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|--|------------------------------------|
| <b>Title of Report:</b>                    | <b>Standing Advice - Dfl Roads</b> |
| <b>Committee Report Submitted To:</b>      | <b>Planning Committee</b>          |
| <b>Date of Meeting:</b>                    | <b>24 January 2024</b>             |
| <b>For Decision or For Information</b>     | <b>For Decision</b>                |
| <b>To be discussed In Committee YES/NO</b> | <b>No</b>                          |

| <b>Linkage to Council Strategy (2021-25)</b> |   |
|--|---|
| Strategic Theme                              | Cohesive Leadership Improvement and Innovation  |
| Outcome                                      | Agreed policies and procedures and decision-making is consistent with them<br>Council maintains its performance as the most efficient of NI's local authorities |
| Lead Officer                                 | Head of Planning  |

| <b>Budgetary Considerations</b>    |                 |
|------------------------------------|-----------------|
| Cost of Proposal                   | Planning Budget |
| Included in Current Year Estimates | <b>YES</b>      |
| Capital/Revenue                    | As per budget   |
| Code                               | 5301            |
| Staffing Costs                     | As per budget   |

| <b>Legal Considerations</b>      |           |
|----------------------------------|-----------|
| Input of Legal Services Required | <b>NO</b> |
| Legal Opinion Obtained           | <b>NO</b> |

| <b>Screening Requirements</b>            | Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. |    |       |
|--|--|----|-------|
| Section 75 Screening                     | Screening Completed:   | No | Date: |
|  | EQIA Required and Completed:   | No | Date: |
| Rural Needs Assessment (RNA)             | Screening Completed  | No | Date: |
|  | RNA Required and Completed:  | No | Date: |
| Data Protection Impact Assessment (DPIA) | Screening Completed:   | No | Date: |
|  | DPIA Required and Completed:   | No | Date: |

## **1.0 Purpose of Report**

- 1.1 This Report is to provide the Planning Committee with an update on the status of the Standing Advice from DfI Roads regarding the circumstances where consultation by the Council is not required on specific types of planning applications. Furthermore, it requests the Committee to agree to implement the updated Standing Advice from DfI Roads with immediate effect.

## **2.0 Background**

- 2.1 Planning legislation, specifically Article 13 of The Planning (General Development Procedure) Order (Northern Ireland) 2015 requires the Council to consult with DfI Roads in circumstances where the proposal involves the formation, laying out or alteration of an access or where there would be a material increase in the volume of traffic entering or leaving a road. In addition, the legislation requires consultation with DfI Roads in a range of other circumstances including where a proposal: would likely result in an increase in demand for car parking; would likely result in a loss or alteration to car parking; involves creation of a new street; is likely to prejudice the construction or improvement of a road; involves structures crossing roads including powerlines and; a reserved matters application where the outline planning permission includes roads conditions.
- 2.2 Exceptions to the requirement for consultation are provided by Article 13(b) of the same legislation. One of these is where the development is subject to any standing advice provided by the consultee to the Council in relation to categories of development.
- 2.3 The operation of standing advice provides benefits to both the Council and the consultee. Benefits to the Council include the speedier processing of planning applications by reducing the number of consultations issued and the time expended waiting on responses. Benefits to the consultee include a reduced consultation workload allowing speedier consultation responses on other consultations and allowing more time to consider complex consultations.

- 2.4 The Planning Committee agreed to implement Standing Advice from DfI Roads on 22 September 2021. The Standing Advice became operational from 01 November 2021 (see appendix). The Standing Advice sets out that consultation with DfI Roads is not required on the following types of applications:
1. Residential extensions.
  2. Domestic sheds and garages.
  3. Small commercial extensions.
  4. Advertisements and signs (specific types only).
  5. Boundary structures and gates (outside road boundary).
  6. Change of house type.
  7. Single replacement dwelling.
  8. Single wind turbine upgrade.
  9. Overhead powerlines.
- 2.5 In addition to the above, the Standing Advice set out that secondary (re-consultation) was not required with DfI Roads where minor adjustment/ amendments to plans can be verified by the Planning Department.
- 2.6 The operation of the DfI Roads Standing Advice has been successful by reducing the need for consultation. Over the period since implementation, the Standing Advice has been engaged for all categories of development listed in Paragraph 2.4. The Planning Department does not consider that amendments or additions are required to the types of applications/ circumstances set out in the Standing Advice.
- 2.7 Regarding the “commercial extensions” category, a gross floor area increase limit of 10% applies in the current Standing Advice. To more closely align with the extent of extensions permissible as permitted development under the Schedule to The Planning (General Permitted Development) Order (Northern Ireland) 2015 i.e. circumstances where planning permission is not required and hence consultation with DfI Roads is not required, the Planning Department proposed some modest changes to this category as follows:
- Extension to an industrial building or warehouse- extension less than 25% size of the gross floor area of the original unit.
  - Extension to a shop, financial and professional services establishments- extension less than 25% of the gross floor area of the original unit or 50 sq metres, whichever is the lesser.
  - Extension to an office building- extension less than 25% of the gross floor area of the original unit or 50 sq metres, whichever is the lesser.

- Extension to schools, colleges, universities and hospitals- extension less than 25% of the gross floor area of the original unit or 100 sq metres, whichever is the lesser.

2.8 These proposed changes have been considered and accepted by DfI Roads subject to the caveats set out in the current Standing Advice that: any of the above do not compromise existing parking provision or space for on-site loading and manoeuvring of goods vehicles and are not within 12 meters of the middle of a carriageway of a first-class or a second-class road; or not within 9 meters of the middle of a carriageway of any other road.

2.9 Article 13 of The Planning (General Development Procedure) Order (Northern Ireland) 2015 states that continued operation of Standing Advice, where issued more than two years previously, is dependent upon the advice having been amended or confirmed by the consultee. As the Standing Advice has now been operational for over two years, such amendment or confirmation is required by DfI Roads if it is to remain operational.

2.10 DfI Roads has prepared updated Standing Advice (Version No.1.4) dated 07 December 2023 (see appendix). This incorporates the proposed changes to the commercial extensions category. This is subject to the caveat at Paragraph 2.4 that it is applicable for a trial period of 1 year from the agreed date of introduction and will be reviewed on an annual basis, with any amendments formally agreed by both the Council and DfI Roads.

### **3.0 Proposal**

3.1 To implement the updated Standing Advice from DfI Roads with immediate effect.

### **4.0 Recommendation**

**It is recommended** that the Committee agrees to implement the updated Standing Advice from DfI Roads with immediate effect.

## **DfI Roads – Northern Division Development Control Section**

### **Standing Advice for Causeway Coast & Glens Borough Council Planning (CC&G)**

## DOCUMENT CONTROL SHEET

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### Revision History

This document has the following history:

| Version No. | Version Date | Summary of Changes              | Changes |
|-------------|--------------|---------------------------------|---------|
| 1.0         | 07/03/2021   | First draft                     | AG      |
| 1.1         | 13/04/2021   | Minor wording amendments        | CB      |
| 1.2         | 02/06/2021   | Minor wording amendments        | AG      |
| 1.3         | 18/08/2021   | Minor wording amendments        | DD      |
| 1.4         | 07/12/2023   | Amendment to Commercial section | DD      |

### Approvals

This document requires the following approvals:

| Version No. | Name         | Title   |
|-------------|--------------|---|
| 1.0         | Cathal Brown | DfI Roads Northern – Network Planning Manager |
| 1.1         | Cathal Brown | DfI Roads Northern – Network Planning Manager |
| 1.2         | Cathal Brown | DfI Roads Northern – Network Planning Manager |
| 1.3         | Cathal Brown | DfI Roads Northern – Network Planning Manager |
| 1.4         | Cathal Brown | DfI Roads Northern – Network Planning Manager |

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## 1. Background

- 1.1 DfI Roads Northern at a meeting on 4<sup>th</sup> March 2021 with Causeway Coast & Glens Borough Council agreed to consider ‘Standing Advice’ in response to certain types of minor planning application consultations.
- 1.2 Standing Advice will form the substantive response of DfI Roads to these types of planning applications, in a generic format.
- 1.3 The use of Standing Advice does not mean that there is no roads reason for objection to an application, but rather that it will be for CC&G to determine whether or not a proposal complies (or can be conditioned so as to comply) with the advice, and therefore whether or not planning consent should be granted.
- 1.4 This document indicates those applications to which this Standing Advice is likely to apply. It gives guidance to CC&G in order that they may determine those minor planning applications which DfI Roads indicates this Standing Advice applies to.

## 2. Introduction

- 2.1 The Planning (General Development Procedure) Order (Northern Ireland) 2015 (the GDPO) requires local planning authorities (LPAs) to consult on planning applications as set out under Article 13.
- 2.2 The GDPO instructs LPAs to consult with DfI Roads in the following circumstances where a development proposal
  - (a) involves the formation, laying out or alteration of any means of access, or is likely to create or attract traffic which may result in a material increase in the volume of traffic –
    - (i) entering or leaving a road,
    - (ii) using a level crossing over a railway, or
    - (iii) which would result in an additional demand for car parking, or loss of or alteration to existing car parking;
  - (b) consists of or includes the laying out or construction of a new street;
  - (c) is likely to prejudice the improvement or construction of a road or proposed road;
  - (d) involves power lines which cross a road;
  - (e) involves the installation of a structure over or under a road; or



- (f) is a reserved matters application where an outline planning permission includes roads conditions.

- 2.3 The need to consult is removed by Article 13(1) of the GDPO if a consultee has provided or reaffirmed within the last two years standing advice covering the proposal.

Accordingly, this Standing Advice provides a proportionate response in line with the GDPO, recognising that minor development, not included in the circumstances above, does not need to be consulted to DfI Roads for comment.

- 2.4 This Standing Advice is applicable for a trial period of 1 year from the agreed date of introduction and will be reviewed on an annual basis, with any amendments formally agreed by both CC&G and DfI Roads.

- 2.5 To facilitate the annual review CC&G Planning shall keep an ongoing record of all planning applications to which this Standing Advice has been applied. This record shall be sent to DfI Roads on a monthly basis.

### **3. Applications covered by this Standing Advice**

- 3.1 This advice relates only to minor applications as summarised in Section 4 below.
- 3.2 Should CC&G decide to refuse an application for roads reasons in accordance with this Standing Advice, it is recommended that officers consult with DfI Roads prior to issuing a refusal notice. This should assist in the event of an appeal being made.
- 3.3 It should be noted that CC&G reserves the right to consult DfI Roads, irrespective of this Standing Advice.

### **4. Specific types of minor planning applications subject to Standing Advice**

#### **4.1 Residential extensions**

Where these do not require creation or alteration of an access to a public road, do not compromise existing parking provision/standards and are not within 12 metres of the middle of a carriageway of a first-class or a second-class road (A or B class road); or not within 9 metres of the middle of a carriageway of any other road.

#### **4.2 Domestic Sheds and garages**

As 4.1 above.

#### 4.3 Commercial extensions

- Where the extension to an industrial building or warehouse with extension is less than 25% size of the gross floor area of the original unit,
- extension to a shop, financial and professional services establishments with extension less than 25% of the gross floor area of the original unit or 50 sq metres, whichever is the lesser,
- extension to an office building with extension less than 25% of the gross floor area of the original unit or 50 sq. metres, whichever is the lesser.
- extension to schools, colleges, universities and hospitals where extension is less than 25% of the gross floor area of the original unit or 100 sq. metres, whichever is the lesser,

and any of the above do not compromise existing parking provision or space for on-site loading and manoeuvring of goods vehicles and are not within 12 metres of the middle of a carriageway of a first-class or a second-class road; or not within 9 metres of the middle of a carriageway of any other road.

#### 4.4 Advertisements and signs

Advertisements and signs not requiring a consultation with DfI Roads include any non-illuminated and illuminated signs that do not fall within the following bullet points below. Examples are likely to include fascia signs on shop/business frontages, free standing signs on petrol filling station/public house forecourts.

It is considered that the following cases should be forwarded to the DfI Roads for comments:-

- Advertisements which obstruct or could confuse road users view of a traffic sign or signal.
- 'Totem pole' or other signs considered to be a structure which fall within the scope of the current version of CG300 Technical Approval of Highway Structures: Volume 1: Design Manual for Roads and Bridges.
- Floodlit advertisements where the means of illumination are directly visible from any part of the road for flashing illuminated advertisements on or near the line of sight which would be likely to dazzle or confuse road users, or to be mistaken for traffic lights or other authorised signs.
- Prominent (a sign that is designed to stand out and is clearly visible to the road user) or large animated advertisements sited where they will be likely to distract the attention of road users at potentially hazardous locations such as at junctions, close to the brow of a hill, on a bend etc.
- Advertisements which embody directional or other traffic elements and which need special scrutiny because of possible resemblance to, or confusion, with traffic signs.

- Advertisements requiring close study such as public information panels (i.e. location plans of employment sites) so situated that people looking at them would be insufficiently protected from passing traffic or cause pedestrians to obstruct the footway.
- Advertisements which are likely to obstruct the line of sight for drivers emerging from private accesses or road junctions.

#### **4.5 Boundary structures and gates (outside road boundary)**

Any new or altered fence, railing, wall, gates or other barriers (which do not open outwards over the road) or any other means of enclosure requiring planning consent; unless these encroach onto visibility splays for and of drivers entering or leaving an adjacent access/junction or which retains the public road. A retaining wall, any part of which is within 6 metres of a road, is not covered by this Standing Advice and shall be referred to DfI Roads.

#### **4.6 Change of house type**

On previously approved developments where the house access position or layout has not altered, the change complies with parking standards and where on-site servicing arrangements are likely to be adequate.

#### **4.7 Single replacement dwelling**

Where an occupied or recently occupied replacement opportunity proposes to use an existing unaltered access to the public road, does not compromise existing parking provision/standards and is not within 12 metres of the middle of a carriageway of a first-class or a second-class road; or not within 9 metres of the middle of a carriageway of any other road.

#### **4.8 Single wind turbine upgrade**

Where these do not require creation or alteration of an access to a public road (or alteration to the existing road network to facilitate any abnormal load) and are not within the total upgraded turbine height of a road.

#### **4.9 Overhead power lines**

Where these do not require creation or alteration of an access to a public road, do not cross over any part of the public road and are not within the total supporting structure/pylon height of a road.

Suggested Conditions and Informatives for the above minor planning applications are given in Section 5 of this Standing Advice.

## 5. Suggested Conditions and Informatives

The following suggested Conditions and Informatives relate to the minor application types identified in Section 4 above and should be included in any planning approval issued.

### Conditions

- The access details shall be carried out in accordance with the stamped approved Drawing(s) No: ..... bearing the date stamp .....

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

### Informatives

- Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
- All construction plant and materials shall be stored within the curtilage of the site.
- It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

**In relation to the single replacement dwelling category paragraph 4.7, if CC&G Planning staff have a concern that the existing access is sub-standard, the following additional Informative should be used, or if concern remains, refer the application to DfI Roads.**

- The existing vehicular access to the dwelling is sub-standard and, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

## **6. Reducing the number of secondary consultations**

- 6.1** As noted above, any development which proposes new, modified or intensified access to a public road is considered to fall outside the foregoing Standing Advice and DfI Roads should be consulted.
- 6.2** Upon receipt of a consultation an initial assessment against the relevant standards will be undertaken by DfI Roads and requirements will be detailed on the DC Checklist form. Where no amendments to the proposal are required, DfI Roads will provide suggested Conditions and Informatives, as appropriate.
- 6.3** Where minor amendments to the proposal are required and it has been assessed by the DfI Roads officer that the amendments are achievable within the red/blue line of the application (or the proposal adjusted to make it possible), suggested Conditions and Informatives, as appropriate, may be provided subject to any required amendments being finalised by the applicant.
- 6.4** The amendments necessary will be detailed on the initial consultation response and, once these have been completed adequately by the applicant/agent, they will be verified by CC&G Planning staff to ensure that the amended proposal meets the requirements of the suggested amendments in the initial consultation response. This will negate the need for additional consultations relating to minor adjustments or amendments to the proposal.
- 6.5** Where the Planning Officer has any doubt in relation to the verification of these suggested amendments, the amended application should be referred to DfI Roads for assessment.