

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2024/0367/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>28<sup>th</sup> August 2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Objection Item</b>

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

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

<b>Legal Considerations</b>	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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

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

**No:** LA01/2024/0367/F      **Ward:** Atlantic

**App Type:** Full

**Address:** 48 Lever Park, Portstewart

**Proposal:** Retrospective application for a new access driveway to ground floor flat.

**Con Area:** N/A      **Valid Date:** 28 March 2024

**Listed Building Grade:** N/A

**Agent:** Montgomery Irwin Architects

**Applicant:** Gerald and Silvia Mclean

**Objections:** 0      **Petitions of Objection:** 1

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

## EXECUTIVE SUMMARY

- The application seeks full planning permission for the retention of an access driveway to ground floor flat.
- The application is located within the development limit of Portstewart as defined in the Northern Area Plan (NAP).
- One (1) petition of objection was received on 24 April 2024. This petition had seven (7) signatures from seven (7) separate addresses.
- No objections have been raised by statutory consultees (DfI Roads) in relation to this proposal.
- The proposal complies with all relevant planning policies including the RDS, NAP, SPPS, PPS 3, and Addendum to PPS 7.
- The application is recommended for **APPROVAL**.

Drawings and additional information are available to view on the  
Planning Portal -

<https://planningregister.planningssystemni.gov.uk/simple-search>

## 1. RECOMMENDATION

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

## 2 SITE LOCATION AND DESCRIPTION

- 2.1 The site is located at 48 Lever Park, Portstewart. The site is located within the settlement development limit of Portstewart as provided by the Northern Area Plan 2016 as indicated by map No. 3/05a of the Northern Area Plan (2016).
- 2.2 The application property is a ground floor flat within a two-storey semi-detached building with a hipped roof. The building is finished in painted dash render on all elevations and the roof is finished in brown roof tiles. The site is defined by an approximately 3ft wall which is finished in unpainted dash render. The site is bound by Lever Park to the North (front) and No. 44 and No. 50 to each side. No. 46 Lever Park (flat) is located on the first floor (above it).
- 2.3 The site is rectangular in shape. To the front of the site is a stoned area with a paved path from the footpath to front door. To the left of the path is the retrospective driveway.
- 2.4 The application site is located within a residential development comprising a mix of semi-detached dwellings, terraced dwelling units, and semi-detached buildings containing flats. All properties in this area are typically two-storey.

## 3 RELEVANT HISTORY

3.1 A search of the planning history revealed there are no recent or relevant applications relating to the property.

#### **4 THE APPLICATION**

The application seeks full planning permission for the retention of the works which have already take place which relate to the part removal of a boundary wall to the front of the property, installation of a dropped kerb to allow vehicular access over, and the retention of the new access driveway to the ground floor apartment. The parking/ driveway is finished in gravel and measures 4.25 m x 4.60m.

#### **5 PUBLICITY AND CONSULTAIONS**

##### **5.1 EXTERNAL:**

A press advertisement was issued in the Coleraine Chronicle for this application. It was displayed from 10 April 2024 to 24 April 2024.

A second press advertisement was issued in the Coleraine Chronicle for this application. It was displayed from 10 July 2024 to 26 July 2024.

Six (6) neighbours were notified.

One (1) petition of objection was received on 24 April 2024. This petition had seven (7) signatures from seven (7) separate addresses. This petition is discussed under *objections*.

##### **5.2 INTERNAL:**

Dfl Roads: No objections

Dfl Roads were consulted on 10 April 2024 and responded on 11 April 2024. Dfl Roads advised that the vehicular access to No. 48 Lever Park was approved under Article 80 of The Roads (Northern Ireland) Order 1993 in March 2023 (Ref. RO/02/23/C).

DfI Roads were re-consulted on 26 April 2024 and responded on 29 April 2024. DfI Roads noted the comments made in the petition from residents of Lever Park published on 26th April 2024 and advised that the access to No. 48 Lever Park is satisfactory.

DfI Roads were informally consulted via email on 07 August 2024 and responded 08 August 2024. DfI Roads noted that the proposed access and parking have been provided to DfI Roads standards and was subject to a Roads Order application which was approved and subsequently constructed. They stated they are content that the access is satisfactory in relation to sight visibility splays and size of parking area provided.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- The Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES AND GUIDANCE**

7.1 The application has been assessed against the following planning policy and guidance:

- Regional Development Strategy 2035.
- The Northern Area Plan 2016.
- The Strategic Planning Policy Statement (SPPS) 2015.
- Planning Policy Statement (PPS) 3: Access, Movement and Parking.
- Addendum to Planning Policy Statement (PPS) 7: Residential Extensions and Alterations.

### *Supplementary Planning Guidance*

- Development Control Advice Note 15 - Vehicular Access Standards.
- Parking Standards

## **8 CONSIDERATIONS AND ASSESSMENT**

The main considerations in the determination of this application relate to the principle of development, road safety, precedent cases, and representations.

### **Principle of development**

8.1 The proposal seeks retrospective permission for works which involved the removal of the existing front boundary wall of No. 48 Lever Park to provide a new vehicular access and one (1) no. in-curtilage parking space within the existing front garden. The proposed in-curtilage parking space is to be finished in Gravel. Furthermore, a raised kerb is also proposed to the north (front) of the new in-curtilage parking provision.

8.2 It is considered that the proposed development is deemed acceptable and is in compliance with all policy considerations (see section 8.3 to 8.9 for detailed consideration).

### **Road Safety**

- 8.3 In line with SPPS, consultation with DfI Roads was carried out seeking comment on the principle of development and the matters raised by the petition of objection.
- 8.4 In the initial consultation on 10 April 2024, DfI Roads advised that the vehicular access to No. 48 Lever Park had already been approved under Article 80 of The Roads (Northern Ireland) Order 1993 in March 2023 under Ref. RO/02/23/C.
- 8.5 DfI Roads were re-consulted on 26 April 2024 to seek comments in response to the petition of objection received. DfI Roads noted the comments made in the petition objection letter from residents of Lever Park and advised that the access to No. 48 Lever Park is satisfactory.
- 8.6 The proposal was assessed under PPS 3 Policy AMP 2. The proposal is considered acceptable under this policy as it will not prejudice road safety or significantly inconvenience the flow of traffic. Furthermore, the proposal does not conflict with Policy AMP 3 Access to Protected Routes as Lever Park is not a protected route.
- 8.7 The proposal was also assessed under PPS 3 Policy AMP 9. The proposal is considered acceptable under this policy as it respects the character of the local townscape, and it will not adversely affect visual amenity of the area (*See section 8.11*). Further, provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site (*See section 8.15*).
- 8.8 It is considered that the proposal provides safe vehicular access with appropriate visibility splays onto Lever Park. The proposal was considered under Supplementary Planning Guidance - Development Control Advice Note 15 Vehicular Access Standards (DCAN 15). DCAN 15 provides guidance and advice on the standards for vehicular access. Paragraph 10.6 states where the access crosses a footway it is important to have intervisibility between pedestrians and emerging motorists. In these circumstances there should normally be visibility splays



between a driver's viewpoint 2m back into the access and a distance measured along the back of the footway for 2m on each side of the viewpoint. Dfl Roads in an informal consultation commented that they were content that the access is satisfactory in relation to sight visibility.

- 8.9 The proposal was also considered under Parking Standards. Parking Standards states the minimum dimensions for a car space are 4.8 metres by 2.4 metres. The proposed parking/driveway measures 4.25 m x 4.60m in the gravel area. This is 0.2m short of Parking Standards. However, from the raised kerb to the front of the dwelling measures 4.25m x 5.45m which is compliant with Parking Standards. It is important to note, a car was parked in driveway during the Case Officers site visit and fitted into the space without overhanging the footpath. Further, Dfl Roads in an informal consultation commented that they were content that the access is satisfactory in relation to size of parking provided. The proposal on balance the proposal is acceptable under policy.

### **Precedent cases**

- 8.10 A search of the planning history revealed there are no recent or relevant applications relating to the property.
- 8.11 However, it is evident that the character of Lever Park has changed in recent years with many of the properties now having front in-curtilage parking provisions. Within the same cul-de-sac as the application site, No. 30a, 44, 46, 54, and 66 have in-curtilage parking. Therefore, it is considered that the proposal can successfully integrate into its surroundings and will not detrimentally affect any environmental features of the site and surrounding area.

### **Representations**

- 8.12 One (1) petition of objection was received on 24 April 2024. This petition had seven (7) signatures from seven (7) separate addresses.

The objection raised the following points:

- 8.13 Gas Pipeline: The petition stated the new access was unsafe due to a gas pipeline that runs across the front window of the property. The pipeline the petition is referring to is a domestic pipeline, this is a civil matter.
- 8.14 Restricts Parking: The petition states that the proposed development would restrict parking in an already busy area. DfI Roads were reconsulted and were asked to comment as the competent authority to comment on traffic implications. DfI Roads advised that the proposal was still considered satisfactory. As such, this proposal is compliant with Policy AMP 2 of PPS 3 as the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic. The proposal removes one on street carparking space to facilitate one in curtilage parking space and therefore does not significantly restrict parking in this area. The proposal was also considered under Parking Standards (*see section 8.9*) and was considered acceptable.
- 8.15 Road Safety: The petition states the proposed driveway would be unsafe as there would not be safe visibility entering and existing the driveway. DfI Roads were reconsulted and were asked to comment as the competent authority on road safety. DfI Roads commented that the proposal was considered satisfactory. As such, this proposal is compliant with Policy AMP 9 of PPS 3 as provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site (criteria C). The proposal was also considered under DCAN 15 (*see section 8.8*) and was considered acceptable.

## **9 CONCLUSION**

- 9.1 Taking all the relevant planning policy and material considerations into account, it is considered that the proposal is

acceptable in terms of its siting, design, and safety. Therefore, this application is recommended for APPROVAL.

## **10 APPROVAL CONDITIONS**

### **10.1 CONDITIONS:**

- 1) As required by Section 61 of 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

### **10.2 INFORMATIVES:**

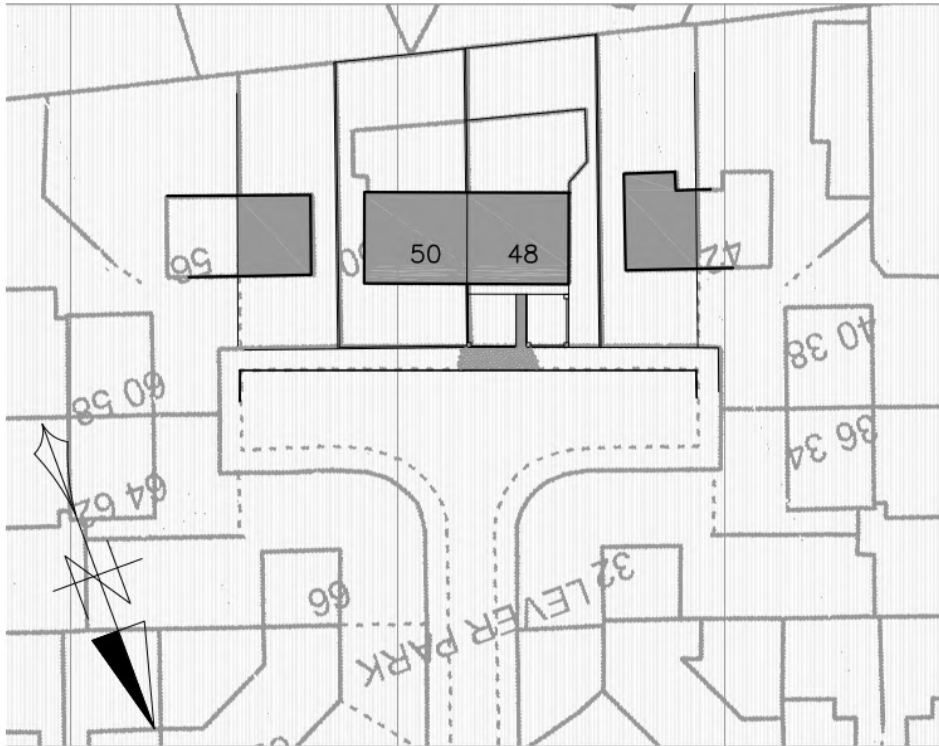
- 1) This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- 2) This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- 3) 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.
- 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 Planning Authority 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.planningssystemni.gov.uk>

## LOCATION MAP



LOCATION PLAN 1:1250

# BLOCK PLAN



BLOCK PLAN 1:500

