



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2022/0635/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>28<sup>th</sup> June 2023</b>
<b>For Decision or For Information</b>	<b>Objection item.</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:

Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

**No:** LA01/2022/0635/F **Ward:** Kinbane

**App Type:** Full

**Address:** Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road Ballycastle

**Proposal:** Erection of 7no Total Social Dwellings. Mix of 6no, 3 person 2 bed houses and 1no 3 person bungalow. Along with associated open amenity spaces and parking

**Con Area:** N/A **Valid Date:** 01/06/2022

**Listed Building Grade:** N/A

**Agent:** Hall Black Douglas Ltd, 152 Albertbridge Road, Belfast.

**Applicant:** Triangle Housing Association, 60 Eastermeade Gardens, Ballymoney

**Objections:** 169 **Petitions of Objection:** 0

**Support:** 0 **Petitions of Support:** 0

## **EXECUTIVE SUMMARY**

- This proposal is considered acceptable at this location having regarding to the Northern Area Plan 2016 and all other material considerations.
- The site is zoned for housing under designation BEH 28 Ramoan Road. The key site requirements state that a minimum of 7 dwellings units shall be provided for social housing.
- There have been 169 letters of objections on this application and no statutory consultee have raised any concerns with the proposal.
- The proposed layout of the site is considered acceptable. It is considered that there will be no unacceptable impacts on existing dwellings or proposed dwellings via overlooking, loss of light or overshadowing.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 7, and Addendum to PPS 7.
- Approval is recommended.

**Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.gov.uk/>**

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located along Ramoan Road within the settlement development limits of Ballycastle. The site is currently being used as an area of open space located within an established residential area. Residential properties along McAuley Park and Mayo Drive are sited to the northern and western boundaries of the site. A public footpath and existing area of open space are located to the south of the site.
- 2.2 The site is zoned for housing within the Northern Area Plan 2016 under designation BEH 28. The surrounding residential area is of high density with a mix of single and 2 storey properties.

## **3 RELEVANT HISTORY**

LA01/2021/1114/PAD - Erection of 7No. Social Dwellings. Mix of 6No. 3 person 2 bed houses and 1No. 3 person complex needs house. Along with associated open amenity space and parking. PAD concluded - 04/08/2022

E/1998/0150 - Decant site for tenants during works to dwellings – Granted – 02/07/1998

Planning history on land to the south of the site includes:

LA01/2019/0520/F - Provision of new pedestrian paths leading to a community garden incorporating seating area, planting and woodland activity play area – Granted – 25/10/2019

## **4 THE APPLICATION**

4.1 This is a full application for "Erection of 7no. Total Social Dwellings. Mix of 6no., 3 person 2 bed houses and 1no. 3 person bungalow. Along with associated open amenity spaces and parking at Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road, Ballycastle. The application was accompanied with the following reports:

- Biodiversity Checklist/Ecological Statement
- Archaeological Impact Assessment
- Ground Investigation Report
- Drainage Assessment
- Pre-development Enquiry letter from NI Water
- Automatic Traffic Count Report.
- Design and Access Statement

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Neighbours: There are a total of 169 letters of objection received in regard to this application. The objections raised matters of concern in relation to:

- Overshadowing/overlooking
- Adequacy of parking/loading/turning
- Highway safety/traffic generation
- Road access
- Noise and disturbance
- Flooding and drainage
- Loss of trees and Green space

### **5.2 Internal**

NIEA: No objections.

DFI Roads: No objections

NI Water: No objections

Environmental Health: No objections

DFI Rivers: No objections

HED: No objection.

NIE: No objection.

### **Design Access Statement**

- 5.3 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is located within an AONB.
- 5.4 The design and access statement provides details of the site and surroundings, planning history, design principles and concepts that have been applied to the development and how issues relating to access and parking are proposed to be dealt with. It is considered that detailed consideration of the proposal in terms of the design principles and concepts has been undertaken.

### **Environment Impact Screening**

- 5.5 The proposed development is located within a sensitive area and falls within Category 10 (b) of Schedule 2 of The Planning (Environmental Impact Assessment) Regulations (NI) 2017 and therefore the Council is obliged under Regulation 12 (1) to make a determination as to whether the application is for EIA development.
- 5.6 The Council determined on 9<sup>th</sup> March 2023 that the proposal is not an EIA development and as such this planning application, did not need to be accompanied by an Environmental Statement.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:

- The Northern Area Plan 2016 (NAP)

- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

PPS 7: Quality Residential Environments

APPS7: Safeguarding the Character of Established Residential Areas

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

PPS15: Planning and Flood Risk

Creating Places

DCAN 8: Housing in Existing Urban Areas

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above. The main considerations in the determination of this application relate to principle of development; impacts on residential amenity and character; flooding and drainage; road safety and parking; loss of open space and trees; and natural heritage.

### **Planning Policy**

- 8.2 The principle of the type and scale of the development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

### **Principle of Development**

- 8.3 The site is located within the settlement development limit of Ballycastle and on lands zoned for housing within the Northern Area Plan 2016 designation BEH 28. The key site requirements are that development shall be within a range of 25-35 dwelling per hectare with a minimum of 7 dwellings provided for social housing. Given the land use zoning for housing the principle of development is considered acceptable.

### **Quality in Residential Environments and Safeguarding Character**

- 8.4 Policy QD 1 of PPS 7: Quality Residential Environments refers to different criteria to which residential development should adhere to.

Criterion (a) states that development should respect 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 site is zoned for residential development in the NAP 2016. One of the Key Site Requirements is that development shall be within the range of 25-35 dwellings per hectare. The proposed development for 7 no. dwellings is at the lower end of this range and is in keeping with the character of the surrounding area which is a mix of high density 2 storey and single storey terrace and semi detached dwellings. The topography of the site rises gently from the northern boundary to the



southern boundary. This is reflected in the siting and finished floor levels of the proposed dwellings.

- 8.5 The proposed development comprises a mix of 6 no. 2 storey semi detached dwellings and 1 no. single storey bungalow. The dwellings are finished with a mix of smooth dark brick and painted render. The established surrounding residential area of Mayo Drive, McAuley Park, Fogarty Crescent and Ramoan Road is a mix of dwelling types and finishes. Overall, the proposed design, scale, massing and appearance of the proposed dwellings are considered acceptable as the proposed traditional form and finishes allow the development to integrate into the existing character of the area.
- 8.6 The site is enclosed by McAuley Park, Ramoan Rd and Mayo Drive with open views of the site achieved from a number of public vantage points. As such careful consideration was given to boundary treatments adjoining these areas to ensure an attractive outlook and enclosure is achieved. A landscape buffer, of a minimum of 3.8m in depth, runs along the boundary with Ramoan Road. The side garden of Site 5 has been set back from the boundary and enclosed by a 1.8m wall. Trees are proposed along this boundary which will substitute existing trees on site as well as softening the impact on areas of hardstanding. The access road to the development is taken from Mayo Drive and runs along the southern boundary of the site. There is a large amount of hardstanding along this boundary as the access road, parking bays and shared footpaths are being adopted. A mix of surfacing treatments (such as blocks or pavements) would have given greater contrast and interest to the front of Sites 1-4. However, the agent advised that this couldn't be amended as the areas were to be adopted and this was confirmed by DFI Roads. Nonetheless, the area is broken up with small areas of landscaping and is also set against the large area of public open space to the immediate south of the site. A footpath is proposed along the boundary with McAuley Park with the boundary treatments to Sites 5-7 comprising mostly a low wall with metal railings above. It is considered that the proposal meets criteria (a) of Policy QD 1 and Criteria (a) of Policy LC 1 of the Addendum to PPS7.
- 8.7 Criterion (b) relates to the protection of archaeological, built heritage and landscape features within and around the site. The application was accompanied by an Archaeological Impact Assessment. There are no archaeological sites or listed buildings within the vicinity of the

application site. HED have been consulted and offer no objection to the proposed development.

- 8.8 Criterion (c) requires the development to provide adequate public and private amenity space. As the proposal is for 7 no. dwellings it does not require the provision of an area of public open as defined in Policy OS 2 of PPS 8. There are a number of small residual areas of open space throughout the development which will be required to be maintained and managed by a management group. Creating Places document recommends that all dwellings should have access to an area of private amenity space between 40-70 square metres. Sites 1-4 have an area of just over 50 square metres. Sites 5-6 have approximately 70 square metres and Site 7 has 164 square metres. The proposed development has adequate areas of private amenity space and meets criteria c.
- 8.9 Criteria (d) refers to providing adequate provision being made for necessary local neighbourhood facilities as part of the development. Consideration was given to the scale of the proposed development for 7 dwellings to which the inclusion of neighbourhood facilities is not considered necessary. The site is within walking distance of local amenities.
- 8.10 Criterion (e) and (f) seek to ensure the development promotes sustainable transport options, meets the needs of those with impaired mobility, respects rights of way and ensures adequate provision for car parking. The site layout drawing shows groups of parking spaces to the front of Sites 1-6 with in-curtilage parking provided to Site 7. Each dwelling is assigned 2 parking spaces. The proposal is located within walking and cycling distance of Ballycastle town centre. The proposal complies with criteria (e) and (f).
- 8.11 Criteria (g) refers to the design of the development and how it should draw upon the best local traditions of form, materials and detailing. The design of the dwellings are considered acceptable when taken in the context of the surrounding area. The housing in the immediate surrounding areas date back to approximately the 1960's with newer social housing located further along Ramoan Road. Sites 1 – 6 are 2 storey (approximately 8.5m ridge) and Site 7 is single storey with a mix of finishes which are compatible with the surroundings. Sites 1-4 have a gable fronted design which is evident in the layout of dwellings in Fogarty Crescent, across the road from the site and also in the newer housing developments further along Ramoan Road. The

proposed development together with newer social housing provision in the area draw upon elements of design and finishes to ensure its compatibility with its surroundings. The boundary treatments comprise a mix of render and brick walls, timber fencing to the rear of gardens and estate railings. The proposal meets criteria (g) of Policy QD 1.

- 8.12 Criteria (h) refers to the design and layout of the proposal and how it should not create conflict with adjacent land uses in terms of overlooking, loss of light, overshadowing, noise or other disturbances. Objection letters have raised concerns in relation to privacy, loss of light and noise. In particular the impact that the pair of semi detached dwellings (Sites 5-6) will have on Nos. 17-19 McAuley Park. Concerns raised include loss of light, overshadowing and overlooking into the front of these properties. The separation distance between the opposing front elevations of these properties is between 17-20 metres. The pair of semi detached dwellings have a stepped layout with Site 5 sitting approximately 1 metre higher than Site 6. It is considered an acceptable degree of separation for front garden areas which are already open to public view and which are afforded less protection in terms of privacy. Properties 17-19 McAuley Park all have rear garden areas ensuring they are afforded individual private amenity space. In terms of noise our Environmental Health Department were consulted and offered no objection.
- 8.13 In terms of overlooking and loss privacy from within the development, consideration was given to the impact of the 2 storey dwellings at Site 1-4 to the bungalow at Site 7. The bungalow sits at a lower ground level and the rear elevation of the 2 storey dwellings have first floor windows which face towards the front and rear garden areas. The first floor windows have been reduced in scale and are for an ensuite bathroom, which will be obscure glazing, and a landing area which is not a habitable room. On balance, it is considered that the proposed arrangement would not create a significant impact in terms of overlooking. It is considered that the proposal complies with the remaining criteria of Policy QD 1.
- 8.14 Policy LC 1 of the Addendum to PPS 7 goes onto identify two more criteria to which residential development should adhere to. Criterion (b) refers to the pattern of development and how this should be in keeping with the overall character and environmental quality of the established residential area. The surrounding area is a mix of high

density residential development both long established and more recent housing developments at the Ramoan Rd/Leyland Road junction. The area is also characterised by a large area of open space to the south of the site which is defined in the Northern Area Plan as open space. The proposed development is considered to respect the character of the established residential area.

- 8.15 Criterion (c) states that all dwellings are built to a size not less than those set out in Annex A. The proposal includes 3 person 2 bedroom dwellings. These were measured against the space standards of Annex A and are considered to be acceptable.

### **Flooding and Drainage**

- 8.16 Letters of objection have referenced issues relating to flooding on the greenspaces, pedestrian footway and Mayo Drive and instances of sewage flooding rear gardens of Mayo Drive. The Flood Hazard NI Map indicates that the site does not lie within the 1 in 100 year fluvial or 1 in 200 coastal floodplain. The western boundary of the site lies in close proximity to a designated, culverted watercourse known as the Gortnamaddy Burn. As required by Policy FLD 2 of PPS 15 a maintenance strip should be retained to facilitate future maintenance by DFI Rivers or other statutory undertakers. A Drainage Assessment (DA) was submitted with the planning application which identifies an area of pluvial flooding in the southern part of the site. The DA states that the addition of a positive drainage network should have a positive effect on the surface water drainage characteristics for the site. DFI Rivers have commented that the DA has demonstrated that the design and construction of a suitable drainage network is feasible and are content with a condition (condition 10). A Pre-Development Enquiry was made to NI Water. The response has advised that both foul and storm discharges can be achieved to the local public drainage network, if storm offsetting at the site is achievable. Storm offsetting has been explored and a Stage 1 Waste Water Impact Assessment (WWIA) has been approved by NI Water. Implementing the proposed storm off-setting will remove existing surface water discharge from the combined sewer, providing capacity for the foul discharge. A WWIA Stage 2 will be submitted and subject to approval it will be proposed to divert the existing foul through the site and discharge into the existing network. All foul drainage will be subject to an Article 161 agreement between the developer and NI Water.

## **Road Safety and Parking**

- 8.17 Objections were raised in relation to road safety, traffic and parking. DFI Roads were consulted in regards to this application and having assessed the proposal against Policy AMP 2 (Access to Public Roads) of PPS 3 offered no objection subject to a planning condition. Policy AMP 2 outlines that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP 3 – Access to Protected Routes.

## **Loss of Open Space and Trees**

- 8.18 Objections referred to the loss of mature trees on the site and the loss of the green area which has been present for more than 60 years. Although the site area has been used as open space for many years it is zoned housing land in the Northern Area Plan 2016 (BEH 28). While the area is currently open space greater weight, as a material consideration, is given to its zoning in the Area Plan. As such, the policies contained within PPS 8 to protect areas of open space are not engaged in this instance. The trees located on site are not protected by a Tree Preservation Order (TPO). The proposed scheme provides for compensatory planting as required by paragraph 4.27 of PPS 7. This comprises 15no. trees along with areas of shrub planting.

## **Natural Heritage**

- 8.19 The application was accompanied with a Biodiversity checklist/Ecological Statement. This report has identified the nearest nature conservation designations are over 1 km away from the site. The site is fully within a residential setting and is a closely mowed, reseeded grassland amenity. Following a survey of the site and surroundings there was no indication that any protected species use the site and no mammal burrows within a 25 m buffer of the site. NIEA NED have no concerns with the proposed development. They have advised that any tree or vegetation clearance should take place outside the bird breeding season (1<sup>st</sup> March – 31<sup>st</sup> August).

## 9 CONCLUSION

- 9.1 The proposed housing development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The principle of development has been established under housing zoning BEH 28 of the NAP 2016. The proposed layout of the site is considered acceptable. It is considered that there will be no unacceptable impacts on existing dwellings or proposed dwellings via overlooking, loss of light or overshadowing. Access arrangements are considered acceptable. Approval is recommended.

## 10 Conditions

1. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:  
<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

4. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Department of Causeway Coast and Glens Borough Council shall be notified immediately. The new contamination shall be fully investigated in accordance with land contamination risk management guidance and Model Procedures for the management of

Land Contamination (CLR 11). In the event of unacceptable risk being identified, a remediation strategy shall be submitted for agreement with the Planning Department and subsequently implemented and verified to its satisfaction. The verification report shall be submitted to demonstrate that all remediation works have been implemented, prior to occupation.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

5. No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

6. A formal water / sewer connection application must be made for all developments [prior to occupation], including those where it is proposed to re-use existing connections.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

7. All services within the development should be laid underground.

Reason: In the interests of visual amenity.

8. Development shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: In the interest of public health

9. Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

10. Prior to the construction of the drainage network, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere

11. Prior to construction the applicant shall agree with NIE a programme of works to alter low voltage underground cables which transect the site.

Reason: To ensure safety in association with NIE equipment.

12. All soft and hard landscaping incorporated in the stamped approved Drawing No.03 Rev 7 bearing Planning Authority date stamp 18th September 2019 and 24 Rev 4 bearing the date stamp 9<sup>th</sup> September 2019, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice before occupation of the first residential unit in the development.

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

13. 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 Planning Authority, 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 Planning Authority gives its written consent to any variation.

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

14. A Management Maintenance Agreement, including management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, (except for trees or other vegetation retained in the public interest) shall be submitted to and approved by the Planning Authority prior to the occupation of the first unit.



Reason: To ensure the sustainability of the proposal through its successful establishment and long-term maintenance.

15. The residential unit/s hereby approved shall not be occupied until their respective boundary treatment has been implemented in accordance with the approved plans. The boundary treatment shall be retained in accordance with the approved details.

Reason: In the interests of amenity.

# Site Location Map



