



**Causeway
Coast & Glens
Borough Council**

Planning Committee Report LA01/2016/0776/O	25th October 2017
PLANNING COMMITTEE	

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

**Between Nos 102 & 112 Mill
Road, Portstewart
LA01/2016/0776/O**

Outline Planning

25th October 2017

<u>No:</u>	LA01/2016/0776/F	<u>Ward:</u>	Atlantic
<u>App Type:</u>	Outline		
<u>Address:</u>	Between Nos 102 & 112 Mill Road, Portstewart		
<u>Proposal:</u>	Site for 3 No.Dwellings with integral garages and access to Mill Road.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	28.06.2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Moore Design, Market Court, 63 New Row Coleraine		
<u>Applicant:</u>	Causeway Homes Ltd, 50 Ballyreagh Road, Portrush BT56 8LT		
<u>Objections:</u>	11	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

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

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within a gap site between 102 Mill Road Portstewart and 112 Mill Road Portstewart. The site is currently vacant and made up of grass land which has become overgrown with weeds and vegetation. The site is bounded to the north east by an existing hedge which forms the boundary to a public footpath (Old Coach Road). The site is bounded to the South East by a post and wire fence and a small wall which makes up the boundary to the property at 102 Mill Road. The

site is bounded to the front by a small wooden fence which bounds the footpath along Mill Road. To the rear the site is bounded by a larger wooden fence which makes up the boundary to the housing development at Rockland Drive.

- 2.2 The proposed site is located within a predominantly residential area. Dwellings along Mill Road are made up predominantly of bungalows and chalet type dwellings but there are instances of larger two storey dwellings at 147, 147A, 149 and 149A Mill Road across Mill Road North of the application site. The dwellings located at Rockland Drive are also 2.5 storey.

3 RELEVANT HISTORY

LA01/2017/0692/F, New dwelling with integrated garage on site with extant outline approval application reference C/2003/0191/O. Site immediately East of 102 Mill Road Portstewart.
Under Consideration

C/2003/0191/O, Site for 3 No.Dwellings with integral garages and access to Mill Road, Mill Road (Between nos 102 & 112) Portstewart.
Approved 16.04.2003

C/2005/0340/F, Erection of 7no. detached dwellings with integral and detached garages, on lands with outline approval (C/98/0169) including amendment to approved roads and drainage details. Site North of Rockland Drive, Portstewart.
Approved 16.11.2006

4 THE APPLICATION

- 4.1 Site for 3 No.Dwellings with integral garages and access to Mill Road.

5.0 PUBLICITY & CONSULTATIONS

5.1 External Neighbours and Representation

Public Representation – To date there have been 11 representations with 6 separate objections. The issues raised in these objections are summarised as follows.

- The proposal would be dominant and prominent and does not respect the sloping nature of the site.
- The ridge height in comparison to existing development.
- The dwellings proposed are not in keeping with the character of the area which includes predominantly 1 and 1.5 storey development.
- The rear first floor windows would adversely impact on the amenity and privacy of the dwellings on Rockland Drive.
- The development would lead to a loss of light and does not achieve the recommended 20 metre separation distance.
- The proposal would impact upon the integrity of a retaining wall at Rockland Drive.
- Would have an impact on Road Safety.
- The high ridge height pattern would have a detrimental impact on existing bungalows located along Mill Road.
- Concern over the design of the proposed dwellings and use of features which are not in keeping with the character of the area.
- Detrimental impact on the enjoyment of existing residents.
- When purchasing dwelling at Rockland Drive under the impression three bungalows would be built at the site now a case of overdevelopment of the site.
- Impact on privacy and views into the main living accommodation of existing dwellings at Rockland Drive.
- Issue with annotation on the plans stating the proposed dwelling at plot 3 would be no higher than the dwelling at 102 Mill Road.
- Impact of gable wall at plot 3 on the existing dwelling at 102 Mill Road.
- Impacts on the dwelling at 112 Mill Road.

5.2 Internal

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

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

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

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

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; design concept; the impact on the character of the surrounding area; housing in settlements; access movement and parking; and other matters.

Principle of development

- 8.2 In the Northern Area Plan the site is within the settlement development limit for Portstewart. The site is located within a site zoned for housing designation PTH 22 Rockland Gardens 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.

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 along Mill Road mainly consists of bungalows dotted along the frontage to the main road, some of which have roof space conversions. Two storey dwellings are located at 147, 147A, 149 and 149A Mill Road just north of the proposed development. There are also 2.5 storey dwellings located to the rear of the site at Rockland Drive. This proposal provides provisions for a chalet type dwelling, 1.5 storey dwelling and a two storey dwelling.

- 8.6 The topography of the site has been considered in the assessment of the site. The land falls away at 102 Mill Road and there is a steady decline in the steepness of the site from this point toward the dwelling at 112 Mill Road. This has a bearing on the visual impact of the proposed dwellings. There is a consistent stepping down of the dwellings from plot 3 to plot 1 and the proposed ridge height for the dwelling at plot 3 is below the existing dwelling at 102 Mill Road at its highest point. This stepping down approach continues at plot 2 and to plot 1 and this allows the proposed development to assimilate into the character of the area. Given the mixed house types within this area and the topography of the site it has been deemed that the development respects the surrounding character of the area.
- 8.7 The proposed design and appearance of the proposal is considered acceptable given the topography of the site and the character of the area. This is an outline application and a concept has been providing showing the proposed front elevations and layout and further consideration of design will be completed at the Reserved Matters stage.
- 8.8 The proposed landscaping is considered acceptable with planting and front gardens used to break up the impact of the hard surfaced areas. A further consideration of this will be provided at reserved matters stage.

(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 The site is not located within An Area of Archaeological Potential or located within proximity to an Archaeological Site or Monuments and will not have an impact on the archaeological interest or built heritage in the area.

(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 There are adequate provisions for private open space for all the dwellings proposed as part of this application. This proposal includes provisions for large front and back gardens which provides private amenity space which is well over the 70 sq metres which is recommended in the Creating Places document.
- 8.11 This housing development is of small scale with 3 detached dwellings which is well below the 25 unit threshold as stated in PPS 8 Open Space and Recreation policy OS 2 relating to open space in new residential development. As such there is no need to provide public open space as part of this proposal.
- 8.12 This is an outline application and details with regard landscaping and boundary treatments will be considered fully 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;

- 8.13 Given the small scale nature of this proposal to provide three dwellings provisions for local neighbourhood facilities are not required. The proposal is located close enough to the town centre of Portstewart for potential residents to use facilities located nearby.

(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;

- 8.14 The dwellings are located within the Settlement Development Limit for Portstewart and are 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;

- 8.15 Given the proposed layout there appears to be appropriate provisions for in-curtilage parking for each dwelling proposed. DFI Roads raised no concern in relation to parking provision and

a further consideration of this will be made at the reserved matters stage.

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

8.16 The dwellings proposed are of a traditional form and includes a chalet type dwelling, a 1.5 storey dwelling and a two storey dwelling. The design shown in the concept is acceptable in this suburban context.

(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;

8.17 In terms of layout, an issue in relation to this proposal, is the relationship between plots 2 and 3 of the proposed scheme and the existing dwellings primarily at 10 Rockland Drive but also at 12 Rockland Drive. As a starting point, the rear garden depth of No. 10 Rockland Drive is limited to 4.5 metres. With regard to the Creating Places guidance document, it is recommended that a separation distance of around 20 metres or greater between the opposing rear first floor windows of new houses is generally acceptable. It goes on to say that a smaller separation distance may also be acceptable for single storey development.

8.18 Units two and three have a separation distance of at least 17 metres at ground level. This is from a single storey element of the proposed dwelling and is considered acceptable. Measured from the two storey element of the proposed dwellings, there is a separation distance of 20 metres between plot 2 and 10 Rockland Drive and at plot 3 this is 21 metres. This meets the separation distances as recommended in the Creating Places Document. The developer has also provided a study showing the separation distance between the properties at 96 to 102 Mill Road and 2 to 6 Rockland Drive. These range from 8.8 metres to 15.3 metres and these are all below the recommended 20 metre separation distance in the Creating Places Guidance document. Given this established pattern the layout is considered acceptable in this context.

8.19 This is an outline application and a concept plan has been provided as part of the scheme with front elevation and site layout plan provided. The existing dwelling at 10 Rockland Drive does have a large dining room window close to the boundary of this site which will look toward the back gardens of the proposed dwellings. In accordance to the plans provided the dwelling at 10 Rockland Drive has a finished floor level of 45.00 whilst the proposed dwelling at plot 3 has a FFL of 43.55 and the dwelling at plot 2 has a FFL of 42.24. Therefore the impact in terms of overlooking will be greater with regard the proposed properties. Given the proximity of 10 Rockland to the boundary and the extent of glazing to the rear, overlooking is inevitable.

8.20 The proposed dwellings will have an impact on the views from the existing dwelling at 10 Rockland Drive. However, within the SPPS it is stated that the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. It is not considered that the loss of this view would unacceptably affect the amenities of the existing dwellings at Rockland Drive.

8.21 The impact of the proposal on the dwelling at 112 Mill Road Portstewart has been considered. Given the separation distances of 24 metres from the gable of the existing dwelling at 112 Mill Road and the gable of the proposed dwelling at plot 1, the pathway and the existing vegetation between, it is considered that the impact of the proposed development in terms of dominance and overlooking on 112 Mill Road would not be significant.

8.22 The dwelling at 102 Mill Road is a bungalow. The proposed site is on a ground level below that of 102 Mill Road and the ridge height is slightly below that of 102 Mill Road. Given the difference in levels between the proposed property at Site 1 and the existing dwelling at 102 Mill Road and the separation distance of 6 metres between the two dwellings, this relationship is considered acceptable. The positioning of windows on the side elevation looking toward the dwelling at 102 Mill Road will be considered further at Reserved Matters Stage.

8.23 This site is currently zoned for housing and three bungalows were previously approved at this site. The development at Rockland Drive did not adequately consider the future development of the current site. If three bungalows were accepted at this site they would be perceived as more susceptible to overlooking from the dwellings at Rockland Drive. The larger dwellings proposed, in relative terms, would provide a better relationship in terms of overlooking and a condition will be used to provide a 2 metre high fence with a hedge along the south eastern boundary of the site. Given the separation distances between the proposed dwellings, and the existing dwellings at Rockland Drive there will be a limited impact in terms of loss of light, overshadowing or dominance.

8.24 Consideration must be given to the Planning History relating to the site and under Planning Reference C/2003/0191/O permission was granted for three bungalows. Under the application for Rockland Drive inadequate consideration was given to the possible future development of the application site. Given the separation distances, differences in finished floor levels and topography of the site the proposal is considered acceptable. Further consideration will be given to the fenestration of windows and the provisions of landscaping under the reserved matters application. .

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

8.25 This proposal will not lead to the creation of areas where anti-social may be encouraged. The proposed boundary treatments will be considered further under the reserved matters application.

Design Concept

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

Impact on the character of the surrounding area

8.27 Policy LC 1 states that in established residential areas planning permission will only be granted for the redevelopment of existing

buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

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

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

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

8.28 This proposal will provide three dwellings on a site zoned for housing in the Northern Area Plan. The proposed density of the scheme would be considered acceptable at this site.

8.29 Given the topography of the site; the proposed dwellings which include a chalet type bungalow, 1.5 storey dwelling and two storey dwelling are considered acceptable with regard the character of the area. There are also instances of larger dwellings located within this area and include 147, 147a, 149 and 149a Mill Road and the townhouses at Mill Park. This proposal will have no negative impact on the environmental quality of the residential area.

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

Road Safety and Access Provision

8.31 Initially DFI Roads raised concerns with regard visibility splays and existing accesses. However, the scheme has been reduced from 4 dwellings to three dwellings and amended plans have been provided which have addressed these issues. DFI Roads are now content with the proposal subject to condition. Overall, the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.

8.32 Issues with regard to the provision of a new access onto Mill Road and road safety has been raised in the representations provided. These issues have been considered and no objections have been raised by DFI Roads. The three proposed

accesses were accepted under the previous approval and there are no issues in terms of this.

Other Matters

8.33 There have been 11 Representations to this proposal. However this includes 6 separate objections. The objections have been assessed in the consideration of this proposal and the main issues raised are summarised as follows.

8.34 Issues with regard the dominance and design of the proposed dwellings, the proposed ridge heights, character of the area, separation distances and impacts on privacy have been considered throughout the report. The proposal has been reduced from 4 units to three units and the ridge heights have also been reduced on all the properties. This has helped to reduce the overall impact of the proposed dwellings. The impacts of the proposed development on the existing dwelling at 112 Mill Road has been considered under paragraph 8.23.

Impact on Retaining Wall

8.35 Another issue would be the impact the proposed dwellings would have on an existing retaining wall at Rockland Drive. The proposed development does not include development along this boundary. This would be an issue between the developer and the existing residents at Rockland Drive.

Clarification on Plans Provided

8.36 The concept shows plot 3 having a ridge height slightly below No. 102 Mill Road. An issue was raised with regard an annotation on the plans stating that the proposed dwelling at plot 3 would be no higher than the existing dwelling at 102 Mill Road. This was raised with the agent and has since been removed from the plans. A further neighbour notification was sent and further concerns were raised that this element had been removed from the scheme. To clarify, this stepping down approach will be retained and the proposed development would have to be in general conformity with the concept plan provided. A condition will be included ensuring that the ridge heights of any proposal submitted as a Reserved Matters application will be in general conformity with the concept plan submitted.

House Types

8.37 It was raised that when the dwellings at Rockland Drive were purchased that the residents were of the impression three bungalows would be built on the site. The site to the front is zoned for housing and further proposals for the site can be provided.

Habitats Regulation Assessment

8.38 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 proposed housing development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. Given the zoning for housing, the differing levels of the site and the proposed separation distances to existing dwellings, the proposal is considered acceptable. Approval is recommended.

10 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:-

- i. the expiration of 5 years from the date of this permission; or
- ii. 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. The Reserved Matters Application shall be submitted in general conformity with drawing number 02 Rev 4 date stamped 5th June 2017.

Reason: To ensure that the development is appropriate to the character of the surrounding area.

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

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

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

Reason: To ensure the dwellings respects the character of the area, in terms of neighbouring development.

6. No development shall take place on the site until a landscaping scheme has been submitted to and approved by the Planning Authority showing

- details of all proposed soft and hard landscaping;
- details of all existing and proposed site boundary treatments
- all existing vegetation to be permanently retained

Reason: In the interests of visual amenity.

7. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

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

8. As part of the Reserved Matters application a new 2 metre high close boarded fence with hedge shall be placed along the south eastern boundary of the site.

Reason: In the interests of private amenity.

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. "Noise from construction activities should –
 - (a) not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and
 - (b) not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and
 - (c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities

but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”

3. The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

Site Location Plan

