

<b>Planning Committee Report LA01/2017/1617/F</b>	<b>24<sup>th</sup> October 2018.</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/A

<b><u>App No:</u></b>	<b>LA01/2017/1617/F</b>	<b><u>Ward:</u></b>	<b>DUNDOOAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Parks Nursery, New Mills Road, Coleraine.</b>		
<b><u>Proposal:</u></b>	<b>Upgrade of site infrastructure to include formation of roadway, additional car parking, lighting, drainage, re-fuelling facility and security fencing.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>14.12.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Applicant:</b>	<b>Causeway Coast and Glens Borough Council</b>		
<b>Agent:</b>	<b>N/A</b>		
<b>Objections:</b>	<b>3</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>0</b>

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.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 reasons set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located at the Parks Nursery, New Mills Road Coleraine. The site contains one main office building, four storage buildings and nine green house facilities. There are existing mature trees on site and existing grass and stone areas. It was evident that construction works are presently being carried out on site. The existing stone areas appear to be used as car parking areas and there appears to be no established car parking area on site. The existing access into the site consists of a tarmac area and the boundary treatment at the front of the site consists of high vegetation and approximately 2.5m high metal fencing.
- 2.2 There is a stone area located outside the site, which fronts the main road which appears to be used for car parking. The main office building on site is single-storey and has a rendered finish and a dark slated roof. The three storage sheds located to the north-east of the site are all single-storey and have been finished with facing brick and metal panels and have the appearance of old barn style type buildings. The nine green houses are located to the north of the site behind the main office and consist of nine large single-storey polytunnels.
- 2.3 The final storage shed is single-storey and located to the north-west of the site and has been finished with a light facing brick. The boundary treatment to the west of the site consists of 2.5m high fencing and mature trees. The boundary treatment to the north consists of 2.5m high fencing and mature trees. The boundary treatment to the east of the site consists of 2m high hedging and mature trees. There is an existing fuel tank facility to the east of the site. The site is used as a Council facility and is used for storage purposes for Council equipment such as

lawnmowers and for growing flowers in the greenhouses, which the Council uses and plants in the wider district.

- 2.4 The site falls within the defined countryside area as defined under the Northern Area Plan (NAP) 2016. The site does not fall within any protected areas or designations. The area is characterised by Council facilities, pockets of residential dwellings and agricultural land.

### **3.0 RELEVANT HISTORY**

C/1976/0086- Parks Nursery, Newmills Road, Coleraine- Machinery shed- Approval granted: 14.04.1976.

C/1992/0358- Council Nursery off Newmills Road Coleraine- Erection of a single storey building to provide- Approval granted: 29.07.1992.

C/1996/0616- Council Nursery Newmills Road Coleraine- Erection of storage shed- Approval granted: 13.11.1996

### **4.0 THE APPLICATION**

- 4.1 The application is for an upgrade of site infrastructure to include formation of roadway, additional car parking, lighting, drainage, re-fuelling facility and security fencing. A new car park area has been proposed to the south of the site near the main entrance and the existing access road will be resurfaced with bitmac. A new pedestrian footpath which will be 1.8m wide, will have an aluminium guardrail and will be located to the south-west of the site.
- 4.2 Two new double security car barriers has been proposed on site which will reach a height of 1.13m. New 2.4m high fencing has been proposed in the centre of the site and a new diesel tank to the north of the site. A new diesel pump and a new pipe network system has been proposed to the north of the site. The existing entrance into the site will be widened to 5.5m and a new drain inlet has been proposed to the west of the site. New site lighting

has been proposed. This will consist of 27, 8m high steel lighting columns throughout the site.

#### **4.3 Habitats Regulations Assessment**

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.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External:**

Three letters of objection has been received in relation to the application which has raised the following concerns:

- 1) Further development will result in over intensification of the access on site.
- 2) Increased traffic and traffic figures from the Council.
- 3) Risk of injury from the access and main road.
- 4) More buildings and poly-tunnels on site.
- 5) Any new road way will result in dangerous access/exit for road users.
- 6) There would be inadequate sight lines for drivers.
- 7) This is a retrospective application, therefore the work already carried out at the development is causing problems for residents that live nearby.

#### **5.2 Internal:**

DFI Roads: No objections subject to informatives.

NI Water: No objections subject to informatives.

Environmental Health: No objections subject to informatives.

DAERA (Land, Soil and Air): No objection subject to conditions and informatives.

DAERA (Natural Heritage & Conservation Areas): No objection subject to conditions and informatives.

## **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

A Planning Strategy for Rural Northern Ireland

Regional Development Strategy 2035

Strategic Planning Policy Statement (SPPS) 2015

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

### **Supplementary Planning Guidance**

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The application site is located within the countryside outside any protected areas of designations.
- 8.2 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development; visual impact; rural character; site lighting; access and car parking arrangements.

### **Principle of Development**

- 8.3 Policy CTY1 of PPS 21 advises that, there are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies. This Council site is used to grow flowers and store equipment such as sit on lawn mowers which serve the local community throughout the entire Council district area. The previous site history indicates that this site has been used as a Council site for decades and is a well-established Council site within the countryside area.
- 8.4 The principle of revised modern infrastructure services, car parking facilities and revised road infrastructure is acceptable on site.

## **Visual Impact and Rural Character**

- 8.5 Permission will be granted where the proposal can be visually integrated into the surrounding landscape and it is of an appropriate design (SPPS, Paragraph 6.70; Policy CTY1 of PPS21). Permission will be granted where the proposed development will not cause a detrimental change to, or further erode the rural character of an area (SPPS, Paragraph 6.77).
- 8.6 The redevelopment of this Council site seeks to increase the quality and range of infrastructure on site, which will improve access arrangements, provide lighting and a designated car parking area to the south of the site.
- 8.7 The site has not been updated in terms of facilities and infrastructure since the mid-1990s. It was made evident following a site investigation that the site infrastructure is in a state of disrepair and requires updating. This will improve facilities at the site for Council workers and for any members of the public who intend to visit the site. Existing vegetation consisting of mature trees are located at the south, west and east of the site. It has been indicated that the existing natural vegetation will be retained. The existing natural vegetation on the site acts as a natural screen and will help to visually integrate the site into the surrounding rural context.
- 8.8 The existing natural screening on site means that the site is not readily noticeable from the main road. The existing buildings on site will be unaffected by the proposed development and will in fact make access to the existing buildings easier for Council workers and members of the public who visit the site.
- 8.9 The centre of the site will be secured using fence type (A) as indicated on drawing No. 06, date stamped 14/12/17 and will be galvanised and finished with polyester powder coating and will be 2.4m in height. Security barriers have been proposed at the centre of the site, one at the entrance to the storage units to the north-east and the other to the north before the main office building on site. The site will be lit from a number of lighting LED lights, mounted on 8m columns around the site and will total 27

in number. The function of the lighting system is to provide security and access lighting used primarily during winter months or when light levels are low.

- 8.10 The topography of the site and the presence of existing natural screenings will ensure that in visual terms, there will be little change to the landscape from the main New Mills Roads. No new buildings have been proposed on the site and the alterations will have no detrimental impact upon visual amenity. The new diesel tank, pump and pipe network will be located to the north-west of the site and will not be visible from the main road. The diesel tank, pump and pipe network will replace an existing tank and will provide fuel for Council equipment and vehicles. DAERA was consulted in relation to the scheme and offered no objections to the development subject to conditions relating to potential land contamination. The diesel elements are considered acceptable on site.
- 8.11 Critical views of the site are from the New Mills Road only and would be considered short range as there is high roadside vegetation which screens the front of the site. There are no anticipated issues with integration of the new development as this is an existing established Council site and the existing use has been established for some time. The design of the proposal is appropriate for the site and the immediate area. The proposal is not considered to cause a detrimental change to, or further erode rural character.
- 8.12 The proposal therefore complies with paragraph 6.70 and 6.77 of the SPPS and Policy CTY1 of PPS 21 as the proposal has acceptable visual integration and does not harm rural character.

### **Site lighting**

- 8.13 27 new site lights, consisting of 8m high steel columns have been proposed on site for security reasons, access purposes and for the winter months when natural light levels are low. Three lights have been proposed near the car park area and one near the entrance of the site. 5 lights have been proposed along the access road to the site. 10 lights have been proposed at the centre of the site and 8 to the north of the site. In terms of visual amenity the proposed lights will not detract from the character of



the site or the immediate area and are considered acceptable in terms of design. The lights will not impact residential or public amenity and will improve health and safety standards for the existing workers on site and members of the public who visit the site.

- 8.14 Environmental Health Services was consulted on the scheme and has stated that they have no objections to the proposed lighting on site. The proposed lighting on site is considered acceptable and complies with policy requirements within PPS21 and the SPPS as outlined under CTY1 and paragraph 6.70 and 6.77 of the SPPS.

### **Access and car parking**

- 8.15 Policy AMP 2 of PPS 3 refers to Access to Public Roads and advises planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. This site is used by both Council staff and members of the public, all of whom access the site via a shared entrance/exit to the south of the site. The Council vehicles leave the site via this exit as do the public.
- 8.16 The new car park area is a consolidation of existing parking on site. No new access has been proposed on the site however the revised site layout shows a new one way system on the site. A new on site car park has been proposed to the south of the site which will provide for 28 car parking spaces. The new car park area will be screened via the existing vegetation at the front of site. A new pedestrian footway has also been proposed. A new aluminium guardrail has been proposed at the side of this footway for health and safety reasons. Disabled access and spaces have also been provided on site.
- 8.17 Policy AMP 7, car parking and servicing arrangements applies to this development. The policy states that Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals

should not prejudice road safety or significantly inconvenience the flow of traffic. The new car parking area on site will be a consolidation of existing car parking on site and will not affect road safety or the flow of traffic. The scheme complies with Policy AMP 7.

8.18 Policy AMP 9, the design of car parking applies to this development. The policy requires a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) It respects the character of the local townscape / landscape;
- (b) It will not adversely affect visual amenity; and
- (c) Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.

The proposed car park will be screened by existing vegetation on the site and will not be visible from the main road. The scheme will not impact visual amenity and is considered acceptable. The rationale for this development is for a health and safety perspective for visitors and existing Council workers who use the site. Provision has been made in the overall design concept of the car park for security and safe access and movement. The scheme complies with policy AMP 9.

8.19 DFI Roads was consulted in relation to this application and have no objections following the submission of amended plans. DFI Roads has considered the letter of objection and has no concerns in relation to the proposed access arrangements or car parking on site.

### **Objection consideration**

8.20 DFI Roads responded on the application on 7th September, 2018. DFI Roads stated they would advise that it does not possess any historic information regarding numbers of staff employed at the nursery or details of vehicular usage of the access. In the absence of this information the details furnished by the applicant in Section 25 of Form P1 has been used to

provide a definitive response for this application. Therefore, the Council has provided staff and visitor numbers in this section.

- 8.21 The issue of the number of polytunnels has recently been considered by the Planning Department. It was resolved that it was not expedient to pursue the matter further.
- 8.22 DFI Roads therefore offers no objection to this proposal. DFI Roads has not indicated that there will be an intensification of the access on site and that the road way on site will not result in a dangerous access/exit for road users. DFI Roads has not indicated that there would be inadequate sight lines provided on site or that there would be any risk to the health and safety of road users. Some work has been carried out on site however the proposed development cannot be described as retrospective development as the works are not substantially completed. Therefore, as DFI Roads has raised no objections to the development and the scheme is not classed as a retrospective scheme, the proposal is considered an acceptable form of development which will improve infrastructure on the site.

## **9 CONCLUSION**

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The redevelopment of the Council site seeks to improve infrastructure provision and health and safety aspects on the site. This will ensure that the public has better access to the site and will improve working conditions for Council workers on site. The principle of the development is acceptable and there is limited visual impact from the scheme. The proposal will not harm residential amenity or rural character. The development is acceptable in terms of the requirements for potential land contamination. There are no issues in relation to site lighting as confirmed by Environmental Health. Access arrangements and car parking are satisfactory. Approval is recommended.

## **10 CONDITIONS**

10.1 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.

10.2 The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to, and agreed by the Council in writing, prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

10.3 If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

10.4 After completing any remediation works, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

10.5 As part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Guidance for Pollution Prevention No. 2 (GPP 2) and Pollution Prevention Guidance No. 27 (PPG27).

Soil and groundwater sampling shall be undertaken for a suitable analytical suite.

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

- 10.6 A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil and the watercourse.

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

## **11 INFORMATIVES**

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 NIEA advise the following:

The purpose of the recommended NIEA conditions are to ensure that the site risk assessment and remediation work is undertaken to a standard that enables safe development and the end use of the site is such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains

the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

The applicant should ensure that the management of all materials onto and off this site are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.nibusinessinfo.co.uk/content/meet-construction-site-wastemanagement-plan-swmp-obligations.>)

All surface water run-off during the construction and operational phase shall be directed away from the watercourse.

NED survey specifications and other planning related advice can be found at: <https://www.daera-ni.gov.uk/articles/site-surveys>.

We recommend that all survey works comply with British Standard 42020:2013, which came into effect on 31 August 2013. The British Standard provides recommendations and guidance for those engaged in planning and development, whose work might affect or have implications for conservation, or the enhancement of biodiversity.

#### 11.6 DFI Roads advise the following:

Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing roadside drainage is preserved and does not allow water from the road to enter the site.

The Department for Infrastructure Roads has pointed out that the existing vehicular access to the development is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility and geometry.

#### 11.7 Environmental Health Services advise the following:

Noise from construction activities should:

(a) Not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and

(b) Not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and

(c) Not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.

The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and

maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

During the removal of the existing fuel tank land contamination may be encountered therefore if, during the proposed development, any ground contamination is encountered then all works on the site should cease. Causeway Coast & Glens Borough Council Environmental Health Department should be informed and sufficient information to assess potential risks arising from the former use of the land should be submitted. Any necessary mitigation / remediation measures should be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance. A copy of "Council Guidance for Interested Parties on Development on Land which might be Affected by Contamination" (Final Version: March 2006) can be obtained from this Department if required.

#### 11.8 NI Water advise the following:

Existing complex already connected to public water supply via a metered connection. Applicant proposes to discharge foul sewage to septic tank. Applicant proposes to discharge surface water to existing land drain. Septic tank emptying. Further information is available on [www.niwater.com](http://www.niwater.com) or call 03457440088.

The applicant is advised to contact NIW Waterline on 03457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458770002.

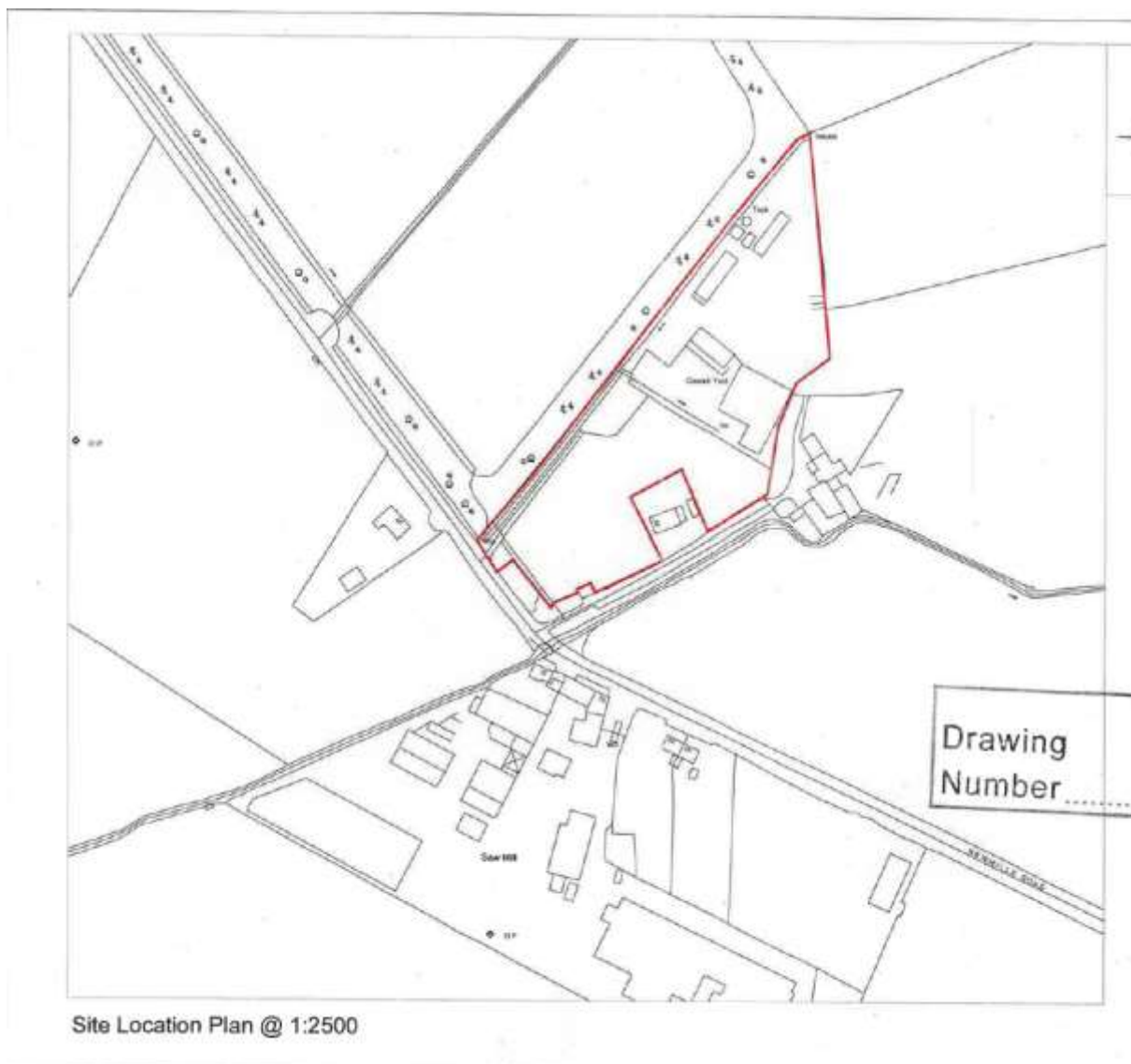
No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage



Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW. All services within the development should be laid underground.

Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via [waterline@niwater.com](mailto:waterline@niwater.com) if they have any queries.

## Site Location Map



Site Plan



Proposed Layout