Title of Report:	**Planning Committee Report – LA01/2019/0133/F**
Committee Report Submitted To:	**Planning Committee**
Date of Meeting:	**24th August 2022**
For Decision or For Information	**For Decision – Objection Item**

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	Development Management and Enforcement Manager

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

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

App No: LA01/2019/0133/F **Ward: Waterside**

App Type: Full Planning

Address: 2 Ballycairn Road, Coleraine, BT51 3HX

Proposal: 2no. low density blocks of apartments – 9no. dwelling units total

Con Area: N/A **Valid Date: 08.02.2019**

Listed Building Grade: N/A

Applicant: McAlister Builders, 5 Ann Street, Ballycastle, BT54 6AA

Agent: Montgomery Irwin Architects, 7-9 Stone Row, Coleraine, BT52 1EP

Objections: 43 **Petitions of Objection: 0**

Support: 0 **Petitions of Support: 0**

Executive Summary

- Full planning permission is sought for 2 no. low density blocks of apartments for a total of 9 dwelling units.

- The site is located within Coleraine Settlement development Limit and within Local Landscape Policy Area (LLPA) Designation CEL 21.

- No concerns have been raised by statutory consultees in relation to this proposal.

- The proposal is acceptable in terms of its layout, scale, massing, design, materials and is in character with the surrounding area. The proposal will not adversely harm neighbouring residential amenity. The site is acceptable in relation to access, traffic, parking, natural heritage, built heritage, drainage and the LLPA designation.

- There are 43 objections to the proposal.

- The proposal complies with all relevant planning policies including the Northern Area Plan 2016, SPPS, PPS 2, PPS 3, PPS 6, PPS 7, PPS 7 Addendum, PPS 15 and all relevant guidance including DCAN 8, DCAN 15, Departmental Parking Standards and Creating Places.

- The application is recommended for Approval.

Drawings and additional information are available to view on the Planning Portal- http://epicpublic.planningni.gov.uk/publicaccess/

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 **GRANT** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

2.1 The application site is located at 2 Ballycairn Road, Coleraine. The site was formerly comprised of a single dwelling house which has been demolished. The site sits higher than Ballycairn Road and is located behind a retaining wall. The site rises away from the road and flattens at the location of the former dwelling. To the north of the site are a row of detached dwellinghouses. To the south of the site is Coleraine Grammar School. To the east of the site is Ballycairn Road. To the west of the site is a derelict property and access onto Queens Park.

2.2 The site is located within the Coleraine Settlement Development and Local Landscape Policy Area designation Policy CEL 21. The surrounding area is a mixture of residential, educational and recreational uses.

3.0 RELEVANT HISTORY

3.1 C/2014/0267/F - Nos 4, 6, 8 & 10 Ballycairn Road, Coleraine – Proposed demolition to sections of existing dwellings (Four no. terrace style) with new extension to rear of each property creating 4 no detached dwellings and new detached garages to rear – Granted – 24.10.2014

C/2009/0710/F – 2 Ballycairn Road, & 23A Queens Park, Coleraine – Demolition of 2 no. dwellings & replacement with 8 No. townhouses & 9 No. apartments with 28 No. communal

parking spaces, landscaping & amenity areas – Refused – 21.12.2012.

C/2009/0159/F - Nos 4, 6, 8 & 10 Ballycairn Road, Coleraine – Proposed 8no. Semi-detached dwellings, New access onto Ballycairn Road, and Retention of Existing Access – Granted - 25.07.2013

C/2008/0222/F – Nos 4, 6, 8 & 10 Ballycairn Road, Coleraine – Redevelopment of site to provide 12 No. 2 Bedroom Apartments and 4 No. Townhouses - Withdrawn

4.0 THE APPLICATION

4.1 Full planning permission is sought for 2no. low density blocks of apartments –9no. dwelling units total.

5.0 PUBLICITY & CONSULTATIONS

5.1 **External:**

43 letters of objection have been received in relation to this application. The main issues raised are summarised below and will be considered and assessed in the remainder of this report:

Access/Transport

- Concerns with the existing traffic situation on Ballycairn Road and as consequence onto Castlerock Road from existing residential traffic and the number of schools in the area. Concerns that due to the size of the proposal and the associated traffic generated that the proposal will exacerbate this traffic situation during both construction and operations.
- Concerns that if Coleraine Grammar adds the new car park they are proposing that it would further exacerbate the traffic situation.
- Concerns with the content of the Transport Assessment Form.
- The proposal requires 17 formal car parking spaces to the rear of the site with an addition 6 to 8 spaces to the front, with the two apartment blocks, this development is trying to squeeze too much development into this constrained site.

- Concerns with the use of the roads in Queens Park.
- Objection to exiting on to Ballycairn Road beside Coleraine Grammar School where there are current traffic issues which would be exacerbated by the proposal. Believe the site has also access to Queen's Park which would be better for all dwellings to exit onto Queen's Park thus avoiding the bottleneck on Ballycairn Road.
- The number of parking spaces appears to be about 25. Emissions from vehicles associated with 16 dwellings would further concentrate the toxic air at this pinch-point.
- Proposal does not meet DCAN 15 Vehicular Access Standards.
- Query as to whether a Traffic Assessment should have bee ncarried out.
- Question as to whether the gradient is in line with requirements of DCAN 15 for access onto public road.

<u>Design/Character</u>

- The proposal in terms of layout and scale is at odds and out of keeping with the established urban grain of the locality. This grain is characterised by typical residential houses which sit comfortably within their individual well landscaped plots. The school buildings in the vicinity of the site are set in a very spacious and landscaped loose grain which cannot be used to justify the high density development.
- Proposal is overintensification/overdevelopment, garden grabbing and town cramming which will severely impact the amenity and attractiveness of the area.
- The proposal does not respond to the old and established suburban residential established character of the area comprised of two storey dwellings.
- Scheme more fitting in a town centre location.
- The Design and Access statement fails to inform and shape the development and gives the impression that it drafted after plans had been drawn up.
- Application C/2009/0710/F for 2 Ballycairn Road/23A Queens Park for 8 town houses and 9 apartments i.e. 19 units was refused on 21st December 2012.
- Proposal is contrary to LLPA Designation CEL 21 in terms of scale and is incongruous to the character of the listed building, and further is at odds with the statement in the Design Management Plan accompanying the application. Welcome the

opinion of Historic Environment Division on the proposal.

- Reference made to criteria (a) of Policy QD 1 of PPS 7.
- The scale and massing is totally incongruous with this area and totally unreflective of local character.
- Proposal fails under DCAN 8.
- Council should realise that, while further homes need to be built in Coleraine, it is unreasonable to insist on a disproportionate burden being placed on the already overdeveloped area close to 4 schools and that 10 new flats in a space originally designed for 1 house is unacceptable. Urges planning department to consider more forward-thinking solutions.
- If approval is granted it will create a dangerous precedent to more apartment development in this section of Ballycairn Road.
- Contest the information submitted within the Biodiversity Checklist.
- Contests that proposal is not low density.
- The proposal is unacceptable in terms of the visual aspect on the street scene as the proposed building towers over neighbouring dwellings even allowing for the excessive excavation.
- The level of excavation to provide four floor levels and mask the bulk of each block from street level. Artificial ridges obscure, the eye sees reduced as to the frontage but the roofline remains just as high over the road. Homes and gardens within its long shadow are robbed of light. To the rear the residential amenity of adjacent single story chalet bungalows is threatened. Arrangements for refuse collection appear to depend on the footpath on route between Coleraine Grammar School and D.H. Christie Memorial Primary School. Teachers conduct regular crocodiles of children between these schools along a footpath that presents the hazard a line of bines from sixteen dwellings often in conditions of fast moving traffic.
- The scheme is a transplant of an architectural concept on to an inappropriate site.
- Refer to appeals at Strand Road, 2008/A0253 and The Boulevard, 2009/A0218 and contest that this development should be refused in line with the precedent set by these two applications, as examples of two established residential areas in Coleraine like Ballycairn.
- Contradictory visual impact on street scene.
- The area has been and remains a residential area of family homes, providing for families with children attending three local

secondary and two local primary schools and fail to see how apartment blocks meet these needs.

- A photograph was submitted from Google Earth highlighting the extent of the height and proximity of the previous dwelling on the site to No. 4 Ballycairn Road. It was commented that it was a stark contrast to the current planning application.

Impact on No. 4 Ballycairn Road

- Both the closeness of the building and excessive excavation of land which could undermine the garden or foundations of No. 4 Ballycairn Road and whether engineering advice has been sought and filed by the applicant?
- The proposed car parking area, lighting, noise and disturbance created from vehicles and the use of the proposed car parking to the rear would be extremely harmful to private amenity space of No. 4.
- No. 4 Ballycairn Road is located to the north of the proposal and given the scale and location of the proposal a sun path analysis should have been submitted.
- Proposal obstructive to natural daylight of No. 4.
- Negative impact on privacy, and overlooking of the property of No. 4 Ballycairn Road and its garden.
- Scheme represents unacceptable and gross over intensification of the site.
- The scheme is overbearing and would harm the amenity of No. 4, changing how they use their property internally and externally.
- The proposal is unacceptable in terms of the visual aspect on the street scene as the proposed building towers over No. 4 Ballycairn Road even allowing for the excessive excavation.
- The height and length of gables facing No. 4 Ballycairn Road would create a stark, bland, oppressive, overbearing and harmful impact. The rear and side elevations are basically a box.
- Concern that the existing building line will be breached.
- Multiple bin storage next to the private amenity space of No. 4 Ballycairn Road

Amenity/Noise/Overdevelopment

- There are many other areas for new development that do not have the significant number of existing properties that Ballycairn Road and the surrounding areas already have.
- No bin storage.

- Residential amenity as previously noted at properties in the immediate surrounds of the development including their own will be significantly impacted by this proposal.

Plans

- Incorrect shading being used to the front of No. 4 Ballycairn Road which misrepresents the impact of light loss.
- Existing elevations have not been provided. To allow a proper judgement to be made on the impact both visually and on residential amenity of No. 4 Ballycairn Road they need to be able to compare the impact of the recently demolished house and the proposed impact of the block of apartments.
- The agent has failed to adequately or at all consider the impact of the proposed development on No. 4 Ballycairn Road. They contacted the offices of the developer to request a meeting and this was declined. They reserve the right to raise this refusal to consult should it become necessary to take further action but not limited to legal action.
- The amended documents fail to address significant issues in the original application and misrepresent the site location and extent.
- Section 28 of the P1 form only identifies as occupying neighbouring land are 4 Ballycairn Road and Coleraine Grammar School which is incorrect as the site also fully abuts 2 properties in Queens Park.
- A fear that the developer could construe permission to proceed with the development as permission to develop land which does not fall within the extent of the site marked in their plans.
- Concern of access being provided to the vacant dwelling to the west via an existing entrance in Queens Park, which is not mentioned at any point in the document.
- A greater degree of accuracy and clarity in their documents is expected and developers need to address this issue unambiguously before any decision on letting the development proceed is taken.
- Resident of Queens Park and was not notified directly from planning department leaving little time to respond.
- Inaccurate and outdated drawings contravene planning regulations, could prejudice the planning consideration process and requires to be addressed. Nature of development is not in keeping with the established style of housing in the vicinity.
- Q11 of P1 has been ticked to state the applicant is unaware of

any previous application on site – refers to C/2009/0710/F
- Q12 has been ticked re alteration of an existing access and contest that it is not in fact an alteration to the in-situ but the construction of a new access onto the public road.

Drainage/Sewerage

- Impact on drainage – causing subsidence on Ballycairn Road.
- Springs contribute to run-off across Ballycairn Road from west to east. The vegetation that sucked up ground water have been cut to ground level. The footprint of this scheme reduces natural drainage. The run-off in heavy rain is more frequent in changing weather and puts pressure on existing drainage infrastructure. It exacerbates road and footpath subsidence at this point.
- Will the existing sewerage system be able to cope with an increase in capacity. An increase from one dwelling to 16 apartments. Has an assessment of such a large increase been carried out on the existing sewerage system.

Other

- Proposal is contrary to Landscape Policy Area CEL21, Planning Policy Statement 7, Quality Residential Environments, Creating Places and PPS 12 Housing in Settlement and reference paragraph 80, page 25 and PCP 1 Increased Housing Density without Town Cramming Page 26. The proposal is contrary to DCAN 8 Housing in Existing Urban Areas.
- Contest that the proposal fails under PPS 12 and should be refused accordingly.
- Contacted the planning department regarding the clearing of the land and there were no record of any planning applications relating to the property.
- Only four properties have been notified – is there not an argument that at very least properties at 6, 8 and 10 Ballycairn Road should have been notified.

5.2 **Internal:**

DFI Roads: No objections

NI Water: No objections

Environmental Health: No objections

DAERA: Water Management Unit: No objections

DAERA: Natural Environment Division: Advice

Historic Environment Division: No objections

DFI Rivers: No objections

Shared Environmental Services: Advice

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

APPS7: Safeguarding the Character of Established Residential Areas

PPS 15: Planning and Flood Risk

Supplementary Planning Guidance

Creating Places

Development Control Advice Note 8: Housing in Existing Urban Areas

Development Control Advice Note 15 Vehicular Access Standards

Parking Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

8.1 The proposed dwelling must be considered having regard to the NAP 2016, 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 and character,

design, relationship with neighbouring dwellings, sewerage, access and parking, flooding, natural heritage and consideration of objections.

Principle of Development

8.2 The site is located within the Coleraine Settlement Development as defined within the Northern Area Plan 2016. The site is the location of a former dwellinghouse which has been demolished and the site cleared. The use of the site is established as residential.

8.3 There is planning history for the redevelopment of this site under application C/2009/0710/F which related to the demolition of the dwelling on the site along with No. 23A Queen's Park, Coleraine and the replacement with 8 no. townhouses and 9 no. apartments with 28 no. communal parking spaces, landscaping and amenity areas.

8.4 This application was refused on 21st December 2012 with the following reason stated:

The proposal is contrary to Policy QD 1 of Planning Policy Statement 7, Quality Residential Environments, the Department's Design Guide "Creating Places" and Development Control Advise Note 8 Housing in Existing Urban Areas in that the development as proposed fails to provide a quality residential environment and would be detrimental to the character of the area.

8.5 Objections have been submitted on the application making reference to this planning history, the above reason for refusal and comparisons between C/2009/0710/F and this proposal. Queries have been made as to whether there has been a change in policy. Concerns have also been raised in relation to apartment development which will set a precedent for this form of development in the area.

8.6 The referenced policy, Policy QD 1 of PPS 7 and the guidance within Creating Places and DCAN 8 are extant and are relevant material considerations for the consideration of this application.

As such there has not been a change of policy direction since the determination of C/2009/0710/F in this respect.

8.7 The proposal under consideration relates to two apartment blocks containing a total of 9 apartments which are located adjacent to each other and front onto Ballycairn Road. The existing internal road is to be utilised with a relocated vehicular access. This is a substantially reduced scheme from the previous planning history and the assessment is set out below.

8.8 The planning history on site is acknowledged and is weighed accordingly. The proposal is located on a site with a residential use and paragraph 4.16 of the SPPS encourages mixed tenure neighbourhoods. It is acknowledged that apartment development is not located along Ballycairn Road at present. However, it is considered that this form of tenure is in itself not unacceptable with regard to the SPPS.

Quality in the Residential Environment

8.9 Policy QD 1 of PPS 7 outlines the following under criterion (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 surface areas.

8.10 Policy LC 1 of APPS7 is also applicable and outlines the following under criterion (a) and (b) respectfully:

The proposed density is not significantly higher than that found in the established area

The pattern of development is in keeping with the overall character and environmental quality of the established residential area.

All dwelling units and apartments are built to a size not less than those set out in Annex A of APPS7.

8.11 The site is 0.27 hectares and 9 units are proposed at a density of 33 dwellings her hectare. The calculation of density is outlined as dwellings per hectare under APPS 7. The western

side of Ballycairn Road between Paul's Lane (No. 26 Ballycairn Road) and No. 4 Ballycairn Road is approximately 1.1 hectares and encompasses 12 dwellings at a density of 11 dwellings per hectare. It is accepted that apartments are an intensification of residential development on this site which is inherent of this form of tenure. As previously highlighted under paragraph 4.16 of the SPPS which was adopted since the determination of C/2009/0710/F encourages a mixture of tenures within neighbourhoods. It is considered that the siting, scale, design and massing of the proposal, how it sits within the street scene and how it relates to density and form of tenure proposed is the consideration in this case than simply the density and tenure of the site on its own merits.

8.12 The proposal has a density higher than that of the surrounding area by the way of the form of tenure proposed on the site. The proposed density has been raised by objectors and the description has been queried as to how the number of dwellings is low density. However, the design of the proposal results in a total of nine apartments contained within the built form of two blocks. It is considered that the provision of nine units within two blocks does not result in overdevelopment on the site or town cramming as the units are viewed in context of the built form of the two blocks within which they are proposed and not nine separate units. The blocks are acceptable in context of the site with regard to their layout, scale, massing and design and the character of the surrounding area. In this respect it is considered that the proposed density will not significantly erode the character, environmental quality or amenity of the surrounding area and that the proposed density along with its scale, massing, layout and design will respect adjacent housing and safeguard the privacy of existing residents. There are no concerns in relation to density with regard to the requirements of Policy LC 1. Density has been raised in the context of PCP 1 of PPS 12. However, the content of PPS 12 is not operational policy against which the proposal is assessed. Impacts on privacy and amenity are discussed later within this report.

8.13 The plot in which the site encompasses is larger than the plots along the western side of Ballycairn Road. This is also the case for majority of the eastern side of Ballycairn Road. The exception being No. 15 Ballycairn Road which is opposite the site and larger than it.

8.14 The proposal consists of two blocks of apartments, Block A containing 5 apartments and Block B containing 4 apartments. The siting of the blocks in the plot splits the plot into two halves within which each block is centred. This is evident from both the site plan and street elevations. In relation to the street scene, the spacing between Block B and No. 4 Ballycairn Road is similar to that between No. 4 Ballycairn Road and No. 6 Ballycairn Road. The spacing between No's 6, 8 and 10 is smaller. The spacing between both blocks and between Block A and the curtilage of the school is in between that of the spacing between Block B and No. 4 and that between No's 6, 8 and 10.

8.15 In relation to the scale, massing and design of the proposed blocks, the proposed blocks are indicated to sit at the same eaves height as No's 4 – 10 Ballycairn Road adjoining the site. The ridge height of Block B sits at the same ridge height at these properties where it adjoins No. 4 and is 0.3 metres higher where it adjoins Block A. The proposed ridge height of Block A at its highest point is 1.8 metres higher than that of the ridge height of No. 4 Ballycairn Road. The roof proportions of Block B are comparable to that of No's 4 and 8 Ballycairn Road with No's 6 and 10 Ballycairn Road lesser than those of No's 4 and 8. The roof proportions of Block A beyond that of Block B. It is considered that the roof proportions of Block A are considerable but in context with Block B and No's 4 – 10 Ballycairn Road to not be intrusive or dominant in the street scene.

8.16 The proposed frontage of both blocks are 13.5 metres in length. The proposed gables for each block vary between 15.9 – 16.2 metres. There is a minor step in the middle of each block by 0.3 metres. The frontage lengths of both blocks are significantly larger than the entirety of the 9 metre frontages of the adjoining properties. The roof proportions and ridge heights of Block B are comparable to that of No's 4 and 8 Ballycairn Road with the roof proportions and heights of Block A beyond that of Block B.

8.17 The planning history of the immediate area should also be noted in context of this proposal. Application C/2009/0710/F has previously been discussed. The properties at No's 4 – 10 Ballycairn Road were altered under C/2014/0267/F from their original design by the demolition of sections of the existing dwellings with new extensions to the rear. This application was

approved on 24th October 2014. This has been implemented on site and resulted in the change from four attached dwellings to four detached dwellings.

8.18 In the submitted Design and Access Statement it is outlined that the scale of the proposals will be subservient to the adjacent school building, which dominates the streetscape. The massing of the proposals are outlined as helping to reinforce and define the street frontage, acting as a positive transition piece on the street scape between the civic scale of Coleraine Grammar School (South) and the neighbouring dwelling houses (North). A diagram is present to illustrate this. This drawing has been superseded by further revisions to the scheme.

8.19 The northern boundary of the school site is defined by mature trees and it is considered that the school and the site, including the properties to the north of it are entirely separate entities and are not visually linked or viewed in context of each other. It is agreed with this point which was raised by an objection with regard to the justification of the proposal within the Design and Access Statement. Travelling north along Ballycairn Road past the school site, the properties to the north along the west side of Ballycairn Road are not visible due to their setback from the road and as such are not read in context with the school. Travelling south along Ballycairn Road, the proposal reads with the residential properties directly to the north. There are views of a school building from Ballycairn Road travelling south which is located to the southwest of the site. However, these views are limited and if the proposal was erected would not be visible. The buildings which are indicated to the rear of the site and along Queens Park are indicated to sit higher than the proposed blocks. These buildings are currently visible from the cleared site. However, in context of the proposal from Ballycairn Road there will be little inter-visibility when constructed. With regard to above it is considered that the proposals read solely with the residential properties along Ballycairn Road. It is accepted that the ridge height would create a stepping down effect but the proposal is not considered to be viewed in this context in the street scene between the school and the proposal.

8.20 On their own merits that the scale, massing and proportions of the blocks are significant in relation to their frontages and gable depths. The eaves heights are in keeping with that of the

adjoining properties. The ridge heights are not consistent with that of the adjoining properties but are considered to be acceptable when viewed in context of the adjoining properties and the changes in height viewed from No. 4 Ballycairn Road to Block A. There are no concerns regarding the heights of the proposed blocks. On balance, it is considered that the scale, massing and proportions of the frontage and gables would be acceptable when viewed in context of the adjoining properties. The size and massing of the blocks are greater than the existing two storey dwellings located within the area. However, the blocks are considered to visually integrate in the street scene due to their siting and the degree of consistency in the built form with the scale and proportions of the adjoining properties. This is viewed in context of uniformity in the eaves heights, floor levels and positioning and levels/heights of windows across the adjoining properties, the rise in ridge heights and the urban grain in the pattern and size of spacing between the blocks and adjoining properties. The comparative differences in frontage length and gable depth and the size and shape of the blocks with the adjoining properties are not considered to be significant or unacceptable when viewed in the context of the street and with the other design elements of the blocks. In context the pattern of development proposed is considered to be in keeping with the overall character and environmental quality of the established residential area and would not cause visual impact in the street scene or detract from the attractiveness of the area. In this respect the proposal is also compliant with DCAN 8 and specifically paragraph 6 of page 2 as previously highlighted within an objection.

8.21 Both blocks break the building line and objections were submitted in relation to the impact from this. The vegetation along the southern boundary creates a visual break between the school and the application site. The school buildings are set back from the building line and the proposal is visually distinct from the school. It is considered that due to its location at the start of the row of properties along Ballycairn Road heading north and the end of the row heading south that it does not disrupt the building line in a significant manner due to its placement within the row. The projection forward is 1.1 metres and is not considered to be a significant break. Considering the scale and massing of the blocks in their entirety and with regard to the views of the elongated gable of No 4 Ballycairn Road and

front projections of No's 6 – 10 Ballycairn Road, it is considered that the break in the building line would be acceptable and would not be detrimental to the pattern of development within the surrounding area. The proposed blocks would not be dominant or visually intrusive in the street scene in this respect.

8.22 There are eight parking spaces located to the front of Block B. It is normally considered that this level of car parking to the front of the proposed blocks is visually intrusive in a street scene. However, it is acknowledged that in the case of the adjoining properties No's 4 – 10 Ballycairn Road, that their car parking is to the front and that the areas of hardstanding to the front of these properties is separated by a small kerb. This existing arrangement is not considered to be dissimilar to that proposed by the way of parking of a row of cars at a raised height. This is further mimicked further north along the western side of Ballycairn Road where properties have shared driveways where cars can be parked in a row. To the south within the school site, it is noted that there is parking to the front of the building which is viewable from the road. However, this site is considered to be visually distinct from that of the application site. A precedent for this is considered to be established.

8.23 As previously highlighted, concerns were raised regarding the excessive engineering works to the front of the site. These have since been removed and the levels to the front retained. All proposals involve a degree of change in levels. In the case of this proposal, the levels have been reduced were the blocks are to sited and to facilitate an altered internal access road. In this respect the proposal is considered to mirror the long driveways which are present to the front of the properties along this section of Ballycairn Road.

8.24 Objections have raised the precedent which would be set for apartment developments by this proposal. It is highlighted that apartments are considered acceptable on this site within the context of the design of this proposal and the specific site characteristics. It is not considered that this form of development is more fitting for a town centre location. Apartments are not required to be located solely in town centres.

8.25 Two planning appeals, 2008/A0253 and 2009/A0218 have been cited and it contested that this proposal should be refused in line with the precedent set by these two applications, as examples of two established residential areas in Coleraine like Ballycairn. It is not agreed that these appeals set a precedent such that this application under consideration should be refused. These appeals were assessed within the context of the established residential areas within which they were proposed and on the own merits of the schemes. Both appeals relate to schemes more comparable to that previously refused on this site under C/2009/0710/F by the way of the spatial extent of development proposed with a mixed scheme of apartments and detached/semi-detached dwellings than with this proposal which has a reduced built form. The general thrust of the points within both appeals are acknowledged in context of the comments from the objector as to how they could be applicable to this proposal. This proposal has been reduced from 16 units to 9 units under this application, the scale and massing of the blocks reduced with the removal of the excessive excavation from the scheme. With regard to the previous consideration this proposal would not result in unacceptable damage to local character or environmental quality and would not be inappropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of the buildings and landscaped, hard surface areas.

Criterion (b) – Built Heritage and Landscape Features

8.26 The proposal is located within Local Landscape Policy Area Policy CEL 21: Coleraine Inst LLPA. Policy CEL 21 states as follows:

Those features or combination of features that contribute to the environmental quality, integrity or character of this area are listed below:

1. This includes one of the most distinctive and attractive building groups in Coleraine, focussing on the refurbished Listed Building of the original school building within landscaped wooded grounds.

2. This central section of Castlerock Road also includes many

trees in the suburban development across from the school particularly in the grounds of Holme Lea, a Listed Building.

8.27 The explanatory text under Policy CEL 21 states that any development in the suburban area will be required to be of modest scale and sensitively sited to minimise any impact on the existing woodland and the setting of the Listed Building.

8.28 Policy ENV 1 of the Northern Area Plan 2016 relates to Local Landscape Policy Areas and states that:

Planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features that contribute to the environmental quality, integrity or character of a designated LLPA. Where development is permitted, it will be required to comply with any requirements set out for individual LLPAs in the District Proposals. The policy continues in relation to LLPAs with riverbanks which is not relevant to Policy CEL 21.Policy ENV 1 concludes that where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

8.29 Coleraine Grammar School to the south. The main school building fronting onto Ballycairn Road is a Grade B1 listed building, reference: HB03/16/006A. Historic Environment Division were consulted on the proposal and advised they were content the proposal satisfies the policy requirements of SPPS 6.12 and Policy BH 11 of PPS6.

8.30 Following the submission of a revised proposal, Historic Environment Division were re-consulted. They reiterated their advice of 28.08.2019, that the HED:HB is content the proposal satisfies the policy requirements of SPPS 6.12 and Policy BH11 of PPS6.

8.31 Further consultation with HED was not deemed necessary on subsequent revisions due to reductions in the scheme and the similarities in design.

8.32 Having regard to the response from Historic Environment Division, it is considered that the proposal will not impact on Built Heritage or the setting of the adjoining listed building. The

requirements of Policy BH11 of PPS 6 and the SPPS are considered to be satisfied in this respect.

8.33 Internal consultation was sought with the Local Development Plan team in relation to this proposal and Policy CEL 21. The conclusion provided indicates that the associated commentary in the Northern Area Plan 2016 does not refer specifically to the application sites contribution to the LLPA. A visual assessment of the LLPA identified frontage trees along the site combined with those set in the mature landscape grounds of the adjacent school, provided a continuation of the strong treed aspect of Ballycairn Road frontage and contributed to the wider streetscape in the immediate area. The trees within the school grounds and application are not subject to a TPO. At the time of the LLPA designation, it would have considered that the trees were not under any particular threat to warrant a TPO. In the intervening time between the most recent survey in July 2017 and the preparation of the paperwork that accompanied the application in November 2018, the frontage trees have been removed. As these were not subject to a TPO, there is no mechanism to control their removal. Given the site's former frontage trees' contribution to this part of Ballycairn Road, a landscaping scheme should be sought that makes provision for new planting of a suitable species, number and size to re-establish this contribution within a reasonable timeframe.

8.34 A number of objections have been received in relation to this designation which highlight the impact of the proposal on the listed building and its setting including the trees in its grounds.

8.35 It is accepted that the associated commentary under Policy CEL 21 does not refer to the site. Reference is made to Holme Lea and the woodland area which is located to the southwest of the school site and to which the proposal will have no effect. The associated commentary is relevant in so far as the adjoining school site. Consultation with Historic Environment Division has indicated that there are no concerns with the proposal impacting on the setting of the listed building. There are no concerns with the proposal impacting on the listed building or its wooded grounds. The southern boundary of the site is vegetated from trees on the school site and there is limited visual association between the proposal site and the school grounds. The provision of a frontage, as indicated within the Development

Plan response, contributes to the character of Ballycairn Road and the adjacent school site.

8.36 Three trees are proposed along the roadside frontage with shrubs located behind the access. The trees are indicated to be English Oak or Sissle Oak. Delivery and Storage notes the provision of semi-mature trees with heights ranging from 5 – 9 metres. It is considered that the species, number and coverage of the trees would be appropriate to re-establish the contribution of the former trees. The planting of semi-mature trees would assist with this contribution within a reasonable timeframe. This shall be conditioned on any approval.

8.37 Having regard to above it, is considered that the proposal would not adversely affect the features of Policy CEL 21: Coleraine Inst LLPA and that Policy ENV 1 of NAP 2016 is satisfied.

Criterion (c) – Adequate Amenity Space and Landscaping

8.38 Open space within the proposed development is located surrounding the proposed blocks. Majority of the immediate space to the front, rear and side of the blocks is hardstanding. The exception being the private amenity space for each of the units. The hardstanding areas comprise the internal road and car parking spaces. To the front of the site is areas of open space denoted as private communal space.

8.39 One metre high timber fences and domestic planting/hedges are proposed at amenity space areas forward of the blocks. At the rear of the blocks, boundary treatment at the site boundaries and between rear amenity space is comprised of 1.8 metre close boarded timber fencing. It is considered that the extensive green space to the front of the site and the proposed planting will assist in softening the development within the street scene. It is considered that the presence of the hardstanding to the front of the site with the parking area will detract from this. However, this arrangement is not dissimilar to that of the adjoining properties. The proposed planting will be conditioned on any approval.

8.40 Creating Places outlines under paragraph 5.20 that in the case of apartment or flat developments that private communal open

space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10sqm per unit to around 30sqm per unit. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. Generally developments in inner urban locations and other high density areas will tend towards the lower figure. Apartment developments on green-field sites and within lower density areas should normally seek to provide the higher figure, although this may be reduced where some private open space is provided in the form of patios of balconies.

8.41 Paragraph A42 states that: All residential properties require some in-curtilage private open space, usually to the rear, compatible with the overall size of the plot, for normal domestic activities, such as, bin storage, clothes drying, sitting out and playspace. This space should enjoy a high degree of privacy from the public street and from any other public places.

8.42 With regard to A42, there is private communal space located to the front of the site with the amenity space forward of the proposed blocks serving apartments 1, 2, 6 and 7. The proposal is in the form of apartments and it is considered that there is no requirement for the amenity space to be at the rear so long as it has a degree of privacy. These spaces are to be bounded by 1 metre high fences with hedging/domestic planting. The boundary treatment to the front of the site is a 1.1 metre high timber fence above a 1.2 metre high retaining wall. The space allotted for each apartment ranges from 25 – 30 metres. The landscaping will reduce views from the road which will assist in the limiting of views of these spaces. The external space provision for each apartment varies but generally exceeds 30sqm. The exceptions are Apartments 4 and 6 which are lower than 30sqm. Creating Places encourages a mixture of garden spaces to promote choice and as the space provision is within the appropriate range of 10 – 30sqm is considered to be acceptable.

8.43 Two areas for bin storage are indicated on the site plan. Environmental Health have been consulted and advised that it's not clear if they are for communal or individual dwelling storage. They request that a management contract for the development in relation to bins in the case of any approval. This matter will

be conditioned in the case of any approval so as to ensure adequate provisions for the storage, collection and management of bins is in place.

Criterion (d) Local Neighbourhood Facilities

8.44 No provision is considered necessary for local neighbourhood facilities given the scale and nature of the proposal.

Criterion (e) – Supported Movement Patterns

8.45 The proposal is considered to provide a movement pattern that supports walking and cycling. The submitted Transport Assessment Form highlights the location of two nearby bus stops as public transport links and the cycle lane to the front of the site along Ballycairn Road. DFI Roads have requested that cycle parking be conditioned and will be applied in the case of any approval. There are no traffic calming measures considered to be required.

Criterion (f) – Parking

8.46 The proposal relates to eight two bedroom apartments and one three bedroom apartments. The proposal requires a total of 13.75 unassigned spaces or 16 assigned spaces. The proposal has 20 spaces provided in curtilage and with regard to Parking Standards and DFI Roads response is considered to have adequate and appropriate parking provision.

Criterion (g) - Design

8.47 The proposal has been amended multiple times since the original submission. The original proposal comprised of 16 apartments over two blocks with 8 apartments in each. Each block contained four floors with alterations to the site levels such as to obscure the ground floor of each block from view. Concerns were raised regarding the extensive engineering work to the front of the site constituting overdevelopment/overintensification, the scale and massing of the proposal generally and in relation to the impact on No. 4 Ballycairn Road, the character of the surrounding area and visual impact within the streetscene. The current proposal has been amended to remove floors from the development with an

alteration to the design of the blocks and relies more on the existing topography to the front of the site. Block A is three storey whilst Block B is two storey. The existing road from the topographical survey moves towards the southern boundary of the site. The revised proposal has altered the position of this road so as to join the middle of both blocks. The revised design has simplified the materials and finishes of both blocks and the proposal utilises the existing internal road in-so far as it relates to the original, demolished dwellinghouse. Block B has been altered such as it differs from Block A. This is to factor in impacts from previous revisions on the street scene and on No. 4 Ballycairn Road.

8.48 The finished floor levels of both blocks are indicated to be reduced from 29.28 to 28.58. The elevations indicate that the proposed front garden at Block B is to be graded with the neighbouring property, No. 4 Ballycairn Road. The levels of this garden are indicated to be 28.00 on the site plan. The finished floor levels of both blocks are 28.58. The access road is indicated to raise up from 22.40 at the access to Ballycairn Road to 25.80 at the bend through 26.80 to 27.80 between the front of both blocks and 28.48 at the middle of the blocks. At the rear of the units and the southern side of Block A the ground levels are proposed as 28.43. The exception being in the amenity space of Apartment 3 which is indicated to be 29.70. The site levels at the location of the proposed blocks broadly corresponds with that of the existing site levels indicated on the topographical survey plan. At the street level the proposal is indicated to have sloped gardens and driveway to the front portion of the site to match the existing neighbouring properties. Planting along street frontage with appropriate native species.

8.49 The proposed materials are considered to be in keeping with that of the properties adjoining the site and are acceptable. There is both brick and rendered dwellings located within proximity to the site. Fibre cement slate roof tiles, aluminium PPC and PVC windows and doors and PVC rainwater goods are considered to be acceptable.

8.50 Car parking is mainly located both to the front and rear of the blocks. There are an additional two spaces located to the side of Block A. Majority of the space to the rear of the blocks is hardstanding. To the front of the blocks, there is an area of

hardstanding comprising 8 car parking spaces and turning area separated by private amenity space to the front of Block B.

8.51 Both blocks vary in scale, massing and design. The main differences lie in Block B which incorporates a different design in relation to the northern elevation due to its location adjoining No. 4 Ballycairn Road. Both blocks have a modern design with hipped roof. Block A is broken up into parts at the front with the brick section sitting 0.3 metres forward of the rendered section. The overall frontage length is 13.5 metres. Set back on the southern side of Block A is a stairwell which serve the first floor apartments. The brick section of the block has the highest ridge height sitting at 9.6 metres. The ridge height of the rendered section meets that of the brick section and sits lower than the ridge height of the brick section at 9.4 metres. The gable depths vary with the length of the southern elevation as 16.2 metres and the northern elevation 15.9 metres. Both gables of Block A are broken up by the return and stairwells. The roof of Block A is also broken up by a terrace and by the roof which is stepped down from the front of the dwelling. The roof is flat at the terrace and is hipped at the rear sitting at the same level as the flat roof. This rear hip and flat roof have a ridge height of a 9 metres. At the front the distance between the eaves and ridge height of Block A varies and sits between 3.8 and 4 metres. The southern elevation of Block B and the northern elevation of Block A face eachother. The entrance to apartment 5 is via an internal stairwell located at the rear. A terrace is located on the rear hip of the roof and serves apartment 5. This terrace is set into the roof and has a flat roof similar to that located on the southern elevation.

8.52 Block B was identical to Block A under previous revisions. Block B has subsequently been amended due to impacts on No. 4 Ballycairn Road and impact on the street scene. However, the design is similar. The block is similarly comprised of two front sections of which the brick section sits forward of the rendered by 0.3 metres. The overall frontage length is 13.5 metres. The brick section has the higher ridge height at 8.1 metres with the rendered section ridge height sitting at 7.8 metres. The rear return sits lower than both these sections with a ridge height of 7.65 metres. The rear return is stepped in at both sides by 0.2 metres. The gable depths vary on each side of Block B and are broken by the step. The overall length is 16.2 metres on the

northern gable and 15.9 metres on the southern gable. The roof of Block B is not broken up as within Block A and there are no roof terraces. At the front the distance between the eaves and ridge height of Block B varies and sits between 2.25 and 2.5 metres.

8.53 Block A contains five apartments (1 – 5) whilst Block B contains four apartments (6 – 9). All apartments are two bedroom except apartment 5 which is three bedroom. Annex A of APPS7 states that two bedroom flats should have 70/75sqm of space and 3 bedroom flats 85/90sqm of space. The internal floorspace for the two bedroom apartments ranges between 77.57sqm and 85.2sqm. The three apartment has an internal floorspace of 103.77sqm. The proposed apartments exceed the space standards outlined within APPS7 and Policy LC 1 is satisfied in this respect.

8.54 On the street scene elevations, the proposed blocks are indicated to sit lower than the adjoining school buildings to the south and dwelling to the west. The blocks are also indicated to sit lower than the properties along Queens Park to the northwest. In relation to properties 4, 6, 8 and 10 Ballycairn Road, the blocks are indicated to have the same eaves height at these properties. The ridge height of Block B sits at the same ridge height at No's 4 – 10 Ballycairn Road, the exception being the bricked section which sits 0.3 metres higher. The highest point of the ridge height of Block A is 1.8 metres higher than that of the lowest point of Block B. Properties 4, 6, 8 and 10 Ballycairn are similar house types. These houses are set back from the road and served by long driveways which connect to a single access to Ballycairn Road. These houses are two storey with hipped roofs, single storey front projections, front balconies and two storey rear returns. The ridge lines of the roof are generally consistent except that of No. 8 which sits higher. In the case of No. 4 Ballycairn Road, it has a two storey rear return on its northern side which sits flush with the northern gable of the property. Both blocks sit forward from No. 4 Ballycairn Road by 1.1 metres in the case of the northern gable of Block B and southern gable of Block A and 1.4 metres in the case of southern gable of Block B and northern gable of Block A.

8.55 Beyond properties 4, 6, 8 and 10 Ballycairn Road towards Pauls Lane along the western side of Ballycairn Road, the rhythm of the roof line and building is generally consistent, the properties are set back from the road by long driveways and a standardisation of house types are present as 2 storey properties with hipped roofs. Beyond Paul's Lane, there is change in house type. This house type is defined by 1.5 storey, small front gardens and mansard roofs which is consistent until the Primary School is reached. Across the road from the site and along the eastern side of Ballycairn Road is a consistent two storey, pitched roof house type. The exception being No. 15 Ballycairn Road which is across the road from the proposal and located behind dense vegetation and No. 17 Ballycairn Road which adjoins it. These properties are different house types but are two storey properties. No. 17 Ballycairn Road has a pitched roof with front projection and No. 15 Ballycairn Road has a mansard roof with front sun room.

Criterion (h) - Relationship with adjacent land uses and neighbouring properties

8.56 The nearest adjoining properties are that of No. 4 Ballycairn Road to the north and No. 15 Ballycairn Road to the east.

8.57 Views towards No. 15 Ballycairn Road are from the front windows of the apartments in both blocks. Both blocks are located approximately 38 metres from the Ballycairn Road. Given the separation distance between the proposal and No. 15 and the presence of existing mature trees along the front of No. 15, it is considered that there will not be any unacceptable adverse effect on No. 15 Ballcairn Road.

8.58 No. 4 Ballycairn Road adjoins the boundary of Block B. Objections have been received outlining that this property was not depicted correctly on the drawings. This has been highlighted to the agent who has amended the drawings to correctly depict No. 4 Ballycairn Road.

8.59 The siting of Block B in relation to the common boundary with No. 4 Ballycairn Road varies due to design of the block. The distance between the gable of Block B and the common boundary of No. 4 ranges between 4 and 4.2 metres. The gable has a length of 16.2 metres with a ridge height of 8.1 metres,

falling to 7.8 metres at the rear return. There are five windows and one door on this elevation. Three windows are located at ground floor and serve a bedroom, living area/kitchen and a bathroom of Apartment 7. The bathroom glass is indicated to be frosted and the door provides entrance to this apartment. The garden is indicated to be on grade with No. 4 Ballycairn Road and there is an existing boundary fence along the common boundary. There are no privacy concerns from this door or any of the windows. At the first floor level there are two windows. One serves a bathroom and is frosted and the other serves a bedroom. There are no privacy concerns from the frosted bathroom window. The first floor bedroom window faces towards the gable of No. 4 Ballycairn Road. This window is located half way along the gable of No. 4 Ballycairn Road. There are no windows on this gable and any views towards the rear amenity space would be oblique. It is considered that the views from this window would not be unacceptable. There are windows located at the rear of Block B. The closest windows are bedroom windows at ground floor and first floor serving apartments 7 and 9. There are no concerns regarding the ground floor bedroom window due to the nature of views into the car park and the boundary treatment proposed. Views are possible from the first floor window towards the rear garden of No. 4. These views would not be over the most private area of rear amenity space and are not considered unacceptable. It is considered that there would be no privacy concerns for No. 4 Ballycairn Road from the proposal.

8.60 There are no privacy concerns in relation to any other windows or the proposed terraces on Block A. The front terrace/balcony serving apartment 5 looks over the front of the site. The side terrace faces towards the school site and the rear terrace towards the rear of the site. The closest properties are the derelict dwelling to the rear and No's 23 and 25 Queen's Park which are located a substantial distance away from the rear terrace.

8.61 From the submitted plans, the southern gable of No. 4 is located 2 metres from the common boundary with the site. The street elevation drawing indicates a distance of 6 metres between the gables of both No. 4 and Block B. This is similar to the separation distance between No. 4 Ballycairn Road and No.

6 Ballycairn Road. The ridge height of No. 4 is indicated as 36.37 which is the same for Block B where it adjoins No. 4.

8.62 Block B sits forward of No. 4 Ballycairn Road by 1.1 metres and has a hipped roof with the same ridge height and eaves height where it adjoins No. 4. Regarding potential loss of light and overshadowing, it is considered that given the separation distances between Block B and No. 4, siting and heights of Block B in relation to No. 4, and the hipped roof design that it will have an impact on No. 4 Ballycairn Road. However, this impact is not considered to be unacceptable.

8.63 The length of the gable of Block B is considered to be significant. However, it is comparable to the arrangement of the northern gable of No. 4 Ballycairn Road to No. 6 and given the same eaves and ridge height of Block B where it adjoins No. 4, the break in the block from the rear return and the 6 metre separation distance it is considered that it would not be dominant, or have an overbearing effect to No. 4. On the northern elevation of Block B, the materials vary between brick and render, there are windows located at both ground and first floor and there is a break where the return is stepped in both at the roof level and on the walls.

8.64 There are no concerns in relation to overshadowing, loss of light, dominance, overbearing or any other impacts of the blocks to the residential amenity of any other properties.

8.65 Environmental Health have not raised any concerns in relation to the design, layout, location of bin stores, any impact from the use of the amenity space or car parking areas, including noise from the amenity space, lighting from the car parks or any noise/fumes from vehicles using the site to surrounding properties. Informatives have been provided in relation to contaminated land, construction/demolition noise, asbestos, noise from plant & equipment and dust.

8.66 Environmental Health have advised in relation to noise that the site may be subject to noise emissions from extraneous sources with road traffic being the predominant impact. They advise that in order to deliver a quality scheme, the applicant is advised to consider acoustic mitigation measures to control inward

impacts, into habitable/sensitive rooms, re. design out potential for adverse impacts.

8.67 These matters relate to the construction of the dwelling and are indicated as informatives under both Environmental Health responses. They are subject to building regulations which are beyond the remit of planning. However, the scheme for limiting the transmission of noise between each unit will be conditioned on any approval so as to ensure a quality residential environment. The proposed use is residential and it is considered that any noise generation by the proposal would be typical for that of a residential development.

8.68 In relation to lighting, Environmental Health advise that the installation or erection of any outdoor lighting during construction or to the final development should consider any adverse impacts to neighbouring properties. Environmental Health refer to the International Commission on Illumination (CIE) lighting guidance.

8.69 Concerns have been made in relation to the location of bins on the footpath. A bins holding area has been indicated on the site plan which is adjacent to the road and would allow for them to be collected. Calculations have been provided by Environmental Health in relation to the number of bins required to serve the proposal and they have advised that such arrangements will only be considered satisfactory where an appropriate management contract is in place in relation to the development. A condition has been requested in relation to the management of the bin storage arrangements and will be applied on any approval.

8.70 Concerns have also been raised that the proposed block is closer to No. 4 Ballycairn Road than the previous dwelling on the site. A photograph has been submitted illustrating the height and proximity of the original building to No. 4 Ballycairn Road indicating that this is a stark contrast to the current proposal. The change in the siting between the previous dwelling and the current proposal is in itself not a reason for refusal of this application. It is agreed that there is a significant difference between the previous dwelling on site and what is proposed. However, the proposal is not considered to cause an unacceptable impact on the residential amenity of No. 4

Ballycairn Road and the scale, massing and design of the blocks to be acceptable.

Criterion (i) – Crime and Personal Safety

8.71 The site is considered to have been designed to deter crime and promote personal safety. The site is secured by fencing at all sides with the blocks front facing towards the entrance to the site. Both Blocks are considered to be designed to deter crime and promote personal safety. The site has areas for pedestrians – paving sett and kerb setts indicated which allows for safe movement at the rear of both blocks.

Access, Traffic and Parking

8.72 The existing access to the site is via a vehicular access from Ballycairn Road. There is alternative access from Queens Park. However, the application site does not incorporate this access, it is not indicated to be within the ownership of the applicant and usage of it does not form a part of this proposal. The proposal includes the removal of the existing access onto Ballycairn Road and the creation of a new vehicular access to the south. The site uses the existing internal road which rises up towards the location of the former dwelling before moving towards the back of the site. Twenty parking spaces have been indicated on the proposed site plan with eight spaces located to the front of Block B, two spaces towards the side of Block A and nine spaces located at the rear of the site.

8.73 Concerns have been raised by objectors regarding the location of the proposed access, access standards, requirements of DCAN 15, requirements for traffic assessments, content of the Transport Assessment Form, the increase in traffic using Ballycairn Road from the proposal which is already congested due to traffic associated with schools and safety of pedestrians and other road users.

8.74 A Transport Assessment Form was submitted outlining travel characteristics, transport impacts and measures to mitigate impacts/influence travel to the site. Journeys are indicated to be by walking, cycling, driving and taxi. Public transport by the means of bus stops are indicated within proximity to the site.

8.75 DFI Roads have noted the access and traffic concerns raised under the objections submitted and have raised no objection with the proposed access arrangements or traffic generation from the proposal. They recommended conditions and informatives for inclusion in any decision notice. These relate to the creation of the new access, closure of the existing access, provision of cycle parking, hard surface areas and retaining wall. DFI Roads are the competent authority in relation to the assessment of access and traffic. Their assessment of the proposal is in line with the guidance outlined within DCAN 15 and no issues has been raised regarding the gradients of the access. DFI Roads has raised no objection to the proposal and the proposed construction of a new car park at Coleraine Grammar School in the consideration of cumulative impacts on traffic. The proposal is considered to satisfy the requirements of Policy AMP 2 of PPS 3.

8.76 Objections were received on the content and accuracy of the information contained within the Transport Assessment Form. DFI Roads have noted these comments and have raised no objection. The requirement for a Traffic Assessment or an assessment of trip rates (TRICS) was not deemed necessary by DFI Roads and is not considered to be required for this proposal due to the scale of development proposed. The number of proposed units has been reduced from 16 to 9 since the receipt of these comments.

8.77 There are a number of objections which raise the usage of the access from land to the west of the application site onto Queens Park by the proposal and derelict dwelling. One objection states that the usage of this access is preferable than onto Ballycairn Road. This access is not proposed for usage by the proposal under this application. The site plan indicates the rear of the site is fenced off with no way for vehicles to reach this access and is not part of this application.

Drainage and Water Environment

8.78 Policy FLD 3 of PPS 15 relates to Development and Surface Water Flood Risk Outside Flood Plains. The policy advises that a drainage assessment is required for all development proposals that exceed 10 or more dwelling units. The original proposal submitted related to 16 dwelling units and a Drainage

Assessment was submitted to address the policy requirements.

8.79 DFI Rivers were consulted on the proposal and advised that details of how runoff from the site will be controlled by a stormwater attenuation system and safely disposed of at limited rate of 22.34l/s supported by relevant correspondence from Northern Ireland Water has been submitted as part of the drainage assessment. DFI Rivers while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently DFI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

8.80 PPS 15, D18 bullet point 3 states, '*It is the responsibility of the developer to satisfy the appropriate authorities that the internal site drainage complies with the appropriate legislation and includes for exceedance* (refer to CIRIA document C635). DFI Rivers recommends that this and the attenuation of stormwater to a rate of 22.34l/s is made a condition of any planning consent.

8.81 Following further consultation with DFI Rivers on an amended site layout. DFI Rivers advised that the change in layout does not alter flood risk and their previous response remains the same.

8.82 Queries have been raised by objectors in relation to subsidence caused by the proposal and run-off. There have been no concerns raised by DFI Rivers in relation to these matters.

8.83 Policy FLD 3 of PPS 15 is considered to be satisfied with regard to the response from DFI Rivers.

8.84 DAERA Water Management Unit were consulted on the proposal and advised that having considered the impacts of the proposal on the surface water environment, and on the basis of the information provided, is content with the proposal subject to conditions, the applicant referring and adhering to Standing Advice, and relevant statutory permissions being obtained.

Sewerage and Utilities

8.85 Northern Ireland Water have approved the proposal subject to conditions. Prior to this latest consultation response dated 20/06/2022 NI Water requested an Impact Assessment and/or other methods of sewage disposal. As such the plans were amended to include a Private Wastewater Treatment Works. The proposed WWTWs have now been removed from the proposal.

8.86 NI Water as the competent authority have advised that an agreement has been reached between the developer & NIW and that storm offsetting must be completed & no connection made until CAI playing fields CSO upgrades are completed (est sept/oct 23). Conditions have been provided as part of recommended approval.

Natural Heritage

8.87 A Biodiversity Checklist was submitted and DAERA re-consulted. Natural Environment Division advised that it was a matter for the planning officer to review the Biodiversity Checklist against information gathered during any site visits and/or in-house GIS data to determine whether the completed Checklist accurately reflects the conditions on site and relates to the nature of the proposed development.

8.88 Objections received raise the clearing of this site in December 2018. Part 1, numbers 3, 4 and 5 and Part 2, numbers 1, 4, 5, 6 and 7 are raised and attention is drawn to Designation CEL 21 Coleraine Inst LLPA. They note a stream/slow moving body of water opposite the proposed development site, adjacent to no. 15 Ballycairn Road. They outline that No. 2 Ballycairn Road had mature gardens consisting of lines of trees and hedges. When the house was demolished around 13th to 18th December 2018, the gardens and extensive lines of mature trees were felled and cleared, prior to the completion of this checklist. This has caused significant displacement of birds to ours and other adjoining properties.

8.89 Having reviewed the submitted Biodiversity Checklist and the standing advice provided by DAERA it is deemed that no further survey submissions are required. Historical imagery for the site indicated the site to be overgrown with mature trees fronting the site onto Ballycairn Road. This was supported by the objector

points and response from Development Plan Team. Upon initial site visit it was noted as raised in the objections that the site has been cleared of vegetation and the trees to the front of the site removed. There are mature trees located to the south of the site. However, these are located with the grounds of the school, are set back from the location of the blocks and proposed works and do not constitute woodland. Further to the initial site visit, vegetation on the site has redeveloped in the form of grass and nettles. Consultation with DFI Rivers flood maps and the consultation response from DFI Rivers indicates there to be no watercourses on site and no hydrological connection from the site. Across the road from the site there is a row of trees located between No. 15 Ballycairn Road and a running track. These trees are located behind a wall along Ballycairn Road. It is considered that there would be no natural heritage issues arising due to the separation distances involved from these trees. Upon site visit a pipe was noted behind this wall which wall to which water was draining into a culverted watercourse below. Given the distance between the site and this watercourse across an existing road, the location behind a wall, and the culverted nature of the watercourse there are no natural heritage concerns. The NIEA Natural Environment Map Viewer indicates Heronries priority species on the site. The area defined for Heronries encompasses most of the length of Ballycairn Road extending from the houses along the western side of the road, east across the River Bann towards the southern and settlement portion of Portstewart Road. Given the condition of the site and tree removal it is considered that it is unlikely for there to be any impact on this species. Informatives in relation to the protection of birds will be applied on any approval.

8.90 Shared Environmental Services were consulted informally in relation to the proximity to the watercourse. They advised that no formal consultation was required and that the proposal is in an urban area with no risk of habitat loss or fragmentation of any European site. They noted the watercourse across the road from the proposal that connects into the River Bann and advised that there could be run-off but due to the location, scale and nature of the proposal that it was considered unlikely that there could be any effects on the SAC located further downstream.

8.91 With regard to the Biodiversity Checklist submitted and above, it is considered that the proposal will not impact on Natural Heritage and satisfies the requirements of PPS 2 and the SPPS in this respect

Other Matters

8.92 The majority of objections has already been considered and assessed throughout this report. Additional issues are assessed below:

8.93 Queries have been made in relation to neighbour notification on the application. Notification of neighbours is carried out with identified occupiers on neighbouring land. Neighbouring land is land which directly adjoins the red line of the application site or which would adjoin it but for an entry or a road less than 20 metres in width. The application site originally submitted under this application adjoined Coleraine Grammar School, No. 4 and No. 15 Ballycairn Road and the derelict property to the rear who were only required to receive neighbour notification. Subsequent revisions to the extent of the application site meant further notification was required. Re-notification is required to objectors when revisions relate to points of objection raised. No neighbour notification was carried out within Queen's Park as the application site does not adjoin any properties within that development. Any re-notification for Queen's Park was to properties located there which objected. Queries were made in relation to time constraints to submit representations. Representations can be submitted at any point during the processing of the application.

8.94 Queries have been raised with the content of the P1 form and how the questions were answered. The lack of awareness of planning history under Q11 is a matter for the agent. The planning history is assessed under the application as a material consideration. The construction of a new access under Q12. However, this has been assessed under the application. The neighbour notification indicated under Q28 is provided by the agent. The Council carries out its own neighbour notification as per the statutory requirement.

8.95 Objections have been received on the accuracy and clarity of the drawings and detail within the Design and Access Statement

and that the extent of the site has been misrepresented. Any amendments required have been submitted. The arguments and site assessment contained within the Design and Assessment used to justify and develop the proposal are the opinions of the agent and that content is a matter for them.

8.96 Points raised that the Council should realise that, while further homes need to be built in Coleraine, it is unreasonable to insist on a disproportionate burden being placed on the already overdeveloped area close to 4 schools and that 10 new flats in a space originally designed for 1 house is unacceptable. Planning permission has been applied for on this site for this proposal and the Council is undertaking its statutory obligations in the assessment of this application.

8.97 Engineering advice in relation to the closeness of the building and excavation of land has not been sought by Council or filed by the applicant. These matters are in relation to the construction of the proposal which are partly with Building Control legislation and civil issues and therefore outwith Planning.

8.98 Existing elevations and a sun path analysis have not been sought. The proposed positioning of the buildings in relation to No. 4 Ballycairn have been assessed under this application including the consideration of any potential loss of light, impacts on residential amenity to your property and visual impact from the development. On this basis it is considered that the submission of both existing elevations and a sun path analysis are not required for the assessment of the application.

Habitats Regulations Assessment

8.99 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 acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. Assessment concludes that the principle of development for apartments in this location is acceptable. Taking into account the objections submitted, it is considered that the proposal would not be out of character with the surrounding area and that the proposal is acceptable with regard to natural heritage, parking, traffic, built heritage, privacy and residential amenity.

10.0 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

   Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. No development shall commence until the vehicular access, including visibility splays and any forward sight distance, are provided in accordance with Drawing No. 09C dated 19th July 2022 and DfI Roads FCD1 form dated 5th March 2020. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. No other development hereby permitted shall be commenced until the existing access indicated on Drawing No. 09C dated 19th July 2022 has been permanently closed and the carriageway & footway properly reinstated to DfI Roads satisfaction.

   Reason: In order to minimize the number of access points onto the public road in the interests of road safety and the convenience of road users.

5. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 09C dated 19th July 2022 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

   Reason: To ensure that adequate provision has been made for parking.

6. No development shall commence until any retaining wall requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

   Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

7. The runoff rate from the site for the stormwater attenuation system shall be 22.34l/s unless otherwise agreed in writing with Planning.

   Reason: To ensure adequate site drainage.

8. No development shall be commenced until a Sewer Adoption Agreement has been submitted to the Council and authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016

   REASON: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services

(Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland 2016.

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

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

10. Details of the maintenance and management of the car parking areas, bins, communal areas and landscaped areas by a Management Company supported by a charitable trust or properly constituted residents association with associated management arrangements, or other such arrangements agreeable to the Planning Authority, including a signed copy of the Memorandum and Articles of Association in accordance with the Management Plan shall be submitted to and agreed with the Planning Authority before the first residential unit is occupied.

    Reason: To ensure the establishment and continuity of the bin storage areas, car parking areas, communal areas, and landscaped areas through the long term maintenance to achieve a quality residential development.

11. The proposed landscaping as indicated on Drawing No. 09C date stamped 19th July 2022 shall be implemented prior to the occupation of the apartments. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal.

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

11.0 INFORMATIVES

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent properties for the removal of or building on the party wall 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. 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.

5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at: http://epicpublic.planningni.gov.uk/publicaccess/.

6. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

♣ kill, injure or take any wild bird; or

♣ take, damage or destroy the nest of any wild bird while that nest is in use or being built; or

♣ at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or

♣ obstruct or prevent any wild bird from using its nest; or

♣ take or destroy an egg of any wild bird; or

♣ disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or

♣ disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that tree and hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

Any works requiring the destruction of any active bird nest will require a wildlife licence to be obtained from the NIEA Wildlife Team. Licence applications should be made to the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac

Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557

Any works requiring the destruction of a bird nest of a Schedule A1 species will require a wildlife licence to be obtained from the NIEA Wildlife Team. Licence applications should be made to: Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557

7. A storm water drainage system is proposed and subject to an NI Water Article 161 Agreement. This system is indicated to be designed to the standards required by NI Water under the provision of an Article 161 Agreement so as to achieve the agreed discharge consent. It is the responsibility of the developer to satisfy the appropriate authorities that the internal site drainage complies with the appropriate legislation and includes for exceedence (refer to CIRIA document C635).

8. It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors.

9. Applicants should be aware that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

10. The applicant is advised that the application site may be subject to noise emissions from extraneous sources, road traffic being the predominant impact. Noise impacts should therefore be expected. In order to deliver a quality scheme, the applicant is advised to consider acoustic mitigation measures to control inward impacts, into habitable/ sensitive rooms, re design out potential for adverse impacts.

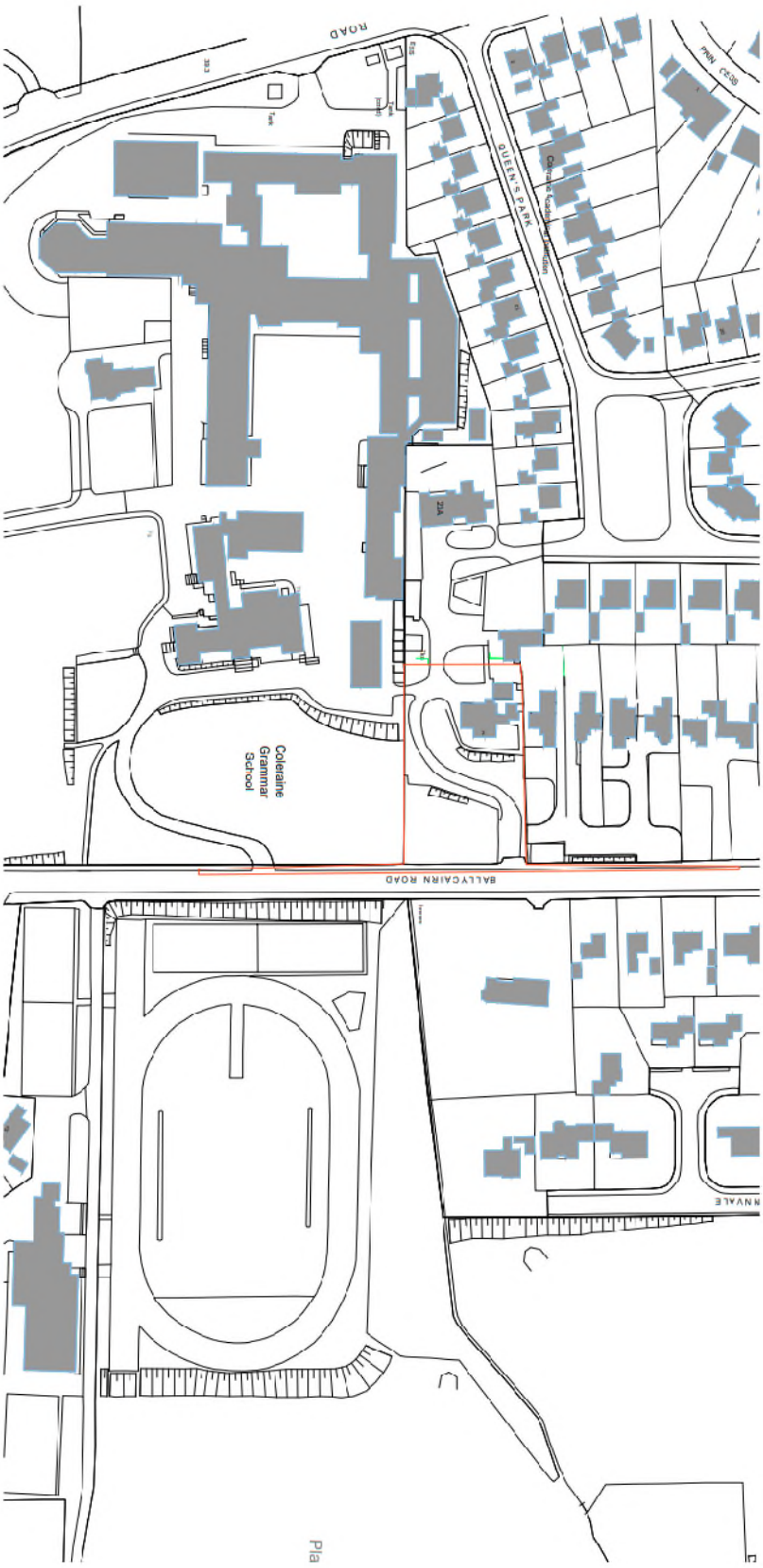
11. The applicant is advised that the proposed development is closely situated to Coleraine Academical Institution (approx. 18m away from the proposed development) and associated playing fields (approx. 90m away from the proposed development, a running track (15m away from the proposed development), a

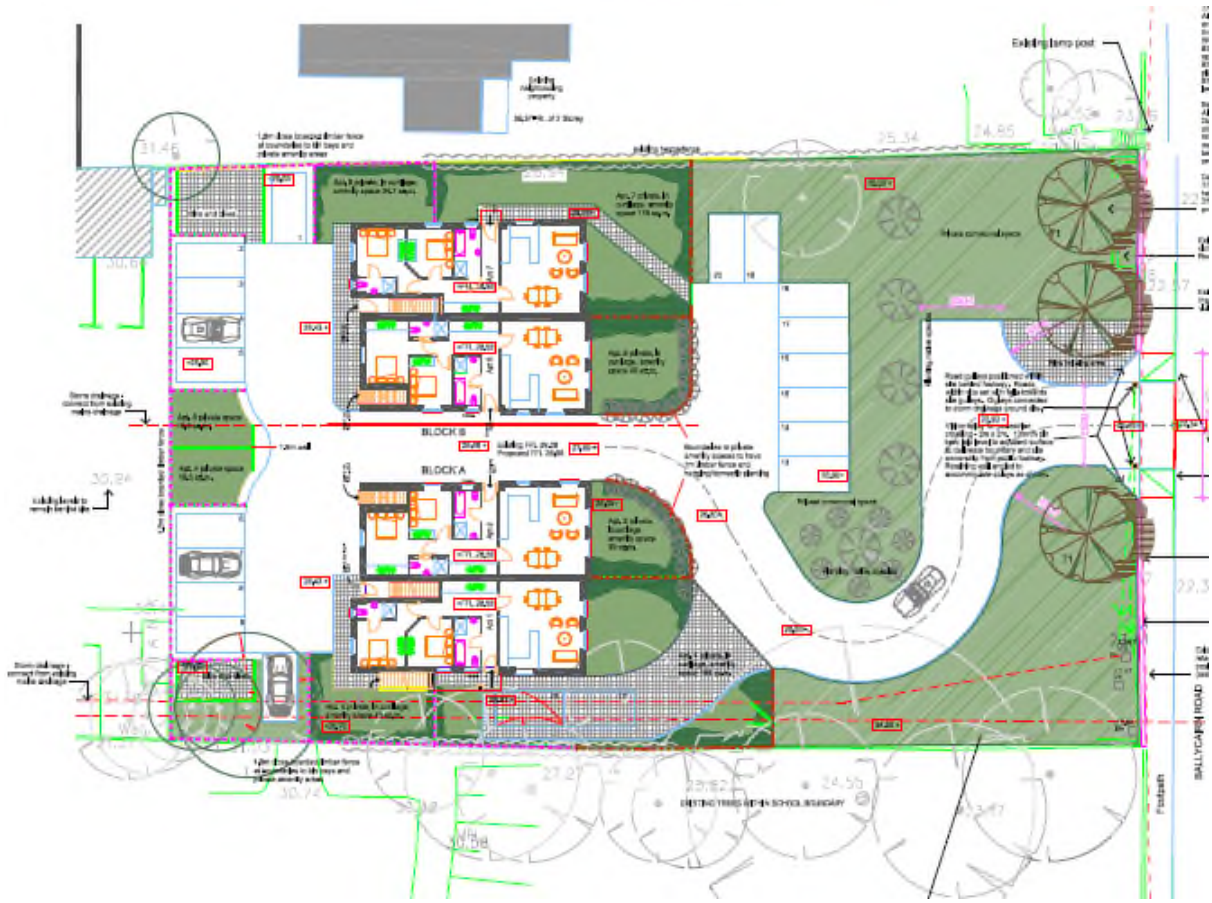
tennis court (113m away from the proposed development), playing fields (165m away from the proposed development) and a pavilion (160m away from proposed development). Future occupants of the development may suffer intermittent disturbance and loss of amenity as a result of noise and light.

12. 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.

Site Location Plan

Location Plan




Existing lamp post
BLOCK B
BLOCK A
BALLYCAIRN ROAD