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| Planning Committee Report LA01/2016/1197/F | 27th June 2018 |
| PLANNING COMMITTEE | |

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

No: LA01/2016/1197/F **Ward:** PORTSTEWART

App Type: Full Planning

Address: 90 Strand Road Portstewart.

Proposal: Erection of 30 no. apartments with associated car parking, road works and landscaping.

Con Area: N/A **Valid Date:** 4.10.2016

Listed Building Grade: N/A

Agent: Kevin Cartin Architects Unit 5, Belmont Office Park, 232-240 Belmont Road

Applicant: 14 FM Ltd

Objections: 11 **Petitions of Objection:** 0

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

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at 90 Strand Road which is an opportunity site which has been cleared of development. The site is located at a corner site located at the roundabout which adjoins Burnside Road and Strand Road. There are views toward the sea and coast to the North West of the proposed site. At the time of the inspection the site was being cleared. To the south and eastern boundaries the site is bounded by a small 1 metre high wall which abuts the public footpath off Strand Road. To the west and North West the site is bounded by a retaining wall which abuts the holiday cottages accessed off Strand Road. Along the south west boundary the site is bounded by another wall which abuts an access laneway used to access the holiday cottages to the north east. In terms of topography the lands fall steeply in a north westerly direction toward the coastline.
- 2.2 Development within this area is predominantly residential but Portstewart Golf Club is located south of the site and Portstewart Strand is located to the west of the site. A restaurant is also located at Portstewart Strand. Dwellings within this area are predominantly two and three storey with the apartment block located directly north of the site 6 stories at its highest point.

3 RELEVANT HISTORY

C/1997/0627- Erection of 4 and 4.5 storey apartment block - 46 units. 90 Strand Road, Portstewart
Permission Granted 18.12.1998

There has been planning history on the site. Application reference C/1997/0627/F was approved 18th December 1998

for the erection of a 4 and 4.5 storey apartment block with 46 units. Foundations were since laid but no further construction work was commenced. In an attempt to improve visual amenity in this area the Department served a Completion Order which specified that the scheme should be completed by 13th February 2017. This date has now expired and therefore the planning permission ceases to have effect.

C/2008/0424/F- Erection of 62 No.apartments and duplex apartments, with partial underground car parking, associated road works and landscaping, 90 Strand Road, Portstewart.
Permission Refused 11.11.2009

4 THE APPLICATION

- 4.1 Erection of 30 no. apartments with associated car parking, road works and landscaping.

5.0 PUBLICITY & CONSULTATIONS

5.1 External Neighbours and Representation

Public Representation – To date 11 objections have been lodged against this proposal. These objections are assessed later in this report.

5.2 Internal

DFI Roads: Require amendments to the proposal.

NI Water: Has no objection, in principle, to the proposal.

DAERA: Has no objection, in principle, to the proposal subject to condition.

Environmental Health: Has no objection, in principle, to the proposal

Shared Environmental Services: Has no objection, in principle, to the proposal

Housing Executive: Has objected to the proposed development.

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)

Planning Policy Statement 7: Quality Residential Environments

Planning Policy Statement 12: Housing in Settlements

Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas

Supplementary Guidance

DCAN 8: Housing in Existing Urban Areas

Creating Places

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of development; quality in new residential development; design concept; the impact on the character of the surrounding area; housing in settlements; and housing in existing urban areas.

Principle of development

- 8.2 In the Northern Area Plan the site is within the settlement development limit for Portstewart. The site is designated as a committed site for housing designation PTH 30 in the Northern Area Plan. The site is located in proximity to an Archaeological Site and Monument. There are no other designations linked to this site.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

Quality in New Residential Development

- 8.4 Policy QD 1 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.
- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- 8.5 Development within this area is predominantly residential and there are a mix of detached and semi-detached two and three storey dwellings and townhouses. The apartments located directly to the north of the site stand at 6 stories at its highest

point. The apartment block is finished with smooth render and zinc cladding. The dwellings surrounding the site have a mix of finishes to include smooth render, dash and brick. The Clubhouse associated with Portstewart Golf Club is a two storey modern building with smooth render, stone cladding and glazing. The proposal involves provisions for three separate apartment blocks with 10 units in each block. The proposed finishes include smooth render, red brick, timber cladding and glazing. In regard to Block B the predominant finish is red brick which is considered extensive and is not considered to be in keeping with the character of the area.

- 8.6 There are public views of the rear elevation from the dwellings located to the North West of the site and from the Cliff walk located to the North West. There are views of the site from the Portstewart Strand. Another concern raised with the agent was the accuracy of the contextual drawing provided from Strand Road. The gaps between the buildings proposed appear to be larger than would be available on site. No amended plan was provided to address this.
- 8.7 In terms of layout there are concerns in regard to the visual impact of the proposed parking area located to the front of the proposed apartment blocks. The use of hardstanding is considered excessive. A request was made to provide further landscaping along the boundaries of the site to reduce this visual impact but this has not been provided.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

- 8.8 This proposal is not located within an Area or Archaeological Potential but is within proximity to an Archaeological Site and Monument. Policy BH 02 of Planning Policy Statement 6 relates to this application and includes provisions to preserve and protect Archaeological Remains of Local Importance and their Settings. Historic Environment Division was consulted in relation to this application and raised no objection to the proposed

scheme. The proposed development will therefore have no detrimental impact on features of the archaeological importance and built heritage. The proposed site is not located within a Local Landscape Character Area and will not lead to the loss of landscape features. Given this the proposal is considered acceptable having regard to this criteria of QD1 of PPS 7.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

8.9 Policy OS 2 of PPS 8 states that The Planning Authority will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits. The proposed development includes provisions for 30 apartments and this is above the threshold as set out in Policy OS 2. If this provision is required a normal expectation will be at least 10% of the total site area. As part of the scheme a large area of communal open space has been provided to the rear of the site which totals approximately 710 square metres. Given the site area is 0.66 hectares this equates to almost 11% of the total site area and therefore satisfying the space requirement of the policy and that set out in the Creating Places document.

8.10 Each of the 30 apartments proposed have their own amenity spaces. There are 4 apartments located on the lower ground and ground floor levels of each of the apartment blocks. Each of these apartments will have a private amenity space of between 36 and 70 square metres located to the rear of the proposed development. Another four apartments two on each floor are located on the first and second floor of each apartment block. Each of these apartments will have a balcony which equates to 10 square metres. A further two apartments are located at the third and fourth floors of each block and these will have their own private roof terrace which equates to 23 square metres. There is also a communal roof terrace and a communal area of

open space located at the rear of the development which equates to 373 square metres. Creating Places outlines that a variety of private open spaces can promote diversity and create choice for potential residents, which this development provides. Creating Places also states for apartment developments each unit should have access to at least 10 to 30 sq metres of private amenity space. This has been achieved as part of this proposal.

8.11 A landscaped buffer of trees and shrubbery is proposed along the frontage of the site. New tree planting to include garden trees, mountain ash and Beech is proposed to the rear of the development. Concern has been raised that the proposed frontage of the site and the car parking areas located to the front should be broken up with further landscaping. Additional planting was requested but this has not been provided.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

8.12 The proposal is located within the Settlement Development Limit of Portstewart. The scale of the proposal does not require facilities to be provided within the site.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

8.13 The apartments proposed are located within the settlement development limit for Portstewart and is located close to the main town centre which is convenient for walking and cycling and is located close to public transport networks.

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

8.14 The proposed development includes a parking provision of 60 spaces for the 30 apartments. Given this each apartment proposed will have access to at least two car parking spaces.

DFI Roads was consulted and raised no concern in regard to parking. While the proposed development largely complies with this criteria of planning policy, some amendments are required. However, these have not been forthcoming.

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

8.15 The proposed finishes include smooth render, red brick, timber cladding and glazing. In regard to Block B the predominant finish is red brick on the front elevation which is considered extensive and is not considered to be in keeping with the character of the area. Although the previous approval included a red brick finish this was granted in 1998 and a red brick finish is no longer considered appropriate at this location. The key concern in regard to this application is the overbearing nature of the rear elevation given the amount of glazing proposed. Given the change in levels and the location of the dwellings located below the site issues of dominance will be emphasised. A contextual elevation showing the rear elevation was requested but this has not been provided. Given this the proposed development is considered contrary to this criteria of Planning Policy.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

8.16 In terms of design there is concern that the proposed development will have a potential impact on the dwellings located to the North West of the site. The proposed rear elevation could have an overbearing impact on these properties given the amount of glazing proposed which will overlook these premises. Given the change in levels which falls away toward these properties the issues of dominance will be emphasised. There is a separation distance of between 23 and 30 metres between the rear elevation of the proposed apartment blocks and the rear returns of the dwellings located at 1 to 7 Strand Cottages Portstewart. Within the application vegetation and tree

planting is proposed along the North Western boundary of the site and this may reduce the potential for overlooking if they were to become established.

8.17 Creating Places recommends that where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. An enhanced separation distance may also be necessary for development on sloping sites. Great care will be needed in designs where new residential schemes, such as apartments, include living rooms or balconies on upper floors as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties. In these instances it is recommended that a separation distance of 30 metres should be observed.

8.18 In this case there are balconies and roof terraces located on the upper floors of the development and this combined with the sloping nature of the site will lead to overlooking. The separation distances provided are between 23 and 30 metres which is below the recommended threshold in Creating Places. All the apartments provided have a separation distance of at least 10 metres to the common boundary. Given the potential for overlooking this proposal fails to comply with this criteria of planning policy.

8.19 The relationship with the Edgewater apartments located to the north of the site is considered acceptable as the gable depths of both developments are similar. The proposed development runs directly parallel to the existing apartments and there are no issues with overlooking. There is also concern in regard to the relationship between the proposed development and the existing dwellings located at 92A, 92B and 92C Strand Road. Two large glazed windows on the first, second, third and fourth floors of the proposed development will have potential to overlook the private amenity of these dwellings. Added to this these are kitchen and living room windows which are floor to ceiling. Given this the proposed development is likely to have a detrimental impact on these dwellings through overlooking.

8.20 Overall the layout and arrangement of dwellings in the proposed development will be such that there will be a significantly adverse impact on neighbouring properties by way of overlooking. In regard to the potential for loss of light and overshadowing of existing dwellings it is considered given the orientation and positioning of the sun that there will be no significant impact on existing dwellings.

8.21 Given the residential use it is considered that the proposed development will not have an adverse impact on the amenity of existing or proposed residents through noise or other disturbance. Environmental Health was consulted in regard to this application and raised no objection in principle subject to informatives regarding noise, refuse collection and disturbance due to any demolition/construction.

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

8.22 This proposal will not lead to the creation of areas where anti-social may be encouraged. The site boundaries for each dwelling will be well secured with fencing. Further to this the large area of open space located to the rear of the proposed development will be overlooked by the proposed apartments. The site is currently vacant and is considered an opportunity site and development here will secure the site.

Design Concept

8.23 Policy QD 2 requires the submission of a Design Concept Statement to accompany all planning applications for residential development. This has been accompanied with the application and has been deemed acceptable.

Impact on the character of the surrounding area

8.24 Policy LC 1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area;

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

8.25 The proposal will see the construction of 30 apartments within a site area of 0.66 Hectares. This results in an overall density of 45.5 dwellings per hectare. Consideration has been given to the Edgewater apartments located to the north of the site in which 27 apartments are located. Given this the proposed density is considered acceptable and will not significantly erode the character, environmental quality or amenity to an unacceptable level.

8.26 There is concern that the materials to include red brick and the overbearing rear elevation with extensive glazing would have a detrimental impact on the character and environmental quality of the established residential area. Given the use of glazing and provisions for roof terraces and balconies there is concern in regard to overlooking.

8.27 All the dwellings proposed are of a size not less than those set out in Annex A of the policy.

PPS 3- Access, Movement and Parking

8.28 DFI Roads was consulted in relation to this proposal and did raise concern in regard to the proposed scheme. Amended plans were requested but these have not been provided for assessment. Given this the proposed development is considered contrary to this policy as it has not been demonstrated that the proposed access and parking arrangement will not prejudice road safety or significantly inconvenience the flow of traffic.

Drainage Assessment

8.29 Under Policy FLD 3 of Planning Policy Statement 15 a Drainage Assessment will be required for a residential development

comprising of 10 or more dwelling units or when the development site exceeds 1 hectare. This proposal involves provisions for 30 apartments which meets this threshold. A drainage assessment has not been provided as part of this application. Given this the proposed development is considered contrary to this policy in that satisfactory drainage has not been demonstrated.

Social Housing

8.30 Policy HOU 2 Social and Supported Housing of the Northern Area Plan 2016 states that proposals for schemes of more than 25 residential units, or on a site of 1 hectare or more, will be required to contribute to meeting the needs of the wider community, where there is an established need for social housing. Where this need is identified a minimum of 20% of the total number of residential units will be required to be provided to meet this need. The Housing Executive was consulted in relation to this and confirmed that as this proposal meets the provisions of Policy HOU 2 in the Northern Area Plan that 6 units would be required for social housings. Following correspondence with the applicant a further consultation was sent to the Housing Executive to confirm their position in relation to the application. Within this response the Housing Executive referred the Planning Authority to their initial response which required provisions for 6 units to be used for social housing. Given this the proposed development is considered contrary to Policy HOU 2 of the Northern Area Plan.

Objections

8.31 There has been 11 objections to the proposed development. The main issues raised are summarised as follows.

- Falls outside the guidance laid down covering planning for Coastal Regions.
- Impact of high density housing being erected in an area of low density. An area has been designated in town centre for low density housing.
- Portstewart is overrun with apartments which are used as holiday homes.

- Substantial risk of coastal pollution with potential for additional raw sewerage and storm water flooding a watercourse onto our beaches.
- Height and massing which will have a detrimental impact on the natural beauty of the area.
- This site should be used to provide a hotel as there is a need in the area.
- Edgewater apartments being used as a precedent to provide similar density apartments.
- Argued in regard to Community Planning as Portstewart has too many apartments and these should be restricted.
- Inaccurate drawings.
- Concern in regard to the survival of the proposed vegetation.
- Potential for overview of existing houses.
- Concern in regard to the proposed design of the apartment blocks.
- Location not appropriate already impacted detrimentally by existing development.
- Site should be used as a boutique hotel.
- This area of Portstewart is supposed to only allow for low density development.
- The length of the building schedule which will impact most on the residents.
- Concern in regard to the number of car parking spaces proposed potential for underground parking.
- Increased traffic.
- Loss of light and overshadowing on neighbouring properties.
- Impacts on the sewage system.
- Freedom of access for emergency services.
- Excessive development at the site.
- Lack of local community engagement.
- Development should respect the unique nature of the site.
- Difficulty for rescue services to access Portstewart Strand. Additional traffic might have a public health risk.
- Impacts on Bann Estuary SAC.
- Impact of an existing wall on the site.
- There is effluent running off the site and an Environmental Assessment is required.

- Concern in regard to communication with members of the public who had not been informed of the application.
- Development not in keeping with the character of the area.
- Development outside the area designated in the Northern Area Plan as an apartment opportunity area.
- Apartments 5-8 in each block do not have adequate access to private amenity space.
- The communal amenity space is small and only a fraction of it would be of use given the change in levels.
- No provision made for wheelchair users or those with mobility issues in apartments 5-10 in each block.
- Concern with the placement of bins.

8.32 In relation to issues of local character, residential amenity, design, placement of bins and amenity provisions, these issues have been addressed within this report in paragraphs 8.5 to 8.22 and have been considered by the relevant consultees.

8.33 Housing Density

This issue has been considered in paragraph 8.25 of this report. Specific mention has been made to areas designated as low density and opportunity sites for apartments to which the site is not located. There is no specific designation for low density housing but there are housing zonings located within the plan area. These make specific mention to housing densities. This site is designated as a committed site to which a previous permission existed. In regard to committed sites there are no recommendations for housing density. In these instances regard must be made to the previous permission in which 46 apartments were permitted. The proposal involves 30 units which is less than the previous approval. In regard to the Edgewater apartments these are located in the immediate context of the area and will be considered as part of the proposal.

8.34 Apartment development

Within the objections it was identified that there are too many apartments within the Portstewart area and these are being used as second homes. In regard to this application we cannot be sure that the apartments proposed will be purchased as second homes. Mention was also made to community planning which has emphasised this concern. However there is also no specific

policy that limits the provision of apartments or their use as second homes. Other representations stated that the site should be used to provide a boutique hotel in the area. The application site is zoned as a committed housing site designation PTH 30 in the Northern Area Plan and the use as a residential use is considered appropriate.

8.35 Coastal Pollution and impacts on Sewage System

Within the objection letters provided concern was raised that raw sewage and storm water could flood a watercourse which could have the potential to run onto our beaches. In regard to this application NI Water was consulted and identified that a foul sewer and surface water sewer was located within 20 metres of the proposal. It was also stated that Waste Water Treatment facilities are presently available at North Coast WwTW to serve this proposal. DAERA Coastal Development and DAERA Natural Environment Division was consulted in regard to proposal and identified that the site was located approximately 70 metres from the Bann Estuary SAC and ASSI. DAERA stated that provided the development is confined to the red line boundary, there should be no impact on the marine site selection features of the designated sites in the area. A condition was also recommended that all surface water run-off during the construction and operation phase shall be directed away from the Bann Estuary SAC/ASSI. Shared Environmental Services was consulted in regard to the scheme and stated that the proposal would not be likely to have a significant effect on the features of any European site. Given this the proposed development is acceptable in regard to potential impacts on the coastal environment and the sewerage system.

8.36 Traffic Considerations

Concerns raised in regard to parking, access, traffic congestion and access to the Strand for emergency vehicles has been considered in paragraphs 8.28 and 8.15 of this report. DFI Roads was consulted in relation to this application and raised no concern in regard to parking provisions. However, concern was raised in regard to the proposed access arrangements and DFI Roads requested amended plans to resolve these concerns. To date these have not been submitted. The proposal is therefore considered contrary to Policy AMP 2 of PPS 3 as it has not been demonstrated that the proposed access arrangements will not

prejudice road safety or significantly inconvenience the flow of traffic.

8.37 Building Schedule and Impacts of Existing Wall

Given the existing site has been a building site for a number of years concern was raised over how long construction will take. In the event of an approval remediation to an exceptionally elongated construction period can be considered if the need arises. Concern was raised in regard to the visual impact of an existing wall on site. It is not clear if this wall will be retained as part of the scheme.

8.38 Community Engagement

An issue was raised in relation to neighbour notifications and community engagement. In this case the Planning Authority is required to serve notice of the application to any identified occupier (occupier of premises within a 90 metre radius of the boundary of the application site) on neighbouring land (land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20m in width) in accordance with Article 8(2) of the General Development Procedure Order. In this case all the relevant occupiers have been notified. In terms of the developer there is no legal requirement for community consultation to be carried out unless the application falls within the Major category in which case a Pre Application Notice would be required. This application is not in the major category.

8.39 Survival of Vegetation

Concern was raised that the proposed trees and vegetation would not survive at this coastal location and therefore the visual impact of the proposal will be greater. If this proposal was considered acceptable a condition would be used to ensure the landscaping proposed would be implemented. Another condition will be used to ensure trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season.

8.40 Wheelchair and mobility access

Concerns were raised that the proposed areas of communal private amenity to the rear would not be accessible to wheelchair users and people with mobility issues. Particular reference was

made to apartments 5-10 in each block. In regard to these apartments there is a lift within the development and these apartments have private balconies and roof terraces which provides adequate amenity space. There also appears to be access to the side of the proposed development which could be used to access the shared area of amenity space. This is difficult to assess given the inaccuracy of the drawings provided.

8.41 Coastal Development Guidance

Another concern raised in the objection letters provided is that the proposed development does not adhere to guidance set out for coastal development. No direct mention was made to any specific policy in regard to this. There was previous guidance on coastal development in the Planning Strategy for Rural Northern Ireland but this has since been superseded by PPS 16 Tourism. Within the Northern Area Plan there is guidance on development in the Countryside and Coast but these relate specifically to Rathlin Island, the World Heritage Site and the Distinctive Landscape Setting for the Giant's Causeway. Also the proposed development is not located directly on the coast but overlooks it. A consideration of potential coastal impacts has been made under the Habitats Regulations Assessment in consultation with SES and DAERA Coastal Development.

8.42 Land Ownership

A concern was raised in a letter dated 7th February 2017 that lands associated with the proposed development was within neighbouring lands. A Land registry map was provided and this appeared to confirm this. An email was sent to the agent on 9th March 2017 confirming receipt of this letter and a request was made to provide clarification on this or serve notice on the relevant land owner. No further correspondence was provided in relation to this. However, given that the third party is aware of the issue no prejudice to them has been caused.

Other Issues

8.43 Habitats Regulations Assessment

The proposed development site is located in proximity to the Skerries and Causeway SCI and also the Bann Estuary SAC. DAERA Natural Environment Division and Shared Environmental Services were consulted as part of the application. DAERA Natural Environment Division raised

concerns but recommended that all surface run-off during the construction and operation phase shall be directed away from The Bann Estuary SAC. This can be addressed via condition if the proposed development was considered acceptable. Shared Environmental Services stated that the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 of any European site.

8.44 Environmental Impact Assessment

Given the scale and nature of the proposed development the environmental impact is not likely to be significant. This proposal is considered to fall within Category 10 (B) of Schedule 2- The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks

Having considered The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 it is considered that the proposed development is not EIA development and would not require the preparation of an Environmental Statement. This determination was made on 30/11/2016.

9.0 CONCLUSION

- 9.1 The proposed apartment development is not considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The proposal fails to provide social housing as requested by policy. The design is inappropriate by reason of its scale and finishes. Harm would be caused to neighbouring amenity by reason of overlooking and dominance. Refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to Policy HOU 2 of the Northern Area Plan in that the required provision for social housing has not been provided.
2. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, in that the development as proposed fails to provide a quality residential environment and would be contrary to criterion (a), (g) and (h).
3. The proposal is contrary to paragraph 6.303 of the SPPS and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it has not been demonstrated that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic.
4. The proposal is contrary to the paragraphs 6.112-6.118 of the Strategic Planning Policy Statement for Northern Ireland and Policy FLD3 of Planning Policy Statement 15: Planning and Flood Risk, in that satisfactory drainage has not been demonstrated.

Site Location

