

Planning Committee Report LA01/2020/1005/F	16th December 2020
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>	LA01/2020/1005/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full		
<u>Address:</u>	Green Space & Associated Public Pathways adjacent to the odd numbers 19-59 & 69-73 Coleraine Road, Portstewart, BT55 7HP; 1-5 St. John's Court, Portstewart, BT55 7TU; 3-5 & 30 St. John's Close, Portstewart, BT55 7HJ; odd numbers 31-37 Seahaven Drive, Portstewart, BT55 7DX; even numbers 28-36, 39 & 41 Ardmore Drive, Portstewart, BT55 7NY; 14 & 16 Millbrook Park, Portstewart, BT55 7DY; 11 Millbrook Avenue, Portstewart, BT55 7DZ; 53 & 55 Mullaghacall Road, Portstewart, BT55 7EG; odd numbers 25-33, 71-73 & 79-89 Mullaghacall Crescent, Portstewart, BT55 7EL.		
<u>Proposal:</u>	Installation of 55 No. 5.2m Lighting Columns along Existing Public Pathways to Satisfy Lighting Regulations.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	30.09.2020
<u>Listed Building Grade:</u>	N/A		
Agent:	N/A		
Applicant:	Causeway Coast & Glens Borough Council		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

EXECUTIVE SUMMARY

- The site is located within the settlement development limits of Portstewart as defined in the Northern Area Plan 2016. The site falls within a major area of open space and within the Mullaghacall LLPA under designation PTL 10.
- The proposed development consists of Installation of 55 No. 5.2m Lighting Columns along Existing Public Pathways to Satisfy Lighting Regulations.
- When assessed against the SPPS and policy DES 2, the scale and design of the development is considered acceptable, in that, it will not detract from the existing character of the immediate context and is of a replacement nature. The scheme will not impact on residential amenity.
- The lighting scheme will not result in the loss of any areas of open space.
- No consultees have raised any areas of concern with the proposed development.
- There are no third party representations submitted with this development.
- Approval is recommended.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

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, guidance and consideration in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at Green Space & Associated Public Pathways adjacent to the odd numbers 19-59 & 69-73 Coleraine Road, ; 1-5 St. John's Court, ; 3-5 & 30 St. John's Close, ; odd numbers 31-37 Seahaven Drive ; even numbers 28-36, 39 & 41 Ardmore Drive; 14 & 16 Millbrook Park; 11 Millbrook Avenue; 53 & 55 Mullaghacall Road ; odd numbers 25-33, 71-73 & 79-89 Mullaghacall Crescent. There are 55 lights in total and they are located on pathways and green spaces at the rear of these properties. They provide lighting along these locations and provide visibility and a form of security for members of the public in the local context. Each of the existing lights are approximately 5m in height and have been finished with aluminium.
- 2.2 The surrounding area is predominately residential and is characterised by two-storey terrace, detached and semi-detached dwellings. There are some community buildings in the immediate context and some retail shops along the Coleraine Road.
- 2.3 The site is located within the settlement development limits of Portstewart as defined in the Northern Area Plan 2016. The site falls within a major area of open space and within the Mullaghacall LLPA under designation PTL 10.

3 RELEVANT HISTORY

- 3.1 There is no relevant planning history.

4 THE APPLICATION

- 4.1 Planning permission is sought for the installation of 55 No. 5.2m Lighting Columns along Existing Public Pathways to Satisfy Lighting Regulations. Each of the lights will reach to a height of 5.2m and will be finished with aluminium columns.

5 PUBLICITY & CONSULTATIONS

5.1 External

No letters of objection or letters of support were received with this application.

5.2 Internal

NI Water- No objections

Environmental Health- No objections

DFI Roads- No objections

HED- Protecting Historic Buildings- No objections

HED- Historic Monuments- No objections

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 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 (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 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

A Planning Strategy for Rural Northern Ireland

PPS 6: Planning, Archaeology and the Built Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, design, visual impact and residential amenity, light impacts, potential impacts on the LLPA and open space, archaeology and the built heritage.

Planning Policy

- 8.2 The site is located within the settlement development limits of Portstewart as defined in the Northern Area Plan 2016. The site falls within a major area of open space and within the Mullaghacall LLPA under designation PTL 10.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.4 Paragraphs 4.1-4.40 of the SPPS outline the general principles for planning with paragraphs 4.23-4.30 identifying the need for good design and positive place-making.
- 8.5 The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the

proposed development will cause demonstrable harm to interests of acknowledged importance.

- 8.6 The proposal is for the installation of 55 new lights which will replace the existing lights at these locations. The lights already exist at each of these locations and the principle of having these 5m high lights has been established over time. The proposed development is considered an appropriate development and is a form of local infrastructure and utility considered acceptable in the immediate context. The scheme is in compliance with paragraph 6.238 of the SPPS in that it will result in a minimal environmental impact.
- 8.7 The proposal includes, 55 lights which will reach a height of 5.2m and will be finished with aluminium columns and each will have a concrete base.
- 8.8 Policy DES 2 of *A Planning Strategy for Northern Ireland* sets out the assessment for considering this type of proposal within a townscape location. It states that proposals should make a positive contribution to townscape and be sensitive to the character of the area surrounding the site. Therefore, the principle of installing 55 replacement lights at these locations is acceptable provided it is sensitive to its character and makes a positive contribution in the townscape. It is considered that if these 2 tests are satisfied, the proposal meets the criteria in terms of good planning and design principles as identified within the SPPS. The principle of the development is considered acceptable.

Design, Visual impact and residential amenity

- 8.9 There are 2 main design elements to this scheme. Each of which will be visible from public vantage points along the pathways and green spaces. The lights will have public aspects which have the potential to affect visual amenity. The first main design element is the proposed lighting columns of each of the lights. Each will reach a height of 5.2m. The other main design element is the light itself upon each of the lighting columns. Each of these lights will have a wattage of 12W LED which will ensure the proposed lights have not have a negative impact upon residential amenity. From a design perspective each of the lights will replace existing lighting columns and lights which are in a state of disrepair. It is good design to repair existing defective development and this is determined to be a planning gain as the lights will replace

existing development which is in a state of disrepair. The design of the scheme is considered acceptable.

- 8.10 In visual amenity terms the proposed lights will replace existing lights which already exist and therefore, there will be no greater impact to the existing character or local context. The lights will provide a form of visual guidance to members of the public who may wish to traverse these pathways and green spaces during night time hours. This will also provide a form of security for members of the public as well as they will ensure that these proposed locations will be appropriately illuminated which will help reduce potential crime. The proposed scheme is acceptable in terms of visual amenity.

Potential Light Impacts

- 8.11 Environmental Health was consulted in relation to the proposed scheme. They stated that the external lighting scheme shall be constructed in accordance with the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Intrusive Light 2011, and Guidance Note 01/2020, suburban classification. The maximum value of vertical illuminance on properties shall be 10 lux pre-curfew and 2 lux post-curfew as per Drawing No.3 date stamped 6th November 2020. Provided that they comply with these aspects the proposed lighting scheme will not have any negative impacts to the surrounding residential dwellings in terms of illumination.

Potential impacts on the Mullaghacall LLPA and open space

- 8.12 In regard to the SPPS there are a wide range of environment and amenity considerations, including light impacts and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as light impacts or air pollution on sensitive receptors by means of its influence on the location, layout and design of new development.
- 8.13 The site falls within the Mullaghacall LLPA. The NAP 2016 states that this area of centrally located open space, in the heart of Portstewart and owned by the Causeway Coast and Glens Borough Council, and provides valuable formal and informal recreational space. Only modest scale development enhancing its recreational use will be acceptable. The proposed lights are considered development of a

modest scale which will enhance the use of this area during night time hours. They will provide a security aspect for the use of the open space and pathways in that they will be appropriately illuminated which will help reduce potential anti-social behaviour and potential crime at this location. The proposed development will not have a negative impact on the LLPA or the major area of open space at this location. The development will in fact enhance the LLPA and open space at this location.

Archaeology and the Built Heritage

- 8.14 The application site does not falls within any protect archaeological designations area as defined under the NAP 2016. The site is within close proximity to an archaeological site and monument and protected buildings. As such Historic Environment Division- Protecting Historic Buildings and Monuments was consulted in relation to the development. (Historic Buildings) stated that, the application site is in close proximity to the former RUC Station, 59 Coleraine Road (HB03 09 008) which is of special architectural or historic interest and is protected by Section 80 of the Planning Act (NI) 2011. HED (Historic Buildings) has considered the impacts of the proposal on the listed buildings and on the basis of the information provided, advises that: We have no comment to make, as we consider the listed building is sufficiently removed to remain unaffected by this application. We acknowledge this scheme is an up grading of an existing lighting system.
- 8.15 Historic Monuments did not indicate that the site was within any protected archaeological designations. HED (Historic Monuments) has assessed the application and on the basis of the information provided - and the nature and scale of the proposal - is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. The proposed development will have no negative impacts on nearby listed buildings or on archaeology within the immediate context. The proposed scheme complies with PPS6.

Habitats Regulation Assessment

- 8.16 The potential impact 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 CONCLUSION

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposed lighting scheme is acceptable and will replace existing defective lights. The scheme is compatible with the character of the area and meet with the provisions of the SPPS, PPS 6 and DES 2. The development will make a positive contribution and enhance the Mullaghacall LLPA and the immediate context. Approval is recommended.

10 Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The existing natural screenings surrounding this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

3. The external lighting scheme shall be constructed in accordance with the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Intrusive Light 2011, and Guidance Note 01/2020, suburban classification. The maximum value of vertical illuminance on properties shall be 10 lux pre-curfew and 2 lux post-curfew as per Drawing No.3A date stamped 6th November 2020.

Reason: In the interests of residential and visual amenity.

Informatives

1. This approval does not dispense with the necessity of obtaining the

permission of the owners of adjacent sites for the removal of or building on the party wall or boundary whether or not defined.

2. 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.

3. 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.

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.

5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Block Plan

