



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2020/0510/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>28<sup>th</sup> June 2023</b>
<b>For Decision or For Information</b>	<b>For Decision – Objection Item</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	Senior Planning Officer

<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:

**No:** LA01/2020/0510/F      **Ward:** Lurigethan

**App Type:** Full

**Address:** Lands off Kilnadore Park opposite lands on North side of Kilnadore Park Opposite 25-31 Kilnadore Brae, Cushendall - Kilnadore Townland

**Proposal:** Construction of 34 no. Social Housing Units comprising - 12 No. Apartments / 11 No. 3 person 2 Bedroom Houses / 7 No 5 Person 3 bedroom / 1 No. 6 Person 4 bedroom houses / 1 No 7 person 5 bedroom Complex Needs House / 1 No . 6 Person 4 bedroom Complex Needs House / 1 No. 3 Person 2 bedroom Complex Needs House

**Con Area:** N/A      **Valid Date:** 28/05/2020

**Listed Building Grade:** N/A

**Agent:** Studiorogers Architects Ltd

**Applicant:** Rural Housing Association, 2 Killyclogher Road, Omagh, BT79 0AX

**Objections:** 44      **Petitions of Objection:** 1  
**Support:** 6      **Petitions of Support:** 0

## **EXECUTIVE SUMMARY**

- This is a full planning application for 34 no. social housing units. This includes 12 no. apartments, 3 no. detached properties and 19 no. semi detached and terraced properties.
- The southern part of the site lies within the settlement limit of Cushendall. The northern part of the site lies within the countryside as designated in the Northern Area Plan 2016.
- No objections have been raised by statutory consultees in relation to this proposal
- The proposal is considered acceptable in terms of layout, scale and massing respecting the surrounding context and is appropriate to the character and topography of the site.
- The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- Access and parking arrangements are acceptable.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 21, PPS 7, Addendum to PPS 7, PPS 15, PPS 3 and PPS 2 and other supporting guidance.
- 44 letters of objection have been received in relation to the proposal, most of the objections are from properties at Middlepark Crescent and Kilnadore Park. Six letters of support and 1 petition of objection have been received.

- 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** outline planning permission subject to the reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located on lands off Kilnadore Park, opposite lands on North side of Kilnadore Park, opposite 25-31 Kilnadore Brae, Cushendall.
- 2.2 The site comprises an agricultural field. The land on the site rises upwards from east to west. The southern part of the site is located within the settlement limit of Cushendall, this land within the settlement limit is also zoned for housing (CLH 10) within Northern Area Plan 2016. The southern boundary lies adjacent to existing housing on Kilnadore Park and Kilnadore Brae. The land to the west is also residential with existing detached and semi-detached properties along Middlepark Crescent. The northern part of the site lies outside the settlement limit within the countryside. The northern boundary is defined by a mature hedge. To the west of the site is an existing shed.
- 2.3 There is a historic monument which is a disused graveyard in the north-eastern corner of the site. The site is also located within Antrim Coast and Glens Area of Outstanding Natural Beauty.

## **3 RELEVANT HISTORY**

E/1992/0079 - Site for public housing development Application withdrawn - 17.12.1992

## **4 THE APPLICATION**

- 4.1 This is a full application for ‘Construction of 34 no. Social Housing Units comprising - 12 No. Apartments / 11 No. 3 person 2 Bedroom Houses / 7 No 5 Person 3 bedroom / 1 No. 6 Person 4 bedroom houses / 1 No 7 person 5 bedroom Complex Needs House / 1 No . 6 Person 4 bedroom Complex Needs House / 1 No. 3 Person 2 bedroom Complex Needs House’ at Lands off Kilnadore Park opposite lands on North side of Kilnadore Park opposite 25-31 Kilnadore Brae, Cushendall.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 Six comments of support were received on this application.
- 5.2 44 letters of objection and 1 petition of objection have been received in relation to the proposal. Most of the objections came from residents of Middlepark Crescent and Kilnadore Park. The issues raised are as follows;

### **Principle of Development**

- Pre-application Community Consultation not submitted.
- Development will have an impact on property values.
- Impact on AONB
- Overall site density is excessive.
- Out of character with existing development in the vicinity.
- Development of smaller sites would be more suitable.
- Development is not in keeping with the Conservation Area and is out of character.
- Land lies outside the development limit.
- Size and scale of the development is not appropriate at this location.

- Impact on the existing historic graveyard on site.
- Concerns that the properties may not remain as social housing.
- Concerns raised regarding time to respond to Rural Housing Association correspondence and Council.
- Impact on the environment and greenfield site.
- Concerns development will be prominent and viewed on the skyline.
- Concerns over access lane to existing workshop.
- Alternative locations have not been explored.
- Development is contrary to policy CTY 5 of PPS 21.
- Ownership details are incorrect.
- Concerns density of development is contrary to Creating Places and Northern Area Plan
- Affordable housing should also be considered.
- There may be more suitable vacant sites.
- Concerns regarding foul sewage disposal.
- Statement of Community Involvement procedure not adhered to.
- Rural Housing Design Guide supports development of smaller sites.
- Development is contrary to Regional Development Strategy (RDS) which promotes sense of community spirit and place.
- Poor disabled access.
- Impact on existing Historic Monument within the site.
- This site should not need to provide social housing for adjacent settlements.
- Loss of mature hedge along Kilnadore Road.
- Figures on site selection document are misleading.
- Impact of proposed street lighting on bats.
- Concern regarding amount of revisions to proposal.
- Impact on existing wildlife.
- Development will have an impact on air quality.
- Lack of transparency in planning process.
- Area of Open Space will become a shorter-cut to Kilnadore Rd.

### **Surrounding Development**

- Strain on existing services
- Change in rural nature of the area.
- Proximity to existing dwellings and intrusion of privacy.
- Two-storey development is not keeping with the existing properties at Middlepark Crescent.
- Concerns regarding security and anti-social behaviour.

- Location of proposed bin store adjacent to existing properties, potential for noise, smell and vermin.
- Impact on existing boundaries.
- Overlooking of existing properties on Middlepark Crescent due to difference in levels.
- Potential for surface water flooding and impact on drainage.
- Location of open space/recreation area not acceptable.
- Noise from increased traffic
- Increase in traffic will have impact on the environment.
- Loss of privacy.
- Concerns regarding security of existing properties.
- Overshadowing and loss of light.
- Noise generated from proposed open space and impact this will have on amenity, it is suggested the location of the open space is inappropriate.
- Development considered contrary to Creating Places due to impact on amenity.
- Impacts of noise and smell from bins, pigeon lofts etc.
- Development will contribute to light pollution.
- Submitted plans are not accurate in relation to boundaries between No 4 and No 5 Middlepark Crescent.
- Distance between existing and proposed development annotated on plans is not accurate.
- Concerns regarding potential route damage to existing boundaries from proposed boundary fence.
- Concerns regarding impact on private amenity due to proposed parking area adjacent to No 3 and No 4 Middlepark Crescent.
- Proposed hedge, trees and retaining wall will block light to existing property at 4 Middlepark Crescent.
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### **Roads Issues**

- Pressure on existing road network and increase in traffic.
- Increased congestion
- Road Safety concerns especially on Middlepark Road due to increased traffic generation.
- Poor existing public transport network will increase traffic.
- Concerned the proposed access is dangerous.
- Location on the edge of the settlement limit offers poor access to shops and services therefore residents will be dependent on cars.

- Inadequate footpaths to and from the town.
- Concerns over pedestrian safety.

Six comments of support have been received, the points raised include the following:

- There is a need for houses for local families.
- There is a need for social housing.

5.3 In response to these concerns Officials note the following;

- The proposal involves the construction of a new access to the public road. DfI Roads was consulted to consider the proposed development and have no objections subject to conditions.
- A Drainage Assessment was submitted by the agent which demonstrates that the design and construction of a suitable drainage network is feasible. DfI Rivers have no objection to the proposal
- Ecological information was submitted by the agent to address biodiversity concerns. NIEA Natural Environment Division are content with the proposal subject to conditions.
- The impact on residential amenity has been considered in paragraphs 8.24 – 8.36 of this report.
- The visual impact of the proposal has been considered in paragraphs 8.7 – 8.00 and 8.60 – 8.64 of this report.
- The proposal is not considered to have an adverse impact on the AONB.
- NIHE was consulted during the processing of the application and have confirmed that the site lies within the housing needs area of Cushendall which has a five year projection from 2021 – 2026 of 39 social units. NIHE have confirmed that they can support 34 social housing units as proposed.
- Alternative sites within the settlement limit of Cushendall have been considered and it has been demonstrated that there are no other suitable sites within the settlement limit for the provision of social housing.

#### 5.4 **Internal**

Environmental Health: No objections

DFI Roads: No objections



DfI Rivers: No objections

NI Water: No objections

NIEA Water Management Unit: No objections

NIEA Natural Environment Division: No objections

Historic Environment Division: No objections

Northern Ireland Housing Executive: No objections

## **Design & Access Statement**

A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is for more than one dwelling and is located within a designated area (Antrim Coast and Glens AONB).

The design and access statement provides details of the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with.

The report date received on 11<sup>th</sup> May 2020 demonstrates that the applicant undertook detailed consideration of the proposal in terms of the design principles and concepts in relation to the location of the caravan pitches, the proposed design and the impact on the character of the immediate context.

## **Environmental Impact Screening**

- 5.5 The proposed development is located within a sensitive area (Antrim Coast and Glens AONB) and falls within Category 10 (b) of Schedule 2 of The Planning (Environmental Impact Assessment) Regulations (NI) 2017 and therefore the Council is obliged under Regulation 12 (1) to make a determination as to whether the application is for EIA development.
- 5.6 The Council determined on 03/03/2023 that the proposal is not an EIA development and as such this planning application, did not need to be accompanied by an Environmental Statement.

## **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)

Planning Policy Statement 2 (PPS 2) – Natural Heritage

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 6: Planning Archaeology and the Built Heritage

Planning Policy Statement 7 (PPS 7) – Quality Residential Environments

Addendum to Planning Policy Statement 7 (APPS7) – Safeguarding the Character of Established Residential Areas

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

Planning Policy Statement 15 (PPS 15) – Planning & Flood Risk

Planning Policy Statement 21 (PPS 21) - Sustainable Development in the Countryside

Creating Places - Achieving Quality in Residential Developments

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Antrim Coast and Glens Design Guide

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: Principle of Development, Quality in New Residential Development, Impact on the Character of the Surrounding Area, Land outside the Settlement Limit, Location within Local Landscape Policy Area, Social and Affordable Housing, Impact on Natural Heritage, Access and Parking, Flood Risk, Habitats Regulations Assessment and Other Issues including land ownership objections.

### **Principle of Development**

- 8.2 The proposal is for residential development. The development consists of 34 units. Approximately 24 units are located within the settlement limit of Cushendall and approximately 10 units

are located outside the development limit of Cushendall. The land within the settlement limit is located on lands zoned for housing within the Northern Area Plan 2016 designation CLH 10. This relates to lands north of Kilnadore Park. The key site requirements are that density of development shall be within a range of 15 to 25 dwellings per hectare, a minimum of 15 dwellings should be provided for social housing, development shall not be greater than 2 storeys in height and an archaeological evaluation will be required due to the proximity of Kilnadore Graveyard archaeological monument. The proposed units are no greater than 2 storey and all of the proposed units are for social housing therefore these requirements are met by the proposed development. The proposed density exceeds what is proposed by the current Area Plan. The Area Plan Team have advised that the extent of the zoning was influenced by the adjacent archaeological site. They have also acknowledged that the density exceeds the key site requirements but is similar to the densities at Kilnadore Park to the south. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development 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. Consideration has been given to the other material considerations. NI Housing Executive supports the proposal and the mix of units and evidence has been submitted to indicate that there are no other alternative sites available within Cushendall or neighbouring settlements to provide the level of accommodation provided to meet housing need projection. Consideration has also been given to the nature of the breach of the development limit. It is acknowledged that much of the area outside the development limit is occupied by open space.

- 8.3 A Density Analysis was carried out by the agent. They have advised that consideration has been given to the proposed mix of units which includes 12 no. apartments, this will therefore increase density levels. Consideration has also been given to the density of the adjacent development at Kilnadore Park which has a greater density to that proposed.

- 8.4 While the proposal fails to comply with the key site requirement regarding density, on assessment of the Area Plan and other material considerations the current proposed density the principle of the development is acceptable.

### **Quality in New Residential Development**

- 8.5 The SPPS states that the policy approach to housing in settlements must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures.
- 8.6 Policy QD1 of PPS 7 states that 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. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

Policy QD 1 states that 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.

### **(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 site and surrounding area is characterised with residential development to the east and south of the site. The land to the east at Middlepark Crescent is existing detached and semi-detached dwellings, most of these dwellings are 1.5 storey or single storey. The land to the south is also occupied by existing residential development at Kilnadore Park and Kilnadore Brae. The dwellings at Kilnadore Park and Kilnadore Brae are a mix of both single storey and 2 storey detached, semi-detached and terraced dwellings. To the west of the site is an existing shed and the land to the north is agricultural. The application site lies partially within the settlement limit and partially outside.

- 8.8 Concerns have been raised in regard to the scale of the development and the impact of the rural nature of the area at present. The majority of the application site lies within the settlement limit and is on land zoned for housing. The proposed development includes provisions for 34 units which includes a mix of house types to include 12 apartments, 4 detached dwellings and 19 semi-detached and terraced dwellings. One of the proposed dwellings is single storey and the other buildings are 2 storey and 1.75 storey. The ridge heights of the apartments blocks are 7.3m and 8.2m and the ridge heights of the 2 storey properties vary on site between 8.3m for the detached dwelling, 8.2m for sites 13 – 20 & 28-29 and 7.7m for sites 32-33. The 1.75 storey dwellings have a proposed ridge height of 7m (sites 21 – 25). The proposed finishes include wet dash painted render to the walls, black/blue roof tiles and uPVC/aluminium windows and sliding doors. Overall the proposed design, scale, massing and appearance of the buildings are considered acceptable as the proposed traditional form and finishes allows the development to integrate into the existing character of the area. Density is fully considered under Paragraphs 8.2 – 8.4 and 8.39 – 8.42 of the report.
- 8.9 The topography of the site slopes downwards from west to east with the proposed development to reflect the change in levels across the site. The ridge level of the proposed apartment block (units 1-8) have been stepped to reflect the change in levels on site which is similar to existing development on Kilnadore Park. The proposed dwelling will sit at a similar level to the dwellings at Kilnadore Brae and Kilnadore Park. The finished floor levels of the proposed dwellings along the eastern boundary of the site will sit between 0.98m and 1.67m higher than the finished floor levels of the dwelling along Middlepark Crescent.
- 8.10 The site frontage will be visible along Kilnadore Park and Kilnadore Brae. The apartments will be situated along the site frontage, these buildings are 2 storey. To the front of the apartments there is an area of open space. The rear and side elevations of the dwelling adjacent to the eastern boundary will be visible from Middlepark Crescent. Additional landscaping is proposed along this boundary. The site will also be visible when travelling along the stretch of Kilnadore Rd adjacent to the northern boundary. The existing mature boundary hedge is to be

retained along the northern boundary and the land in the northern part of the site is to be mostly open space.

- 8.11 In terms of layout many of the dwellings proposed will have in-curtilage parking but some units will have shared parking areas. These shared parking areas adjacent to the apartments will be finished with paving with the parking bays in contrast paving to break up its visual impact. The parking bays will be broken up with areas of planting. These areas are considered acceptable having regard to the character of the area. There is also provision for rear back gardens for the dwellings proposed. The apartments will have access to individual areas of private amenity space. The site will also include a small area of open space in the southern part of the site and a larger area of open space in the northern part of the site. The larger area of open space is located adjacent to the northern part of the site and also within land outside the settlement limit, this will help provide a landscaped buffer between the dwellings and the agricultural lands to the north. Proposed landscaping will reduce the visual impact of the proposed development and areas of hardstanding. Given the existing residential development to the south and east and agricultural land to the north the character of the area the proposed layout is acceptable. On assessment the proposed development is therefore considered to meet criteria (a).

**(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;**

- 8.12 There are no listed buildings/structures within or immediately adjacent to the application site and as such the proposal will have no impact on the setting or physical condition of any listed building/structure.
- 8.13 There is an Archaeological Site located in the north-eastern corner of the application site. This site is known as Kilnadore Graveyard. It is high, flat-topped mound which has been truncated at its eastern and northern sides. Although no building is recorded as being associated with the graveyard, it is possible that archaeological features, including human remains, may be encountered throughout the proposed development site. An Archaeological Impact Assessment (AIA) was

submitted as part of the application and Historic Environment Division was consulted in regard to the application. Following initial consultation HED confirmed they agreed with the recommendations of the AIA, they also indicated a Landscape Management Plan was required. An Archaeological Programme of Works was submitted and HED advised they agree with the archaeological mitigation strategy proposed and are content for this to proceed to archaeological licensing. The proposed development site was archaeologically evaluated under licence. No archaeological remains were uncovered. HED (Historic Monuments) agrees with the recommendations within the Archaeological Evaluation Report. HED is content that the proposal satisfies PPS 6 requirements, subject to conditions relating to the erection of fencing during site works and also the submission of a landscape management and maintenance plan to be agreed prior to commencement of the development. The proposed development therefore meets with Policy BH 2 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

- 8.14 The site is located within a Local Landscape Policy Area (CLL01 Court McMartins LLPA). While the area plan advises the possible development of only sensitively sited modest scale development essential for the efficient operation of agriculture will be acceptable. The development will not lead to the removal of any significant landscape features as identified in the Northern Area Plan 2016. The existing hedge located along the northern boundary of the site will be retained and additional planting will be placed along the boundaries of the site. The location within the LLPA is addressed further under paragraphs 8.67 – 8.69.

**(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;**

- 8.15 In the Creating Places document it is recommended that all dwellings proposed should have access to 70 square metres of



private amenity. It also states for any individual house however an area less than around 40 sq m will generally be unacceptable. The majority of the dwellings exceed 70 square metres with the exception of 4 dwelling units in which a provision of over 50 square metres of private amenity space but less than 70 square metres has been provided. However, all the dwellings proposed have a provision of at least 40 square metres of private amenity space and access to areas of open space. These areas of private amenity space will be grassed and boundaries will consist of hedging, fencing, walls or railings which will reduce the visual impact of the proposed dwellings.

8.16 Creating Places also states for apartment developments each unit should have access to at least 10 to 30 sq metres of private amenity space. The apartments at units 1 – 8 and 9 - 12 have access to individual allocated areas of open space for each unit. The level of private amenity space for each unit exceeds 10 sq metres in accordance with Creating Places Guidance. The individual amenity space is accessed adjacent to the access to each unit. These areas of open space will be enclosed by railings. There is also an area of public open space to the south of apartments 1 – 8 and also 9 – 12 providing a landscape buffer between new and existing development. The provision of individual private amenity space for each unit is acceptable.

8.17 Given the proposal includes provisions for 34 units it exceeds the 25 unit threshold as stated in PPS 8 Open Space and Recreation Policy OS 2 relating to open space in new residential development. In line with this policy there is an expectation that 10% of the total site area should be allocated as public open space. There is one large area and two smaller areas of open space proposed as part of the scheme which equates to approximately 1900 square metres, which exceeds 10% of the overall site of 1.14 ha. Given this the provision of public open space is considered acceptable. The proposed areas of public open space are linked well to the overall development. The proposed areas of open space have recreational and amenity value as well as protecting the historic monument and access to these areas will be safe for proposed residents.

8.18 Concern has been raised that the area of open space in the north of the site may attract anti-social behaviour and could be

used as a shortcut to Kilnadore Rd. The open space is overlooked by the side elevations of the adjacent properties within the development therefore giving a degree of surveillance. The location of this area of open space also protects the existing historic monument. The area is also easily accessible by the entire development by the proposed road and footpaths. There is no direct access from the area of Public Open Space to Kilnadore Rd which runs along the northern boundary, the proposed planting scheme indicates the planting of new hedge where the existing field gate is located.

- 8.19 Concern was also raised in an objection that the maintained open space as indicated in Dwg No 39 (Rev 2) will provide a corridor around the site that will lead to lack of privacy and anti-social behaviour. However Drawing No 40 (Rev 2) which provides landscaping proposals shows that there is no corridor to be provided around the site. The area of land to be maintained can be accessed via individual dwellings.

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

- 8.20 This proposal includes provisions for 34 units. As the development does not exceed 100 units or 5 hectares as specified in Policy OS 2 of PPS 8 the provision of an equipped children's play area is not required. The site is located within walking distance of Cushendall in which there are a range of facilities and services located in proximity to the site. There is also provisions for areas of public open space located within the proposed site. Given the sites location close to these facilities it is considered that further neighbourhood facilities are not required.

**(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;**

- 8.21 The dwellings are located within walking and cycling distance to the town centre of Cushendall. Potential residents will also have access to existing public transport links.

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

8.22 The proposed development will provide in-curtilage parking and shared parking areas to the front of dwellings. Each of the apartment buildings proposed will also have an area of shared parking located within a courtyard adjacent to the buildings. Visitor car parking has also been provided as part of the road network layout. Following the submission of amended plans DFI Roads has no objection to the level and arrangement of parking provision. The proposal complies with the standards for parking as outlined in the Parking Standards document.

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

8.23 The design of the proposed development is considered acceptable given the traditional form and finishes proposed as part of the scheme. The finishes include painted rough wet dash render with smooth render plinth and flat blue/black roof tiles, which are in keeping with the context of the area with the dwellings in the immediate area having similar finishes. Boundary treatments to the properties are acceptable, comprising a mixture of render walls, timber fencing to the rear gardens and estate railing to the front of the dwellings and apartments. The majority of the dwellings have a pitched roof design however some of the dwellings within the site and the apartment to the northern side of the access have a hipped roof design. While a pitched roof design is more common in the immediate area hipped roof designs are evident in other parts within Cushendall and the Glens.

**(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 located around the site to include the dwellings at Middlepark Crescent, Kilnadore Park and Kilnadore Brae.

8.25 Dwellings 25 – 31 Kilnadore Park face the site frontage. The separation distance of the opposing front elevations is approximately 24m. This is considered an acceptable degree of separation for front garden areas which are already open to

public view and afforded less protection in terms of privacy. It is proposed to retain existing trees to the front of the proposed apartments and additional landscaping is to be carried out.

- 8.26 The proposed apartments units 1 – 8 will be located approximately 20m from single storey rear return of the of the apartments to the rear elevation of No 3 Middlepark Crescent. There is a difference in levels of approx. 1.57m between the finished floor level of No 3 and the finished floor level pf the proposed apartments. No 3 Middlepark Crescent is a 1.5 storey detached dwelling. The 2-storey element of the apartments building is approximately 21m from No 3 Middlepark Cres. There is one 1<sup>st</sup> floor window to a living area on the side elevation of the apartments that faces east. Additional planting is also proposed along the eastern boundary adjacent to the boundary with No 3 Middlepark Cres. Due to the orientation of the apartment building and the existing dwellings this window does not directly overlook the immediate 3 - 4m of private amenity space to the rear of the dwellings at No 2 or No 3 Middlepark Crescent therefore it is not anticipated the proposed apartment building will result in unacceptable overlooking, loss of light or overshadowing of No 2 or No 3 Middlepark Cres.
- 8.27 In regard to the existing properties at no 4 and 5 Kilnadore Brae, their rear boundaries will be located adjacent to the proposed development. No 5 Kilnadore Brae is a single storey semi-detached dwelling. It is sited approximately 27m (at the closest point) from the proposed rear elevation of the 2 storey dwelling on site 13. Additional sections (Dwg 41) have been provided to show the relationship between the units 13 and 14 and No 4 Kilnadore Brae. Given the difference in levels No 4 sits at a similar level to the 2<sup>nd</sup> floor of the proposed dwellings. At the closest point No 4 Kilnadore Brae is approx. 10m from Unit 13 however the rear elevation on Unit 13 faces south-west and does not directly overlook the side or rear of No 4 Kilnadore Brae. Creating Places suggests a separation distance between back-to-back properties of 20m. There is therefore not expected to be unacceptable overlooking or overshadowing given the existing house types and orientation of the proposed dwellings.
- 8.28 The proposed dwellings at units 21 – 26 will have back-to-back relationship with Nos 4, 5 and 6 Middlepark Crescent. Creating Places guidance suggests that where the development abuts

the private garden areas of existing properties, there should be a separation distance of around 20m or greater between to minimise overlooking, with a minimum of around 10m between the rear of the new house and the common boundary. Creating places goes on to state that an enhanced separation distance may be necessary for sloping sites. Original plans provided 2 storey dwellings for units 21 – 25. Concerns were raised regarding the impact of these proposed properties on the existing dwelling at Middlepark Crescent. Various amended plans were received to address this concern which resulted in the reduction in ground levels (of between 0.1m and 0.3m), the change of house type for the dwellings at units 21 – 25 and enhanced separation. The proposed dwellings sit at a higher level to the existing dwellings at Middlepark Crescent with a difference in finished floor levels (FFL) between unit 21 - 22 and No 6 of approx. 1.24m. There is a difference in level of approx. 0.98m between No 5 and proposed units 21 -23 and difference of 1.18m between No 5 and units 24 and 25. There is a difference of 1.66m between unit 25 and No 4 Middlepark Crescent. Consideration has been given to the siting of proposed dwellings on units 21 – 26 and the potential impact on the existing dwellings on Middlepark Crescent. The agent has provided additional sectioned plans to indicate the relationship between the properties and have proposed additional measures in order to minimise impact on amenity on these dwellings. No 6 Middlepark Crescent is to be located approx. 21.9m from Unit 21, No 5 is to be located 22m from Unit 23 and the principal rear elevation of No 4 Middlepark Crescent will be 22.7m from unit 25 and the Unit 26 (single storey dwelling) will be located approximately 16.4m from the rear return of No 4 Middlepark Crescent and 20.4m to the principle rear elevation. Additional planting of mature trees is proposed along the eastern boundary. Extra heavy standard trees are proposed at the rear of units 21 and 22 and semi mature trees at a minimum of 450cm are proposed to the rear of units 23, 24 and 25. In addition to the trees hedge planting is also proposed along this boundary. The design of the proposed dwellings on units 21 – 25 has also been amended to help reduce overlooking and dominance. The proposed dwellings on sites 21 – 25 will be 1.5 storey and the ridge height has been reduced to 7m above ground level. The 2<sup>nd</sup> floor windows will now include a velux window to the bedroom and an opaque glass bathroom window which will reduce the potential for overlooking from upper floors.

Creating places suggests that the building spacing required for privacy will normally ensure a satisfactory level of daylight and an acceptable level of sunlight.

- 8.29 Concern has been raised from a resident in Middlepark Crescent regarding the dominance of the proposed dwellings on sites 21 – 25 as they now proposed in a block of 3 dwellings and 2 dwellings whereas the previous proposal was 2 pairs of semi detached and 1 detached. The separation distances have increased between the existing dwellings and the proposed and also the ridge height and levels have been reduced to help reduce the impact on the existing properties.
- 8.30 The proposed boundary treatment along the eastern boundary to the rear of the proposed dwellings will include a 1m retaining wall and a 1.8m close boarded fence. This will help protect amenity of the existing dwellings on Middlepark Crescent when viewed from the ground floor and garden of the proposed dwellings.
- 8.31 Additional planting of heavy standard trees in addition to the proposed retaining wall and fence adjacent to the parking area to the rear of units 1 – 8 will aid integration and will help protect the amenity of No 3 Middlepark Crescent. The proposed boundary and landscaping will provide screening from vehicles parking and lights from vehicles adjacent to the existing dwellings.
- 8.32 Within Creating Places it is recommended that there should be a separation distance of around 20m or greater between the opposing rear first floor windows of new 2 storey houses. In regard to the dwellings at units 32 and 33 (a pair of semi-detached dwellings) and unit 34 there is a separation distance of 21.5m from the rear of No 32 to the principle rear elevation of No 34. Unit 33 is a slightly larger dwelling, there is a separation distance of 20.5m between the rear elevations and 18m to the rear return elevation. Unit 33 has a rear garden depth of 9.5m and no. 32 has a rear garden depth of 10.1m. The rear boundaries of these properties will be defined by 1.8m close boarded fence and landscaping is also proposed to the rear of the properties therefore the proposed layout is not expected to result in unacceptable overlooking.

- 8.33 The rear elevation of units 27 to 31 will face the side elevation of no 32 and 34. Dwellings 27 – 31 have a rear garden depth of at least 10 m with no 31 having a depth of 9m There are no 1<sup>st</sup> floor windows on the side elevation on No 32 therefore unacceptable impact on private amenity is not anticipated.
- 8.34 On consideration the layout and arrangement of proposed dwellings is considered to be acceptable and will not result in any significant adverse impact on residential amenity. The majority of the dwellings with a back-to-back relationship have adequate separation distances between the opposing rear elevations and rear boundaries. In the instances where the separation distances fall below the advised 10m and 20m boundaries it is not by a significant margin which will not result in an unacceptable relationship, which would have detrimental privacy or amenity impacts through overlooking, loss of light or overshadowing.
- 8.35 Environmental health has been consulted and have raised no objection. They have also been consulted to allow comment relating objections raised. They have advised that noise and disturbance as indicated in the objection may or may not arise as a result of the proposed development and that the activities described would be viewed as normal everyday occurrences. They also state that they are unable to categorically state that the amenity existing residents will or will not be adversely impacted by occupancy of the proposed dwellings. If issues were to arise these would have to be addressed at that time following receipt of complaint.
- 8.36 Bin stores are proposed for all the apartments at units 1 -8 and 9 – 12 which are easily accessible to residents. Concern was raised by objectors in neighbouring properties on Middlepark Crescent in relation to the bin stores. The bin stores located for the apartments at plots 1 – 8 have been relocated away from the eastern boundary of the site and now sit to the rear of the apartment building and are also set back from the road with planting proposed adjacent to the road to provided screening. The bin store for units 9 – 12 will be located to the rear of the apartments, set away from the road and also set back from the existing dwellings at Kilnadore Brae. The bin store will be partially screened by a hedge. The bin stores will measure 4.6m

in length and will be 2.5m in height with a double door. The finishes will match those of the dwellings. There will be limited views from the proposed road it is considered that the finishes will allow the bin storage to visually integrate.

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

8.37 The proposed design and layout of the development ensures that there are no issues arising in relation to crime and personal safety. Objections have been raised in regard to the potential for anti-social behaviour. The public amenity spaces are overlooked by the side and front of the proposed dwellings and apartments which will provide surveillance. The rear gardens of the dwellings proposed will be enclosed with fencing. The agent has clarified that the land to the rear of units 27 – 29 will be private garden and not an open access through the development. The proposed development will not lead to the creation of spaces where anti-social activity will be encouraged, as clarified above there is no corridor proposed around the site boundaries.

**Impact on the character of the surrounding area**

8.38 Policy LC1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of previously there is no 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:

**the proposed density is not significantly higher than that found in the established residential area;**

**the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and**

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

8.39 This proposal will provide 34 units of accommodation on a greenfield site with most of the site lying within the settlement limit of Cushendall and approx. 10 dwellings and open space



being provided on land outside the settlement limit. The land within the settlement limit is zoned for housing under designation CLH 10. Within the key site requirements, it is stated that Development shall be within the range of 15 to 25 dwellings per hectare. This scheme provides 34 units on a site area of 1.14 hectares which equates to 29 units per hectare which is higher than the site requirements. Concern was raised in regard to this and within a letter submitted by the agent it was stated that this provision is similar in density to the existing development at Kilnadore Park and is therefore in keeping with the character of the area. It is also noted that the provision of the housing mix as proposed is supported by the Northern Ireland Housing Executive and is in line with housing need projection figures provided for the area.

- 8.40 The Development Plan Team was consulted to allow for comment. While they acknowledge that the proposal is a departure from the current Area Plan they acknowledge that other material considerations such as identification of need will need to be considered and given appropriate weight.
- 8.41 NI Housing Executive support the proposal and the mix of units proposed. From surrounding viewpoints the proposed development beyond the settlement development limit will not be readily discernible due to the limited views of the northern part of the site. While approximately 10 dwellings lie outside the settlement limit much of this area is occupied by open space. The increased density is not considered to be out of context with some of the housing in the immediate area of the application site. It was also identified that the proposal meets the purpose of the zoning to provide social housing for Cushendall. On assessment on the surrounding development, evidence of housing need and layout of the proposed development the proposed density is considered acceptable.
- 8.42 A number of objections has been received in regard to the scale and number of units for social housing associated with the scheme. However, the proposed density is considered acceptable and the overall site is zoned for housing and one of the key site requirements is that 15 units shall be provided for social housing. This has been provided as part of the scheme.

- 8.43 The site and surrounding area is characterised with residential development which includes a number of housing to the east and south. Dwellings include a mix of two storey terraced and semi-detached dwellings, 1.5 storey dwellings and bungalows. These dwellings are mostly finished with dashed render. The character of the area is therefore mixed. 12 apartments, 4 detached dwellings and 18 semi-detached and terraced dwellings. One of the proposed dwellings is single storey and the other buildings are 2 storey or 1.75 storey. The proposed finishes include wet dash painted render to the walls, black/blue roof tiles and uPVC/aluminium windows. These dwelling types and finishes will respect the character of the area.
- 8.44 All the dwellings proposed are of a size not less than those set out in Annex A of the policy.

### **Land outside the Settlement Limit**

- 8.45 Policy CTY 5 (Social and Affordable Housing) of PPS 21 advises that planning permission may be granted for a group of no more than 14 dwellings adjacent to or near a small settlement or within a designated dispersed rural community to provide social and affordable housing to meet the needs of the rural community. Permission will only be granted where the application is made by a registered Housing Association and where a demonstrable need has been identified by the Northern Ireland Housing Executive (NIHE) which cannot readily be met within an existing settlement in the locality.
- 8.46 The proposal is for 34 social housing units with part of the site falling within the settlement limit of Cushendall and approximately 10 units falling outside the settlement limit. Paragraph 5.26 of CTY 5 states that for the purposes of this policy, a small settlement is defined as having a population of around 2,250 or less. The estimated population of Cushendall at 2015 was 1,280. Therefore, it is considered that Cushendall is a small settlement. The application is made by Rural Housing Association, which is a registered social housing provider.
- 8.47 Policy CTY 5 (Social and Affordable Housing) advises that planning permission may be granted for a group of no more

than 14 dwellings adjacent to or near a small settlement or within a designated dispersed rural community to provide social and affordable housing to meet the needs of the rural community. Permission will only be granted where the application is made by a registered Housing Association and where a demonstrable need has been identified by the Northern Ireland Housing Executive (NIHE) which cannot readily be met within an existing settlement in the locality.

8.48 The NIHE were consulted in relation to the proposed development. An updated response on 1<sup>st</sup> March 2022 states the five-year projection for Cushendall from 2021 – 2026 is 39 social units. They have advised that this projection was made taking account of this development and the development at Middlepark Rd with the approval of 5 no. social housing units under planning application LA01/2020/1333/F. The NIHE have also clarified that they rarely receive enquiries for the provision of social housing in the areas of Cushendun and Waterfoot, they therefore advise that they would expect some applicants from these areas to be housed in Kilnadore Brae, these areas provide 5 and 6 units respectively, meaning they are working with a current projection of 50 units.

8.49 In March 2021 there were 71 applicants on the first preference waiting list for Cushendall, Cushendun and Waterfoot of which 45 are deemed to be in housing stress. On this basis, NIHE have advised that they can support the scheme as proposed. NIHE have confirmed that the social housing mix as submitted is a suitable housing mix.

8.50 In assessing the acceptability of sites outside a small settlement, the following sequential test in terms of location will be applied;

- (a) land adjacent to the existing settlement, subject to amenity and environmental considerations;
- (b) a site close to the settlement limit which currently contains buildings or where the site is currently in a degraded or derelict state and there is an opportunity to improve the environment;

- (c) An undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape;
- 8.51 The part of the application site that lies outside the settlement limit is located on land adjacent to the existing settlement limit of Cushendall. The proposal will not have an adverse impact on amenity or the environment as discussed previously in this report under paragraphs 8.12 – 8.14, paragraphs 8.24 – 8.36 and also under paragraphs 8.67 – 8.68.
- 8.52 Paragraph 5.27 of the SPPS states that such proposals will need to be accompanied by information demonstrating that the potential to locate the necessary housing within settlement limits has been explored, and that no suitable sites are available. Supporting statement has been submitted with the application on 18/11/21 and 01/03/22 outlining the site selection process.
- 8.53 The supporting information highlights the difficulty of acquiring Potential Existing Satisfactory Purchases (EPS) in Cushendall due to the cost of properties on the open market compared to the Scheme Cost Index (SCI) price that a housing association has available which makes the purchase of properties and sites unviable for an association. The reports also refers to difficulties in meeting planning criteria of PPS 21 if Policy CTY 5 were to be applied, and the report refers to the AONB, Conservation Area and Landscape Policy Areas elsewhere. The report also refers to a possible site in Knocknacarry, for which a feasibility study was undertaken indicating a potential of 4 units on the site, that sold for over twice the original offers price.
- 8.54 The report also considers the three zonings in Waterfoot, advising that two are not for sale and the third site, WTH 01 (0.14 ha, identified as a Committed Site in the Northern Area Plan), has a number of constraints that make it difficult to develop.

8.55 The Rural Housing Association undertook a 'Hotspot Study and Site Identification' and examined the available land in the area. It determined zonings CLH 2,4,5,11,14 and 15 were unsuitable as they were too small and had associated development constraints. Sites CLH10 and 12 were suitable due to their size. Both have a Key Site Requirement relating to a minimum provision of social housing units on them. The owner of CLH12 advised the housing association he was not interested in developing the site at that time. Planning permission has now been granted on CLH 12 (LA01/2018/0585/F) including the provision of 5 social housing units under application LA01/2020/1333/F. Initially, the landowner of CLH10 advised he was not interested, and the Housing Association issued a 'Competitive Design and Build Competition' in local newspapers on 2<sup>nd</sup> July 2019 to seek potential sites. The Housing Association received only one request for documents, from the Glens Hotel site. However, no submission was ever made. The purchase of the application site was subsequently agreed with the landowner in January 2020.

8.56 Policy HOU 2 of the Northern Area Plan states that proposals for schemes of more than 25 residential units, or on a site of 1 hectare or more, will be required to contribute to meeting the needs of the wider community, where there is an established need for social or specialist housing, as established by the Housing Needs Assessment.

8.57 The Northern Area Plan 2016 sets out the areas zoned for housing within the settlement limit of Cushendall. There are 8 committed sites (CLH 01 - CLH 08) and 6 uncommitted sites (CLH 09 – CLH 14). A planning history search was carried out which confirmed the following;

- CLH 10 is the application site with Key Site Requirement of a minimum of 15 social housing dwellings.
- Of the 8 committed sites, 5 have been developed (CLH 01, CLH 05, CLH 06, CLH 07)
- CLH 08 – Partially developed with permission granted for further dwelling under E/2012/0025/F
- Of the 6 uncommitted sites CLH 09 has been developed

- CLH 02, CLH 03, CLH 04, CLH 11, CLH 14 and CLH 15 are undeveloped.
- CLH 12 Full planning permission granted for 24 units under LA01/2018/0585/F and 5 no social housing units under LA01/2020/1333/F/
- CLH 13 outline permission granted for 2 dwellings under LA01/2018/0833/O Site area of 0.22ha falls below the threshold for social housing under Policy HOU 2.

8.58 The applicant has also considered alternative sites within the settlements of Cushendun, Waterfoot as the NIHE projection figures includes these settlements. Details of a further potential site in Knocknacarry have also been provided. On assessment of the information provided it has been demonstrated that there are no available suitable sites for social housing within the settlements included within the NIHE projection figures.

### **Integration & Rural Character**

8.59 The proposal comprises 34 units of various house types and designs including 12 apartments. The site comprises an area of agricultural land outside the settlement limit which is bounded by existing residential development to the south and east. As part of the site lies outside the settlement limits Policy CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character will also be a consideration.

8.60 When viewed from the east along Middlepark Crescent and Kilnadore Road the site will be largely screened by the existing dwellings, the site sits at a higher level to Middlepark Crescent and the land continues to rise to the west. Views from the east will be intermittent between the existing dwellings. The site will be visible from the south along Kilnadore Brae and also travelling along Kilnadore Park, when viewed from here the site will benefit from a backdrop of rising land further to the north. Existing trees along Kilnadore Park are to be retained. The site outside the settlement development will be screened by the land zoned for housing therefore this land will primarily be viewed from within the development.

- 8.61 Views from the north from Ballyemon Rd and High Street will be limited due to the existing vegetation and landform. The site will be visible along the stretch of Kilnadore Rd adjacent to the northern boundary. The existing mature boundary hedge is to be retained.
- 8.62 Paragraph 4.28 of PPS 7 states that the integration of development at the edges of settlements is also important and buffer planting will be required to help assimilate and soften its impact on the countryside. In addition, all hard landscape design, including paving areas, means of enclosure and street furniture should be carefully considered and the use of high quality materials will be required. The proposed landscape scheme proposes the retention of the existing mature hedge along the northern boundary. There is a mix of hard and soft landscaping within the proposed development, including an area of open space which is located within the land that lies outside the settlement limit and adjacent to Kilnadore Road. This will help assimilate and soften the impact of the proposed development on the countryside.
- 8.63 It is considered that, given the location of the site adjacent existing built development, its enclosure and the design and layout of the development, it will integrate satisfactorily in this location.

### **The Setting of Settlements**

- 8.64 Policy CTY 15 of PPS 21 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.
- 8.65 Where social and affordable housing under Policy CTY 5 may in principle be acceptable, it will be important to consider what siting options are available and to mitigate any adverse impact on the setting of the settlement. The proposal is considered to be acceptable in principle under Policy CTY 5. The application site is located adjacent to the settlement limit of Cushendall. There are existing dwellings within the settlement to the south and east of the application site. The proximity to the settlement

limit and existing residential development will help to mitigate any adverse impact on the setting of the settlement limit.

### **Location within Local Landscape Policy Area**

- 8.66 The northern part of the application site that lies outside the settlement development limit falls within Court McMartin Local Landscape Policy Area (LLPA) CLL 01 as designated in Northern Area Plan 2016. The Area Plan outlines the key features of this LLPA which are identified as the valley of the River Dall, numerous tree groups and the Rath of Court McMartin and the Glenballyeamon ASSI along with significant archaeological features and natural habitats. The Area Plan goes on to state that only sensitively sited, modest scale development essential for the efficient operation of agriculture, will be acceptable.
- 8.67 The wording included in the supporting text of the policy, reflects the site's location within a previous draft Countryside Policy Area (CPA). Given the presumption against development within a CPA the only development anticipated in this area would have been agricultural in nature. The publication of PPS 21 at the time of the examination in public of the draft plan resulted in the removal of Green Belts and CPA's from the draft plan. However, the supporting text to the LLPA's was not modified to reflect the provisions of PPS 21. When considered in the context of the designated features of the LLPA, the proposed development would not adversely affect the integrity and quality of the LLPA.
- 8.68 Consideration has also been given to other material considerations including the need for social housing and evidence has been provided to indicate there are no other suitable lands available within Cushendall or other nearby settlements.

### **Impact on Natural Heritage**

- 8.69 A Preliminary Ecological Appraisal accompanies the application and consultation was carried out with DAERA Natural Environment Division (NED). Following initial consultation NED requested additional information to be submitted including and



Invasive species management Plan (ISMP) due to the presence of Japanese Knotweed and a Lighting Plan. On assessment of the information submitted NED have advised that are content with the proposal and recommend that a condition is appended to any planning approval that there shall be no external lighting on the site until a Lighting Plan has been submitted to and approved in writing by the Planning Authority. The proposal complies with policies NH 2 (Species Protected by Law) and NH5 (Habitats, Species or Features of National Heritage Importance) of PPS 2 (Natural Heritage).

- 8.70 The application site is located within Antrim Coast and Glens Area of Outstanding Natural Beauty. The site is partially within the settlement limit of Cushendall and partially within the countryside. The site is bounded to the south and east by residential development. The siting and scale of the proposal is considered to be sympathetic to the character of the AONB and the area in general. The proposal complies with Policy NH 6 (AONB) of PPS 2.

### **Accessibility and Parking**

- 8.71 The application site is located on the edge of the settlement development limit of Cushendall, therefore will support walking and cycling and will be located near public transport links.
- 8.72 The proposed plans provide both in-curtilage and on-street parking. The number of parking spaces provided are in line with the requirements of parking standards guidance. DfI Roads have been consulted and have not raised any concerns in relation to the current parking provision.
- 8.73 The proposal involves the construction of a new access to the public road onto Kilnadore Park. Policy AMP 2 of PPS 3 notes that 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. DfI Roads were consulted in relation to this application and raised no objections. The application meets Policy AMP 2 of PPS 3.

## **Flood Risk**

- 8.74 Consultation was carried out with DfI Rivers in relation to this application. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial flood plain. There are no watercourses which are designated within the site.
- 8.75 As required by Policy FLD 3 of PPS 15 a Drainage Assessment (DA) was submitted for consideration. DfI Rivers have advised that the DA has demonstrated that the design and construction of a suitable drainage network is feasible. The Drainage Assessment states that it is proposed to attenuate more than the 30 year event in the drainage network including the attenuation system. DfI Rivers have recommended a condition requiring the submission and approval of a final DA prior to commencement of approved development on site.
- 8.76 The proposal does not involve the culverting of a watercourse and is not in proximity to a reservoir, therefore Policies FLD 4 & FLD 5 do not apply.
- 8.77 DfI Rivers have also commented on an objection referring to danger of flooding to properties of Middlepark Crescent. DfI Rivers have advised they have reviewed the drainage assessment for this application. They state that providing the drainage works described in the Drainage Assessment are implemented, the proposed development should not increase the risk of flooding to the development or elsewhere. They also advise that the applicant has provided consent to discharge to a nearby storm sewer.

## **Habitats Regulation Assessment**

- 8.78 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.

## **Land Ownership**

8.79 Concern was raised in an objection that land ownership details provided in the original application for was incorrece. This was raised with the agent and amended ownership details were provided

## **Other issues**

8.80 Concern was raised that Pre application Community Consultation was not submitted. Section 27 of The Planning Act (Northern Ireland) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application, if the development falls within the major category as prescribed in the Development Management Regulations. This application is not classed as a major planning application therefore there is no legal requirement for the submission of a Pre Application community consultation.

8.81 Some concern was raised in regard to impact of the proposed development on the valuation of existing properties and its potential impact on existing businesses. The proposed development has been assessed in accordance Paragraph 2.3 the SPPS which distinguishes between public and private interest.

## **9 Conclusion**

9.1 The proposed housing development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The principle of development for part of the site has been established under housing zoning CLH 10 and the remainder considered acceptable under CTY 5 of PPS 21. The proposed layout of the site is considered acceptable. It is considered that there will be no unacceptable impacts on existing dwellings or

proposed dwellings via overlooking, loss of light or overshadowing. Approval is recommended.

## 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 62 of the Planning Act (Northern Ireland) 2011.

2. No site works of any nature or development shall take place until a fence has been erected around the area specified, and the position of which to be submitted and agreed with the HED (Historic Monuments) prior to commencement of any works on site. No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

3. No development shall commence until a landscape management and maintenance plan, including long term design objectives, management responsibilities and maintenance schedules for the monument shall be submitted and to and approved by the Local Planning Authority in consultation with Historic Environment Division (Historic Monuments).

Reason: To ensure that features of historical significance are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.

4. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

5. There shall be no external lighting on the site until a Lighting Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:
  - a) Either an amended Isolux drawing including all exterior lighting proposed;  
and/or:
  - b) Specifications of all exterior lighting proposed, including model of luminaires, location and height;
  - c) and details of measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.

Reason: To minimise the impact of the proposal on bats and other wildlife.

6. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

Reason: To safeguard against flood risk to the development and elsewhere.

7. All soft and hard landscaping incorporated in the stamped approved Drawings No.03 Rev 9 bearing date received 3<sup>rd</sup> April 2023, Drawing No.30 Rev 1 date received 17<sup>th</sup> October 2022 and Drawing No 40 Rev 2 date received 3<sup>rd</sup> April 2023, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice before occupation of the first residential unit in the development.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

8. The proposed open space and amenity areas identified on the approved Drawings No.03 Rev 9 bearing date received 3<sup>rd</sup> April 2023, Drawing No.30 Rev 1 date received 17<sup>th</sup> October 2022 Drawing No 39 (Rev 2) dated received 1<sup>st</sup> Feb 2023 and Drawing

No 40 Rev 2 date received 3<sup>rd</sup> April 2023, shall be provided prior to the occupation of the dwellings hereby approved or as otherwise agreed in writing with the Council.

Reason: In the interest of visual and residential amenity.

9. All proposed landscaping along the eastern boundary of the site adjacent to No's 3 – 7b (inclusive) Middlepark Crescent shall be carried out in accordance with approved Drawings No.03 Rev 9 bearing date received 3<sup>rd</sup> April 2023, Drawing No.30 Rev 1 date received 17<sup>th</sup> October 2022 and Drawing No 40 Rev 2 date received 3<sup>rd</sup> April 2023, prior to the occupation of Units 1 - 2, and Units 21 - 26 or as otherwise agreed in writing with the Planning Authority.

Reason: In the interest of visual and residential amenity.

10. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

11. The proposed landscaping located along the Northern, Southern, Eastern and Western boundaries of the site shall be implemented and permanently retained in accordance with drawings No.03 Rev 9 bearing date received 3<sup>rd</sup> April 2023, Drawing No.30 Rev 1 date received 17<sup>th</sup> October 2022 and Drawing No 40 Rev 2 date received 3<sup>rd</sup> April 2023.

Reason: In the interests of visual amenity.

12. The existing hedgerow located along the northern boundary of the site shall be permanently retained.

Reason: In the interests of visual amenity.

13. The residential unit/s hereby approved shall not be occupied until their respective boundary treatment has been implemented in accordance with the approved plans. The boundary treatment shall be retained in accordance with the approved details.

Reason: In the interests of amenity.

14. The developer shall nominate and appoint a Landscape Management Company to implement, manage and maintain the areas of open space identified on drawing No 39 (Rev 2) received 1<sup>st</sup> Feb 2023, the landscape plan No. 40 (Rev 2) received 3<sup>rd</sup> April 2023. The areas of public open space and amenity space identified on the drawing 39 (Rev 2) received 1<sup>st</sup> Feb 2023, shall be maintained in perpetuity, to the satisfaction of the Council. A signed copy of the Memorandum and Articles of Association shall be submitted to the Council prior to the occupation of any dwelling.

Reason: To ensure the continuity and sustainability of the approved landscape design through its successful establishment and long-term maintenance and to achieve a quality residential development consistent with Planning Policy Statement 7 'Quality Residential Environments'.

15. All boundary treatments including screen walls and the development frontage wall to Kilnadore Brae shall be constructed in their entirety prior to the occupation of any dwelling unit in accordance with the approved details as shown on drawing No 31 (Rev 5) received 3<sup>rd</sup> April 2023 and the appropriate British Standard or other recognized Codes of Practice. All boundary treatments shall be retained permanently.

Reason: To ensure the provision and maintenance of a high-quality residential environment.

16. No development shall commence until the vehicular access including visibility splays and any forward sight distance provided in accordance with Drawing No. 33 (Rev. 5) bearing the date stamp 31st January 2023, prior to the commencement of any other development hereby permitted. 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 interests of road safety and the convenience of road users.



17. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

18. The development hereby permitted shall not be commenced until the proposed retaining walls requiring Technical Approval, as specified in the Roads (NI) Order 1993, have been approved in accordance with CG 300 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structures are designed in accordance with CG 300 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

19. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 33 (Rev. 5) bearing the date stamp 31st January 2023.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

20. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 33 (Rev. 5) bearing the date stamp 31st January 2023. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

21. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

22. No part of the development hereby approved shall be occupied until the Developer has provided an efficient system of street lighting in accordance with Schedule 8 of The Private Streets (Construction) Regulations (Northern Ireland) 1994 as amended by The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Reason: To ensure the provision of adequate street lighting and in the interests of safety.

23. The development hereby permitted shall not be occupied until a Street Lighting scheme design has been submitted and approved by Department for Infrastructure's Street Lighting Consultancy, County Hall, 182 Galgorm Road, Ballymena. These works will be carried out entirely at the developer's expense.

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and the convenience of traffic and pedestrians.

24. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved Drawing No. 33 (Rev.5), (Private Streets Determination Plan), Drawing No. 34 (Rev. 5), (Longitudinal Road and Storm Sewer Sections), Drawing No. 38 (Rev. 4), (Typical PSD Details) bearing the date stamp 31st January 2023 and Drawing No. 31 (Rev. 4) (Proposed Boundary Treatments Plan) bearing the date stamp 3rd February 2023:

Reason: To ensure the development is carried out in accordance with the approved plans.

25. There shall be no access (either pedestrian or vehicular) onto Kilnadore Road via the northern boundary of the site.

Reason: In the interest of road safety and private amenity.

26. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no extension, garage, shed, outbuilding, wall, fence or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area.

27. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

28. A formal water / sewer connection application must be made for all developments [prior to occupation], including those where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

29. All services within the development should be laid underground.

Reason: In the interests of visual amenity.

30. Development shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: In the interest of public health.

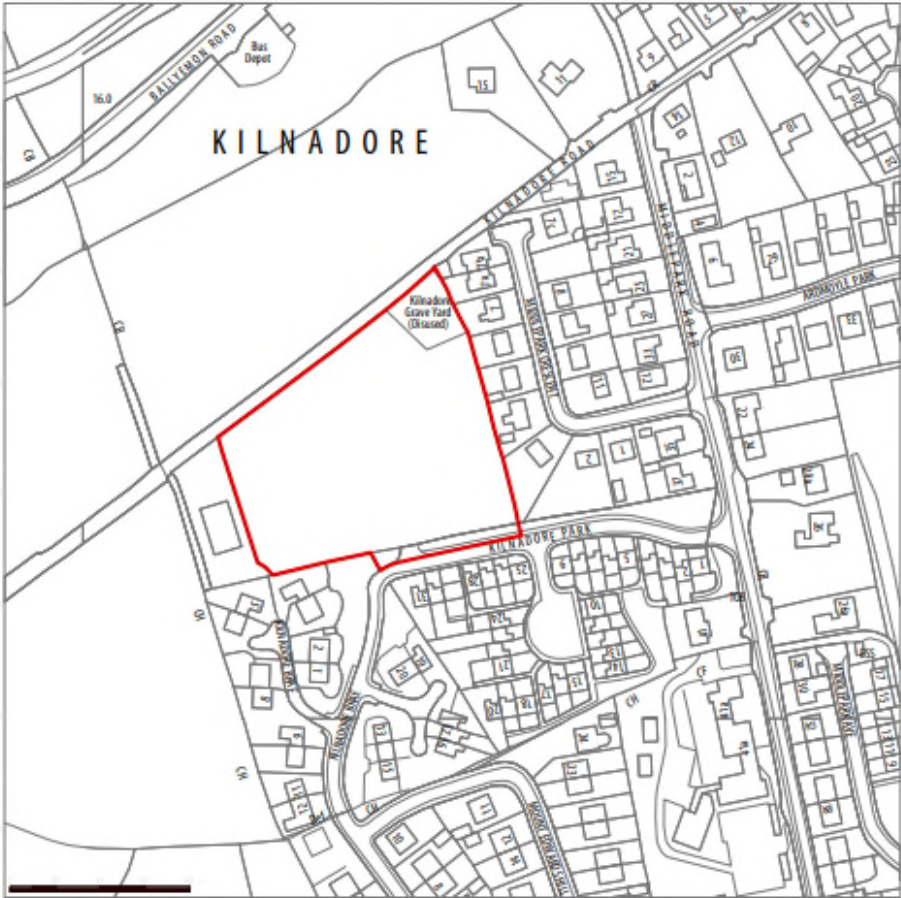
31. Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

#### 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



**Location Map** scale 1:2500  
 Site size = 1.136ha/2.808ac



- KEY**
- Extent of land relating to application
  - Applicant controlled lands

# Site Plan

## Kilnadore Park ~ Proposed Site Plan

Coordinates to Irish Grid, Levels to Ordnance Datum.

Scale 1:500 @ a2



- KEY**
- Private Amenity Space
  - Public Open Space
  - Private Driveways
  - Private Paths
  - Public Road
  - Public Footpath
  - Shared Surface
  - Speed Control
  - In-curtage Parking
  - On-Street/Visitor
  - Additional "Overspill Space" (Not Included in Parking Calculations)
  - 1.8m Walls & Pillars
  - 1.2m Walls & Pillars
  - Estate Railings
  - Native Species Hedgerows
  - Existing hedge to be removed
  - 1.8m Boundary Fence
  - Proposed Retaining Wall below footpath level with Railings above
  - Existing Trees
  - Proposed Trees
  - Proposed FFU's (At Entrance)
  - Proposed External Levels
- \* Refer To Drawing L01 For Boundary Details

