

Addendum

LA01/2024/1096/F

1.0 Update

1.1 3 additional letters of objection have been received in relation to this application. Concerns relate to:

- Land ownership and that their client does not consent to their lands being used as part of the application.
- The application has not been granted and on 14th February contractors cut down the trees and flattened the area from Laurel Park leading in to the proposed development site.
- Land is owned privately and developers should not be organising their tradesmen to start work on the road into the site. This action caused distress amongst residents and the tradesmen with the police being required to be called.
- As this application has not been approved, surely the developers should be forced to rectify the destruction their tradesmen have caused.
- Established trees were cut down and shrubbery removed. The Council website states that where *“trees exist on or adjacent to a site, they should be highlighted in site appraisals and the measures to ensure their retention and long-term maintenance outlined. This will include their protection during construction.”* The Council website continues to give information about the value of trees and why we protect them so why are you not observing your own advice.
- The roads were constructed in the 60's when volume of traffic was considerably less.
- Road safety issues with 80 dwellings/vehicles further exiting onto the road.
- Pollution, particularly noise and light from vehicles and nearby houses suffering greatly.

- Impact on sewerage from 80 dwellings and current raw sewage/paper waste visible and smelt along the River Bann. The Council are not able to control the current sewage system, so it seems logical to not increase the burden by adding 80 more properties.
- Steep gradient of the site and new buildings will tower over the houses on Strand Road depriving residents of any privacy.
- Decrease in value of nearby properties.
- Extra 80 dwellings for social housing residents in an already vast area of similar housing will undeniably give rise to more criminal activity, surely it would be preferable to reduce the proposed number of dwellings.
- Better to plant the area with trees from an Environmental point of view providing a safe haven for local wildlife as well as keeping the last green space in the area.
- Long term view to preserve the attractiveness of Coleraine would be more beneficial as opposed to short term financial gain that this development will receive from government. Appreciate that need for homes to be built but very aware that there are more suitable sites available.
- Received no notification.

2.2 Many of these issues and concerns were previously raised in earlier objections which have been considered in the Planning Committee Report. Section 8.0 “Considerations and Assessment” includes assessment of the proposal with the impact upon privacy, sewerage, road safety, pollution explored.

2.3 The preservation of this site has been raised. This planning application under consideration has been submitted to the Council by a private developer. The Development Management section of the Council’s Planning Department is required to determine this application under its statutory functions. The Planning Department has no involvement in the submission of a planning application insofar as what the proposal relates to or on the land on which it is located.

2.4 It is acknowledged that access arrangements onto Laurel Park are indicated on the current application. However, planning permission was granted for the provision for a vehicular access from the

current application site onto Laurel Park under LA01/2021/1173/F. This permission was granted on 2nd November 2023 with a time limit for commencement of 5 years.

- 2.5 There was no condition applied under LA01/2021/1173/F for the retention of trees and permission is not required to cut down trees unless they are protected through condition or designation e.g. a Tree Preservation Order. If unauthorised works are deemed to have occurred then the submission of an enforcement complaint is the correct process to address this matter.
- 2.6 The matter of land ownership has been addressed by the completion of Certificate C which required notice to be served on Nicky Smyth. Planning does not confer title and it is up to the developer to ensure that they own all the land required to implement their proposal. This is a civil matter between the relevant parties and lies outside the planning process. This is covered in detail under Paragraphs 8.365 – 8.367 of the Planning Committee Report.
- 2.7 Traffic and road safety is considered and assessed under the Access and Traffic section of the Planning Committee Report at paragraphs 8.110 – 8.152.
- 2.8 The impact of the proposal on residential amenity including privacy and air and light pollution are considered in paragraphs 8.175 - 8.239 of the Planning Committee Report. Impacts on receptors from water pollution/run-off are considered in paragraphs 8.277 – 8.285.
- 2.9 Environmental concerns relating to sewage are considered and assessed in paragraphs 8.240 – 8.260 of the Planning Committee Report.
- 2.10 The response from NIEA NED is currently outstanding. A favourable consultation response from NIEA NED including any suggested conditions is required for assessment under the requirements of PPS 2.
- 2.11 The neighbour notification process is outlined under Paragraphs 8.368 – 8.369 of the Planning Committee Report. No. 6 Laurel

Park does not adjoin the application site and consequently does not qualify for neighbour notification.

- 2.12 The matter of loss of property value is considered and assessed at Paragraph 8.372. While the factors that bring about devaluation of property may be material planning considerations afforded significant weight, property devaluation itself is not.

Condition

- 2.13 Paragraph 8.21 of the Planning Committee Report refers to the inclusion of a condition for the agreement of the finishes of the retaining walls to ensure that they do not detrimentally impact on the character and appearance of the area.

- 2.14 The suggested wording of this condition is:

No development shall commence until the finishes of the retaining walls and dwarf kerbs as indicated on Drawing No's 04B, 35A and 36A have been agreed in writing with the Council.

Reason: To ensure that the proposed retaining walls do not adversely affect the character of the area.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.0 of the Planning Committee report.