

<b>Planning Committee Report LA01/2019/0016/F</b>	<b>28<sup>th</sup> October 2020</b>
<b>PLANNING COMMITTEE</b>	

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

<b><u>No:</u></b>	<b>LA01/2019/0016/F</b>	<b><u>Ward:</u></b>	<b>PORTRUSH</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land immediately south of Ramore Green Apartments 158a Main Street Portrush (known as Nos. 154 and 156 Lower Main Street Portrush).</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and erection of 5No. apartments with integral car parking and all associated site works</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>4.10.2016</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>WYG Planning, 1 Locksley Business Park Montgomery Road Belfast</b>		
<b><u>Applicant:</u></b>	<b>Ramore Property Developments Ltd, c/o Ruthledge House 25- 27 New Row Coleraine</b>		
<b><u>Objections:</u></b>	<b>7</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## Executive Summary

- Full planning permission is sought to provide demolition of existing building and erection of 5No. apartments with integral car parking and all associated site works.
- The site is located within the urban settlement limits of Portrush town as shown on the Northern Area Plan 2016.
- The site is within an Area of Significant Archaeological Interest (ASAI).
- 7 letters of objection have been received in relation to the application.
- DfI Roads, Environmental Health Department, DAERA Coastal Development and Water management, Historic Environment Division for archaeology have been consulted and raise no objection in respect of the application.
- The proposed development complies with the SPPS and has been assessed and considered to comply with the relevant policies in PPS 7 (Quality Residential Developments), PPS 3 (Access, Movement and Parking),
- The proposal is considered acceptable given the history on site and the proposed design complies with current policy and guidance.
- Approval is recommended.

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site encompassed within the red line shown on the site location plan is a small plot of land on a road junction. It is secured by steel fencing panels for security. Part of the site has rubble and the other half has a small single storey detached garage with a slate pitch roof and a wooden door coloured blue. Although the frontage has security fencing, the remainder of the boundaries have a high solid wall. There is an adjacent alley to the side and rear of the site which is for the access to the rear of the neighbouring Ramore street flats which includes a four storey building. To the north side there is a 4 storey block of apartments on slightly higher land.
- 2.2 There is a double yellow line at the frontage on the roadside with no pavement. The land is flat on site but the road has a steep fall from north to south.
- 2.3 The immediate surrounding area is high density residential development. Further south there is a leisure facility and several bars and restaurants close to the harbour area.

## 3 RELEVANT HISTORY

C/2012/0244/F- Erection 5 apartments with in-curtilage parking, 154 & 156 Lower Main Street, Portrush. Permission Granted 19.09.2012

There has been planning history on the site. Application reference C/2012/0244/F was approved 19th September 2012 for the erection 5 storey apartment block with 5 units. Foundations were since laid with the supporting information submitted to prove development was commenced. This was

subsequently lodged as an application for Certificate of Lawfulness.

LA01/2018/0575/LDP- Completion of 5 apartments, 154 & 156 Lower Main street, Portrush.  
Approved 15<sup>th</sup> June 2018.

## **4 THE APPLICATION**

- 4.1 Erection of 5 no. apartments with associated car parking and site works.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External Neighbours and Representation**

Public Representation – To date 7 objections have been lodged against this proposal. These objections are assessed later in this report.

### **5.2 Internal**

**DFI Roads:** No objections.

**NI Water:** No objection.

**DAERA Drainage and Water:** No objections

**DAERA Coastal Development:** No objections.

**Environmental Health:** No objections.

**Historic Environment Division archaeology:** 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)

Planning Policy Statement 7: Quality Residential Environments

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

Supplementary Guidance

DCAN 8: Housing in Existing Urban Areas

Creating Places

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to: the principle of development; quality in new residential development and the impact on the character of the surrounding area.

## **Principle of development**

- 8.2 In the Northern Area Plan the site is within the settlement development limit for Portrush. The site is designated as an Area of Archaeological Potential in the Northern Area Plan. There are no other designations linked to this site.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above. Relevant history on site must also be taken into account. There is a previous approval on site for a 5 storey apartment block with 5 apartments. The applicant subsequently gained a Lawful certificate to prove that development had commenced on site. The previous approval was C/2012/0244/F and the lawful certificate was LA01/2018/0575/LDP. Therefore the principle has already been established for the construction of a 5 storey apartment development with 5 apartments on this site.

## **Quality in New Residential Development**

- 8.4 Policy QD 1 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.
- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- 8.5 Development within this area is predominantly residential and predominantly this is provided in surrounding high density residential development. There is an adjacent apartment block to the north on higher land with 4 storeys. There is adjacent social housing in tower blocks to the south with 4 storeys. The proposed apartment block is finished with Buff brick cladding and natural stone cladding. The previous approval on site was brick finish and smooth plaster. The adjacent apartment block to the north is finished in smooth plaster. The social housing residential block is also finished in smooth plaster painted. The

frontage to the proposal will be mostly glazing with balconies. There is a flat roof proposed.

- 8.6 A Drawing has been submitted showing the new building in relation to the adjacent developments. The proposal will be of similar height to the neighbouring buildings. Although there is passing critical views of the site, further critical views are restricted due to the screening of the other built development surrounding the site. The scale and massing is similar to the adjacent developments and therefore reflect the current built environment. The previous approval was also for 5 storey development on site. The new development will be 16 metres in height. Parking is in-curtilage within the building on the ground floor with 5 parking spaces.
- 8.7 In terms of layout there is parking on ground floor with a bin storage, a lift and staircase. The first floor has two apartments with a one bedroom and a two bedroom. The second floor has a three bedroom apartment. The third floor has a three bedroom apartment and the fourth floor has a two bedroom apartment. Each apartment has a balcony and they range from a minimum of 10sqm to 30 sqm for the top floor. On the flat roof there is a small lean- to roof above the lift shaft.
- 8.8 Overall the development fits in with surrounding built development and is mostly screened by this neighbouring development when critical views are taken from a distance. The proposed development is similar to the previous approval on site and generally reflects the character of the area. The proposal complies with this criteria and will not have a detrimental impact on the character of the area.

***(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;***

- 8.9 This proposal is located within an Area of Archaeological Potential. Policy BH 02 of Planning Policy Statement 6 relates to this application and includes provisions to preserve and

protect Archaeological Remains of Local Importance and their Settings. Historic Environment Division was consulted as the competent authority in relation to this application and raised no objection to the proposed scheme. The proposed development will therefore have no detrimental impact on features of the archaeological importance and built heritage. The proposed site is not located within a Local Landscape Character Area and will not lead to the loss of landscape features. Given this the proposal is considered acceptable having regard to this criteria of QD1 of PPS 7.

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

8.10 Each of the 5 apartments proposed have their own amenity space in the form of balconies. There is also shared communal amenity space on the roof. As the area is close to the local amenities such as the nearby tennis courts, the West Bay strand and promenade, the level of amenity is considered adequate. There are 5 apartments located on the upper floor levels of each of the apartment block floors. Each of these apartments will have a private amenity space of between 10 and 30 square metres located on the balconies of the proposed development. Creating Places outlines that a variety of private open spaces can promote diversity and create choice for potential residents, which this development provides. Creating Places also states for apartment developments each unit should have access to at least 10 to 30 sq metres of private amenity space. This has been achieved as part of this proposal. The apartment block is close enough to public open space as well so the proposal complies with this criteria of policy.

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

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

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

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

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

8.13 The proposed development includes a parking provision of 5 spaces for the 5 apartments. Given this each apartment proposed will have access to at least one car parking space. DFI Roads was consulted as the competent authority and raised no concern in regard to parking. The proposed development largely complies with this criteria of planning policy.

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

8.14 The proposed finishes include buff brick, natural stone cladding and glazing. Although the previous approval included brick this application is mostly glazing to the main front façade with the brick and stone to the side and brick to the rear. The development will not have a detrimental impact on the visual amenity of the area. Given this the proposed development is in compliance with this criteria of Planning Policy.

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

8.15 Development has already been approved on this site for a 5 storey residential development with 5 apartments. Part of the new building will be attached to the existing adjacent development. However the application design has left separation for the most of the development of approx.2,5 metres. The proposed development allows for windows facing the existing neighbouring apartment building. There will be bathrooms and stairway windows close to and opposite the existing neighbouring bedroom windows at the rear of the existing neighbouring apartment block. These shall be conditioned to be obscure glazing to avoid any impact on privacy. There will be new bedroom windows facing the existing apartment block but they will only face directly to the communal hallway of the existing neighbouring apartment block. Therefore it is the considered view that there will not be overlooking into any private area. There will inevitably be loss of light and overshadowing however not to an unacceptable level for apartments in a high density urban area and it will not affect the living and kitchen areas. The principle of development of a 5 storey building has already been approved in 2012 with commencement of development already accepted. Therefore it is the considered view that given the historical approval on site and the new layout giving careful consideration to avoid a detrimental impact on the neighbouring property, that the proposal is deemed to meet the above criteria. Overall the layout and arrangement of apartments in the proposed development will be such that there will not be a significantly adverse impact on neighbouring properties.

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

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

8.17 Due to the design and build up of the whole site, this proposal will not lead to the creation of areas where anti-social may be encouraged. The proposal complies with this part of policy..

### **Impact on the character of the surrounding area**

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

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

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

***(c) all dwelling units and apartments are built to a size 5 not less than those set out in Annex A.***

8.19 The proposal will see the construction of 5 apartments within the site. The site already has an approval for 5 apartments in 2012. There is a neighbouring apartment block adjacent to the north with similar density. There is also a large social housing long established development to the east and south which has high density levels. Given this the proposed density is considered acceptable and will not significantly erode the character, environmental quality or amenity to an unacceptable level.

8.20 The pattern of development reflects adjoining developments and the proposal fits in with the character of the area. It has already received planning for an apartment block in 2012.

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

### **PPS 3- Access, Movement and Parking**

8.22 DFI Roads was consulted as the competent authority in relation to this proposal and have no objections. Given this, the proposed development is considered to meet policy as it has not been demonstrated that the proposed access and parking arrangement will not prejudice road safety or significantly inconvenience the flow of traffic.

### **Objections**

8.23 There has been 7 objections to the proposed development. The main issues raised are summarised as follows.

- Proposed proximity of proposed development and scale, height and massing of development not in keeping with the character of the area.
- Overlooking and overshadowing of existing apartments adjacent to the proposal therefore affecting privacy and natural light.
- Loss of public visual amenity.
- Parking intensification in the area.
- Fire integrity of development proposal.
- Not in keeping with aesthetics of other buildings in area.
- Land ownership

### **8.24 Proximity of development, scale and massing.**

The site is immediately adjacent to an existing apartment block. There is previous approval for a 5 storey block of apartments on the proposed site which is immediately adjacent to the existing development. This previous approval on site is material consideration. The principle of development for a 5 storey block of apartments has already been established on site. The proposed development is of similar height to the surrounding developments. The development was originally designed to much higher but the application was subsequently reduced in height to match surrounding developments. As the development scale height and massing is similar to and reflects the character of surrounding existing residential developments, it is

considered to be of an acceptable scale, height and massing in accordance with policy.

#### **8.25 Overlooking and overshadowing affecting privacy and light.**

It is inevitable that with 2 large urban developments beside each other that there may be an element of overlooking and overshadowing. There is a possibility that the rear bedrooms of the existing neighbouring development will be impacted upon by reduced light. However there is the history of an approved 5 storey development on the proposed site with a similar scale and massing and the associated lawful development certificate so it could be developed without this existing planning application. Therefore it is important to keep any potential detrimental impact to a minimum in design. For this reason the proposed windows facing towards the existing neighbouring development include the bathrooms and the stairways of the new apartments. These shall be conditioned to be obscure to help minimise any potential for overlooking. The other windows which face towards the existing neighbouring development are for bedrooms which face towards the existing communal stairway and hallway therefore not affecting any existing private areas. The balcony for apartment 1 is not directly opposite any existing private area but rather faces into a communal hallway. However for privacy reasons it shall be obscure glazing also. For these reasons it is not considered that the objection holds sufficient weight to warrant refusal.

#### **8.26 Loss of public visual amenity**

Given the previous approval of a 5 storey development on site this objection does not hold sufficient weight to warrant refusal. In an urban area with surrounding high density development and historical approvals, a right to an established view cannot be guaranteed.

#### **8.27 Parking Considerations**

There are 5 apartments with 5 in-curtilage parking spaces therefore each resident has parking in the development ground floor for one vehicle. DFI Roads have been consulted as the competent authority and have no objections. The proposal is therefore considered to meet current policy and guidance as it has been demonstrated that the proposed parking arrangements

will not prejudice road safety or significantly inconvenience the flow of traffic.

### **8.28 Fire integrity**

The Planning Authority do not have authority over issues of fire safety. These issues are overseen at building stage by Building Control and any other statutory body of concern, for example the National House Building Association, Health and safety Executive for N.Ireland and then subsequently by the developer and the responsibility to follow construction guidance and legislation.

### **8.29 Aesthetics of the building**

There are concerns of the building material and how brick does not reflect surrounding character. However the previous history on site was an approval for a brick building in 2012. There was a subsequent LDP application which was approved and therefore the previous development could be built without this application. Therefore this objection does not hold sufficient weight to warrant refusal.

### **8.30 Land Ownership**

A concern was raised about the land ownership certificate. The applicant subsequently amended the P 2 land certificate accordingly and notice served. No further objections on this issue were received. However, given that the third party is now aware of the amended certificate and has been served notice, no prejudice to them has been caused.

### **Other Issues**

### **8.31 Habitats Regulations Assessment**

There is no watercourse on the site or adjacent to the site therefore the proposed development site does not affect any watercourse which connects to the Skerries and Causeway SCI and also the Bann Estuary SAC. DAERA coastal development have been consulted as part of the application and have no objections. There is no natural features on site and the proposal would not be likely to have a significant effect on the features of any European site.

## **9.0 CONCLUSION**

9.1 The proposed apartment development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the existing approved history on site and the SPPS. The design is appropriate to the area and the development will not have a detrimental impact on the locality. Therefore it is considered that the proposed development complies with policy and guidance.

## **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 site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

3. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological

remains, or any other specific work required by condition, or agreement is satisfactorily completed.

4. All bathroom and stairway windows on the northern boundary of the proposed building shall be obscure glazing.

Reason: To safeguard the privacy of neighbouring residents.

5. The balcony glass for apartment 1 on the northern boundary shall be obscure glazing.

Reason: To safeguard privacy of existing and proposed residents.

## **11 Informatives**

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.

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.

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.

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.

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

DRAWINGS NOS. 01, 03, 04/2, 05/2, 06/2, 07/2, 08/1, 09/1, 10

