<sup>th</sup> November 2018 the refusal reason in relation to the splays has been removed. However, the application fails to meet Policy AMP 2 of PPS 3 since the width of the existing access renders it unacceptable for intensification of use.

### **Natural Heritage**

- 8.10 The proposal as considered under “Local Character, Environmental Quality and Residential Amenity” above fails to satisfy policy requirements in terms of criteria (a) of Policy QD1 of PPS 7 in that due to insufficient information the scheme may harm the character and appearance of the local area through inappropriate height given the views available from Beechwood Avenue.

## **Habitats Regulations Assessment**

- 8.11 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.

### **9.0 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal fails to meet the requirements of planning policies and does not provide a quality residential development. The proposal is contrary to criteria (a) and (h) of Policy QD1 of PPS 7. The proposal in terms of scale is inappropriate to the topography of the site harming local character. The proposal will harm neighbouring residential amenity in terms of overlooking/loss of privacy and overshadowing/dominance. Access requirements cannot be met and the proposal would prejudice road safety due to insufficient width of the existing access laneway rendering it unsuitable for intensification. Refusal is recommended.

### **10.0 REFUSAL REASONS**

1. The proposal is contrary to Paragraph 4.26 of the SPPS and Policy QD1 of Planning Policy Statement 7 “Quality residential environments” in that it fails to satisfy criteria (a) and (h) resulting in unacceptable damage to the character of the area through inappropriate scale in relation to the topography of the site. The proposal will also result in overlooking/loss of privacy and overshadowing/dominance to neighbouring residents.
2. The proposal is contrary to Planning Policy Statement 3, Access Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the

standards contained in the Department's Development Control Advice Note 15.

### Site Location Map

