

Planning Committee Report LA01/2018/0311/F	17th April 2019
PLANNING COMMITTEE	

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

<u>No:</u>	LA01/2018/0311/F	<u>Ward:</u>	MOUNTSANDEL
<u>App Type:</u>	Full		
<u>Address:</u>	Fern House 1a Adelaide Avenue Coleraine.		
<u>Proposal:</u>	Construction of 3m masonry walls to Lodge Road and Adelaide Avenue elevations.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	14th March 2018
<u>Listed Building Grade:</u>	N/A		
Agent:	Simon Beattie, 3rd Floor Lesley Building, 61 Fountain Street, Belfast.		
Applicant:	ESBU		
Objections:	16	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- 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 **APPROVE** permission for the full application subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises a two storey detached office building, detached single storey gate house and associated carparking and soft landscaped areas. The office building, Fern House, was formerly used as government offices and is currently vacant. The office building incorporates a pitched roof and is finished externally with red facing brick to walls, green timber barge boards and low profile slate roof tiles. The gate house is finished externally with red brick to walls and low profile roof slates.
- 2.2 The boundary with the Lodge Road is defined with a 3m palisade fence set behind a low stone wall. The southern boundary, with Adelaide Avenue, is defined with 3m palisade fencing and palisade entrance gate and 3m red brick wall. The remaining boundaries are defined with 3m palisade fencing. The site is accessed via Adelaide Avenue on the southern boundary.
- 2.3 The site contains 5 trees which are subject to a Tree Preservation Order. The 3 protected trees, located just inside the eastern boundary with Lodge road are a Lime, Beech and Sycamore. The 2 protected trees, located just within the southern boundary with Adelaide Avenue are a Sycamore and Lime.
- 2.4 The site is located within the designated town centre, an Area of Archaeological Potential and within an Area of Townscape

Character, designation CET10, as set out in the Northern Area Plan 2016. The site is not subject to any other specific zonings or designations.

- 2.5 The Fire Station with associated parking is located to east of the site and the Police Station building is located to the west.
- 2.6 The character of the immediate area is defined by educational, public and residential uses with a prevalence of Listed and historic buildings of significant architectural quality. The topography of the site is generally flat.

3 RELEVANT HISTORY

- 3.1 C/2000/0151/F- Inland Revenue Tax Office, Fern House, 1a Adelaide Street, Coleraine, BT52 1AJ. Demolition of existing reception block. Construction of new extension and alteration to internal area to provide reception. Permission Granted: 13/04/2000

4 THE APPLICATION

- 4.1 Full permission is sought for the provision of a 3m red brick wall to the Adelaide Avenue boundary and a red brick wall with 3m piers, which will have hit and miss panel fencing installed in-between, to the Lodge Road boundary.
- 4.2 The initial proposal submitted proposed a 3 metre high *Cover From View* fence, which included the removal of 2 trees which are subject to a Tree Preservation Order. The scheme has since been revised on several occasions and now proposes a lower steel railing fence, and 2 wall types; 1 walls consisting of mixture of solid wall and timber panel fences and a solid wall to Adelaide Avenue. The scheme now proposes to only remove 1 tree subject to the Tree Preservation Order.
- 4.3 Several objectors sought a meeting between the local residents and the planning office regarding the proposal which took place at the Council Offices on 24th January 2019. A copy of the attendees and meeting notes is available on the file.

Habitat Regulations Assessment

- 4.4 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). Having considered the nature, scale, timing, duration and location of the project, the proposal will not have an adverse effect on the site integrity of any European protected site.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

There have been 16 representations received from 6 different objectors raising the following concerns:

The mature tree earmarked for felling should be retained as it forms an integral part of the historic character of the area.

The trees provide valuable habitat for local wildlife.

Concerns regarding the visual impact of the proposal- in terms of the loss of trees and visual impact of the walls.

The potential for the sizeable walls to dominate the streetscape along Adelaide Avenue causing a perception of being hemmed in by the development.

The proposal will devalue neighbouring properties.

The visual impact of the black steel clad fence (part of the first iteration of the proposal)

The proposed boundary treatment will not allow wildlife to pass through.

5.2 Internal

Historic Environment Division- No objection subject to a condition stipulating that no protected or mature trees shall be removed to accommodate erection of the wall. It is considered that tree 5 must be removed to facilitate the proposal therefore the condition is irrelevant.

DfI Roads- No objection.

MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development 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 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)

PPS6 Addendum- Areas of Townscape Character

Planning Strategy for Rural Northern Ireland

PPS3 Access, Movement & Parking

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the Visual Impact and Area of Townscape Character, Impact upon existing trees, Traffic Matters, and Other Matters.

Principle of development

- 8.2 The site is located within Coleraine Town Centre, an Area of Archaeological Potential, and within an Area of Townscape Character (Designation CET10 – Lodge Road), as set out in the Northern Area Plan 2016.
- 8.3 One of the key features of the ATC, as set out in the NAP 2016 is the presence of mature vegetation along the street frontage. The Plan directs the reader to PPS6 Addendum for policy context for the assessment of proposals within an ATC.
- 8.4 The principle of the type and scale of development proposed must be considered having regard to the Strategic Planning Policy Statement (SPPS) and PPS policy documents specified above.
- 8.5 In terms of the SPPS the scheme proposes works within an appropriate and existing town centre use.
- 8.6 The SPPS (Paragraph 4.27) states where the design of proposed development is consistent with relevant LPD policies and/ or supplementary guidance, planning authorities should not refuse planning permission on design grounds, unless there are exceptional circumstances. Planning authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings, or not in accordance with the LDP or local design guidance.

Visual Impact and Area of Townscape Character

- 8.7 The surrounding area is characterised by variety of buildings and uses including, educational, public and residential, with a prevalence of Listed and historic buildings of significant architectural quality.

- 8.8 The site comprises a two storey office building, single storey gatehouse, associated car parking and soft landscaped areas.
- 8.9 The Addendum to Planning Policy Statement 6 - Areas of Townscape Character - Policy ATC 2, New Development in an Area of Townscape Character states that proposals in an Area of Townscape Character (ATC) will only be permitted where the development maintains or enhances its overall character and respects the built form of the area. Any trees, archaeological or other landscape features which contribute to the distinctive character of the area should be protected and integrated in a suitable manner into the design and layout of the development.
- 8.10 Policy DES2 of a Planning Strategy for Rural Northern Ireland states that development proposals in towns and villages are required to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.
- 8.11 At the Lodge Road elevation the wall will be set back from the eastern boundary by approximately 15m providing a buffer zone for 4 of the protected trees. A 1.2m steel railing fence will enclose the buffer zone which will be landscaped and planted with shrubs and 2 new semi mature trees in addition to 4 of the existing trees. Similarly, the wall will be set back from the southern boundary at Adelaide Avenue providing a stand-off area ranging from 2m-10m. It is proposed to remove a mature tree, which abuts the southern boundary west of the gatehouse. This tree (Tree 5 as shown on Drawing No. 02 Rev. 05) is subject to a Tree Preservation Order (TPO). It is proposed that the site will link internally to the existing Police Station site to the west providing an extended Police Station facility.
- 8.12 The proposed loss of Tree 5 as is assessed under Paragraphs 8.14-8.20. Having further regard to Policy DES 2, and the loss of the tree, the revised proposal now strikes a balance between serving its function and visual amenity. The proposed finish of red brick to the wall will tie in with the existing boundary treatments to the Police station along Lodge Road. As the main function of the wall is for security purposes for the PSNI, it is accepted that, while a lower wall would be preferable, this primary function has been afforded significant weight. The proposed setback of the wall along the Lodge Road and

Adelaide Avenue frontages will mitigate visual impact to a degree. It is noted that views of the wall along the Adelaide Avenue boundary will be screened/ buffered by 1 and 2 Adelaide Avenue further mitigating visual impact of the same.

- 8.13 The proposed buffer to the Lodge Road boundary will make a positive contribution to the townscape. On balance, and having regard to the assessment of tree loss below, the proposal complies with DES2 and is acceptable in terms of design, scale and use of materials. Furthermore this revised solution will have less of a detrimental impact upon surrounding visual amenity than the initially proposed steel panel fence, which also included the further loss of trees. It is also considered that the proposal meets the first policy test of ATC 2, as the proposal now maintains the overall character and respects the built form of the area.

Impact upon existing trees

- 8.14 As outlined in Para 8.9, Policy ATC 2 states any trees, archaeological or other landscape features which contribute to the distinctive character of the area should be protected and integrated in a suitable manner into the design and layout of the development.
- 8.15 Policy ENV3 of the Northern Area Plan 2016 states that development that would result in the loss of trees, hedges or other features that contribute to the character of the landscape, or are of nature conservation value, will not be permitted unless provision is made for appropriate replacement planting and the creation of new features.
- 8.16 A submitted Tree Survey Report/Constraints Plan made several findings relevant to the proposal, in particular: The trees on the site are considered significant to the local landscape and are in fairly good condition, requiring only minor remedial works.
- 8.17 The Council's Tree Officer (TO) has been consulted during the processing of the application. The Tree Survey Report, comments from the TO and the Northern Area Plan present the consistent opinion that the mature trees within the Area of Townscape Character are locally significant and should be retained. Although trees 1-4 will be protected and integrated

successfully into the scheme, it is acknowledged that tree 5 must be removed to facilitate the development. Options for the retention of tree 5 have been explored. Amending the scheme to respect the Root Protection Area (RPA) of tree 5 will restrict the useable site area to an unacceptable degree making the proposal unviable. The proposed planting of 2 heavy standard trees in lieu of tree 5 is considered adequate compensatory planting given the trees incompatibility with the proposed development.

- 8.18 In light of this, considering the comments of the TO that tree 5 is of a lesser visual significance and proposed compensatory planting, the loss of tree 5 is, on balance, acceptable. The proposed development will maintain the overall character and respect the built form of the area.

Traffic Matters

- 8.19 Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such an access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP3, Access to Protected Routes.

- 8.20 There is an existing access/exit to and from Adelaide Avenue and no further access is proposed. Furthermore, the proposal only relates to the construction of a wall for security purposes and does not involve any proposed change of use or additional buildings within the site. Therefore, the proposal is unlikely to generate more traffic or cause a significant intensification of use of the Adelaide Avenue access in comparison to the former use of the site as a Tax Office as the proposal is acceptable when assessed against AMP 2 (a).

- 8.21 In terms of criterion (b) of Policy AMP 2, neither the Lodge Road nor Adelaide Avenue are protected routes so consideration under Policy AMP3 is not appropriate.

8.22 Having regard to Policy AMP 2, the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads has been consulted as the competent authority on road matters and it raises no objections regarding the parking and access associated with the scheme.

Other Matters

8.23 It is accepted that due to the proposed function of the wall, its scale cannot be lowered or reduced. Visual impact is mitigated to a degree by the use of sympathetic materials and the similarity of the proposed boundary treatment with the existing walls to the Police Station. The buffer to the Lodge Road boundary will also mitigate detriment to visual amenity.

8.24 In regards to dominance, it has been demonstrated that a wall of this scale is required. Steps have been taken throughout the application process to mitigate detrimental visual impact with the inclusion of sympathetic materials and the proposed buffer zone along the Lodge Road. It is noted that the properties in proximity to the proposed wall, 1 & 3 Adelaide Avenue raise no objection to the proposal. Given the proposed use of the site, a balance between form and function has been achieved.

8.25 Weight has been given to the safety of the end users of the building, which is paramount. A permeable boundary treatment, which would allow wildlife to pass through, is not appropriate as the construction of the wall must serve its primary purpose, and it is essential that direct views into the site are restricted.

8.26 No evidence has been submitted with regards to the devaluation of property values. This consideration is afforded limited weight.

8.27 The drawings have been annotated to state that the proposed CCTV will be angled as to not compromise surrounding private amenity. The CCTV is for the use of the PSNI, who serve to maintain law and order. Furthermore, the use of CCTV is a matter which is controlled under the Human Rights Act and General Data Protection Regulations.

8.28 Historic Environment Division has been consulted as the competent authority on Listed Buildings and Archaeology. HED has assessed the proposal and is content with the scheme.

9.0 CONCLUSION

- 9.1 Revisions have been sought with a final scheme which retains all but 1 No. tree. Further planting of 2 No. heavy standard trees is proposed to compensate for the loss of this tree. The most critical and important trees will be retained. The size, scale and siting of the wall are necessary to serve the function of adequate security measures for the PSNI. The proposal has been assessed against Planning Policies DES 2, ATC 2, AMP 2, and ENV 3, and is considered, on balance, to be acceptable. Approval is recommended.

10.0 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.

2. The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). No protected tree, other than those required for the purpose of carrying out development as indicated on the approved Drawing 03 Rev 5 received 14-FEB-2019, shall be, cut down, uprooted or destroyed, or have its roots within its root protection area damaged or subject to any soil level changes, or be subject to any form of tree surgery, without the prior written consent of the Council, other than in accordance with the approved plans and particulars of this application. Development will be taken to include the main development, any associated buildings, access and service provision.

Reason: To ensure the retention of trees protected by the TPO and to ensure continuity of the landscape amenity afforded by these trees.

3. All Arboricultural work shall be implemented in accordance with the submitted Tree Survey Report and associated Arboricultural Method Statement by Dr Philip Blackstock received 17-OCT-2018 and shall be carried out in accordance with BS5837 (2012) 'Trees in Relation to Construction'. Any

remedial works to be carried out by a competent Tree Surgeon, preferably an Arboricultural Association approved contractor.

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

4. Prior to any development on site, all trees identified to be retained as indicated on the approved Drawing 03 Rev 5 received 14-FEB-2019, must have their roots protected, as per the measures detailed in the Arboricultural Method Statement by Dr Philip Blackstock received 17-OCT-2018. The erection of fencing required for the protection of retained trees covered by a TPO shall be undertaken in accordance with BS5837 (2012) 'Trees in Relation to Construction'. The fencing must be in place before any equipment, machinery or materials are brought on to the site for the purposes of the approved development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No materials shall be stored or fires lit within these Root Protection Areas in accordance with this condition. The ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, other than in accordance with the approved plans and particulars of this application.

Reason: To protect the sensitive roots of the trees to be retained and ensure their future health and vitality.

5. Replacement planting for tree loss on site, as indicated on Drawing 03 Rev 5 received 14-FEB-2019, shall include 2 No. native species trees of extra heavy standard 300-400cm in height x 14-16cm girth at time of planting. This replacement planting shall be carried out during the first available planting season following the removal of Tree 5 and shall be replanted in the positions as indicated on Drawing 03 Rev 5 received 14-FEB-2019. All works shall be carried out in relation to the British Standards BS3998 (2010).

Reason: To ensure the continuity of the landscape amenity afforded by trees protected by the TPO.

Informatives

1. 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.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. 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 08457 440088.

Site Location Plan

