



<b>Planning Committee Report LA01/2017/0139/F</b>	<b>23<sup>rd</sup> October 2019</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>No:</u></b> LA01/2017/0139/F	<b><u>Ward:</u></b> Ballycastle
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> Nos. 52 to 62 Quay Road, Ballycastle.	
<b><u>Proposal:</u></b> Proposed residential development comprising 6no. three storey townhouses, 5 no. one & half storey mews dwellings, roadways and parking areas.	
<b><u>Con Area:</u></b> Ballycastle	<b><u>Valid Date:</u></b> 31.01.2017
<b><u>Listed Building Grade:</u></b> N/A	
<b><u>Agent:</u></b> Moore Design, Market Court 63 New Row, Coleraine.	
<b><u>Applicant:</u></b> McHenry Bros Ireland Ltd, 11 Drumavoley Road, Ballycastle.	
<b><u>Objections:</u></b> 11	<b><u>Petitions of Objection:</u></b> 0
<b><u>Support:</u></b> 4	<b><u>Petitions of Support:</u></b> 0

## Executive Summary

- Full planning permission is sought for 6no. 3 storey townhouses along the site frontage and 5 no. 1 ½ storey mews terrace at the rear of the site.
- The site is located within the development limits of Ballycastle, near the town centre and along one of the main traffic routes through the town.
- The site is located within the AONB and the Ballycastle Conservation Area.
- The principle of residential development was considered acceptable on the site and falls to be considered under The Northern Area Plan, SPPS, PPS 7, PPS 2, PPS 6, PPS 3, PPS 15 and other supplementary planning guidance including Creating Places, DCAN 8 and the Ballycastle Conservation Area design guide.
- Following ongoing discussions with the applicant/agent a scheme was submitted which in relation to design, residential amenity and character of the Conservation Area was considered acceptable. However, there are fundamental concerns from DFI Roads in relation to the layout in accordance with the Department's published standards.
- There are 11 objections to the scheme citing: out of character with surrounding historic buildings; privacy; design does not respect the conservation area; noise/litter; lack of accountability; vehicular access and increased parking; flooding; ground levels; and party boundary dispute.
- There are 4 letters of support welcoming the proposed re-development of the site which is viewed as an eyesore within the local area.
- DFI Roads have objected to the proposal all other consultees are content.
- The proposal is considered unacceptable as it has not been demonstrated that it will not prejudice road safety and adequate provision for car parking has not been provided. Refusal is recommended.

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The existing brownfield site is located on the Northern side of Quay Road immediately adjacent to the War Memorial and in close proximity to the harbour area of Ballycastle. The derelict site which has been cleared, previously contained a distinctive terrace of six properties which were demolished following extensive fire damage. The existing roadside boundary consists of timber panel screen fencing approximately 3m in height which extends part way along the Eastern boundary. The remainder of the Eastern boundary together with the Northern boundary are defined by mature tree and hedge planting. The Western boundary consists of the gable wall of the neighbouring property of No. 50 Quay Road together with a 1.8m high timber panel fencing and mature vegetation.
- 2.2 The site is located within the settlement limit of Ballycastle, and within the Antrim Coast and Glens AONB. It is within Ballycastle Conservation Area and an Area of Archaeological Potential. Housing within this area is a mix of detached, semi-detached, and terrace properties. The application site is within close proximity to Ballycastle Integrated Primary School, local War Memorial, and the Marine Hotel.

## **3 RELEVANT HISTORY**

A search of relevant planning history on this site indicates a pre application discussion submitted under E/2015/0044/PREAPP for a

proposed mixed use development to include 10 no. two bedroom apartments, retail unit with storage and associated car parking.

## **4 THE APPLICATION**

- 4.1 Full Planning Permission is sought for a proposed re-development of the site to provide 6 No. 3 storey dwellings and 5 No. 1½ -storey dwellings, roadway and parking areas.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 Neighbours: Eleven (11) objections were received. The main issues raised are summarised below and will be considered throughout the remainder of this report:

- Overlooking, and loss of privacy.
- Impact on visual amenity.
- Proposal is out of character with surrounding historic buildings.
- Proposed design does not respect the conservation area.
- Increased number of residents, noise levels, and litter.
- Potential for lack of accountability for proposed development.
- Unacceptable vehicular access, and increased parking congestion.
- Lack of front gardens, and exacerbation of flooding issues.
- Existing and proposed ground levels.
- Alignment of party boundary.

- 5.2 Four (4) letters of support were received in relation to the application, welcoming the proposed re-development of the site which is viewed as an eyesore within the local area.

### **5.3 Internal**

- NI Water: No objection
- Conservation Officer: No objection
- Environmental Health Department: No objection
- DFI Rivers: No objections in principle.

- DAERA WMU: No objection subject to NI Water confirming adequate capacity at WWTW.
- DFI Roads: Require changes to layout
- 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)

PPS 2: Natural Heritage

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and the Built Heritage

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**

Antrim Coast and Glens AONB Design Guide

Living Places

Creating Places

Ballycastle Conservation Area Design Guide

Development Control Advice Note 15 - Vehicular Access Standards

Development Control Advice Note 8 – Housing in Existing Urban Areas

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to: local character, and residential amenity; potential impact on Ballycastle Conservation Area; access and natural heritage.

### **Principle of Development**

8.2 The application site is located within the settlement limit of Ballycastle within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB). It is within Ballycastle Conservation Area and an Area of Archaeological Potential.

8.3 The principle of housing on the site was considered acceptable following a pre-application enquiry which preceded this application. The proposal must be considered having regard to the Northern Area Plan, the SPPS and PPS policy and guidance documents before

mentioned. Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords with an up-to-date development plan unless the proposed development will cause demonstrable harm to interest of acknowledged importance.

### **Local character and residential amenity**

- 8.4 Both PPS 7 and Addendum to PPS 7 promote 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 LC1 addendum to PPS 7 – Safeguarding the Character of Established Residential Areas*

Planning permission will only be granted for redevelopment in established residential areas where all the criteria set out in Policy QD 1 of PPS 7 is met together with the additional criteria set out in Policy LC 1. In recognition of the desirability of promoting increased density housing in appropriate locations, exceptions exist, and Policy LC 1 would not apply in this case as Ballycastle is considered a large town and Quay Road an arterial route.

#### *Policy QD1 PPS 7 – Quality in New Residential Development*

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 This application proposes the construction of 6 No. townhouses laid out in a terrace row along Quay Road, with accommodation spread over 3 floors. An archway incorporated into the terrace provides access to the rear of the site where it is proposed to construct 5 No. mews dwellings arranged in a terrace orientated perpendicular to Quay Road. The remainder of the site will consist of private amenity to each property, together with a roadway and associated car parking.

- 8.6 The site previously contained 6 No. distinctive 2¾ storey properties constructed in a terrace along Quay Road which were destroyed by a fire, and subsequently demolished circa 2007. The proposed design seeks to replicate the previous historic built form, maintaining the existing building line, with the main visual variation being an archway providing access to the rear of the site. Amendments were sought at several stages following re-assessment, and consultations with the conservation officer in order to achieve a high quality design which positively contributed to the conservation area, and respected the built form, and character of the area. Amendments include the alignment of window sills and plaster mouldings, reductions in fenestration to replicate the historic solid to void arrangement, and scale of chimney stacks to respect the existing character. The archway has been reduced in both width and height in accordance with fire brigade requirements, and detailed in accordance with both past and present examples in the immediate area.
- 8.7 The proposal also includes the construction of 5 No. dwellings to the rear of the site orientated perpendicular to the main terrace to create a mews style arrangement. The principle of backland development is therefore relevant in this instance, and paramount for consideration. In accordance with paragraph 5.7 of DCAN 8 a plot depth of 80m is recommended for successful backland development. While the application falls short of this figure, being approximately 69m in depth an allowance can be made where careful design has been employed, and where the proposed development can overcome concerns of overlooking. New development should also respect the scale and density of existing development, and in general, the scale and massing of new housing in backland areas should not exceed that of those fronting the street. The proposed mews dwellings have been reduced in scale from 2 storey to 1½ storey to ensure the development will be subordinate to the main terrace along Quay Road, and provides improved integration within the site, providing an overall coherent form.
- 8.8 The relationship of the proposal with neighbouring properties creates limited opportunity for overlooking. A separation distance of approximately 16.5m exists between the rear wall of the proposed mews and the rear of the single storey neighbouring property of No. 2A Beechwood Avenue. The site layout Drawing No. 2C indicates that the finished floor level of the neighbouring dwelling is approximately 0.65m above that of the proposed mews dwellings with minimal window and door openings being proposed to the rear, with first floor windows limited to 2 No. small dormers per dwelling. The



existing neighbouring dwelling backs onto sites 7, 8, and 9, with the remaining two sites adjoining the garden of the property. The existing neighbouring boundary is defined by 1.8m high timber panel fencing and existing mature vegetation. Given the separation distances involved, together with the existing established boundary treatment, and modest level of fenestration to the rear of the mews dwellings, the proposal is considered acceptable, with no adverse impacts on overlooking or private amenity envisaged.

***(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;***

- 8.9 The proposal does not impact on listed buildings, or harm features of archaeological importance. HED Historic Buildings is content with the proposal with respect to the policy requirements of SPPS and PPS6. HED Historic Monuments is content that the proposal satisfies PPS 6 policy requirements subject to conditions for the agreement and implementation of a developer funded programme of archaeological works.

***(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;***

- 8.10 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. 70m<sup>2</sup> 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 40m<sup>2</sup> will generally be unacceptable. The terrace dwellings along Quay Road each benefit from both front and rear gardens, together with paved pathways, with an average private open area of approximately 82m<sup>2</sup> provided to each property. The smaller dwellings to the rear of the site benefit from rear gardens and paved areas to each property with an average private open area of 55m<sup>2</sup> which is considered adequate given the scale of the development. The proposed development falls short of requiring integral public open

space as set out in Policy OS 2 of PPS 8 given that it does not meet the threshold of 25 or more units.

***(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer 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;***

8.11 Given the proposal is in the settlement limit of Ballycastle which contains various facilities such as schools, shops, professional services, play parks etc. the developer is not required to make provision for local neighbourhood facilities as an integral part of the development nor provide a movement pattern as access to public transport and the amenities of Ballycastle town is already available.

8.12 The proposed development fails to provide a suitable movement pattern within the site given DFI Roads concerns regarding inadequate parking provisions and internal road geometry. The current arrangement is unworkable and therefore the proposal fails to meet policy requirements.

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

8.13 DFI Roads was consulted in relation to this application and amendments are required. Fundamental issues have been raised with regard to the site layout, shared surface road, and entry/exit radii, together with the width of the proposed vehicular access, and the geometry of the junction of the two internal roads within the site curtilage. The proposed development requires a total of 22 car parking spaces based on the requirements set out in Creating Places with only 20 being provided. The present arrangement is unworkable so the proposal would prejudice road safety and fails to meet policy requirements.

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

8.14 The design of this development is acceptable in terms of form, materials and detailing. It is considered sympathetic and complimentary to the existing character, and is in harmony with neighbouring properties. The scale, form, massing and design features visually complement the existing townscape and respect the historic layout street pattern and existing landform. Following consultation with the Conservation Officer the amended proposal is now considered to be sympathetic and complimentary to the site context within the Conservation 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;***

8.15 The site is located within a predominantly residential area, with the proposed design in keeping with that in the immediate area. The proposal will not therefore create conflict with adjacent land uses. Unacceptable overlooking will not envisaged to be an issue given the separation distances provided between existing dwellings and the proposed development. The topography of the site, together with the scale of the proposal will not result in the loss of light or create overshadowing. There are no anticipated issues in relation to noise or other disturbance from this development. Environmental Health was consulted and express no objections.

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

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

### **Archaeology**

8.17 The site is located within an Archaeological site and monument, and within the area of Archaeological Potential for Ballycastle. Consultation occurred with HED: Historic Monuments who advised the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

## Conservation Area and AONB

- 8.18 The site is located within Ballycastle Conservation Area and consultation took place with the Council's Conservation Officer. Initial concerns were raised relating to a number of issues including, the wall to void ratio and pattern, together with the plaster detailing proposed to the Quay Road elevation fails to respect established and historic fenestration and solid to void patterns evident in the area. The proposed chimney stacks, and scale of the archway were not characteristic of the area, and a detailed schedule of materials and detailing for all external finishes, and hard surfacing should be provided for assessment. An extended contextual elevation was also requested to illustrate the impact of the proposal on the existing properties along Quay Road. The proposal has involved ongoing discussions with the agent/applicant, with several amendments to the scheme being submitted. The latest amended drawings are considered acceptable, with a more appropriate composition of the solid to void ratio respecting the established and historic fenestration patterns evident in the area.
- 8.19 In terms of design of the archway, it is welcomed that the scale of the archway has been reduced to minimum standards with more appropriate spacing provided between the archway and adjacent doors/windows. The amended design has also included a substantial wider chimney stack to the side elevation gable of Unit 6, which now respects the existing built form in the historic streetscape. The resulting elevational profile is considered appropriate for the conservation area setting. The submitted external finishes schedule details all of the materials proposed and includes, hardwood vertically sliding sash windows, hardwood doors and aluminium rainwater goods. The proposal now involves quality materials and architectural detailing, which would enhance the conservation setting and are sympathetic and complimentary to the site context within the Conservation Area. The proposal complies with Paragraphs 6.18 & 6.19 of the SPPS, Policy BH12 of PPS6 and the Ballycastle Conservation Area design Guide.
- 8.20 Under the first criteria part a) of policy NH 6 of PPS 2 the siting and scale of the proposal must be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. The overall scale of the proposal appears sympathetic to the special character of the AONB and is in keeping

with the scale of existing townhouses and dwellings in the area. The proposal therefore meets this test of policy.

8.21 In summary the proposal is considered to be in compliance with paragraphs 6.18 & 6.19 of the SPPS, Policy BH12 of PPS 6 and the Ballycastle Conservation Area design Guide, in that it has been designed to respect its context, is sympathetic and complimentary to the existing character, and is in harmony with its neighbours. The scale, form, massing and design features visually integrate with the existing townscape and respect the historic layout street pattern and existing landform. The proposal can both preserve and enhance the character and appearance of the Conservation Area.

### **Other Matters**

8.22 Each of the concerns raised by the objectors have been given full consideration, with overlooking, impact on visual amenity, design, and the conservation area all being addressed through the assessment of the application. No objections were received from DFI Rivers or Environmental Health with regard to flooding issues or litter and noise levels respectively. Accountability of the development would fall to DFI Roads following the adoption of the scheme. The agent was contacted regarding the alignment of the neighbouring boundary, and to date has not responded.

### **Access**

8.23 PPS 3 relates to vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It is an important consideration in terms of the integration of transport and land use planning. Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.

8.24 DFI Roads were consulted and responded raising issues with regard to the site layout, shared surface road, and entry/exit radii, together with the width of the proposed vehicular access, and the geometry of the junction of the two internal roads within the site curtilage. The proposed development requires a total of 22 car parking spaces, with only 20 being provided. The present arrangement is unworkable so the proposal would prejudice road safety and fails to meet with Policy AMP 2 and AMP 7 of PPS 3 and DCAN 15.

### **Natural Heritage**

8.25 Proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Proposals should respect local architectural styles and patterns as well as local materials, designs and colour.

8.26 The proposal as considered under “Local Character, Environmental Quality and Residential Amenity” satisfies policy requirements in particular PPS 7 in that it provides a quality residential development. The proposal complies with PPS 6 in that it preserves and enhances the character and appearance of the Conservation Area and does not adversely affect the character of listed buildings or historical monuments. The proposal is acceptable in principle, and is appropriate in terms of siting, design, scale and massing, as well as being sympathetic to this AONB location. The proposed design respects local architectural styles and patterns and conserves features of importance to the character, appearance and heritage of the landscape. The proposal therefore is in compliance to Paragraph 6.187 of the SPPS and Policy NH 6 of PPS 2.

### **Habitats Regulations Assessment**

8.27 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**

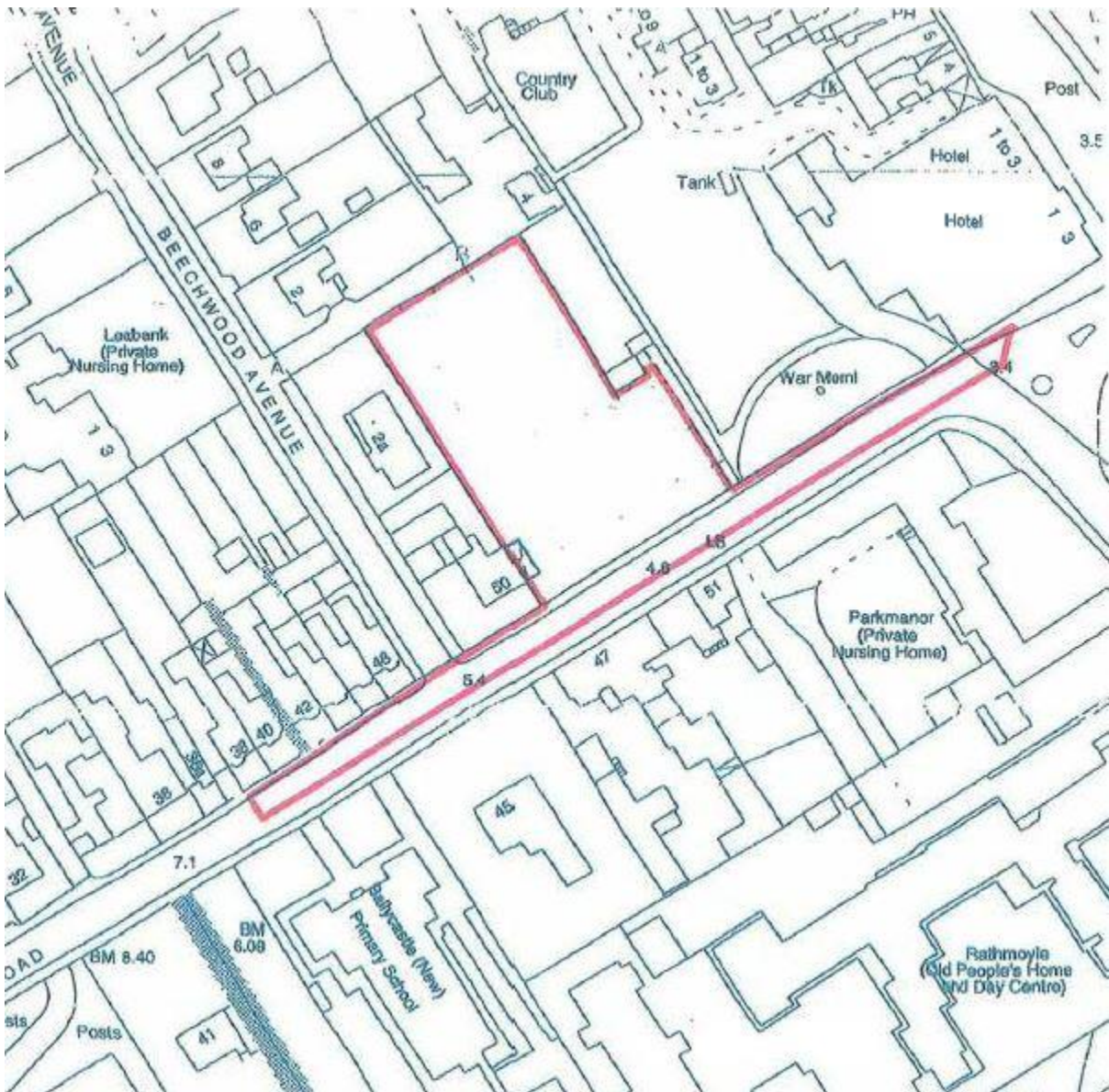
9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. Although the proposal is acceptable in terms of design, residential amenity and its setting within the AONB and Conservation Area, it fails to meet the requirements of planning policy and would prejudice road safety given that access requirements have not been met. Refusal is recommended.

## **10 REFUSAL REASONS**

1. The proposal is contrary to Planning Policy Statement 3 “Access, Movement and Parking” Policies AMP 2 and AMP 7 in that the layout is not in accordance with the Departments published standards and inadequate car parking has been provided.

2. The proposal is contrary to Policy QD1 of Planning Policy Statement 7 “Quality residential environments” in that it fails to satisfy criteria (e) and (f) as it has not been demonstrated that it incorporates a suitable movement pattern and adequate parking provision.

### Site Location Map



### Block Plan



