

Title of Report:	Planning Committee Report – LA01/2020/0641/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	24th April 2024
For Decision or For Information	For Decision – Objection Item
To be discussed In Committee YES/NO	NO

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	Development Management and Enforcement Manager

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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:

<u>No:</u> LA01/2020/0641/F	<u>Ward:</u> Castlerock
<u>App Type:</u> Full	
<u>Address:</u> Site Adjacent to 8 Strandview Cottages, Castlerock	
<u>Proposal:</u> Proposed split-level dwelling, to include lower ground floor bedrooms/den & ground floor living/bedroom.	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 08/07/2020
<u>Listed Building Grade:</u> N/A	
Agent: Newline Architects, 48 Main Street, Castledawson, BT45 8AB	
Applicant: N M Developments, 1a Agherton Village, Portstewart	
Objections: 82	Petitions of Objection: 0
Support: 0	Petitions of Support: 0

Executive Summary

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The application site falls within the settlement limit of Castlerock.
- 82 letters of objection have been received in relation to this application.
- No objections have been raised by statutory consultees in relation to this proposal.
- The proposal meets the requirements of Policy QD1 of PPS 7 and Policy LC1 of the Addendum to PPS 7.
- The scale, form, massing and appearance, materials and detailing of the proposal is acceptable.
- The design of this proposal is visually appropriate and should not detract from the character and appearance of the area given the varying designs and styles already present.
- The proposal is not considered to adversely conflict with adjacent land uses and there is no unacceptable adverse effect on the residential amenity of neighbouring properties.
- The density is not significantly higher than the surrounding area and the application site can accommodate this without adverse impact on the character and appearance of the surrounding area.
- Access and parking arrangements are acceptable.
- The proposal does not result in natural heritage issues.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 7, Addendum to PPS 7, PPS 3 and PPS 2.

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

1.0 RECOMMENDATION

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

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises an area of land located adjacent to No. 8 Strandview Cottages. The site currently contains an area of hardstanding and overgrown grassed areas. The red line includes part of a shared laneway which is owned by the applicant. This laneway provides access to the rear of the dwellings at Strandview Cottages and to 3 further dwellings (52a, 52b and 52c Main Street). The topography of the site is sloping, with ground levels falling to the north-east towards Warke Place and Seapark. The surrounding area is primarily residential, with residential development bounding the application site.
- 2.2 The surrounding area is primarily residential, with residential development bounding the application site. There are a variety of house types and designs in the surrounding area. Dwellings are typically 2 storey or single storey detached/semi-detached dwellings. Strandview Cottages comprises a row of split-level dwellings.
- 2.3 The application site is located within the settlement limit of Castlerock which is designated as a village in the Northern Area Plan 2016. It is located within Binevenagh Area of Outstanding Natural Beauty.

3.0 RELEVANT HISTORY

3.1 No relevant history on the application site.

4.0 THE APPLICATION

4.1 Proposed split-level dwelling, to include lower ground floor bedrooms/den & ground floor living/bedroom.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Eighty two (82) letters of objection have been received in relation to the application. Twenty seven (27) of these are from separate addresses. The issues raised in relation to the latest drawings are as follows;

- Impact on right of way and access to properties on shared laneway
- Overlooking of dwellings at Warke Place & Seapark from dwelling and garden.
- Potential noise and odour from proposed package treatment plant. Underground electricity cables cross the site of the proposed package treatment plant.
- Excavations to build foundations may impact structure of existing dwellings as constructed on a former quarry.
- Impact of removal of vegetation on biodiversity.
- No information provided on retaining wall surrounding car parking area.
- Design of proposed dwelling is not comparable to any surrounding properties in Strandview Cottages, Seapark or Warke Place.
- Proposed walled garden area is on a steep slope and any steps taken to level the surface would have serious consequences for adjoining properties.
- Safety issues due to the proposed development being separated into 3 areas. Boundary treatments will reduce visibility on shared laneway which will be a further hazard.

- 1.8m high fence around private walled garden area will detract from the open area of natural vegetation which currently exists.
- Wall to parking area will dominate No. 35, 33 & 31 Seapark.
- Scale & mass of the property is completely disproportionate to the site and other houses in the area.
- Proposed finishes at variance with adjacent properties and out of character with the area.
- Loss of light due to mass of property.
- Underground electricity cables cross the site of the proposed septic tank.

In response to these concerns:

- DfI Roads were consulted in relation to the proposal and content of the objections received and have advised they have no objections subject to conditions.
- A section of the shared lane is located within the application site. The agent has confirmed that this is under the ownership of the applicant and that the proposal will not restrict access to properties located on the shared lane.
- The Environmental Health department were consulted in relation to the proposed package treatment plant and have provided an informative in relation to foul sewage disposal. The package treatment plant is located more than 7m from nearby occupied dwellings.
- A consultation was issued to Geological Survey of Northern Ireland in relation to concerns raised over potential subsidence. GSNI requested further information to determine if a Landslide Risk Assessment would be required. A Soil Investigation Report was submitted and on the basis of the information available, GSNI is content with the development as proposed.
- An assessment of the scale, massing and design of the building has been made under Policy QD1 of PPS 7 in this report. It is considered that the proposed dwelling is generally acceptable given the range of house types and designs within the settlement limit of Castlerock. Details of the retaining wall to the car parking area have been provided.
- The impact on residential amenity has been considered under part (h) of PPS 7 in the assessment below.
- The walled garden area has now been removed from the plans and will be retained as an area of scrub land as

indicated on the site plan. A condition has been included to restrict the use of this area.

- The proposed dwelling will be constructed on an existing area of hardstanding and the site plan indicates all existing vegetation within the site and to boundaries will be retained. Therefore, it is considered that the proposal would not impact biodiversity.
- The proposal is no longer split into 3 separate areas and now comprises the site of the dwelling and the car parking area.
- NIE Networks were consulted in relation to the objection regarding underground electricity cables and have no objections provided that the applicant, prior to the construction stage, applies for an alteration to the underground cables in order to maintain the required safety clearances required.

5.2 Internal:

NI Water (No objections)

Environmental Health (No objections)

DFI Roads (No objections)

DAERA: Water Management Unit (Refer to Standing Advice)

DAERA: Natural Environment Division (No objections)

GSNI (No objections)

NIE Networks: No objections

6.0 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

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

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 7 – Quality Residential Environments

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

PPS 15 – Planning and Flood Risk

Supplementary Planning Guidance

Creating Places

DCAN 8 – Housing in Existing Areas

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located within the settlement limit of Castlerock so Policy SET 2 of NAP 2016 applies and planning permission will be granted provided the proposal is sensitive to the size and character of the settlement.
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: Local character, environmental quality and residential amenity, flooding, sewerage, access and parking, and natural heritage.

Local Character, Environmental Quality and Residential Amenity

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

Policy QD1 – Quality in New Residential Development

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

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

- 8.5 The application site is located adjacent to an existing dwelling at 8 Strandview Cottages. The surrounding area comprises residential development of various designs, scale and massing. Strandview Cottages comprises a row of split-level dwellings

located immediately north-west of the site. Strandview Mews is a residential development located west of the site comprising two-storey detached and semi-detached dwellings. Other residential developments close to the site include Warke Place to the north-east and Seapark to the east which typically comprise a mix of detached and semi-detached single storey and 1½ storey dwellings on varying plot sizes.

- 8.6 The application site comprises a narrow strip of land which is situated at the end of Strandview Cottages. It is in an elevated position and the ground level falls towards the north-east of the site towards Warke Place and Seapark. The proposal is for a split-level dwelling with a garden to the rear and parking area to the opposite side of the shared laneway. The topography of the site is similar to that of the existing dwellings at Strandview Cottages. The proposed dwelling is of contemporary design and comprises an elongated building which is narrower to the front and wider at the rear due to the constraints of the narrow site. The agent's concept plan states that the form of the proposed dwelling is a contemporary interpretation of the adjacent dwellings at Seapark, with small front and rear elevations and elongated gable form. The dwelling is orientated north-east which is similar to the existing dwellings at Strandview Cottages.
- 8.7 A shared lane runs through the application site. Two parking spaces and a turning area is proposed to the opposite side of the shared lane. Objectors raised concerns about the proposal restricting access to properties on the shared laneway. The agent advised that the laneway and the land within the application site is owned by the applicant. The submitted plans show that the laneway will be realigned and access to properties located on the shared laneway will not be restricted.
- 8.8 The ridge height of the proposed dwelling is approximately 6.7m from ground level at the highest point. The ridge height is lower than that of the adjacent dwelling at 8 Strandview Cottages. The main views of the proposed dwelling will be from the shared lane which provides access to 3 existing dwellings situated along the laneway. There are limited public views from Main Street due to existing development along this street. Any views will be intermittent, and the proposed building will be viewed against the rising ground behind, with the dwellings at Strandview Mews

sitting above. The scale and massing of the proposal is appropriate to its surroundings.

- 8.9 Objectors mention approval of this application would set an undesirable precedent due to the scale and design being at variance with other dwellings. Each application is assessed on its own merits. While the design is unprecedented in the area, the scale, proportions and massing are appropriate to the size and topography of the site. The proposal is located at the end of an existing row of split-level dwellings and there are limited public views. The wider area comprises various house types and designs. It is considered the proposal will not visually detract from the character and appearance of the surrounding area. It is considered that the proposal complies with Criteria (a).

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

- 8.10 The application site does not contain any listed buildings or monuments. There are no important landscape features within the site. A block plan has been submitted showing the boundary treatments for this development. The existing area of scrub land to the north-east will be retained as a buffer to neighbouring development. The existing mature shrubs and trees to the northern boundary will be retained. The proposed plans also indicate the existing foliage to the south-eastern boundary with Seapark will be retained and supplemented where required with native hedging. The proposed landscaping is sufficient for a site located within the settlement limit of Castlerock.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

- 8.11 Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.19 states all houses should have an area of private open space behind the building line and it should be approx. 70m² per house or greater. Smaller areas may be more appropriate for houses with 1 or 2 bedrooms but any individual house with an area of less than around 40m² will generally be unacceptable.
- 8.12 This proposal entails a two-bedroom detached dwelling. The rear amenity space measures approximately 50m². Paragraph 5.19 of Creating Places advises the rear garden should be around 70m². This application is below this threshold. However, paragraph 5.20 of Creating Places states that in the case of 1 and 2 bedroomed houses on small urban infill sites, the level of private amenity space provision should range from 10sqm per unit to around 30sqm per unit. As the proposal comprises a 2-bedroom dwelling on a small urban site, the level of amenity space provision would be considered acceptable.
- 8.13 The amenity space to the rear of the proposed dwelling is bounded by the shared lane which will be used by occupiers of dwellings located on the lane. This is a similar arrangement to the adjacent dwelling at 8 Strandview Cottages where the rear private garden extends down to the shared lane. A 1.2m high estate railing with beech hedging planted on the inside is proposed to the boundary of the rear amenity area which will provide screening from the lane.

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

- 8.14 Given the small scale of the proposal, the developer is not required to make provision for local neighbourhood facilities as an integral part of the development.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

8.15 The site is within the settlement limit of Castlerock where access to public transport and amenities is available.

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

8.16 The submitted site plan shows space for car parking on the shared laneway with space for 2 cars. This is in accordance with the Departments published parking standards. DfI Roads have not raised any issues regarding car parking.

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

8.17 The surrounding area is characterised by a mixture of dwelling types and styles. Most dwellings are detached or semi-detached with varying ridge heights. The built form varies in terms of ratio to plot sizes. Public views of the proposal are from the shared laneway leading from Strandview Cottages to the railway line. There are 3 dwellings located on the shared lane, which can also be accessed from the Main Street side across the railway line. Objectors have advised that the laneway is also used for access to the rear of Strandview Cottages. However, the main access to these dwellings is from the public road to the front of Strandview Cottages. There are limited public views of the site from Main Street due to existing built development. Although the site is in an elevated position, the proposed building will sit lower than the existing dwellings in Strandview Cottages and will be viewed in context with the two-storey dwellings in Strandview Mews which sit at a higher ground level than the application site.

8.18 The proposal is for a split-level dwelling on a sloping site. The design is contemporary with small front and rear elevations and an elongated gable. Proposed finishes include natural basalt stone to the lower walls with vertical larch cladding to the upper part of the

building and an Evermat sedum roof. Grey aluminium framed windows and natural hardwood doors are proposed. There is a large window to the upper ground floor with views towards the sea. This is similar to the existing dwellings in Strandview Cottages which have large first floor windows looking towards the sea.

- 8.19 The scale, form, massing and appearance, materials and detailing of the proposal is acceptable. Whilst the design of this proposal is unprecedented, it will not detract from the character and appearance of the area given the limited public views and varying designs and styles already present in the surrounding area.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

- 8.20 Objections have been received in relation to the proposed development, with a number of these expressing concern regarding the impact on residential amenity.

- 8.21 The proposed dwelling is located adjacent to an existing dwelling at 8 Strandview Cottages. The closet part of the proposed dwelling is located approximately 0.8m from the boundary wall of No. 8 with opposing side elevations approximately 5.6m apart. There are no windows proposed to the elevation facing towards No. 8. The front of the proposed dwelling sits forward of the rear of No. 8 and the windows to the front are orientated to the north-east, therefore should not overlook the rear amenity space of No. 8.

- 8.22 The application site is surrounded by residential development including Warke Place to the north-east and Seapark to the east/south-east. The application site is elevated above both developments. The front elevation of the proposed dwelling comprises a large first floor living area window which is orientated towards rear of the dwelling at 7 Warke Place. The front elevation of the proposed dwelling is located around 28m from the common boundary with 7 Warke Place. There will also be views towards the rear of 29 & 31 Seapark. The proposed dwelling is located approximately 36m from the common boundary with 29 Seapark and 23m from the common boundary with 31 Seapark. Paragraph

7.15 of Creating Places indicates that a separation distance of around 20m or greater between opposing rear first floor windows of new houses is generally acceptable. Paragraph 7.16 of Creating Places indicates that, where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. This is back-to-back and generally for 2 storey dwellings. An enhanced separation distance may also be necessary for development on sloping sites. The proposal achieves the minimum separation distances advised within Creating Places and is considered adequate to ensure no unacceptable overlooking.

8.23 The side elevation of the building is orientated towards existing dwellings at 33 & 35 Seapark. These dwellings sit at a lower level than the application site. There is only 1 window proposed in this elevation which is to allow light to filter through a void into the study on the lower ground floor. There will not be any overlooking from this window. Additionally, the proposed dwelling is sufficiently separated from these existing dwellings to prevent overshadowing. A car parking area is proposed to the opposite side of the shared laneway which is located approximately 6m from the common boundary with No. 33 & 35 Seapark. A 1.5m high stone retaining wall is proposed to the boundary of the car parking area. This will help to minimize views from the car park onto the amenity of the existing dwellings. In addition, the site plan indicates that existing vegetation between the site and boundary with No. 33 & 35 will be retained and supplemented where required with native species which will maintain screening and protect privacy.

8.24 Some of the properties to the boundary of the site in Seapark raised issues about access from the rear of their dwellings onto the shared laneway. This would be a civil matter between the applicant and residents. The area of land between the laneway and the existing dwellings is currently very overgrown. This area of land is within the ownership of the applicant and will be retained as an area of scrub land as indicated on the latest plans.

8.25 The proposed dwelling will not harm the amenity of dwellings at Strandview Mews given these properties are located at a higher ground level and do not abut the site.

8.26 Objectors raised concerns regarding instability of land due to the site being on a former quarry. The agent submitted a Soil Investigation Report for consideration. This report concluded that there would not be any significant risk for landslip. It is advised that engineered foundations/retention structures onto original ground are designed prior to construction. GSNI was consulted and have no objections.

8.27 Noise is not perceived to be an issue as this proposal is for residential development within the settlement limit and Environmental Health have not raised any concerns regarding noise. Objections have been received in which concerns have been raised regarding the location of the proposed septic tank. The Environmental Health department was consulted in relation to the objections regarding the proposed package treatment plant and provided informatives which advise that a minimum separation distance of 7m is recommended between the wastewater unit and nearest habitable dwelling. Environmental Health have clarified that this distance is to the building itself and not just the boundary. The proposed package treatment plant is located approximately 17m to the nearest third-party habitable dwelling and approximately 13m from the proposed dwelling.

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

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

8.28 The development has been designed to deter crime and promote personal safety.

8.29 The Addendum to PPS 7 seeks to safeguard the character of Established Residential Areas. The key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and are in harmony with the local character of established residential areas, villages and smaller settlements.

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

- 8.30 This policy requires the proposed density is not significantly higher than that found in established residential areas. It requires the pattern of development to be in keeping with the overall character and environmental quality of the established residential area. It states all dwelling units and apartments should meet the appropriate space standards.
- 8.31 The proposal is for a single dwelling. The surrounding area comprises a mix of higher and lower density developments. The site is adjacent to Strandview Cottages, which comprises 2 rows of detached dwellings on individual plots of land. Strandview Cottages is of a similar density to the proposal with some plot sizes similar to that of the application site. It is considered that the density of the proposal is not significantly higher than the surrounding area and the application site can accommodate this without adverse impact on the character and appearance of the surrounding area. The proposed dwelling is satisfactory in terms of size requirements in accordance with Annex A.

Sewerage

- 8.32 The proposal initially indicated that foul sewage was to be disposed of via mains. NI Water was consulted and recommended refusal due to foul sewerage network capacity issues and advised that a Wastewater Impact Assessment would be required. The agent was advised accordingly and submitted amended plans to include the provision of a septic tank which is located in an area of land north east of the proposed dwelling. NI Water was re-consulted on the amended plans and have no objections to the proposal. DAERA Water Management Unit was consulted in relation to the proposed septic tank and refer to standing advice.
- 8.33 NIW advised that the traversing foul appears to be outside the site but in close proximity to the proposed structure. It is the developer's responsibility to find the exact location and ensure that the building complies with NIW guidance on building close to a sewer. NIW also advise that it is the developer's responsibility to locate any private water connections which run through the site

and ensure that they do not affect neighbouring supplies. The agent was advised of this by email and is aware of these responsibilities. A condition has been included to ensure no disturbance or damage to existing sewers.

Access and Parking

- 8.34 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads have no objections to the proposal subject to conditions.
- 8.35 Several objections were received in relation to the shared laneway. DfI Roads has considered the content of the objection letters and have no concerns.
- 8.36 The proposed site plan indicates the provision of 2 car parking spaces for the proposed dwelling. This is in accordance with the Department's published parking standards. The proposal complies with Policy AMP 2 of PPS 3.
- 8.37 The width of the existing access lane will need to be reduced to facilitate the proposed dwelling. DfI Roads was consulted to consider this and have no objections.

Natural Heritage

- 8.38 The application site is located within Binevenagh Area of Outstanding Natural Beauty. Policy NH 6 of PPS 2 Natural Heritage applies.
- 8.39 Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met;
- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and

- b) it respects or conserves features (including buildings and other man made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects;
 - local architectural styles and patterns
 - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
 - local materials, design and colour

The site is located within Binevenagh Area of Outstanding Natural Beauty. The proposal is for construction of a single two storey dwelling. The siting and scale of the proposal is sympathetic to the character of the AONB and the area in general. There is a mix of house types and designs in the immediate area and within the settlement limit of Castlerock. The proposed development would be generally acceptable in the AONB.

- 8.40 The proposed dwelling will be constructed on an existing area of hardstanding which is within a residential area. The existing scrub to the north/north-east of the site will be retained. The site plan indicates that all existing boundary vegetation will be retained and supplemented with native species where necessary. On this basis, it is considered that the proposal will not have an adverse impact on biodiversity/natural heritage.

Habitats Regulations Assessment

- 8.41 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The scale, form, massing and appearance, materials and detailing of the proposal is acceptable. The design of this proposal is visually appropriate and should not detract from the character and appearance of the area given the varying designs and styles already present. The proposal is not considered to adversely conflict with adjacent land uses and there is no unacceptable adverse effect on the residential amenity of neighbouring properties.
- 9.2 The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact. The proposal has satisfactory access and parking. The proposal is acceptable in terms of natural heritage interests. Approval is recommended.

10 CONDITIONS

1. As required by Section 61 the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 02 Rev 6 received 31st January 2024. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The existing natural screenings of the site as indicated on approved drawing No. 02 Rev 6, date received 31ST January 2024 shall be permanently retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

5. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in

writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

6. No development shall proceed beyond sub-floor construction until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

7. No construction shall be made, trees planted or other obstruction made within 3 metres (or 1.5 times the depth; whichever is greater) of the public sewer.

Reason: To prevent disturbance/damage to existing sewers and in the interest of public safety.

8. All engineered foundations and retaining structures shall be designed, constructed and certified by a suitably competent person.

Reason: To ensure the stability of retaining structures and in the interests of residential amenity.

9. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no extension, garage, shed, outbuilding, wall, fence or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area.

10. Prior to commencement of development, the applicant shall apply for an alteration to the underground electricity cables in the vicinity of the site.

Reason: To ensure required safety clearances are maintained.

11. The area sited north-east of the proposed dwelling and hatched purple on Drawing 02 (Rev 06) shall not be used at any time for purposes ancillary to the dwelling.

Reason: In the interests of privacy and protection of residential amenity.

12. The stone wall located south of the 2 no. car parking spaces as shown on Drawing 05 Rev 3 shall be constructed prior to occupation of the dwelling and shall be permanently retained.

Reason: To protect residential amenity.

11 INFORMATIVES

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the

development under other prevailing legislation as may be administered by the Council or other statutory authority.

5. 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>

Site Location Map



Proposed Block Plan

