

Title of Report:	Planning Committee Report – LA01/2022/1529/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th November 2025
For Decision or For Information	For Decision – Council Interest 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	Senior Planning Officer

Estimated Timescale for Completion	
Date to be Completed	

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
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.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>App No:</u>	LA01/2022/1529/F	<u>Ward:</u>	Clogh Mills
<u>App Type:</u>	Full		
<u>Address:</u>	Site 10m North Of 34 Strand Park Cloughmills. BT44 9LL		
<u>Proposal:</u>	Proposed development of four No town houses and four pair of semi-detached dwellings - 12 No units in total and associated parking (Amended plans)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	20/12/2022
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	04/04/2023
<u>Agent:</u>	JWA Design. 1 Bramble Grove Newtownabbey BT37 0GE		
<u>Applicant:</u>	Seventh Developments 28 Bladon Park Belfast BT9 5LG		
<u>Objections:</u>	6	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

- Full Planning Permission is sought for four No town houses and four pairs of semi-detached dwellings - 12 No units in total
- The site is located within the Settlement Development Limit of Cloughmills and is identified as a Major Area of Existing Open Space as defined within the Northern Area Plan 2016.
- The application has been assessed against the relevant policies within the NAP, the SPPS, PPS2, PPS3, PPS7, Addendum to PPS7, PPS8, NAP 2016 and other material considerations.
- Policy OS 1 protects against the loss of open space irrespective of its physical condition and appearance. The current proposal has not demonstrated that the loss of open space meets any of the exceptions to this policy and does not justify its loss. The proposal is unacceptable in principle and planning permission is recommended to be refused.
- The proposal is contrary to Paragraph 6.205 of the SPPS and Policy OS1 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation in that the development would, if permitted, result in the loss of public open space which would affect the amenity and character of the area and it has not been demonstrated that there would be substantial community benefits that would decisively outweigh the loss of open space.
- Consultation has been carried out with DFI Roads, NI Water (Multi Units), CCG Environmental Health, NIEA (NED), DFI Rivers, NIE and Historic Environment Division. No objections have been raised by consultees.
- 6 representations have been received.
- Refusal is recommended.

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

1 RECOMMENDATION

- 1.0 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 **REFUSE** planning permission as set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The subject site comprises a fairly, rectangular plot extending to just less than 0.35ha consisting of a disused playground and all-weather pitch with residual grassed areas surrounding. The site is located within a primarily residential area comprising surrounding residential development and is accessed via the adopted roadway serving Strand Park.
- 2.2 The existing plot is fenced off from the adjacent roadway / turning head by a 1m ranch style timber fence with additional temporary security fencing to prevent access. The site is located to the immediate north of Nos 34 and 35 Strand Park with further residential development to the north at Rosemount and to the east at Fenton Crescent. A large, Orange Hall exists to the west.
- 2.3 The existing plot is currently disused but retains two distinct areas previously used as a children's playpark and adjacent all-weather pitch, both of which are laid out in gravel. Both areas are individually enclosed, with a 1m wooden slatted fence enclosing the play park and a 1m red brick wall forming the perimeter of the playing pitch. The remainder of the site consists of residual grass areas with the boundaries to adjacent dwellings mainly defined by wooden slatted fencing. The grass area to the south-west of the site is set slightly lower than the playpark and falls gently away towards the adjacent car parking area. Mature trees and hedgerows exist along the boundary of No 27 Rosemount while external garages at No 35 Strand Park and No 4 Fenton Crescent also form part of the site boundary. A small towpath exists along part of the southern boundary providing a link through from the remainder of Strand Park to the playpark

as well as to Main Street and is defined by a combination of wooden fencing and mature planting.

- 2.4 Surrounding residential development comprises a variety of dwelling types and architectural styles and finishes. Due to its proximity to, and access from Strand Park, these properties form the main residential character and consist of a variety of two storey and single storey semi-detached dwellings with small front and rear gardens. Rosemount to the north and Fenton Crescent to the east similarly comprise single storey and two storey dwellings forming short terraces and semi-detached properties.
- 2.5 The site is located within the settlement development limit of Cloughmills village as defined by the Northern Area Plan 2016. While an area zoned for housing exists to the immediate north of the site (east of Rosemount), the subject site is identified within the NAP 2016 as a Major Area of Existing Open Space. The subject site also falls within the consultation zone of an identified archaeological site (Holy Well & Bullaun).

3.0 RELEVANT HISTORY

D/1976/0050 – Housing Development. Permission Granted 19-02-1979.

D/1977/0268 - Site For Play Area. Permission Granted 23-11-1977.

D/1978/0282 – Recreational facilities. Permission Granted 27-09-1978.

4.0 THE APPLICATION

Full planning permission is sought for four town houses and four pairs of semi-detached dwellings - 12 No units in total and associated parking.

5.0 PUBLICITY & CONSULTATIONS

External

5.1 **Advertising:** Advertised on 11th January 2023

Neighbours: Six letters of objection have been received.

Internal

5.2 NIEA (NED) – Statutory -: No Objection
DFI Roads - Statutory: Advice
Environmental Health – Internal Advice - Substantive Response.
DFI Rivers – Statutory – No Objection.
NI Water (Multi-units West) – Statutory - No Objection
NIE – Statutory – No Objection
Development Plan – Internal Advice – Unacceptable loss of Open Space.
Historic Environment Division (HMU) – Statutory – No Objection.

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

[Regional Development Strategy \(RDS\)](#)

[Northern Area Plan 2016](#)

[Strategic Planning Policy Statement \(SPPS\) 2015](#)

[Planning Policy Statement 2 \(PPS2\): Natural Heritage](#)

[Planning Policy Statement 3 \(PPS3\): Access Movement and Parking](#)

[PPS6 – Planning, Archaeology and the Built Environment.](#)

[PPS7 – Quality Residential Environments](#)
[Policy QD1 – Quality in New Residential Development.](#)

[Addendum to PPS7 – Safeguarding the Character of Established Residential Areas.](#)

[PPS8 – Open Space, Sport and Outdoor Recreation](#)
[Policy OS1 – Protection of Open Space.](#)

[PPS12 – Housing in Settlements](#)

[Revised Planning Policy Statement 15 \(PPS 15\): Planning and Flood Risk](#)

[DCAN 8 – Housing In Existing Urban Areas](#)

[A Planning Strategy for Rural Northern Ireland.](#)

[SP18 – Design in Towns and Villages– To promote high standards of siting and design within towns and villages.](#)

[DES2- Townscape - To require development proposals in towns and villages to be sensitive to the character of the area.](#)

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development, character and site context, access and parking, design, overlooking and privacy, contamination and land use, flooding and drainage, natural heritage and other matters.
- 8.2 The RDS 2035 seeks to promote more sustainable housing development within existing urban areas through encouraging compact urban forms as well as promoting more housing within existing urban areas by recycling land and buildings and by making use of other suitable sites. The RDS emphasises the need for the creation of high-quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.
- 8.3 The Strategic Planning Policy Statement for NI (SPPS) was published in September 2015 and states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS.

Principle of development

- 8.4 The Strategic Planning Policy Statement for N. Ireland (SPPS) promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.5 The site is located within an area which is primarily residential in character and consists of a disused playpark, all weather pitch and ancillary area all of which remain within the ownership of the Council. The site is well connected within the village, with existing public footpaths along the southern and

western boundaries linking to the wider network, including onto Main Street.

- 8.6 The site is identified within the Northern Area Plan 2016 as a Major Area of Existing Open Space. Policy OS1 of PPS8 states that development which would result in the loss of existing open space will not be permitted. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.
- 8.7 An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the two following circumstances occur:
- 1) In the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or
 - 2) In the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.
- 8.8 A Statement has been submitted in support of the proposal (April 2023) which asserts that policy need not be slavishly applied and refers to the relevant zoning as being inconsistent due to adequate open space within the village and the fact that the Council has identified the land as surplus to requirement.
- 8.9 The supporting information also references previous planning permission D/2010/0121/O as setting a planning precedence.
- 8.10 The supporting information outlines existing facilities within Cloughmills village as including a new children's equipped park which forms part of a "Bio Park" incorporating community buildings, a riverside walkway and allotments. The supporting

statement references other areas of open space which form part of existing residential developments within the village as well as facilities at local primary schools and asserts that the remaining areas of open space meet the minimum requirement of 0.2ha per 1000 population required for children's playgrounds

- 8.11 In addition, the supporting information identifies the sites poor state of repair and asserts that the current proposal has a number of benefits including reducing the extent of hard standing and improvement to drainage, as well as creating community benefits through the provision of additional housing and population growth.
- 8.12 The site is identified as an area of existing open space in the adopted plan. The relevant planning policies are those contained in PPS8: Open Space, Sport and Outdoor Recreation. PPS 8 advises that a minimum of 0.8 ha per 1000 population should be available for Children's Playing Space, which comprises both designated areas and informal areas. The SPPS reiterates the contribution that open space makes to the quality of life and the Regional Strategic Objectives include to safeguard existing open space.
- 8.13 Cloughmills is one of the Borough's largest villages with a population in the order of 1,310 residents. Applying the NPFA Minimum Standard as set out in PPS8 generates a demand for 1.05 ha of land for Children's Play. Children's playing space currently available within Cloughmills falls below this provision.
- 8.14 The application site is approximately 3,200 sqm (0.32 ha) and originally catered for young children with the provision of fixed play equipment as well as older children / teenagers through the provision of the all-weather pitch.
- 8.15 Application D/2011/0164/F was approved on 29th March 2012 for a Biodiversity Riverside Park Incorporating a Children's Play Area at the Old Mill site in Cloughmills. The identified area is approximately 650 sqm (0.065 ha), which equates to 20% of the size of the application site. The proposed zoning for open space in the NAP has not been brought forward and the area identified in the NAP as a Major Area of Existing Area to the

north of Cloughmills Water has not been in recreational use for some time and appears to be utilised for agriculture.

- 8.16 The level of public open space in the village has diminished since the publication of the NAP and the proposed zoning for new open space has not come forward. The only play area available (Biodiversity Riverside Park) now lies in the southern part of the village, at a location which is less accessible to the northern part of the village's residents and families, at a size that is well below the NPFA minimum standard for Children's play overall.
- 8.17 Policy OS 1 of PPS8 is clear in that there is a presumption against the loss of existing open space, irrespective of its physical condition and appearance. The policy does allow for some exception to this overarching principle. In relation to the agent's comments regarding the loss of open space:
- 8.18 The application referred to as setting a precedent at Fenton Crescent / Park (D/2010/0121/O) relates to land owned by the Housing Executive (approximately 0.3 ha), with the associated Reserved Matters (D/2011/0237/RM) providing 8 Social Housing Units by Triangle Housing Association with the retention / inclusion of an area of open space. Annex C of PPS8 states that in relation to Housing Executive land within existing older estates, there can often be substantial community benefit in permitting the appropriate redevelopment of a part of open space provision where this forms part of a package of measures aimed at restructuring the remaining areas and improving the overall estate layout.
- 8.19 D/2010/0121/O was considered to meet the exception to Policy OS1 of PPS8 due to substantial community benefit. Consultation with the Development Plan team as part of that proposal indicated a housing deficit relative to the housing growth indicators of Cloughmills while consultation with NIHE confirmed a five-year projected housing need of 8 dwellings from 2009 which the application would meet. In addition, a percentage of the subject site remained as public open space, retained within the overall development.

- 8.20 In terms of what the agent describes as inconsistencies in the Plan, it should be noted that Major Areas of Existing Open Space are identified for information purposes only, and Policy OS 1 is the relevant policy context whether open space is identified in the area plan or not.
- 8.21 While the agent notes that PPS 8 includes school playing fields as open space along with village greens and community gardens, this is in the context of the broad range of open space that is of public value appropriate for protection under Policy OS 1. The NPFA outdoor playing space standard considers public open space as space that is safely accessible and available to the general public, and of a suitable size and nature, for sport, active recreation or children's play. Outdoor sports facilities that are not as a matter of policy and practice available for public use are excluded from the definition of outdoor playing space. While Cloughmills has a range of informal open space areas, it does not meet the NPFA minimum standards in relation to equipped children's play or for outdoor sport.
- 8.22 The current application relates to full planning permission for residential development comprising 12 dwellings in total. Although the proposed use is compatible with the surrounding area, the primary policy context (Policy OS 1) protects against the loss of open space irrespective of its physical condition and appearance. The current proposal has not demonstrated that the loss of open space meets any of the exceptions to this policy and it is therefore unacceptable in principle.
- 8.23 Beyond the principle of development, the remaining policy context for considering the current proposal is the SPPS, PPS7, The Addendum to PPS7 (safeguarding the character of established residential areas), PPS12 and any relevant guidance including Creating Places and DCAN 8.
- 8.24 PCP1 of PPS12 promotes increased density in housing development where appropriate and in line with the RDS by encouraging more compact urban forms. PCP1 also states that in established residential areas any increase in housing density needs to be handled sensitively in relation to character,

environmental quality, amenity, density, form, scale massing and layout to prevent town cramming.

- 8.25 Policy QD1 of PPS7 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. All proposals for residential development are expected to conform to all of the criteria outlined which can be considered under the following headings.

Character / Site Context

- 8.26 The character of the immediate area is primarily residential with the exception of the adjacent community hall to the north-west. Existing development consists of simple single storey and two storey dwellings fronting onto the public road which are mainly semi-detached and finished in pebble dash render with small front and rear gardens. The site backs onto four small single storey dwellings with rear returns which form part of the development at Rosemount to the north. Levels across the site and surrounding area are quite flat with the exception of a slight drop in levels to the north-west. Density levels are fairly high at approximately 35 dwellings per hectare which is characteristic of the historic social housing which dominates the surrounding character.
- 8.27 The subject site comprises a fairly rectangular plot extending to just less than 0.35ha consisting of a disused playground and adjacent all-weather (MUGA) pitch with small areas of residual grass surrounding. Both areas are individually enclosed, with a 1m wooden slatted fence enclosing the play park and a 1m facing brick wall forming the perimeter of the playing pitch.
- 8.28 The current application proposes 12 dwellings with access taken from the existing adopted roadway which serves Strand Park to the south. The proposed development comprises a terrace of four dwellings along the western extent of the site, orientated east onto part of the proposed roadway which extends as far as the northern boundary. The remainder of the development comprises four pairs of semi-detached dwellings (8 in total) which back on the northern and eastern site

boundary, forming a small cul-de-sac positioned around an access road and turning head.

- 8.29 Units 1-4 are two storey and of fairly simple pitched roof design, with the exception of two storey front projections on units 1 and 4 while the remaining two have single storey front projection bay windows. All of plots 1-4 incorporate in-curtilage car parking along the front with small front and rear gardens as well as a small alleyway positioned centrally within the terrace to provide access to the rear of units 3 and 4.
- 8.30 Units 5-12 consists of four pairs of two storey, semi-detached dwellings. Unit 5 is dual frontage which reflects its corner position at the proposed roadway within the site and incorporates a two storey front projection on the western elevation.
- 8.31 HTA, HTA1 and HTB are of simpler design which comprise two storey, pitched roof dwellings fronting onto the access road / turning head with recess between units 7 and 8. All plots comprise fairly good front and rear garden areas with in-curtilage car parking to the side of each dwelling. Additional communal parking is provided adjacent the proposed turning head which is in sufficient proximity to the proposed dwellings and is a fairly common feature in social housing developments of this era such as Strand Park.
- 8.32 The proposed development does not impact on existing connectivity within the site context as the adjoining towpath is retained and has limited impact on surrounding mature trees and vegetation. The site is reasonably level with no significant changes in topography. Surrounding development is comparable in terms of levels with the exception of development at Rosemount which sits slightly above the level of the subject site.
- 8.33 Existing residential development comprises a variety of dwelling types. The scale, form and design of the proposed development is comparable to the existing context within the surrounding area while the proposed layout is reflective of the surrounding urban grain. The proposed density level is comparable to that which exists and due to the access being

taken from the existing adopted roadway the current proposal has the characteristics of a “rounding off” of the original development at Strand Park.

Archaeology, Built Heritage and Landscape Features and Natural Heritage.

- 8.34 The site falls within the consultation area of an identified archaeological site (Holy Well & Bullaun) and is approximately 200m from the nearest listed building (Church of the Sacred Heart). HED (Historic Monuments) has been consulted and advise that that the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements.
- 8.35 The majority of site boundaries are defined by timber fencing with limited vegetation on site. The exception is that part of the northern boundary adjacent to the MUGA pitch which comprises mature trees and hedgerow planted on the boundary adjoining the site to the rear of No 27 Rosemount as well as existing hedgerow along the adjacent towpath. A small watercourse exists just beyond the north-eastern corner of the site with the south-western part of the site indicated as being affected by pluvial ponding (surface water flooding).
- 8.36 The submitted site plan includes identification of the existing hedgerow along the towpath to be retained as well as each tree and relevant crown spread which are approximately 4-5m from proposed dwellings (units 6-9). The applicant has submitted a Biodiversity Checklist and Extended Ecological Statement which identifies the existing vegetation and nearby watercourse which is considered a priority habitat. DAERA (NED) has been consulted in relation to the submitted information and the potential impact on existing habitats and biodiversity. NED note that no evidence of protected species was discovered on site and no impact on priority habitats has been identified. The Extended Ecological Statement (EES) confirms that that no mature trees or boundary hedgerows will be removed as a result of the proposed development. DAERA (NED) has raised no objection to the proposed development subject to the retention and protection of the existing trees and hedgerow in accordance with the relevant standards. The proposed

development is sufficiently removed from existing trees and hedgerows to facilitate their retention without significantly impacting on the amenity of future residents. The EES suggests additional protection in relation to the adjacent watercourse including a suitable buffer of 5m between the location of all construction works and the adjacent watercourse.

Public and Private Open Space.

- 8.37 As the proposed development falls below the threshold of new development comprising 25 or more units outlined in Policy OS2 of PPS8, the provision of open space as part of the development is not a requirement. However, as outlined above, the proposed development will result in the loss of a significant area of open space which currently serves existing surrounding residential development and the wider area. The loss of such an extensive area of public open space will significantly impact on surrounding residential amenity and is contrary to Policy OS1.
- 8.38 In terms of private open space, The Design Guide “Creating Places” recommends that for houses, private back gardens should be around 70sqm per house or greater, while smaller areas will be more appropriate for smaller houses with one or two bedrooms or houses located opposite public or communal open space. Creating Places also determines that an area of around 40sqm will generally be unacceptable. Minimum floorspace standards are also laid out in Annex A of the Addendum to PPS7.
- 8.39 Units 1-4 include in-curtilage car parking to the front of each dwelling with the provision of small amenity / access areas providing a degree of defensible space between private parking and each dwelling. Units 5-12 incorporate small front garden areas with driveways and in-curtilage car parking proposed to the side of each dwelling. All proposed dwellings incorporate good levels of private amenity to the rear which exceed the minimum requirement recommended for family dwellings and provide sufficient space for recreation and other domestic requirements.

Access and Parking

- 8.40 Access is taken directly from the adopted roadway which currently serves Strand Park. The proposed access comprises a roadway terminating at a turning head to the east on entering the site with a further section of roadway extending to the northern site boundary. Both the proposed roadway and communal parking are to be adopted.
- 8.41 A transport assessment has been provided which outlines the level of additional traffic associated with the development which will be required to be accommodated by the existing road network. The TAF has assessed the level of vehicular traffic associated with the proposed development and determines that it will not impact on the adjacent highway network or result in traffic related issues.
- 8.42 All proposed dwellings incorporate in-curtilage car parking, either to the front or side of the relevant dwelling with the exception of site 5 which incorporates two car parking spaces to the rear. This is reflective of the corner position of this site and while not as practical as the remainder of the development, car parking serving this dwelling remains adjacent and adequately accessible.
- 8.43 Parking Standards indicates that 30 car parking spaces are necessary to serve the proposed development. Each proposed unit includes two in-curtilage spaces with a further four communal spaces positioned in proximity to the southern boundary and two on-street spaces indicated in front of units 5 and 6. Private Streets Determination drawings have been submitted in relation to the adopted roadway including communal parking area. DFI Roads has been consulted and raise no objections subject to conditions. Car parking within the proposed development meets the required standards and access arrangements are considered acceptable in terms of access and road safety.
- 8.44 The site is located within Cloughmills village with access to existing facilities and public transport where it exists. The site is adjacent an existing towpath which is retained as part of the

proposed development and provides permeability through the site as well as connectivity linking through to Main Street.

Design

- 8.45 As noted above the proposed development comprises dwellings of fairly simple design which are generally in keeping with surrounding development in terms of size, scale and design. Finishes include flat profile roof tiles and smooth render with small sections of facing brick. Although the finishes differ from the existing context, it is not necessary to replicate existing design. The proposed dwellings are acceptable from a design perspective and do not appear incongruous or inappropriate within the surrounding urban context.
- 8.46 The proposed residential units are fairly modest providing limited floorspace provision which meets the minimum space standards for each proposed level of accommodation which is set out in Annex A of the Addendum to PPS7 (Safeguarding).

Privacy / Conflict with adjacent land uses.

- 8.47 The proposed development is compatible with the surrounding context which is primarily residential with the exception of the adjacent community hall. The subject site has been in use as a play park / recreational site for a number of decades and there is no indication that any previous or surrounding use would impact on the suitability of the site for the proposed use. The proposal is not likely to impact on surrounding land or properties as a result of flooding or contamination, nor will it result in significant noise impact beyond the construction works which are temporary and can be satisfactorily controlled. The existing road network is deemed capable of accommodating the additional vehicular traffic with access taken from the adjacent adopted roadway.
- 8.48 The proposed development comprises 12 No two storey dwellings. Units 1- 4 are positioned along the western portion of the site and back onto the car park which serves the adjacent community hall. The nearest existing residential properties include Nos 23 and 34 Strand Park which comprise single

storey, semi-detached dwellings, No 22 Strand Park which comprises a two-storey semi-detached dwelling and Nos 23-26 Rosemount which comprises a short terrace of single storey dwellings. No 34 is positioned at a comparable ground level to the subject site while Nos 22 and 23 are set at a lower level which is reflective of the fall in ground levels to the west and south-west of the site. Nos 23-26 Rosemount are set at a slightly higher level than the subject site and step down from east to west.

- 8.49 The western boundary sits approximately 1.8m below the level of the existing playpark. Rear gardens serving Nos 1-4 retain the slight drop in levels away from the proposed dwellings which incorporate a finished floor level of 102.50 which is just over 2m above the level of the western boundary but is approximately 0.5m above the level of the existing playpark area. Finished floor levels are approximately 0.7m above No 34 and less than 0.3m above the northern boundary adjacent Rosemount.
- 8.50 Although the proposed dwellings are two storey, they are orientated in such a way that they do not back directly onto existing dwellings. Proposed back garden depth extend to over 10m in depth with only a small single obscured bathroom window on each gable. The existing surrounding dwellings at Strand Park do not include any first-floor gable windows and are set an oblique angle to the proposed development with a minimum separation distance of 13m. This ensures that no significant direct overlooking between properties will result and although there is a difference in finished floor levels, due to their relative position there is not likely to be any resulting overshadowing or loss of light.
- 8.51 Of units 1-4, unit 4 is positioned closest to a neighbouring property at Nos 23 and 24 Rosemount. This incorporates a separation distance of approximately 8.5m with the existing dwellings set at a comparable finished floor level to the proposed development. Although a fairly close relationship will result, the only proposed gable window comprises obscured glazing which relates to a bathroom. Although there is the potential for some overshadowing to occur to the rear of the existing dwellings, this is likely to be limited due to the

perpendicular positioning of the dwellings to the immediate south and is restricted to the proposed gable depth for a period when the sun will be at its highest.

- 8.52 Units 5-6 are positioned further east of 25 and 26 Rosemount with a minimum separation distance of 18.5m between dwellings. Given their position relative to each other this is again likely to significantly restrict any potential overshadowing and although Unit 5 incorporates first floor rear bedroom windows, the angle of view is again quite oblique and properties at Rosemount are single storey. The existing 1.8m boundary fence is to be retained and the separation distance is sufficient to prevent any significant loss of privacy.
- 8.53 Units 7-9 are positioned along the remainder of the northern boundary with minimum back garden depths of approximately 8.5m. These dwellings incorporate first floor rear elevation windows and back onto the rear amenity area of No 27 Rosemount which comprises an extensive rear garden. The mature trees along this boundary are to be retained and sufficient separation with the crown spread exists to prevent significant impact on proposed dwellings. These dwellings are sufficiently separated from No 27 (approx. 30m) and will not result in any loss of privacy or overshadowing particularly given the existing boundary trees and vegetation.
- 8.54 The remainder of the proposed development (units 10-12) extends along the eastern portion of the site. This backs onto existing development at 4-6 Fenton Crescent which comprises a terrace of two storey dwellings as well as along part of the boundary at No 1 Fenton Crescent which consists of a single storey, end terrace dwelling. The proposed dwellings incorporate good back garden depths which exceed 11m to the common boundary with a separation distance of approximately 23m to existing dwellings. This distance exceeds the guidance for separation between first floor rear facing windows which is outlined in Creating Places and the proposal will not significantly impact on these properties as a result of overshadowing or overlooking. No 1 Fenton Crescent is further removed from the proposed development and positioned at a

more oblique angle. As such it is unlikely to be significantly affected by the proposed development.

- 8.55 The remainder of the southern boundary abuts an open area adjacent to No 1 Fenton Park as well as the side garden of No 35 Strand Park. Although No 35 is in close proximity to the subject site, the adjacent section of the proposed development comprises a small communal parking area consisting of four parking spaces. An area of residual space within the development provides a separation distance of four metres between the communal parking and the boundary to No 35, which due to the very limited extent of parking proposed will not significantly impact on existing residential amenity from noise or general disturbance. The potential for some degree of overlooking exists between No 35 and unit 12 due to the proximity and relative orientation. However, a combination of the separation distance (approx. 13.5m), angle of view between properties and the fact that unit 12 incorporates a single gable window which serves a bathroom means that the impact on it or any other existing dwelling within Strand Park is not significant.

Drainage

- 8.56 Surface water will be disposed of via the existing storm drainage network while foul sewer is also proposed to be taken to the mains. NIW has confirmed that there is available capacity at the receiving Wastewater treatment Works and although there is no public foul sewer within 20m of the proposed development boundary, access is available via an extension to the existing foul sewerage. NIW has also advised that there is a public surface water sewer within 20m of the proposed development boundary which can adequately service the proposal. No objections have been raised by NIW subject to proposed conditions.
- 8.57 The site is partially affected by an area of pluvial ponding and meets one of the requirements for the submission of a drainage assessment outlined in Policy FLD3 of Revised PPS15 (A residential development comprising of 10 or more dwelling units).

8.58 The Drainage Assessment (DA) states that the storm and foul drainage design within the site will form the basis of an Article 161 Agreement between the developer and NI Water prior to construction. The DA confirms that the site is not located within any fluvial or coastal flood plain, there are no watercourses either bounding or traversing the site and it is not affected by reservoir inundation.

8.59 DFI Rivers has been consulted and advise that the DA has demonstrated that the design and construction of a suitable drainage network is feasible and that a 1 in 100-year event with an additional allowance for climate change and urban creep could be contained within the attenuation system, while discharging at existing green field runoff rate. Exceedance waters can be safely dealt with without breaching the consented discharge rate. DFI Rivers has no objection subject to a condition requiring the submission and agreement of a final Drainage Assessment prior to the construction of drainage works associated with the development.

Representations

8.60 Six representations have been received, five of which are from the same address / individual. The representation object to the proposal on the following grounds.

- Overlooking / Privacy / Security
- Loss of light.
- Impact on biodiversity / habitat / loss of trees.
- Flooding.
- Loss of Open Space / play park.
- Water / sewerage capacity.

8.61 The issues raised have been considered as part of the above assessment. The proposal is unacceptable in principle due to the loss of open space but otherwise does not raise any significant issues of concern. In terms of security, the main objector's dwelling is accessed from a separate development and is significantly removed from the proposal and set within an

extensive plot. There is no evidence to suggest that the development as proposed would impact on the existing security of neighbouring properties. The relevant consultations have been carried out and the remaining issues outlined have all been considered within this report including biodiversity, flooding, infrastructure capacity, privacy and overshadowing.

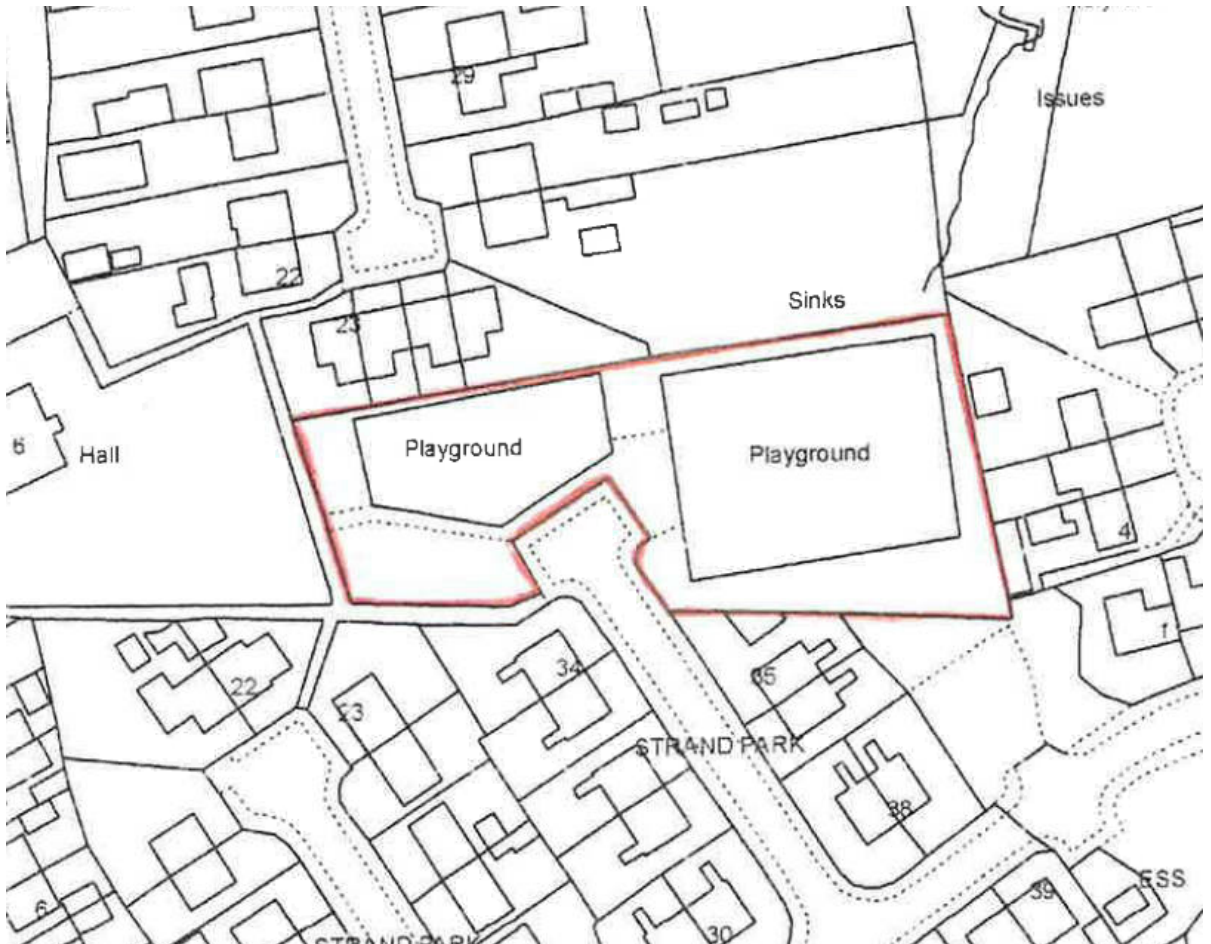
9.0 CONCLUSION

- 9.1 The proposal is compatible with the surrounding land use and character and does not raise any significant issues in relation to the potential impact on surrounding properties. The relevant access requirements and parking standards are met, and the proposal is not considered to impact on the existing road network. Drainage and natural heritage issues have been satisfactorily addressed, and existing mature trees are to be retained. However, the subject site is defined as a Major Area of Existing Open Space within the current Area Plan. Policy OS1 protects against the loss of open space irrespective of its physical condition and appearance. The current proposal has not demonstrated that the loss of open space meets any of the exceptions to this policy and does not justify its loss. Planning permission is recommended to be refused.

10. Reasons for Refusal

1. The proposal is contrary to Paragraph 6.205 of the SPPS and Policy OS1 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation, in that the development would, if permitted, result in the loss of public open space which would affect the amenity and character of the area and it has not been demonstrated that there would be substantial community benefits that would decisively outweigh the loss of open space.

Site Location Map



Proposed Block Plan

