

<b>Planning Committee Report LA01/2017/1226/F</b>	<b>23 January 2019</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>	Shane Mathers
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	<b>LA01/2017/1226/F</b>	<b><u>Ward:</u>Castlerock</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>	
<b><u>Address:</u></b>	<b>52b Main Street (accessed via Strand View Cottages) Castlerock BT51 4RA</b>	
<b><u>Proposal:</u></b>	<b>Proposed residential development consisting of 2 private detached dwellings with amenity space and parking provision as approved in principle in previous application Ref: C/2007/0969/F.</b>	
<b><u>Officer:</u></b>	<b>Noel McGowan</b>	
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u> 21.09.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>
<b>Agent:</b>	<b>GM Design Associates.</b>	
<b>Applicant:</b>	<b>KMBC Properties</b>	
<b>Objections:</b>	<b>7 letters received</b>	<b>Petitions of Objection: 0</b>
<b>Support:</b>	<b>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 RECOMMENDATION**

- 1.0 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The application site consists of a vacant plot of land on a small hillside within a built up residential area in the settlement limits of Castlerock. The site is currently fenced off with security steel fencing. It is covered with some vegetation overgrowth but long established poured concrete foundations are evident on the ground upon inspection. There is a strong mature hedge to the northern boundary. The remaining two boundaries of the triangular shaped site have open frontages onto a shared laneway which serves the neighbouring houses. The shared laneway has a surface of rough gravel. The laneway leads both to the north through the railway line onto the Main Street and also up the southern hillside where it meets the adopted road which serves Strandview Cottages and Mews. The site is on the side of a small hillside so the land falls gently to the east of the site and rises steeply to the west. The land immediately to the west is stepped with rear gardens for the dwellings positioned on the higher level on Strandview Cottages. To the east there is a small housing development facing into Warke Place.
- 2.2 This is within Castlerock settlement limits as designated in the Northern Area Plan 2016.

## **3.0 RELEVANT HISTORY**

C/2007/0969/F –Approval of 2 detached dwellings on the site, 52b Main Street Castlerock.  
Granted 29.04.2008

## **4.0 THE APPLICATION**

- 4.1 Proposed residential development consisting of 2 private detached dwellings with amenity space and parking provision as approved in principle in previous application C/2007/0969/F at 52b Main Street (accessed via Strandview Cottages) Castlerock.

### **Habitat Regulations Assessment**

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

## **5.0 PUBLICITY & CONSULTATIONS**

### **External: Neighbours.**

There have been seven (**7**) letters of objection received and the issues include:

- Access issues onto a un-adopted road, right of way concerns and parking concerns
- Height concerns resulting in blocking the sea view and impact on privacy.
- No details of retaining wall.
- Concerns about access to objector's property during construction.

### **Internal:**

**DFI Roads:** No objections.

**Environmental Health:** No objections.

**NI Water:** No objections.

## **6.0 MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The site is located within Castlerock settlement as defined in the Northern Area Plan (2016). The main planning considerations for this application include the layout/design of the proposal, its

impact on the character of the area, its impact on road safety and the impact the proposal would have on the amenity of neighbours and future occupants.

### **Principle of Development**

- 8.2 The principle of development must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and guidance documents before mentioned. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the proposed development will cause demonstrable harm to interest of acknowledged importance.
- 8.3 The principle of development has already been established, development has been commenced on site of the full planning permission detailed in section 3 of the report. The agent provided a letter from Building Control stating that on the date of inspection 8<sup>th</sup> March 2013, the previous house on site has been demolished and foundation excavations have been carried out. This date confirms that development commenced within the approved timeframe of 5 years from the date of planning permission.

### **Design and Local Character**

- 8.4 Planning Policy Statement 7 expects the design and layout of residential development to be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas planning policy does not support housing development which would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.
- 8.5 The immediate area is characterised by detached and semi-detached single storey dwellings to the north and east, with detached single storey dwellings on the upper level to the west with stepped gardens on the hillside. The proposal is for 2 detached dwellings on a vacant plot of land within a residential area. This proposal is of urban design with render finish and dark concrete roof tiles. It is similar to the previous approval on site. The town houses are considered to fit into the character of the area as they will be absorbed into the hillside and are

appropriate in design. The development is a typical urban design and respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and comply with the Creating Places guidance and the tests of this policy.

8.6 In terms of scale, the proposal is similar to a previous approval on site which was of similar height and style. The layout remains the same and the block plan shows in-curtilage parking and rear private amenity. An objection was received raising the lack of retaining wall details. The details of a retaining wall are now shown on plan. The section shows a satisfactory relationship and context of the wall within the development and the adjoining laneway. There is satisfactory private amenity space with in-curtilage parking. The new proposal is 8.8m high from finish floor level to ridge, whereas the previous approval was 8.5m high. This is a minimal difference. The new dwellings have a third internal floor for a bedroom in the attic roof area with front dormer windows. It is not considered that the design will detract from the existing local character.

### **Residential Amenity**

8.7 In terms of the amenity of future occupants, the proposal would create in excess of 70 sq. metres shared amenity space to the rear. Creating Places design guide advises on the level of private amenity space required to create a comfortable and enjoyable living space. It advises that a variety of different garden sizes should be provided on developments and on average should be around 70 sq. metres per house or greater. The proposal is considered to meet the standards set by Creating Places.

8.8 The neighbour properties of the proposal are of a sufficient separation distance and satisfactory orientation from the proposed development. Unlike the previously approved 2 storey dwellings on site, the new proposed development will incorporate use of the attic space and will involve an additional bedroom to each dwelling. The height increase of 0.3m from the previous approval is negligible. There are proposed dormer windows to the front of the roofspace and skylight windows to the rear. Objections have been received with regards to privacy

concerns from neighbours. To help avoid any overlooking to the front of the properties or even the impression of overlooking, the design includes wooden slats called Brise Soleil which are designed to obscure the glazed gable for the bedroom in the attic. They continue from eaves to the main roof and reduce the perceived scale of the proposal. They allow for direct views out to the sea while also obstructing views down onto neighbouring properties. Given the previous approval, built up nature of the area and the addition of hardwood Brise Soleil which are placed in front of the window to block any downward view, the design is deemed acceptable in this location to avoid any overlooking.

- 8.9 The proposed dwellings are positioned on a plot of land which is much lower than Strandview Cottages and their associated stepped rear gardens which are west of the site. The proposed dwellings will be built into the slope of the hill and the rear windows from the kitchen and dining areas will have a limited restricted view into any rear gardens of Strandview Cottages due to the landform and the large retaining wall to the rear of the development. The proposed site is also positioned west of a small housing development Warke Place. It must be noted that there is already a degree of overlooking in the general area due to the existing topography and rising ground levels. The closest existing dwellings within this development are Nos. 9 and 10 Warke Place. The proposed dwellings will face directly into the land between the two existing properties. Within this specific area there is a side garden associated to No. 10 Warke Place and also a single storey side garage and outbuilding belonging to No. 9 Warke Place. Due to the separation distances, design of the second floor Brise Soleil (detailed above in para 8.8) and orientation of the proposed dwellings in relation to the existing properties on Warke Place, the proposed first and second floor windows of the new dwellings will not face directly into the rear private amenity areas of the existing houses on Warke Place. On this basis there should not be any detrimental impact on neighbouring properties as a result of overlooking or overshadowing. The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

## **Road Safety**

- 8.10 The access proposes to use an existing adopted road which serves an existing housing development with a portion of un-adopted stoned laneway which sweeps down to the site. There is also another right of way which extends from the Main Street to the north passing over a railway line to the site. The applicant has signed Certificate A on the P1 form which is a legal requirement, showing ownership of the area of land shown on the site location plan outlined in red. Upon objections regarding ownership, the applicant has now confirmed that the Certificate A is accurate and correct. This authority has no legislative power to investigate this any further.
- 8.11 The proposal would create 4 parking spaces to the front of the house 1 in the development. House 2 would have 2 assigned in-curtilage parking spaces. DfI Roads was consulted on the proposal and raised no concerns. DfI Roads now consider the proposal to satisfy Policy AMP 7 Car Parking and Servicing Arrangements and AMP 2 Access to Public Roads of PPS3 as it would provide adequate car parking and would not prejudice road safety or significantly inconvenience the flow of traffic.

## **Other Matters**

- 8.12 Objections have been addressed where possible under the consideration above. The other matters include the objection regarding:

*Concerns about access to objector's property during construction.*

During construction, good practice should be incorporated by the developer who should ensure that access is not restricted to anyone else's property in the locality. This is a matter for the builder to ensure there is no inconvenience for neighbouring properties.



## 9.0 CONCLUSION

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

## 10.0 CONDITIONS

### Regulatory Conditions:

10.1 As required by Section 61 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 All soft and hard landscaping incorporated in the stamped approved landscape plan, Drawing No. 01/3 bearing Planning Authority date stamp 2<sup>nd</sup> Aug. 2019, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development or before occupation of the first residential unit in the development, whichever is the later.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

10.3 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.

10.4 Access to this site shall be via the access hereby approved on to Strandview Cottages / Tunnel Brae and no access either vehicular or pedestrian shall be permitted via the access on Main Street north of the site

REASON: In the interests of road safety and to prohibit the use of an unmanned railway crossing.

Informatives:

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

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 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.

Noise

The applicant is advised that the application site may be subject to noise emissions from extraneous sources, nearby railway line. Noise impacts should therefore be expected. In order to deliver a quality scheme, the applicant is advised to consider acoustic mitigation measures to control inward impacts, into habitable/sensitive rooms, such as acoustic insulation for windows

and orientation of rooms, to design out potential for adverse impacts.

#### “Construction Noise Impact

BS 5228: 2009 in relation to construction activities states,

“Noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health.”

Therefore, Causeway Coast & Glens Borough Council’s Environmental Health Department would request that the following informative be attached to any Planning Permission granted:

“Noise from construction activities should –

(a) not exceed 75 dB  $L_{Aeq, 1hr}$  between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB  $L_{Aeq, 1hr}$  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  $L_{Aeq, 1hr}$  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.”

#### Noise from Plant & Equipment

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.

#### Dust

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.

### Contamination

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.

### NIWater

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

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

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

### Drainage & Water

Water Management Unit have no specific comment on this development other than to advise that the informatives set out in DAERA Standing Advice Note No. 2 –Multiple Dwellings, are applicable.

[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice\\_2\\_multiple\\_dwellings.pdf](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_2_multiple_dwellings.pdf)

The advice and guidance contained in Standing Advice Note. 4 – Pollution Prevention Guidance and Standing Advice Note No. 5 – Sustainable Drainage Systems, is also applicable.

[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice\\_5\\_sustainable\\_drainage\\_systems.pdf](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_5_sustainable_drainage_systems.pdf)

Where culverting is proposed as part of the development the Planning Officer should take cognisance of DAERA Standing Advice Note No. 22 – Culverting and the suggested Informatives therein.

[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice\\_22\\_-\\_culverting\\_issue\\_01\\_september\\_2015.pdf](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_22_-_culverting_issue_01_september_2015.pdf)

