

Planning Committee Report LA01/2016/1218/F – 5 Shore Street, Cushendall	28th February 2018
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	Principal Planning Officer
Cost: (If applicable)	N/a

5 Shore Street, Cushendall

LA01/2016/1218/F

Full Planning

28th February 2018

<u>App No:</u>	LA01/2016/1218/F	<u>Ward:</u>	Lurigethan
<u>App Type:</u>	Full Planning		
<u>Address:</u>	5 Shore Street, Cushendall		
<u>Proposal:</u>	Amendment to planning approval E/2014/0125/F, Change of use from Bank to single dwelling, to allow car access/egress between No 7 and No 5 Shore Street		
<u>Con Area:</u>	Cushendall	<u>Valid Date:</u>	10.10.2016
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	23.01.2017
Applicant:	Alex McKillop, 11 Gaults Road, Cushendall		
Agent:	W M McNeill, 30 Knowehead Road, Broughshane, Ballymena		
Objections:	3	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- 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 **REFUSE** planning permission subject to the reason set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is a former Northern Bank building located on Shore Street in the village centre of Cushendall. Due to the difference in levels in the site, the building is single storey at street level but has a substantial under build to the rear. The

building is finished in render with a pitched tiled roof. Directly to the front there is a paved area with a couple of parking spaces adjacent and a disabled ramp access with handrail. There is a 2 metre wall between the existing property and the two storey listed building to the south. A wall forms the boundary with the neighbouring property to the north. The property is visible from Shore Street and also from the access to the lane to the rear which is a walkway along the river.

- 2.2 The application site takes in a small part of the yard to the rear and the remainder is within the applicant's ownership as outlined in blue. The north eastern boundary is formed by a low 0.5 - 1 metre wall and hedging/trees. The south western boundary consists of a 1.5 metre timber fence, a stone wall, the back of the neighbouring stone building and the adjacent book keepers building. The south eastern boundary is thick hedge/trees with security fencing around an electricity cabinet and a gated access onto the adjacent lane along the river.
- 2.3 Shore Street is characterised by commercial uses such as retail, supermarkets, cafes etc as well as residential properties. No. 3 Shore Street is a Grade B listed building located south of the site. Parking in this area is on-street to provide access for shop units.

3.0 RELEVANT HISTORY

- 3.1 LA01/2015/0179/F
5 Shore Street, Cushendall. Conversion of dwelling roof space to form another separate dwelling unit
Approved 25.02.2016
- 3.2 E/2014/0125/F
5 Shore Street, Cushendall. Change of use from bank to single dwelling with access to rear with external alterations and alterations for first floor for future loft conversion.
Approved 03.03.2015

- 3.3 E/2014/0239/DCA
5 Shore Street, Cushendall. Removal of front 3.2m high
100mm wide unbounded wall, thereby unstable to left hand side
of premises
Consent 04.03.2015

4.0 THE APPLICATION

- 4.1 Amendment to planning approval E/2014/0125/F, Change of use
from Bank to single dwelling, to allow car access/egress
between No 7 and No 5 Shore Street.

5.0 PUBLICITY & CONSULTATIONS

- 5.1 **External: One (1)** objector, has objected on 3 occasions. The
main issues raised are summarised below:

- Incorrect completion of application form
- Loss of privacy and amenity due to noise, exhaust fumes,
safety concerns
- Under previous applications the proposed vehicle access
was removed due to concerns by Planning
- Motorised scooter access was never approved under
previous permissions
- Contrary to PPS 7
- Information from Structural Engineer advised that the fill
material has caused recent movement of the original stone
wall. Concerns structural movement could become worse if
fill material is to be used for vehicle access. This movement
could extend to the main dwelling and could possibly cause
damage to the sub-structure. The existing stone boundary
wall is not suitable to retain the ramp which has been
created. Concern of damage to gable wall and dividing wall
at No. 7.
- No opening for an access of any description existed between
the site and No. 7 prior to 2014 as there was a 3m high wall.

5.2 Internal

DFI Roads: Objects to the proposal.

Historic Environment Division (Historic Monuments): Has
no objection.

Historic Environment Division (Historic Buildings): Has no objection.

Conservation Officer: Has no objection.

Building Control: Has no objection.

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

Strategic Planning Policy Statement (SPPS)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

Supplementary Planning Guidance

Antrim Coast and Glens AONB Design Guide

Cushendall Conservation Area Design Guide

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The application site is within the settlement limit of Cushendall and the town centre as designated in the NAP 2016. The site is also within an Area of Archaeological Potential; Cushendall Conservation Area; Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB) and is adjacent to a listed property at No. 3 Shore Street.
- 8.2 The proposed access arrangement 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: planning history, structural assessments, overlooking, access, archaeology, built heritage and conservation.

Planning History

- 8.3 Various planning history has been approved on the site and implemented as two apartments. The proposed floor plans and elevations for the dwelling in this application are the same as previously approved. There have been some changes to what has been approved and what has been built: balcony to the rear, and; changes to the window fenestration at the front

elevation. However, these changes are not subject to this planning application.

- 8.4 The proposal is for a new vehicle access to the north of the dwelling adjacent to No. 7 Shore Street. It is to consist of a tarmac drive sloping down to the rear of the site.
- 8.5 A ramp access was approved in this location to the north of the building on the southern side of No. 7 Shore Street under LA01/2015/0179/F and E/2014/0125/F. The approved ramp extended some 1.5m from the gable. This proposed pedestrian access was enclosed by railings and a gate fronting onto Shore Street. It was considered that this ramp access would not be utilised to a level which would result in noise disturbance or that it would become significantly detrimental to the residential amenity of No. 7 Shore Street.

Structural assessment

- 8.6 Under E/2014/0125/F a vehicle access was proposed in the same location as this current application. The vehicular access was subsequently removed from the proposal due to the adverse impact on the structural integrity of the neighbouring property. This was verified by structural engineers working within the Department of Infrastructure (CPD) that the construction and ramp infill retrospectively applied for was currently imposing significant lateral pressure on both the applicants building and the neighbouring property No. 7 which could lead to structural related issues including cracking of the structure and damp ingress.
- 8.7 Under this current application, a reinforced concrete retaining wall is proposed to address these previous concerns. Drawings and calculations have been submitted by the agent to satisfy concerns over structural loads on the gable with No. 7 Shore Street. Building Control, following their assessment, are satisfied by the design of the retaining wall and have no objection.

Overlooking

- 8.8 The proposed vehicle access requires the infill of the ground level to be a similar height to the pedestrian access ramp

already approved. With infill to be up to 1m in depth. Vehicles travelling along this proposed access would have momentary overlooking of the rear of No. 7 Shore Street. However, there is already a level of overlooking permitted from the walkway. It is not considered that a vehicle access at this location would adversely impact the residential amenity of No. 7 Shore Street to such a significant extent to warrant refusal on these grounds.

Access

- 8.9 DFI Roads was consulted in relation to the proposed new access and advised that it is not possible to achieve the required 2m x 33m sight visibility splays for the access. DFI Roads also advised that the submitted access plan is not accurate in relation to the alignment of Shore Street. The sight visibility splays achieved from the proposed access have been measured on site and found to be 2m x 22m in both directions. This is well below the minimum 2mx 33m acceptable to DFI Roads.
- 8.10 Policy AMP 2 – Access to Public Roads, permits new accesses only where it will not prejudice roads safety or significantly inconvenience the flow of traffic. The policy advises that the acceptability will be assessed against published guidance and other listed factors.
- 8.11 Development Control Advice Note 15 ‘Vehicular Access Standards’ sets out the standards for sightlines, radii and gradient etc. Paragraph 5.17 of the amplification to Policy AMP 2 recognises that it may not always be practicable to comply fully with the appropriate visibility standards and that other material considerations need to be assessed in light of the particular circumstances of the case. They allow in exceptional circumstances a relaxation in standards in order to secure other important planning objectives. However, the text states that it will not be reduced to such a level that danger is likely to be caused.
- 8.12 The agent disagrees with the DFI Roads assessment of the proposal in terms of the visibility splays available in that the requirement does not take into account that cars entering Shore Street from Bridge Street on the critical side are stationary. The agent considers that traffic at this point is very slow and flexibility should be shown. The agent refers to PAC decisions that advise that DCAN 15 is an advice note and should not be applied

slavishly or in a doctrinaire fashion (Appeal Ref 2008/R002 at 41 Cavanmore Gardens, Belfast). The PAC also accept that splays can be measured to the centre of the road (Appeal Ref 2009/A0208 at Vehicular access point serving lands at No 31 Killyleagh Road, Downpatrick). Although flexibility may have been employed by the PAC in the past in relation to visibility splays, refusal is recommended on advice from DFI Roads, who are the competent authority with regards to road safety. A table of PAC decisions were also submitted where the PAC have allowed the lesser visibility splays requirements. In each case the PAC accepted that the reduction improved the current position and safety. See Appendix 1 for detail. These are different to this application in that on street car parking is available or they related to existing vehicular accesses.

8.13 The proposal seeks to reduce the visibility standards each way by a third. This is an unacceptable reduction. The agent has argued that the rear parking is to allow the secure parking for cars. The agent also states that the resident of the ground floor flat has a disability and should be as close as possible to the building. However, there is parking to the front of the building and level access from there some 5m from the parking to the front door. The access to the rear is up steep steps and would not be considered to be more accessible for those with disabilities. Therefore the case provided for a reduction in standards relates more to personal preference and convenience rather than securing important planning objectives.

8.14 The proposal fails to meet with Policy AMP 2 in that there is a significant reduction of the required splays and there are no exceptional circumstances to allow an unsafe access at this location.

Archaeology

8.15 The site is designated as an Area of Archaeological Potential. Consultation occurred with Historic Monuments and their response highlighted no archaeological objection so the proposal complies with Policy BH 2 of PPS 6.

Built Heritage

- 8.16 The application site is in proximity to No. 3 Shore Street which is a Grade B listed building. The listed designation imposes a special duty on the decision-maker to have regard to the “desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Consultation occurred with Historic Buildings who consider the alterations are minor in nature from that approved under E/2014/0125/F. Therefore the proposal has no greater demonstrable harm to the character of the listed building. The proposal complies with Policy BH 11 of PPS 6.

Conservation Area

- 8.17 The proposed access would not be detrimental in terms of visual amenity as it is located within the settlement limit of Cushendall where vehicle accesses are apparent. The Conservation Officer considers the works involve a minor change to the approved access arrangements and would have a minimal impact on the character or appearance of the Conservation Area. The proposal therefore complies with Policy BH 12 of PPS 6 for new development in a Conservation Area and does not offend Policy NH 6 of PPS 2 in relation to the AONB.

Habitats Regulations Assessment

- 8.18 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.

9.0 CONCLUSION

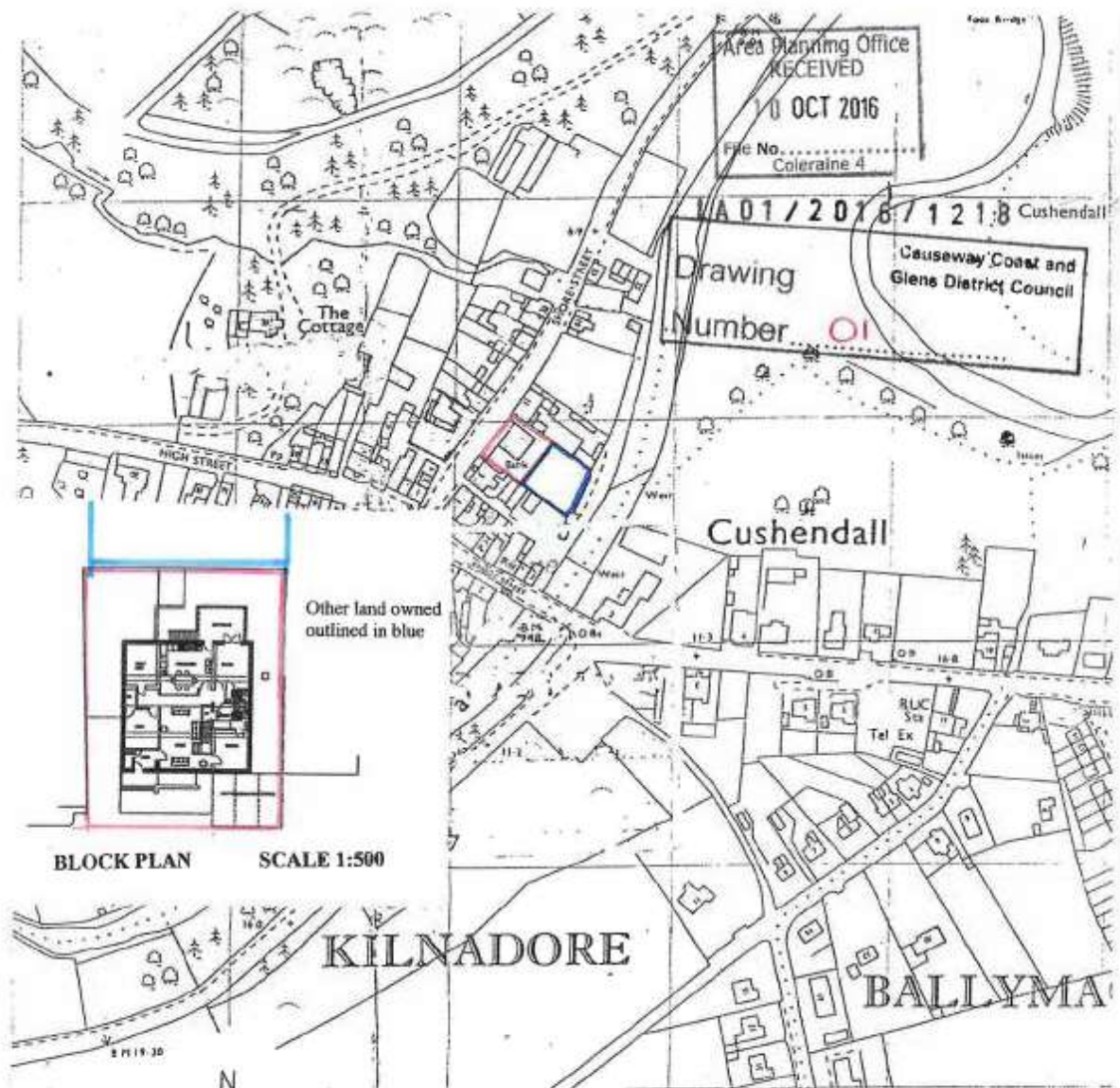
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposed access cannot achieve the required sight visibility splays. What can be achieved falls short of the minimum requirements acceptable to DFI Roads. The proposal is contrary to Policy AMP 2 of PPS 3

and would prejudice the safety and convenience of road users. There are no exceptional circumstances to allow a relaxation of standards in order to secure important planning objections. Refusal is recommended.

10.0 REFUSAL REASONS

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.0m x 33.0m from the proposed access cannot be provided in accordance with the standards contained in Development Control Advice Note 15.

Site Location Map



BLOCK PLAN SCALE 1:500

Other land owned outlined in blue



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McNEILL ARCHITECTURAL CONSULTANCY

**AMENDMENT TO PLANNING APPROVAL
 E/2014/0125/F FROM MOTORISED SCOOTER
 ACCESS TO INCLUDE CAR ACCESS / EGRESS
 5 SHORE STREE, CUSHENDALL**

FOR Mr A McKILLOP
 LOCATION MAP / BLOCK PLAN
 Scale 1:2,500 / 1:500
 Drawing no. 1

SEPTEMBER 2016

Appendix 1

<p>PAC 2003/R001 Mr N Hazlett 11 Hillside Road, Ballycastle</p>	<p>Road requirement 2M x 60M in both directions Available 1.9 x 60M non critical side 2.0 x 30M critical side</p>	<p>Ms J De-Courcey followed by a review by John Warke, Chief Commissioner who agreed with Commissioner The existing ramp to the dwelling was immune from enforcement. The PAC allowed the dropped kerb as this was a safer option for pedestrians.</p>
<p>PAC 2008/R002 Mr Desmond Boylan 41 Canavan Gardens, Belfast</p>	<p>Roads requirement 2M x 33M in both directions Available 18M to 20M critical side Commissioner stated “DCAN15 is an advice note and it would be wrong to apply it slavishly or in a doctrinaire fashion. Account must be taken of all facts and circumstances relevant to the proposal”</p>	<p>Mr T A Rue Other dwellings in the housing estate had incurtilage parking. The Commission decided that to allow the appeal would improve the on kerb parking and thereby improving the sightlines within the vicinity.</p>
<p>PAC 2008/R0003 Northern Ireland Housing Executive 8 Causeway End Park, Lisburn</p>	<p>Roads requirement on critical side was 23.3M, however Planning Appeals Commissioner Mr T A Rue, stated same statement as above</p>	<p>Mr T A Rue This was within a cul-de-sac development and the Commission considered its position, the applicant’s personal needs and that it would reduce on kerb parking.</p>
<p>PAC2009/A0208 Finnebrogue Farm Ltd 31 Killyleagh Rd, Downpatrick</p>	<p>Roads requirement 2.4 x 120M in both directions Commissioner allowed measurement to be taken to centre of road</p>	<p>Mr Andrew Dale The PAC allowed this as it was an existing access and no intensification was proposed</p>
<p>PAC 2010/A0134 Mr D Tosh 336 Masteragwee Terrace, Coleraine</p>	<p>Roads requirement 2.4M x 90M in both directions Applicant could only achieve 2.4M x 16M to the West the critical side and 2.4M x 21M to the East Applicant made an Ombudsmans complaint and Planning Department responsible then to DoE paid out £1,500 compensation</p>	<p>Ms Pamela O’Donnell This was considered as a home working business and was an existing vehicular access with no intensification proposed.</p>
<p>E/2012/0219/F Mr J Mulholland Between 176 and 176d Garron Road, Carnlough</p>	<p>Road Service required 2.4 x 72M to the East and 2.4 x 87M to the West then</p>	<p>Existing vehicular access. The work required to implement the full required splays to the critical side (west) would improve the road safety for all existing users.</p>

	accepted 2.0 x 60M to the East	
H/2013/0118/F J McCann Rear of no. 6A Downings Road, Portglenone	DCAN requirement was 2.4 x 90M in both directions, and Road Service officer recommended 2.4 x 70M, but finally accepted 2.4 x 60M	Not with the Council area.
LA02/2016/0197/F Mr T Hamill Replacement Dwelling at 15 Aghacully Road, Broughshane	DCAN requirement 2.4 x 90M in both directions Road Service indicated visibility very poor and required at worst 2.4 x 80M and finally accepted no upgrading of what the Roads Case Officer stated “visibility was very poor” Note: This application was not for a renovation / extension as the existing building was in very poor order. I have been informed by other Road Service Officers that even if the existing building was to be reused, after a long period of vacancy, they would have requested improvements if possible. In this case, it was possible, but more importantly the application was not for a renovation / extension, but a replacement.	Not with the Council area.