

Planning Committee Report C/2014/0518/F	22nd March 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
Cost: (If applicable)	N/a

**15 Church Street
Portstewart
BT55 7AH**

C/2014/0518/F

22nd March 2017

<u>No:</u>	C/2014/0518/F	<u>Ward:</u> Portstewart
<u>App Type:</u>	Full Planning	
<u>Address:</u>	15 Church Street Portstewart	
<u>Proposal:</u>	Change Of Use from Private Nursing Unit to Residential for Multiple Student Accommodation (amended scheme)	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 13.12.2014
<u>Listed Building Grade:</u>	N/A	
Agent:	GMR Architects Ltd, 3 St.Judes Avenue, Belfast, BT7 2GZ	
Applicant:	JCA Forty-One Ltd, C/o Agent	
Objections: 25 (10)	Petitions of Objection:	0
Support: 1	Petitions of Support:	0

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

1.0 RECOMMENDATION

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

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site consists of a large detached 3 storey building. It was previously used as a nursing home. The building is constructed with plaster and brick finish to the walls. There is significant glazing to the ground floor southern elevation. The building has a main single access point with a tarmac parking and turning area to the front and side. There is a wall to the front and side boundaries. There are two 4 storey apartment

blocks to the northern boundary and a terrace row of 2 storey dwellings to the southern boundary. There is a public car park to the south east boundary of the site.

- 2.2 The site is located within the settlement limits of Portstewart town as defined within the Northern Area Plan. The site is positioned adjacent to the designated town-centre and in an Area of Archaeological Potential.

3 RELEVANT HISTORY

LA01/2016/0814/F Stepping Stones Crèche, Montague Care Centre, 15 Church Street, Portstewart. Proposed use of part of the existing accommodation (presently vacant) on the Ground Floor Level of the Montague Care Centre for the Stepping Stones Creche. (Temporary permission for 3 years)
Current application

4 THE APPLICATION

- 4.2 Planning permission is sought for a change of use from nursing home to student accommodation.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

There is **(1)** one letter of support for the proposal from a local Church welcoming students to the area.

There are **(10) ten** objectors to the proposal raising 25 objection letters.

The issues raised include:

- High density of students and adverse impact on character, appearance and amenity of the area
- Concerns about the proposed external amenity area
- Potential noise pollution and disturbance
- Potential anti-social behaviour
- Health and safety from smoking pollution from amenity area
- Potential litter and vermin
- No student parking provision

- Potential increase in traffic congestion and associated pressure within immediate area and safety concerns
- Impact on quiet character of area
- Fire and health and safety risks from the development
- Management plan is not related to the specific site
- No anti bird measures for the existing large numbers of pigeons and sea gulls on the property and potential associated foul and disease

5.2 Internal

Transport NI: No objection.

Environmental Health: Have concerns over the potential adverse impacts, in particular regarding the potential for noise, disturbance, anti-social behaviour, litter, refuse and vermin. The external area would serve to increase potential for noise disturbance and the EHO highlight serious concerns regarding the amenity space.

Archaeology and Built Heritage (Historic Environment Division): No objections.

NIEA Drainage and Water: No objections.

NIEA Coastal Development: no objections.

NIHE: State the objectives of a HMO area.

6.0 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking

PPS 7: Quality Residential Development

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas.

Supplementary Planning Guidance

Creating Places

Development Control Advice Note 8: Housing in Existing Urban Areas

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of the proposed development; character; design; amenity provision; noise; access and parking and other matters.

Principle of development

- 8.2 The site is located within the settlement limits of Portstewart town as defined by the Northern Area Plan 2016.
- 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. The previous use of the building was as a nursing home with 55 bedrooms. The proposal is to change the layout and design to incorporate student residential accommodation with 44 bedrooms. The previous use as a nursing home is classed as Class C3 (b) under The Planning (Use Classes) Order (Northern Ireland) 2015. The proposed student accommodation is sui generis and is therefore a separate use requiring planning permission.
- 8.4 The location of the development is adjacent to the Town Centre and local services. Therefore, the development for student accommodation would be acceptable in principle at such a location within a defined settlement limit, subject to meeting all other planning policy.
- 8.5 Policy HOU 4 Use of Dwellings for Multiple Occupation of the Northern Area Plan 2016, is applicable. This policy states that Planning permission will only be granted for the use of dwellings for multiple occupation where certain criteria are met. There are five listed criteria to ensure the suitability of the premises, that there should not be any adverse impact on the amenity of neighbouring properties and the character of the surrounding area, the external spaces are of a safe and secure design, no adverse impact from traffic and that landscaping reflects the character of the property and neighbourhood. This along with the other relevant planning policy will be assessed in the report.

Character

- 8.6 Policy LC 2 of the Addendum to PPS 7 states that planning permission may be granted for the conversion or change of use of existing buildings to flats for apartments including HMOs where all the criteria in Policy QD 1 of PPS 7 and all the additional criteria set out in this policy are met.

- 8.7 The character of the area is an edge of town centre location. It has differing pockets of land use and variety in architectural styles, densities and uses. Terraced two storey properties are located the southern boundary, with two apartment blocks to the northern boundary. The rear of the town's Promenade is to the front west elevation. There are two churches in close proximity and three church halls. The residential elements are all to a medium density typical of the edge of town centre location. The proposed development is a higher density relative to that surrounding it.
- 8.8 This policy recognises that the intensification of residential use can sometimes have negative impacts on the local character of an area, the amount of amenity space and on the privacy of adjoining residents. This proposal would have an adverse impact of the character of this area through its significant increase in density and the potential adverse impact on the amenities of the surrounding residential units by way of noise, the relationship and proximity of established residential properties, and the detrimental impact on privacy. The proposal would therefore fail to meet with the first criteria of both PPS 7 QD1 and Policy LC 2 and Policy HOU 4. Further detail regarding these issues are set out below.

Design

- 8.9 A portion of the single storey return to the south east of the site will be demolished (approx.100 sqm) to provide the external amenity area. Otherwise, the external elevations will remain unchanged. A 2m high wall is proposed along the western boundary of the amenity area alongside Springfield Terrace. A new bin store is proposed at the rear of the site adjacent the car park.
- 8.10 The internal layout will be completely changed to incorporate each block of bedrooms. There will be 3 floors with a total of 6 blocks. A total of 42 bedrooms, all ensuite are proposed. Each block has a number of bedrooms and an associated kitchen, dining and living area. The layout will be re arranged internally to provide this. There will be a caretaker apartment on the ground floor with 2 bedrooms. Previously, there was a total of 55 bedrooms in the nursing home so the floorspace arrangement is to be changed accordingly. There will be 2 lifts and 2 sets of

stairways to access each floor. These lifts and stairs are existing at present. With the exception of the partial demolition, the proposal maintains the form and design of the existing building.

8.11 The proposed number of students is not considered suitable for the premises. The location of established residential properties in such close proximity would impact on their amenity. Bayview House, to the north of the site, consists of two apartment blocks. The separation distance between the existing apartment and the application building at the nearest is 2 metres apart and at the farthest 5 metres apart. Building to building on the southern side the separation distance to the rear of the dwellings on Springfield Gardens is 8 metres. The proposal fails to meet with Criteria 1 of Policy HOU 4 on this matter.

Amenity Provision

8.12 There is an area of approximately 240sqm of usable communal amenity space to the south of the proposed building. A small portion of the existing building will be demolished to provide this area. Although the student accommodation cannot be directly comparable to a no. of dwellings in a housing development or a block of apartments, it still needs to have appropriate and sufficient amenity space.

8.13 There are 6 blocks within the building in addition to the caretaker's apartment. However, as there are up to 9 bedrooms in each block, this could not reasonably be compared with the average requirement for amenity space for a 2/3 bedroom apartment (10-30m²) or 3/4 bedroom dwelling (70m² minimum) as set within Creating Places Guidance. Each block having up to 9 bedrooms should have at least, as a minimum, similar level to that of a dwelling. Creating Places guidance advocates that design should make adequate provision for private open space in the form of gardens, patios or balconies. Due to the current built form of this development it is incapable of providing private amenity space for each separate block. However, a communal area is proposed to the south east of the site. At present the communal amenity space per block would only equate to approx. 34sqm. This is considered insufficient and inadequate. It therefore fails the test set out in PPS 7 QD1.

Noise

8.14 Policy HOU 4 of the Northern Area Plan states that the impact of HMOs on neighbouring properties should not be detrimental to their amenity. There are serious concerns regarding the close proximity of the external amenity area with regards neighbouring dwellings at Nos 1 to 6 Springfield Gardens. There is potential for noise and general disturbance. Due to the proximity of the properties no buffer area can be provided and there would be a detrimental impact on the neighbouring properties. Furthermore, the Environmental Health Department have stated that they have serious concerns regarding the amenity area where there may be socialising without any controls. The provision of open space in this communal way, where a considerable number of students could congregate would exacerbate this issue. In addition, for a development of this scale and type, internal space should also be provided above and beyond the proposed living spaces within the blocks for the provision of study rooms, gyms etc.

8.15 Concern has also been raised due to the proximity of the adjacent neighbours that there is also potential for internal noise to carry from any open windows in the building. This may impact upon the closest residential units neighbouring the proposal, 2 to 4 metres from the building Bayview House apartments. The northern elevation of the application building some 20 windows (discounting bathroom and store room windows) opening into the apartment blocks of Bar view House. Objectors have raised concern that they could hear the conversions between staff and the previous occupants. The agent has provided a management plan but it does not appear to specifically relate to this proposal as it is quite general and mentions a cinema and a gym, both of which are not part of this proposal. Therefore the management plan is not accurate and cannot be relied upon as part of this application assessment.

8.16 In terms of noise, the application does not comply with the test of the policy HOU 4 in the Northern Area Plan 2016, in that the proposed amenity area will have the potential for noise pollution and have an adverse impact on neighbouring properties.

8.17 Policy QD1 of PPS 7 part h requires that the design and layout will not create conflict with adjacent land uses and that there is

no unacceptable adverse effect on existing or proposed properties in terms of noise or other disturbance. In this instance there is potential for unacceptable adverse impact due to noise and disturbance, particularly from the amenity area. The amenity area is in close proximity to neighbouring dwellings and this would likely impact upon their amenity to a unacceptable degree.

Access and Parking

- 8.18 Policy AMP 7 applies and states that there should be adequate provision for car parking. The proposal shows 8 existing car parking spaces to the front of the development. There are 2 extra car parking spaces provided beside these. There is an adjoining public car park to the south of the proposed site adjacent Springfield Gardens.
- 8.19 There are no parking standards relating to student accommodation. However, as this is a residential use the car parking standards for apartments are comparable to a degree. A three bed apartment would require 2 spaces in the published Parking Standards. The proposed development ranges from the care takers two bed apartment to nine bed apartments. If normal standards were to apply around 29 car parking spaces would be required.
- 8.20 Part of the Policy test of AMP 7 is that a reduced number of car parking spaces may be acceptable in a number of circumstances, one of which is where the development is in a highly accessible location served by public transport. The proposed development is less than 5 minutes' walk to the main bus stop, another exception is where the development would benefit from spare capacity available in nearby public car parks or adjacent on street parking. The proposal adjoins a large public car park which out of summer season would have spare capacity. Further regards needs to be had to not all students having a car.
- 8.21 There is a covered cycle parking building to the front of the proposed development. This appears quite small in terms of the potential number of residents in the building. There are 44 bedrooms so there is the potential for a large number of cycles. Therefore, the cycle store is considered inadequate and insufficient to meet anticipated demand.

8.22 A number of objections have raised concern with the potential increase in parking, traffic congestion and associated pressure within immediate area and safety concerns.

8.23 Transport NI have responded with no objection to the proposed scheme and have taken into consideration the comments raised by the objectors.

Other Matters

8.24 Objectors raise concern over any potential fire safety and health and safety risks from the development. Fire safety and health and safety law are separate from planning legislation and must be adhered to by the developer in the construction and management of the building and compliance with Building Control standards. The Planning authority are not the competent authority in this matter.

8.25 An issue was raised in relation to the fact that there are no anti bird measures for the existing large numbers of pigeons and sea gulls on the property and potential associated foul and disease. There is no mitigation stated within the application or supporting information referring to this matter. This would be a management issue upon operation of the premises should it be allowed.

9.0 CONCLUSION

9.1 This proposal is contrary to the policy tests set out in the SPPS, PPS 7, the Addendum to PPS 7, and the Northern Area Plan 2016. Each document has a test related to the quality of environment for any residential proposal. The tests specifically state that the neighbouring amenity should not be detrimentally impacted upon as a result of the design and layout of any new development proposal. The proposed intensive residential use would have a negative impact on the local character of the area. Furthermore, the proposed number of students is not considered suitable for the current design of the building in this location. The amenity space is both inadequate and insufficient for the stated purpose and would affect the amenity of the neighbouring properties to an unacceptable degree. It has not been demonstrated that noise would, from within the building, not have an adverse impact on the surrounding residential properties. Refusal is recommended.

10.0 Refusal Reasons

- 10.1 The proposal is contrary to Policy HOU 4 of the Northern Area Plan 2016, Use of dwellings for Multiple Occupation; paragraph 4.11 & 4.12 of the Strategic Planning Policy Statement for Northern Ireland (SPPS); contrary to Policy QD1 criteria c and h of Planning Policy Statement 7, Quality Residential Environments, and the Addendum to PPS 7 Policy LC 2 in that there is inadequate and insufficient amenity space thereby resulting in a detrimental impact on neighbouring properties by reason of noise, general disturbance and nuisance, and; it has not been demonstrated that the noise from within the building will not have an adverse impact on the adjacent residential properties.
- 10.2 The proposal is contrary to Policy HOU 4 of the Northern Area Plan 2016; contrary to Policy QD1 criterion a of Planning Policy Statement 7, Quality Residential Environments, and the Addendum to PPS 7 Policy LC 2 in that the premises, at this location, is unsuitable to accommodate the proposed number of occupants and the intensive residential use would have an adverse impact on the local character and residential amenity of the surrounding area.

