

Planning Committee Report LA01/2018/0652/F	27th February 2019
PLANNING COMMITTEE	

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

<u>No:</u> LA01/2018/0652/F	<u>Ward:</u> Ballycastle.
<u>App Type:</u> Full	
<u>Address:</u> 24a Clare Road, Ballycastle.	
<u>Proposal:</u> Retrospective application for dwelling and garage which is not compliant with planning approval LA01/2017/0363/RM (both are built in different positions to the boundary and the garage is bigger with additional windows).	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 01.06.2018
<u>Listed Building Grade:</u> N/A	
<u>Agent:</u> Simpson Design.	
<u>Applicant:</u> Mr C. McCormick.	
<u>Objections:</u> 1	<u>Petitions of Objection:</u> 0
<u>Support:</u> 0	<u>Petitions of Support:</u> 0

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

1 RECOMMENDATION

- 1.1 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 recommends to **APPROVE** full planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located to the rear of a Coastguard Station building on Clare Road. It is accessed via an existing gated access off Clare Road which runs alongside the east boundary of the Coastguard Station site. The land within the site slopes down gently to the southern boundary which is defined by a low wall and 2 metre hedge. The west boundary of their site and the boundaries with the Coastguard Station are defined by a 1.2 metre timber fence. The east boundary of the site is defined by trees and the garage of the adjoining property and the north part of this boundary along the access is part 1.2 metre hedge and part 1.2 metre fence.
- 2.2 The Clare Road frontage is characterised by 2 storey detached and semi-detached properties. The Rathlin View housing development to the south west of the site is characterised by detached dwellings varying from one to two storey and comprising a mix of different house types. The application site is set within the Settlement Development Limit of Ballycastle and also set within the Glens of Antrim Area of Outstanding Natural Beauty

3 RELEVANT HISTORY

LA01/2017/0363/RM - Rear of 24 Clare Road, Ballycastle. New dwelling & Garage.

4 THE APPLICATION

- 4.1 This proposal is a retrospective application for a dwelling and a garage which is not compliant with Planning Approval, LA01/2017/0363/RM.

Habitats Regulations Assessment

- 4.2 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 PUBLICITY & CONSULTATIONS

5.1 External

1 letter of objection has been received from No. 4 Rathlin View which raised the following points of concern:

- 1) Overlooking
- 2) Contrary to Planning Policy.

5.2 Internal

DFI Roads-offered no objections to the application.

NI Water- offered no objections subject to informatives.

Environmental Health- Content.

6 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:
- The 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 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

The Regional Development Strategy 2035

The Strategic Planning Policy Statement for (NI) SPPS 2015

Planning Policy Statement 3; Access, Movement and Parking.

Planning Policy Statement 7; Quality Residential Environments.

DCAN 8: Housing in Existing Urban Areas

Creating Places: Achieving quality in residential environments.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The site is located within the development limits of Ballycastle.

- 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 relates to ensuring 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.
- 8.3 Secondly, that 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.

Principle of development

- 8.4 The principle of development has been approved with outline permission E/2013/0174/O and subsequent to that a Reserved Matters application was approved under reference no. LA01/2017/0363/RM. This application seeks approval for a retrospective dwelling and garage which is not compliant with the planning approval LA01/2017/0363/RM, both are built in different positions to the boundary and the garage has increased in size with additional windows incorporated.

Scale, Massing, Design and Impact on the Character of the Area

- 8.5 Planning Policy Statement 7 (PPS 7) - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (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 Under the Reserved Matters application, the dwelling was positioned along the northern boundary of site approximately 4 metres from the boundary wall with a strip of landscaping along it. The dwelling has now been moved further south in the site. The side elevation of the dwelling is now set 5 metres in distance from the shared boundary wall with no. 24 Clare increasing the amount of landscaping present on this side elevation. The dwelling remains the same size and scale as approved as part of the reserved matters application.
- 8.7 The previously approved garage, under reference LA01/2017/0363/RM, was sited approximately 6.5 metres from the

southern boundary shared with No. 4 Rathlin View. The approved garage measured 6 metres to the ridge and 3.5 metres to the eaves. The approved garage has a first floor element to accommodate a store however there were no first floor windows included in this design.

- 8.8 The garage in situ has now been built closer to the southern boundary within this new full retrospective application and is now 1 metre off the shared boundary consisting of mature hedging measuring approximately in excess of 2 metres in height. The height of the garage has now increased to 6.5 metres and has a small lean to store on the side of the garage. The lean to store will increase the floor space by an additional 15m² and the eave height will remain at 3.5 metres.
- 8.9 Taking into account the extant approval (LA01/2017/0363/RM) on the site it is not considered that this retrospective application for what is built on site would have a greater impact in terms of layout, scale and massing. All finishes are the same as that previously approved. The application is considered to comply with part (a) of Policy QD 1.

Impact on Archaeological, Built Heritage, and Landscape Features

- 8.10 PPS 7 – Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (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.
- 8.11 The site is located to the rear of a Coastguard Station building on Clare Road. The remaining boundaries and landscaping around the site will be retained. The proposed design amendments will have no impact on archaeological or built heritage features. The application meets criteria (b) of this planning policy.

Open space and Integration

- 8.12 PPS 7 – Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (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;

- 8.13 Creating Places outlines that no dwelling should have less than 40 square metres private amenity space. The changes to the layout and size of the garage will decrease the amount of private amenity space within the residential plot. The dwelling will however have approximately 116m² of private amenity space and adequate boundaries vegetation and landscaping to help integrate the development. The application meets criteria (c) of this planning policy.

Neighbourhood Facilities

- 8.14 PPS 7 – Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development.
- 8.15 Given the scale and nature of the development for a single residential dwelling, no neighbourhood facilities are required. This proposal will be located within the Settlement Development Limit for Ballycastle.

Accessibility and Parking

- 8.16 PPS 7 - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (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 and (f) Adequate and appropriate provision is made for parking.
- 8.17 This proposal will not prejudice road safety. DFI Roads were consulted in relation to this application and raised no objections. The application meets Policy AMP 2 of PPS 3.

Impact on Residential Amenity

- 8.18 PPS 7 - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (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.
- 8.19 The window on the side elevation of the garage at first floor level which is directed towards No. 4 Rathlin View has been removed from the plans. The shared boundary with No. 4 Rathlin View consists of mature hedging in excess of 2 metres in height which will restrict direct views into the rear amenity space of this property and will be retained.

Impact on crime and personal safety

- 8.20 PPS 7 - Policy QD 1, notes that all proposals for residential development will be expected to conform to the following criteria: (i) the development is designed to deter crime and promote personal safety.
- 8.21 The proposed dwelling will not lead to the creation of areas where anti-social behaviour may be encouraged. The amenity area of the dwelling will be private and enclosed and the proposal meets criteria (i) of this policy.

PPS 3, DCAN 15 - Vehicular Access Standards, Parking Standards

- 8.22 PPS 3 puts a strong emphasis on accessibility and road safety. DFI Roads has no objection to the scheme subject to conditions and informatives. The access arrangements and car parking provision has been previously approved. The proposed scheme complies with Planning Policy Statement 3.

Representations

- 8.23 The application received one objection from neighbouring property No. 4 Rathlin View. The main concerns within this objection letter was in relation to the scale and massing of the proposed garage and the window fenestration which could adversely affect their private amenity space.
- 8.24 The proposed garage had a first floor window proposed on the southern gable facing towards No. 4 Rathlin View which would have consequences in relation to overlooking. The window was omitted and revised drawings were submitted which detailed a blank side elevation facing No. 4 Rathlin View.
- 8.25 The boundary treatment along this southern shared boundary consists of a leylandii hedge measuring a height in excess of 2 metres which is marginally below the eave height of the garage reducing the impact on the neighbouring property. The boundary is to be retained and the proposed scheme will not have an adverse effect on the existing neighbouring property in terms of overlooking, loss of light, overshadowing or any other disturbance.

9 CONCLUSIONS

- 9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The principle of a dwelling and a garage has been approved under the previous reserved matters application and the changes from that approval are acceptable and in accordance with Policy QD 1 of Planning Policy Statement 7. Approval is recommended.

10 CONDITIONS

- 10.1 This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

- 10.2 The existing natural boundary of the site, as indicated in yellow, on approved drawing ref 02 date stamped received 29/05/2018 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

- 10.3 The garage hereby permitted shall be used solely for private domestic use ancillary to the residential use of the dwelling known as 24a Clare Road, Ballycastle.

Reason: To prohibit a change to an unacceptable use.

11 Informatives:

- 11.1 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.
- 11.2 This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- 11.3 All services within the development should be laid underground.
- 11.4 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.
- 11.5 Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Department.

11.6 Radon

The applicant should be aware that an updated Atlas of Radon Affected Areas in NI has been published in August 2015, via Public Health England.

A radon affected area is defined as 1% probability or higher of present or future homes above the action level – 200Bq/m³ (annual average radon concentration). The indicative atlas 2015 suggests the Development is within a Radon Affected Area at a probability level of 1-3%.

The applicant is strongly recommended to access the updated atlas at: <http://www.ukradon.org/information/ukmaps> and <https://www.gov.uk/government/publications/radon-indicative-atlas-for-northern-ireland>.

Further information regarding radon (How it affects you and Guidance with respect to what mitigation measures will be required to safeguard health) can be accessed from the Causeway Coast and Glens Borough Council website Health and Built Environment Department – Environmental Protection/Building Control sections accessed at: <https://www.causewaycoastandglens.gov.uk/live/health-and-built-environment/environment-health-and-well-being/environmental-protection>”.

*Building Regulations (NI) 2012 Guidance Technical Booklet C “Site Preparation and Resistance to Contaminants and Moisture, October 2012 : Section 3 provides further information on the level of protection required and directs to the Building Research Establishment (BRE Reports) which provide detailed guidance on protective measures relevant to new dwellings in NI).

Technical Booklet C can be accessed at: <http://www.buildingcontrol-ni.com/regulations/technical-booklets>

Note: The guidance in BR211 applies to all new buildings, extensions, conversions and refurbishment for domestic or non-domestic use (unless subject to local exemptions contained within the above Regulations).

The current 2015 edition of BR211 covers the whole of the UK and replaces three earlier guidance documents:

- BRE Report BR211 Radon: guidance on protective measures for new buildings – originally introduced in 1991 and amended in 1992, 1999 and 2007 covering England and Wales.
 - BRE Report BR376 Radon: guidance on protective measures for new dwellings in Scotland – introduced in 1999. (Please note that whilst this guide has been superseded it is still referred to in Scottish Technical Handbook guidance.)
 - BRE Report BR413 Radon: guidance on protective measures for new dwellings in Northern Ireland – introduced in 2001. (Please note that whilst this guide has been superseded it is still cited for Building Regulations purposes)
- BR211 (2015) includes guidance for all building types including extensions, conversions and refurbishment.

The report identifies the areas of England, Wales, Scotland and Northern Ireland where measures should be taken to provide protection against radon and offers extensive guidance on the technical solutions that are required to satisfy Building Regulations requirements.

Site location Map

Site plan

