

Title of Report:	Planning Committee Report - LA01/2021/1173/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25 October 2023
For Decision or For Information	For Decision – Council Interest Item

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

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

Screening Requirements	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:

App No: LA01/2021/1173/F Ward: Waterside

App Type: Full Planning

Address: Land opposite nos 2 & 2A and at Laurel Park, Coleraine

Proposal: Proposed access road including access alterations along Laurel Park, Coleraine to service social housing zoning - CEH55 in Northern Area Plan 2016

Con Area: N/A Valid Date: 23.08.2022

Listed Building Grade: N/A Target Date: 16.01.2023

Agent: JPE Planning Ltd, Unit 1A Nixon, Ledcom Industrial Estate, 100 Bank Road, Larne, BT40 3AW

Applicant: Braidwater Ltd, 23F Longfield Road, Londonderry

Objections: 89 Petitions of Objection: 4 (108 signatures)

Support: 0 Petitions of Support: 0

Executive Summary

- Full planning permission is sought for a proposed access road including access alterations along Laurel Park, Coleraine to service social housing zoning CEH 55 Killowen of the Northern Area Plan 2016.
- The application site falls within the Coleraine Settlement Development Limit, a housing zoning and a local landscape policy area.
- This application seeks to ascertain the principle of development as to whether an access is suitable in this location to access a landlocked housing zoning.
- This application relates solely to a vehicular access.
- 89 letters of objection and four petitions with a total of 108 signatures 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 AMP 2 of PPS 3 and the guidance of DCAN 15 in relation to the proposed access.
- The proposal is not considered to result in unacceptable impacts on both built and natural heritage and in terms of flooding and drainage.
- The proposal is considered to not have an unacceptable adverse effect on neighbouring properties.
- The proposal does not adversely impact on the local landscape policy area.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 2, PPS 3 and PPS 15.

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

1 RECOMMENDATION

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

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on lands opposite Nos 2 and 2A and at Laurel Park, Coleraine. The application site consists of an existing public road with footpath, an existing laneway, an area of parkland and a section of an existing belt of trees and shrubs.
- 2.2 The site encompassing the public road at Laurel Park rises southwest from Strand Road and continues to rise turning to the southwest then south. The laneway to the northwest is separated from the road by an area of mature trees located on an earth bank. The area of parkland to be developed consists of an area of grass which rises to the north and northwest.
- 2.3 The site lies within the settlement development limit for Coleraine. The site is located partially within Housing Zoning CEH 55 Killowen and fully within Local Landscape Policy Area CEL 17 Laurel Park.

3.0 RELEVANT HISTORY

- 3.1 The following planning history is relevant to this application site

LA01/2018/0817/RM – Site opposite 2a Laurel Park & to the rear of 95 Strand Road, Coleraine - Proposed 2-storey dwelling to include garage, access, driveway, site works and landscaping – Permission Granted – 25th October 2018

C/2015/0151/O - Site to Rear of 95 Strand Road, Coleraine, BT51 3AD – Proposed Dwelling – Permission Granted – 2nd December 2015

4.0 THE APPLICATION

- 4.1 Planning permission is sought for a proposed access road including access alterations along Laurel Park, Coleraine to service social housing zoning - CEH55 in Northern Area Plan 2016.

5.0 PUBLICITY & CONSULTATIONS

External

- 5.1 Neighbours: 89 objections and four petitions of objection with a total of 108 signatures. The following issues were raised:

Traffic and movement

- Road safety and increased risk to life and accidents given access onto road with double bend and narrowness of existing road.
- Increased traffic volume/congestion on Strand Road area, Laurel Park, Screen Road from proposed housing which impact road safety/increase accidents and increased traffic at start and end of school day.
- Access will impact on ability of residents to park on roadside. Houses have limited parking space.
- Increased traffic will impact on ability for residents to leave their house.
- Commuter traffic use the roads to cut through between junctions.
- Already traffic management on Screen Road via a speed bump with increased traffic on it from the proposal.
- Poor road condition.
- Speeding on the roads.
- Disagree with the access design speed. Road speed not properly considered with no proper speed test carried out. DFI Road should carry out the speed survey.

- Proposal cannot comply with both DCAN 15 and Roads Technical Guidance
- Contrary to Policy AMP 2 of PPS 3.
- Accidents already on the road.
- Poor visibility on road.
- No forward visibility.
- Absence of site lines for proposed access.
- Existing tailbacks/bottlenecks at present on roads will be worsened.
- This is the only entrance to the land for housing development resulting in all traffic using Strand Road.
- Dispute consultants statement that video evidence cannot be accepted as evidence in a Court of Law.
- Traffic increase impacts on air quality and creates light pollution, noise pollution and disturbance for local residents which is detrimental to health and wellbeing.
- Application referenced in Portstewart by JPE Planning is not relevant, does not create precedence, Council Environmental Services Enforcement Policy document March 2017 states the Council believes in firm but fair regulation that should be informed by principles of proportionality, consistency of approach, transparency about how the Council operates and accountability for the Council's actions. The consistent approach does not necessarily mean the same and application should be considered on own merits.
- Contours of the site has been described as relatively flat whereas it is on a steep gradient.
- Flooding on the site and surrounding areas/roads and water displacement/surface runoff.
- If the application is refused will the scheme exit through Laurel Hill Gardens.
If the planning application succeeds, will the developers remove the wooden fence and make it a through road from Laurel Hill Gardens to Laurel Park.
- Will the proposed housing scheme have a public footpath existing besides the Killowen Primary School.
- The assertion that the speed levels are safe and road splays offer 'no visibility issues' is wholly wrong. All of this before construction of access or dangerous increase of traffic volumes. Ground levels and blind spots on a treacherous double blinded corner cannot be ignored.

- Concerns with DFI Roads assessment of the proposal.
- Concerns with the completion of, content and conclusions of the Transport Assessment Form. Form is based on assumptions.
- No drainage details for the proposal.
- Landscaping retention
- No right turning lane proposed for the access.
- Traffic survey completed during Covid-19 lockdown which not representative.
- Approval of the access provides a ransom strip which has potential to prejudice comprehensive development of the site and allow the applicant to control or regulate access to zoned land through exercising of their property rights.
- DFI Roads have not requested key information.
- Paragraph 10.44 of Creating Places states that direct vehicular accesses should not be within 20 metres of a distributor road. Proposal is 12 metres into the access resulting in it being unsafe.
- Existing lane not shown to be an access to an occupied dwelling at 93A Strand Road.

Lands outside the application site

- Approval in isolation would remove the residents right to object to secondary planning permission and would prejudice local residents who need to be in an informed position to identify how development will impact on them.
- Unfair to approve without full details of the adjacent field for which the access relates. All material considerations are required to be considered including housing development detail.
- Development of the entire site is a material consideration.
- Policy QD 2 requires a Design Concept Statement, Concept Master Plan and Comprehensive Planning. The application is opportunistic and fundamentally prejudicial to the principle of orderly development of the land.
- No Design and Access Statement has been submitted.
- Value of the site for educational, natural and historic uses.
- Only significant area of parkland within the town.
- Historical connection of the site both ancient and recent (wartime).

- Approval of the application would be agreement of the level of housing suitable.
- Land was bequeathed as park land and before land was transferred to Council, residents were advised it would not be built on but enhanced for local community.

Other Matters

- Properties not nearby notified on Laurel Park, Laurel Grove, Screen Road and Strand Road.
- Reference to Council Strategy on Environmental Protection, Green Growth Strategy, Health and Built Environment and comments on impact of noise and air quality from new development.
- Reference to strategy on Environmental Health and Well-being on need to reduce pollution and damage to health from carbon emissions.
- A Sustainable Environment strategy pledges to have sensitive consideration of land use zoning locations, reduce worsening road congestion and have a sympathetic understanding of existing and future situation and create pedestrian and cycle friendly neighbourhoods.
- Lack of meaningful consultation with residents.
- West Bann has already exceeded reasonable contribution to housing scheme targets with major new social housing at Laurel Hill Gardens, 3 schemes operational in Hazelbank and another in Captain Street.
- More suitable brownfield sites for development.
- Proposed peoples park amenity on the site instead of the proposal.
- Loss of privacy.
- Access diminishes future of the area.
- Significant detrimental impact on host environment and on the private and peaceful tranquillity existing residents have enjoyed.
- Fundamental issues which are unacceptable and alternative locations/options should be considered which adhere to regulations and strategies, NI planning policy statement and advice notes and PPS 7 in order to reduce impact and protect neighbouring amenities.
- Overwhelming impact on adjacent dwellings. Impact on human rights under Article 8 under Humans Right Act.

- Impact on visual amenity.
- Proposal does not reflect nature and limitations of space between proposal and adjacent dwellings with no consideration on negative impact.
- Proposal not in general keeping with the general aesthetic of its setting. Scale does not respect context or consider adjacent host environment of dwellings. Lack of clarity on scale and relationship to existing dwellings and their established boundaries.
- Creating Places recommends that proposals should respect the local adjacent setting and proposal does not demonstrate any adverse visual impact in terms of its relationship to existing adjacent dwellings.
- Lack of detail on layout and dwelling numbers and dimensional requirements for free flowing traffic, amenity and emergency vehicles.
- Non residents parking on footpaths along Laurel Park and Screen Road along with traffic issues will be compounded.
- Road dangerous in icy and snowy conditions.
- Question if formal right of easement was made to occupants of properties on private laneway. This may result in dispute.
- Proposal does not protect rights of existing residents who are primary road users with no prior consultation or effort to preserve existing infrastructure which contravenes The Roads (NI) Order 1993.
- Council and statutory agency strategies undertakings to address Climate Change.
- Difficult to comment on the proposal with no information given just a notice in the paper.
- Impinges on right of way.
- Road being built across a lane providing only access to their property and not giving up their right of way from Strand Road up the private lane to their property.
- Query as to how they would leave their property with works being carried out as only access to their home.
- Antisocial behaviour from road users and due to lack of infrastructure.
- Devaluation of property.
- Impact on views.
- Impact on way of life.
- Lack of openness and transparency.

- No representation from Councillors to residents on the disposal of land.
- Proposed dwellings are unnecessary.
- Insufficient consultation time.
- Inaccurate plans not showing newly constructed dwelling opposite No.2A.
- Impact on TPO trees.
- Site is greenbelt/buffer land.
- Lack of neighbour notification and deadline to respond should be extended.
- Limited infrastructure to sustain proposed housing and would increase social deprivation.
- Further danger and inconvenience during construction phase with heavy vehicles.
- One way system would be preferable.
- Why is social housing required to be on the land?
- Impact on the character of the area and integration of private housing into a social housing estate.
- Description of the proposal not sufficient.
- Dispute accuracy and content of Biodiversity Checklist.
- Ratepayers properties being affected and opinions disregarded and compensation required for residents by Council.
- Increased crime.
- Proposal being pushed through and it is unethical.
- What proposals have been made to integrate the proposal e.g parking facilities and cycle lanes.
- Difficulty exiting driveway from traffic.
- Area is a private estate.
- How did the land come into the ownership of the developer?
- Has a conservation/environmental impact assessment been carried out?
- Suggestion of overall traffic review and strategy for the area as existing before permission for access roads.
- Discussions already ongoing on the land by school committee and local representatives which would be hindered by the proposal.
- Consideration of traffic calming and alternative access points.

- Impact on walking and cycling from the proposal. Could the proposed access not be used for walking and cycling only with reference to DFI Bicycle Strategy.
- Town cramming.
- Is it normal to make a decision on a very small part of scheme without knowing potential type and nature of housing that will follow?
- Judging the access without understanding of its role and function within wider development proposal.
- Reason for standalone application.
- Application should be withdrawn and considered comprehensively.
- No pre-application consultation.
- No information on how land will be finished and only footpath present.
- No details for usage of existing lane to be blocked off, access design or tree removal.
- Access to trees on rear boundary for maintenance.
- Requirement for tree survey.
- Unclear whether proposal will be only access to land as multiple routes suggested.
- Volume of traffic underestimated. Reliance on TRICS database which is for lower car parking provision.
- Local school oversubscribed and influence car usage.
- No construction details, deliveries, construction hours, noise from plant and equipment or dust generation.
- Recommend bat survey.
- Prefer matters to be addressed through planning process rather than conditions which do not involve consultation with residents.
- Developers and Council not receptive to impact on local community.
- No details for proposed housing development.
- The green space benefits for health and well-being.
- Concerns of selling off Council land.
- Housing scheme impact on sewerage and water supply.
- Environmental impact of the proposal on wildlife, trees, old/derelict buildings.
- Tree planting required.

- Proposed two storey houses on a very steep gradient will look more like four storey properties. What measures will the developers employ to preserve the sightline.
- Loss of open/green space which should be enhanced.
- Objections are not being considered/given sufficient recognition by the Council.

Unable to view the planning portal and objectors have not received an answer from Planning Services to our individual and corporate objections.

Requirement for rigorous assessment of the application given lands Council have a financial interest and potential questioning of integrity of planning process

- Clarification of key site requirements of CEH 55.
- Piece-meal development is not permitted under Policy QD 2 of PPS 7. Applications for partial development should indicate how the remainder of the site is to be developed.
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Internal

- 5.2 No consultations were issued given the nature of the proposed development.

Environmental Health Department: No objection

DFI Roads: No objection

DAERA Natural Environment Division: No objection

DAERA Water Management Unit: No objection

Historic Environment Division: No objection

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)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

Planning Policy Statement 15: Planning and Flood Risk

DCAN 15

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to, the principle of development, access and parking and other matters.

Planning Policy

8.2 The proposal must be considered having regard to the Northern Area Plan 2016, SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of development

8.3 The application site is located within the settlement development limit for Coleraine and lies partially within Housing Zoning CEH 55 Killowen and fully within Local Landscape Policy Area CEL 17 Laurel Hill LLPA, as defined by the NAP 2016.

8.4 Housing Zoning CEH 55 Killowen is a 3.66ha site with the following key site requirements:

1. Development shall be within the range of 15 to 25 dwellings per hectare, to ensure the character of the area is maintained.
2. A minimum of 14 dwellings shall be provided for social housing.
3. Development shall not be greater than two storeys in height to ensure the character of the area is respected.
4. The development of the site will require additional lands to provide an access from a public road.

8.5 The proposal falls to be considered under Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking.

8.6 Policy AMP 2 states 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:

- (a) such access will not prejudice road safety or significantly inconvenience the flow of traffic and
- (b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.7 Policy AMP 2 continues that acceptability of access arrangements including the number of access points will be

assessed against the Departments published guidance and also having regard to:

the nature and scale of the development

the character of existing development

the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement

the location and number of existing access and

the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

8.8 The proposal relates to the creation of a new vehicular access point onto Laurel Park, Coleraine from Housing Zoning CEH 55.

8.9 The existing road on Laurel Park begins at the junction with Strand Road to the east of the location of the proposed access before heading west turning southwest past the proposed access then turning south.

8.10 The proposed access is located on a straight section of road with 2.4m x 33m visibility splays towards the east and southwest.

8.11 The proposed access removes an existing area of vegetation comprising trees and shrubs to facilitate the access extending onto parkland across an existing laneway located to the northwest of the road on Laurel Park. Levels are indicated to rise from 6.69 at the centre point of the access point onto Laurel Park to 7.89 at the northwest most centre point of the proposed access location. The proposed access road is indicated to have a width of 6 metres with 2 metre wide footpaths on either side.

8.12 A Transport Assessment Form was submitted by the agent completed by SW Consultancy NI. The Transport Assessment advises that there is a potential for 92 housing units on the basis of the site area and density of the housing zoning. It is advised that the affordable/social housing units required by the housing zoning key site requirements could be accessed from the existing road network at Laurel Hill Grove/Gardens. This matter is beyond the remit of this application to consider.

- 8.13 The Transport Assessment is outlined as being based on maximum number of units possible at 92 housing units with access solely from the proposed access. The site is indicated to have been surveyed on Tuesday April 27 2021 post COVID-19 lockdown after main travel restrictions were lifted and schools and businesses in normal operation on the day of the study.
- 8.14 The Transport Assessment Form outlines that traffic was very low and that it is not envisaged that a right handed turning lane will be required at the access as there is little to no conflict or delay on the network at that point.
- 8.15 TRICS database was used to assess the level of trips generated by the proposal. TRICS is outlined within the TAF as providing trip rates for a variety of development land uses throughout the UK and Ireland. In this instance it is outlined as being used to identify multi modal trips for privately owned and affordable social housing. The assessment identified multi modal trips with up to 78 privately owned dwellings and 14 social housing units concluding that a simple priority junction arrangement proposed to accommodate access is in compliance with DCAN 15. Laurel Park is outlined as being a lightly traffic distributor road and a right hand turning lane is not required as there is adequate gaps in the traffic for right turning traffic into the site. Trips are outlined as quickly distributing into the surrounding road network via Strand Road and that the site can be accessed by a variety of travel modes including walking, cycling and public transport. Given that the site is less than 100 houses and based on findings no further assessment is deemed required.
- 8.16 The Transport Assessment Form outlines the number of trips on the basis of 78 private dwellings and 14 social housing units as 11 arrivals and 11 departures daily using public transport, 66 arrivals and 72 departures walking given the site in easy walking distance of schools, shops and other housing with Killowen Primary School only 300 metres away, 5 arrivals and 5 departures cycling and 202 arrivals and 208 departures using vehicles mainly from car but also service vehicles.
- 8.17 The peak network periods are outlined as 8am – 9am and 5pm – 6pm. The traffic count indicated by the Transport Assessment Form outlines low volumes of traffic at Laurel Park/Strand Road junction throughout the survey. The AM peak hour is outlined as

consisting of only 96 vehicle movements from 8:15-9:15am and 8:30-9:30am and 66 vehicles at 14:15-15:15pm. These are indicated to very low volumes. Passing the site between 8am – 9m there is indicated to be 21 2 way movements and between 5pm – 6pm only 4 2 way movements. TRICS outlines that vehicle movements from 78 private dwellings and 14 social houses would generate 46 two way trips between 8am – 9pm and 45 two way trips between 5pm – 6pm. This is indicated to be a low level of traffic that can be accommodated on the existing road network with the peak hour traffic able to access from a priority junction access arrangement.

8.18 DFI Roads are the competent authority responsible for public roads and footways and were consulted in relation to the proposal and objections received. The road width is indicated as being 5.5 metres with a 2 metre footway. The access x distance of 2.4 metres and y distance and forward sight distances of 33 metres are indicated to be available.

8.19 Upon initial consultation DFI Roads visited the site. The Planning Application Consultation Checklist completed by DFI Roads advises that traffic speed estimated at the 85%ile is 19mph with a speed limit of 30mph.

8.20A number of objections have been received in relation to the proposed access relating to the access itself and the existing road network as set out in section 3 of this report.

8.21 DFI Roads were consulted on the objections received noting the representations made in relation to traffic matters. They advised that the application does not have any dwellings associated with it except the one associated with the existing private lane and that a private streets determination will be required in any future planning application that may be submitted which includes dwellings that access onto streets to be adopted.

8.22 DFI Roads advise that applications for this form of development are assessed against various standards including DCAN 15 – Vehicular Access Standards and include consideration on access geometry, visibility requirements, drainage, gradient of access etc. In relation to this application they advise that visibility is dependent on the number of vehicles likely to use the proposed access and the speed of the traffic on the road the

access comes onto. In the case of this application, DFI Roads advise they are content the proposal meets the requirements of DCAN 15.

8.23 DFI Roads advise that future requirements for housing was considered against the requirements of Creating Places. They outline that Laurel Park is an unclassified urban development road with low traffic volume and low speed of traffic due to road geometry. DFI Roads states that the existing carriageway is 5.5m wide with 2m footways with proposed access carriageway 6m wide with 2 metre footways and 6m kerb radii. They outline with reference to Creating Places that this road layout is considered adequate for up to 400 dwellings which is well above the number of existing and proposed dwellings in the area. DFI Roads advise that there will be additional traffic associated with future housing but that they are content that the traffic volume will not have a significant impact on the road network based on the information provided by the developer in the Transport Assessment Form. For this reason they have no objections to the proposal and recommend approval subject to conditions and informatives.

8.24 In response to further objection, DFI Roads advise that the proposed access was assessed against DCAN 15 which contains the standards for normal requirements for vehicular accesses in Northern Ireland. They outline that Y distance and forward sight distance is assessed with regard to DCAN 15 which is based on a reasonable estimate of the 85%ile speed on the priority road. The speed assessed on site by DFI Roads is given a reasonable estimate to be 19mph. For a proposed access and estimated speed of traffic DCAN 15 is outlined as requiring a Y distance and forward sight distance of 33m and DFI Roads advise they are content that these distances are available at this location. A scheme design overview is outlined as not being considered appropriate as the standards required by DCAN 15 are achievable.

8.25 DFI Roads advise that the requirement for a right turning lane was considered. This right turning lane is outlined as consisting of a waiting area for vehicles turning right into a development where gaps in traffic on the priority road are insufficient to allow free flow or cause undue waiting because of a large volume of traffic. DFI Roads advise that the volume of traffic is very low as

noted in the Transport Assessment Form so gaps in traffic are considered sufficient to allow the proposed number of vehicles turning right into the site and those continuing on Laurel Park to progress without undue delay. DFI Roads outline that the other factors for consideration in DCAN 15 such as right turning vehicles, speed, forward sight distance, accident history etc. were considered and do not give cause for concern. DFI Roads advise they are content that a right turning lane is not required.

8.26 DFI Roads advise that a detailed Transport Assessment may be necessary for a site to 100 residential units or 100 trips in the peak hour. DFI Roads highlight that the agents Transport Assessment Form notes 92 units and significantly fewer trips per our based on a traffic count survey of existing traffic and TRICS analysis for proposed housing. DFI Roads state that when the traffic volume from the proposed development is compared to the very low traffic volume on Laurel Park it is acknowledged that the impact in percentage terms is greater than the suggested 10% threshold. However, they advise that starting from a low existing traffic flow on Laurel Park, DFI Roads is content the surrounding road network has the spare capacity to safely accommodate the combined traffic volumes of Laurel Park and the proposal.

8.27 DFI Roads outline that Laurel Park is considered to be a residential access road rather than a local distributor road as it is a loop road connected at both ends to Screen Road, which would be the distributor road in this area linking to the rest of the network. Consequently, DFI Roads advise that paragraph 10.44 of Creating Places is not relevant and 16.25 refers with the proposed access meeting this requirement.

8.28 SW Consultancy provided further comments in relation to the objections received. They advise that the priority junction access has been developed and designed in line with relevant guidance, and DCAN 15 Vehicular Access Standards. They advise that the new access is less than 70 metres from Strand Road junction and the carriageway width is approximately 5.5 metres wide. They advise that a narrow road width will typically reduce vehicle speed and that traffic approaching from the east will do so at a very low speed. They advise this is similar for bends to the west of Laurel Park.

- 8.29 SW Consultancy outline that vehicle speeds around 19mph were also observed during traffic counts with similar speeds measured as per DFI Roads during their site visit and this speed is well below the 30mph design speed of the road and reflects the speed constraints identified. They advise that forward visibility is already in place on the corner to the west of the site and that DFI Roads have indicated no visibility issues noting the narrow footway on Laurel Park and street lighting columns within the grassed area within control of DFI.
- 8.30 SW Consultancy references table B of DCAN 15 stating at the discretion of DFI Roads speeds up to 25mph may be permitted to have a 33m visibility splay where danger to road users is not likely to be caused. They state speeds are significantly below 30mph, that DFI Roads have applied engineering judgement and they fully concur with the requirement for 33m visibility and forward sight distances based on observed speeds.
- 8.31 SW Consultancy references an objector dashcam at 21mph higher than 19mph as measured by DFI Roads and states that this cannot be verified and question the location of the car in the road, reliability and relevance of the footage. They reference that 33m visibility splays are appropriate up to 25mph.
- 8.32 SW Consultancy advise that the 12 hour traffic count from 7am-7pm highlights a two way flow of only 107 vehicles a day and that factors such as speeds and volumes of traffic are material considerations when deciding if a right turn lane is required. They state based on the guidance data findings turning traffic would not cause undue waiting time on Laurel Park and they agree that a dedicated right hand turning provision is not required at this location based on relevant design criteria.
- 8.33 Having regard to the response received from DFI Roads and the supporting information received it is considered that the proposal would not prejudice road safety, or significantly inconvenience the flow of traffic.
- 8.34 DFI Roads are the competent authority and respond to the planning department on roads matters. There are no concerns in relation to the advice provided in relation to this proposal. The content of DFI Roads response and any information they deem

to be necessary is a matter for themselves.

8.35 The Transport Assessment Form calculates the proposed number of trips based on the upper threshold of housing for which the access could be facilitated based on the site area of and the maximum required housing density of the housing zoning as 92 units. This has then been broken down into a calculation on private and social housing provision based on the social housing key site requirement of the housing zone at 14 units. The transport assessment on the basis of this theoretical housing maximum and breakdown is considered reasonable. TRICS is an industry standard for calculating trips for proposed developments. There are no concerns in relation to its usage. The surveying of the site by SW Consulting was carried out in 27th April 2021 which was after a stay at home lockdown period had ended on 12th April 2021. There are no concerns in relation to the completion, content and conclusions of the Transport Assessment Form.

8.36 Design speed has been questioned and requests for speed surveys to be carried out given that the speed on the road dictates the visibility requirements. An estimate of speed at the 85th percentile was carried out by DFI Roads on their site visit to inspect the proposal and estimated at 19mph. The corresponding Y-distance and forward sight lines were found to be acceptable and are clearly annotated on the proposed plans. A speed survey is not deemed to be required having regard to the consideration of the application by the competent authority, DFI Roads.

8.37 The Planning Department has no reason to dispute the assessment of DFI Roads regarding the requirement of a right turning lane.

8.38 Paragraph 10.44 of Creating Places states that direct vehicular access is acceptable to dwelling driveways and parallel parking spaces along access roads. Accesses should not however be located within the first 20m of any junction with a local distributor road.

8.39 Paragraph 16.25 of Creating Places states that no driveways should enter the bellmouth of a junction, and on minor arms of a

junction should not be within twice the kerb radius.

8.40 Laurel Park has junctions at its eastern end at Strand Road and western end at Screen Road. It is agreed with DFI Roads that this road is residential access road and the requirements of Creating Places would fall under paragraph 16.25 rather than paragraph 10.44 of Creating Places.

8.41 The proposal does not conflict with the requirements of Policy AMP 3 as the proposal does not involve access or the intensification of the use of an existing access onto a protected route.

8.42 Dashcam footage has been submitted by the objectors to indicate speed on the road in dispute of DFI Roads and SW Consultancy submissions. It has been disputed as to whether dashcam footage is admissible in court. Antisocial behaviour from road users has also been cited. Driving quality and behaviour is not within control of the Council. Table B of DCAN 15 indicates the associated speed with Y-distance and forward sight distance for 33 metres as 25 mph.

8.43 The objectors have stated that there will be a reduction in on street parking provision and the access will cause an increase in traffic. However, the proposed access is not considered to impact significantly on street parking or access from properties along Laurel Park.

8.44 DFI Roads have not recommended any traffic calming for the proposal. Given the existing traffic volume and road speeds and the anticipated change in traffic outlined it is considered that this would not be required.

8.45 Integration of the proposal with parking areas and cycle lanes has been queried.

8.46 The proposal relates to a vehicular access which can be utilised by a variety of movement patterns. Any associated development to which the proposal seeks to provide access may include parking and cycle lanes. However, this is the matter for the applicant to consider on their design of the proposal for consideration of the Planning Department through the

submission of a planning application.

- 8.47 The lack of consultation or effort to preserve existing infrastructure in contravention of The Roads (NI) Order 1993 has been raised. This application has been advertised and notified as per the requirements of The Planning Act (NI) 2011. The referenced legislation is not planning legislation and beyond the remit of the Planning Department to comment.
- 8.48 Objections raised approval of the access will dictate the level of housing and the access is being determined without context. The proposal was assessed by SW Consultancy having regard to the requirements of the housing zoning which species specific housing densities per hectare. The maximum housing provision that could be provided is 92 units. This is a limiting factor on how the land will be developed. DFI Roads have advised the access could accommodate up to 400 units. However, this is beyond what would be acceptable within the housing zoning.
- 8.49 Reference is made to the comments from the Transport Assessment Form that schools are in walking distance advising that schools are oversubscribed that will influence further car usage. Walking to Killowen Primary School is presuming that any housing occupiers have school age children and that they attend that particular school. It is considered that the car trip offset from walking to school is unlikely to be significant in any case.
- 8.50 The usage of a single or alternative access points to the land or the development of a one way system are a matter for the applicant who is seeking permission. Assessment of a planning application is based upon the proposal for which permission is being sought. These matters are beyond the remit of the consideration of this application.
- 8.51 Danger from vehicles during construction has been raised. Health and safety matters are dealt with by the Health and Safety Executive (HSE).
- 8.52 Having regard to the above consideration the proposal is considered to be compliant with the requirements of Policy AMP 2 of PPS 3 and the guidance outlined within DCAN 15.

8.53 The proposal is located within Housing Zoning CEH 55. Key site requirement 4 is considered to be satisfied. The other site requirements relate to housing density, social housing and design and are not relevant to this proposal. Any future housing application would be required to satisfy these requirements.

Local Landscape Policy Area

8.54 The application site is located fully within Local Landscape Policy Area CEL 17 Laurel Hill LLPA, as defined by the NAP 2016.

8.55 Local Landscape Policy CEL 17 Laurel Hill LLPA is designated as identified on Map No. 3/01a – Coleraine. Those features or combination of features that contribute to the environmental quality, integrity or character of this area are listed below:

1. This area comprises parkland, including mature tree stands, which provides an attractive setting for the prominent Listed Building at Laurel Hill.

Any development will be required to facilitate retention of these trees and maintain views towards the Listed Building.

8.56 Policy ENV 1 of the Northern Area Plan 2016 relates to the assessment of Local Landscape Policy Areas. This policy states that planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. Where development is permitted, it will be required to comply with any requirements set out for individual LLPAs in the district proposals.

8.57 The LLPA indicates the presence of parkland and mature trees which provide an attractive setting to the listed building at Laurel Hill stating that development is required to facilitate retention of these trees and maintain views toward the listed building.

8.58 The land is also zoned for housing meaning that any housing development will be required to protect views towards and facilitate retention of trees contributing to the setting of the listed

building.

- 8.59 This proposal relates to an access with proposed tree removal. The location of this proposal is not considered to have a detrimental impact on views towards the listed building or to affect trees which provided an attractive setting to the listed building. The listed building is located over 200 metres from the access. The trees to be removed are not considered to provide a setting to the listed building as they are not viewed in context of the listed building. Compensatory planting is proposed for the trees and shrubs lost. The access encroaches onto the parkland to the north of the boundary trees between Laurel Park and the existing laneway. The access does not impact on any trees or views towards the listed building in this location.
- 8.60 The proposal is not considered to adversely impact the features which contribute to the integrity, quality and character of Laurel Hill LLPA and is considered compliant with Policy ENV 1 of the Northern Area Plan 2016.

Flooding

- 8.61 Objection points have raised the issues of flooding and drainage including that on site, the surrounding area and the impact that the proposal will have.
- 8.62 Policies on flooding are outlined under PPS 15: Planning and Flood Risk and relate to development in fluvial and coastal flood plains, surface water flooding, protection of flood defence and drainage infrastructure, development and surface water flood risk, reservoirs and artificial modification of watercourses.
- 8.63 The available flood mapping indicates there to be no watercourses on site. However, there is fluvial, pluvial and coastal flooding at the junction where Laurel Hill meets Strand Road. This flooding encroaches slightly onto the application site at its eastern extent. However, this is not at the location of the proposed access and there is no development proposed at the location of the flooding.
- 8.64 Policy FLD 3 relating to development and surface water flood risk outside floodplains outline the circumstances where a drainage assessment are required. These include the following

thresholds:

A residential development comprising of 10 or more dwelling units.

A development site in excess of 1 hectare.

A change of use involving new buildings and/or hardsurfacing exceeding 1000 square metres in area.

A drainage assessment will also be required except for minor development where:

The proposed development is located in an area where there is evidence of a history of surface water flooding.

Surface water run-off from development may adversely impact upon other development or features or importance to nature conservation, archaeology or the built heritage.

8.65 In the case of this proposal, the application site has an area of approximately 0.185ha which is not in excess of 1 hectare. Of the application site, most of it consists of existing hardsurfacing. Surfacing proposed associated with the new access has an area of approximately 630sqm. This sits below the 1000sqm threshold. As highlighted above there is no development located on the area of historical flooding indicated on the flood maps.

8.66 Given the gradient associated with the access and its connection to Laurel Park which falls to the east, there is a potential for surface water flooding to flow from the access onto Laurel Park and Strand Road.

8.67 Submissions from the agent indicate that this application is to determine the principle of the means of access for the housing zoning which will assist in the development of a proposal for the housing.

8.68 There is no flooding indicated on the site presently and it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development any impacts beyond the site. This matter will be applied as an informative.

8.69 Any subsequent application for the zoned housing site will require submission of drainage assessment, private streets determination. The adoption of the roadway will require details for drains for foul water and position of manholes for surface

water disposal.

8.70 Water Management Unit were consulted on the proposal and advised that they were content with the proposal subject to the applicant referring and adhering to standing advice.

8.71 Having regards to these matters the objections in relation to flooding and drainage are not considered to be sustained and the proposal to satisfy the requirements of PPS 15.

Natural Heritage

8.72 Objections have raised the impact on wildlife, flora and fauna and the loss of trees.

8.73 A Biodiversity Checklist was submitted which indicates that the development will affect or involve the removal of parkland with mature trees.

8.74 An Ecological Statement was provided as part of the Biodiversity Checklist by an ecologist from Eolas Ecology which advises that a survey of the site was undertaken on 5th February 2021.

8.75 The survey states that the site comprises of two linear treelines along an embankment, that the site is not located within proximity to a statutorily designated area, that there are no non-statutory sites such as wildlife sites located within 200 metres and that the closest site is Bann Estuary SAC/ASSI which is 3.2km to the north/northwest.

8.76 The survey states that the proposal involves the removal of a section of vegetation between Laurel Park and the area of grassland/laneway to the north to create a suitable access road to the area. The trees are indicated to lack the required features for roosting bats given that they are tall and thin. The site and a 30-metre buffer was searched for signs of badger and no evidence was recorded with the area deemed sub-optimal for the species with optimal habitat within the large field to the north. The trees and scrub is indicated to provide optimal locations for breeding birds and vegetation clearance works should be undertaken outwith the breeding season which extends from March to August inclusive. Trees along the laneway should also

be protected during construction works.

- 8.77 Natural Environment Division were consulted on the proposal acknowledging the Biodiversity Checklist and advising that on the basis of the information that they have no concerns subject to recommendations. These recommendations relate to tree/scrub clearance and that tree removal should only be in accordance with the approved plans without written approval of the Planning Authority.
- 8.78 Objections raised the submission of a tree survey, impact on TPO trees, requirement for tree planting, landscape retention and lack of clarity regarding tree removal. Given the condition of the trees on site and the extent to be removed and the conditions relating to tree removal recommended by Natural Environment Division, a tree survey is not deemed to be required. The trees on site are not subject to a tree preservation order. There is a TPO located on lands further to the north which the proposed access will not impact upon. The proposal is located within a Local Landscape Policy Area which outlines retention of trees. A vegetation appraisal has been submitted indicating the extent of tree removal and compensatory planting. It has been outlined that landscaping should be retained. Vegetation removal is not atypical for development proposals and the compensatory planting is considered to be adequate in this instance.
- 8.79 The vegetation appraisal plan indicates the extent of tree and hedging removal with compensatory planting. The tree removal and compensatory planting will be conditioned in the case of any approval.
- 8.80 The accuracy and content of the Biodiversity Checklist has been disputed by objectors. Given that the checklist has been completed by a qualified ecologist and given that DAERA the competent authority has not raised any concerns, there are no concerns in relation to the accuracy and content of the checklist.
- 8.81 There has been no requirement for any surveys raised in consultation with DAERA Natural Environment Division.
- 8.82 The proposal is considered to be compliant with the requirements of PPS 2 having regard to the above

consideration.

Other Matters

- 8.83 Objection points have been made to the processing of the application. Paragraph 3 of Article 45 of The Planning Act (NI) 2011 outlines that in determining any application for planning permission the council or the Department must take into account any representations relating to that application which are received by it within such period as may be specified by a development order. The consideration of the proposal and objection points are outlined within the content of this report.
- 8.84 The lack of information in relation to potential housing development has been indicated to be contrary to Policy QD 2 of PPS 7 by objectors.
- 8.85 The wording of Policy QD 2 states that a Design Concept Statement or a Concept Master Plan are required to accompany applications for residential development. This proposal is not for residential development. Furthermore, the requirements for the submission of a Concept Master Plan under criteria (a) – (c) are not satisfied as the proposal does not relate to dwellings or sites of 15 hectares or more. The partial development of a site zoned for housing is only applicable where a Concept Master Plan is required under criteria (a) – (c). Consequently the submission of a Design Concept Statement or Concept Master Plan is not deemed to be required.
- 8.86 Objectors raise that the application reference LA01/2016/1580/F by JPE Planning is not relevant to this application and does not create precedence. Reference is made to a Council Environmental Policy document stating that a consistent approach does not necessarily mean the same and an application should be determined on its own merits.
- 8.87 Application LA01/2016/1580/F relates to the creation of a vehicular access to serve a housing zoning. It is agreed that an application is required to be considered on its own merits. However, precedent is also relevant. It is accepted that the Planning Department has approved similar development as now proposed. However, it is agreed that the approval of an access

in this instance is on its own merits.

- 8.88 It is not agreed that the site would result in unsatisfactory piecemeal development. The agent has indicated that this application seeks to establish the principle of an access. The housing zoning key site requirements acknowledges that the housing zoning is landlocked with access required. The submission of an application with full details for a housing development which has the potential to fail on the basis of the site access. It is considered reasonable and logical to ascertain the location of access to serve the housing zoning in this instance and is not considered prejudicial to the orderly development of land or to be opportunistic. An application for housing on the land to the north will be subject to publicity arrangements as required within legislation. The development of housing is not a material consideration for this application beyond the issue of usage of the access. Any proposed housing may be a part of a scheme for development of the zoning but does not form a part of this application. The establishment of the principle of an access will allow the development of a wider housing proposal as outlined by the agent.
- 8.89 The matter of the lack of detail for No. 2A Laurel Park adjoining the proposal was raised with the agent and the plans amended to include this detail. There is no requirement for the plans to indicate that the existing lane serves No. 93A Strand Road. The laneway is visible on the plans.
- 8.90 Objections have queried where the scheme will access from if the application is refused and if fencing will be removed at Laurel Hill Gardens if approved. These are matters for the applicant and not the Council.
- 8.91 The Planning Department cannot comment on whether a footpath will exist beside Killowen Primary School as it is beyond the remit of this application.
- 8.92 Objections have raised the Councils ownership of the land and the requirement for open and transparent decision making given that the Council are the determining body.
- 8.93 The submission of a planning application requires the completion of a certificate of ownership on the application form.

In this instance, Certificate C has been completed by the applicant Braidwater Ltd who have served notice on DFI Roads and Causeway Coast and Glens Borough Council as partial landowners of the application site. Copies of these notices were submitted with the application. Given that the Council is a part landowner, the determination of the application is required by the Council's Planning Committee.

8.94 Beyond these matters, the Planning Department has no involvement in land ownership and it is not a planning matter for consideration in the assessment of this application. Planning permission does not confer title of land and it is a matter for the applicant to ensure they own all the land to implement their proposal. Decision making in relation to Council land is made by the Council's Land and Property Section who are a separate department of the Council.

8.95 Objections have raised that the proposal impinges of an existing right of way.

8.96 The Council's Coast and Countryside Unit were consulted on the proposal who advised that:

The private lane in question has not been asserted as a public right of way by Causeway Coast and Glens Borough Council, nor am I aware of any public claims relating to public usage of this laneway. Accordingly, Coast and Countryside Unit would offer no further comment relating to this proposal.

8.97 Notwithstanding this, planning does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to lands. The matters in relation to the rights of way are civil matters beyond the remit of this application.

8.98 Objections have raised the lack of consultation with neighbours. Article 8 of The Planning (General Development Procedure) Order (NI) 2015 requires that the Council publish notice of an application in at least one newspaper in the locality in which the land to which the application relates, serve notice to any identified occupier on neighbouring land and publish the advertisement of the application on its website where it uses one and not determine the application before the expiration of 14

days from which the advertisement was published and neighbour notification issued. Advertisement was carried out in Coleraine Chronicle on 13th October 2021 and neighbour notification on 6th October 2021, 29th September 2022 and 17th November 2022.

8.99 Neighbour notification is carried out initially to identified occupiers on neighbouring land as stipulated within the legislation. This encompasses properties whose directly adjoin the application site or who would adjoin except for by a road less than 20 metres. Many of the properties raising this matter do not adjoin the site but will have been encompassed in the application re-notification. The length of advertisement and neighbour notification period is stipulated in legislation as outlined above.

8.100 The advertisement and neighbour notification does not include details in relation to the application beyond the application reference, location and proposal. The inclusion of application drawings and documentation is not a legislative requirement. The notices include reference to where this information can be viewed.

8.101 It has been raised that information has not been able to viewed on the planning portal. The information is available to view publicly on both the former and current planning portal systems. Information can also be requested from the Planning Department if requested.

8.102 Housing applications for 50 housing units or more results in the application being major development which requires community consultation. However, as this proposal relates solely to an access this is not applicable and no pre-application consultation is required.

8.103 The requirement for a Design and Access Statement is stipulated under Article 6 of The Planning (General Development Procedure) Order (NI) 2015. Submission is required where the application is major development or the site is within a designated area and meets the further listed criteria. This application is local development and is not located within a designated area as defined within the legislation: conservation area, AONB, area of townscape/village character or world

heritage site. Accordingly, a Design and Access Statement is not required.

8.104 Need for the proposal and as a standalone application, the loss of green space as only significant area of parkland in the town, value of the land for health and wellbeing, education, natural and historical uses, the fact that the land bequeathed as parkland, the existence of more suitable sites for the proposal including brownfield, the area West of the Bann has already contributed to housing scheme targets and alternative uses for the site have been raised, queried and proposed. This planning application under consideration has been submitted to the Council by a private developer. The Development Management section of the Council's Planning Department is required to determine this application under its statutory functions. The Planning Department has no involvement in the submission of a planning application insofar as what the proposal relates to or on the land on which it is located. The form of development proposed does not require a demonstration of need or sequential location testing.

8.105 An objection raises the description of the proposal to be inadequate. On review it is considered that it is clear that the proposal relates to a proposed access to service a housing zoning with access alterations on Laurel Park.

8.106 Devaluation of property and private views are not planning matters.

8.107 The location of a number of old buildings and ancient and modern heritage value of the site has been raised. Consultation with Historic Environment Divisions map viewer does not indicate any archaeological sites or monuments on the site or in the immediate environs. There are listed buildings further to the north. However, given the distance involved the proposal will not impact on these buildings. Historic Environment Division were consulted on this proposal and advised they have assessed the application and on the basis of the information provided are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

8.108 The site has been disputed as being relatively flat as indicated with the agents supporting information. It is agreed

with objectors points that the site falls towards Laurel Park.

- 8.109 It has been queried if a conservation/environmental impact assessment has been carried out. An assessment of conservation has been made in relation to natural heritage and built heritage within this report. An environmental impact assessment is not required for this proposal as the application type and size does not trigger any of the thresholds within Schedule 1 or 2 of The Planning (Environmental Impact Assessment) Regulations (NI) 2017.
- 8.110 Impact on way of life, future of the area, privacy, neighbouring amenity, the peace and tranquillity that existing residents currently enjoy and on human rights under Article 8 of the Human Right Act from the proposal have been raised.
- 8.111 Human rights are a consideration within policy development under which a proposal is assessed. The usage of the access while resulting in more traffic within the area is not considered to result in any unacceptable impacts on privacy or that which would impact on way of life or enjoyment of the area. There is no requirement for the assessment of Policy QD 1 of PPS 7 for this proposal.
- 8.112 Objectors have referenced Council strategies citing matters of impact from noise and air quality from new development, the need to reduce pollution and damage from carbon emissions, climate change and the requirement for sensitive consideration of land use zoning locations, creation of pedestrian and cycle friendly neighbourhoods and appreciation of existing and future situations. The traffic impact on air quality and associated light, noise pollution and disturbance for residents
- 8.113 Environmental Health were consulted on the proposal and have advised that no technical information has been submitted in relation to air quality or noise and that they are not the primary authority for assessment of the access. Environmental Health advise that they have no adverse comment as this juncture and no objection in principle to the proposal given the surrounding residential uses. No concerns have been raised in relation to impact from lighting. Given the nature of the proposal, it is considered that there would be an adverse impact from lighting. An informative in relation to lighting will be applied in the

instance of an approval.

- 8.114 The application site is already partially zoned for housing so the designation of a zoning or consideration of a new zoning is beyond the remit of this application for consideration. Climate change and carbon emissions are important environmental matters. However, most development by its nature and human activity generally will have an impact in relation to carbon emissions and climate change. In this case of this proposal this will be either during construction of the access and loss of land or its operations with traffic movements. Strict adherence to consideration of carbon and climate change impacts would result in a presumption against housing development. This proposal is not considered to give rise to any significant impacts in relation to carbon emissions or climate change. The proposed access can facilitate pedestrian and cycling usage. The future operations of the access are considered within this report.
- 8.115 Objections have raised that the site does not reflect nature and limitations of space between the proposal and dwellings with no consideration of impact. It is outlined that the proposal is not in keeping with the aesthetic of its setting, does not respect scale in its context with lack of clarity on scale and relationship to existing dwellings and their boundaries. Creating Places is quoted as recommending proposals should respect their setting and proposal does not demonstrate adverse impact visual in terms of its relationship to adjacent dwellings.
- 8.116 There are no concerns in relation to visual impacts from the proposal having regard to the nature of the proposal as an access, the adjoining vegetation which screens the rear of the access. The proposal seeks access onto an existing road which has a similar separation distance as the proposal. The visual and amenity impacts from road usage from the proposal are not considered to be different from that existing. Environmental Health advised they have no adverse comment to the proposal at this juncture.
- 8.117 Concerns have been raised that there are no details on construction, deliveries, construction hours, noise from plant and equipment or dust generation.

- 8.118 These matters have been raised by Environmental Health as informatives and are controlled under other legislation. Environmental Health have advised they have no adverse comment as this juncture and no objection in principle to the proposal given the surrounding residential uses.
- 8.119 No details for usage of existing lane to be blocked off and access for maintenance.
- 8.120 The original plans provided no details on how the existing laneway associated with the access would be closed off. This matter was raised with the agent who has submitted a Planning Statement which addresses this matter.
- 8.121 The Planning Statement advises that the abandoned sections of laneway to the rear of No. 1A Laurel Park and 95 Strand Road are to be transferred to each of the respective properties. Planning permission would be required to regularise the proposed extension of curtilages for these properties.
- 8.122 Concerns have been raised regarding crime and antisocial behaviour. The retention of the private lane would have the potential for these matters to occur. The incorporation of the lane into existing properties is considered in principle to be an acceptable solution to these matters and would address access to trees at the rear boundary of these properties. However, ultimately consideration of this matter will be subject to further assessment under a planning application.

9.0 CONCLUSION

- 9.1 The proposal is acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, PPS 2, PPS 3 and PPS 15. The site is located within the Coleraine Settlement Development and the proposal provides access to a housing zoning and Local Landscape Policy Area. The proposal does not impact on the features or the requirements of these designations. The letters of representation have been fully considered in the Committee Report. Approval is recommended.

10.0 CONDITIONS AND INFORMATIVES

Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

2. All planting comprised in the approved details of Drawing No. 03 date stamped 5th April 2022 shall be carried out during the first planting season following the commencement of the development and any shrubs/trees which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

Reason: To ensure compensation for trees and hedging lost from the proposal and in the interests of the provision, establishment and maintenance of a high standard of landscape.

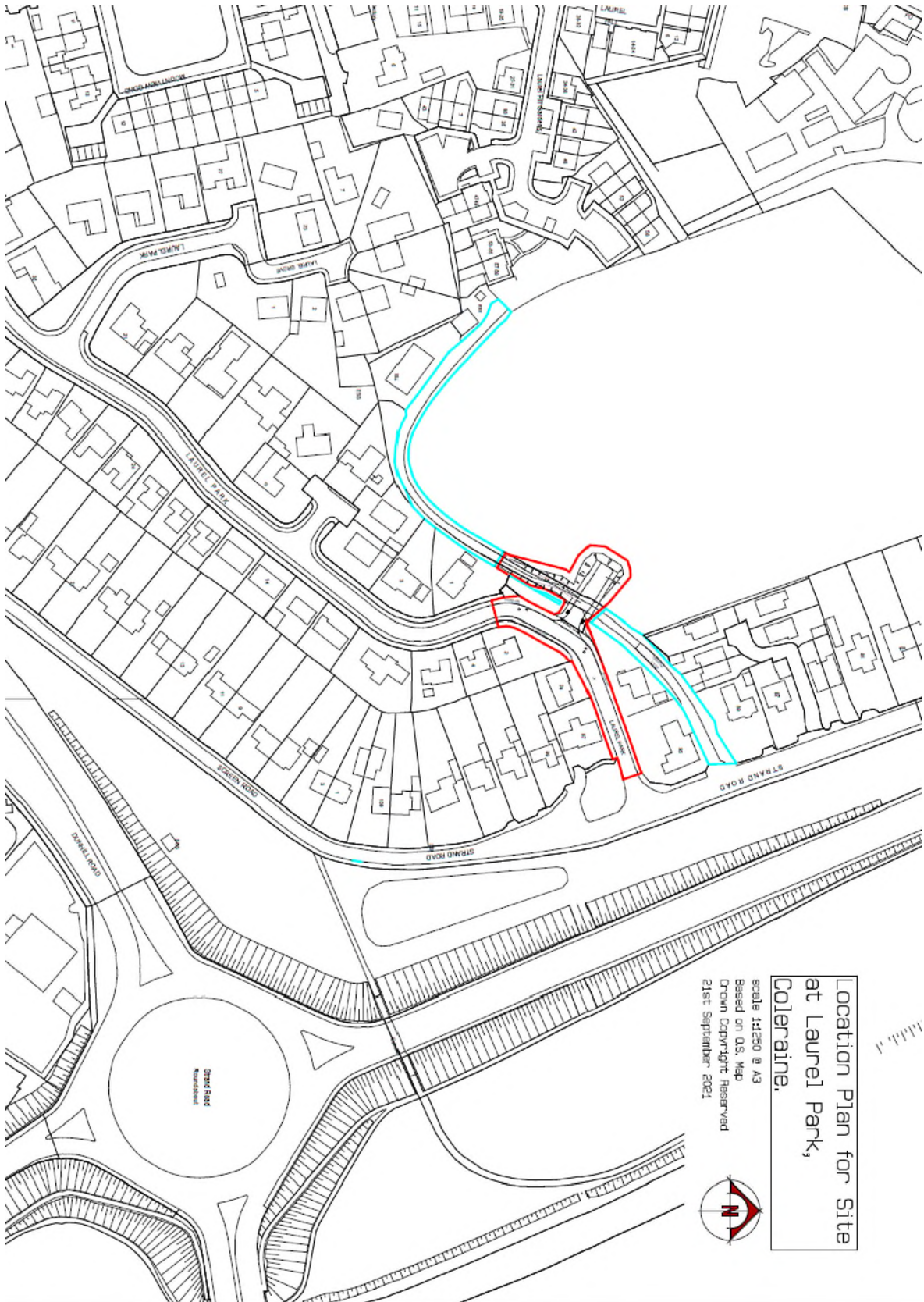
Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent sites for the removal of or building on the party wall or boundary whether or not defined.
2. 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.
3. 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.
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. You should refer to any other general advice and guidance provided by consultees in the process of this planning application

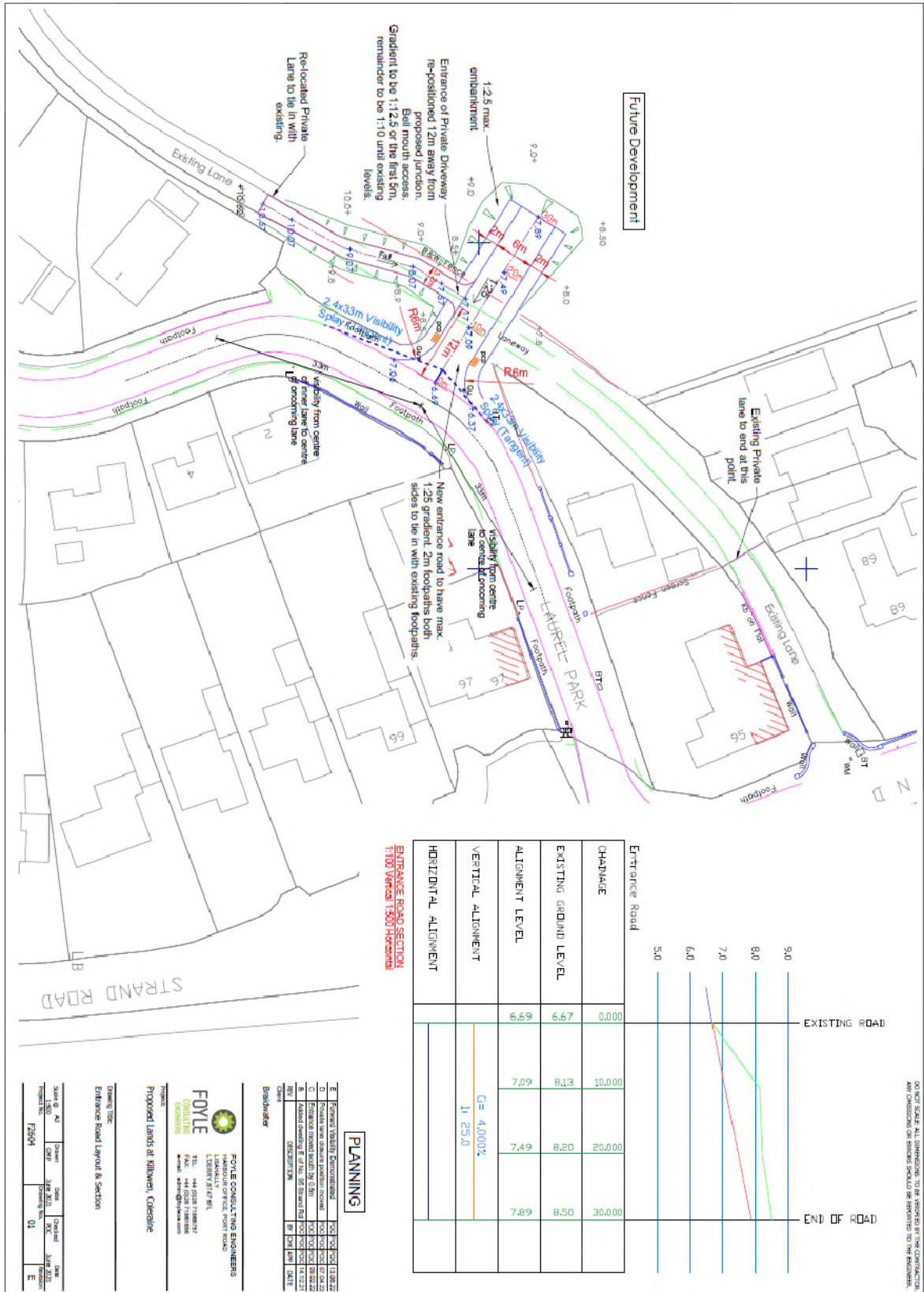
by reviewing all responses on the Planning Portal at:
<https://planningregister.planningsystemni.gov.uk/simple-search>

6. 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. This can be accessed at:
<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-ofobtrusive-light-2021/>.

Site Location Map



Site Block Plan



Addendum

LA01/2021/1173/F

1.0 Update

1.1 Following the publishing of the Planning Committee agenda, a further 5 objections have been received and circulated to members. The letters have raised the following issues:

- Lack of formal consultation.
- Traffic, road layout and safety
- Land bequeathed to West Bann residents for wellbeing.
- Impact on health and well being by the loss of habitat.
- Council Strategy on Environmental Protection, Green Growth Strategy, Environmental Protection, Health and Built Environment which states that comments will consider impact of noise and air quality and that new development close to existing properties, will not be detrimental to local amenity.
- Loss of green space.
- Impact on Biodiversity, need to improve biodiversity, and Environmental and Wildlife protection.
- Council encouragement to community groups and organisations to apply for LiveSmart Community Environmental Grants to allow them to keep their local area clean and tidy, promote recycling, reuse and waste reduction and have impact on carbon footprint. Climate Smart objective aims to reduce carbon footprint. Whilst embracing this policy, the Council seems to endorse measures to eliminate natural space and create pollution.
- Continued increase of social housing stock at the west of the Bann.

2.0 Consideration

2.1 The Council LiveSmart Initiative aims to encourage, inform and involve all our residents, businesses and visitors to live more lightly on our planet by taking simple steps to protect our environment.

- 2.2 All planning application are assessed in accordance with the SPPS 'Planning for Sustainable Development' the proposal does not conflict with the Council Live Smart Initiative.
- 2.3 All material considerations have been fully considered in the assessment of this proposal, as set out in the Planning Committee Report. Any future application for housing for the zoned site will be considered in relation to the relevant policies and guidance, including any potential impacts on to the amenity of the surrounding residential area. Environmental Health have been consulted and raise no objection to the proposed access.
- 2.4 The loss of habitat and the impact on the health and wellbeing has been considered in the Planning Committee report. This application is for an access. Only those trees and hedgerow identified on Drawing 03 are to be removed. As compensation 2 no. birch trees are proposed either side of the access. This is conditioned as set out in section 10 of the Planning Committee report.
- 2.5 The other matters have been previously raised and fully considered throughout the Planning Committee report.

3.0 Recommendation

- 3.1 That the committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with paragraph 1.0 of the Planning Committee report.

Addendum 2

LA01/2021/1173/F

1.0 Update

1.1 Further to deferral for site visit at the previous Planning Committee in March 2023 a further 18 objections and three petitions of objection with 144 signatures have been received and circulated to members. The letters have raised the following new issues to those already det out in the Planning Committee report:

Traffic, access design, road layout, safety and accidents on the road.

- Higher value of speed should be used in design where there is a difference in 85th percentile which is 23mph.
- 37 metre forward visibility is only suited to 21mph and DFI Roads have justified a lower speed through their interpretation to achieve the deliverable splay which is uncharacteristically lenient.
- DFI Roads have not stated this layout is suitable for accessing housing and approving a layout for a single house. The TAF is for 78 dwellings, not 1.
- The layout is not appropriate for accessing a housing zoning.
- Little change in proposed plans.
- Council and DFI Roads does not maintain the verge despite claim.
- Request for copy of maps and records pertaining to adoption of road at Laurel Park and area of land relating to the verge.
- Short notice for responding to neighbour notification.
- Is it the desire of the developer to have a through road from Laurel Hill to Laurel Park?
- Site bound green line takes in part of their property.
- Plans don't show cars parked on Laurel Park, particularly at No. 1 and 2.

Council process

- Has the Planning Committee considered the objections?
- Has every member of the Planning Committee visited the site?

- Has the field already been sold to a developer or is it Council owned as this will influence any decision.
- Objectors are being ignored.
- Lack of neutrality/conflict of interest.
- Integrity of planning process.
- Why would the Council want to have a social housing development amalgamating with a long established peaceful private housing area.

Other Matters

- Proposal has none of the required infrastructure in place.
- Filling in of space from Greenhall highway to Lodge Roundabout should be recorded as cramming and not planning.
- Property is serviced by the private lane and they are the only house with a legal right of way on it. The application will affect them during construction and re-routing of their access.
- Access has its own ecosystem and presume there would be a plan to move flora and fauna already established.
- Flooding which causes pollution into the river.
- Flooding causing issues with sewers and drains.
- Belfast Telegraph November 2019 has recorded flooding along Strand Road.
- Council should consider how to use the space to benefit the greater good of the local people e.g. park or wooded area.
- Sewerage problems/system is at capacity and cannot accept further burden.

1.2 A total of 118 objections and 7 petitions of objection have now been received.

1.3 Correspondence has been received from a third party which outlines a dispute of ownership of land pertaining to the proposed access arrangements. An amended P2 has been submitted and advertisement carried out.

1.4 An amended site plan has been submitted taking into account objection points received and DFI Roads comments.

2.0 Consideration

2.1 Objections have raised further concerns in relation to the DFI Roads response, traffic, access design, road layout, safety and accidents.

- 2.2 A speed survey was submitted by objectors which outlines a speed of 23mph. The speed of the road dictates the access geometry for the access. Development Control Advice Note 15 provides guidance on the visibility spays required.
- 2.3 DFI Roads requested the survey data and advised that “the average speed of vehicles using laurel Park at the survey location is 17.49mph with an 85th %ile speed of 21mph was surveyed, not 23mph”.
- 2.4 They advise “from DCAN15, this speed of 21mph correlates to a required forward sight distance of 37m and that MRA Partnership has estimated in their letter dated 23 May 2023 that “...the maximum value of forward visibility to be 38m.” therefore, this can be achieved”.
- 2.5 An amended site layout was requested to reflect the visibility splays. Following submission and consideration DFI Roads advised they were content.
- 2.6 DFI Roads advise that standards under to CD123 of the Design Manual for Roads and Bridges (DMRB) are being applied by objectors and that this standard is not applicable. DFI Roads advise that Dfl Roads Policy & Procedure Guide RSPPG_E067 sets out the agreed guidance on vehicle access standards and notes that best practice for simple accesses such as this is the use of DCAN15.
- 2.7 DFI Roads advise that relevant standards contained in DMRB, in conjunction with DCAN15, should be used for more complex accesses such as diverging and merging tapers, junction re-alignments, etc.
- 2.8 Further to objection on the amended plan with forward sight distance of 37 metres indicated based on the speed values, DFI Roads advised in relation to individual speed measurement periods that if there is a difference between the 85th percentile speed periods then the higher value should be used.
- 2.9 DFI Roads continue that in the instance of the speed survey at Laurel Park that the speed survey was one continuous 7 day speed survey period i.e. not individual periods, so the 85th percentile measurement was taken across the whole 7 day period, which is

the appropriate and acceptable method of measurement.

- 2.10 DFI Roads advise that the highest weekday speed of 23mph is not appropriate as it does not represent the full survey period. They advise that the speeds outlined under paragraph 2.3 are that surveyed and that at a speed of 21mph the required forward sight distance is 37m.
- 2.11 DFI Roads advise they are content that the required standards for visibility splays and forward sight distance, as from DCAN15 are achievable and adequate and that the surrounding road network has the spare capacity to safely accommodate the combined traffic volumes of Laurel Park and the proposed development.
- 2.12 Objections have raised the requirement for the submission of the survey data and leniency of DFI Roads and the detail of their response in their consideration of the application. The proposal has been assessed in full by DFI Roads on the basis of the applicable standards as they have outlined in their response. There are no concerns in relation to the response provided.
- 2.13 Paragraph 8.93 of the Planning Committee Report outlines that Certificate C was completed on receipt of the application with notice served on DFI Roads and the Council who were listed as partial landowners.
- 2.14 The agent was forwarded the information submitted by a third party in relation to a ownership dispute. Consequently, the agent revised Certificate C and served notice on the third party as “alleged part landowner”.
- 2.15 An objector has queried if the objections have been considered. Responses to objection points raised are considered in the Planning Committee Report and associated addenda. Objections are highlighted to members for their review as part of their decision making capacity.
- 2.16 The list of Planning Committee members who visited the site is outlined in the accompanying site visit report.
- 2.17 An objection raises a short time period for response under neighbour notification. The letters once generated specify a period of 14 days for response. This 14 day notification period is outlined

Under Article 8 (1)(b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015. Delivery of post is outside the remit of the Council.

- 2.18 The decision to propose an access in this location lies with the developer. This application has been submitted on behalf of a private company. The matter of access through Laurel Hill Gardens, and the development of a through road from Laurel Hill to Laurel Park lies with the developer.
- 2.19 Objectors have queried why social housing should be located in this location and the saturation of the western side of the River Bann with social housing. This application relates to a vehicular access and not social housing. The application is described as to access social housing. The development plan is the primary consideration in the assessment of planning applications. The plan in this instance is the Northern Area Plan 2016. Housing zoning CEH 55 of the Northern Area Plan for which the proposal seeks to access states that a minimum of 14 dwellings should be provided for social housing.
- 2.20 There is no requirement for the site plan to show cars parked on Laurel Park.
- 2.21 Impacts on the usage of private rights of way is a civil matter.
- 2.22 Green lines are noted on the site layout plan as raised by No. 2 Laurel Park as crossing into their ownership. These lines are indicative of road geometry only and indicate the edge of the grass verge and the pavement at No. 2.
- 2.23 Maintenance of the verge is not a planning matter and is beyond the remit of this application. A request has been made for a copy of maps and records pertaining to adoption of the road at Laurel Park and area of land relating to the verge. Roads are adopted by DFI Roads and any maps and records will be held by them and not the Planning Authority.
- 2.24 There have been multiple periods of notification with neighbours and re-consultation with statutory bodies on objection points raised. The points raised have been considered in the Planning Committee Report and addendum.

2.25 The other matters raised including flora and fauna, flooding, sewerage, lack of infrastructure, pollution including air and noise, usage of land/loss of space associated with and beyond the application site have been previously raised and fully considered throughout the Planning Committee report.

3.0 Recommendation

3.1 That the committee note the contents of this Addendum and agree with the recommendation to Approve the application in accordance with paragraph 1.0 of the Planning Committee report.

SITE VISIT REPORT: MONDAY 26th June 2023

Committee Members: Alderman, Boyle, Coyle, Scott, Stewart, S McKillop (Vice Chair) and; Councillors Anderson, C Archibald, Hunter, Kennedy, McGurk, McMullan (Chair), Peacock, Nicholl, Storey, Wallace and Watton

**LA01/2021/1173/F- Land opposite nos 2 & 2A and at Laurel Park,
Coleraine BT51 4RQ**

App Type: Full Application
Proposal: Access

Present: Ald Boyle, Councillor Hunter, Councillor McGurk, Councillor Stewart
Officials S Mathers, D.Dickson, J Lundy

Apologies:

Comments:

Site visit commenced at the front of the proposed access point. The width of the access was described and the change in levels as shown on the plans were noted. The vegetation and trees to be removed where also shown.

Members asked if the boundary of the neighbouring development would be affected. The plan was shown of the access and splays that do not affect the property.

Officers advised that the agent has agreed to close up the access to the rear of No 95 Strand Road