

Title of Report:	Planning Committee Report – LA01/2022/0846/RM
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th April 2023
For Decision or For Information	For Decision – Council Interest

Linkage to Council Strategy (2021-25)	
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

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

Screening Requirements	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:

<u>No:</u>	LA01/2022/0846/RM	<u>Ward:</u> Mountsandel
<u>App Type:</u>	Reserved Matters	
<u>Address:</u>	Site at 85 Mountsandel Road, Coleraine	
<u>Proposal:</u>	Proposed Dwelling and Access.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 2nd August, 2022
<u>Listed Building Grade:</u>	N/A	
Agent:	Ivan McDonald	
Applicant:	Darren Warwick	
Objections: 0	Petitions of Objection: 0	
Support: 0	Petitions of Support: 0	

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.gov.uk>

EXECUTIVE SUMMARY

- Reserved Matters application for the erection of a two storey dwelling within the settlement limits of Coleraine, as identified within the Northern Area Plan (NAP) 2016. The site is located on land at 85 Mountsandel Road, Coleraine.
- The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016, PPS 7 Quality Residential Environments and all other material considerations.
- DFI Roads, NI Water and NIEA (Water Management Unit), Environmental Health and DAERA were consulted on the application and raise no objection.
- There are no objections to the proposal.
- The application is recommended for Approval.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** Reserved Matters consent subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within the settlement limits of Coleraine as shown on the Northern Area Plan 2016.
- 2.2 The site area is some 0.11 hectares in size. The application site consists of a plot of land which is part of the garden area belonging to No. 85 Mountsandel Road. No.85 has a large frontage with trees and a fence to the road and a low wall entrance. Dwelling No. 85 is a large two storey detached dwelling with rendered walls and pitched roof. No.85 has a large surrounding curtilage with lawn and driveway. On site there is no boundary definition on the northern and western boundaries. The southern and eastern boundaries are defined by mature trees and shrubs. The red line site forms part of the garden to the southeast.
- 2.3 There are four protected trees in the front garden of No.85 and some of these are within the red line. The land is flat and level with the road. There are two mature trees on the passing footpath on the frontage of the site.

3 RELEVANT HISTORY

- 3.1 Reference: LA01/2021/0399/O
Location: Site at 85 Mountsandel Road, Coleraine
Proposal: Site for Proposed Dwelling
Decision: Planning Granted 22/09/2021.

4 THE APPLICATION

- 4.1 Application for Reserved Matters for proposed dwelling and access.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the application

5.2 Internal

Environmental Health Department: No objection

NI Water: No objections

DFI Roads: No objection

Tree Preservation Officer: Content with proposal subject to conditions.

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:

- 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 application has been assessed against the following planning policy and guidance:

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 3: Access, Movement and Parking.

PPS 7: Quality Residential Environments.

Supplementary Planning Guidance

Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas.

DCAN8 Housing in Existing Urban Areas.

8 CONSIDERATIONS & ASSESSMENT

Planning Policy

8.1 The main consideration in the determination of this application relate to the principle of development, Access, Movement and Parking, Natural Heritage, Wastewater Network and Habitat Regulation Assessment.

Access

8.2 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 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:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

- 8.3 The proposal includes a new access to Mountsandel Road. DFI Roads was consulted on the proposal and responded with no concerns subject to conditions.

Principle of Development

- 8.4 The principle of development must be considered having regard to the SPPS and PPS policy documents.

- 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 regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

- 8.6 Housing in settlements paragraph 6.133 and 6.138 applies, in that quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities. However, it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

PPS 7: Quality Residential Environments.

Under Policy QD1

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It

should draw upon the positive aspects of the character and appearance of the surrounding area. All proposals for residential development will be expected to conform to criteria 'a' – 'i' listed in the policy.

8.7 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 building structures and landscaped and hard surfaced areas.

A block plan layout showing the proposed soft and hard landscaping and details of boundaries have been submitted by the applicant.

The proposed dwelling is a full two storey on a 'L' shaped platform. The positioning of the proposed dwelling is to the existing western gable elevation of the existing dwelling no.85. The rear return will run parallel with the gable of dwelling no. 85, stepped in by 1 metre, as amended. The height of the proposed dwelling from finished floor level will be 8.7 metres on the main front elevation. The rear return is some 7.7metres. The dwelling no. 85 is a large, detached property that is, (in height terms) taller than the proposed dwelling.

8.8 The proposed dwelling will have amenity areas to the front and rear / side of the dwellinghouse. There will be parking for cars and turning available within the site.

8.9 The proposed dwelling will be finished in painted smooth render, roof to be clad in flat blue/black concrete tiles. The design of the proposed dwelling is in keeping with the general conformity of the area in terms of its character, as the adjacent dwelling (no.85) is a large 2 storey. The height of the building is considered respectful in terms of the adjacent buildings and will have a similar footprint to existing dwellings within the near vicinity. The design and layout is satisfactory and will keep in character.

- 8.10 The private amenity space is at the rear of the property but is also positioned to the front. The amenity space has a mixture of soft and hard landscaping. This is satisfactory and therefore, the proposal complies with criteria 'a'.
- 8.11 **b) Features of the archaeological and built heritage and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.**
- 8.12 The site is not within an archaeological consultation zone and there are no listed buildings nearby. The existing building on site is to be retained. There are two protected trees on site, but these will not be removed. The two protected trees are a Weeping Beech and Lime Tree. The proposal complies with criteria 'b'.
- 8.13 **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 discreet 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.**
- 8.14 The proposal shows a front amenity with a rear area for parking, all with sufficient size which reflects the existing character. Private space is to the side and rear of the development which is acceptable. Boundary treatments to include a 2m high timber fence with new hedging planted on the inside. Given the aforementioned it is considered that there will be sufficient amenity levels. This is satisfactory, therefore the proposal complies with criteria 'c'. There is some 153sq.m of private amenity space provided.
- 8.15 **d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development.**

- 8.16 The development is considered to be close to all amenities as it is located on a main road within the settlement limits. Given the proposal is for a single dwelling provision of neighbourhood facilities is not required. Therefore the proposal complies with criteria 'd' of this policy.
- 8.17 **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.**
- 8.18 The applicant has submitted a block plan showing a new access onto the road where there is a passing footpath. DFI Roads has been consulted and are content. There is a footpath at the front of the property and parking and turning available within the curtilage. The proposal complies with criteria 'e' of the policy.
- 8.19 **f) Adequate and appropriate provision is made for parking**
- 8.20 DFI Roads have been consulted and are content. As the proposal is in the established residential area and the block plan shows in curtilage parking, it is considered that the proposal complies with criteria 'f' of this policy.
- 8.21 **g) The design of the development draws upon the best local traditions of form, materials and detailing.**
- 8.22 The design of the development in terms of form, materials and detailing would be considered acceptable, as the design is of a fairly modest 2 storey dwelling. The finishes are standard urban materials such as rendered walls and roof clad in blue/black concrete tiles. The surrounding area is made up of a number of styles and scales and the submitted design will overall blend in with the surrounding built environment.
- 8.23 **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

- 8.24 In terms of design and layout, the key issue in relation to this proposal, is the impact of the proposal on existing dwellings around the site.
- 8.25 The layout shows a detached house with front and rear gardens. The rear garden of the proposed development backs onto the southern rear garden of property no. 85. The first floor windows on the rear return towards the west boundary are obscured. The rear boundary (western), is set back some 33m from the side elevation of dwelling no. 9 Ratheane Avenue. To the south there is sufficient separation distances between the proposed dwelling and the neighbouring properties (no's. 3 & 5) Ratheane Avenue. The distance to the boundary provides for adequate separation. Along the northern elevation of the proposed dwelling, all the windows are to be obscure glazing, facing onto the No.85 Mountsandel Road. This is necessary given the immediate proximity as the distance to the boundary is 2m.
- 8.26 The windows on the 1st floor in the bedroom have been reduced in size considerably to reduce the impact on the neighbouring property facing onto no's 3 & 5 Ratheane Avenue properties that abut the site.
- 8.27 **i) the development is designed to deter crime and promote personal safety.**
- 8.28 The site has a private driveway and private amenity. The proposal complies with criteria 'i'.
- 8.29 The proposal complies with Policy QD1.
- 8.30 Addendum to PPS 7: Safeguarding the Character of Established Residential Areas applies and Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity states

in established residential areas planning permission 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, and all the additional criteria set out below are met:

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

8.32 The area has a low density and the site proposes one dwelling which reflects this. The proposal complies with criteria 'a'.

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

8.34 The site follows the existing pattern of development and fits in with the character of the area with a detached dwelling with driveway and front and rear gardens. The proposal has sufficient amenity space to respect the character of the existing area. The proposal complies with criteria 'b'.

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

8.36 The dwelling house in terms of size is considered acceptable and meets this criteria of planning policy.

8.37 Natural Heritage

8.38 PPS 2, Policy NH 2 Species Protected by Law states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

8.39 In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- There are no alternative solutions

- It is required for imperative reasons of overriding public interest; and
- There is no detriment to the maintenance of the population of the species at a favourable conservation status; and
- Compensatory measures are agreed and fully secured.

8.40 Upon site inspection it is considered there are no European protected species other than the two protected trees on site. The block plan shows the retention of these trees, however the mature trees on the pavement will be removed. These site details have not identified any potential risks to natural heritage interests.

8.41 **Consultation internally with TPO Officer-**

8.42 In relation to the proposal, the TPO Officer comment as follows:-

8.43 Firstly it is noted that this is a Reserved Matters Application to outline approval LA01/2021/0399/O for a dwelling at lands at 85 Mountsandel Road, Coleraine, with the principle of development established subject to conditions.

8.44 In summary the TPO officer stated the following:-

8.45 On assessment of the provided information, the submitted drawings and documents, address the requirements of the tree related outline conditions. It is welcomed that care has been taken to ensure that the trees are retained as a fundamental part of the development and it is considered that the retained trees on site are not adversely affected by development with their root protection areas respected.

8.46 The TPO officer then recommended a number of conditions to enforce the protection of the trees. These will be added to any approval.

Wastewater Network

8.47 Paragraph 4.12 of the SPPS is relevant. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. NI Water have stated in the consultation response that it has available capacity. On this basis the proposal would comply with this paragraph 4.12 of the SPPS.

9 CONCLUSION

9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan and other material considerations, the SPPS and Planning Policy Statements 2,3 and 7. Consultee responses have been considered. The proposal is designed to respect the character of the area, neighbouring dwellings and the TPO trees. The means of access is acceptable. As the proposal has complied with the various planning policies it is considered acceptable, and approval is recommended.

10 Conditions and Informatives:

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
 - i. The expiration of a period of 5 years from the grant of outline planning permission; or
 - ii. The expiration of a period of 2 years from the date hereof.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. The lands granted planning permission are affected by a Tree Preservation Order (TPO). No protected tree, other than those required for the purpose of carrying out development as indicated on the approved Drawings, shall be, cut down, uprooted or destroyed, or have its roots within its root protection area damaged

or subject to any soil level changes, or be subject to any form of tree surgery, without the prior written consent of the Council, other than in accordance with the approved plans and particulars of this application. Development will be taken to include the main development, any associated buildings, access and service provision.

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

3. All Arboricultural work shall be implemented in accordance with the submitted Arboricultural Impact Assessment by Arbor Consulting (DOC01) and detail as contained in associated Drawings no. 02 and 03 and shall be carried out in accordance with BS5837 (2012) 'Trees in relation to construction'. Any remedial works to be carried out by a competent Tree Surgeon, preferably an Arboricultural Association approved contractor.

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

4. Prior to any development on site, all trees identified to be retained as indicated on the approved drawings, must have their roots protected, as per the measures detailed in the Arboricultural Impact Assessment by Arbor Consulting (DOC01) and detail as contained in associated drawings no's 02 and 03. The erection of fencing required for the protection of retained trees covered by a TPO 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 onto 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. No materials shall be stored or fires lit within these Root Protection Areas in accordance with this condition. The ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, other than in accordance with the approved plans and particulars of this application.

Reason: To protect the sensitive roots of the trees to be retained and ensure their future health and vitality.

5. No development shall commence until the vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with drawing No.02 date received 29th July, 2022. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. The windows shown on plan no. 06A shall be glazed with obscure glazing and permanently retained as such.

Reason: In the interests of neighbouring amenity.

7. A 2m high close boarded fence shall erected along the site boundary as shown indicated in yellow on approved drawing 07A prior to the occupation of the development.

Reason: In the interests of neighbouring amenity.

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 <https://planningregister.planningssystemni.gov.uk>

Block Plan

