

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2019/0629/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>26 January 2022</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

**App No:** LA01/2019/0629/O      **Ward:** TORR HEAD and RATHLIN

**App Type:** Outline Planning

**Address:** Land at 29 Drumavoley Road, Ballycastle.

**Proposal:** Site for residential development

**Con Area:** N/A      **Valid Date:** 10.06.2019

**Listed Building Grade:** N/A

**Applicant:** Mr Dominic Wilson, 29 Drumavoley Road, Ballycastle.

**Agent:** GM Design. 22 Lodge Road, Coleraine.

**Objections:** 13 (6 persons)      **Petitions of Objection:** 0

**Support:** 0      **Petitions of Support:** 0

## EXECUTIVE SUMMARY

- Outline planning permission is being sought for 5 no. dwellings on the site.
- The site is located within the development limits of Ballycastle and is within the Antrim Coast and Glens Area of Outstanding Beauty (AONB) as designated in the Northern Area Plan 2016.
- There have been 13 objections received from six different addresses. The main concerns relate to neighbouring privacy and overshadowing, drainage and flooding, housing density, loss of existing vegetation, impact on natural heritage and species and sub-standard access arrangements.
- All consultees are content with the proposal subject to conditions and informatives.
- Outline planning permission was previously granted for two new additional dwellings on the site, one of which was located within the LLPA.
- An existing tree protection plan and proposed new planting schedule form part of the application to maintain and augment the vegetation within the site. The proposed development will not create any negative impact on the character or distinguishing features of the Glenshesk LLPA.
- The indicative concept plan of the proposed dwellings is not considered to have an unacceptable, adverse impact on neighbours.
- The indicative density of the proposed dwellings is not out of character with other development in the locality. The proposal will not be visible from the public road and the layout is in keeping with that found in the surrounding area adhering to the building line created by the existing neighbouring dwellings to the north-west.
- 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 and guidance in sections 7 and 8 and resolves to **APPROVE** full planning permission subject to the conditions set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 This planning application relates to 29 Drumavoley Road, Ballycastle. The irregular shaped site extends to approximately 0.68 hectares and consists of a detached split-level dwelling and double garage set within extensive areas of hard and soft landscaping, accessed via a tarmac avenue directly from the public road. The property is well established and enclosed with mature vegetation. The southern and south-western boundaries are defined by stands of large trees which extend along the avenue. The north-western and north-eastern boundaries are defined by 2m high timber fencing together with a mix of overgrown vegetation and mature trees. The site has an elevated position with the natural topography of the site falling gradually downwards in an eastern direction with a difference in ground levels of approximately 8m from Drumavoley Road to the rear of the site.
- 2.2 The site is located within the settlement limit of Ballycastle, the Antrim Coast and Glens AONB and an area designated as an archaeological site and monument. The southernmost section of the site is also within LLPA Designation BEL 02: Glenshesk. Being on the edge of the settlement limits of Ballycastle, the surrounding area is semi-rural in character. The lands to the north and east are dominated by residential development, with agricultural land to the south and west.

## 3 RELEVANT HISTORY

- 3.1 E/2004/0604/O - Adjacent to No 29 Drumavoley Road, Ballycastle. Proposed Site for Dwelling. Permission granted 25.03.2005.

E/2004/0603/O - Adjacent to No. 29 Drumavoley Road, Ballycastle. Site For Dwelling. Permission granted 05.07.2005.

## **4 THE APPLICATION**

- 4.1 Outline planning permission is sought to construct 5 no. dwellings on the site. The existing dwelling and garage will be demolished, with five new detached dwellings being constructed and accessed via a private internal roadway which will continue from the existing avenue currently serving the site. The development will consist of a mix of 1½ and 2 storey dwellings and adheres to the building line established by existing adjacent dwellings. The existing planting around the site will be retained where possible together with a proposed scheme of additional planting.

### **DESIGN & ACCESS STATEMENT**

- 4.2 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is within an Area of Outstanding Natural Beauty.
- 4.3 The design and access statement illustrates how the site could be developed having regard to its context and specific features, assets, and constraints and sets out the design concepts and principles that have been applied to the development. These include the creation of a quality residential development that respects the amenity of existing dwellings, residential character and contributes to environmental quality together with being sympathetic to the character of the AONB and LLPA. Furthermore, the development retains the existing mature trees and vegetation throughout the site and provides additional planting to improve environmental quality and visual amenity. The scheme utilises the existing access onto the public road and responds to the attributes and constraints of the site including the natural topography.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.4 This proposal was subject to an environmental impact assessment screening as highlighted by The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 4.5 The application was considered to fall within Schedule 2: Category 10 (B) Infrastructure projects; Urban development projects, including the construction of shopping centres and car parks. An EIA is required for the carrying out of urban development projects which are within a sensitive area or the site area exceeds the threshold of 0.5ha. The

application site is within an AONB and the site area approximately 0.68 hectares.

- 4.6 Having considered the Regulations, it was determined on 08 December 2021 that the development would not be likely to have significant effects on the environment.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: Thirteen (13) objections were received in relation to this application from six different addresses. The main issues raised are summarised below and will be considered throughout the remainder of this report:

- Potential Adverse impacts created on neighbouring privacy and amenity within Drumavoley Grange due to the existing topography.
- Loss of existing vegetation to party boundaries providing a natural screen and housing natural species.
- The proposed scheme does not represent low density housing in keeping with the local area and is overdevelopment of the site.
- Potential overshadowing of neighbouring properties by the proposed new dwellings on the site.
- The removal of trees and development of the site would give rise to potential soil erosion and landslip together with leading to excessive surface water runoff, thereby increasing the flood risk to neighbouring properties.
- The existing access is restrictive being just single width and will prejudice road safety at the access onto the public road. Queries were also raised over the ability of local infrastructure to deal with the additional housing. Ownership of the second access point onto Dunamallaght Road which was originally proposed was disputed.
- The development of the site and loss of vegetation will cause disruption to natural species such as bats, birds, and badgers.
- The application is lacking in detail and the proposed development is not in keeping with local housing.
- The need for additional housing in this area has been questioned together with whether the proposal is appropriate within the AONB.

No letters of support were received in relation to the application.

## 5.2 Internal

DfI Roads - No objections

Environmental Health - No objections

DfI Rivers - No objections

HED Historic Monuments - No objections

DAERA Natural Environment Division - No objections

DAERA Water Management Unit - No objections

CC&G Borough Council Tree Officer - No objections

Planning Department Development Plan - Advice

## 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)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

PPS 7: Quality Residential Environments

PPS 7: Addendum – Safeguarding the Character of Existing Residential Areas

PPS15: Planning and Flood Risk

## **Supplementary Planning Guidance**

Antrim Coast and Glens AONB Design Guide

Creating Places - Achieving quality in residential developments

Development Control Advice Note 8 - Housing in Existing Urban Areas

Development Control Advice Note 15 - Vehicular Access Standards

## **8 CONSIDERATIONS & ASSESSMENT**

The main considerations in the determination of this application relate to the principle of development, Impact on local character, environmental quality and residential amenity, access, natural heritage, Local Landscape Policy Area, and drainage/flooding.

### **Planning Policy**

- 8.1 The site is located within the settlement development limits of Ballycastle and is within the Antrim Coast and Glens AONB as set out in the Northern Area Plan 2016. The southernmost section of the site is also within BEL 02 Glenshesk LLPA.

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above.

### **Principle of Development**

- 8.3 The proposal is located within the Ballycastle settlement development limit. Policy SET 2 refers to development within Settlement limits and proposals should be sensitive to the size and character of the settlement. The proposal is therefore supported in principle, subject to an assessment in light of all other relevant planning policy and material considerations.
- 8.4 The planning history on this site is a material consideration which must be given ample weight.

### **Local Character, Environmental Quality and Residential Amenity**

- 8.5 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*

- 8.6 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;*

- 8.7 The proposal seeks approval in principle to demolish the existing dwelling and garage on the site to facilitate the construction of 5 no. dwellings. As such detailed design work has not been carried out at this stage. A development concept plan submitted as part of the application illustrates how the site could be developed with a mix of 1½ storey and 2 storey four bedroom detached dwellings arranged along the building line established by adjacent housing. Each

dwelling is accessed by a private internal roadway and feature both front and rear garden amenity areas.

- 8.8 Proposed cross sections have also been provided to demonstrate how the new dwellings relate to the existing topography of the site and immediate area. The proposal is considered sympathetic to surrounding properties in terms of scale, mass and form. The existing vegetation surrounding the site will be retained and augmented where necessary which maintains visual integration with the streetscape. The proposal therefore does not cause unacceptable damage to the character of the surrounding area and is considered appropriate to the character and topography of the site in terms of layout, scale, proportions, landscaping and hard surfaced areas.

*(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;*

- 8.9 Consultations occurred with Historic Environment Division, with HED Historic Monuments offering no objections to this proposal.

*(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;*

- 8.10 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 that all lower density housing developments should have an area of private open space behind the building line. The overall design concept for the development will determine the setting for houses, including the level of private back garden provision. To promote choice for residents a variety of different garden sizes should be provided, and back garden provision should therefore be calculated as an average space standard for the development as a whole and should be around 70m<sup>2</sup> per house or greater. Creating Places also sets out that a minimum of around 10m between the rear of new houses and the common boundary will generally be appropriate.

8.11 The proposed development concept layout shows private soft landscaped areas to the rear of each dwelling. Despite an accurate assessment not being possible at outline stage, based on the conceptual information submitted the private amenity space indicated to each plot ranges from 270 to 300 m<sup>2</sup>.

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

8.12 Neighbouring facilities are not necessary for a development of this scale. The site location is within the settlement limit of Ballycastle with various amenities available, so neighbourhood facilities are not required as an integral part of this 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;*

8.13 Again, the site is within the settlement limit of Ballycastle and within walking distance of local retail units, cafes, schools, play parks etc. The proposal is also within proximity of public transport links.

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

8.14 The proposal is acceptable in terms of meeting DfI Roads requirements and is considered in further detail under sub-heading "Access".

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

8.15 As this is an outline application, proposed materials and finishes for this development are not detailed. These would be determined and assessed at full or reserved matters stage and should be complementary to the materials and finishes apparent in the local area.

8.16 The principle of this development is considered acceptable in terms of scale, form, massing and appearance and would not harm the character and context of the local area. Design will be further assessed at full or 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;*

- 8.17 As this is an outline proposal to establish the principle of housing on the site detailed floor plans and elevations do not form part of this application. The scale, location, and orientation of fenestration to the proposed dwellings is therefore unknown at stage. Any development submitted at full or reserved matters stage would be designed to limit overlooking to neighbouring properties and potential loss of privacy would be assessed at the detailed design stage.
- 8.18 Objections were received expressing concerns that the proposal would impact on neighbouring privacy and amenity in terms of overlooking and loss of light. The indicative concept layout provided would not result in unacceptable overlooking or overshadowing to neighbouring properties within Drumavoley Grange given adequate separation distances indicated between the existing and proposed dwellings. Drawing 02A (concept plan) indicates a minimum of 16 metres and a maximum of 27 metres from the proposed siting to the shared boundary with properties along Drumavoley Grange and an average of 35 metres between dwellings, which is in keeping with Creating Places recommendations. The proposed dwellings are sited to be in line with established dwelling to the NW of the site and indicative cross sections through the site suggest that the proposed new housing can conform to the existing topography without creating a prominent feature on the landscape. The cross sections indicate that finished ground levels and finished floor levels will be lowered particularly towards the middle and north-western areas of the site which are the most elevated in terms of ground level. Exact details of these proposals will be assessed at full or reserved matters stage to ensure that neighbouring properties are not unacceptably impacted on.
- 8.19 The design and layout of this housing development will not create conflict with adjacent land uses nor will it result in a detrimental impact upon neighbouring residential amenity. A full assessment of the impact this proposal would have on neighbouring residential amenity will occur when detailed plans are submitted at full or reserved matters stage.

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

- 8.20 The conceptual layout suggests that the development can satisfy this criterion, however assessment of this can be carried out on the submission of detailed plans at reserved matters stage.
- 8.21 The Addendum to PPS 7 seeks to safeguard the character of Established Residential Areas. The key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and are in harmony with the local character of established residential areas, villages and smaller settlements.

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

- 8.22 Policy LC 1 is an amplification of Policy QD 1 and is intended to strengthen existing policy criteria to ensure that the quality of established residential areas is maintained, if not enhanced. Policy LC 1 sets out that planning permission in established residential areas will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7 are met in addition to the criteria set out below.

*(a) the proposed density is not significantly higher than that found in the established residential area.*

- 8.23 The proposal consists of a small housing development containing 5 no. detached dwellings. Concerns in relation to density and overdevelopment of the site have been raised in the objections received. Based on the information available, the proposed scheme has a relatively low density of approximately 8 dwellings per hectare. While the proposed density for this scheme is slightly higher than that of the adjacent development Drumavoley Grange and is obviously higher than the existing property of no.29, it is however comparable to the overall density of housing in the area. Consideration has been given to the scheme presented which comprises design elements to mitigate the increase in density which include adequate separation distance to the neighbouring properties immediately to the east. The layout follows the building line of the adjacent housing with adequate front gardens and a private roadway separating the proposed

dwellings from those in Drumavoley Grange. The proposed scale and footprint of the new dwellings is indicated as being less than that of no. 29 and neighbouring properties.

*(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.*

8.24 Objections were received regarding the proposals impact on the local character. The proposed housing development at this location would not represent a change to the character of the area. The site contains an existing dwelling no. 29, with a further two dwellings previously receiving outline planning permission to the north and south of no. 29 within the curtilage of the site. The site adjoins existing housing development to the north and east, with housing under construction immediately to the south-east. While the principle of housing is permissible on this site given its urban location, the established existing housing, and the previously approved developments in the wider surrounding area, it is critical the design takes into account site characteristics, topography, local context and relationships with neighbouring properties.

*(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.*

8.25 Detailed floor plans do not form part of this outline proposal which merely seeks to establish the principle of housing on the site. Therefore, an assessment of the size of dwelling units cannot be undertaken at this stage, however there is nothing to suggest that the proposed dwellings cannot be designed in accordance the size standards set out in Annex A. This assessment will be undertaken as part of any full or reserved matters application.

8.26 Collectively the proposed design elements ensure that the character, environmental quality and amenity of the area are not significantly eroded, notwithstanding the actual density in numeric terms. Similarly, given the design elements, the pattern of development is considered to be in keeping with the overall character and environmental quality of the established residential area as a further requirement of Policy LC 1. Despite objections, the proposal is considered compliant with criteria (a), (b) and (c) of Policy LC 1 of the Addendum to PPS 7 as the proposed density is not significantly higher than that found in the established residential area and the pattern of

development is in keeping with the overall character and environmental quality of the established residential area.

*DCAN 8 – Housing in Existing Urban Areas.*

- 8.27 Chapter 4 of DCAN 8 refers to new housing in established residential areas. It is important to maintain environmental quality; appreciate the context; build on local character; and protect the characteristics which contribute to local character. The successful integration of new housing in established residential areas requires very sensitive urban design, landscape and architectural approaches. Chapter 5 of DCAN 8 refers to types of proposals for new residential development in existing urban areas. This proposal entails demolition and redevelopment so paragraphs 5.4 – 5.6 has specific relevance.
- 8.28 The siting of the new dwellings as well as scale and massing has been considered and is acceptable. This redevelopment scheme will not detrimentally affect the quality and character of the residential environment. Rather, the scheme has been designed to retain the character and integrity of the area and respond to both the attributes and constraints of the site. At full or reserved matters stage, the agent should ensure good practice principles in the design of buildings, the use of materials, and landscaping of surroundings while also aiming to provide a safe and secure environment. The proposal respects the environmental quality of the area and will not unacceptably adversely harm neighbouring residential amenity as considered in detail under sub-heading “Local Character, Environmental Quality and Residential Amenity” (Paragraphs 8.3 – 8.44).

**Access**

- 8.29 Access to public roads is set out under Policy AMP 2 of PPS 3. 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, and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The application utilises the existing avenue and access onto Drumavoley Road. The proposal originally proposed an additional access onto Dunamallght Road which was questioned by both objectors and DfI Roads. The secondary access was subsequently removed and following re-consultation DfI offered no objections to the access arrangements on condition that the access shall be

constructed together with other requirements in accordance with their standards.

- 8.30 Objectors raised concerns in relation to this application in terms of the vehicle access and road safety. DfI Roads was aware of these concerns when assessing the application and accepts the principle of access onto Drumavoley Road. This matter would be further assessed at full or reserved matters stage following the submission of a scale plan and accurate site survey showing the access to be constructed and other requirements in accordance with the DfI Roads form RS1. The proposal does not prejudice road safety or significantly inconvenience the flow of traffic and complies with Policy AMP 2 of PPS 3 and DCAN 15

### **Natural Heritage**

- 8.31 The application site is defined by well-established vegetation and mature trees and the proposal is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations). Planning Policy Statement 2, Policy NH2 states that Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. A Preliminary Ecological Appraisal and Bat Survey Reports have been submitted as part of the application and having considered the impacts of the proposal on natural heritage interests, DAERA, Natural Environment Division (NED) raised no concerns with the proposed development on condition that a wildlife friendly, sensitive lighting plan must be submitted to and approved in writing by the Planning Authority. NED are content that boundary planting is to be retained and supplementary planting is proposed for the development, recommending strictly NI native species are used for compensatory/additional planting proposed throughout the site.
- 8.32 Planning Policy Statement 2, Policy NH6 states that new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and where it is sympathetic to the special character of the area. Proposals should be sensitive to the distinctive special character of the area and

the quality of their landscape, heritage and wildlife. Proposals should respect local architectural styles and patterns as well as local materials, designs and colour. In terms of siting, design, scale and massing, the proposal is considered sympathetic to this AONB location. It also respects local styles and patterns, and conserves features of importance to the character, appearance or heritage of the landscape within proximity of the site. The proposal therefore follows Paragraph 6.187 of the SPPS and Policy NH 6 of PPS 2. NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.

- 8.33 Objections were received expressing concerns over the removal of existing vegetation in order to re-develop the site and that the proposal would therefore impact upon natural species. A concern was also raised over excessive illumination caused by the proposed new housing. The application has demonstrated that the loss of existing vegetation will be limited, and additional planting is proposed to improve the environmental quality of the site and immediate area. These factors together with the planning condition required by NED addresses the concerns raised relating to natural habitats and species.
- 8.34 The Council Tree Officer was consulted in relation to the submitted tree survey report and tree protection plan and offered no objection to the proposal. In response the Tree Officer states that despite some inevitable tree loss, most of the more visually significant stands of trees along the south-western external boundary of the site remain largely unaffected by the development and will therefore continue to function as a screen and provide enclosure to the site at this location. As an edge of settlement location this mature belt of trees is important to help assimilate and soften its impact on the surrounding countryside, as required in paragraph 4.28 of PPS 7. It is also important to consider that a significant level of new landscaping has been proposed as part of the scheme, which will help mitigate the tree loss required, The proposed extent of landscaping in the internal areas of the site particularly along the north-eastern boundary here is welcomed and it is demonstrated that full consideration has been factored into minimising the level of tree removal on site and ensuring the prevailing character of the site is maintained. In summary, the proposal demonstrates that a satisfactory layout can be achieved that will result in retention of a significant level of trees on site, which will

not be adversely affected by development with their Root Protection Areas respected.

### **Local Landscape Policy Area (LLPA)**

- 8.35 The southernmost part of the site is located within the Glenshesk Local Landscape Policy Area (LLPA) designation BEL 02. This area of the site accommodates Site 1 (as identified on Drawing 02A date stamped 22<sup>nd</sup> November 2019) of the overall proposed housing development and contains one of the five proposed dwellings. The LLPA designation defines the distinguishing feature of this LLPA as the sloping banks of the Glenshesk River which define the south eastern approaches to Ballycastle. The policy limits the extent of new development appropriate in this LLPA to that demonstrated to be essential for agricultural purposes, sensitively positioned outbuildings and extension of outbuildings. As with other parts of the LLPA, the part of the application site within the LLPA lies within the Settlement Development Limit. However, notwithstanding this, the LLPA designation policy restricts new development in this area.
- 8.36 Policy ENV1 of the NAP protects LLPAs from development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA.
- 8.37 Planning permission has previously been granted for a new dwelling within the LLPA in March 2005 under E/2004/0604/O. While a substantial time ago, this is a material planning consideration given that this approval is similar to Site 1. In addition, the land immediately south–east of the site, which is also with in the same LLPA, was granted permission for three dwellings in 2012 under E/2010/0308/F.
- 8.38 The impact of the proposal on the LLPA designation requires on-site assessment, including views from the Glenshesk Road across the river valley. Development Plan state that the planning permission granted under E/2010/0308/F on adjoining lands to the south-east of the subject site may have affected the character of the LLPA in this locality already and in this context, the presence of mature vegetation on the application site appears to contribute to the landscape setting of this area of Ballycastle. Development Plan state the impact of the proposal on the existing trees on the site should be assessed to determine if the new dwelling may assimilate into the site due to the retention of this vegetation. If the development would undermine the

ability to retain the vegetation, then it would appear there would be a consequential unacceptable adverse impact on the LLPA designation, contrary to Policy ENV 1 of the NAP.

- 8.39 A Tree survey and landscaping details have been submitted to accompany the planning application. This demonstrates that the majority of tree removal required to facilitate development and achieve access is along the north eastern boundary of the site, outside of the LLPA designation. A small number of trees are being removed within the LLPA to facilitate development of Site 1. However, these are located internally within the site and the majority of the more visually significant stands of trees along the south western boundaries of the site remain largely unaffected and will continue to function as a screen to the site and maintain the treed character of its setting. A significant level of new planting has also been proposed to mitigate tree loss where required.
- 8.40 In terms of the impact on the distinguishing feature of the LLPA, the site sits on the upper slopes of the Glenshesk River valley approximately 260m to the west of Glenshesk River with intervening residential development and mature vegetation. Given the separation distance from the river and the existing natural screening of this plot, the proposal will not create any adverse impacts on the distinguishing features of the LLPA. The plot occupies a very small corner of the overall LLPA designation. The retention of the existing mature vegetation to the southern and south-eastern boundary will maintain the natural screening and preserve the wooded appearance of the site. This visually links with the wooded lower valley sides and mature hedges in the vicinity, contributing to the landscape setting of the town in this wider area as recognised in its inclusion in the LLPA designation. Following an on-site assessment of the proposed development in context with the locality and the distinguishing feature of the LLPA, the development of Plot No. 1 will not create any demonstrable harm to the integrity of the LLPA. Public views of Plot No.1 from both Drumavoley Road and from across the river valley on Glenshesk Road, are limited given the existing topography and extent of screening provided by the mature vegetation and the large dwellings within Drumavoley Grange. A carefully considered house type design on this plot can permit this type of development to be carried out sympathetically within the LLPA. Additionally, the retention of existing vegetation around the site boundary and augmentation through new planting will be conditioned as part of the approval to ensure the level of natural screening is maintained.

8.41 Accordingly, given the foregoing specific circumstances, development on site is acceptable, notwithstanding the provisions of the LLPA designation.

### **Drainage/Flooding**

- 8.42 Consultation occurred with Dfl Rivers who advised the development does not lie within the 1 in 100 year fluvial flood plain. As such, Dfl Rivers would have no specific reason to object to the proposed development from a fluvial flood risk perspective. The site is unaffected by a designated watercourse and there are no other obvious undesignated watercourses. Dfl Rivers advised that the objector's concerns regarding flood risk from surface water run-off from the development can be allayed by way of a Drainage Assessment which is required under Planning Policy Statement 15 FLD3, bullet point 5. Given the scale of the proposed development and conceptual site layout, a drainage assessment is deemed unnecessary in this case. It is anticipated that the new housing can adequately be serviced by the nearby public storm sewer in line with surrounding properties and there is no evidence of surface water flooding within the application site or adjacent housing development.
- 8.43 Objections were received in relation to the proposed re-development of the site creating excessive surface water run-off impacting neighbouring properties. Concerns were raised that flooding could occur through both the removal of existing vegetation and site excavations and new landscaping. Given that this is an outline application establishing the principle of development, detailed drainage proposals have not been presented.
- 8.44 The agent has submitted a response to the matters raised by objectors regarding surface water run-off, comments from Dfl Rivers and to support the case that there is no need for a Drainage Assessment. The statement puts forward that in accordance with Policy FLD 3 of PPS 15, a Drainage Assessment will be required where surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage. Dfl Rivers Flood Maps show no record of surface water flooding within the application site or the adjacent Drumavoley Grange development.

- 8.45 The agent states that the topography of the site falls to the northeast/east. The site has extensive areas of hard surfacing around the dwelling and the existing driveway runs tight along the north-eastern/eastern boundary immediately adjacent to the boundary hedge with the camber of the driveway falling towards the hedge and boundary with Drumavoley Grange. In response to the topography this section of the driveway falls to the southeast towards its route to the Drumavoley Road and away from the objection properties. Given the existing levels, falls and areas of grass within the site rainwater run-off is also directed towards the section of driveway leading to the Drumavoley Road and is also soaked up by the existing grassed areas. Run-off is therefore not solely directed towards Drumavoley Grange.
- 8.46 The agent proposes that the submitted design concept for redevelopment of the site could improve the drainage and run-off across the site and in turn mitigate any impact on neighbouring properties. Benefits include retention and supplementary planting of vegetation along the boundaries to aid permeability, removal of hardstanding areas away from the boundary with Drumavoley Grange and removal of existing areas of hardstanding around the dwelling and replacement with softer landscaping. NI Water have confirmed there is a public surface water sewer within 20 metres of the site.
- 8.47 Full consideration of drainage arrangements will be assessed at full planning or reserved matters stage with adequate measures employed to alleviate any potential excessive surface water run-off.

### **Habitats Regulations Assessment**

- 8.48 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 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 sympathetic to surrounding properties in terms of scale, mass and form. The proposal does not cause unacceptable damage to the character of the surrounding area and is considered appropriate to the character and topography of the site in terms of layout, scale, proportions, landscaping and hard surfaced areas.
- 9.2 The conceptual layout of this housing development will not create unacceptable conflict with adjacent land uses. The impact of this proposal on neighbouring residential amenity, while acceptable in principle, shall be assessed in detail at full or reserved matters stage. The development of 5 no. dwellings at this proposed location would not represent an unacceptable change to the character of the area or have an adverse impact on the features of the Glenshesk Local Landscape Policy Area. Approval is recommended.

## 10 Conditions

1. As required by Section 62 the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Planning Authority within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. the expiration of 5 years from the date of this permission; or
  - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Planning Authority, in writing, before any development is commenced.

Reason: To enable the Planning Authority to consider in detail the proposed development of the site.

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

5. No development shall take place until a plan indicating floor levels of the proposed development in relation to existing and proposed ground levels has been submitted to and approved by the Planning Authority.

Reason: To ensure the development integrates into the landform.

6. The development hereby approved shall be designed in accordance with PPS 7 "Quality Residential Environments", Creating Places Document and shall generally accord with the provisions of the Proposed Development Concept Plan Drawing No. 02A received on 22<sup>nd</sup> November 2019.

Reason: To ensure a quality residential development.

7. The detailed layout provided at Reserved Matters stage shall be designed accordingly to ensure that the protected/retained trees are not adversely affected by development with appropriate amenity separation distance provided.

Reason: To ensure the retention of trees on site and to the ensure continuity of the landscape amenity afforded by these trees.

8. All retained trees on site, as indicated on the approved drawings shall be permanently retained, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 14 days. No retained tree, other than those

required to be removed for the purpose of carrying out development, shall be, cut down, uprooted or destroyed, or have its roots within the crown spread damaged or subject to any soil level changes, without the prior written consent of the Council. Development will be taken to include the main development, any associated buildings, access and service provision.

Reason: To ensure the retention of trees on site and to ensure continuity of the landscape amenity afforded by these trees.

9. No development shall take place until full details of a Tree Protection Plan and associated Arboricultural Method Statement, are submitted to and approved in writing by the Planning Authority as part of the Reserved Matters application. Prior to any development on site, all trees identified to be retained must have their roots protected, as per the measures detailed in the Tree Protection Plan and associated Arboricultural Method Statement. The erection of fencing required for the protection of retained trees shall be undertaken in accordance with BS5837 (2012) 'Trees in Relation to Construction'. The fencing must be in place before any equipment, machinery or materials are brought on to the site for the purposes of the approved development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition. The ground levels within the fenced off areas shall not be altered, nor shall any excavation be made or any other works carried out, materials stored or fires lit. All Arboricultural work shall be implemented in accordance with this information and shall be carried out in accordance with BS5837 (2012) 'Trees in Relation to Construction'. Reason: To protect the sensitive roots of the trees to be retained and ensure their future health and vitality.

## **Informatives**

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
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/>.

# Site Location Map



# Erratum

## LA01/2019/0629/O

### 1.0 Update

#### 1.1 Paragraph 1.1 as the recommendation states:

“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** full planning permission subject to the conditions set out in section 10.”

#### 1.2 As this is an application for outline planning permission, this recommendation is changed to:

“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** outline planning permission subject to the conditions set out in section 10.”

#### 1.3 Paragraph 5.1 of the planning committee report states that “Thirteen (13) objections were received in relation to this application from six different addresses.”

#### 1.4 The total number of objections received is incorrect and Paragraph 5.1 should read:

“Seventeen (17) objections were received in relation to this application from six different addresses.”

#### 1.5 The additional representations were received from previous objectors and reiterate the original points that were raised.

### 2.0 Recommendation

#### 2.1 That the Committee note the contents of this Erratum and agree with the recommendation to approve the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

# **Addendum**

## **LA01/2019/0629/O**

### **1.0 Update**

- 1.1 The application was deferred at the Planning Committee meeting on 22 December 2021. This was to allow the Planning Department to contact an objector who had previously requested to be notified of when the application was being presented to the Planning Committee. The objector was notified on 12 January 2022 of the intention to present the application to the Planning Committee meeting on 26 January 2022.

### **2.0 Recommendation**

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.