

Planning Committee Report LA01/2017/1609/F	26 June 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>App No:</u>	LA01/2017/1609/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands at and to the north west of No 110 Coleraine Road, Portstewart		
<u>Proposal:</u>	Proposed residential development of 21 no units comprising of 15no 3 & 4 bedroom detached & 6no 3 bedroom semi detached units		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	15.12.2017
<u>Listed Building Grade:</u>	N/A		
Applicant:	Est of Walter Johnston c/o Macaulay Wray Solicitors, 35 New Row, Coleraine, BT52 1AH		
Agent:	Studiosrogers Architects Ltd, 1 Mountsandel Road, Coleraine, BT52 1JB		
Objections:	13	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 **APPROVE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at Lands at and to the north west of No. 110 Coleraine Road, Portstewart. The site is irregular in shape with the eastern section fronting onto the Coleraine Road and roundabout. The northern section of the site comprises a field enclosed by hedging and other boundary treatments relating to the surrounding residential properties. The southern section of the site comprises a detached two storey dwelling with a pitched roof finished in white render. The existing access to this dwelling is from Coleraine Road. There is a single storey detached garage and outbuilding located south of the dwelling. The grounds within this site include hard surfacing areas and overgrown grass areas. The boundaries relating to this southern section include hedging. The land within the site rises in a north western direction.
- 2.2 The site is located within the development limit of Portstewart. The site falls within two housing zonings (PTH 49 & PTH 50) under the Northern Area Plan 2016. The surrounding area is characterised predominately by residential properties which vary in style, height and design. Madelayne Nursing Home is located south west of the application site.

3.0 RELEVANT HISTORY

- 3.1 No relevant planning history exists on the application site.
- 3.2 LA01/2017/1537/F: 53 Burnside Road, Portstewart: Proposed dwelling – Approval – 22.05.2018
- 3.3 C/2011/0311/F: Lands to the Rear of 15 Strandview Avenue,

Portstewart: Construction of 44 no Dwellings consisting of 8 no Detached and 36 no Semi-detached dwellings with alterations to connecting roads at Strandview Avenue, Strandview Drive with associated car parking and landscape open spaces – Approval – 19.12.2014

4.0 THE APPLICATION

4.1 Full planning for Proposed residential development of 21 no units comprising of 15no 3 & 4 bedroom detached & 6no 3 bedroom semi detached units.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

13 letters of objection have been received in relation to this application. The main issues raised are summarised below and will be considered and assessed in the remainder of this report.

- Unsuitability of Nursery Avenue as an access route for this development.
- Coleraine Road access should be utilised for this development.
- Nursery Avenue contains a Nursing Home which attracts vehicular traffic in the form of service vehicles, medical vehicles and cars relating to staff and visitors. Lorries, ambulance vehicles and mini buses can obstruct part of Nursery Avenue as the car parking spaces are too small for these vehicles.
- Difficulty for residents to drive from one end of Nursery Avenue to the other without complicated manoeuvres.
- Parking spaces for the Nursing Home is insufficient and cars are frequently parked in front of residents' houses and driveways obstructing access.
- Impact access and parking on Nursery Avenue.
- Parking of existing residents will be decreased further with this development.
- Many residents' cars have been damaged by traffic due to the tight constraints of this road.
- Road safety issues.
- Additional traffic concerns.

- Change character of Nursery Avenue from a small residential street to that of a busy thoroughfare with significant levels of congestion.
- Contrary to PPS 3 in terms of not promoting road safety.
- Loss of car parking spaces for Nos. 25 & 27 Nursery Avenue.
- Additional traffic flow will cause blockages so there may be critical delays to the Nursing Home.
- The proposal will not safely facilitate the needs of a resident with a medical condition at No. 27 Nursery Avenue given the loss of parking space at the front of this dwelling.
- Concern over difference in levels between site and No. 26 Seafield Park South.
- Rear garden of Unit 10 is higher than the garden of No. 100 Coleraine Road so there is potential for overlooking. Concern over finished floor levels and boundary treatments.
- Encroachment of land belonging to No. 98 Coleraine Road.
- Proposal would impact on the health and well-being of adjacent residents.

5.2 Internal:

Environmental Health: No objections

DFI Roads: No objections

DFI Rivers: No objections

NI Water: No objections

DAERA: Water Management Unit: No objections

DAERA: Natural Environment Division: No objections

NIHE: Recommends 4 Units required for social housing

Development Plan: Provided advice on density

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 7 – Quality Residential Environments

Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas

PPS 15 – Planning and Flood Risk

Supplementary Planning Guidance

DCAN 8 – Housing in Existing Urban Areas

Creating Places

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The application site is located within Portstewart settlement limit. Policy SET 2 of NAP 2016 requires development to be sensitive to the size and character of the settlement. The site is allocated for housing under zonings PTH 49 (North East of Nursery Avenue) & PTH 50 (East of Nursery Avenue).
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: housing zonings, social housing, impact on local character, environmental quality and residential amenity, flooding, access and parking and natural heritage.

NAP 2016

8.3 Housing Zonings

The proposal falls under two housing zonings, east and north east of Nursery Avenue (PTH 49 & PTH 50).

Key site requirements for PTH 50 advise:

- Development shall be in the range of 25 – 35 dwellings per hectare to ensure the character of the area is maintained

- Development shall not be more than 2 storeys in height to ensure the character of the area is respected
- Access to the site shall be from Nursery Avenue, which should be widened to 5.5m along the entire frontage of the site.

Key Site requirements for PTH 49 advise:

- Development shall be in the range of 12 - 18 dwellings per hectare to ensure the character of the area is maintained
- Development shall not be more than 2 storeys in height to ensure the character of the area is respected
- Access to the site shall be from Strandview Drive and/or Nursery Avenue
- No part of any dwelling shall be less than 8 metres from the site boundary to ensure existing and proposed dwellings have satisfactory amenity and privacy

Full assessment of the above occurs later in the report under paragraphs 8.5 – 8.12.

8.4 Social Housing

Policy HOU 2 refers to social and supported housing. This is a requirement for schemes of more than 25 residential units or on a site of 1 hectare or more. The application site measures 1.15 hectares so consultation occurred with NIHE. Their response advised the current housing needs assessment for Portstewart identifies a social housing need projection of 76 dwellings for the period of 2017-22. 4 No. 3 bedroom dwellings are recommended for social housing within this development.

Following assessment the overall site area on the P1 form states 1.15 hectares however, the red line includes the existing road along Nursery Avenue and part of the Burnside Road. The actual site consisting of the zoned areas under PTH 49 and PTH 50 measures approx. 0.88 hectares. The overall site area is confirmed in the housing zonings within NAP 2016 with PTH 49 at 0.57 ha and PTH 50 at 0.31 ha totalling 0.88 ha. The proposal at 0.88 ha falls below the threshold for Policy HOU 2 to apply. The proposal is therefore considered acceptable at 21 Units with no social housing provision.

Local Character, Environmental Quality and Residential Amenity

- 8.5 PPS 7 promotes quality residential development in all types of settlements. DCAN 8 and Creating Places is additional guidance intended to supplement this policy in terms of improving the quality of new housing development.

Policy QD1 – Quality in New Residential Development

This policy sets out a presumption against housing development in residential areas where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Proposals for new residential development should comply with 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;

The proposal entails demolition and clearance of the site to facilitate a residential development comprising 21 dwellings. Access for 20 dwellings is via Nursery Avenue with 1 dwelling being accessed via its own private driveway from the Coleraine Road. The south eastern section of the site is adjacent to the Coleraine Road so the development has been designed to have frontage onto this road to ensure an appropriate contextual road elevation. These proposed dwellings respect the existing building line along the Coleraine Road and have plots similar in size to neighbouring properties along this road. To design some of the properties with frontage onto the Coleraine Road, a private drive is proposed for 4 units. This drive has been finished in paving sett finish to soften the visual appearance of the hard surfacing. Due to this arrangement, there were initial concerns about the outlook from Unit 17 given the high walls/screens from neighbouring houses and the private driveway. On balance, this layout is accepted given the orientation of Unit 17 and the advantages of ensuring the proposal overall has a good contextual road frontage along the Coleraine road given the public views available. The layout for

the remainder of the dwelling units, the hard surfaced areas and proposed landscaping is considered acceptable.

The residential development does not cause unacceptable damage to the character of the surrounding area and is considered appropriate to the character and topography of the site in terms of layout, scale, proportions, landscaping and hard surfaced areas.

(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 and built heritage features within or close to the site. The proposed development is not considered to have a detrimental impact on existing landscape features. The existing trees along the south western boundary are being retained with various new trees being planted throughout this development. Hedging is proposed for the perimeter of the site with 1.8m high close board fencing to separate rear gardens of the proposed units.

(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;

Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.19 states all houses should have an area of private open space behind the building line and it should be approx. 70m² per house or greater. Smaller areas may be more appropriate for houses with 1 or 2 bedrooms but any individual house with an area of less than around 40m² will generally be unacceptable.

Private rear amenity spaces for all dwellings within this scheme are above minimum requirements and are considered adequate for the usual domestic needs.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

Not applicable to a development of this scale. The site location is close to the town centre of Portstewart with various amenities available so neighbourhood facilities are not required as an integral part of this development.

(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 within the settlement limit of Portstewart and within walking distance of local retail units, cafes, restaurants, churches, play parks etc. The proposal is within proximity of public transport links.

(f) adequate and appropriate provision is made for parking;

The proposal has been assessed in detail under the sub-heading "Access and Parking" and is considered compliant with this criterion.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The proposal includes 21 dwellings and there is a good mixture of house types throughout the scheme. All dwellings are two storeys in height which meet the key site requirements identified under PTH 49 & 50 in NAP 2016. The dwellings have a contemporary feel but have traditional design elements incorporated with a good solid-to-void ratio. There is a mixture of house types and designs within the local area of Portstewart so the design of this development is considered satisfactory.

Proposed materials/finishes are grey/black slates for the roof, dark grey aluminium gutters, smooth white render for walls and chimneys and dark grey aluminium uPVC windows and doors. These materials are satisfactory as they are in keeping with those

used in other developments within the local area. The scale, form, massing and appearance, materials and detailing of the dwellings are acceptable.

(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;

Residential housing surrounds most of the application site with a Nursing Home located immediately west and a new dwelling approved under LA01/2017/1537/F on the Burnside Road located immediately south below Unit 17. The relationship between Unit 17 and this approved dwelling, if built, is considered acceptable in terms of the angled orientation of Unit 17 and separation distances thus protecting residential amenity. Windows at first floor level in both these dwellings are for bathrooms and landings so there are no concerns with overlooking of private rear amenity spaces.

There are no anticipated issues of harming the amenity of the Nursing Home adjacent given the proposed use as dwellings and separation distances.

No. 27 Nursery Avenue is located immediately west of this development. Overshadowing/loss of light should not be unacceptable given the positioning of Unit 1, separation distances and the orientation of the site. There may be some overlooking of the rear amenity space belonging to No. 27 from proposed Units 1 & 2. However, views would be from upper floor landings and bedrooms with adequate separation distances and views are primarily of the very rear of their garden which is not considered to be their most private amenity space which is the first 3-4m from the rear elevation of the house.

The properties located along Coleraine Road adjacent to the development should not experience unacceptable harm to their residential amenity. The finished floor levels of these properties range from 35.85 to 33.44. Proposed dwelling units close to these properties include Unit 12 (FFL 33.50), Unit 11 (FFL 34.50) and Unit 10 (FFL 34.50). There may be some loss of light and overshadowing to these properties but given the site orientation this would occur late afternoon/evening however, separation

distances help mitigate potential impacts. Upper floor windows from units 11 & 12 are for bedrooms so there may be some overlooking but it is not considered to be unreasonable given separation distances involved. The side elevation of Unit 10 would be facing Nos. 100 & 102 Coleraine Road but upper floor windows are for a bathroom and ensuite which are finished in obscure glass so no overlooking should occur.

An objection has been received from No. 100 Coleraine Road in relation to Unit 10 being at a higher level and the potential for overlooking from their rear garden. The level of Unit's 10 garden would be roughly 34 which is approx. 1m higher than the finished floor level of No. 100. There will be possible views of No. 100's private amenity space from this garden, so plans have been amended to show a 1.8m high fence along this shared boundary to limit overlooking.

The 5 properties along Seafield Park at the north of this development have 7 proposed dwellings located immediately south. A key site requirement in PTH 49 is that no part of these proposed dwellings can be less than 8m from the site boundary. The proposed dwellings are approx. 8 – 14m away from this shared boundary so the proposal complies with this requirement. The proposed finished floor levels for these 7 dwellings are in the range of 34.50 to 35.50. The existing properties along Seafield Park have finished floor levels in the range of 36.80 – 39.10. Although the proposed dwellings are two storeys in height their finished floor levels are lower than the Seafield Park properties which assist in protecting residential amenity. The separation distances between these properties are considered adequate to mitigate against potential overshadowing and overlooking from upper bedrooms. To ensure these separation distances are respected, permitted development rights for these properties will be removed via condition.

Within zoning PTH 49 all dwellings should be a minimum of 8m from the shared boundary however Unit 1 & 4 are in breach of this requirement. Unit 1 is angled onto the shared boundary with No. 27 Nursery Avenue with only a point of the dwelling within 5m of the common boundary. The location of this proposed dwelling is considered acceptable because the main part of the dwelling is 8m beyond the shared boundary and there are no private amenity concerns to No. 27 Nursery Avenue as assessed earlier in this

report. Unit 4 is approx. 5m away from the shared boundary however this is acceptable because the side elevation of this dwelling is adjacent to the road relating to the neighbouring development so there are no residential amenity concerns.

No. 98 Coleraine Road has objected to the application in terms of the red line of the application encroaching onto their land. This point was raised with the agent and the red line was subsequently reduced in size to remove this portion of land. The application was then re-advertised and No. 98 Coleraine Road re-notified. The issue of encroachment has been resolved.

The layout for the proposed dwellings are considered acceptable with adequate separation distances back to back to protect residential amenity of prospective residents.

Noise is not perceived to be an issue as this proposal is for a residential development adjacent to existing housing within the settlement limit of Portstewart and Environmental Health have no objections.

It is important to note that the application site is located in an urban context in the settlement of Portstewart. There is already existing overlooking between various properties so it would be unreasonable to expect no overlooking from development in these areas. This proposed residential use is considered compatible with adjacent land uses and does not result in unacceptable adverse impacts.

(i) the development is designed to deter crime and promote personal safety.

This development has been designed to deter crime and promote personal safety through appropriate design and the use of suitable boundary treatments. The proposed development will not lead to the creation of spaces where anti-social activity will be encouraged.

- 8.6 The Addendum to PPS 7 seeks to safeguard the character of Established Residential Areas. The key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and are in harmony with

the local character of established residential areas, villages and smaller settlements.

Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity

The proposal consists of detached and semi-detached properties totalling 21 units. The surrounding area consists predominantly of residential properties which vary in style, size, type and materials. Some dwellings have in-curtilage parking and garages whereas others only have on-street parking.

The application site excluding Nursery Avenue and Burnside Road measures approx. 0.88 hectares. Key site requirements advise the density should be 12-18 dwellings per hectare for PTH 49 and 25-35 dwellings per hectare for PTH 50.

As the application comprises the two zonings a combined figure has been used. The maximum figure is 18 dwellings per hectare for PTH 49 and 35 dwellings per hectare for PTH50. Following calculations for the application site at 0.88 hectares, a total of 10.26 (18×0.57) dwellings is permissible for PTH49 and 10.85 (35×0.31) dwellings for PTH50 so the total amount of dwellings allowed on the site is 21.11. The application comprises 21 dwellings which is within this combined range for the two plots and is considered acceptable in terms of density.

Drawing No. 20A further explores this issue of density in relation to properties in a 200m radius of the site. Figures show there is an average density of 31.92/ha for PTH 49 and 26.38/ha for PTH 50. The application site when compared with the surrounding area could comprise a total of 22.76 units which would be of a density similar to the rest. However, the proposed development is for a total of 21 Units which is below the average density for the surrounding area and is therefore acceptable.

The pattern of development is in keeping with the overall character of the established residential area. The spacing between proposed dwellings and neighbouring properties is acceptable as well as scale, height and massing.

All dwelling units are satisfactory in terms of size requirements.

Flooding

- 8.7 A Drainage Assessment and Conceptual Drainage Layout Drawing was submitted with this application and consultation occurred with DFI Rivers. The Strategic Flood Map (NI) indicated that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. The site is unaffected by a designated watercourse. DFI Rivers have no objections to this proposal from a drainage or flood risk perspective. It is the responsibility of the applicant to implement the proposed flood risk measures. The proposal complies with Policy FLD 3 of PPS 15.

Access and Parking

- 8.8 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. The proposed development is to be accessed from Nursery Avenue except for Unit 21 which has a private access from the Coleraine Road.
- 8.9 Several objections have been raised in terms of the proposal being contrary to PPS 3 and impacting upon road safety. A key concern is that this development for 21 Units is being accessed via Nursery Avenue instead of the Coleraine Road. The detailed list of objections in terms of access and parking concerns can be viewed under paragraph 5.1. Objections relating to road safety were forwarded to DFI Roads during assessment of this proposal.
- 8.10 Throughout the processing of this application DFI Roads required several amended plans to fully address technical issues raised. DFI Roads advised Nursery Avenue has been identified in the NAP 2016 as an access to the proposed site. DFI Roads state Nursery Avenue, as an access road, is of sufficient width to meet the requirements of Creating Places which requires a 5.5m minimum width to allow for one service vehicle to pass another and for parking on the carriageway. DFI Roads have commented that issues in relation to vehicles causing obstruction to other road users is a matter for police enforcement.
- 8.11 Key site requirements for housing zonings PTH 49 & 50 identified in NAP 2016 state access to the site shall be from Strandview

Drive and/or Nursery Avenue. There is no reference to Coleraine Road to be used as the main access. Although it would have been preferred for this development to link in with the neighbouring road network approved and implemented under C/2011/0311/F at Strandview, it is acknowledged this is not a key site requirement under these housing zonings nor is it a requirement for DFI Roads.

- 8.12 On final consultation with DFI Roads there are no objections to this application subject to conditions and informatives. The proposal is acceptable in terms of the proposed access and the car parking provision for this development. The proposal is considered to comply with Policies AMP 1, 2 and 7 of PPS 3 and DCAN 15.

Natural Heritage

- 8.13 The application site contains trees and hedgerow habitat. Following consultation with DAERA: Natural Environment Division (NED), a biodiversity checklist was required to fully assess natural heritage interests. A biodiversity checklist and preliminary ecological appraisal was submitted and further consultation occurred with NED. Using the information submitted NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats. The proposal complies with the requirements of Policy NH5 of PPS 2.

Habitats Regulations Assessment

- 8.14 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 acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is on zoned housing land so residential development is an acceptable use for this site. The proposal respects the surrounding context and is

appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas. Private amenity areas for the dwellings are adequate in size. The design and layout does not adversely harm neighbouring residential amenity. The proposal is acceptable in terms of drainage and flood risk perspective. The proposal is satisfactory in terms of natural heritage and access and parking. Approval is recommended.

10 CONDITIONS

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.

2. All hard and soft landscape works shall be completed in accordance with Drawing No. 04F date stamped 21st May 2019 within the first available landscaping season after the occupation of the first dwelling, unless otherwise agreed by the Planning Authority in writing.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or 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: To ensure the provision, establishment and maintenance of a high standard of landscape.

4. Details of the maintenance and management for the communal landscaped areas and private drive adjacent to Units 14, 15, 17, 18, 19 & 20 shall be submitted to the Planning Authority before occupation of the first unit of the housing development approved.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

5. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no external alterations hereby approved, nor buildings, walls, gate pillars, fences or other structure, nor hard surface or enclosure or access onto an unclassified road, shall be permitted within the curtilage of dwelling units 1, 4, 5, 6, 7, 8, 9, 10 and 12 in the application site, without prior written consent from the Planning Authority.

Reason: In the interests of protecting residential amenity.

6. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 24C bearing the date stamp 7th May 2019. 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.

7. The access gradients to the dwellings 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.

8. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 24C bearing the date stamp 7th May 2019.

Reason: To ensure there is a safe and convenient road system

within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

9. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 24C bearing the date stamp 7th May 2019.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

10. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 24C bearing the date stamp 7th May 2019. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

11. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

12. No part of the development hereby approved shall be occupied until the Developer has provided an efficient system of street lighting in accordance with Schedule 8 of The Private Streets (Construction) Regulations (Northern Ireland) 1994 as amended by

The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Reason: To ensure the provision of adequate street lighting and in the interests of safety.

13. The development hereby permitted shall not be occupied until a Street Lighting scheme design has been submitted and approved by the DfI Roads Street Lighting Consultancy, County Hall, 182 Galgorm Road, Ballymena. These works will be carried out entirely at the developer's expense.

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and the convenience of traffic and pedestrians.

14. No other development hereby permitted shall be commenced until the existing accesses indicated on Drawing No. 24C bearing the date stamp 7th May 2019 have been permanently closed and the footway properly reinstated to the satisfaction of DFI Roads.

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

11 INFORMATIVES

1. 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.
2. 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.
3. 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.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. DAERA: Water Management Unit advise the following:

Please refer to DAERA Standing Advice Note No. 2 – Multiple Dwellings, No. 4 – Pollution Prevention Guidance and No. 5 – Sustainable Drainage Systems. Where culverting is proposed as part of the development please refer to DOE Standing Advice Note No. 22 – Culverting.

https://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm

6. NI Water advise the following:

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. Application to NIW is required to obtain approval to connect.

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

Available capacity for Waste Water Treatment Works / Sewer Network.

The water requirements for this proposal may be eligible for the provision of a public watermain if it will serve more than 1 property (1 property if accessed directly from a public road/area) and each property will have an individual supply direct from the proposed public watermain under Article 76 of the above order.

From the 23rd May 2016 the Developer must enter into an Agreement for Adoption of the Sewers under Article 161 of the above order. They must be designed to meet the criteria as set out in the current Sewers for Adoptions specification. A connection to the public sewer will not be permitted until such times as the Article 161 Agreement has been authorised by NIW.

Existing watermain crossing site.

No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or greater. A diversion may be necessary. Consultation with NIW is required at an early design stage to prevent disturbance/damage to existing sewers/watermains and in the interest of public safety.

The applicant is advised to contact NIW through its Customer Relations Centre on 08457440088 or 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 08458 770002.

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced. Waste Water Treatment Facilities (North Coast WWTW) are presently available to serve this proposal.

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016, until the mandatory Sewer Adoption Agreement has been authorised by NIW.

Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.

7. DAERA: Natural Environment Division advise the following:

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;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or

e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

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 or hedgerow 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.

8. DFI Rivers advise the following:

Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the

written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of stormwater etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.

PPS 15, D18 bullet point 3 states, 'It is the responsibility of the developer to satisfy the appropriate authorities that the internal site drainage complies with the appropriate legislation and includes for exceedence (refer to CIRIA document C635).' The attenuation of stormwater should be to a rate of 14l/s.

9. Environmental Health advise the following:

“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.

Loss of Amenity due to proximity of the Burnside Roundabout

The applicant is advised that the proposed development is closely situated to the Burnside roundabout. Future occupants of the properties next to the roundabout may suffer intermittent disturbance and loss of amenity as a result of noise from vehicles.

Lighting

No detail is provided on the erection or installation of outdoor lighting on the proposed development. The installation or erection of any outdoor lighting during construction or to the final development should consider any adverse impacts to neighbouring properties. All lighting provisions should meet lighting guidance CIE – International commission on Illumination – Guide on the limitation of the effects of obtrusive light from outdoor lighting installations or ILP – Institute of Lighting Professionals – Guidance notes for the reduction of Obtrusive light.

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.

10. DfI Roads advise the following:

The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

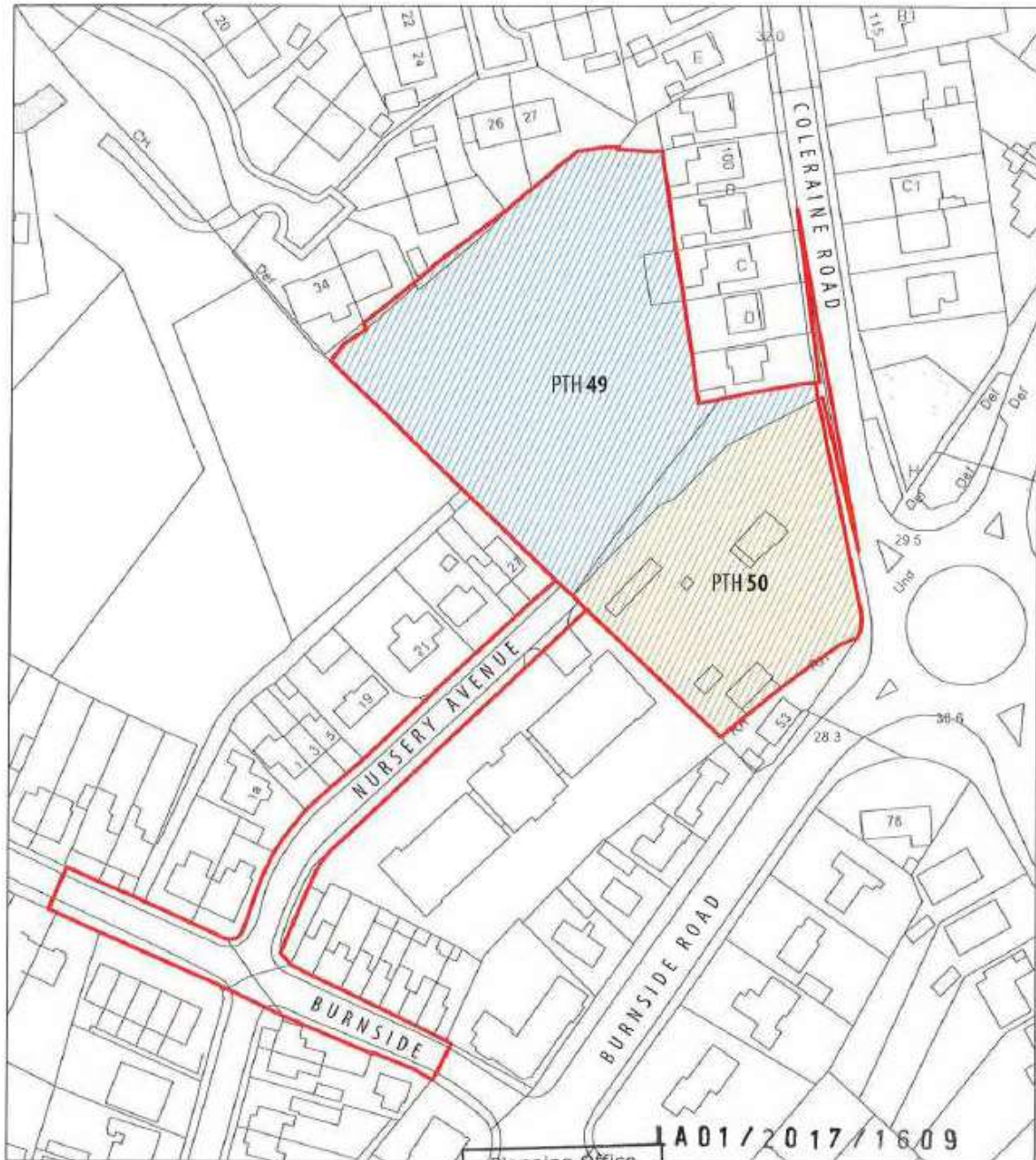
Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

The Applicant is advised that developers are also now responsible for the cost of supervision of the construction of streets determined under The Private Streets Order. A fee of £1,000 plus 2% of the total Bond value will be paid directly to DfI Roads before the Bond Agreement is completed

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.

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

Site Location Map



Location Map scale 1:1250 Site size = 0.9ha/2.224ac



Drawing Number 01A

Causeway Coast and Glens Borough Council

Planning Office RECEIVED
1 AUG 2018
File No.
Causeway Coast and Glens Borough Council

KEY



Extent of land relating to application



Applicant controlled lands

Client: Kane	Drafting Reference: 16132	Date: 19.05.17
Project Title: Lands at Coleraine Road, Portstewart	S01	Revision
Drawing Title: Location Map	Drawn by: fok	Checked by: mar
Revision: Rev d: Updated Planning 30.07.18	Scale: 1:1250	Checked by: mgr
	Drawn by: fok	

The Egg Store,
1 Mountbarril Road, Coleraine, Northern Ireland BT52 1JB
T: +44 (0)28 7032 0100 F: +44(0)28 7032 0101 E: info@studiorogers.com