

Planning Committee Report LA01/2018/0676/F	27th November 2019
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> LA01/2018/0676/F	<u>Ward:</u> Ballycastle
<u>App Type:</u> Full Planning	
<u>Address:</u> 4 Bayview Road, Ballycastle.	
<u>Proposal:</u> Construction of 3 Storey + attic building with 5 No. Apartments	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 07.06.2018
<u>Listed Building Grade:</u> N/A	
<u>Agent:</u> Paddy Byrne Architect, 108 Appleton Park, Belfast.	
<u>Applicant:</u> Ciaran & Mary O'Driscoll, 4 Bayview Road, Ballycastle.	
<u>Objections:</u> 10	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 0

Executive Summary

- Full planning permission is sought for the construction of a three storey building containing 5 no. apartments, which will replace an existing two storey dwelling on the site.
- The site is located within the development limits of Ballycastle, near the town centre and adjacent to Ballycastle Marina.
- The site is located within the AONB and just outside the Ballycastle Conservation Area.
- Following ongoing discussions with the applicant/agent a scheme was submitted which in relation to design, residential amenity and car parking was considered unacceptable. Fundamental concerns still exist from DFI Roads in relation to the layout in accordance with the Department published standards.
- There are 10 objections to the scheme citing drainage issues, congestion and lack of parking, impact on neighbouring properties and encroachment onto adjoining land, detrimental impact created on character, inappropriate scale and unsympathetic design resulting in loss of light and privacy and concerns over proposed balconies.
- DFI Roads have objected to the proposal all other consultees are content.
- DFI Rivers have advised that a drainage assessment is required. This has not been submitted as part of the planning application.
- The principle of residential development was considered unacceptable on the site and falls to be considered under The Northern Area Plan, SPPS, PPS 7, PPS 6, PPS 3, PPS 15 and other supplementary planning guidance including Creating Places, DCAN 8 and the Planning Strategy for Rural Northern Ireland.
- Refusal is recommended.

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 10 and the policies and guidance in sections 8 and 9 and resolves to **REFUSE** planning permission for the reasons set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 This planning application relates to 4 Bayview Road, Ballycastle. The site contains a 2 storey detached dwelling with a single storey garage to the rear. The property enjoys an elevated position with views over Ballycastle seafront, and on towards Rathlin Island, and benefits from a front garden, and rear enclosed yard, with vehicular access. The front Eastern boundary of the site adjoining the public footpath along Bayview Road is defined by a stone wall incorporating pillars, and a pedestrian entrance gate approximately 1m in height. The Northern boundary consists of the front garden wall, with hedging approximately 2m in height, the gable wall of the dwelling, and the external party wall of the garage. The Northern boundary adjoins an existing right of way which provides access to a small cul-de-sac of neighbouring dwellings. The Western boundary adjoins the public footpath along North Street and is defined by a stone wall approximately 1.5m in height. The Southern boundary is defined by a high hedge to the front garden, with a wall enclosing the rear approximately 2m high. The Topography of the site is mostly flat with no significant changes in ground levels. Due to the topography of the surrounding area, the site sits at a higher level compared to Bayview Road at the front, and at a lower level when compared to North Street at the rear.
- 2.2 The site is located within the settlement limit of Ballycastle and the Antrim Coast and Glens AONB. The site is also within an area of Archaeological Potential and an archaeological site and monument and in close proximity to the Ballycastle Conservation Area. The surrounding area comprises a varied

mix of residential, and retail properties, with the streetscape, and immediate area consisting predominantly of two storey dwellings. The application site is within close proximity to Ballycastle Marina and the sea front.

3 RELEVANT HISTORY

There is no relevant planning history for this site.

4 THE APPLICATION

- 4.1 Full approval is sought to demolish the existing dwelling, and erect a three storey building containing 5 No. two and three bedroom apartments.
- 4.2 The proposal would be set back 3.8m from the rear edge of the footpath along Bayview Road, with the provision of two parking spaces at the front, and a further two at the Northern side accessed from the existing right of way serving neighbouring properties. The proposed building has a ridge height of 11.3m above finished floor level and scales 16.9m overall in depth including projections and has a total width of 9.9m. The proposal would create five apartments over three floors, with four 2 bedroom apartments situated on the ground and first floors and a 3 bedroom penthouse apartment on the uppermost second floor.
- 4.3 The design includes a large gable ended projection to both the front and rear of the main building with the front elevation having extensive glazing and external balconies to the first and second floors. The rear projection is linked at first floor level to North Street via an elevated walkway which also accommodates the private patio amenity area to the first floor apartments. External finishes include dark grey roof tiles, painted roughcast render to external walls, upvc rainwater goods and glass balustrades to the external balconies and elevated patios. The existing ground levels within the site will be reduced by 1.2m in height to accommodate the in-curtilage car parking spaces and also help offset the additional scale of the proposed apartment block.

- 4.4 The majority of existing boundary walls around the site are retained, with openings created to provide both pedestrian and vehicular access. The proposal indicates six in-curtilage car parking spaces, with two at the front of the building and four along the Northern side adjoining the existing right of way. The remainder of the site will consist of ground floor patio areas, a storage shed and bin spaces.

5 HABITAT REGULATIONS ASSESSMENT

- 5.1 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.

6 PUBLICITY & CONSULTATIONS

External

- 6.1 Neighbours: Ten (10) objections were received. The main issues raised are summarised below and will be considered throughout the remainder of this report:

- Detrimental impact on neighbouring properties.
- Proposal is out of character with surrounding area.
- Inappropriate scale and unsympathetic design.
- Design and layout of proposed fenestration and balconies.
- Loss of light, overlooking and privacy issues.
- Unacceptable vehicular access, lack of available off street parking and increased congestion to the immediate road network.
- Drainage issues.
- Encroachment onto adjoining property.
- Loss of existing property on the site.

Internal

- 6.2 NI Water: No objection

Environmental Health Department: No objection

NIEA: No objection

Historic Environment Division: No objection

DFI Rivers: Drainage Assessment required

Conservation Section: Objection

DFI Roads: Objection

7 MATERIAL CONSIDERATIONS

- 7.1 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.
- 7.2 The development plan is:
- 7.3 Northern Area Plan 2016 (NAP)
- 7.4 The Regional Development Strategy (RDS) is a material consideration.
- 7.5 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.
- 7.6 Due weight should be given to the relevant policies in the development plan.

- 7.7 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

8 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

Planning Policy Statement 7 (Addendum): Safeguarding the Character of Established Residential Areas

Planning Policy Statement 15: Planning and Flood Risk

Planning Strategy DES 2: Townscape

Supplementary Planning Guidance

Antrim Coast and Glens AONB Design Guide

Ballycastle Conservation Area Design Guide

Living Places

Creating Places

Development Control Advice Note 15 - Vehicular Access Standards

Development Control Advice Note 8 – Housing in Existing Urban Areas

9 CONSIDERATIONS & ASSESSMENT

9.1 The application site is located within the settlement limit of Ballycastle within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB). It is also within an area designated as an archaeological site and monument, together with an area of archaeological potential, and is situated in close proximity to the Ballycastle Conservation Area. The main considerations in the determination of this application relate to: layout/design of the proposal, its impact on the character of the area, its impact on road safety, the impact the proposal would have on the amenity of neighbours and future occupants and the impact the setting of the Conservation Area.

Principle of Development

9.2 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and guidance documents before mentioned. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the proposed development will cause demonstrable harm to interest of acknowledged importance.

Design and Local Character

9.3 Planning Policy Statement 7 and its addendum expects the design and layout of residential development to be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas planning policy does not support housing development which would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

9.4 The immediate area is characterised by a mix of detached, semi-detached and terraced two storey dwellings to the North and West, with commercial properties to the South towards the town centre and predominately open space of the sea front to the East.

9.5 In terms of scale, the proposed footprint of the apartment block is approximately 41% larger than the existing dwelling on the site together with a considerably higher ridge height. This is based on the amended scheme submitted which included a

reduction in scale. The proposal will have an unacceptable dominant impact on the immediate area and neighbouring property. Despite a proposed reduction in finished ground and floor level, the apartment block would have a ridge height 4.75m above the existing neighbouring property of no. 3 Bayview Road for example. The scale is therefore out of character with surrounding development. The proposed ground level of the site has been reduced by 1.2m when compared to the existing ground level. The need for substantial excavation further demonstrates the inappropriateness of this scale of development over three floors.

- 9.6 In terms of design, the proposal is not in keeping with existing development in the immediate area and fails to sympathetically integrate into its surroundings. Despite a reduction in both the scale of the building overall and the proposed fenestration, the proposed apartment block is still considered to be of an excessive scale and unacceptably proportioned in terms on window to wall ratio. The front elevation reflects the rear elevation on account of its similar scale and design, and as a result is inappropriate given the prominent nature of the site, which will require a more distinctive and quality façade to replace the existing dwelling on the site. The design of the proposed fenestration together with the excessive use of upvc and glazed balconies are also considered inappropriate with no similar examples in existence within the street scape or immediate area.
- 9.7 The Agent has actively engaged in communication with the planning department regarding concerns over inappropriate design, scale, and massing, together with adverse impacts created on the character of the area and car parking. These points were reiterated during an office meeting attended by both the agent and applicant. An amended design was submitted which reduced the total floor area by almost 25% and lowered the ridge height by approximately 1m. The rear projection has been reduced in size and the scale and number of windows has also been reduced. The proposed car parking was amended in a bid to overcome DFI Roads concerns. The agent also submitted a supporting statement to accompany the drawings and help clarify and address issues raised in written representations made in relation to the application.

- 9.8 The agent has referred to other planning approvals located within the immediate area of the site by way of supporting this application. Each application must be assessed on its merits having regard to the proposed development and the site's context. Planning approval granted under E/2012/0037/F for a block containing one shop with 6 apartments over three floors at 1 - 2 Bayview Road is not considered comparable with this scheme. This site presently contain a 2 storey commercial unit and a 2 storey dwelling, whereas this application seeks to replace a single 2 storey dwelling with a large block containing 5 apartments. The site of the sites and the context are not considered comparable to this application. Furthermore, the approval which was granted in October 2012 has now lapsed given the 5 year time limit and evidence has not been provided to suggest a material start to construction has ever commenced.
- 9.9 An approval granted under E/2009/0121/F for the demolition of existing building and erection of building containing two retail units and four (2 bedroom) apartments and two townhouses located at the junction of North Street and Strandview Road is another example referred to which again can be afforded only limited weight given the context of the site, nature of development and scale of the site.
- 9.10 Policy LCD1 of PPS7 Addendum requires new development to not introduce a significantly higher density. The density proposed in this proposal is significantly higher than that found in the established area. Density is not restricted or limited to a particular scheme, but rather within the surrounding area and is generally calculated on the no. of units per acre (or hectare). From a brief assessment, the average density in this immediate area is low to medium at around 40 dwellings per hectare. In comparison, the proposed five apartments would equate to an extremely high density of approximately 90 units per hectare. This proposed density is out of character with the established area, and apartments are not in keeping with the surrounding character or density of development which is made up of detached, semi-detached and terraced two storey dwellings with subordinate extensions to the rear.
- 9.11 The site is considered to hold a prominent location in terms of its siting adjacent to the sea front and the town centre. The site

is also located between two roads, North Street and Bayview Road. Critical views of the site will not only be achieved from along these roads but also from the marina, the harbour the play area along the sea front and also when travelling down Strandview Road towards the junction with North Street. When viewed from across the marina and Bayview Road the existing dwelling on site is of traditional design, simple form, with traditional massing and proportions which contribute to the attractive setting of the Conservation Area. In contrast to this the new apartment development is of a more complex form with a considerable visual bulk when viewed in the context of the streetscape. It will appear significantly out of place, disrupt the scale and rhythm of the townscape currently exhibited and would read as a dominant separate entity rather than a building of simple form that's sits comfortably within its context. The current building sits comfortably within the context of the site and its curtilage. The proposal will result in the loss of parts of the existing stone wall along the frontage and the raised front garden which help soften the appearance and make a positive contribution to its setting. The proposed apartment development will remove all this soft landscaping and replace it with the large over dominant built form and hardstanding with parking along the front and sides.

- 9.12 The proposal will not only have an adverse impact along its frontage along Bayview Road but also along the rear where views are achieved along North Street and Strandview Road. This side of North Street is currently characterised by a successions of modest gable walls and subordinate rear extensions which are set back from North Street behind a low stone wall and private amenity space. The proposed apartment block extends the built form out connecting it to North Street by way of a cantilevered walkway to provide access and raised patio areas for the first floor apartments. The raised patio areas are enclosed by glass balustrades and separated with a fence. These materials are not reflective of this part of the streetscape which is characterised by modest back land rear returns rather than having an active frontage. The introduction of the walkway and patio areas and the potential associated paraphernalia such as washing lines, patio furniture etc. at the same level as North Street and readily viewed from along it would have a significant damaging impact on the streetscape. This together with the extensive gable depth,

height and scale of the building will make the built form appear incongruous and out of place in the streetscape.

Setting of Conservation Area

- 9.13 Although the proposed site is located just outside the designated Conservation Area, the Conservation Officer has commented that the site is in a prominent location in close proximity to the Northern section of the Conservation Area and, as such, has the potential to affect its setting. Following consultation, Conservation Section has a number of concerns regarding the proposal including the inappropriate scale and massing of the apartment, and unsympathetic features such as the protruding glass balconies to the front elevation.
- 9.14 In summary the Conservation Section is of the opinion that the proposal is contrary to paragraphs 6.18 & 6.19 of the SPPS, Policy BH12 of PPS 6 and the Ballycastle Conservation Area design guide, in that it is not designed to respect the sites context in terms of massing, height, scale, elevational appearance, materials and quality. The proposal is not considered sympathetic or complimentary to the existing character and will have a visually disruptive impact on the existing townscape failing to respect the character, appearance and setting of Ballycastle Conservation Area.

Residential Amenity

- 9.15 Several objections have been received from neighbouring properties to the North and West of the site raising concerns over adverse impacts on neighbouring amenity and privacy through overlooking. The design proposes first and second floor windows to all elevations of the building which serve habitable rooms. The proposed siting positions the apartments towards the front of the site and therefore further away from the adjacent dwellings on Bayview Road and North Street. Despite the scale and design of the fenestration, together with the amended siting of the proposal further to the South, the second floor windows would give rise to the potential of unreasonable overlooking on account of the un-characteristic 3 storey height of the building. The rear entrance to the proposed apartments involves a raised walkway leading to patio areas at first floor level together with an external staircase on the Northern elevation which extends across all three floors of the building.

The position of these amenity areas and staircase at the rear of the site will only serve to exacerbate privacy issues given their elevated position in relation to both the neighbouring properties, particularly No. 5 Bayview Road, which has a small patio area to the front of their property.

- 9.16 Given the nature and scale of existing neighbouring properties immediately surrounding the site, the proposal would appear unduly dominant and overbearing by reason of its depth and height and would overshadow adjacent dwellings. The site occupies a prominent location which is visible from several key locations, particularly the sea front area, Bayview Road and North Street.
- 9.17 In terms of the amenity of future occupants, the proposal would create approximately 160m² of amenity space at ground floor level. This includes the bin storage area, but does not include the in-curtilage car parking or shed which is un-designated in terms of its use. Private amenity to serve the two apartments at ground floor level is undefined, however a small space to the front door area is indicated on drawing 2A which suggests a patio with an approximate area of 20m². This area is directly adjacent to 2 no. car parking spaces and the vehicular access at the front of the site and therefore cannot be considered as appropriate quality amenity space. Each first floor apartment benefits from both a rear patio area and a balcony to the front providing a total area of approximately 19.5m² together with approximately 14m² of shared space provided by the elevated walkway. Views of the rear patios will be directly achievable from the public road and footpath along North Street with little privacy afforded due to the extensive use of glazing. The second floor penthouse apartment utilises two external balconies to the front providing a total of 7.8m² of private amenity.
- 9.18 Creating Places design guide advises on the level of private amenity space required to create a comfortable and enjoyable living space. It advises that a variety of different garden sizes should be provided on developments and on average should be around 70m² per house or greater. However in the case of apartments, private communal open space is acceptable in the form of landscaped areas, courtyards or roof gardens which should range from 10m² per unit to around 30m² per unit.

Apartment blocks in lower density area should seek to provide the higher figure although a reduction is acceptable where private open space is provided in the form of patio or balconies. Although the proposed development would create approximately 31m² of shared amenity space per unit, it fails to provide an acceptable level of private amenity to each apartment. The general arrangement of the amenity space creates a poor outlook from ground floor windows at the front and rear of the proposal. Overall, the design and layout of the proposed private amenity at the rear of the first floor apartments and that allocated to the ground floor apartments is not considered to be of an acceptable standard, fails to provide a quality environment and is below the standards set by Creating Places.

Road Safety

- 9.19 PPS 3 relates to vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It is an important consideration in terms of the integration of transport and land use planning. Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.
- 9.20 DFI Roads was consulted on the application and raised concerns regarding the quality and accuracy of the submitted site plan, requesting that it be based on a topographical survey, and show accurate roadside detail. DFI Roads also state that the required visibility standards of 2m x 33m cannot be achieved without the control of additional lands, and the minimum car parking provision of 1 space per unit has not been provided. Following re-consultation with an amended scheme DFI Roads have indicated that the outstanding issues have not been resolved. The present arrangement is unworkable and therefore the proposal would prejudice road safety and fails to meet with Policy AMP 2 of PPS 3 and DCAN 15.

Other Matters

- 9.21 Each of the concerns raised by objectors have been given full consideration, with issues such as overlooking, impact on visual amenity, design, and impact on the setting of the conservation area all being addressed through the assessment of the application. The neighbouring property of No. 5 Bayview Road

raised a concern involving the accuracy of the boundary as indicated on the submitted location map and site plan that accompanied the application. The objector provided a land registry map to support their claim that the Northern gable wall of No. 4 defines the boundary between the two properties and that the proposal encroaches beyond this boundary by approximately 2 feet. The agent has not responded to the objection, but does however suggest that the applicant owns or controls the land by indicating 2 No. car parking spaces sited partly on the area in question. Certificate A of the P1 application form has also been signed confirming the applicant's ownership or control of the site as indicated. The decision over the ownership of the land does not rest with the department and is purely a legal matter for the parties involved.

Archaeology

- 9.22 The site is located within an Archaeological site and monument, and within the area of Archaeological Potential for Ballycastle. Consultation occurred with HED: Historic Monuments who advised the proposal satisfies PPS 6 policy requirements.

Flooding

- 9.23 Following consultation, DFI Rivers commented that the Strategic Flood Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. DFI Rivers also stated that a designated culverted watercourse flows through the site, with the assumed line of the culvert shown on the site layout drawing. Under 6.32 of the policy it is essential that a working strip of minimum width 5m is retained. The applicant should contact the local DFI Rivers Area staff to establish their needs. DFI Rivers would recommend that the working strip is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times. Due to the nature of the development FLD3 of PPS15 applies, and therefore a drainage assessment will be required. DFI Rivers advised that the applicant should also consider Infrastructure failure as a potential source of flooding, which may occur as a result of culvert capacity being exceeded or

blockage or collapse within a culvert. To date, the information requested by DFI Rivers has not been received.

10 CONCLUSION

10.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal by reason of its form, density, scale and design is out of character with this part of Bayview Road and in the setting of Ballycastle Conservation Area. The design, scale and massing of the proposed apartment block will also have an adverse impact on the residential amenity of surrounding properties. The proposed layout and design does not provide a quality residential environment. The proposal fails to meet the requirements of planning policy and would prejudice road safety given that access requirements have not been met. Also, it has not been demonstrated that the proposal would not impede the operational effectiveness of the development and surface water (pluvial) flood risk. Refusal is recommended.

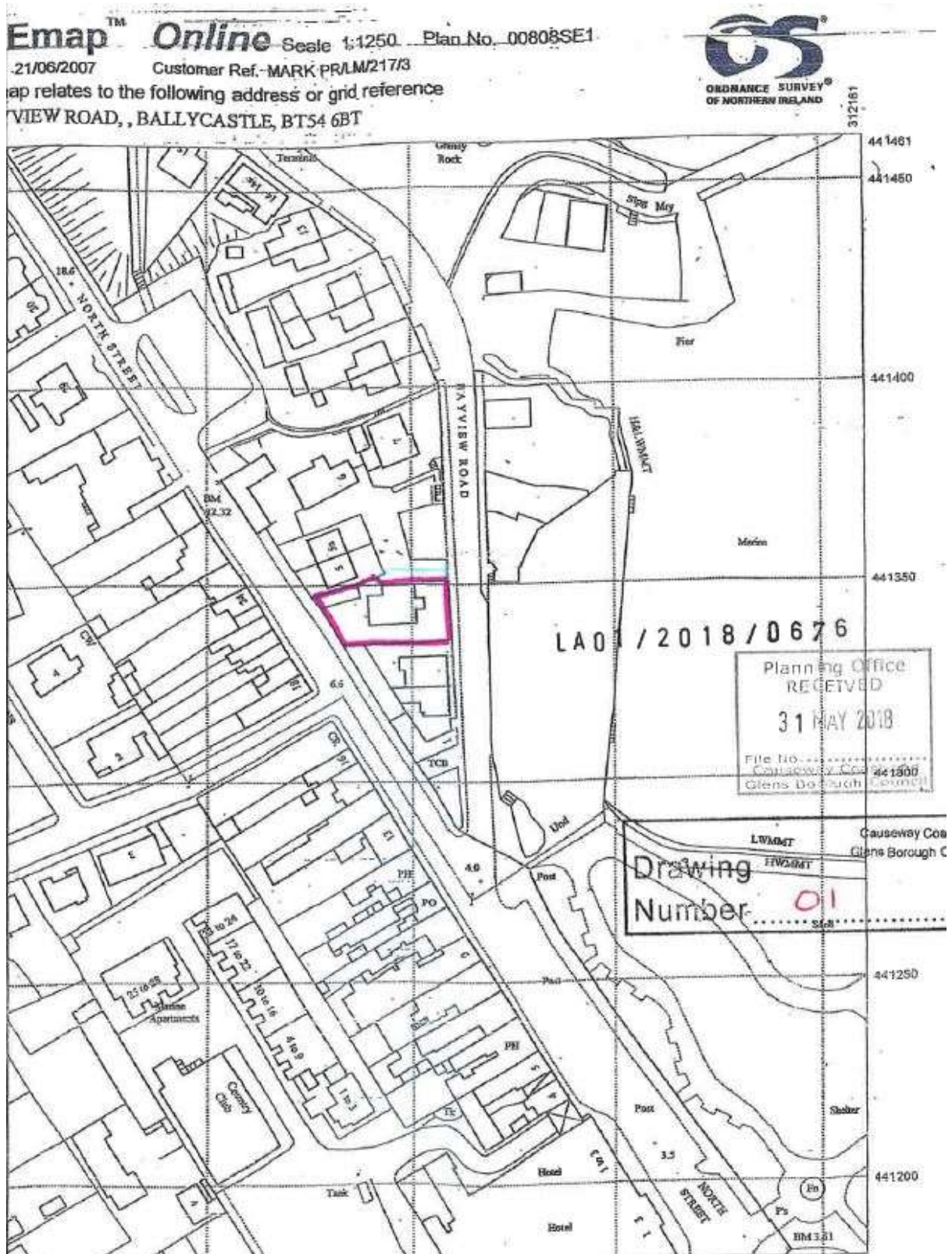
11 REASONS FOR REFUSAL

1. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, in that the development as proposed fails to provide a quality residential environment and would be contrary to criteria (a), (c), (f), (g) and (h).
2. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Policy LC1: Protecting Local Character, Environmental Quality and Residential Amenity of PPS 7 Addendum: Safeguarding the Character of Established Residential Areas, in that the development as proposed fails respect the existing character of the area and would be contrary to criteria (a) and (b).
3. The proposal is contrary to paragraph 6.18 and 6.19 of the Strategic Planning Policy Statement for Northern Ireland and Policy BH 12 of Planning Policy Statement 6 in that is not designed to respect the character, appearance and setting of

the Ballycastle Conservation Area.

4. The proposal is contrary to Planning Policy Statement 3 “Access, Movement and Parking” Policies AMP 2 and AMP 7 in that the layout is not in accordance with the Departments published standards and inadequate car parking has been provided.
5. The proposal is contrary to Policies SP18/DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its scale, design and relationship to adjoining buildings which are out of character of the area.
6. The applicant has failed to demonstrate that the proposal would not impede the operational effectiveness of development and surface water (pluvial) flood risk in accordance with paragraphs 6.114 and 6.123 of the SPPS and Policy FLD 3 of Planning Policy Statement 15 “Planning and Flood Risk” due to insufficient information.

Site Location Plan (1:1250)



Block Plan

