

Title of Report:	Planning Committee Report – LA01/2022/1540/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27/03/2024
For Decision or For Information	For Decision – Objection Item
To be discussed In Committee YES/NO	NO

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

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	NO
Capital/Revenue	N/a
Code	N/a
Staffing Costs	N/a

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

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.
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Section 75 Screening	Screening Completed:	No	Date:
	EQIA Required and Completed:	No	Date:
Rural Needs Assessment (RNA)	Screening Completed	No	Date:
	RNA Required and Completed:	No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	No	Date:
	DPIA Required and Completed:	No	Date:

<u>No:</u> LA01/2022/1540/F	<u>Ward:</u> Portstewart
<u>App Type:</u> Full	
<u>Address:</u> 1 Rock Drive, Portstewart, BT55 7PE	
<u>Proposal:</u> Redevelopment of existing two storey house to provide a pair of two storey, semi-detached houses. One of the houses has a detached single storey garage and garden room.	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 13.12.2022
<u>Listed Building Grade:</u> N/A	
Agent: Montgomery Irwin Architecture and Design	
Applicant: Ian and Lynda Hayburn	
Objections: 28	Petitions of Objection: 1
Support: 0	Petitions of Support: 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 Portstewart.
- 28 letters of objection and 1 petition of objection has 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 these 2 dwellings.
- The scale, form, massing and appearance, materials and detailing of the proposal is acceptable.
- The design of this proposal is visually appropriate and should not detract from the character and appearance of the area given the varying designs and styles already present.
- The proposal is not considered to adversely conflict with adjacent land uses and there is no unacceptable adverse effect on the residential amenity of neighbouring properties.
- The density is not significantly higher than the surrounding area and the application site can accommodate this without adverse impact on the character and appearance of the surrounding area.
- Both dwellings are contained within the built footprint of the application site with no road infrastructure proposed so this development is acceptable despite concerns from MFD in terms of climate change, sea level rise and coastal flooding.
- The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact.
- 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 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 conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 This site is irregular in shape and comprises No. 1 Rock Drive, Portstewart. This dwelling is two storey high with a pitched roof. The site slopes upwards in an eastern direction. There are small garden areas to the front and rear of this dwelling. Vehicle access is gained from Rock Drive and there is a gravel area for parking. The site is enclosed by a 0.5m high wall and entrance pillars along the western boundary. The southern boundary is formed by a 0.5m high wall which becomes stepped as the land slopes upwards. The northern boundary is defined by a 2m high stone wall adjacent to No. 9 O'Hara Drive and 2m high fencing adjacent to No. 1A Rock Drive.
- 2.2 There is a narrow laneway located south of the application site which would be used when accessing the single storey flat roofed garage located at the rear of the plot. This narrow laneway provides the sole access to No. 1A Rock Drive situated north east of the application site. This laneway is also used by members of the public to access the beach.
- 2.3 The surrounding area is characterised by residential use. Dwellings are typically detached or semi-detached with in-curtilage parking dependent on plot size. The application site is located on the coast within Portstewart settlement Limit.

3.0 RELEVANT HISTORY

- 3.1 None

4.0 THE APPLICATION

- 4.1 Redevelopment of existing two storey house to provide a pair of two storey, semi-detached houses. One of the houses has a detached single storey garage and garden room.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

28 letters of objection from 12 separate addresses have been received in relation to this application and 1 petition of objection with 22 signatures. The main issues raised are summarised below and will be considered in the remainder of this report.

- Increase in traffic generally and on the narrow lane at the side of the new dwelling
- Danger to public who utilise this narrow laneway
- Pedestrian safety as many families, elderly persons and dog owners use the narrow laneway to walk to the beach
- Unacceptable to have entrance off narrow laneway for one dwelling
- Difficulty of additional traffic being able to turn on Rock Drive
- Construction period – complete lack of space for the vehicles and equipment necessary to build this proposal. Access to properties could be blocked.
- Contrary to planning policy as the density is higher than that of the immediate area
- Doubling of plot ratio between proposal and surrounding dwellings represents an unacceptable increase in density
- Doesn't maintain the grain and plot density in Rock Drive
- Overdevelopment of the site
- Out of character with the area
- Unacceptable scale and massing
- Proposed high roof line is out of character
- Intensification of site use
- Visual dominance
- Lack of amenity space within the plot
- Design out of keeping for the immediate area
- Undesirable precedent resulting in further subdivision of individual plots thus altering local character
- Impact on neighbouring residential amenity

- Loss of light
- Loss of privacy
- Overlooking of dwellings and private external spaces
- Overlooking of living/kitchen of No. 1 Rock Drive from the first floor windows in the side elevation and the balcony at the front
- Increased shadow from this development affecting living/kitchen area of No. 1A Rock Drive. There will be shade for the south facing sun room for all of the Autumn, Winter and Spring months.
- Obstruct outlook from No. 1A Rock Drive.
- New building at front of gate belonging to No. 1A Rock Drive
- No. 1A Rock Drive will be adversely affected by further enclosing and isolating it amidst the other houses
- Converted garage or garden room could be used as an Air BnB
- Allowing an additional dwelling will lead to further coastal concerns. Objector in agreement with DAERA: Marine and Fisheries consultation response.
- Environmental Health recommend refusal on NI Water issues
- Out of date plans not showing neighbouring properties

5.2 **Internal:**

NI Water (No objections)

DFI Rivers (No objections)

Environmental Health (No objections)

DFI Roads (No objections)

Shared Environmental Services (No objections)

DAERA: Water Management Unit (No objections)

DAERA: Marine and Fisheries Division (Objections)

DAERA: Natural Environment Division (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 7 – Quality Residential Environments

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

PPS 15 – Planning and Flood Risk

Supplementary Planning Guidance

Creating Places

DCAN 8 – Housing in Existing Areas

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located within Portstewart settlement limit so Policy SET 2 of NAP 2016 applies and planning permission will be granted provided the proposal is sensitive to the size and character of the settlement.
- 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: Local character, environmental quality and residential amenity, flooding, sewerage, access and parking, and natural heritage.

Local Character, Environmental Quality and Residential Amenity

- 8.3 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

8.4 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;

8.5 The proposed site is located within the settlement of Portstewart. There is a mixture of architectural styles in the surrounding area. There are single storey, storey and a half and two storey houses along the street. New contemporary replacement houses sit beside existing older dwellings. Some have been extended or altered. All of the houses sit relatively close to O'Hara Drive / Rock Drive. Some have good sized rear gardens for private amenity space and some have very little rear amenity space.

8.6 This proposal seeks to demolish the existing dwelling and replace with a pair of semi-detached two storey houses. Both dwellings have rear amenity spaces and front first floor balconies. The larger dwelling (3 bedroom) has a garage and garden room located at the rear of the plot. This garage is accessed via the narrow laneway immediately south of the application site.

8.7 Vehicle access for both dwellings is gained from Rock Drive and two parking spaces per dwelling are provided in-curtilage at the front of the plot. The dwellings are separated by a 1m high wall. There will be a resin finish to driveways. Small lawn and shrubs areas are provided.

8.8 The ridge height of the existing dwelling is 6.55m and the proposed dwelling is generally 6.5m high except for the pitch roof which is 9.5m high at the peak.

8.9 The contextual elevation provided shows the scale and massing for this proposal in relation to other dwellings along Rock Drive and O'Hara Drive. Although the design is contemporary, the

proposal has a similar frontage width and separation distances to those along the street. The building is viewed against the rising ground behind, with the houses on Strand Road sitting above. It's form and scale are appropriate to its surroundings and the general design and material specification is of high quality. The Agent advises the proposal presents an opportunity to provide an additional house, in line with the overarching RDS, whilst maintaining the architectural character of the area, in relation to form, mass and architectural style.

- 8.10 Objectors mention approval of this application would set an undesirable precedent resulting in further subdivision of individual plots thus altering local character. Each application is assessed on its own merits. This proposal is acceptable in terms of the subdivision based on the plot size, design of dwellings and relationship with neighbouring properties. However, what is acceptable at this site may not be at another site and is entirely dependent on the circumstances that prevail at a new location.
- 8.11 It is considered the proposal will not visually detract from the character and appearance of the surrounding area and that the layout, scale, massing and ridge height is acceptable for this context.

(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;

- 8.12 The application site does not contain any listed buildings or monuments. There are no important landscape features within the site. A block plan has been submitted showing the boundary treatments for this development. The existing northern boundary of the stone wall and fencing is to be retained. The southern boundary wall to the front of the site is to be removed and kept open but the wall located towards the rear of the plot is to be retained and increased in height to 1.5m. The western boundary along the front of the site will be open due to parking and lawn/shrub areas. A 1m high boundary wall is proposed between the two dwellings. These boundary treatments and arrangements are deemed satisfactory for this plot. The landscaping provided is

sufficient for a site located within the settlement limit of Portstewart.

(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;

- 8.13 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. 70m² 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 40m² will generally be unacceptable.
- 8.14 This proposal entails two semi-detached dwellings. The 3-bedroom dwelling has a private rear amenity space which includes a garden room. The rear amenity space measures 51.9m², the garden room measures 15m² and the front balcony measures 24m². Creating Places advises the rear garden should be 70m². This application is below this threshold but it is considered acceptable on balance given prospective residents can make use of the garden room and front balcony for amenity purposes as well as being reflective of other rear amenity spaces within this area.
- 8.15 The 2-bedroom dwelling has a private rear amenity space measuring approx. 38m² and a first floor front balcony measuring 12m². Creating Places advises a 2-bedroom house should have a rear amenity space of 40m². This application is below this threshold but this is considered acceptable given the deficit is only 2m² and there is a balcony at the front which can be utilised although it is not private.
- 8.16 It is important to note other dwellings in this area have limited private rear amenity space. No. 1 O'Hara Drive has a rear amenity space of 31.4m²; No. 2 O'Hara Drive has 58.2m² private amenity; No. 3 O'Hara Drive has 41.2m² private amenity; No. 5 O'Hara Drive has 61.7m² private amenity; and No. 7 O'Hara Drive has

21.5m² of rear amenity. All of these examples are below the 70m² recommended in Creating Places. Considering these dwellings exist in the local context near the application site, the smaller amenity spaces provided in this application are acceptable when compared with these examples.

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

8.17 The site is located within the settlement limit of Portstewart with various amenities available so 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;

8.18 The site is within the settlement limit of Portstewart and within walking distance of local retail units, cafes, restaurants and recreational uses as well as having convenient access to public transport links.

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

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

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

8.20 Rock Drive and the surrounding area is characterised by a mixture of dwelling types and styles. Most dwellings are detached or semi-detached. Roof forms vary from pitched, hipped and mansard. First floor balconies are evident on the more contemporary designs. Various roof and wall dormers are apparent on dwellings. Built form varies in terms of ratios to plot sizes with rear amenity spaces differing in size.

- 8.21 This proposal seeks to replace an existing dwelling with two dwellings. The design of this development is contemporary with a pitched and flat roof. Recessed balconies at first floor level are proposed. There is a mixture of vertical and horizontal shaped windows throughout the design. The entrance door to one of the dwellings is in the side elevation.
- 8.22 Materials and finishes consist of mineral fibre slate and Alkor membrane for the roof; smooth render painted, shiplap cladding board and vertical cladding board for the walls; and upvc, composite upvc, aluminium and hardwood windows. These proposed materials/finishes are considered satisfactory and in keeping with the local context.
- 8.23 Public views of the proposal are primarily from Rock Drive, O'Hara Drive and the walkway from Strand Road.
- 8.24 The scale, form, massing and appearance, materials and detailing of the proposal is acceptable. The design of this proposal is visually appropriate and should not detract from the character and appearance of the area given the varying designs and styles already present.

(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 Several objections from neighbouring properties have been received in relation to this application with concern expressed in relation to the impact on residential amenity. For all detailed objections review section 5.2 of this report.

No. 9 O'Hara Drive

- 8.26 This neighbouring property is two storey with its driveway to the side of the dwelling and the application site. There are several windows at ground and first floor level facing the application site. Two sets of patio doors are evident leading out to a raised amenity area at the front. This neighbouring property has objected to this development in terms of harming their residential amenity.

- 8.27 The proposal should not result in unacceptable overlooking to No. 9 O'Hara Drive. There are no concerns from proposed ground floor windows as views are restricted by the existing 2m high stone wall. The only proposed first floor window is for a bathroom which will be finished in obscure glass. There are no overlooking concerns with the roof light proposed. The first floor terrace at the front of the closest dwelling will not result in overlooking or loss of privacy as views are screened by its own enclosure.
- 8.28 The proposal has been amended to try and alleviate overshadowing and dominance concerns to this property. Further to this a Daylight and Sunlight Report was submitted in support of this application.
- 8.29 The report concluded that "through their analysis demonstrates that the development would have an acceptable effect on the surrounding residential properties when assessed in accordance with the guidelines set out in the BRE Report". It is considered this proposal is acceptable and will not adversely harm the residential amenity of this property to such an extent to warrant refusal on these grounds.

No. 2 Rock Drive

- 8.30 No. 2 Rock Drive is a single storey property and has a door and two kitchen windows in their side elevation facing the application site. The northern boundary of No. 2 Rock Drive is defined by a low wall towards the front, a garage wall, and a wall with hedging above towards the rear of the plot. This neighbouring property has objected to this development in terms of harming their residential amenity.
- 8.31 The proposal will not result in unacceptable overshadowing, loss of light or dominance to No. 2 Rock Drive. A Daylight and Sunlight Report was submitted in support of this application. The new development is two storey with a flat roof immediately adjacent to this neighbouring property which then becomes pitched. The separation distance of 0.9m from the southern boundary of the site helps limit loss of light and dominance to No. 2 Rock Drive. There is a total separation distance of 4.5m from No. 2 Rock Drive and the development which is considered adequate.

- 8.32 The existing dwelling on the site had 3 ground floor windows and 2 first floor windows in the side elevation facing this property so there was an element of existing overlooking. The new proposal has 3 ground floor windows and 3 first floor windows and balcony facing this property. The ground floor windows are for a bedroom, ensuite and utility. The upper floor windows are for a lounge, dining and stairwell.
- 8.33 The proposed ground floor windows should not result in unacceptable overlooking given there is no direct overlooking between rooms and the ensuite will be finished in obscure glass. Overlooking from the first floor windows is restricted in terms of the dining room being a high level window and the lounge/balcony having privacy louvres. Views would be possible from the stairwell towards the rear garden of No. 2 Rock Drive but this is considered acceptable on balance given the separation distance; the good boundary treatment towards the rear; and the fact there was overlooking from the existing dwelling in this direction.
- 8.34 No. 2 Rock Drive has patio doors and windows as well as a bay window for their living room in the front elevation. While there may be some views of this neighbouring property from the proposed lounge and balcony area, this would not result in an unacceptable loss of privacy. Given the location of this lounge/balcony area in connection with No. 2 Rock Drive, views would not be possible within their lounge windows on the front elevation. Views will occur of their front amenity space from this development which is considered acceptable as this area is already in view by members of the public driving or walking past. Views from this lounge/balcony area into their kitchen windows in the side elevation would be unlikely to result in detriment given the angles involved and separation distances.
- 8.35 It is considered the relationship with the proposal and No. 2 Rock Drive is satisfactory and will not result in an unacceptable adverse impact upon their amenity.

No. 1A Rock Drive

- 8.36 Plans have been amended in relation to this neighbouring property to show the outline of this dwelling on the block plan to aid assessment. This neighbouring property has objected to this development in terms of harming their residential amenity.

- 8.37 The proposal will not result in unacceptable overlooking and loss of privacy to No. 1A Rock Drive. There are no planning concerns with proposed ground floor windows given screening is provided by boundary treatments. Proposed first floor windows in the rear elevation include 2 snugs and a study. Some views will be possible of the front garden and the built form along their eastern boundary but this is not considered unacceptable given separation distances and the size of windows. Separation distances from the rear elevation and this built form is approx. 23m. There is no overlooking from the garage and garden room given the elevation facing this property has no windows.
- 8.38 The proposal will not result in unacceptable overshadowing and loss of light to No. 1A Rock Drive to warrant refusal. It is acknowledged shadows occur from the existing garage on site but these shadows are located in their garden at present and do not result in loss of light to the windows of the house. In the original submission the garage was proposed to be 1.5 storey high which was subsequently amended due to its impact on this property. The proposal now entails a garage and garden room along the shared boundary. The width of this structure is 6.4m and the height is 3.6m which is a 1m increase on the existing garage height.
- 8.39 A Daylight and Sunlight Report was submitted in support of this application. It is not considered the two dwellings on the site would result in an adverse overshadowing effect given their positioning and separation distances from No. 1A Rock Drive.
- 8.40 The proposal is not considered to be dominant to this neighbouring property given acceptable scale and massing as well as large separation distances. The built form at the rear of the plot immediately beside the front entrance to No. 1A Rock Drive was amended to be single storey in height.
- 8.41 A further objection from No. 1A Rock Drive is that the proposal will harm their outlook. Their dwelling is unusual in the sense it is surrounded by development and does not have outlook onto a public street. While the unique location of this property is appreciated, the application site had a previous garage along their shared boundary. A new garage is acceptable given the existing arrangement. It is acknowledged there is now a new garage and garden room 1m higher and 3m wider but these differences are

considered acceptable. The loss of view is seen to be in the private interest, not necessarily in the public interest and as stated in paragraph 2.3 of the SPPS, “The planning system... does not exist to protect the private interests of one person against the activities of another...”. The loss of view has been considered, however the protection of a private view is not enough to warrant a refusal.

8.42 The use of the proposed units is for dwellings; the garage is for parking a car; and there is a garden room. Objectors are concerned with different uses on this site but to vary from these uses would require planning permission. Objectors mention the possibility of the garden room being used for Air BnB but this is not what is proposed as part of this application and would require planning permission.

8.43 This proposal will not harm the residential amenity of properties located along Strand Road because these properties are situated at a much higher ground level with large separation distances (approx. 32m back-to-back).

8.44 The relationship between the two new dwellings is appropriate as there are no issues with overlooking, loss of privacy or overshadowing given the design.

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

8.46 The proposal is not considered to adversely conflict with adjacent land uses and there is no unacceptable adverse effect on the residential amenity of neighbouring properties or proposed properties.

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

8.47 The development has been designed to deter crime and promote personal safety.

8.48 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

- 8.49 This policy requires the proposed density is not significantly higher than that found in established residential areas. It requires the pattern of development to be in keeping with the overall character and environmental quality of the established residential area. It states all dwelling units and apartments should meet the appropriate space standards.
- 8.50 Several objections have been raised in terms of unacceptable density and overdevelopment of the site. The RDS provides the overarching strategy for development. This promotes a drive to provide more housing within existing urban areas and advocates an increased density of urban housing on brownfield sites or redevelopment opportunities.
- 8.51 The character of the area is not limited to properties immediately abutting the application site. The character of the surrounding area comprises a wider sample of properties. In reviewing this, there are several properties that have a high proportion of built area to plot size resulting in small rear amenity spaces as well as tight separation distances from other properties. Some of these properties have approx. 50% of building footprint. The subdivision of the application site for 2 dwellings is possible at this location as the built form is similar to others along O'Hara Drive and both dwellings are considered to have adequate amenity space as assessed under paragraphs 8.13 - 8.16 of this report.
- 8.52 It is considered the density (2 dwellings) is not significantly higher than the surrounding area and the application site can accommodate this without adverse impact on the character and appearance of the surrounding area. All proposed dwellings are satisfactory in terms of size requirements in accordance with Annex A.

Flooding

- 8.53 Consultation occurred with DFI Rivers in relation to this application. The Strategic Flood Map (NI) indicates that the site is in close proximity to the 1 in 200 year coastal flood plain. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.
- 8.54 A Drainage Assessment is not required for this development and hard surfacing does not exceed 1000m². The developer should carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.
- 8.55 DFI Rivers have no reason to object to the proposal from a flood risk perspective and the proposal complies with Policies FLD 1, FLD 2 & FLD 3 of PPS 15.

Sewerage

- 8.56 DAERA: Water Management Unit was consulted in relation to this application and refer to standing advice.
- 8.57 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 replacement dwelling and an additional unit. 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 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.

Access and Parking

- 8.58 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.
- 8.59 Several objections were received in relation to additional traffic, use of the narrow laneway as an entrance to one dwelling, vehicles

trying to turn or reverse onto Rock Drive, pedestrian safety for those using the laneway to access the beach and construction vehicles blocking access for residents. For full details review section 5.2 of this report.

- 8.60 This proposal is for replacing an existing dwelling with two dwellings. In the original submission, access for one of the dwellings was up the narrow laneway with in-curtilage parking provided at the rear of the dwelling.
- 8.61 The first consultation response from DFI Roads advised that Rock Drive is a public road and the narrow access lane adjacent to No. 1 Rock Drive is also a public road which is shared with pedestrians accessing Rock Drive via the steps from Strand Road. This proposal to access one of the semi-detached dwellings will result in an intensification of this access lane as there is currently a garage for No. 1 Rock Drive. DFI Roads does not accept the principle of accessing the semi-detached dwelling off this access lane. DFI Roads would also point out that the car parking to the semi-detached dwelling is unacceptable as no sight visibility splays have been provided and cars cannot exit the parking area without reversing along the length of the access road.
- 8.62 The Agent provided amended plans showing access to both new dwellings at the front of the site with in-curtilage parking (two spaces each).
- 8.63 DFI Roads has noted the roads issues raised in the various objection letters and petition and would advise that we are content with the proposed development. The conditions and informatives noted on the consultation response dated 1st August 2023 still apply.
- 8.64 DFI Roads express no objections to this amended scheme. The proposal is acceptable in terms of the access and the car parking provision for this development. The proposal complies with Policy AMP 2 of PPS 3.

Natural Heritage

- 8.65 DAERA: Marine and Fisheries Division was consulted in relation to this application. MFD is content that there should be no adverse

impacts on marine conservation provided standing advice is adhered to. This is due to the application site being separated from the marine environment by approx. 15m, O'Hara Drive, a small grass verge and the Portstewart coastal footpath.

- 8.66 MFD do have concerns regarding the impact that climate change, sea level rise and coastal flooding may have upon this proposed development. For full details of their concerns please review the consultation response dated 26th October 2023.
- 8.67 An objection was received advising allowing an additional dwelling will lead to further coastal concerns. The objector is in agreement with DAERA: MFD consultation response.
- 8.68 This proposal for 2 dwellings is not considered to be inappropriate development. It is acknowledged this area is vulnerable to coastal change and flooding. However, a material consideration is the fact that properties exist along O'Hara Drive and Rock Drive along the open coastline. One dwelling at this application site is a replacement so the principle of this is acceptable. The second dwelling would result in an additional dwelling along the coast but this is contained within the built footprint of the site and does not require any new road infrastructure, so it is acceptable on this basis.
- 8.69 It is for the applicant to consider how to future proof this site to maintain access if it were to be impacted by flooding.
- 8.70 Consultation occurred with DAERA: Natural Environment Division (NED). A biodiversity checklist carried out by Willow Environmental was submitted in support of this application. NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats. NED notes that the building has been assessed as having a negligible bat roosting potential. However, should evidence of roosting bats be found during development then works must stop and advice sought from NIEA Wildlife Team. NED notes that some vegetation may require removal and advises that the vegetation on the site may support breeding birds. NED advises removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August, or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found.

- 8.71 NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.
- 8.72 Consultation occurred with Shared Environmental Services. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. A planning condition is recommended in relation to sewage disposal.
- 8.73 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 11/01/2023. This found that the project would not have an adverse effect on the integrity of any European site.
- 8.74 Following assessment, the proposal is acceptable in terms of natural heritage interests and is considered to meet the requirements of Policies NH 1 and 3 of PPS 2.

Habitats Regulations Assessment

- 8.75 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The scale, form, massing and appearance, materials and detailing of the proposal is acceptable. The design of this proposal is visually appropriate and should not detract from the character and appearance of the area given the varying designs and styles already present. The proposal is not considered to adversely conflict with adjacent land uses and there is no unacceptable adverse effect on the residential amenity of neighbouring properties.
- 9.2 It is considered the density (2 dwellings) is not significantly higher than the surrounding area and the application site can accommodate this without adverse impact on the character and appearance of the surrounding area. Both dwellings are contained within the built footprint of the application site with no road infrastructure proposed so this development is acceptable despite concerns from MFD in terms of climate change, sea level rise and coastal flooding.
- 9.3 The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact. The proposal is acceptable from a flood risk perspective. The proposal has satisfactory access and parking. The proposal is acceptable in terms of natural heritage interests. 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. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 01B. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining

carriageway and such splays shall be retained and kept clear thereafter.

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

3. The access gradient to the dwellings 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.

4. 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.

5. 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 and to ensure the project will not have an adverse effect on the integrity of any European site.

6. 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.

6. The first floor bathroom window in the north elevation and the ground floor en-suite window in the south elevation shall be finished in obscure glass in accordance with Drawing No. 01B prior to occupation and permanently retained as such.

Reason: In the interests of residential amenity.

7. The privacy louvres shall be erected in the position shown adjacent to the first floor terrace in accordance with Drawing No. 01B prior to occupation and permanently retained as such.

Reason: In the interests of residential amenity.

8. The 1.5m high boundary wall and pedestrian gate shall be built in accordance with Drawing No. 01B prior to occupation and permanently retained.

Reason: To prevent the rear amenity space of this dwelling from being accessed by vehicles.

9. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no external alterations to the dwelling(s) hereby approved, nor buildings, walls, gate pillars, fences or other structure, nor hard surface or enclosure or access onto an unclassified road, shall be permitted within the curtilage of the application site, without prior written consent from the Council.

Reason: To preserve the private amenity of the dwellings hereby approved.

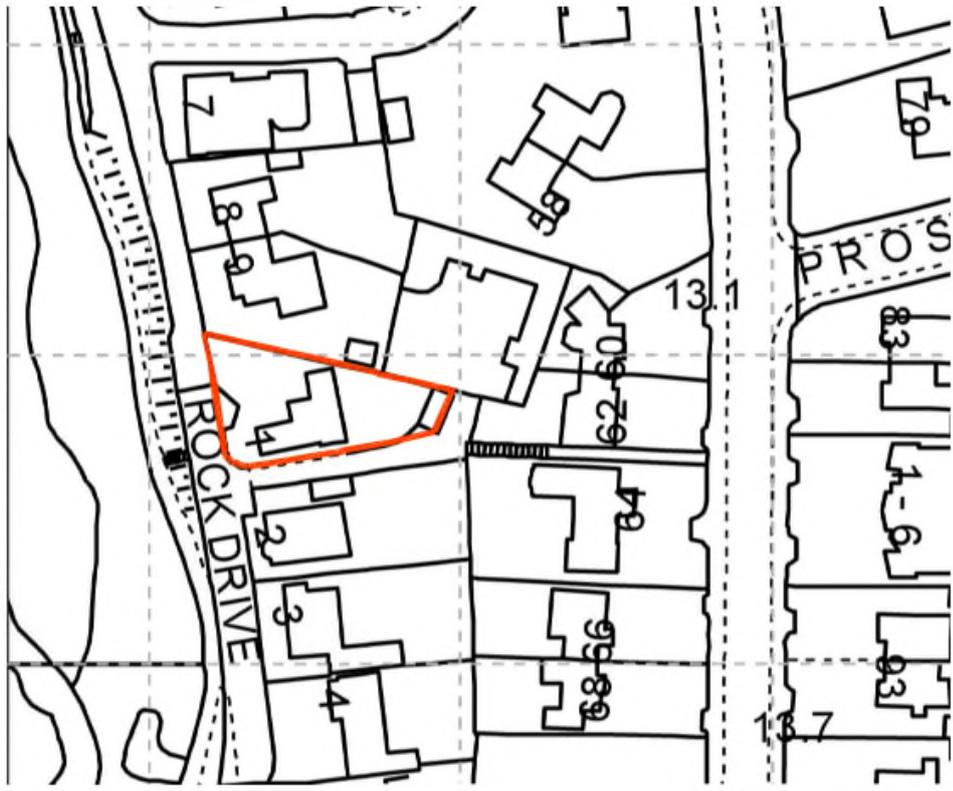
11 INFORMATIVES

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

Site Location Map

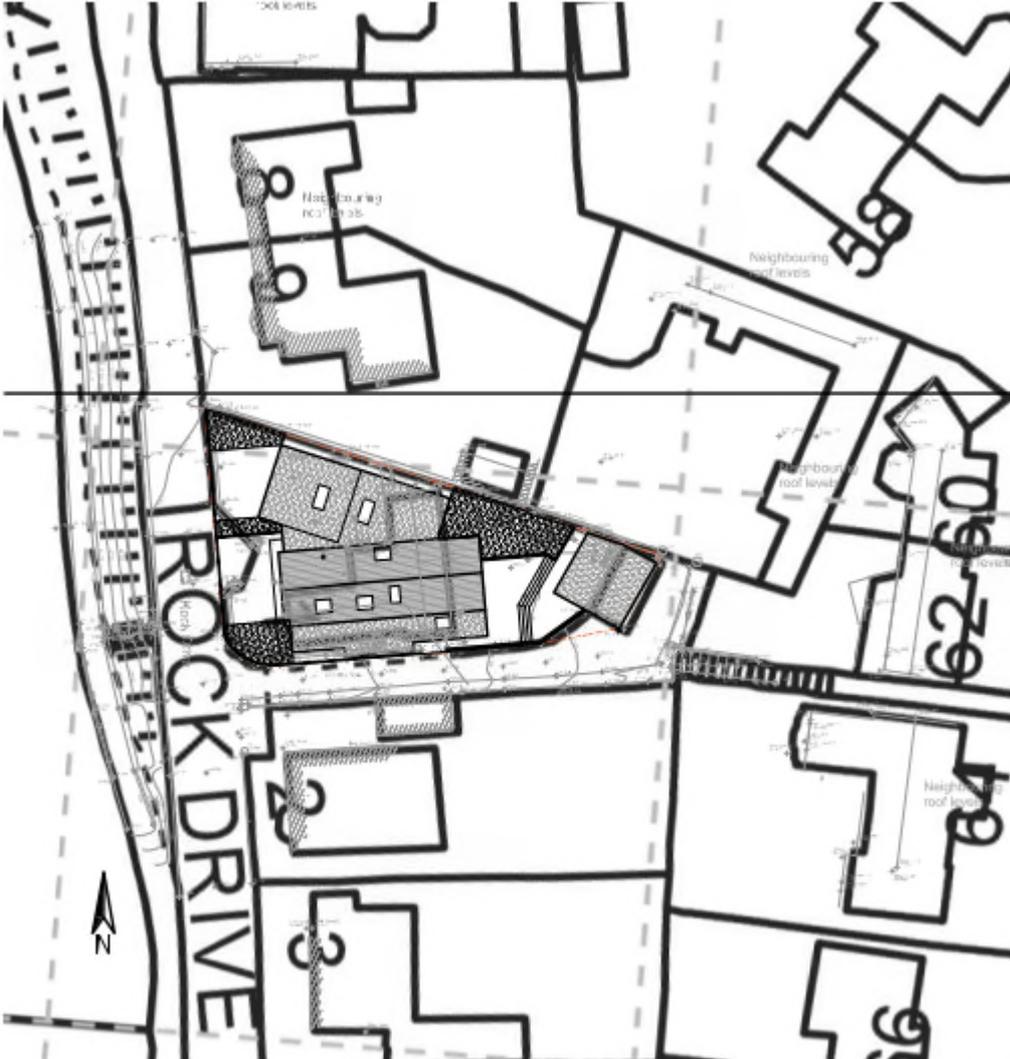
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Location plan 1:1250

Proposed Block Plan



Block plan 1:500