

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2022/0789/O</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>22<sup>nd</sup> May 2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Council Interest Item</b>
<b>To be discussed In Committee YES/NO</b>	<b>NO</b>

<b>Linkage to Council Strategy (2021-25)</b>	
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

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

<b>Legal Considerations</b>	
Input of Legal Services Required	<b>NO</b>
Legal Opinion Obtained	<b>NO</b>

<b>Screening Requirements</b>	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:

<b><u>No:</u></b> LA01/2022/0789/O	<b><u>Ward:</u></b> University
<b><u>App Type:</u></b> Outline	
<b><u>Address:</u></b> No's 46-52 Portstewart Road, Coleraine	
<b><u>Proposal:</u></b> Redevelopment to provide 10no units comprising 8no two storey semi-detached houses and 2no two storey detached houses with associated access road, parking areas and private gardens.	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 20.07.2022
<b><u>Listed Building Grade:</u></b> N/A	
<b>Agent:</b> Montgomery Irwin Architecture and Design	
<b>Applicant:</b> Messrs Dawson, Storey & McColgan	
<b>Objections:</b> 3	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

## **Executive Summary**

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The application site falls within the settlement limit of Coleraine.
- 3 letters of objection have been received in relation to this application.
- No objections have been raised by statutory consultees in relation to this proposal except for DAERA: Marine and Fisheries Division in terms of climate change, sea level rise and coastal flooding.
- The proposal meets the requirements of Policy QD1 of PPS 7 and Policy LC1 of the Addendum to PPS 7 in terms of providing an appropriate layout for a residential development.
- The proposed concept plan is acceptable in terms of site layout and proposed scale and massing is to be two storeys similar to other developments along the Portstewart Road.
- The detailed design of this proposal will be submitted at reserved matters stage for full assessment.
- The proposal does not conflict with adjacent land uses and there is no unacceptable adverse effect on the residential amenity of neighbouring properties. Full assessment of overlooking/loss of privacy will occur at reserved matters stage when detailed plans are submitted.
- The density accords with recent approvals along the Portstewart Road so the proposal respects the surrounding context.
- The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact.
- The proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- The proposal is acceptable from a flood risk perspective.
- Access and parking arrangements are acceptable.
- The proposal does not result in natural heritage issues.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 7, Addendum to PPS 7, PPS 15, PPS 6, PPS 3 and PPS 2.

**Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.gov.uk/>**

## **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 reasons set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located at Nos. 46 – 52 Portstewart Road, Coleraine. The application site comprises two pairs of semi-detached dwellings set on long, narrow plots. These dwellings are single storey in height with a hipped roof and front pitched projections. Dwellings have front and rear amenity areas. Boundary treatments between properties comprise low fencing, walls or hedging. Access to each property is from the Portstewart Road. The application site is adjacent to the River Bann along the south western boundary. North of the site is a residential property and south of the site is a public pathway down to the River and Kenvarra Park development.
- 2.2 The surrounding area is characterised by residential use. Properties are generally detached or semi-detached set on generous sized plots. Parking in this area is off-street as most plots offer in curtilage parking. Dwellings in this area are generally two storeys in height however designs vary.

## **3.0 RELEVANT HISTORY**

- 3.1 None on application site.

## **4.0 THE APPLICATION**

- 4.1 Outline planning for Redevelopment to provide 10no units comprising 8no two storey semi-detached houses and 2no two storey detached houses with associated access road, parking areas and private gardens.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

3 letters of objection have been received from 2 separate addresses in relation to this application. The main issues raised are summarised below and will be considered and assessed in the remainder of this report.

- Development being close to the river and the implications of climate change
- Change in local character
- Noise
- Pollution
- Loss of privacy
- Loss of light
- Sewer running across application site is not marked on the plans. Development should not encroach on this.  
(Plans were updated to show the sewer crossing the site and no development is proposed through this area as a 6m buffer zone is provided)
- Lack of neighbour notification for No. 56 Portstewart Road  
(No. 56 was not neighbour notified because this property does not immediately abut the red line of this development)
- Frustration that Planning is considering this development when an extension and new build application was refused at No. 54 Portstewart Road.  
(An extension application is assessed under the Addendum to PPS 7 for residential extensions which differs from a housing development. Application LA01/2021/1423/F was refused on design and overlooking of neighbouring properties. Application LA01/2020/0313/F for a new dwelling at the rear of No. 54 was withdrawn however, this is subject to consideration of the requirements of DCAN 8 for 'backland development'. This application was considered unacceptable

because of scale, massing and overlooking. A new application has been submitted by No. 54 Portstewart Road for a new dwelling to the rear under LA01/2024/0361/F which is currently under consideration.)

## **5.2 Internal:**

NI Water: No objections

Environmental Health: No objections

DFI Roads: No objections

Shared Environmental Services: No objections

DFI Rivers: No objections

DAERA: Marine and Fisheries Division: Objections

DAERA: Natural Environment Division: No objections

DAERA: Industrial Pollution & Radiochemical Inspectorate: No objections

DAERA: Water Management Unit: No objections

Historic Environment Division: Historic Monuments: No objections

## **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

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

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The proposal is located within the development limit of Coleraine. Policy SET 2 refers to development within Settlement limits and proposals should be sensitive to the size and character of the settlement. Policy ENV 4 refers to development adjacent to a main river which requires consideration.
- 8.2 The proposal 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: Development adjacent to a main river, Impact on local character, environmental quality and residential amenity; flooding; sewerage; archaeology; access and parking; pollution; and natural heritage.

### **Development adjacent to a Main River**

- 8.3 Policy ENV 4 of NAP 2016 advises Development proposals on sites adjacent to a main river will only be acceptable provided the following criteria are met:
- 8.4 *1. a biodiversity strip of at least 10 metres from the edge of the river is provided and accompanied with an appropriate landscaping management proposal*  
A 10m buffer has been provided as shown on Drawing No. 01B. As this application is for outline permission, only a concept site layout plan has been submitted. To ensure a landscaping plan will be provided at reserved matters stage this will be conditioned on the decision notice.
- 8.5 *2. public access and recreation provision is provided where appropriate;*



This is not necessary for a residential development of only 10 units so Policy OS2 of PPS 8 does not apply.

8.6 *3. there is no significant adverse impact on nature conservation;* Several ecological reports were submitted, and consultations actioned to DAERA. The proposal will have no adverse impact on nature.

8.7 *4. the proposal will not compromise or impact on the natural flooding regime of the main river and complies with the requirements of PPS 15 (Revised): Planning and Flood Risk;* The proposal meets this criterion. For a detailed consideration of this matter please see sub-heading “Flooding” in this report.

8.8 *5. any development would not prejudice future opportunities to provide a riverside walk.*

This application complies with this criterion because even though access to the river is not provided through the site like other approvals (LA01/2017/1201/F and LA01/2016/0712/F), there is a pedestrian pathway immediately adjacent to the site from Portstewart Road down to the River’s edge. Access for a riverside walk would be possible by extending into the site from the adjacent roadway should this become an opportunity in the future.

### **Local Character, Environmental Quality and Residential Amenity**

8.9 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.

#### *Policy QD1 – Quality in New Residential Development*

8.10 This policy 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 should comply with the following criteria:

***(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;***

- 8.11 The proposed site is located within the settlement limit of Coleraine. The proposal entails demolition of 4 semi-detached dwellings and replacement with a new residential development comprising 10 Units. As this is an outline application, a concept plan has been submitted showing an indicative layout. Unit 1 is accessed from the Portstewart Road and the rest of the units are accessed from one central access from the Portstewart Road. Units 1, 2 and 10 are adjacent to the road frontage and they have gardens to the front which is characteristic of other dwellings along this frontage. These units also maintain the existing building line with No. 54 Portstewart Road. All units have in-curtilage parking and there is communal parking to the rear of Units 1-2. All units have rear gardens and most units have small front gardens except for Unit 9.
- 8.12 The rear of the site is adjacent to the River Bann. Development is located outside the flood plain and there is a 10m buffer which is acceptable. There is also a NIW combined sewer crossing the site at the rear. Proposed development avoids this area and there is a buffer area of 6m around this sewer.
- 8.13 The detailed design of the development will be confirmed at reserved matters stage but the scale and massing of the buildings within the development will be consistent with other recent approvals in the area. The Portstewart Road Elevation submitted shows units will be two storey in height which is reflective of the local area and recently approved development under applications LA01/2017/1201/F and LA01/2016/0712/F.
- 8.14 The proposed layout respects the existing form of development and would not harm the character and appearance of the surrounding area. The site layout and detailed design will be assessed at reserved matters stage to ensure this proposal respects the context of the area and has adequate landscaping and hard surfaced areas.

***(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;***

- 8.15 The site is not located near any listed buildings so there is no impact upon their setting. Consultation occurred with HED: Historic Monuments but there are no archaeological concerns in relation to this development. The application site comprises 4 dwellings and associated boundary treatments. The majority of existing landscaping is being maintained but this will be further assessed at reserved matters stage when a landscape plan is submitted. The proposal complies with this criterion.

***(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;***

- 8.16 Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.19 states all houses should have an area of private open space behind the building line and it should be approx. 70m<sup>2</sup> per house or greater. Smaller areas may be more appropriate for houses with 1 or 2 bedrooms but any individual house with an area of less than around 40m<sup>2</sup> will generally be unacceptable.
- 8.17 The proposed concept plan shows the location of the 10 units and amenity spaces. Units 3-8 have larger amenity spaces which extend towards the River at the rear of the site. Units 1-2 and 9-10 have smaller amenity areas. The majority of units are showing private amenity spaces above the minimum of 70m<sup>2</sup> however Unit 9 is measuring approx. 60m<sup>2</sup>. The rear gardens of Units 3-8 are shown to end at the river's edge however boundary fencing will have to be erected outside of the coastal flood plain making the gardens smaller than depicted on the concept plan. This results in Unit 7 having 66m<sup>2</sup> and Unit 8 having 55m<sup>2</sup> of private rear amenity. The layout overall is acceptable but all rear amenity spaces should show a minimum of 70m<sup>2</sup> which will be further assessed at reserved matters stage. A solution would be to make Units 7 and 8 smaller or move them forward in the site

ensuring adequate amenity space. Full details of these areas will be fully assessed at reserved matters stage.

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

8.18 Not applicable to a development of this scale. The site location is within walking distance of convenience shopping at Milburn Road as well as Coleraine town centre with various amenities available. Neighbourhood facilities are not required as an integral part of this development.

***(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;***

8.19 The site is within the development limit of Coleraine and within walking distance of local retail units, cafes, churches, play parks etc. The site is located on a major bus route and a cycle path with links to the town centre.

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

8.20 The proposal shows each dwelling unit to have 2 in-curtilage parking spaces and there are 3 communal parking spaces. As this application is for outline planning, full consideration to ensure all parking requirements are met will occur at reserved matters stage. It is considered from the information presented, the residential development will ensure adequate parking for units. Please also see sub-heading "Access and Parking" in this report.

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

8.21 The detailed design of the development will be confirmed at reserved matters stage but the scale and massing of the buildings within the development will be consistent with other recent approvals in the area.

8.22 Approvals under LA01/2017/1201/F and LA01/2016/0712/F have been built along the Portstewart Road with development being two storey in height. A contextual elevation was submitted for this outline application showing the Portstewart Road Elevation. This shows proposed units being two storey in height in keeping with many properties along the Portstewart Road. It is acknowledged that No. 54 Portstewart Road is single storey in height but a change in height to two storey already occurs with No. 56 Portstewart Road so this relationship is acceptable in this context.

8.23 The surrounding area is residential in nature with a mixture of plot sizes, dwelling types and materials/finishes. There are detached dwellings, semi-detached dwellings, townhouses and apartments of various designs in the area. Heights of residential units vary from bungalows to two storey development.

8.24 Details are limited at outline stage however, the design of dwellings will be assessed at reserved matters stage ensuring the residential development respects the surrounding context. The design of house types should be varied and Units 2 and 10 should have dual frontage design given their location. Proposed materials/finishes should be reflective of the local area.

***(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;***

8.25 The application is at outline stage so full consideration of the impact on residential amenity will occur at reserved matters stage when detailed plans are submitted. However, from the indicative block plan provided, it is not considered there would be an adverse impact upon neighbouring residential amenity.

8.26 Units 1-2 are adhering to the building line with No. 54 Portstewart Road so this will ensure there is limited impact to the front of their house. There is adequate separation from this property in terms of approx. 7.5m gable to gable limiting overshadowing and loss of light. The location of Unit 3 could be problematic in terms of overlooking of No. 54's rear amenity

space from the front upper floor windows and gable so the window fenestration will be designed to restrict views and semi-opaque glazing is to be used at first floor level. This will be further considered at reserved matters stage to ensure protection of No. 54's amenity space. This house type could be designed to ensure bathrooms or ensuite windows are closest to No. 54 Portstewart Road.

8.27 The full extent of potential overlooking is unknown at outline stage but good design will mitigate against unacceptable overlooking and this will be further considered at reserved matters stage.

8.28 The rear of the site is adjacent to the River Bann. South east of the site contains residential dwellings at Kenvarra Park. There is good separation from Units 8, 9 and 10 given the public pedestrian route immediately adjacent to this boundary and the existing landscaping. There are no concerns of unacceptable overlooking or overshadowing/loss of light to these properties.

8.29 Noise is not perceived to be an issue as this proposal is for a residential development in the settlement limit of Coleraine and Environmental Health have no objections.

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

8.30 The development has been designed to deter crime and promote personal safety. Informal surveillance is encouraged.

8.31 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*

8.32 The proposal includes a residential development consisting of 10 units on a site which occupies 4 dwellings so there is an increase

of 6 units. The density of this development is considered in keeping with the character of this area given the planning approvals granted along the Portstewart Road for increased density. Application LA01/2016/0712/F was approved at lands at 68-74 Portstewart Road for 24 dwellings and 6 Apartments. Application LA01/2017/1201/F was approved at lands at 58-62 Portstewart Road for 7 dwellings and 12 Apartments. The Agent has advised recent approvals show a density between 22 dwellings/ha and 33 dwellings/ha in this area. Given the number of units approved under previous applications, the proposal is consistent with this development pattern. The units are considered to have adequate spacing, amenity spaces and parking. Proposed plot sizes are comparable with other recently approved built developments along the Portstewart Road. The detail of individual units will be subject to reserved matters approval, but all units will be designed to satisfactory size requirements.

## **Flooding**

- 8.33 Consultation occurred with DfI Rivers in relation to this application. The Flood Hazard Map (NI) indicates that the site lies both within the 1 in 100 year fluvial flood plain and coastal flood plain. A Flood Risk Assessment was submitted in support of this application. The development is to be constructed outside of the Q100 Fluvial and T200 Coastal flood plains as shown on drawing No. 01B. The development is to be constructed with a total freeboard of 800mm, with a minimum design level of 4.04mAOD which will include FFL's, gardens and access. DfI Rivers, while not being responsible for the preparation of the FRA accepts its logic and has no reason to disagree with its conclusions.
- 8.34 The site is in close proximity to an undesignated watercourse known as the River Bann. A 5m maintenance strip is to be provided along the western boundary of the site. It should be protected from impediments including tree planting, hedges, permanent fencing, sheds, land raising, permitted development rights or future unapproved development. Access to and from the maintenance strip should be available at all times.
- 8.35 A Drainage Assessment was submitted in support of this application. This demonstrates that the design and construction of

a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained through the addition of an online attenuation system, when discharging at existing green field runoff rate (Schedule 6 consent is still pending), and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NIW prior to adoption. DfI Rivers requests that the potential flood risk from exceedance of the network, in the 1 in 100 year event, is managed by way of a condition.

- 8.36 DFI Rivers have no objections to this development. Adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. The proposal complies with Policies FLD 1, FLD 2 & FLD 3 of PPS 15.

### **Sewerage**

- 8.37 DAERA: Water Management Unit was consulted in relation to this application and are concerned that the sewage loading associated with this proposal has the potential to cause an environmental impact if transferred to North Coast Waste Water Treatment Works (WWTW). However, if NI Water indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal.
- 8.38 NI Water was consulted in relation to this application and advised refusal because there are Network Capacity issues so connections should be curtailed. Submission of a Wastewater Impact Assessment to NI Water is required as this is a housing development. This information was provided to NI Water and on re-consultation approval is now recommended. NI Water and the applicant have agreed a downstream engineering solution to mitigate the foul capacity issue and allow connection for this development proposal. This solution is to be fully funded and delivered by the applicant. The proposal is now regarded acceptable from a sewage perspective and will not result in an environmental impact.

### **Archaeology**



8.39 Consultation was carried out with HED: Historic Monuments. Their response advised no objections. The proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

### **Access and Parking**

8.40 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.

8.41 The proposal is for 10 units with unit 1 having its own access onto the Portstewart Road and Units 2-10 sharing a communal access onto the Portstewart Road. There are 8, 3-bed semi-detached properties, and 2, 3-bed detached properties. Each unit has two in-curtilage parking spaces and there are an additional 6 communal parking spaces within the layout. Street spaces are also proposed. Further details and consideration will occur at Reserved Matters Stage to ensure the proposal complies with necessary parking requirements.

8.42 DFI Roads was consulted in relation to this application and advise Portstewart Road is a protected route. Policy AMP 3 of PPS 3 applies in relation to Protected Routes. The application site is located within the settlement Limit of Coleraine.

8.43 Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access: (a) where access cannot reasonably be taken from an adjacent minor road; or (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

8.44 This proposal falls into category (b) as access cannot be taken from a minor road. This proposal has two access points onto the Portstewart Road as opposed to the 4 which currently exist. Whilst the proposal will generate more traffic than 4 dwellings, two accesses is a better arrangement for a development of this nature.

8.45 The proposal is considered to comply with Policies AMP 1, AMP 2, AMP 3 and AMP 7 of PPS 3.

### **Pollution**

8.46 The application site is in close proximity to a site which is regulated under The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013. DAERA: Industrial Pollution & Radiochemical Inspectorate has considered the impacts of the proposal on the PPC part A permit and on the basis of the information provided is content. An informative should be placed on any permission granted advising the site is in close proximity to an existing operational Pollution Prevention and Control installation. Due to its close proximity to this installation there is the potential for the development to suffer loss of amenity due to dust, noise, odour etc.

### **Natural Heritage**

8.47 DAERA: Marine and Fisheries Division was consulted in relation to this application. The proposed redevelopment site is in close proximity and hydrologically linked to the Bann Estuary SAC and the Bann Estuary ASSI. MFD is content that there should be no adverse impacts on marine conservation provided standing advice is adhered to. However, MFD do have significant concerns with the location of the proposed development as it is within the present day and climate change floodplain boundaries thus it is likely to be vulnerable to flooding now and in the future, with this problem likely to be exacerbated with climate change and sea level rise. For full details of their consideration please review the consultation responses dated 10<sup>th</sup> October 2022 and 5<sup>th</sup> April 2023.

8.48 This development is not forward of the building line already established along the River Bann and is outside the coastal flood plain. As the site is outside the coastal floodplains It is for the applicant to consider how to future proof this site if it were to be impacted by flooding such as the measures set out in the addendum to PPS 15.

8.49 DAERA: Inland Fisheries have commented on this application. There are some concerns relating to the potential for deleterious

materials to enter the adjacent water body during the construction and operational phases of the proposed development however these can be attenuated for with appropriate mitigation. The applicant should be aware that aquatic ecology can be impacted not only in the immediate area of works but also significant distances away unless comprehensive mitigation measures are applied. Inland Fisheries recommends that the applicant ensure, before any construction takes place that all potential pathways for deleterious materials to enter the aquatic environment are identified and appropriate mitigation is in place to prevent these materials from entering the aquatic environment.

- 8.50 Inland Fisheries note the CEMP provided by the applicant and is content with the approaches outlined therein. If during the construction phase it is required to discharge surface water to the adjacent River Bann the applicant should contact NIEA as a consent to discharge may be required under the terms of The Water (NI) Order 1999. No discharge should occur until NIEA are content with the attenuation to be provided.
- 8.51 Consultation occurred with DAERA: Natural Environment Division (NED). A Preliminary Ecological Appraisal (PEA) and accompanying Bat Roost Potential Survey and an Outline Construction Environmental Management Plan was submitted in support of this application.
- 8.52 NED notes the PEA and bat activity survey that the extant dwellings and trees, were assessed for the presence of roosting bats according to BCT (Bat Conservation Trust) guidelines, and is content that no roosting bats are likely to be impacted as a result of the development.
- 8.53 NED note, that River Bann is in close vicinity and all watercourses are NI Priority Habitats and should be protected from potential aquatic degradation. Therefore, a protective 10m buffer is recommended by the ecologist in order to prevent degradation of the adjacent habitat due to contaminated run-off or sediment resulting during the construction and operational phases of the development.
- 8.54 The site comprises Japanese Knotweed which should be eliminated over time. NED notes that vegetation clearance works

should not be conducted during the bird breeding season which extends from the 1st of March to the 31st of August inclusive.

8.55 NED are content that the proposal is unlikely to significantly impact NI priority species, habitats or natural heritage features, subject to conditions.

8.56 Consultation occurred with Shared Environmental Services. The site of the proposed development is adjacent to the River Bann, which provides a hydrological pathway to Bann Estuary SAC, approximately 1.4km downstream.

8.57 SES having considered the nature, scale, timing, duration and location of the project, it is concluded that it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site.

8.58 Based on the site-specific characteristics of the proposal, including the identified environmental pathway and the significant dilution/dispersion factors within the Lower Bann Estuary, there will be no significant effects that would undermine the conservation objectives of any European site features.

8.59 Causeway Coast and Glens Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 04/05/2023. This found that the project would not have an adverse effect on the integrity of any European site.

8.60 Following assessment, the proposal is acceptable in terms of natural heritage interests and is considered to meet the requirements of Policies NH 1, 3 and 5 of PPS 2.

## **9 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. For outline planning permission, the proposal is considered acceptable in terms of layout, scale and massing respecting the surrounding context and is appropriate to the character and topography of the site. The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties. The proposal is of acceptable density for this area given recent approvals along the Portstewart Road. Detailed drawings for this residential development will be submitted at reserved matters stage and final assessment will ensure the proposal complies with planning policies and results in a quality residential development.

- 9.2 Adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. The proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact. The proposal has satisfactory access and parking. The proposal is acceptable in terms of natural heritage interests. Approval is recommended.

## 10.0 CONDITIONS

1. As required by Section 62 the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Planning Authority within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - a. the expiration of 5 years from the date of this permission; or
  - b. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Planning Authority, in writing, before any development is commenced.

Reason: To enable the Planning Authority to consider in detail the proposed development of the site.

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the accesses to be constructed and other requirements in accordance with the attached form RS1 dated 2nd September 2022.

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

5. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

6. At Reserved Matters Stage parking and servicing shall be in accordance with the requirements of the Department's current published Parking Standards.

Reason: To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users.

7. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. 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. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

8. Details of the maintenance and management of the open space 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 approved open space, communal areas, and amenity areas

through the long term maintenance to achieve a quality residential development.

9. No development shall take place until a plan indicating floor levels of the proposed development in relation to existing and proposed ground levels has been submitted to and approved by the Planning Authority.

Reason: To ensure the development integrates into the landform.

10. The development hereby approved shall be designed in accordance with PPS 7 "Quality Residential Environments", Creating Places Document and shall generally accord with the provisions of the Proposed Site Plan and Portstewart Road Elevation on Drawing No. 01B date received 12<sup>th</sup> April 2023.

Reason: To ensure a quality residential development.

11. The location of the new development shall not breach the existing building line of No. 54 Portstewart Road.

Reason: To protect local character and the contextual relationship along Portstewart Road.

12. All existing and proposed boundary treatments of the site shall be detailed at Reserved Matters.

Reason: In the interests of visual and residential amenity.

13. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

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

14. A 10m wide working strip shall be provided adjacent to the existing watercourse, River Bann in accordance with Drawing No. 01B to enable access. This maintenance strip shall be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development.



Reason: To allow access for the maintenance of the River Bann.

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

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

16. That no development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water. The development shall not be occupied until the developer has complied with all of the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

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

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

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

18. NIW public sewer/s traverse the proposed development site. No construction to be made, trees planted or other obstruction permitted over this sewer, or within the permitted wayleave width. A diversion may be necessary. No development shall commence until the applicant has demonstrated to the satisfaction of the council, that NIW are content that the proposed development will not affect this sewer, and sufficient drawings have been submitted, which clearly indicate the required wayleaves. The applicant is advised to obtain a records map from NIW and establish the exact location of the infrastructure within the site, and how it may affect the proposal. Further Consultation with NIW Developer Services developerservices@niwater.com is required at an early design stage.

Reason: To prevent disturbance / damage to existing sewers and in the interest of public safety.

19. NED recommends a 10m protective buffer zone between the site and the banks of the River Bann. All works must be undertaken using best environmental practice and in accordance with all relevant Pollution Prevention Guidelines including PPG 1 “Understanding your environmental responsibilities – good environmental practices”, GPP 5 “Works and maintenance in or near water” and PPG6 “Working at Construction and Demolition Sites”. The applicant’s attention is drawn to the following links for standing advice on protection of the water environment: Standing advice for development that may have an effect on the water environment.

Reason: To ensure the continuity of the biodiversity value afforded by NI Priority Watercourse habitats.

20. No retained tree (Site drawing 01B) shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

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

21. No vegetation clearance shall take place between 1st March and 31st August inclusive.

Reason: To protect birds.

22. Unit 3 shall be designed to limit overlooking and loss of privacy to No. 54 Portstewart Road from the first-floor windows in the front elevation and side gable.

Reason: To protect the residential amenity of No. 54 Portstewart Road.

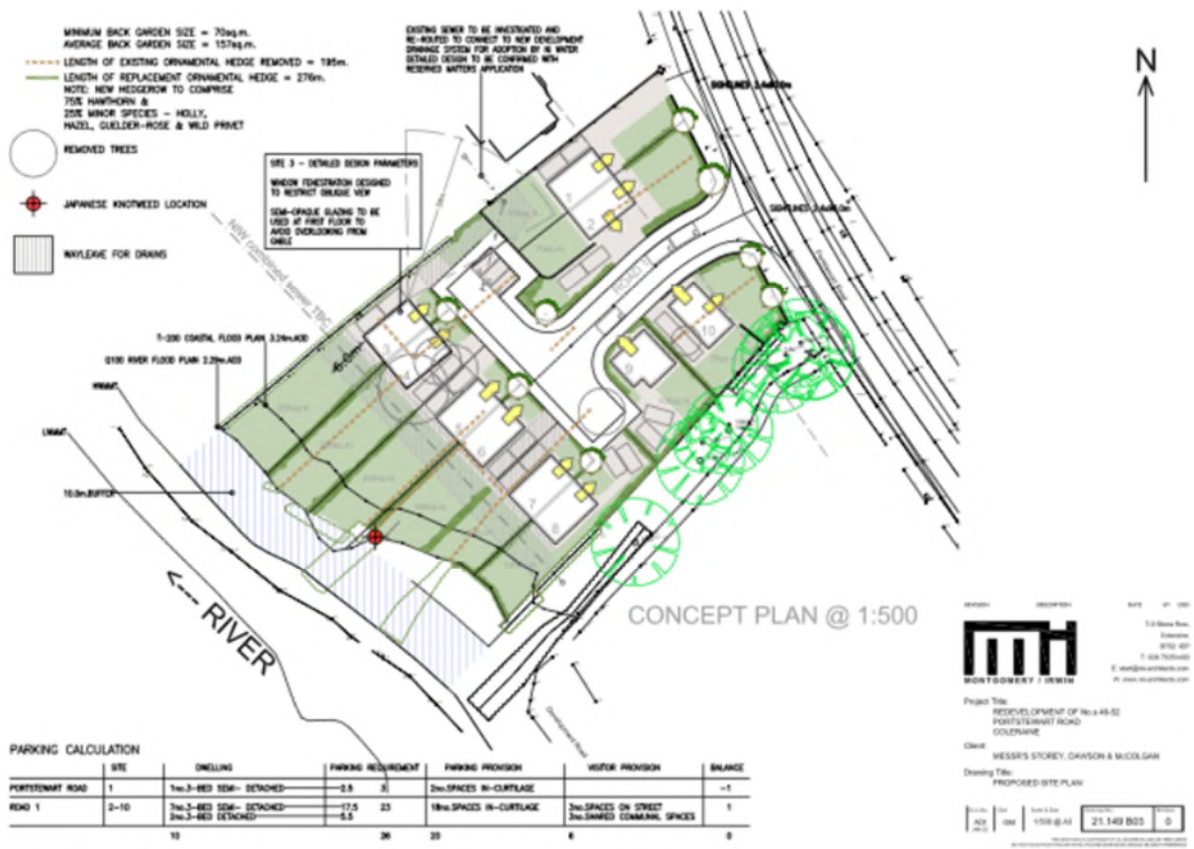
## 11 INFORMATIVES

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. 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 through the Consultee Hub:  
<https://consulteehub.planningsystemni.gov.uk>

# Site Location Map



# Block Plan



**PARKING CALCULATION**

SITE	DWELLING	PARKING REQUIREMENT		PARKING PROVISION		VISITOR PROVISION	BALANCE
		Req	Avail	Req	Avail		
PORTSMOUTH ROAD	1 No.3-BED SEMI-DETACHED	2.5	3	2No SPACES IN-COURTYARD			-1
ROAD 1	2-10 No.3-BED SEMI-DETACHED	17.5	23	18No SPACES IN-COURTYARD	2No SPACES ON STREET		1
	2 No.3-BED DETACHED	6.5			2No SHARED EDGEMAN SPACES		
<b>TOTAL</b>		<b>26.5</b>	<b>56</b>	<b>20</b>	<b>2</b>	<b>6</b>	<b>0</b>