

Planning Committee Report LA01/2020/0525/F	28th April 2021
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>	LA01/2020/0525/F	<u>Ward:</u>	Waterside
<u>App Type:</u>	Full Planning		
<u>Address:</u>	54 Castlerock Road, Coleraine		
<u>Proposal:</u>	Proposed residential development of 12no. 2 bed apartments. Proposal includes all associated site works, including access, car parking/bin store & landscaping generally as approved under previous Full planning Permission C/2005/0859/F.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	03.06.2020
<u>Listed Building Grade:</u>	N/A		
Applicant:	Dowds Group, 2-4 Milltown Road, Ballymoney, BT53 6LF		
Agent:	HERE Architects, 4-6 Linenhall Street, Ballymoney, BT53 6DP		
Objections:	41 (27 objectors)	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Executive Summary

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The application site falls within Coleraine settlement limit and Coleraine Inst Local Landscape Policy Area.
- 41 letters of objection have been received in relation to this application.
- No objections have been raised by statutory consultees in relation to this proposal.
- The proposal meets the requirements of Policy QD1 of PPS 7 in terms of an apartment development.
- The proposal is considered acceptable in terms of layout, scale and massing respecting the surrounding context and is appropriate to the character and topography of the site.
- The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- The proposal does not harm the setting of nearby listed buildings.
- Access and parking arrangements are acceptable.
- The proposal does not result in flooding or natural heritage issues.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 15, PPS 7, Addendum to PPS 7, PPS 6, PPS 3 and PPS 2.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

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 This site is irregular in shape and comprises No. 54 Castlerock Road. The site is currently vacant but a previous dwelling existed on this land. The site is accessed from the Castlerock Road via a small layby. The site slopes gradually upwards in a south western direction with a difference in levels of approx. 1.2m before the retaining wall. Beyond this retaining wall the site slopes steeply upwards an additional 7.5m approximately. The retaining wall is erected on site and is positioned inland along the north western, south western and southern boundaries. The site comprises grassland, gravel and boggy areas. The site is well enclosed by mature vegetation on all boundaries however, there is gapping along the shared boundary with No. 52 Castlerock Road. This section is defined by timber fencing and low height hedging.
- 2.2 The surrounding area is predominately characterised by residential properties. Most dwellings within close proximity of the site are detached or semi-detached dwellings with in-curtilage parking and/or garages with own accesses/driveways. Plots for these residential properties vary from being large and wide along Carthall Road to long and narrow plots along Castlerock Road and King's Road. Coleraine Grammar School is located opposite the site.
- 2.3 The site is located within Coleraine settlement limit and Coleraine Inst LLPA (CEL 21) as designated under NAP 2016.

An existing cycle network is positioned along the front of the site.

3.0 RELEVANT HISTORY

- 3.1 C/2005/0859/F
54 Castlerock Road, Coleraine
Apartment Development
Approval – 11/10/2006

4.0 THE APPLICATION

- 4.1 Proposed residential development of 12no. 2 bed apartments. Proposal includes all associated site works, including access, car parking/bin store & landscaping generally as approved under previous Full planning Permission C/2005/0859/F.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

41 letters of objection have been received in relation to this application from 27 separate addresses. The main issues raised are summarised below and will be considered and assessed in the remainder of this report:

- Planning permission C/2005/0859/F is not extant as there is no evidence that development commenced within the timeframe and access requirements were not implemented.
- Increased number of apartments from 9 approved to 12 proposed
- Increased traffic and congestion concerns
- Increased risk of congestion and collision at the interface between No. 52 Castlerock Road and the application site
- During school term time, this cul-de-sac is heavily used for parking by pupils of Coleraine Grammar School opposite, making driveway access difficult enough without additional traffic from this proposal.

- Car parking spaces are inadequate. 3 of these are situated on the public highway, which is outside the red line boundary, and there is no way to guarantee these spaces will be used exclusively by the occupiers of the proposed development
- Safety of residents, children and cyclists
- Loss of privacy to all neighbouring homes within the layby
- Overlooking and loss of privacy to No. 52 Castlerock Road
- Dominance and loss of light to No. 52 Castlerock Road
- Location of cycle provision too close to shared boundary with No. 52 Castlerock Road resulting in noise and disturbance
- Levels of the application site are significantly higher than No. 52 Castlerock Road. It should be essential for a proposed contextual elevation to be submitted and/or a proposed section to include proposed ridge heights and eave heights of the proposal and adjacent properties.
- Lack of details on retaining wall
- Retaining wall should be checked to ensure it has been constructed properly
- Useable amenity space does not meet requirements
- No consideration has been given to the open sheugh which enters the front of the proposed development site and would need to be culverted into the storm drain.
- Design is out of keeping with existing roof lines and current housing style
- Inappropriate scale of development
- Application would result in a twelvefold increase in the existing housing density and would represent an overdeveloped and unsympathetic housing scheme causing unacceptable damage to the environmental quality, density and privacy enjoyed by existing residents.
- Impact upon established character in terms of apartment development opposed to detached/semi-detached homes
- Disagreement that the proposal is an exception to Policy LC1 of the Addendum to PPS 7 because there is no direct access from this site onto any designated arterial route – the access is unto a quiet cul-de-sac.
- Castlerock Road has been void from overdevelopment and therefore retains its charm and attraction but this proposal will have an adverse impact.
- Noise – construction noise; increased noise from 12 households; traffic noise; car parking; and high road use.
- Pollution

- Environmental impact on mature trees and established wildlife
- Loss of vegetation
- The cycle and pedestrian pathway will be compromised by this proposal.
(This will still exist to the front of the application site.)
- Reduce market value of properties along Castlerock Road
(Although the Council recognises the potential impact development could have on the value of neighbouring properties, this is not considered to be detrimental to such an extent to warrant refusal.)
- Missing side elevation facing No. 52 Castlerock Road
(The side elevation facing this neighbouring property was uploaded incorrectly to the portal but this has been rectified and the neighbour re-notified.)

5.2 Internal:

NI Water (No objections)

Environmental Health (No objections)

DFI Rivers (No objections)

DFI Roads (No objections)

Historic Environment Division: Historic Buildings (No objections)

DAERA: Water Management Unit (No objections)

DAERA: Natural Environment Division (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 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 6 – Planning, Archaeology & the Built Heritage

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 site is located within Coleraine settlement limit (Designation CE01) so Policy SET 2 of NAP 2016 applies and planning permission will be granted provided the proposal is sensitive to the size and character of the settlement.
- 8.2 The application site falls within Coleraine Inst Local Landscape Policy Area (Designation CEL 21) under NAP 2016. Features of importance include the listed original school building within landscaped wooded grounds and mature trees along Castlerock Road. Policy ENV 1 of NAP 2016 falls for consideration as this applies to LLPAs.
- 8.3 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: Impact on LLPA, Local character, environmental quality and residential amenity, flooding, sewerage, listed buildings, access and parking, and natural heritage.

Impact on LLPA

- 8.4 The application site falls within the Coleraine Inst LLPA (Designation CEL 21) from NAP 2016. Policy ENV 1 of NAP 2016 applies for LLPAs and development proposals must not adversely affect the environmental quality, integrity or character of a designated LLPA. Coleraine Inst LLPA features of importance include:

- One of the most distinctive and attractive building groups in Coleraine, focussing on the refurbished Listed Building of the original school building within landscaped wooded grounds.
- This central section of Castlerock Road also includes many trees in the suburban development across from the school particularly in the grounds of Holme Lea, a Listed Building.

Any development in the suburban area will be required to be of modest scale and sensitively sited to minimise any impact on the existing woodland and the setting of the Listed Building.

- 8.5 This proposal includes a three storey apartment building located centrally in the site. Vehicle access is gained from the front of the site from the layby off Castlerock Road. A driveway is proposed to the east and south of the new building leading to a car parking area at the rear. Communal amenity areas are provided within the site.
- 8.6 The proposal has been sited to ensure maximum tree retention with only one tree located along the rear boundary to be felled due to its condition. This assists with screening of the site from public view and other woodland within the LLPA remains unaffected.
- 8.7 The proposal is a large apartment development three storeys in height. However, the site can accommodate this development without detriment to the LLPA as public views are limited given the mature vegetation surrounding the site as well as the vegetation located between the layby and the Castlerock Road.
- 8.8 The proposal is deemed satisfactory by Historic Environment Division: Historic Buildings and will not have greater demonstrable harm on the setting of the nearby listed buildings than the previously approved scheme under reference C/2005/0859/F. The site is well separated from the listed original school building located opposite.
- 8.9 The development of this site within this LLPA zoning is considered acceptable as the proposal will not undermine this LLPA designation and will not adversely affect the environmental

quality, integrity or character of the designated Coleraine Inst LLPA.

Local Character, Environmental Quality and Residential Amenity

- 8.10 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

- 8.11 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;

- 8.12 This proposal seeks to erect 12 No. 2 Bed apartments including access, car parking/bin store & landscaping as generally approved under application C/2005/059/F. Vehicle access is gained from Castlerock Road and the site provides 15 car parking spaces.

- 8.13 A previous planning history exists on this application site under reference C/2005/0859/F. Approval was granted for 9 Apartments on the 11/10/2006. Objectors state this approved application is not extant as there is no evidence that development commenced within the timeframe and access requirements were not implemented.

- 8.14 The Agent submitted further information in an email dated 27th August 2020 explaining works have taken place on site to include:
- Demolition of existing dwelling, No.54 Castlerock Road

- Earth removal & reduction of levels
- Installation of foundations & retaining wall

Various attachments were also forwarded. The Agent claims the information submitted provides evidence of the dates this work took place, well in advance of the expiry date of 10/10/2011.

- 8.15 The word 'Extant' was used in the proposal description and detailed on proposed plans however, all references to 'Extant' have been removed with the neighbours re-notified. As to whether or not this approved development is considered extant, it not within the remit of this current application. A Certificate of Lawfulness for a Proposed Use application would need to be submitted to fully determine if this previous approval is extant.
- 8.16 The previous approval for 9 Apartments is still a relevant material consideration during the assessment of this application. Approved plans show a central block for 9 apartments. An access driveway leads to the rear of the site and parking spaces were provided to the front and rear of the building. Bin storage was located in the side amenity space. The building was 3 story in height with a depth of 14.4m, a frontage length of 23.7m, an eaves height of 7m and a ridge height of 10.8m.
- 8.17 The proposal has similarities to this previously approved layout such as a central block for apartments although numbers, design and dimensions vary; the driveway access; location of parking spaces; amenity space location; as well as a 3 storey height being proposed. The proposed building has a depth of 15m, a frontage length of 23.5m, an eaves height of 7.3m and a maximum right height of 10.8m.
- 8.18 The proposed apartment block has its front elevation facing Castlerock Road. Properties located east of the application site along Castlerock Road adhere to an established building line. This site differs in that it is much larger, of irregular shape and is positioned at the end. The existing dwelling that has since been demolished was located at an angle with its front elevation facing in a north eastern direction. The positioning of this apartment building is acceptable for this site as there is no requirement to adhere to any building lines given the relationship.

8.19 The proposed footprint for this apartment development is relatively comparable to that previously approved and is located in a similar location. The proposed scale and massing of the apartment building is similar to the approved development except for some changes to dimensions. The depth has increased by 0.6m, the frontage length has decreased by 0.2m, the eaves height has increased by 0.3m and the ridge height remains the same at approx.10.8m. The proposed front elevation, Drawing No 10A, shows the new apartment building sitting at a lower height than the previous approval. The Agent has compared the updated topographical information with the information submitted in the previous permission. The proposed finished floor level of the new apartments is approx. 1m lower than the previously approved scheme.

8.20 Although the scale and massing is much larger than neighbouring properties in Castlerock Road, Carthall Road and King's Road, the site differs in that it is a large plot, irregular in shape and located at the end of this small layby from Castlerock Road. The application site is also enclosed with mature vegetation limiting public views. The design of the apartment building takes the surrounding context into account with the proposed building displaying front projections, chimneys and materials reflective of the local area.

8.21 Objectors mentioned the need for a contextual elevation or section to be provided showing the relationship with No. 52 Castlerock Road. This is not deemed necessary given awareness of differing ground levels and ridge heights. The application site ground level is 0.54m higher than No. 52 Castlerock Road. The ridge height of No. 52 Castlerock Road is approx. 7.3m and the ridge height of the apartment building is 10.8m so this is a difference of 4.04m taking into account the raised ground level. It is acknowledged the apartment development differs from the surrounding context in terms of layout, design, scale and massing however, the relationship is deemed suitable given the characteristics of the site and the connection with neighbouring properties. The proposal is not considered to adversely impact upon the character and appearance of the local area.

8.22 A retaining wall exists on site and is positioned inland along the north western, south western and southern boundaries. An

existing elevation showing the retaining wall is provided on the Existing Site Plan (Drawing No. 02A). Objectors have raised concerns in relation to this retaining wall in terms of lack of detail and advise it should be checked to ensure it has been constructed properly. The detail is considered sufficient and a site inspection has occurred on this application. The onus is on the developer to ensure this existing retaining wall meets building standards but this would be within the remit of Building Control.

- 8.23 Proposed boundary treatments for the site include retention of the existing vegetation along most boundaries. A timber fence is proposed along part of the shared boundary with No. 52 Castlerock Road as well as new hedging. The entrance to the site is to be formed by new Dark Grey ppc aluminium gates with smooth render pillars and walls. The height of the pillars is 1.65m and the height of the wall is 1.1m. The properties east of the application site along Castlerock Road have low height front boundary treatments such as pillars/walls. Whilst this proposed entrance differs from the streetscape, it is considered acceptable as the maximum height is 1.65m which is not excessive and this is a corner site. The height and materials/finishes are considered satisfactory.
- 8.24 In relation to the topography of the site, it slopes gradually upwards in a south western direction with a difference in levels of approx. 1.2m before the retaining wall. Beyond this retaining wall the site slopes steeply upwards an additional 7.5m approximately. The levels shown within the Proposed Site Plan for this proposed development are reasonable and should be visually acceptable.
- 8.25 The proposal does not cause unacceptable damage to the character of the surrounding area. The proposal is considered acceptable in terms of layout, scale and massing respecting the surrounding context and is appropriate to the character and topography of the site.

(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;

- 8.26 There are 3 listed buildings within proximity of the application site. HED: Historic Buildings was consulted and have no objections but for full assessment see sub heading “Listed Buildings”.
- 8.27 The site is located within Coleraine Inst LLPA so the features that contribute to the environmental quality, integrity or character of a designated LLPA must be protected. This proposal does not harm the features of Coleraine Inst LLPA as assessed in full under the sub-heading “Impact on LLPA”.
- 8.28 The application site is surrounded by mature trees which are all to be retained except one tree which is in poor condition. The site will be landscaped with communal grass amenity areas, feature planting, new hedging along the shared boundary with No. 52 Castlerock and two new trees. Proposed landscaping is considered acceptable for this scheme.
- 8.29 Overall the proposed development will not have a detrimental impact on features of archaeological, built heritage or landscape importance.

(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;

- 8.30 Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.20 states “In the case of apartment or flat developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 – 30m² per unit.
- 8.31 This development entails 12 Apartments over first, second and third floor levels. The layout of the apartments is acceptable as each apartment is easily accessible and self-contained with access to bin storage. The bin storage area is located to the rear of the apartment building with adequate capacity for several bins. This

area is enclosed by 1.8m high render walls with precast concrete copings and the access gates are finished in timber sheeting. These proposed materials/finishes are satisfactory. This will screen the bins from view resulting in a better environment for prospective residents. There is also a hardstanding area for bin collection identified at the front of the site adjacent to the site entrance.

8.32 Each apartment has a small internal store and has access to communal amenity spaces. These spaces are located towards the front and side of the apartments as shown by dashed yellow lines on the proposed side plan. The Council agree with the amenity provision shown as 176m² to the side of the apartments. However, the Council do not consider the grass areas to either side of the entrance pathway to the apartments to be practical usable amenity space. Notwithstanding this, the amenity space to the south west of parking spaces 11-15 is satisfactory measuring approx. 70m². This equates to a total of 246m² provided which is 20.5m² for each apartment which is above minimum requirements. Although the communal amenity areas are at the front and side of the building they are considered private in the sense that there are limited public views into this site given the mature vegetation that exists screening views.

8.33 The site does have extra space located behind the retaining wall which potentially could also be utilised for amenity space although it is acknowledged this area is at a much higher level and would not be the most inviting it still provides visual amenity and enclosure of the site. Overall, the development is considered to have satisfactory amenity space for apartments adequate in size for 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;

8.34 The site is located within the settlement limit of Coleraine 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;

8.35 The site is within the settlement limit of Coleraine and within walking distance of local retail units, cafes, restaurants, schools and recreational uses as well as having convenient access to public transport links.

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

8.36 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;

8.37 The design of the apartment building has good solid to void ratio with the majority of windows having vertical emphasis. The apartment building creates visual interest in the front elevation through the use of various design features such as projecting bays and differing materials.

8.38 When travelling west along Castlerock Road, the neighbouring properties east of the application site are all two storey semi-detached properties with hipped roofs and single storey front projections/bays with chimneys expressed on the ridge. Materials for these dwellings are render/pebbledash finish for the walls and tiles or slates for the roof. The design of the apartment building takes the surrounding context into account with the proposed building displaying front projections, chimneys and materials reflective of the local area.

8.39 The apartment building is three stories in height which differs from the surrounding context as the majority of dwellings in and around the site are either bungalows or two storey dwellings. This height difference is justified in design terms because of the corner nature of the site; the existing dwelling was not a continuation of the semi-detached properties along Castlerock Road as it was orientated

differently; and the site has good mature vegetation limiting public views.

- 8.40 Proposed materials/finishes for the apartment building include brick and smooth render walls, dark blue/black roofing slates or tiles, uPVC clad or painted timber barge boards, fascia & soffits, smooth render chimneys, black uPVC/Aluminium gutters and downpipes, hardwood/uPVC windows colour white, hardwood/composite colour dark grey doors. Proposed materials/finishes are considered satisfactory.
- 8.41 A driveway leading to a rear car park is proposed within the site as well as 15 parking spaces. The finish for this driveway and car parking spaces is Acheson & Glover Plaza 'salt' paving with 'pepper' border which is considered acceptable.
- 8.42 The scale, massing and height of this development is considered acceptable and the design is visually appropriate for this context and should not have a detrimental impact on the streetscape.

(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;

- 8.43 The proposal should not harm the residential amenity of No. 56 Holme Lea located north east of the application site given large separation distances.
- 8.44 Properties located to the rear of the site include Nos. 29 & 31 Carthall Road. The corner of the apartment building is approx. 14m away from the rear boundary of No. 29 Carthall Road. Distances then increase given the angled orientation of this apartment building. These properties should not experience overshadowing and loss of light given their location south of the application site; the orientation of the apartment building; and separation distances. Dominance is not perceived to be an issue to these properties given the separation distances building to building and the difference in ground levels.

- 8.45 The proposal should not result in unreasonable overlooking or loss of privacy to neighbouring properties on Carthall Road. Proposed first and second floor windows in the rear elevation are for living areas, bedrooms, halls and ensuites. The finished floor level of the apartment building is 34.90. The ground levels relating to No. 29 Carthall Road at the rear boundary range from 37.5 to 41 and for No. 31 Carthall Road range from 41.5 to 43.5.
- 8.46 The finished floor level for the first floor of the apartments is 37.75 so there are no overlooking issues. The finished floor level for the second floor of the apartments is 40.60 so there is limited overlooking. Separation distances building to building are 45.4m in relation to No. 29 Carthall Road and 50.8m in relation to No. 31 Carthall Road. Any potential impact of overlooking is mitigated by the orientation of the apartment building, large separation distances, as well as good boundary screening in the form of mature trees.
- 8.47 No. 52 Castlerock Road is situated east of the development site. This neighbouring property has a finished floor level of 34.36 and the apartment building has a finished floor level of 34.90 resulting in a difference of 0.54. This property would experience some overshadowing and loss of light in the evening time given the orientation. The proposal may result in some dominance given the scale and massing of the new building at a slightly higher ground level. However, these impacts are mitigated by the orientation of the apartment building; the separation distance of 8m increasing to 16.5m; and the roof pitching away from this property.
- 8.48 The proposal should not result in unacceptable overlooking and loss of privacy to No. 52 Castlerock Road. Proposed windows in the front elevation have an outlook towards Castlerock Road. Some views may be possible of the front garden of this neighbouring property but this is permissible. Views from proposed windows in the rear elevation will not affect No. 52 Castlerock Road. The proposed side elevation facing No. 52 Castlerock Road has been amended removing previously proposed living/kitchen windows. This elevation now shows a ground and first floor bedroom window with velux windows proposed at second floor level. There are no perceived overlooking issues from proposed velux windows. The ground and first floor bedroom windows are positioned centrally in this elevation, are relatively small, and views will be directed towards the rear of No. 52 Castlerock Road's

garden and not the area closest to the dwelling house. In this respect, while there is an element of overlooking it is not considered to be unreasonable in an urban context, and some screening is provided by existing vegetation. Although there is a section relatively open along the shared boundary, new timber fencing and hedging is proposed along this boundary to aid privacy.

8.49 No. 52 Castlerock Road have raised concern about the location of cycle provision being too close to their shared boundary resulting in noise and disturbance. The cycle provision is situated approx. 1.8m away from the shared boundary. No consultees have advised of any concerns with this arrangement. It is not considered this would result in excessive noise and disturbance to warrant amendments to a new location.

8.50 Noise from the proposed apartment building has been considered. Environmental Health was consulted and advised they had no adverse comment with respect to this development. Although this proposal is for 12 Apartments it is still a residential development adjacent to other residential properties so it is an acceptable land use.

8.51 Environmental Health requested a written acoustics report demonstrating that noise levels associated with extant sources shall not result in amenity impacts at the proposal. A Noise Impact Assessment was submitted by the Agent. The dominant source of inward sound level impact at the location of the proposed residential development has been found to be road traffic. It is concluded that window and ventilation sound reduction is required for first floor and above and at ground floor level. This will entail the incorporation of specialist acoustic double glazing systems, as well as proprietary “acoustic” ventilation system in order to meet with the required internal noise level guidelines. Planning conditions will issue with any approval granted ensuring adherence to recommended noise mitigation measures.

8.52 The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on the residential amenity of neighbouring properties or proposed properties.

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

8.53 The development has been designed to deter crime and promote personal safety. A gated access entrance has been proposed and the site has adequate boundary enclosure.

8.54 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

8.55 This Policy was published August 2010 following the previous approval. Policy LC 1 is an amplification of Policy QD 1 in PPS 7. This policy requires that the proposed density is not significantly higher than that found in established residential areas. It requires the pattern of development to be in keeping with the overall character and environmental quality of the established residential area. It states all dwelling units and apartments should meet the appropriate space standards.

8.56 The Agent considers this proposal as an exception identified under Annex E in recognition of the desirability of promoting increased density housing in appropriate locations. Policy LC 1 will not apply along key and link transport corridors (including designated arterial routes) within cities and large towns of over 5,000 population. Objectors disagree with this exception being applied because there is no direct access from the site onto any designated arterial route as the access is onto a quiet cul-de-sac.

8.57 It is acknowledged that Coleraine has a population well above 5000 so it is categorised as a large town. However, Policy LC 1 would still apply as the application site does not directly link onto Castlerock Road given the access point is onto a layby and there is a landscape buffer in between.

8.58 The proposal is for a total of 12 apartments located on an application site measuring 0.175 hectares which equates to 68 dwellings per hectare. The area to the east and south of the site

comprising Castlerock Road, Kings Road and Carthall Road, which is reflective of the established residential area measures approx. 1.5 hectares comprising 27 dwellings so the density is low at approx. 18 dwellings per hectare. The density for the proposed apartment scheme is higher than the established residential area. However, specific consideration has been given to the scheme presented which comprises the planning history of the site (9 Apartments approved under C/2005/0859/F); the proximity to Castlerock Road which is regarded as an Arterial Route; the vegetation enclosure of the site ie. only glimpses of the new development would be possible given the site is barely visible from Castlerock Road; the significant size of the site; the location of the site opposite Coleraine Grammar School; and adequate separation distances are maintained with neighbouring properties.

Collectively all of these considerations ensure that the character, environmental quality and amenity of the area are not significantly eroded. The pattern of development is considered to be in keeping with the overall character of the established residential area. All apartments are satisfactory in terms of space standards. The proposal is considered compliant with Policy LC 1 of the Addendum to PPS 7 as development does not adversely harm local character and residential amenity.

Flooding

- 8.59 Consultation occurred with DFI Rivers in relation to this application. The Strategic Flood Map (NI) indicates that the site does not lie within the 1 in 100 year fluvial flood plain. The site is unaffected by any watercourse known to DFI Rivers.
- 8.60 An objector mentioned that no consideration has been given to the open sheugh which enters the front of the proposed development site and would need to be culverted into the storm drain. The Drainage Assessment (DA) provided states there is no proposal to modify the route of an existing watercourse or culvert as part of this planning application. In addition, DFI Rivers consultation response was received after the date the objection letter was submitted so consideration has been given to this point.
- 8.61 The DA outlines in section 6.2 that the issue of out-of-sewer flood risk will be addressed by attenuating the 1 in 100 year event within the parking spaces as indicated on Drawing No. 03B date stamped 25th November 2020. This satisfies the requirement under Policy

FLD 3 of PPS 15 to provide adequate measures to mitigate the flood risk from the development to elsewhere.

- 8.62 DFI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. DFI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. The proposal complies with Policies FLD 1, FLD 2 & FLD 3 of PPS 15.

Sewerage

- 8.63 DAERA: Water Management Unit (WMU) was consulted in relation to this application. Concerns were raised that the sewage loading associated with this proposal has the potential to cause an environmental impact if transferred to North Coast WWTW. WMU advise if NI Water determine the sewer network can cope with the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then WMU no longer object to this application.
- 8.64 NI Water was consulted in relation to this application and advised the Waste Water Treatment Facilities (North Coast) are presently available to serve this development. However, there are Wastewater Network Constraints that are ongoing within parts of Coleraine. Consultation with NI Water is required at an early stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how the proposal may be serviced.
- 8.65 A Predevelopment Enquiry was received by NI Water on 10th August 2020 in respect of this development and was submitted in support of this application. This advised there is capacity to serve this proposal however it did highlight sewer network being at capacity in the Coleraine catchment and sewer flows spilling from CSOs into the environment. NI Water can consider connections where the developer can demonstrate:
- Like for Like Development
 - Extant Previously approved development
 - Where the Development will offer a reduced loading on the Sewer Network which may include Storm Separation and/or Attenuation.

8.66 Further correspondence from NI Water dated 5th March 2021 in relation to the PDE received 10th August 2020 advised the developer has now provided evidence through calculations which indicates that there will be no increase in foul flows from the existing. Provided this can be achieved, a foul connection can be approved. Following consideration of the previous approval on the site and NI Water are now offering no objections, the proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact.

Listed Buildings

8.67 Consultation occurred with Historic Environment Division: Historic Buildings who advised the proposed development must be assessed in terms of the potential to impact upon the setting of listed buildings. HED advised there are 3 Grade B1 Listed Buildings in proximity of the application site. These are 56 Castlerock Road, Coleraine; Coleraine Academical Institution 23-33 Castlerock Road; and Arch Coleraine Academical Institution Castlerock Road.

8.68 HED considers the proposed development would have no greater demonstrable harm on the setting of the nearby listed buildings than the previously approved scheme under reference C/2005/0859/F. Materials of proposed developments, which impact on the setting of listed buildings should pay due regard to the listed buildings and make use of traditional or sympathetic materials, in line with policies 6.12 of SPPS and BH 11 of PPS 6. HED are therefore recommending the Roof finish be natural slate; Windows and external doors be aluminium or opaque painted hardwood; Rainwater goods be painted metal type; and Fascia, soffit and barge boards be painted timber.

8.69 The agent is not willing to accept the need for use of these materials because the proposal is not within the setting of any of the listed buildings and is visually and physically removed from them. The agent argues that if HED had visited the site they would know it is located off the Castlerock Road and is fully screened from view by mature planting. The agent feels the conditions are unreasonable and will cause unnecessary expense to the client.

8.70 Following review, the Council agrees that the enhanced materials are not necessary given the separation distances from the listed buildings and the fact the proposed development is screened by existing mature planting. Proposed materials/finishes such as brick/render for the walls; roofing slates or tiles; uPVC clad or painted timber barge boards, fascia & soffits; Black uPVC/Aluminium gutter and downpipes; Hardwood/uPVC windows colour white; and treated hardwood/composite colour dark grey doors are deemed satisfactory for this development. The proposal is considered acceptable in terms of Policy BH 11 of PPS 6 in that there is no adverse impact to the setting of the Listed Buildings.

Access and Parking

- 8.71 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. A Transport Assessment Form was submitted with this application. Creating Places document advises for unassigned spaces that 1.5 parking spaces are required per apartment. This results in a total of 18 spaces being required for this apartment development. The proposed site plan shows a total of 15 parking spaces being provided within the site and a further 3 spaces located within the layby. Objectors have raised several concerns in relation to access and parking detailed earlier in this report.
- 8.72 DFI Roads was consulted on this application and requested amendments ensuring adequate provision of space for manoeuvring/turning of delivery vehicles and cycle provision. DFI Roads following re-consultation have no further objections to this application. DFI Roads advised the applicant's agent has provided a Transport Assessment Form which concludes that the development is considered to have a minimal transport impact relative to the existing traffic flows in the area i.e. the development will generate 4 trips in the AM peak and 4 in the PM peak (2-way average trips). This is not considered to be a significant increase in traffic and the road network can accommodate this increase. The proposed access is located towards the end of a cul-de-sac so the volume and speed of traffic using this stretch of road is extremely low. As a consequence, the associated risk of this access to road safety is low. The proposed parking is in accordance with the department's Parking Standards.

8.73 The proposal is acceptable in terms of the access and the car parking provision for this development. The proposal complies with Policies AMP 1, 2 and 7 of PPS 3.

Natural Heritage

8.74 DAERA: Natural Environment Division (NED) was consulted in relation to this application. A Biodiversity Checklist was submitted in support of this application. NED note that an existing tree is to be removed but it has not been assessed for its bat roosting potential. NED require a Bat Roosting Potential Survey to be carried out on this tree. NED advises that due to the nature of the development it is likely that lighting will be a feature of the proposal. NED require submission of an isolux map showing less than 1 lux at all areas of boundary vegetation. NED notes the presence of “boggy areas” on site with species present so clarification is required on how these areas correspond to NI Priority Habitats.

8.75 Additional information was received in relation to this application and NED was re-consulted. NED reviewed the proposed lighting plan and welcomes the low level lighting but this should be subject to a planning condition. NED assessed the bat roost potential survey which classified the tree as negligible so NED is content that no further surveys are required. NED is content with the correspondence received in relation to the “boggy areas”.

8.76 NED has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no objections, subject to conditions.

8.77 In relation to this application, email correspondence occurred with SES dated 15th June 2020 which advised the site is not within any NIEA habitat/species hazard areas. SES also advised the Drainage Assessment states a 6 metre buffer to the adjacent pond/watercourse. Google map viewer shows that there is also a substantial retaining wall currently in position between this pond/watercourse and the development. SES would therefore assess no viable environmental pathway link to these watercourses given that the proposal site is situated below this retaining wall and any potential pollution during apartment construction would not flow up gradient towards it. It is unclear

where this undesignated pond/watercourse flows to but given the lines on the available maps and topography it can be fairly assumed that it is not into the proposal site. It may flow to other undesignated culverted watercourses identified on GIS layers on Castlerock Road or potentially into the storm water system belonging to NI Water on Castlerock Road. SES concluded there is no need for a formal consultation as no viable environmental pathway to any European site can be identified from the proposal.

- 8.78 Following assessment, the proposal is acceptable in terms of natural heritage interests and is considered to meet the requirements of Policies NH 1, 2 & 5 of PPS 2.

Habitats Regulations Assessment

- 8.79 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 at this location having regard to the Northern Area Plan 2016 and other material considerations. The development of this site will not undermine the Coleraine Inst LLPA designation and will not adversely affect the environmental quality, integrity or character of the designated LLPA. The proposal meets the requirements of planning policies and provides a quality residential development. The proposal though at a significantly higher density than the immediate context, is considered acceptable in terms of layout, scale and massing respecting the surrounding context and is appropriate to the character and topography of the site. The amenity provision for the apartments is satisfactory. The design of the apartment building takes into consideration the surrounding context with appropriate use of materials/finishes. The proposal is not considered to create conflict with adjacent land uses and there is

no unacceptable adverse effect on neighbouring properties. The proposed apartment density is considered acceptable.

- 9.2 The proposed development is acceptable from a drainage or flood risk perspective. The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact. The proposal will not have an adverse impact upon the setting of nearby listed buildings. The proposal has satisfactory access and parking. The proposal does not adversely impact on designated sites or protected species. 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. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 03C date received 19th February 2021. 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.

3. The access gradient 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 and the convenience of road users.

4. All hard and soft landscape works shall be completed in accordance with Drawing No. 03C date stamped 19th February 2021 within the first available landscaping season after the occupation of the first apartment, unless otherwise agreed by the Planning Authority in writing.

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

5. 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.

6. During the first available planting season after the occupation of the first apartment, or as otherwise agreed in writing with the Council, landscaping shall be carried out in accordance with Drawings No. 03C date stamped 19th February 2021 and No. 18 date stamped 12th November 2020 and maintained in accordance with the “Landscape Management Plan” Doc 07 stamp dated 12th November 2020.

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

7. All existing trees shall be retained (with the exception of tree 9 which is shown in red on Drawing number 02A date stamped 28th October 2020 and as shown on the Proposed Site Plan Drawing No. 03B date stamped 28th October 2020.

Reason: To ensure the protection of the local bat population.

8. All onsite lighting shall be installed in adherence to the submitted Proposed Lighting Plan, Drawing No. 16 date stamped 13th October 2020.

Reason: To ensure the protection of the local bat population.

9. The sound reduction performance of window and ventilation systems shall be achieved as per the acoustic design scheme stipulated within Section 4.3 of Acoustic Report Reference: MRL/1409/L01, dated 29th September 2020. The building façade performance shall be at least 39dB Rw. All apartments shall achieve the acoustic design criteria as stated : Dwellings (Reference Section 7.7.2, Table 4, BS 8233: 2014 “Guidance on sound insulation and noise reduction for buildings”

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living Room	35dB LAeq, 16 hour	-
Dining	Dining Room	40dB LAeq, 16 hour	-

Sleeping (daytime resting)	Bedroom	dB LAeq, 16 hour	30 dB LAeq, 8 hour 45dB LAmax (WHO)
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Reason: To ensure a suitable internal noise environment is achieved.

- No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure a practical solution to sewage disposal is possible at this site

11 INFORMATIVES

- 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.
- 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.
- 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.
- 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.
- You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.
- DFI Roads advise the following:

The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The Department has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. Responsibility for the access way and parking areas rests solely with the developer.

7. DAERA: Natural Environment Division advise the following:

BATS (all species)

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.

BADGER

The applicant's attention is drawn to Article 10 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 animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

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.

If there is evidence of badger 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.

ALL BIRDS

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.

PPG

PPG 1: Understanding your environmental responsibilities - good environmental practices

A basic introduction to pollution prevention, with signposts to other PPGs and publications. (July 2013).

GPP 5: Works and maintenance in or near water

For construction or maintenance works near, in, or over water. (January 2017).

Site Location Map



Block Plan

