



Title of Report:	Planning Committee Report – LA01/2025/1149/S54
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25 February 2026
For Decision or For Information	For Decision – Major Item
To be discussed In Committee YES/NO	NO

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Principal Planning Officer

Estimated Timescale for Completion	
Date to be Completed	N/A

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section Screening 75	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:

Executive Summary

<u>App No:</u>	LA01/2024/1253/S54	<u>Ward:</u>	Coleraine
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Undeveloped lands west of Burn Road and bounded by Ballygallin Park, St Andrews Church of Ireland, Hazeldene Drive and Mulberry Gardens, Coleraine		
<u>Proposal:</u>	Section 54 Application to Vary Condition 9 (Glazing Installation) of Planning Application LA01/2023/1155/F (Housing Development)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	03.11.2025
<u>Listed Building Grade:</u>	N/A		
Applicant:	CYM Properties Limited. 181 Templepatrick Road, Ballyclare, BT39 0RA.		
Agent:	Footprint Architectural Design, 181 Templepatrick Road, Ballyclare, BT39 0RA.		
Objections: 0	Petitions of Objection: 0		
Support: 0	Petitions of Support: 0		

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

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

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 conditions set out in Section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within the settlement development limit of Coleraine. Hazeldene drive abuts the southern boundary, Ballygillan Park and St Andrews Church abuts the western boundary and Burn Road abuts the eastern and northern boundaries of the site. Currently the site is under construction, enacting approval LA01/2023/1155/F for the provision of 82 dwelling units. There is a large electricity pylon in the approximate centre of the site. Beyond the eastern boundary of the site is a strip of mature trees, and beyond that the Ring Road. Beyond the northern boundary of the site is Coleraine Methodist Church. The application site measures approximately 3.6ha. There is a slight fall in ground levels from south to north.
- 2.2 The site is within land zoned for housing (designation CEH 38) as defined in the Northern Area Plan 2016. The site is not subject to any other specific zonings or designations as set out in the Plan.

3.0 RELEVANT HISTORY

LA01/2023/1155/F

Undeveloped lands West of Burn Road and bounded by Ballygallin Park, St Andrews Church of Ireland, Hazeldene Drive & Mulberry Gardens, Coleraine- Proposed housing development comprising 82 residential units (including 16 social housing units), associated

internal road network, public open space, landscaping, parking, access and ancillary site works- **Approved: 05.09.24.**

4.0 THE APPLICATION

- 4.1 This is a section 54 application to vary the wording of Condition 9 of Approved Application LA01/2023/1155/F which reads: -

The façade of the dwellings shall have glazing installed providing a Sound Reduction of at least 34dB Rw/ 31 dB Ctr.

Reason: In the interest of residential amenity.

to

The façade of the dwellings shall have glazing installed providing a Sound Reduction of at least 23 dB Rw + Ctr."

Reason: In the interest of residential amenity.

Habitat Regulations Assessment

- 4.2 The potential impact of the development on Special Protection Areas, Special Areas of Conservation and Ramsar sites had been assessed under planning application LA01/2023/1155/F in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposed variation will not affect the conclusion that the development will not affect the site integrity of any European site.

Design & Access Statement

- 4.3 As per The Planning (General Development Procedure) Order (Northern Ireland) 2015, Section 6 4(a) a Design and Access Statement is not required as the condition to which the variation is sought does not relate to design and access issues. The condition to be varied relates to the sound reduction specification of proposed glazing.

Environmental Impact Assessment

4.4 The previous approved application LA01/2023/1155/F, was considered to fall within Schedule 2: Category 10(b) of the Regulations- Infrastructure projects; Urban development projects, including the construction of shopping centres and car parks. As the site area exceeds 0.5ha. LA01/2023/1155/F was screened and found not to require an Environmental Statement. This application to vary condition 9 of the extant approval does not require an Environmental Statement. Having considered the Regulations and the guidance set out in Development Management Practice Note 9B, the Planning Department through screening using Regulation 12 determined on 12th February 2026 that the proposal which is subject of this application was not EIA development.

Development Management Regulations

- 4.5 Regulation 2(1)(b) of the DM Regulations has the effect that any change to or extension of an existing major development is to be treated as major where the change or extension itself meets or exceeds the relevant threshold or criterion in the corresponding entry in Column 2 of the Thresholds Table.
- 4.6 Application LA01/2023/1155/F was classified as major as it exceeded the thresholds outlined in the table within the Schedule. However, where an application is submitted for a change or extension to 'Major Development' the proposal is not subject to Pre-Application Community Consultation.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

No letters of representation have been received in relation to this application.

5.2 Internal:

Environmental Health Department: 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
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland Edition 2 2025 (SPPS) is a material consideration. As set out in the SPPS Edition 2, 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) Edition 2 2025

PPS7 Quality Residential Environments

8.0 CONSIDERATIONS & ASSESSMENT

Principle of Development

8.1 Planning permission was granted under LA01/2023/1155/F for proposed housing development comprising 82 residential units (including 16 social housing units), associated internal road network, public open space, landscaping, parking, access and ancillary site works.

8.2 The current application seeks permission to vary Condition 9 of approved planning application LA01/2023/1155/F. The approved wording of Condition 9 is as follows:

The façade of the dwellings shall have glazing installed providing a Sound Reduction of at least 34dB Rw / 31 dB Ctr.

Reason: In the interest of residential amenity.

8.3 The Applicant is seeking to change the wording of Condition 9 to state:

The façade of the dwellings shall have glazing installed providing a Sound Reduction of at least 23 dB Rw + Ctr

Reason: In the interest of residential amenity.

8.4 A cover letter submitted to support the application sets out the rationale for the proposed variation. It states that the internal sound levels required to comply with the guidance of BS 8233:2014, Guidance on sound insulation and noise reduction for buildings, can be attained with glazing of a specification detailed in the proposed variation.

8.5 The Noise Impact Assessment, which had been previously submitted with LA01/2023/1155/F, and a new Supporting Statement from Irwin Carr Consulting were also submitted to support the application. The new Supporting Statement sets out that the Noise Assessment noted that standard double glazing should provide at least 34 dB Rw or 31dB Rw + Ctr. It goes onto state that it now appears that there are a range of sound reduction values for 'standard' double glazing, depending on the manufacturer. A sound reduction value of at least 34 dB Rw or

31 dB Rw + Ctr would not be necessary for the proposed development site and would materially limit the Applicant's ability to seek quotes from a wider range of suppliers.

- 8.6 Environmental Health Department, who stipulated the condition for approval LA01/2023/1155/F, were consulted on the application to vary the condition. In response EHD state, *The Environmental Health Department acknowledge receipt of this Section 54 application.*

The EHD note the submitted documents and are content that condition 9 of LA01/2023/1155/F be varied to the below revised wording:

The façade of the dwellings shall have glazing installed providing a Sound Reduction of at least 23 dB Rw + Ctr.

- 8.7 Following assessment, it is considered acceptable to amend the wording of this condition having regard to the consultation response from the Environmental Health Department.
- 8.8 Consultation with the Environmental Health Department on the initial application identified the need for four conditions pertaining to noise. These conditions pertained to: acoustic glazing (subject to this application); acoustic ventilation system; design of external amenity space and; installation of acoustic barriers. While the conditions pertaining to acoustic glazing and acoustic ventilation system were added to the decision notice on the initial decision notice, those pertaining to the design of the external amenity space and installation of acoustic barriers were not. Accordingly, to ensure acceptable noise levels, the two omitted conditions are added to this decision. This is within the scope of a Section 54 Variation of Condition Application. Paragraph 3.5 of Development Management Practice Note 24 Section 54 Applications states "Section 54 allows for different planning conditions to be attached to a new planning permission but does not allow for the amendment of the description of development of the previous (original) permission."

9.0 CONCLUSION

- 9.1 The purpose of the proposal is to vary the wording of a condition. This would allow the Applicant to seek glazing quotes from a wider range of suppliers. The submitted Cover Letter, Noise Impact Assessment and Supporting Statement demonstrates that the required sound reduction can be attained with a lesser specification of glazing. Therefore, the proposed variation of Condition 9 regarding the sound reduction specification of glazing is considered acceptable having regard to the Northern Area Plan 2016, SPPS (Version 2) and other material considerations. The Environmental Health Department has no objections to the re-wording of this condition. 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 4th September 2029.

Reason: Time Limit

2. No drainage shall be laid until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Reason: To ensure a practical solution to sewage disposal from this site is possible.

3. No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of the Council in consultation with NI Water. The development shall not be occupied until the developer has complied with all of the requirements set out in the agreement entered into with NI Water under Article 161 of

the Water and Sewerage Services (Northern Ireland) Order 2006.

Reason: To ensure a practical solution to sewage disposal from this site is possible.

4. The development shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

5. No development shall commence until the applicant has submitted a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council in consultation with DFI Rivers which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event with an additional allowance for climate change (20%).

Reason: In order to safeguard against surface water flood risk.

6. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented and verified to its satisfaction.

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

7. After completion of all remediation works under Condition 8 and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Planning Authority. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report shall 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.

8. If, during the proposed development, any ground contamination is encountered then all works on the site shall cease. Causeway Coast and Glens Borough Council Environmental Health Department shall be informed and sufficient information to assess potential risks arising from the former use of the land shall be submitted and agreed. Any necessary mitigation / remediation measures shall be clearly specified. The above work shall be undertaken by a suitably competent person/s and in accordance with current government guidance.

Reason: In the interest of residential amenity.

9. The façade of the dwellings shall have glazing installed providing a Sound Reduction of at least 23 dB Rw + Ctr

Reason: In the interest of residential amenity.

10. All dwellings shall incorporate an acoustic ventilation system (with equivalent glazing Sound Reduction) with specification to comply with Building Control Technical Booklet K and ventilation rates in accordance with Technical Booklet K.

Reason: In the interest of residential amenity.

11. DISCHARGE PENDING

No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure implementation of mitigation measures and prevent impacts to downstream designated sites.

12. A clearly defined buffer of at least 10 m must be maintained between the location of all construction works including refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse bordering the northern/northeastern edge of the red line boundary and all surface water drains within the road network which discharge to the surface watercourse.

Reason: To ensure the development will not have an adverse effect on the integrity of any European site.

13. Prior to the occupation of any part of the development, all hard landscape works shall be carried out in accordance with the approved details and to the appropriate Standard or other recognised Codes of Practice.

Reason: In the interest of residential amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

14. The surface finishes of the shared private driveways and communal parking areas serving units 20-21, 42-46, 52-53, 56-61 and 73-78 shall be as scheduled on the key outlined on drawing 02 Rev1.

Reason: In the interest of visual amenity.

15. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional or altered windows, doors and openings shall be formed in any of the development hereby approved without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties.

16. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Council, landscaping shall be carried out in accordance with the Landscape Proposal Plan, drawing 40 Rev1, and maintained in perpetuity in accordance with the Landscape Management and Maintenance Plan Document dated November 2023.

Reason: In the interest of visual and residential amenity.

17. The management and maintenance of open space and communal amenity areas, trees and shrubs as identified on the stamped approved drawings Nos 02 Rev1, 40 Rev1 and the Landscape Management and Maintenance Plan Document dated October 2023 shall be carried out by a Management Company to be appointed by the developer and shall continue to be maintained in perpetuity or as subsequently may be agreed in writing with the Council.

Reason: To ensure the continuity and sustainability of the approved landscape through its successful establishment and long-term maintenance to achieve a quality residential development consistent with policy.

18. DISCHARGE PENDING

A signed copy of the Memorandum and Articles of Association relating to those areas identified in condition 17 shall be submitted to the Council prior to the occupation of any dwelling.

Reason: To ensure successful establishment and long-term maintenance of open space/amenity areas in the interests of visual and residential amenity.

19. No retained tree as identified on drawings 40 Rev1 and 02 Rev1 shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

20. The residential 16 units identified as site numbers 56, 57 & 71-84 on drawing No 02 Rev1 hereby approved, shall be used solely for the purposes of Social Housing and shall be managed only by a registered Housing Association.

Reason: To ensure the position of the 16 Social Housing units in Coleraine and to comply with Policy HOU 2 of the Northern Area Plan 2016.

21. All walls, estate railings, screen walls and screen timber fencing as shown on drawing 02 Rev1 shall be provided along the curtilage boundary of each dwelling/ apartment (and where shown within the curtilage of each dwelling/ apartment) as indicated prior to the occupation of the associated dwelling / apartment. All boundary treatments shall be retained permanently.

Reason: In the interest of residential and visual amenity.

22. No unit shall be occupied until the details of the legal agreement for the transfer of the social housing units to a NIHE recognised Housing Association has been submitted to the Council for agreement.

Reason: To ensure the provision of social housing in Coleraine and to comply with Policy HOU2 of the Northern Area Plan 2016

23. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drg. No. 03 Rev 03, Proposed Private Streets Determination Road Layout date stamped 16th July 2024.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

24. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drg. No. 03 Rev 03, Proposed Private Streets Determination Road Layout date stamped 16th July 2024. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

25. The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

26. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m from the junction with the public road.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.

27. No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

28. No part of the development hereby approved shall be occupied until the Developer has provided an efficient system of street lighting in accordance with Schedule 8 of The Private Streets (Construction) Regulations (Northern Ireland) 1994 as amended by The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Reason: To ensure the provision of adequate street lighting and in the interests of safety

29. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services

30. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in verges/service strips determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

31. The external amenity space of dwellings shall be positioned and designed in order to achieve the lowest noise level reasonably practicable. A barrier/screening shall be constructed to the external amenity of dwellings as laid out in Drawing No. 1601-02-L03.1, in accordance with BS 8233:2014 Guidance on Sound Insulation and Noise Reduction in Buildings.

Reason: In the interest of residential amenity.

32. Acoustic barriers as detailed (specification of construction and achieving a surface mass density of no less than 15kg/m²) within Drawing No. 1601-02- L03.1, dated Aug 2023 shall be erected. The acoustic barriers shall have an effective height and positioned in accordance with the location detailed within Drawing No 1601-02-L03.1, dated Aug 2023. The barrier shall be of continuous, solid construction (i.e. no holes or gaps for sound to pass through).

Reason: In the interest of residential amenity.

Proposed Site Plan (Extant permission LA01/2023/1155/F)

