

<b>Planning Committee Report LA01/2017/0221/F</b>	<b>24<sup>th</sup> October 2018</b>
<b>PLANNING COMMITTEE</b>	

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

<b><u>App No:</u></b>	<b>LA01/2017/0221/F</b>	<b><u>Ward:</u></b>	<b>MOUNTSANDEL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Lands to the rear of 86 Lodge Road, Coleraine.</b>		
<b><u>Proposal:</u></b>	<b>Renewal of planning permission C/2011/0309/F for erection of new dwelling and garage on lands to the rear of 86 Lodge Road.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>20.02.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
 <b>Applicant: Mr &amp; Mrs Kher</b>			
<b>Agent: N/A</b>			
<b>Objections: 6</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 0</b>	<b>Petitions of Support: 0</b>		

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1.0 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** planning permission subject to the reasons set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located at Lands to the rear of 86 Lodge Road, Coleraine. The site consists of the rear garden area of No. 86 Lodge Road and consists of a large open grass area. No. 86 consists of a two-storey semi-detached dwelling which has a rendered finish and a dark slated roof. The boundary treatment at the rear between No. 86 and 88 Lodge Road consists of approximately 2-2.5m high hedging and mature trees consisting of hawthorn hedges, lime trees and sycamore trees. The rear boundary of the site consists of approximately 2m high timber fencing and an existing horse chestnut tree.
- 2.2 The boundary between No. 86 and No. 84A at the rear consists of approximately 2-3m high hedging and 2m high fencing. The adjacent property at No. 88 Lodge Road is a B2 listed building and is of historic importance in the context of the immediate area. No. 88 Lodge Road has a traditional style and consists of a detached symmetrical three-bay single-storey dwelling built in 1820. The adjacent property at No. 84A consists of a two-storey modern contemporary dwelling.
- 2.3 The site is zoned as white land under the NAP 2016 and falls within the development limit of Coleraine. The site falls within the Lodge Road Area of Townscape Character and is adjacent to The Brook Local Landscape Policy Area. The site is located adjacent to No. 88 Lodge Road a grade B2 listed building. The site does not fall within any other protected areas or designations. The area is of mixed use, but the Lodge Road is predominately characterised by residential dwellings with Victorian features. There are some pockets of commercial and educational buildings within the immediate locality.

### **3.0 RELEVANT HISTORY**

C/1993/4026- 86 LODGE ROAD COLERAINE- Improvements to dwelling- Permitted development- Approval granted: 06.07.1993.

C/2005/0826/LDE- 86 Lodge Road, Coleraine- Single storey living room extension- Permitted development- Approval granted: 20.07.2005.

C/2007/0717/O- Rear of 86 Lodge Road Coleraine- Site for dwelling- Approval granted: 19.06.2008.

C/2011/0309/F- Lands to rear of 86 Lodge Road, Coleraine- Erection of new dwelling and garage on previous approval ref: C/2007/0717/O- Approval granted: 17.09.2012.

C/1988/0559- REAR OF 88 LODGE RD COLERAINE- Site for dwelling- Approval granted: 06.12.1988.

C/2005/0418/O- Rear of 84 Lodge Road, Coleraine- Retirement dwelling- Approval granted: 06.01.2006.

C/2007/0213/RM- Rear of 84 Lodge Road, Coleraine- Two storey retirement dwelling and garage- Approval granted.

### **4.0 THE APPLICATION**

- 4.1 The application is for the renewal of planning permission C/2011/0309/F for erection of new dwelling and garage on lands to the rear of 86 Lodge Road with associated siteworks consisting of revised landscaping and minor works to the access point. The design proposed is of a contemporary nature and new planting consisting of hedging has been proposed on site. New 2m high pillars and 2.2m high vertical access gates have been

proposed to the front of the site and the access is proposed at a width of 4.1m.

## **4.2 Habitats Regulations Assessment**

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

7 third party representations have been received with this application which consist of objections and comments from the adjacent neighbours at Nos 84A and 88 Lodge Road. Comments were also received from a local wildlife group on behalf of the objector at No. 88 Lodge Road. The comments and objections raised the following points of concern:

- 1) No. 88 Lodge Road's main concern relates to the retention of the existing boundary treatment between No. 88 and 86 Lodge Road at the rear of the site.
- 2) No. 88 Lodge Road has requested a tree preservation order be implemented to the trees at the rear of the site.
- 3) Conditions were placed on the original permission ensuring that the existing boundary treatment should be retained. These original conditions should be retained.
- 4) Existing boundary fencing between No. 84A and the application site
- 5) The position of the proposed dwelling
- 6) Overshadowing (1961 access to light) section 18
- 7) The materials of the proposed dwelling
- 8) Potential impacts on local wildlife such as bats

- 9) Whether external consultees be made aware of the previous conditions on the 2011 permission
- 10) Whether the Planning Department consulted NIEA in relation to the previous tree reports.
- 11) Whether the previous Arbour Consulting report was taken into account in the current application.
- 12) Whether NIEA have been made aware of the TPO requests which have been declined by the planners.
- 13) Has a wildlife survey and biodiversity checklist been completed.
- 14) The proposed plans show laurel hedgerows and Leylandii trees. Whether a native species of hedgerow has been proposed.
- 15) Policy ENV3, Volume 1 of the Northern Area Plan 2016 should be taken into account
- 16) Whether the tree survey by M Large was taken into account.

## 5.2 Internal:

NI Water offered no objections subject to conditions and informatives.

DFI Roads has no objections subject to conditions and informatives.

Environmental Health Service has no objections subject to informatives.

DAERA/NIEA- see detail below.

DFC Historic Environment Division (HED) - see detail below.

- 5.3 After objections from the adjacent neighbour at No. 88 Lodge Road who submitted information in relation to potential protected species at the rear of No. 86 and 88 Lodge Road, DAERA/NIEA was consulted in relation to the proposal. The applicant submitted an extended phase 1 habitat survey report and biodiversity checklist which indicated that no protected species were present on site. NIEA had indicated that there was a potential bat roost for the existing horse chestnut tree which

exists along the rear boundary. NIEA has recommended a condition to retain this tree on site. NIEA therefore, has no objections to the development subject to conditions.

- 5.4 Further information obtained by the Planning Department has indicated that the adjacent property at No. 88 Lodge Road was listed on 28/09/2015. The previous permission predates this information. The residential dwelling at No. 88 Lodge Road is a Grade B2 listed building and HED were consulted to determine if the proposed development would have an impact on the setting of the existing listed building. After submission of amended plans and information, Historic Environment Division responded for the final time on 21st May 2018 and stated that they had no objections to the scheme subject to one condition which was that the existing trees and hedgerow along the boundary between 86 and 88 Lodge Road shall be retained. The reason specified for this is the setting of the listed building at No. 88 Lodge Road.

## **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 (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.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

A Planning Strategy for Rural Northern Ireland

Regional Development Strategy 2035

Strategic Planning Policy Statement (SPPS) 2015

Creating Places: Achieving quality in residential environments

PPS 3: Access, Movement and Parking

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage

Planning Policy Statement 6 (Addendum): Areas of Townscape Character

Planning Policy Statement 7 Quality Residential Environments

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

DCAN 8: Housing in Existing Urban Areas

### **Supplementary Planning Guidance**

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The application site is located within the development limit of Coleraine and falls within the Lodge Road area of townscape character.
- 8.2 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: the principle of development; design; amenity; built heritage; boundary treatments; natural heritage interests and car parking/access matters.

### **Principle of Development**

- 8.3 This development was considered to be acceptable under the previous planning approval C/2011/0309/F and the applicant has advised that they have made a material start on the previous permission. Policy has not changed significantly since the previous planning approval apart from the inclusion of the SPPS 2015 and the NAP 2016.
- 8.4 The principle of this development has already been established on site. The revised alterations to the application are considered acceptable.

### **SPPS**

- 8.5 Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Housing in Settlements Paragraphs 6.133-6.137 of the SPPS apply to this proposal.



The policy states the regional strategic objectives for housing in settlements, consistent with regional guidance in the RDS, are to:

- a) Manage housing growth to achieve sustainable patterns of residential development;
- b) Support urban and rural renaissance; and
- c) Strengthen community cohesion.

- 8.6 Higher density housing developments should be promoted in town and city centres and in other locations that benefit from high accessibility to public transport facilities. Within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. In residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances.
- 8.7 The proposed dwelling has been previously deemed to be acceptable in terms of scale, form, massing and design. The design of scheme is of a contemporary nature and there will be restrictive views of the proposed dwelling from the main Lodge Road. The development will respect the character of the immediate context and environmental quality and will not have a negative impact of adjacent residential amenity.
- 8.8 Paragraphs 4.27 and 6.137 refer to good design with new developments. Good design should be the aim of all those involved in housing development and will be encouraged everywhere. All new housing developments should demonstrate a high quality of design, layout (including road infrastructure considerations) and landscaping. Good design contributes to the creation of places to live that are safe and attractive and is also a key element in achieving sustainable development. The design of the scheme is considered acceptable and will not detract from the character of the area.
- 8.9 The design of the scheme is considered acceptable and will not detract from the character of the area. The design of the dwelling is of a similar design to adjacent dwelling design at No. 84A and

therefore the concept of the design is considered acceptable and there is a precedent for this form of design at the rear of existing dwellings in the immediate context. The proposed scheme complies with the policy context within the SPPS.

### **Car parking and access matters**

- 8.10 Policy AMP 1, Creating an Accessible Environment applies. The policy states that the aim is to create a more accessible environment for everyone. Accordingly developers should take account of the specific needs of people with disabilities and others whose mobility is impaired in the design of new development.

Where appropriate, the external layout of development will be required to incorporate all or some of the following:

Facilities to aid accessibility e.g. provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions;

Convenient movement along pathways and an unhindered approach to buildings;

Pedestrian priority to facilitate pedestrian movement within and between land uses; and

Ease of access to reserved car parking, public transport facilities and taxi ranks.

- 8.11 The development proposes a new 4.1m access with a dropped kerb access, 2 No. road gullies, new 2m high pillars and 2.2m high gates. The gradient of the access will be 1 in 12.5 from the edge of the road. Max for the first 10m. The existing access will be permanently closed up and the footway and kerbs reinstated to DFI Roads standards. The proposed access and alterations at the front of the site complies with the policy as stated under Policy AMP 1 and is deemed to be acceptable. DFI Roads has no objections to the proposed access arrangements subject to conditions.

- 8.12 Policy AMP 2 Access to Public Roads applies to this development. The policy states 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:

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

DFI Roads has indicated that the new development will not impact road safety or the flow of traffic on the Lodge Road as a result of the scheme. Therefore, the proposed development complies with Policy AMP 2. Lodge Road is not a protected route.

### **DCAN 15: Vehicular Access Standards**

- 8.14 Within development limits, lowering of kerbs will normally be acceptable where there is a frontage footway. Where the priority road carries more than 3000 vehicles per day, the entrance gates should be sited at least 5m from the edge of the carriageway to allow an entering vehicle to stop clear of the carriageway when the gates are closed. On other roads gates shall be sited behind the visibility splay and must be hung so that they do not open towards the carriageway or, where that is not possible, sited so that they do not open into the public road area.
- 8.15 The minimum width of a single access will normally be 3.2m with a maximum width of 5.0m. The gradient of the access should not normally exceed 8% over the first 5m outside the public road boundary. It is good practice to avoid excessive gradients (i.e. more than 10%) over the remainder of the access so that it may continue to be used during wintry weather. The proposed access will be 4.1m in width and is located 7m away from the edge of the carriageway. The gradient of the access will be 1 in 12.5 from the edge of the road. The proposed access complies with the guidance as outlined in DCAN15 and is considered acceptable on this occasion.

### **Design and amenity**

- 8.16 The concept of this dwelling has been established as being acceptable under the 2011 permission. The proposed dwelling will be located in the exact same position as was previously

approved. It is determined that given the flat topography of the site and adequate size of plot of land to accommodate a dwelling with amenity space, that this new dwelling would be acceptable on site. The scale, layout and design are exactly the same as previously approved. The design is of a contemporary nature and the new dwelling will not be fully visible from the Lodge Road. There will be restrictive views of the dwelling from the Lodge Road from the main driveway. The scale and massing of the dwelling is similar to the adjacent dwelling which was approved at No. 84A. A new hard landscaped area has been proposed on site and this was previously approved under the 2011 permission. The materials of the proposed dwelling have already been approved on the 2011 permission and are considered acceptable having regard to the character and context of the site. Views of the dwelling are restrictive and will not detract from the character of the immediate context.

8.17 Private amenity space has been incorporated into the design of the scheme and the existing dwelling at No. 86 will retain private amenity space to the front and rear of the site. The layout and landscaped areas were previously approved under the 2011 permission and are still deemed to be acceptable. The boundary treatment between No. 86 and 88 Lodge Road will be improved by 2m high hedging which will provide proper screening as there are gaps in the existing boundary treatment along this boundary. The proposed hedging will soften the visual impact of the dwelling and will ensure that it will visually integrate into the surrounding context. The proposed scheme is acceptable in a visual context and provides sufficient existing and new amenity space.

8.18 The level of private amenity space provision is acceptable, when assessed against para. 5.19 of Creating Places. The visual impact of the parking to the front of the site is acceptable, given that the character of the area comprises car parking to the front. The ratio of hardstanding to soft landscaping is acceptable, given that soft landscaping will predominate when viewed from public viewpoints. The balance of hard-standing to soft landscaping to the rear of the dwelling is a matter for the future occupants. Three guiding principles run through PPS7 (Policy QD1) and DCAN8: That proposals should not result in unacceptable damage to local character, environmental quality,

or residential amenity. The proposal, as submitted, will not damage local character and residential amenity.

- 8.19 The design of the dwelling under the 2011 permission was amended and modified to ensure that the proposed dwelling design will not result in any overlooking or overshadowing concerns. The dwelling at No. 88 Lodge Road is far enough removed to be unaffected by overshadowing or overlooking concerns. The adjacent dwelling at No. 84A will not be impacted upon in terms of overlooking or overshadowing as there is adequate separation distance between this dwelling and the adjacent dwelling and they are positioned parallel to each other. The existing property on site (No. 86) is located 31.5m from the proposed dwelling location. The proposed single-storey garage will also block views towards No. 86. The existing dwelling at No. 86 is far enough removed to be affected by overlooking or overshadowing. The proposed scheme proposes the exact same design as previously approved and is therefore considered acceptable.

### **Built heritage matters**

- 8.20 As the adjacent property at No. 88 Lodge Road is a grade B2 listed building, policy BH11 development affect the setting of a listed building applies to this scheme. The proposed dwelling will be located 65m away from the main dwelling and 45m away from the rear return of No. 88 Lodge Road. Therefore, the existing listed building is far enough removed from the proposed dwelling location to not be adversely affected by the said development. The design and scale of the dwelling will not impact the setting of the listed dwelling at No. 88 Lodge Road in terms of height, scale or massing. The character of the listed dwelling will not be impacted upon. The proposed materials of the dwelling are considered acceptable and due to the dwellings location will not impact the traditional historic visual context of the listed property at No. 88. The proposed dwelling respects the character of the adjacent listed dwelling.

- 8.21 Historic Environment Division- Protecting Historic Buildings was consulted in relation to the scheme and stated the following: Historic Environment Division (HED) has been re-consulted to consider the effect of the application for the renewal of planning

permission C/2011/0309/F on lands to the rear of 86 Lodge Road on 88 Lodge Road, Coleraine; a Grade B2 Listed Building of special architectural and historic interest as set out in, and protected under Section 80 of The Planning Act (NI) 2011.

HED Historic Buildings have considered the revised information 2nd May 2018, and on the basis of the information provided give the following advice: It is content with the proposal with conditions.

The existing trees and hedgerow along the boundary between 86 and 88 Lodge Road shall be retained. Lodge Cottage retains an early plot boundary that formed a later standard for subsequent development, and as such is part of the setting of the Lodge-which includes some mature trees and an early native hedgerow.

- 8.22 On this occasion the Planning Department disagrees with the HED assessment of retaining the boundary treatment between No. 86 and No. 88 at the rear. The existing main part of the adjacent listed building is located 40m away from the existing boundary treatment and the single-storey return to No. 88 is located 22m away from the existing boundary treatment at the rear. Therefore, the existing listed building is far enough removed to not be impacted upon by the removal of any trees or boundary treatment along this boundary.
- 8.23 The proposed drawing 03E date stamped 13/6/18 demonstrates that the existing boundary with No. 88 at the rear will be strengthened by the inclusion of new boundary screening consisting of laurel/native species of hedging. This boundary strengthening will assist in further defining the early plot boundary that HED consider significant. The potential removal of trees along this boundary is not considered to adversely affect the setting of the listed building. Therefore, the proposal is considered compliant with the policy requirements of Planning Policy Statement 6, Policy BH11. A condition will therefore not be placed on the permission requiring the existing trees to be retained.
- 8.24 The existing boundary screening does not provide suitable screening on site, during the winter months as the trees and

hedging along this boundary are deciduous and do not provide appropriate screening for the adjacent listed building at No. 88 Lodge Road. There are presently major gaps in the boundary hedging which allows views into each garden area between No. 88 and 86. The potential removal of trees along this boundary is not considered to adversely affect the setting of the listed building.

- 8.25 The site falls within the Lodge Road Area of Townscape Character. Policy ATC2 states that the Council will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Council will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.
- 8.26 The proposed dwelling will be located at the rear of the site and will not directly impact the character of the Area of Townscape Character as the development does not front the main Lodge Road. The development will respect the character of the area and will not detract from this Victorian style Area of Townscape Character. The proposed trees and boundary treatment between No. 86 and 88 Lodge Road at the rear are not visible to the public view and therefore, do not contribute to the distinctive character of the area. The design and layout of the scheme is acceptable as the site is a back land site located at the rear of an existing dwelling where public views are restrictive. The proposed development complies with the overall concept of the policy contained within Policy ATC2.

### **Natural Heritage matters**

- 8.27 In terms of wildlife matters the applicant submitted an Extended phase 1 habitat survey report and a biodiversity checklist which was completed by Dr Dellwyn Kane an ecology expert. The reports were sent to NIEA on 19.06.2018. NIEA responded on 19.07.2018 stating that there would be no impact to protected species subject to a condition relating to the retention of the horse chestnut tree at the rear of the site. A proposed condition

has been placed on the permission relating to the retention of the horse chestnut tree.

- 8.28 A wildlife organisation had contacted the Planning Department on behalf of the objector at No. 88 Lodge Road. All email correspondence relating to the concerns of No. 88 Lodge Road and the wildlife organisation, regarding potential wildlife on site, was sent to NIEA on 18/4/18. NIEA has given full consideration of the wildlife concerns and has no objections to the development subject to one condition. The proposed development will therefore, not impact any wildlife on site.

### **TPO Requests**

- 8.29 No. 88 Lodge Road had requested via Claire Sugden MLA that the proposed trees at the rear of the site should have TPO orders placed upon them. The Planning Department responded to Ms Sugden MLA on 5/9/17 and stated that there was a previous request for a TPO to be placed on the same trees at this location on the boundary between No's 88 and 86 was made in writing by Mr Anderson in July 2011. This proposal was assessed at the time by Landscape Architects Branch (LAB) at DOE Planning Headquarters. LAB determined not to proceed with a Tree Preservation Order as the trees were considered to be of limited visual significance within the public domain. It is not in the public interest to retain these trees therefore their removal would be of no significant loss if required by health and safety reasons.
- 8.30 A further request was received from Claire Sugden MLA on 29/8/18. This was due to the latest HED comments on 21/5/18 which had requested for a condition to be placed on the permission to retain the existing trees and hedgerows along the boundary. A letter was issued to the MLA on 4/10/18 rejecting the TPO request for the reasons highlighted previously and the fact that HED stated that the existing hedgerows formed part of the historic context. Hedges are not trees and are therefore outside the remit of a TPO request.



## Objection consideration

- 8.31 There has been extensive comment from the adjacent neighbours at Nos 84A and 88 Lodge. The main concern from No. 88 Lodge Road is in relation to the existing trees and hedgerow along the boundary between No. 86 and No. 88 at the rear and the fact that the trees and hedgerows along this boundary should be retained as per the conditions of the 2011 permission. The previous landscape conditions on the 2011 approval consist of the following:

*The existing mature trees and natural vegetation of this site, as indicated on the approved plan 02B date stamped 05-JUL-2012, shall be permanently retained and unaltered, while allowing for what would reasonably be required for their management and maintenance. Any trees or shrubs which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.*

*Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and to protect residential amenity.*

*No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure.*

*All existing trees to be retained must be fenced off in accordance with BS5837:2005 'Trees in relation to construction' ie:- at a minimum distance of the edge of the RPA (Root Protection Area).*

*Within the fenced area no activities associated with building operations shall take place, the ground levels within those areas shall not be altered. The fenced area shall also be free of the storage of materials or temporary structures and no concrete mixing shall be carried out and no material likely to be injurious to a tree shall be stacked or discharged within 10m from a tree. On sloping sites, storage of such materials shall be located where there is no risk of contamination of the area through flow of material down the slope. No fire shall be lit within 10m from the outside of the crown spread of trees to be retained. All*

*means of protection shall be in situ for the duration of the development.*

*Reason: To ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.*

- 8.32 Given that the trees along the boundary between No. 86 and No. 88 Lodge Road are not to be conditioned to be retained (for the reasons as specified) there is no need to consider the feasibility of their retention, including having regard to previous tree reports. In any case, the previous tree reports are out of date. The existing main part of the adjacent listed building is located 40m away from the existing boundary treatment and the single-storey return to No. 88 is located 22m away from the existing boundary treatment at the rear.
- 8.33 Therefore, the existing listed building is far enough removed to not be impacted upon by the removal of any trees or boundary treatment along this boundary. No. 88 Lodge Road had requested via Claire Sugden MLA that the proposed trees at the rear of the site should have TPO orders placed upon them. The Planning Department responded to Ms Sugden MLA on 5/9/17 and stated that there was a previous request for a TPO to be placed on the same trees at this location on the boundary between No's 88 and 86 was made in writing by Mr Anderson in July 2011. This proposal was assessed at the time by Landscape Architects Branch (LAB) at DOE Planning Headquarters. LAB determined not to proceed with a Tree Preservation Order as the trees were considered to be of limited visual significance within the public domain. It is not in the public interest to retain these trees therefore their removal would be of no significant loss if required by health and safety reasons.
- 8.34 Based on a current assessment of the trees, it is determined that the Planning Authority is of the same opinion as LAB in that, while the trees are pleasant in the immediate rear garden environment of No. 88, they have limited visual significance in the wider area and do not make a significant contribution to the character of Lodge Road when viewed from the main public vantage points. Therefore, imposing conditions for their retention is not required in the context of the site. The existing boundary

fencing between No. 84A and the application site will be retained and will not be impacted upon as a result of the proposed development. The dwelling position has not be altered since the 2011 permission and will be in the same location.

8.35 NIEA was not consulted in relation to the previous tree surveys as they were not required to be. If NIEA were of the opinion that the existing hedgerows or trees along the boundary between No. 86 and 88 were supporting wildlife habitats they would have requested for their retention. NIEA has not requested their retention in this regard. The inclusion of the boundary hedging as indicated on drawing No. 03E date stamped 13/6/18 will provide suitable screening on this site which will assist each property at No. 86 and 88 having privacy of their far rear garden space. This far rear garden space is not classified as the most private amenity space as the first 3m of the rear garden space is the most private amenity area. The boundary treatment between No. 84A and 86 will be unaffected by the proposed development.

8.36 External consultees were made aware of the previous permissions on site and have taken this into account in their assessments, as have the Planning Department. NIEA did not need to be made aware of the TPO requests as this is a planning matter and the Planning Department imposes TPO orders. Conditions have been placed on the new permission to ensure that the new hedges will be of a native species and retained as such on a permanent basis.

8.37 No. 88 Lodge Road has referred to Policy ENV 3: Trees under the NAP 2016. The policy states that development that would result in the loss of trees, hedges or other features that contribute to the character of the landscape, or are of nature conservation value, will not be permitted unless provision is made for appropriate replacement planting and the creation of new features.

8.38 This policy relates to trees and hedges which contribute to the character of the landscape. The existing trees and shrubs at this location do not add to the character of the Area of Townscape Character or the landscape and are hardly visible from public

viewpoints. NIEA has confirmed that the lime trees and other trees apart from the horse chestnut tree provide no natural conservation value and therefore their retention is not merited. The trees to do fall within a conservation area and do not add visual significance to the immediate context.

## **9 CONCLUSIONS**

- 9.1 The concept of the development has already been established on site and that the renewal of this permission is acceptable. The existing boundary treatment does not provide adequate screening on site. The listed dwelling at No. 88 Lodge Road is far enough removed from this boundary treatment to not be impacted upon in terms of its setting. The site boundary will be strengthened by condition to maintain the setting of the adjacent listed building. The proposed development will have no significant impact on No. 84A, 86 and 88 Lodge Road in terms of their residential amenity. The proposed scheme is therefore, considered to be acceptable and in compliance with current planning policy subject to conditions. Approval is recommended.

## **10 CONDITIONS**

- 10.1 As required by Section 61 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 mature horse chestnut tree located on the northern boundary of the site shall be retained and no lopping or cutting shall take place without the prior consent of the Council in writing.
- Reason: To protect roosting bats.
- 10.3 During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) of hedging as indicated on drawing No. 03E shall be planted and retained on a permanent basis. If within a period of 5 years from the date of the planting of any hedge, that hedge is removed, uprooted or destroyed or dies,

or becomes, in the opinion of the Council, seriously damaged or defective, another hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: In the interests of neighbouring amenity and to maintain the setting of the adjacent listed building.

- 10.4 No development shall commence until the vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03E bearing the date stamp 13th June 2018 and the Department's FCD1 form bearing the date stamp 13 April 2017 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.

- 10.5 The access gradient to the development 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.

- 10.6 The development hereby permitted shall not be commenced until the existing access to 86 Lodge Road indicated on Drawing No. 03E bearing the date stamp 13th June 2018, has been permanently closed and the footway reinstated to DFI Roads satisfaction.

Reason: In order to minimise the number of access points onto the public road in the interests of road safety and the convenience of road users.

10.7 The development shall not be commenced until a Certificate issued by a Chartered Structural Engineer certifying that the pillars and gates have been designed in accordance with the relevant standards and guidance, has been submitted to and accepted by DFI Roads, Structures Section, County Hall, Castlerock Road, Coleraine, BT51 3HS. The certificate should state I/We certify all reasonable professional skill and care has been used in the design & check of the above named structure in accordance with the following design standards and advice notes.

Reason: In the interests of road safety.

10.8 The roof of the proposed dwelling shall not be used for purposes of residential amenity.

Reason: To protect the residential amenity of neighbouring properties.

## **11 INFORMATIVES**

11.1 Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served. No surface water sewer within 20m of your proposal.

The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or [waterline@niwater.com](mailto: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 Customer Relations Centre on 08458770002.

Details of existing water and sewerage services may be obtained by submitting a Records Request application RR1-A257/A258 available at [www.niwater.com/servicesfordevelopers.asp](http://www.niwater.com/servicesfordevelopers.asp).

All services within the development should be laid underground.

#### 11.2 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. A copy of Council Guidance for Interested Parties on Development on Land which might be Affected by Contamination (Final Version: March 2006) can be obtained from this Department if required.

11.3 The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to;
  - i. affect the local distribution or abundance of the species to which it belongs;
  - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young;or
  - iii. Impair its ability to hibernate or migrate;
  - iv. Deliberately to obstruct access to a breeding site or resting place of such an animal; or
  - v. To damage or destroy a breeding site or resting place of such an animal.

To avoid any breach of The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), all mature trees and/or buildings which require works should be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours of removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines (<http://www.bats.org.uk>). If evidence of bat activity is discovered all works must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 02890569605.



The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

Kill, injure or take any wild bird; or

Take, damage or destroy the nest of any wild bird while that nest is in use or being built; or

At any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or

Obstruct or prevent any wild bird from using its nest; or

Take or destroy an egg of any wild bird; or

Disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or

Disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

- 11.4 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.

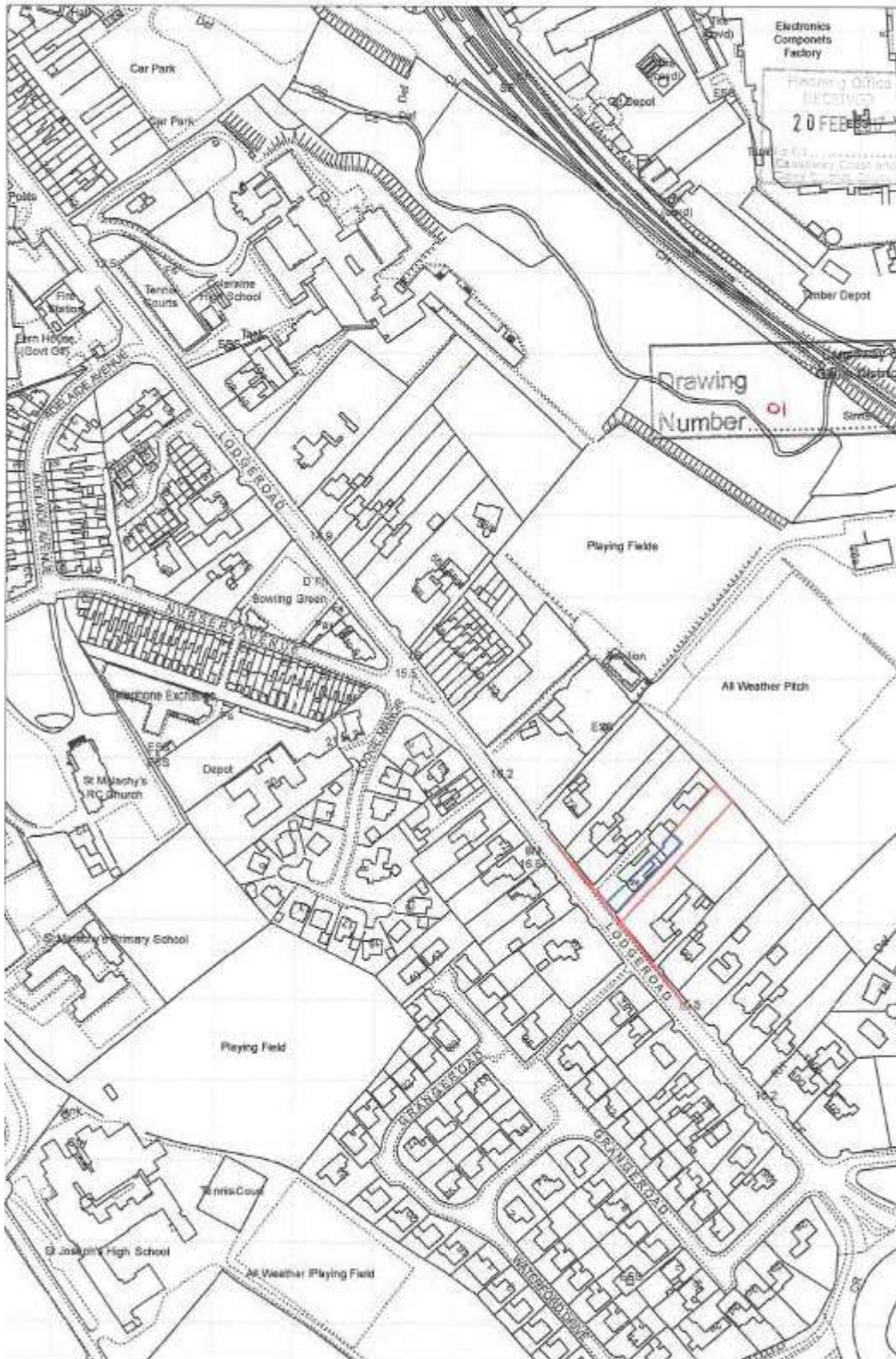
Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.

All construction plant and materials shall be stored within the curtilage of the site.

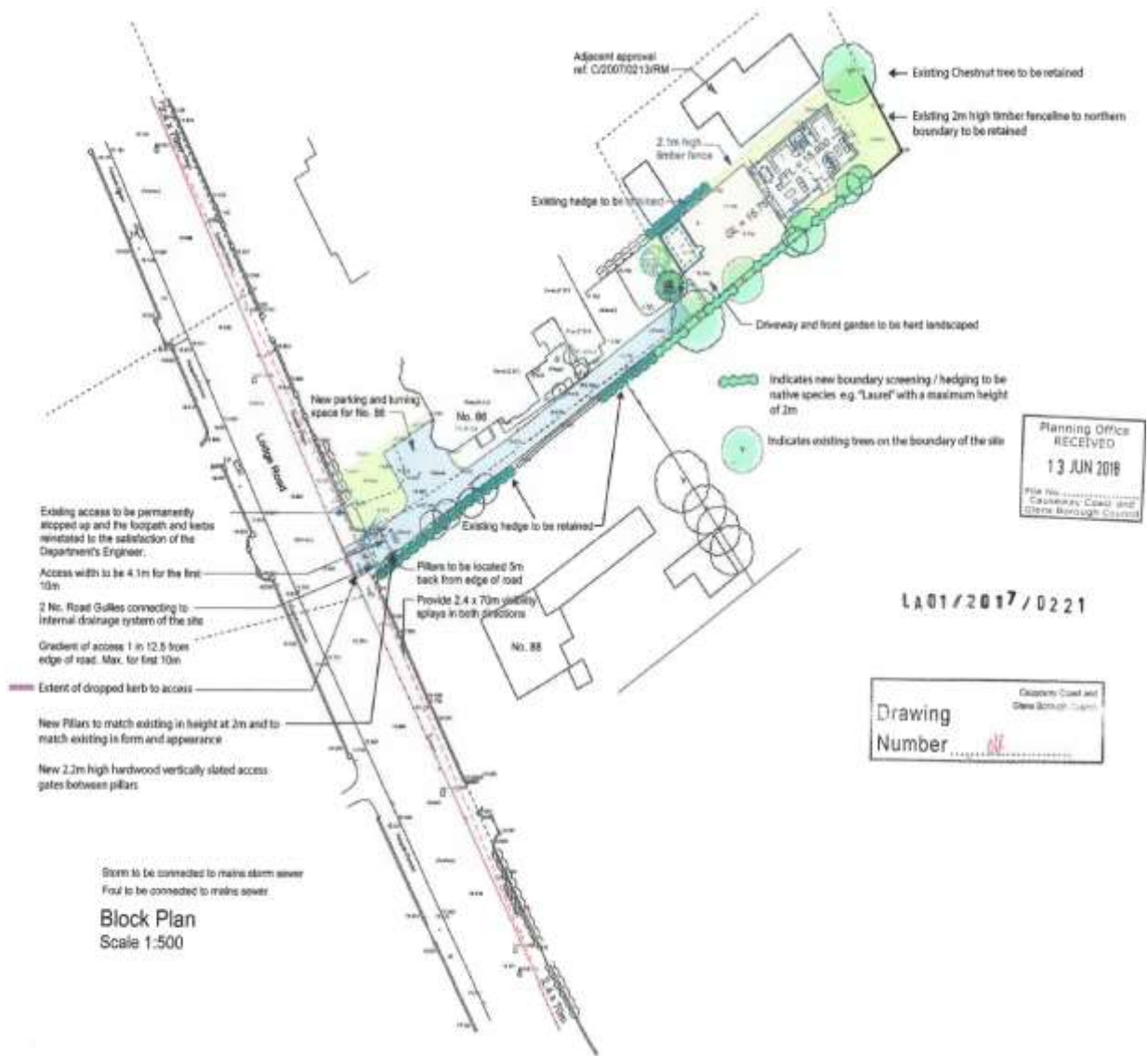
It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing roadside drainage is preserved and does not allow water from the road to enter the site.

- 11.5 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.
- 11.6 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.
- 11.7 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.

# Site Location Map



# Site Plan



**Block Plan**  
Scale 1:500