

Planning Committee Report LA01/2017/0596/F	17th April 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 and Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2017/0596/F	<u>Ward:</u>	Quarry
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands situated SE of 2 Mulberry Gardens, South of Burn Road and East of Dane's Hill Road, Coleraine.		
<u>Proposal:</u>	Residential development of 36 units comprising 10 no. semi-detached and 26 no townhouses with associated site works		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	10.05.2017
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Agent: Footprint Architectural Design			
Applicant: Benamara Properties Ltd			
Objections: 0	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 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 **REFUSE** planning permission subject to the reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at lands situated to the south-east of 2 Mulberry Gardens, south of Burn Road and East of Dane's Hill Road, Coleraine. The site is located to the east of the River Bann and is approximately 1.5 miles to Coleraine town centre. The site consists of two rectangular pieces of land which extend to 1.54 hectares, which are separated by the Burn Road. One of the sections of land is located to the North of Burn Road. An access road to the local church forms the sites northern boundary. Burn Road adjoins the sites eastern and southern boundaries. A two-storey housing development, Mulberry Gardens, adjoins the sites western boundary.
- 2.2 The other section of land is located to the southern side of the Burn Road and the land falls gently from its northern boundary to the south-western boundary. The site was previously a greenfield site containing an overgrowth of trees and shrubs. The trees and shrubs have been cleared and the site presently has an overgrown dishevelled appearance. A large electricity sub-station adjoins the southern boundary of the site. The sub-station is highly visible from the Burn Road and the immediate context. The Ring Road and the Danes Hill Road adjoin the western and eastern boundaries of the site.
- 2.3 The immediate context is predominately residential and is characterised by two-storey terrace dwellings. The area if of a mixed use and Mulberry Gardens, Glenvara and Ballysally housing estate are located to the north and west of the site. Commercial properties are located along the Danes Hill Road consisting of a supermarket, post office and newsagents, which are within walking distance. There are religious buildings in the immediate context consisting of St Andrews and Ballysally Presbyterian Church.

- 2.4 The site falls within the development limit of Coleraine as designated in the NAP 2016. Part of the site, the rectangular area situated to the north-east of Mulberry Gardens is zoned as a major area of open space. The rectangular section of the site located adjacent to the electricity sub-station is zoned as housing under designation CEH 40 Daneshill Road South. Part of the site is located adjacent to the Ballysally Burn Local Landscape Policy Area. The site is not fall within any other designations.

3.0 RELEVANT HISTORY

C/1990/0490- Land off Ballysally Road Coleraine, opposite Mossvale Park and Glenvara Drive and Kenbane Avenue- Site for housing development- Approval: 12.02.1991.

4.0 THE APPLICATION

- 4.1 The scheme is for a residential development of 36 units comprising 10 no. semi-detached and 26 no townhouses with associated site works. The proposed dwellings propose modern style dwellings with pitched roofs.

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: N/A

Internal:

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No objections.

HED- Historic Environment Division- No objections

NIEA- No objections

Northern Ireland Housing Executive- No objections

NIE- Northern Ireland Electricity- Object.

DFI Rivers- 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) 2015

A Planning Strategy for Rural Northern Ireland

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

Planning Policy Statement 15 (Revised): Planning and Flood Risk

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 development limit as defined in the Northern Area Plan 2016. The main planning considerations for this application relate to the principle of the scheme being unacceptable, in terms of policy provisions under PPS7, Policy QD1; Addendum to Planning Policy Statement 7 Policy LC1; Policy OS2 of PPS8; provisions within the SPPS and key site requirements within Policy CEH 40, Daneshill Road South, under the NAP 2016.
- 8.2 The site falls within the development limit of Coleraine. Part of the site, the rectangular area situated to the north-east of Mulberry Gardens is zoned as a major area of open space. The rectangular section of the site located adjacent to the electricity sub-station is zoned as housing under designation CEH 40 Daneshill Road South. Part of the site is located adjacent to the Ballysally Burn Local Landscape Policy Area.

Principle of Development

- 8.3 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.

Planning Policy Statement 7- Quality Residential Environments- Creating Places- NAP 2016, Policy CEH 40

- 8.4 Policy QD 1 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The following elements of Policy QD1 must be complied with:
- 8.5 Part (a): *'the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas'*.
- 8.6 The density and scale of the proposed development is similar to the surrounding area.
- 8.7 Terraces and semi-detached dwellings are prevalent in the immediate context. The topography of the site is relatively flat and the proposed concept of the proposed use on site is acceptable. The principal views of the proposed site are from the Burn Road and Danes Hill Road.
- 8.8 Part of the site is zoned for housing under zoning CEH 40- Daneshill Road South (1.07 ha.) and this sets the density for future development that is characteristic of the area. The key site requirements of CEH 40 states the following in relation to this site:

Key site requirements

1. Development shall be within the range of 15 to 25 dwellings per hectare, to ensure the character of the area is maintained.

2. Development shall generally not be greater than two storeys in height to ensure the character of the area is respected.
3. The access to the site shall be from Daneshill Road.
4. There shall be no direct vehicular access to or from the site onto the Ring Road.

8.9 The zoned rectangular piece of land zoned under CEH 40 states that development shall be within the range of 15-25 dwellings per hectare, to ensure the character of the area is maintained. The proposed scheme proposes 36 dwellings on a 1.07 hectare site. This equates to 34 dwellings per hectare. Therefore, the proposed scheme fails the first key site requirement as outlined under part 1 of CEH 40.

8.10 In terms of site key site requirement 2 the proposed dwellings are all two-storey in nature. Therefore, the proposed scheme complies with this.

8.11 The main access to the site is proposed from the Burn Road, a sub access is proposed for units 28-36 from the Danes Hill Road. Another sub access has been proposed from the Burn Road which will serve units 1-5. 75% of the dwellings proposed will be served from accesses from the Burn Road. The proposed scheme does not comply with key site requirement 3.

8.12 However, DFI Roads during the assessment of this application are content that access can be achieved from both the Daneshill Road and the Burn Road. No new vehicle access has been proposed from the site to the Ring Road. The scheme complies with key site requirement 4.

8.13 The proposed density is unacceptable in the immediate context as surrounding residential locations such as Mulberry Gardens have a density of between 15-25 dwellings.

8.14 A large hard standing area has been proposed at the front of units 28-36 which will face towards Danes Hill Road. In the context of the immediate area this hardstanding area is deemed to be unacceptable, from a visual amenity perspective and will look out of context in the immediate townscape. The layout of the scheme at this location does not provide a quality residential environment.

- 8.15 The proximity of the proposed units at Nos 18-27 to the Burn Road does not give the appearance of an attractive outlook. Units 18-27 will be located 4.5-5m from the Burn Road which is less than existing properties in Mulberry Gardens which are located 7-7.5m from the Burn Road.
- 8.16 Many housing developments in recent years have been designed with little appreciation for local character or a sense of place and have tended to be dominated by roads considerations. It is considered that the proposed development appears to be dominated by road considerations and the proposed car parking area located at the rear of the proposed units at 18-27 presents an unattractive outlook to units 11-17. The outlook for units 11-17 towards a car park area and the rear garden areas of units 18-27 is not a good visual aspect and would not create a quality residential environment.
- 8.17 The pattern of existing development such as in Mulberry Gardens and Ballysally Road show examples of rear courtyards which are characterised as parking areas. The extent and scale of the proposed car parking area, proposed at the rear of units 18-27 is not in conformity with the pattern of development which exists in the immediate context.
- 8.18 There is no appropriate spacing between the proposed dwellings on site as outlined under creating places, in which it states that a minimum of 10m between the rear of new houses and the common boundary will be appropriate. Units 28-29, units 33-36, units 4-5 and unit 6 do not comply with separation distances as outlined in Creating Places and therefore this creates a poor residential environment.
- 8.19 The proposed layout conflicts with the NIE power lines that traverse the site see paragraphs 8.21-8.22 for details.
- 8.20 Proposed residential developments should seek to improve or enhance the existing context. The proposed development due to the overdevelopment of the site will not enhance the character of the existing context in terms of layout, hard surfaced areas and visual context.

Part (b): *'features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development'*. There are no archaeological, built heritage or landscape features identified on the site.

Part (c): *'adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area'*.

- 8.21 Open space not only has recreational and social value but is also considered vital to the overall design quality of the development. It can help promote biodiversity and contributes to the creation of an attractive, sustainable and varied residential environment, helping to 'green' an area, soften any environmental impact and foster a sense of community. All open space areas should be suitably located, proportioned and planted. Narrow or peripheral tracts which are difficult to manage will not be acceptable.
- 8.22 The existing open space area adjacent to Mulberry Gardens is displaced and is not integrated into the proposed layout of the dwellings. This open space area is located across a road and is not taken into account in the open space calculation provision. Amended plans were submitted on the 26/3/18 detailing the existing open space to the north-west, adjacent to Mulberry Gardens is proposed to be upgraded by placing footpaths and revised landscaping upon the site. The layout of the dwellings on the opposite side of the Burn Road remained the same. The proposed layout is deemed to be unacceptable as the proposed layout is not incorporating integrated open space as outlined in policy.
- 8.23 The proposed housing location in terms of site area measures 1.07 Hectares and therefore 10% of this site should provide integrated open space into the context of the proposed layout. Open space has been proposed to the north-east of the proposed plots at units 1-5 and two tracts of open space have

been proposed to the south-west of units 28-36. This open space is not integrated into the site and gives the appearance of an afterthought. Children will have to cross a road to access the open space to the north-east of units 1-5 and the open space to the south-west of units 28-36 will be located adjacent to a road. As this open space is classed as being not integrated into the context of the proposed housing layout the amount of useable integrated communal open space provision is effectively non-existent.

8.24 The topography of this site is fairly level, although slightly uneven under foot in certain locations. Creating Places guidance states that to promote a choice for residents a variety of garden spaces should be provided in housing schemes. 70 sq. metres of private open space should be provided per household as outlined in Creating Places. In terms of this scheme units: 5, 12A, 14, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 provide less than 40m² amenity space which is contrary to the provisions in line with Creating Places. The quality of the space available is limited given the arrangement of the dwellings and the over development of the site.

8.25 The level of hardstanding to the front of properties is also unacceptable and does not contribute to a quality residential environment with parking obscuring the front of dwellings. This is deemed to be unacceptable from a visual amenity perspective and does not provide a quality residential environment.

8.26 Part (d): *'adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development'*. The proposal is located within the settlement of Coleraine. The scale of the proposal does not require facilities to be provided within the site.

8.27 Part (e): *'a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures'*. The site is located on

the Burn Road and Danes Hill Road, within the settlement of Coleraine and the movement pattern is considered to be satisfactory. DFI Roads have no objection to the proposal subject to conditions.

- 8.28 Part (f): *'adequate and appropriate provision is made for parking'*. Provision is made within the site for resident and visitor parking. However, the car parking proposed at the rear units 18-27 would result in a poor residential environment. DFI Roads was consulted on the revised roads drawings submitted on 9/5/18 and has no objections to the revised layout as demonstrated on the revised drawings dated 26/3/18 and 9/5/18.
- 8.29 Part (g): *'the design of the development draws upon the best local traditions of form, materials and detailing'*. The design of the proposed 36 dwellings consisting of 10 no. semi-detached and 26 no townhouses will be finished with a red brick and some of the dwellings will be finished with a smooth render. All proposed roofs will be finished with dark grey interlocking tiles. The fascias and soffits are proposed to be finished with a black UPVC and the windows with white UPVC. Half of the properties propose a bay window in the front facade. The proposed dwellings propose modern style dwellings with pitched roofs. All of the dwellings proposed will be two-storey in height which is in conformity with other dwellings within the immediate context. The pitched roofs and the proposed roof tiles are also in conformity with the surrounding context. The design of the actual dwellings is considered acceptable. The layout of the proposed scheme is considered unacceptable and is a major flaw of the overall design context of the proposed scheme.
- 8.30 The character of the immediate context is characterised by two-storey dwellings and this is characterised at Mulberry Gardens, Ballysally Road and Danes Hill Road, set in medium sized plots. The proposed dwellings are acceptable from a design perspective and comply with similar designs within the immediate context. The design of the proposed dwellings and detailing, do draw on the best of local traditions and introduce a design principle which is in conformity with the urban townscape

at this location and the overall appearance of the area at this location. The design of the proposed dwellings is not a concern.

8.31 Part (h): *'the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance'*.

8.32 The current scheme will result in an unacceptable adverse impact on the amenity of proposed properties. As the site is located in close proximity to a major electricity sub-station, Northern Ireland Electricity (NIE) was consulted in relation to the scheme. NIE stated the following:

We have now had the opportunity to review the matter and note that the lands affected by the proposal are traversed by our 11kV and 33kV overhead electric lines, 11kV underground cables and associated equipment. This being the case, NIE Networks is concerned that the proposal may (either during the course of construction and/or following completion of the proposed development) infringe on the safety clearances that are required to be maintained between its equipment and any building or structure. Furthermore, we are concerned as to the impact the proposal might have on NIE Networks' ability to access its equipment post construction. In light of the above, NIE Networks has little option but to object to this planning application at this stage.

8.33 The proposed development layout is proposed to be unsafe by NIE in terms of safety clearances that are required to be maintained between its equipment and any building or structure. NIE have also provided concerns about access to the major NIE sub-station which serves the local community. Safety concerns regarding the protection of human welfare is of extreme importance and NIE has determined that the proposed development would be unsafe. The agent has not provided any information to address these concerns.

8.34 With regards to overlooking, Units 34-36 will back onto the rear garden area of unit 17. The separation distances between units

34-36 to the rear garden areas of unit 17 (7.5m) is unacceptable and will cause visual intrusion towards the most private amenity space of unit 17.

8.35 The separations distances between units 4-5 to unit 6, fall below the 20m guidance to ensure no direct overlooking to 1st floor windows.

8.36 Part (i): '*the development is designed to deter crime and promote personal safety*'. This scheme has not been designed to deter crime and promote personal safety. The design of the communal open space does not promote personal safety. Children in particular would have to cross roads to reach two of the open space areas, the existing open space area located adjacent to Mulberry gardens and the proposed open space area located to the north-east of units 1-5. The tracks of open space located to the south-west of units 28-36 are also located adjacent to a road, which does not promote the personal safety of children. The fact that the proposed open space areas are proposed quite a distance from the proposed houses does not promote a design which is used to deter crime.

The proposal is considered contrary to criteria (a), (c), (h) and (i) of Policy QD 1.

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

8.37 The proposed density would equate to approximately 34 dwellings per hectare. The density of the surrounding established residential area equates to approximately 15-25 dwellings per hectare. This represents a density increase on the stated maximum within the key site requirements under designation CEH 40, which would be nearly a third more than that of the established residential area. The layout and siting of dwellings within the application site does not reflect the existing pattern of development within the immediate context as the main access is proposed from the Burn Road which is not in compliance with the key site requirements under CEH 40. The front garden areas of the proposed properties of units 18-26 and units 11-17 are not in conformity with the surrounding context such as the properties located at Mulberry Gardens due to the proximity of the dwellings in relation to the Burn Road.

8.38 The potential impact of the proposal on the urban townscape along the Burn Road and Danes Hill Road, in the immediate context would be significant in that it would introduce a pattern and density not in conformity with the local context. The proposal is therefore contrary to criteria (a) and (b) of Policy LC1.

DCAN 8: Housing in Existing Urban Areas

8.39 Additional guidance contained in DCAN 8 notes the importance of a design lead approach, appreciating the context, protecting local character and maintaining environmental quality. The proposed scheme is contrary to the guidance contained within DCAN8 in that the scheme does not enhance or protect the local context, does not provide a quality design layout and detracts from the character of the area. The proposed scheme does not comply with the guidance contained within DCAN8.

Drainage Assessment

8.40 Due to the scale of the site and number of dwellings proposed, a drainage assessment was submitted in accordance with policy FLD3, within PPS15. DFI Rivers responded and are satisfied subject to consent to discharge being attained.

9.0 CONCLUSION

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The scheme does not provide a quality residential scheme which will enhance the character of the townscape and will detract from the urban form at this location. Overdevelopment of the site results in overlooking and a poor provision of public and private open space. Substantial concern has also been raised with the safety of the overhead electric lines that traverse the site. The scheme is contrary to current planning policy as highlighted above and is contrary to key site requirements as defined in the NAP 2016. Refusal is recommended

10.0 Refusal Reasons

1. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7 (Quality Residential Environments), and Development Control Advice Note 8 (Housing in Existing Urban Areas) in that the development as proposed fails to provide a quality residential environment by being contrary to criteria (a), (c), (h) and (i) of Policy QD1.
2. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Policy LC 1 of the Addendum to Planning Policy Statement 7 (Safeguarding the Character of Established Residential Areas) in that the proposal fails to respect the existing character of the area by being contrary to criteria (a) and (b) of Policy LC 1.
3. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation, Policy OS2 and criteria (c) of Policy QD1 of PPS7, in that the scheme as proposed fails to provide 10% integrated open space within the development.
4. The proposal is contrary to paragraph 4.5-4.6 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS7, Policy QD1, part (i) in that it has not been demonstrated that the development would not be likely to harm human safety in that insufficient information has been submitted in the form of safety measures which may include appropriate mitigation or compensation measures to address NIE safety concerns.
5. The proposal is contrary to the Northern Area Plan 2016, Policy CEH 40, Daneshill Road South, in that the development as proposed, fails to comply with key site requirements (1) relating to density.

Site Location Plan



