

Planning Committee Report LA01/2018/0960/F	22 nd January 2020
PLANNING COMMITTEE	

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

<u>App No:</u>	LA01/2018/0960/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands at Kinora Terrace, adjacent and north west of no. 1-11 Kinora Terrace, Portstewart		
<u>Proposal:</u>	15 no. apartments including access, parking, cycle bays, landscaping, provision of public footpath and all other associated site and access works		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	07.08.2018
<u>Listed Building Grade:</u>	N/A		
Applicant:	Kinora Developments Ltd, 12 Torrent Business Park, Dungannon, BT70 3BF		
Agent:	TSA Planning, 20 May Street, Belfast, BT1 4NL		
Objections:	30	Petitions of Objection:	1
Support:	0	Petitions of Support:	0

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

Executive Summary

- Full permission is sought for 15 no. apartments including access, parking, cycle bays, landscaping, provision of public footpath and all other associated site and access works.
- The site is located within Portstewart development limit, Portstewart Point LLPA and has been zoned for housing under NAP 2016.
- The proposal meets all 3 of the Key Site Requirements of the housing zoning (PTH 37) and is in accordance with this part of the NAP 2016.
- The proposal will not adversely affect the environmental quality, integrity or character of the designated Portstewart Point LLPA, and in turn complies with Policy ENV1.
- The proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas.
- The design and layout of the apartments does not adversely harm neighbouring residential amenity.
- The proposal has been assessed against Policies QD 1 & LC 1.
- The proposal is acceptable in terms of drainage and flood risk perspective and Rivers Agency raises no objection.
- A Preliminary Risk Assessment (PRA) has been submitted in support of this application and there is no unacceptable risk to the water environment as the application site is considered low risk.
- The proposal is satisfactory in terms of natural heritage and Natural Environment Division raises no objection,
- The access and parking are considered acceptable and DfI Roads raises no objection.
- 30 letters of objection and a petition with 66 signatures objecting to this development have been received.
- No consultee has raised any concerns with this development.
- The proposal is considered to comply with all relevant planning policies including the Northern Area Plan, SPPS, PPS 15, PPS 7, Addendum to PPS 7, PPS 3 and PPS 2.

1.0 RECOMMENDATION

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

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at Lands at Kinora Terrace, adjacent and north west of Nos. 1-11 Kinora Terrace, Portstewart. The site is almost rectangular in shape and is located adjacent to the Atlantic coastline on a headland at the end of Kinora Terrace. The land is relatively flat with a steep rise in ground level to the rear of the site. The site comprises vacant lands which were previously used as an informal car park and recycling point. There are grass and rock outcrops along the southern, eastern and western boundaries. The northern site boundary is undefined adjacent to the public road.
- 2.2 Immediately adjacent and east of the site is an apartment development at Nos. 1-11 Kinora Terrace. Other apartment developments exist on Kinora Terrace at Atlantic View and Ecosse. Surrounding buildings are typically 3.5 to 4 storeys in height. A soft landscaped picnic area known as Harbour Hill and car park known as Atlantic Circle exists to the south of the site.
- 2.3 The site is located within the development limit of Portstewart. The site falls within Portstewart Point LLPA and has been zoned for housing under NAP 2016. The surrounding and wider area is characterised by a mix of uses including retail, recreation, education and ecclesiastical. The immediate site context is predominately residential comprising terraced dwellings and apartment developments.

3.0 RELEVANT HISTORY

- 3.1 LA01/2018/0449/PAD: Lands at Kinora Terrace, adjacent and north west of nos. 1-11 Kinora Terrace, Portstewart: Proposed development of c. 18 no. apartments including access, parking, cycle bays, landscaping, widening of the public road, provision of public footpath and all other associated site works: PAD concluded
- 3.2 LA01/2017/0869/PAD: Kinora Terrace, Portstewart: New build 18 No. Apartments on ground to third floor, together with associated siteworks etc. to facilitate off site parking, access and servicing for residents to rear of the new block: PAD concluded.

4.0 THE APPLICATION

- 4.1 Full permission is sought for 15 no. apartments including access, parking, cycle bays, landscaping, provision of public footpath and all other associated site and access works.
- 4.2 This proposal has been revised down from 18no. apartments delivering more appropriate open space standards, and increasing the separation distance between the existing development on Kinora Terrace and the proposal. The latest scheme now meets the requirements set out in the Northern Area Plan (2016) for Housing Zoning PTH 37.

Habitats Regulations Assessment

- 4.3 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.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

30 letters of objection and a petition with 66 signatures objecting to this development have been received. The main issues raised are summarised below and will be considered and assessed in the remainder of this report.

- Access, Parking and Traffic flow
- Below parking standards for this development
- Road safety issues as service vehicles now have to reverse along Kinora Terrace
- Request for servicing plan to detail how properties will be serviced in a safe manner and how high sided service vehicles will be able to turn and descent Kinora Terrace in forward gears
- Access for Council Lorries and Emergency Services
- Contrary to Policy AMP 7 of PPS 3
- Visual Impact
- Loss of view from current car park
- Development visually dominant
- Loss of open space
- Unacceptable Height
- Apartment density high
- Contrary to KSR 2 of NAP 2016
- Significantly impact upon features of LLPA
- Contrary to Policy ENV 1 of NAP 2016
- Prominent headland should be protected
- Contrary Policy QD 1 of PPS 7 in terms of limited private amenity space per apartment; does not respect the character of the area due to inappropriate scale; inadequate parking
- Contrary Creating Places in terms of parking provision and amenity space requirements
- Existing site area is used as an unofficial car park especially by disabled users to access Herring Pond so development has a negative effect on users
- Removal of car parking will severely impact on the enjoyment of the Herring Pond
- Overlooking of those using the Herring Pond
- Blocking up of car park has led to oil unable to be delivered; bins not emptied; vehicles unable to turn and access to the Herring Pond is impossible for the disabled.

- Loss of natural habitat – Sand Martins use this cliff as a nesting place
- Environmental destruction to cliff
- Impact upon neighbouring residential amenity in terms of overshadowing, loss of light and overlooking
- Loss of light to the Apartments adjacent to this development. Existing balconies facing this development site will become obsolete
- No need for additional apartments in Portstewart

5.2 Internal:

Environmental Health: No objections

DFI Roads: No objections

DFI Rivers: No objections

NI Water: No objections

DAERA: Water Management Unit: No objections

DAERA: Natural Environment Division: No objections

DAERA: Marine & Fisheries Division: No objections

DAERA: Regulation Unit: No objections

Development Plan: To provide advice in relation to NAP

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 7 – Quality Residential Environments

Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas

PPS 15 – Planning and Flood Risk

Supplementary Planning Guidance

DCAN 8 – Housing in Existing Urban Areas

Creating Places

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: Development Plan Zoning, Impact on LLPA, impact on local character, environmental quality and residential amenity, flooding, access and parking, contamination and natural heritage.

Planning Policy

- 8.2 The application site is located within Portstewart settlement limit. Policy SET 2 of NAP 2016 requires development to be sensitive to the size and character of the settlement. The site falls within Portstewart Point LLPA (PTL 02). Policy ENV 1 of NAP 2016 falls for consideration as this applies to LLPAs. The site is allocated for housing under Zoning PTH 37 (Adjoining 5 Kinora Terrace).
- 8.3 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above.

Development Plan Zoning

- 8.4 The site is allocated for housing under zoning PTH 37 (Adjoining 5 Kinora Terrace). Key site requirements (KSR) for PTH 37 advise:
- Development shall be in the range of 80-120 dwellings per hectare to ensure the character of the area is maintained
 - Development shall not be greater than two and a half storeys in height to ensure the character of the area is respected and the visual impact is minimised at this prominent headland location.
 - Access to the site shall be from Kinora Terrace. The adjoining carriageway will required to be widened to 5.5 metres and a 2m wide footway provided along the entire frontage of the site.
- 8.5 It must be noted that, as set out under Section 6.0 of this report that section 6(4) of the Planning Act (2011) 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. Regard must be had to these KSR and determination must be made in accordance with these unless material considerations indicate otherwise. It is considered that there are no material considerations which indicate otherwise.

- 8.6 In relation to the first bullet point, the proposal for 15 Apartments is within the range defined by KSR 1 and the proposal meets this KSR.
- 8.7 The second bullet point relates to height and character. It has regard to the topography of the landscape in views from along the coast road looking towards the site, where the landform slopes down into the sea and the site appears as an edge of settlement location. The built form should resist extending the larger scale development into this area, particularly when considering the more critical of the longer range views. Amended plans were received which reduced the proposal from 18 to 15 Apartments, and the revised design and reduced the overall height. The amended proposal conforms to KSR 2 as the height is no more than 2.5 storeys and accordingly, the character is retained having regard to the proposed height and most recent design.
- 8.8 The third bullet point requires the access to be from Kinora Terrace with works required to the adjoining carriageway. The development will be accessed from Kinora Terrace and the necessary road improvements are proposed. These are shown on Drawing no. 27B and include a proposed 2m wide footway along the site frontage. DfI Roads has been consulted as the competent authority on traffic matters and it raises no objection to the proposal. The proposal is therefore compliant with KSR 3.
- 8.9 As the proposal meets all 3 of the KSR's, the proposal is in accordance with this part of the Northern Area Plan (2016).

Impact on LLPA

- 8.10 The application site falls within Portstewart Point LLPA (PTL 02). Policy ENV 1 of NAP 2016 applies for LLPAs and development proposals must not adversely affect the

environmental quality, integrity or character of a designated LLPA.

- 8.11 Portstewart Point LLPA features of importance include:
“This prominent headland boldly defines the northern end of Portstewart Bay. A modest car park, access road, and small Coastguard look-out building, do not significantly detract from its natural grandeur.” Although the designation states that *“No further development is appropriate”*, it is important to note that this applies outwith any zonings.
- 8.12 Following on from this, and while acknowledging that there is statement that no further development is appropriate in this LLPA, it must be recognised that this commentary does not apply to the application site. The site is zoned for housing, and as such, the principle of housing on this land is already established. Therefore, objections to the principle of developing this site are given less weight than the housing zoning in the plan, having regard to the Planning Act. This includes objections to the loss of this site as a car park for those using the Herring Pond or for the turning and flow of traffic.
- 8.13 This development proposal will not adversely affect the environmental quality, integrity or character of the designated Portstewart Point LLPA, and in turn complies with Policy ENV1.

Local Character, Environmental Quality and Residential Amenity

- 8.14 PPS 7 promotes quality residential development in all types of settlements. DCAN 8 and Creating Places is additional guidance intended to supplement this policy in terms of improving the quality of new housing development.
- 8.15 Policy QD1 sets out a presumption against housing development in residential areas where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Proposals for new residential development are expected to comply each of the criteria. The proposal is assessed against each criteria (a-i) as set out in QD1.

8.16 (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;

The proposal was originally for 18 Apartments. Amended plans revised this to 15 Apartments. Access to the apartments is from Kinora Terrace. There is an area for car parking, bicycles and bin storage at ground floor level. A strip of landscaping is proposed along the eastern boundary of the site. The proposed design has been amended to reduce the overall massing of the proposal through hiping the roof and removal of the proposed projection on the south eastern elevation. The ridge and eaves height of the overall apartment building has been reduced to 2.5 storeys meeting KSR 2 of PTH 37. This ensures the built form steps down from existing development, protecting this prominent headland location. The separation distance between the proposal and the existing adjacent apartment development has increased to approx. 15.4m ensuring adequate separation. The amended design is more reflective of the surrounding context and properties within the vicinity, with the scale and appearance considered acceptable. This residential development is an appropriate response to the context of the surrounding area, and is respectful to the character and topography of the site in terms of layout, scale, landscaping and hard surfaced areas.

8.17 (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;

There are no archaeological and built heritage features within the site. However, the site is located on a prominent headland to the northern end of Portmore Bay and is within Portstewart Point LLPA. This proposal will not visually harm the characteristics of this LLPA as assessed in detail under subheading "Impact on LLPA". There are no important landscape features within the site in need of protection. Within the apartment development there will be a parking court with ornamental lawn and trees along the eastern boundary. The proposed development will not have a detrimental impact on

features of archaeological, built heritage or landscape importance. Furthermore the site is zoned for housing in NAP.

8.18(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;

Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.20 states “In the case of apartment or flat developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 – 30m² per unit.

Private amenity spaces for the apartments include balcony areas as well as communal areas at ground floor level. Following calculations, all apartments within this scheme have adequate amenity spaces meeting minimum requirements and are considered adequate for the usual domestic needs.

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

This criterion is not applicable to a development of this scale. The site location is close to the town centre of Portstewart with various amenities available so neighbourhood facilities are not required as an integral part of this development.

8.20 (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;

The site is within the settlement limit of Portstewart and within walking distance of local retail units, cafes, restaurants, churches, play parks etc. The proposal is within walking

distance of public transport links with bus services operating from the Promenade, to train links in Portrush and Coleraine.

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

The proposal has been assessed in detail under the sub-heading “Access and Parking” and is considered compliant with this criterion.

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

The proposal includes 15 apartments at a maximum height of 2.5 storeys. The revised proposal meets all the KSR of the housing zoning PTH 37. The amended design is much more contextually appropriate than the original industrial type, saw tooth roof design. The proposal has a good solid-to-void ratio and its simplicity in form ensures a better visual relationship when travelling and turning the corner along Kinora Terrace. The design of this development is considered satisfactory at this location.

Proposed materials/finishes are grey/black slates/tiles for the roof, white painted render for walls, dark grey/black PPC Aluminium double glazed windows, light grey metal cladding, grey stone cladding and brown timber/metal profiled louvres. These materials are satisfactory as they are in keeping with those used in other developments within the local area. The scale, form, massing and appearance, materials and detailing of the apartments are acceptable.

8.23 (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;

When assessing the original scheme, it was assessed there was a negative impact upon neighbouring residential amenity due to unacceptable scale, massing, form and limited separation distances involved and it was considered that the proposal did not comply with this criterion. That said, a revised scheme has been submitted and is considered accordingly.

The residential properties located adjacent to the application site are Sea Splash Court Apartments. These apartments are located east of the application site. The relationship to this site is somewhat different as this apartment block has frontage onto the site. Therefore, several apartments have living room windows as well as other windows directly facing the apartment development. Several objections have been received from residents of this apartment block as detailed in paragraph 5.1. The Agent submitted a Daylight and Sunlight Report (Doc 08) assessing the impact on neighbouring properties from this development. Further information was sought in this regard and submitted by the applicant. This report concluded full compliance with the British Research Establishment guidelines therefore there is limited impact in this regard on neighbouring properties and is considered, on balance, acceptable.

Amendments were received addressing residential amenity concerns with the overall scale of the apartment block reduced to 2.5 storeys in height as well as the separation distance increased to approx. 15.4m between the apartment block and Sea Splash Court. Immediately adjacent to Sea Splash Court is a strip of proposed landscaping in the form of trees, access and parking area and then the new apartment block.

The original proposal for 18 Apartments had a separation distance from the shared boundary of approx. 7.5m to the first floor projection in the south east elevation and approx. 9.6m from the rest. The revised proposal for 15 Apartments does not include this south east projection so the separation distance from the first floor of this new development is approx. 12.8m from the shared boundary and approx. 15.4m wall to wall. The revised design with a reduction in height, the increased separation distances combined with the site orientation helps alleviate concerns of overshadowing and dominance.

The amended South East Elevation facing Sea Splash Court has no windows in the section approx. 12.8m away from the shared boundary so there is no overlooking from this aspect. Balcony areas are located immediately to the rear of this block at first and second floor level. Unacceptable overlooking will not occur to neighbouring residents given plans now show a 1.8m high

opaque glass screen at the edge of these balconies for Apartment Nos. 5 & 11. A condition is included to ensure these are delivered and retained in perpetuity. The positioning of these screens will ensure views are directed towards the rear of the site and of the rear car park belonging to Sea Splash Court.

There are bedroom windows and balconies in the section at the rear as shown on the South East Elevation. Overlooking from this section of the development is considered to not be unacceptable given the separation distance, as well as views being primarily of the rear car parking area belonging to Sea Splash Court. Overlooking to the Herring Pond is given very limited weight as this is an open and public part of the coast and the intervening distance.

Noise is not perceived to be an issue as this proposal is for a residential development adjacent to existing residential development within the settlement limit of Portstewart and Environmental Health have no objections.

It is important to note that the application site is located in an urban context in the settlement of Portstewart and it is not unusual for overlooking to occur, but rather it is the degree of overlooking and whether this is acceptable or not. Given it would be unreasonable to expect no overlooking from development in these areas, and the separation distance has been increased and the site is zoned for housing, the proposed residential use is considered compatible with adjacent land uses and does not result in unacceptable adverse impacts.

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

This development has been designed to deter crime and promote personal safety through appropriate design and the use of suitable boundary treatments. The proposed development will not lead to the creation of spaces where anti-social activity will be encouraged.

The Addendum to PPS 7 seeks to safeguard the character of Established Residential Areas. The key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and are in harmony with

the local character of established residential areas, villages and smaller settlements.

Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity

- 8.25 The proposal consists of 15 Apartments. KSR 1 for PTH 37 advises development shall be in the range of 80-120 dwellings per hectare to ensure the character of the area is maintained.
- 8.26 The application site measures approx. 0.19 hectares so the number of dwelling units permissible on the site is in the range of 15.2 – 22.8. The proposal includes a total of 15 Apartments which is at the lower end of this density requirement and is acceptable.
- 8.27 The pattern of development is in keeping with the overall character of the established residential area. The proposal respects the surrounding context in terms of land use, as apartment blocks are evident along Kinora Terrace, and is acceptable in terms of scale, height and massing.
- 8.28 All apartment units are satisfactory in terms of size requirements. The concerns raised regarding need for additional apartments is given limited weight as there is no policy requirement to demonstrate “need”, subject to the proposal satisfying NAP and current planning policy.

Flooding

- 8.29 A Drainage Assessment was submitted with this application and there was consultation with DfI Rivers who is the competent authority on flooding matters. The Strategic Flood Map (NI) indicated that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. The site is unaffected by a designated watercourse. DfI Rivers have no objections to this proposal from a drainage or flood risk perspective. It is the responsibility of the applicant to implement the proposed flood risk measures. The proposal complies with Policy FLD 3 of PPS 15.

Access and Parking

- 8.30 The principle of development of this site has been established by its zoning in the NAP which was subject to an Examination in Public. Paragraph 8.5 of this report references the role of the development plan in making any determination and again is referred to regarding the development of this site and objections to the loss of car parking at this location. Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. The proposed development is to be accessed from Kinora Terrace providing 19 car parking spaces.
- 8.31 Several objections have been raised in terms of the proposal being contrary to PPS 3 and impacting upon road safety, including access to Herring Pond and bin/oil deliveries. A key concern being the accessibility for larger service vehicles as previously they used the application site for turning. The detailed list of objections in terms of access and parking concerns can be viewed under paragraph 5.1. Objections relating to road safety were forwarded to DfI Roads who is the competent authority on road safety. This is land in private ownership and is not public lands for parking or traffic movements. Notwithstanding the proposed development must deliver satisfactory arrangements for deliveries such as oil or bin collections, any impact on existing arrangements for bin or oil deliveries are not planning matters insofar as this is private land. This site is currently fenced off so there is no possibility for turning. On developing this site, an access will be created which will allow for some form of turning, albeit in an informal arrangement within the entrance/exit point. No objection was raised by DfI Roads and there is little weight attached to the road safety objections.
- 8.32 Throughout the processing of this application DfI Roads required amended plans to address technical issues. DfI Roads advised the site requires a 2m wide footway along the entire frontage of the site to comply with the KSR in the NAP 2016 which has been proposed. DfI Roads accepts the provision of in-curtilage parking of 19 spaces for 15 apartments given the proximity of the existing public car park. This application is subject to a Private Streets Determination.
- 8.33 On final consultation with DfI Roads, no objections were raised. The proposal is acceptable in terms of the proposed access and

the car parking provision for this development. The proposal is considered to comply with Policies AMP 1, 2 and 7 of PPS 3 and DCAN 15.

Contamination

- 8.34 A Preliminary Risk Assessment (PRA) has been submitted in support of this application. The site currently consists of vacant land of mainly hardstanding bitmac/tarmac. The site is currently used as a car park. Superficial geology is absent as the site has been carved in the surrounding rock. Solid geology comprises Upper Basalt Formation. The closest surface watercourse is North Atlantic Ocean located approx. 30m at its closest point.
- 8.35 The PRA notes the only potential source of on-site contamination is from the tarmac/bitmac. It is anticipated most of the hardstanding will be removed as part of this development which may pose a risk to human health receptors. One potential off-site source of contamination is quarrying activity but this is approx. 50m from the site. Risks from quarrying activity is considered low. The PRA concludes there is no significant pollutant linkages to the water environment so there is no unacceptable risks to the water environment.
- 8.36 DAERA: Regulation Unit (RU) Land and Groundwater Team was consulted and has no objections subject to conditions and informatives. There is no unacceptable risk to the water environment as the application site is considered low risk. In addition, Environmental Health has no objections to this application.

Natural Heritage

- 8.37 The application site is adjacent to Skerries and Causeway SAC and is hydrologically connected to Skerries and Causeway SAC, Bann Estuary SAC/ASSI, North Channel Candidate SAC and The Maidens SAC. Consultation occurred with DAERA: NED who reviewed the Biodiversity Checklist and Preliminary Ecological Appraisal submitted with this application.
- 8.38 A potential impact from the proposal is degradation and disturbance of SAC/ASSI features and the respective supporting

habitats, due to the release of polluting discharges during the construction and operational phases of the development. Following assessment the only feature of the SAC likely to be impacted would be the Harbour Porpoise, through noise disturbance. However, this would only occur if piling is used and it is unlikely. If piling is necessary then there will be the development and implementation of a Marine Mammal Protocol. Numerous pollution prevention measures to be employed have been outlined within the CEMP.

- 8.39 NED are content that the features of the designated sites will not be negatively impacted subject to conditions ensuring there is a suitable buffer from all watercourses and that any surface water generated must first pass through appropriate treatments outlined within the CEMP. NED are content that it is unlikely the development will impact protected or priority species or habitats within the site.
- 8.40 Objectors raised concern about sand martins nesting immediately to the rear of the proposed development. NED advised that a condition should be attached to any permission granted to ensure that works to the rock outcrop to the south of the site is carried out, outside the bird breeding season.
- 8.41 DAERA: Marine and Fisheries Division was also consulted in relation to this application. They advised the only site selection feature of the Skerries and Causeway SAC that could be impacted by this proposal is harbour porpoise through noise disturbance. This would only be an issue if piling operations were part of the methodology during construction. The Biodiversity Checklist details the mitigation which would be put in place for the protection of marine mammals, if piling were to be part of construction. Marine and Fisheries Division advised this mitigation is in accordance with guidance. An informative is added advising the applicant to inform the Marine and Fisheries Division should piling be part of construction.
- 8.42 Marine mammals such as cetaceans, basking shark and seals are adjacent to this proposal and are afforded protection. It is an offence to disturb, injure or harm marine protected species. The applicant must assess the risk of committing a wildlife offence when carrying out a proposed activity and also the need for a wildlife license application. DAERA: Marine and Fisheries Division

has considered the impacts of the proposal and is content subject to conditions and informatives.

- 8.43 SES was consulted in relation to this application and completed a Habitats Regulations Assessment. Having considered the nature, scale and location of the project it is concluded that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European Site. Mitigation measures include a 10m buffer between the adjacent marine environment; surface water generated must first pass through appropriate treatment before discharge; and surface water discharge should be designed to the principles of Sustainable Drainage Systems.
- 8.44 Following review of all consultation responses and assessment, it is considered that the proposal complies with the requirements of Policies NH 1, 2, 3 & 5 of PPS 2.

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. The proposal is on zoned housing land so the principle of residential development is an acceptable use for this site. This development proposal will not adversely affect the environmental quality, integrity or character of the designated Portstewart Point LLPA. The proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas. The proposal meets the density requirement for the size of the site. Private amenity areas for the apartments are adequate in size. The design and layout does not adversely harm neighbouring residential amenity. The proposal is acceptable in terms of drainage and flood risk perspective. There is no unacceptable risk to the water environment as the application site is considered low risk. The proposal is satisfactory in terms of natural heritage and access and parking. Approval is recommended.

10 CONDITIONS

1. As required by Section 61 the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. All hard and soft landscape works shall be completed in accordance with Drawing Nos. 08C date stamped 18th October 2019 and 25A date stamped 13th September 2019 within the first available landscaping season after the occupation of the first apartment, unless otherwise agreed by the Planning Authority in writing.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

4. The Landscape Management Plan (DOC 13 REV A) which was received by the Council on 13th September 2019 shall be carried out as approved and will be reviewed at years 5, 10 and 15. Any changes must be submitted to the Council and agreed, in writing.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

5. All construction activity in relation to the rock outcrop, shall take place outside of the bird breeding season which lasts from the 01st March to the 31st August.

Reason: To protect breeding birds and uphold the Wildlife (NI) Order 1985.

6. A suitable and clearly defined buffer of at least 10 metres must be maintained between the adjacent marine environment and all refuelling of vehicles; storage of fuel, oil and chemicals etc.; Stockpiles of materials and/ or waste arising; Washing areas; concrete mixing and any other activities likely to present a contamination risk to the marine environment.

Reason: To prevent any adverse effect to any designated European Site.

7. Prior to discharge to the adjacent marine environment, any surface water generated during construction and operation phases of the development must first pass through appropriate treatment, such as silt traps, gravel bags, silt fencing and check dams as outlined in CEMP dated 06/08/2018.

Reason: To prevent any adverse effect to any designated European Site.

8. All construction activity shall be confined within site boundaries, and the boundary of the designated areas shall not be disturbed in any way without written consent from the Council.

Reason: To protect the integrity of the Skerries and Causeway SAC, and to avoid damage by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

9. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be

agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

10. After completing all remediation works under Condition 9 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

11. The 1.8m high opaque glass screens proposed for the first floor balcony of Apartment 5 and the second floor balcony of Apartment 11 shall be erected in accordance with the stamped approved drawing Nos. 10B, 11B, 16C and 18C dated 25th November 2019 and permanently retained as such.

Reason: In the interests of residential amenity.

12. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 24C and DfI Roads FCD 1 form bearing the date stamp 20th November 2019, prior to the commencement of any other development hereby permitted. 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.

13. The access gradient to the apartments hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m 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 users.

14. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 24C bearing the date stamp 20th November 2019.

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

15. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 24C bearing the date stamp 20th November 2019. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

16. The development hereby approved shall not be occupied until the car parking has been provided and permanently retained in accordance with Drawing No. 24C bearing the date stamp 20th November 2019.

Reason: To ensure that adequate provision has been made for car parking within the site curtilage

11 INFORMATIVES

1. 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.
2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
3. 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.
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. If piling is to be part of the construction methodology, the applicant must inform the Marine & Fisheries Division. This is to ensure the protection of marine mammals from noise disturbance and to ensure appropriate mitigation is being applied in accordance with the JNCC guidance 'Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise' (JNCC, 2010).
6. 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 www.epicpublic.planningni.gov.uk/publicaccess.
7. 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 any tree or hedgerow 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.

Site Location Map



Block Plan

