

Planning Committee Report LA01/2018/0325/F	27th March 2019
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2018/0325/F	<u>Ward:</u>	Waterside
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site adjacent to 28 Ballycairn Road, Coleraine, BT51 3HX.		
<u>Proposal:</u>	Erection of 2 No. detached bungalows with detached garages.		
<u>Officer:</u>	Mr R Kerr		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	07.03.2018
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
<u>Agent:</u>	Fleming McKernan Associates		
<u>Applicant:</u>	Killen Properties Ltd		
<u>Objections:</u>	11	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMMENDATION

- 1.0 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** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site consists of a vacant plot of land which is presently an open grass area. Surrounding the site are 9 residential dwellings, located at Hillside Crescent, Greenhill Park, Ballycranny Drive and Ballycairn Road. The surrounding dwellings are two-storey, single-storey and a storey and a half detached dwellings set in medium sized plots. The access to the site is located off Pauls Lane. There are metal access gates at the front entrance. The boundary treatment on site consists of 1-2m high fencing to the eastern boundary along the party boundary with the dwellings along Hillside Crescent. The northern boundary consists of approximately 2m high hedging and vegetation adjacent to Greenhill Park. The southern boundary with No. 28 Ballycairn Road consists of approximately 2m high fencing. The western boundary is characterised by mature trees and vegetation located adjacent to the dwellings at Ballycranny Drive. The area of the site is approximately 0.22 hectares and the existing grass area on site appears to be well maintained.
- 2.2 The site is at the summit of a small hill at the top of Pauls Lane. The land falls gently to the east of the site and rises to the west. This is a residential area within Coleraine urban limits.

3.0 RELEVANT HISTORY

There is no relevant planning history for the application site.

4.0 THE APPLICATION

- 4.1 Proposed residential development consisting 2 no. detached bungalows with detached garages, with amenity space and parking provision. External walls will be finished with a mix of facing brick and render. The proposed roofs will be finished with dark grey tiles. The proposed driveways and hard surfaced areas will have a tarmac finish. The proposed garages will be finished with a render and have a facing brick base. The proposed garage roofs will be finished with dark grey tiles to match the proposed dwellings.

Habitat Regulations Assessment

- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 of any European site.

5.0 PUBLICITY & CONSULTATIONS

External: Neighbours.

11 letters of objection have been received and the issues raised include:

- The proposed scheme results in overdevelopment of the site.
- Overlooking and privacy concerns
- The loss of views
- Proximity of the proposed dwellings in reference to the surround dwellings
- Noise disturbance and nuisance.
- Overbearing effects
- The height of the proposed dwellings, including visual impact.

- Unclear boundary descriptions
- Existing sewer lines in proximity to the site
- Inappropriate access arrangements
- Inappropriate visibility splays
- Increased traffic and congestion along Paul's Lane.
- Potential injury to members of the public using Paul's Lane
- Plans are inaccurate
- How will emergency vehicles enter the site
- The width of Paul's Lane is not fit for purpose
- Safety of pedestrians
- Overshadowing concerns
- Construction concerns in terms of waste water and impacts on retaining walls along the eastern boundary at the rear of the properties along Hillside Crescent.
- Difference in ground levels between the application site and properties at Hillside Crescent.
- Potential impacts on wildlife
- Potential damage caused to boundary fencing
- A safety crash barrier should be included along the boundary with the properties at Hillside Crescent.
- The applicant does not own all lands within the red line.
- Question 12 on the P1 form has been incorrectly completed.
- Impact on the character of the area.
- Flooding of garden areas along Hillside Crescent
- Impact on the value of surrounding properties
- Site security issues

2 non-committal letters have been submitted asking what are the proposals for the existing mature trees along the western boundary with the properties along Ballycranny Drive.

Internal:

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No objections.

NIEA- Water Management Unit: No objections

6.0 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

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

Supplementary Planning Guidance

DCAN 8- Housing in Existing Urban Areas

Creating Places- Achieving Quality in Residential Developments

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The site is located within Coleraine settlement boundary as defined in the Northern Area Plan 2016. The main planning considerations for this application include the layout/design of the proposal, its impact on the character of the area, its impact on road safety and the impact the proposal would have on the amenity of neighbours and future occupants.

Principle of Development

- 8.2 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and guidance documents before mentioned. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the proposed development will cause demonstrable harm to interest of acknowledged importance. The principle of residential development has already been established in the immediate context. There is no planning history for the application site but the immediate context is characterised by residential dwellings which are two-storey, single-storey and storey and a half. The principle of having residential development on site is acceptable.

Design and Local Character

- 8.3 PPS 7 expects the design and layout of residential development to be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas planning policy does not support housing development which would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.
- 8.4 The immediate area is characterised by detached and semi-detached dwellings which surround the site. The dwellings along

Hillside Crescent are storey and a half detached dwellings. The dwelling at No. 2 Greenhill Park is single-storey detached property and the property at No. 28 Ballycairn Road is two-storey detached dwelling. The properties along Ballycranny Drive are single-storey detached properties. The proposal is for 2 detached single-storey dwellings on a vacant plot of land within a residential area. This proposal is of modern design with a mix of render and facing brick and dark grey concrete roof tiles. Proposed materials are considered acceptable when considered in the existing context. The proposed bungalows are considered to fit into the character of the immediate context and they will not be visible from the main Ballycairn Road. The development is a typical urban design and 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. The scheme complies with Creating Places guidance.

- 8.5 In terms of scale, the proposed height of the dwellings 6.6m (House type A) and 6.7m (House type B) is considered acceptable and is similar to existing dwelling heights in the immediate context. The plans have been amended to reduce any overlooking potential to the surrounding dwellings and 1.5m high fencing has been proposed to the eastern boundary along the boundary with the dwellings at Hillside Crescent. Section (A-A) and (B-B) shows a satisfactory relationship in terms of the context with the proposed development and the dwellings at Hillside Crescent in terms of separation distances and topography. There is satisfactory private amenity space with in-curtilage parking and proposed detached garages which are also single-storey. The scheme will not result in overdevelopment of the site as the site can accommodate 2 single-storey bungalows with appropriate amenity space.
- 8.6 The window fenestration proposed in the front and rear elevations are acceptable and will mirror existing dwellings in the immediate context. The window fenestration in the gable elevations are acceptable and will cause no overlooking concerns. The design of the proposed bungalows is simple and subtle and is keeping with the immediate context.

Residential Amenity

- 8.7 In terms of the amenity of future occupants, Creating Places design guide advises on the level of private amenity space required to create a comfortable and enjoyable living space. It advises that a variety of different garden sizes should be provided on developments and on average should be around 70 sq. metres per house or greater. The rear amenity space proposed at house type (A) is 124.10sqms. House type (B) will create 159.11sqms of a rear garden area. The proposed amenity space is considered to meet the standards set by Creating Places.
- 8.8 The neighbouring properties surrounding the site are of a sufficient separation distance and satisfactory orientation from the proposed development. The proposed dwellings will be located 22m away from the eastern boundary with the properties at Hillside Crescent. The gable of house type (A) will be located 7m from the property at 2 Greenhill Park and the proposed single-storey garage of this property will be located 2.5m away from the rear extension of No. 2 Greenhill Park. The properties will be located 6m and 7m away from the western boundary with the properties at Ballycranny Road. Creating Places requires a 10m separation distance between the rear of properties and a shared boundary. The proposed distances are acceptable in this location due to the single-storey nature of the proposed dwellings, the existing topography and the dense boundary treatment consisting of mature trees and hedging. House type (B) will be located 6m away from the party boundary to No. 28 Ballycairn Road. The proposed single-storey garage of house type (B) will be located 3.5m from No. 28 Ballycairn Road.
- 8.9 Objections have been received with regards to privacy concerns from neighbours. To help avoid any overlooking the proposed scheme proposes single-storey dwellings. The separation distances and the proposed design, with the retention of existing trees and hedging, with the inclusion of the 1.5m fence with high hedging to the eastern boundary will ensure that the proposed dwellings will not cause any overlooking to the surrounding dwellings. The existing heavy planting along the boundary with No. 6 Hillside Crescent will also be retained and will help to prevent any potential overlooking.

8.10 The proposed dwellings due to their position and orientation will not cause any overshadowing concerns. The proposed separation distances will also ensure that overshadowing will not be a major concern. There is a difference in ground levels of approximately 3-4m between the dwellings at Hillside Crescent and the ground level of the proposed dwellings. The separation distance of 22m will ensure that the difference in ground levels will not result in an unacceptable impact on the residential amenity of the properties along Hillside Crescent.

8.11 Creating Places states that an enhanced separation distance may be required for development on sloping sites. The 22m separation distance from the front of the proposed properties, to the eastern boundary with the properties along Hillside Crescent is considered an enhanced separation distance for the proposed development on site for single dwellings. The proposed scheme will therefore, not have a significant detrimental impact on neighbouring properties. Environmental Health has not raised any concerns regarding noise, nuisance or disturbance, regarding the proposed development. The objections have been fully considered and 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.

Road Safety

8.12 The access to the proposed properties is a dual access off Paul's Lane. The applicant has a right of way along Paul's Lane which will not be impacted upon as a result of the proposed development. One of the objectors highlighted an ownership issue of Paul's Lane. The applicant has submitted evidence to suggest that they have a right of access to their site off Paul's Lane and have served notice on the surrounding land owner at No. 1 Hillside Crescent. The applicant has signed Certificate C on the P1 form showing that they do not own all lands on the site location plan outlined in red. The applicant has now confirmed that all information which has been presented is correct. This authority has no legislative power to investigate this any further.

8.13 The proposal would create parking spaces to the front of house type (A) and (B) and proposes two detached garages. House type (B) also proposes an internal garage. DFI Roads was consulted on the proposal and raised no concerns regarding car parking, access matters or safety matters. DFI Roads now consider the proposal to satisfy Policy AMP 7 Car Parking and Servicing Arrangements and AMP 2 Access to Public Roads of PPS3 as it would provide adequate car parking and would not prejudice road safety or significantly inconvenience the flow of traffic. DFI Roads has considered the comments from the objectors and has cited that they have no road safety, car parking or access concerns.

Other Matters

8.14 Objections have been addressed where possible under the consideration above. The other matters include the objections regarding:

- Loss of Views
- Potential impacts on wildlife
- Potential damage caused to boundary fencing
- Flooding concerns
- Impact on the value of existing surrounding properties
- A safety crash barrier should be erected along the boundary with properties at Hillside Crescent
- Waste water
- Impacts on retaining walls of properties along Hillside Crescent.
- Question 12 has been incorrectly completed

8.15 In terms of loss of views and land valuation: the purpose of planning is as set out in the SPPS, paragraph 2.3 states that “it does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases....The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of

land and buildings that ought to be protected in the public interest.”

- 8.16 Northern Ireland Environment Agency was consulted in relation to the scheme and raised no concern regarding potential impacts on wildlife, waste water concerns or potential flooding from surface water run-off.
- 8.17 The proposed development is set back 22m from the boundary at Hillside Crescent. However, the proposed driveway runs adjacent to it. The proposed driveway is to the rear of No 1 Hillside Crescent, the existing garden at No 1 has stepped wall features that act as retaining feature. The driveway would be unlikely to have an impact on the retaining wall. However, if a developer causes any damage to the existing retaining walls this would be considered a civil matter and outside the remit at the application.
- 8.18 DFI Roads has not proposed, that a crash barrier should be proposed along the eastern boundary with the properties at Hillside Crescent. Question 12 on the P1 form has been completed correctly in the sense that the development will alter an existing access into the site.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The development is an appropriate use of the land and is acceptable in terms of its layout and appearance. No significant harm would be caused to neighbouring amenity and the proposal is acceptable in terms of road safety. Approval is recommended.

10.0 CONDITIONS

Regulatory Conditions:

- 10.1 As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be

begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

- 10.2 The proposed vehicular access shall be provided in accordance with stamped approved Drawing No 02E bearing the date stamp 29 Jan 2019, within three months of the commencement of any other development hereby permitted.

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

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

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

- 10.4 The proposed fencing along the eastern boundary of the site, adjacent to the properties at Hillside Crescent will be erected to a height of 2m and shall be retained on a permanent basis.

Reason: In the interests of residential amenity.

11.0 INFORMATIVES

- 11.1 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.

- 11.2 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.
- 11.3 This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent sites for the removal of or building on the party wall or boundary whether or not defined.
- 11.4 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.
- 11.5 DFI Roads advise the following:

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 roadside drainage is preserved and does not allow water from the road to enter the site.

- 11.6 NI Water advise the following:

Public water supply within 20m of your proposal, the Developer is required to consult with NIW to determine how

the proposed development can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.

Surface water sewer within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.

To ensure compliance with the Water and Sewerage Service (NI) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), consultation with NIW is essential at an early design stage with regard to the following matters;

The water requirements for your proposal may be eligible for the provision of a public watermain if it will serve more than 1 property (1 property if accessed directly from a public road / area) and each property will have an individual supply direct from the proposed public watermain under Article 76 of the above order.

From the 23rd May 2016 the Developer must enter into an Agreement for Adoption of the Sewers under Article 161 of the above order. They must be designed to meet the criteria as set out in the current Sewers for Adoptions specification. A connection to the public sewer will not be permitted until such times as the Article 161 Agreement has been authorised by NIW.

No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the

depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or greater. A diversion may be necessary. Consultation with NIW is required at an early design stage.

The applicant is advised to contact NIW Waterline on 03457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458770002.

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced. WWTW ASSESSMENT / STATUS: Waste Water Treatment Facilities (North Coast WwTW) are presently available to serve this proposal.

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants

should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.

11.7 Environmental Health advise the following:

Noise from construction activities should:

(a) Not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and

(b) Not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and

(c) Not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.

The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

Suitable and sufficient dust mitigation measures shall be employed during site preparation and construction phases in

order to obviate adverse impacts to nearby sensitive receptors.

If, during the proposed development, any ground contamination is encountered then all works on the site should cease. Causeway Coast & Glens Borough Council Environmental Health Department should be informed and sufficient information to assess potential risks arising from the former use of the land should be submitted. Any necessary mitigation / remediation measures should be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance.

11.8 NIEA advise the following:

The conditions and informatives set out in DAERA Standing Advice – Multiple Dwellings, are applicable.

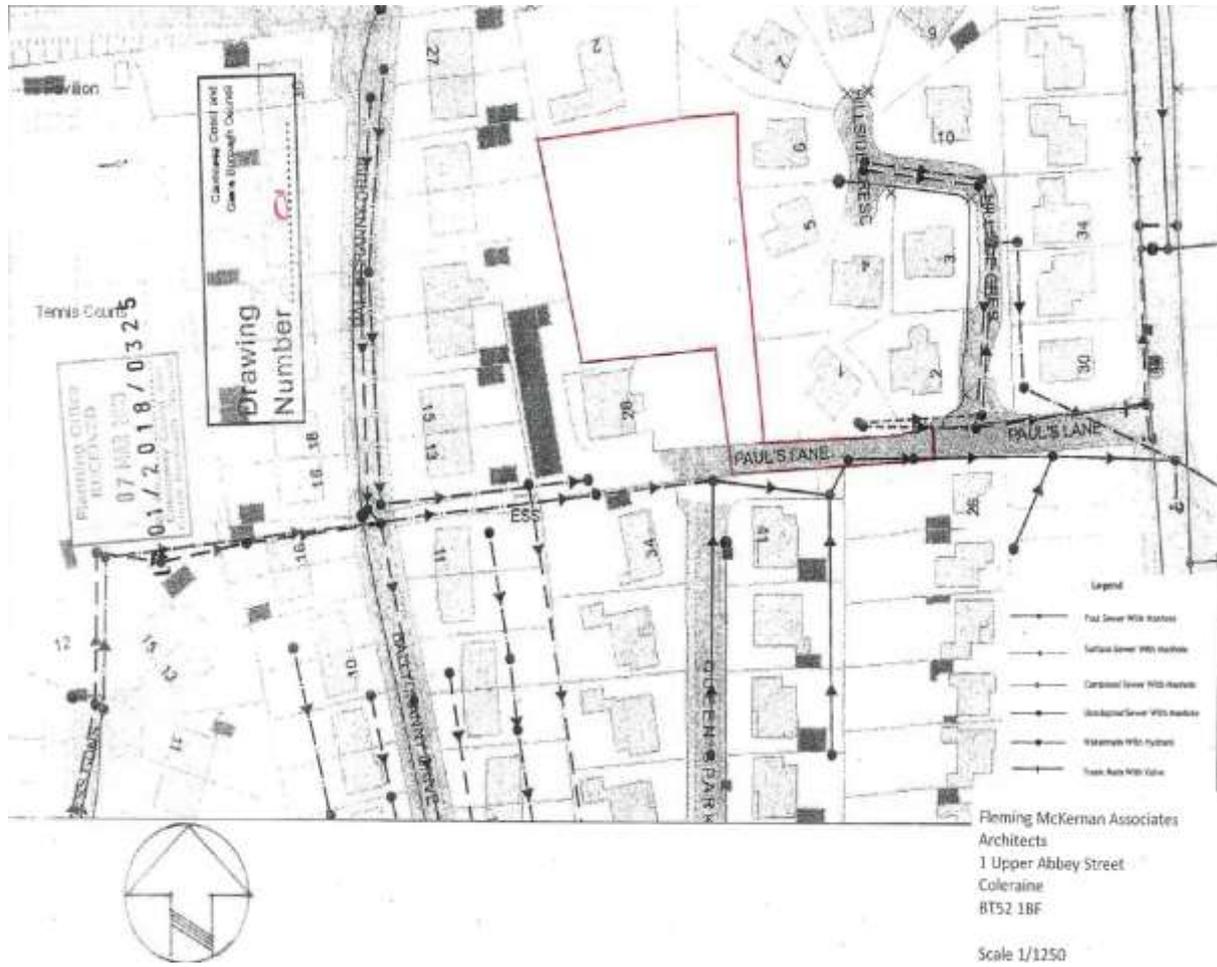
The advice and guidance contained in DAERA Standing Advice – Pollution Prevention Guidance and Standing Advice – Sustainable Drainage Systems, is also applicable.

Where culverting is proposed as part of the development the Planning Officer should take cognisance of DAERA Standing Advice – Culverting and the suggested Condition and Informatives therein.

Our range of Standing Advice for development that may have an effect on the water environment (including groundwater and fisheries) is available on the DAERA website under the Topic: Environmental Advice for Planning. Alternately the following address can be copied and pasted to a web browser.

<https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effectwater-environment-including-groundwater-and-fisheries>

Site location plan



Site plan

