

Planning Committee Report LA01/2016/0335/F	22nd February 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

**Lands south east of 11, 28, 30, 32
& 34 Swilly Park Portstewart
BT55 7FL**

LA01/2016/0335/F

Full Permission

22nd February 2017

<u>No:</u>	LA01/2016/0335/F	<u>Ward:</u>	ATLANTIC
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Residential development lands south east of 11, 28, 30, 32 & 34 Swilly Park Portstewart BT55 7FL		
<u>Proposal:</u>	Revised layout and change of house types as approved under Extant Planning Permission C/2010/0706/F with reduction of 5 No. units from 49 No. units (sites 1-36, 68-69, 71-77, 85-88) to 44 No. units (2 detached/42 semi detached) to include associated car parking and landscaping.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	21.03.2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Studio Rodgers		
<u>Applicant:</u>	Glenoak Ltd		
<u>Objections:</u>	8	<u>Petitions of Objection:</u>	1
<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 on the north east edge of the Portstewart. The site is located to the east of an existing housing development at Swilly Park. In terms of topography the lands fall away towards the northern boundary of the site along the boundary to the established housing development to the north that is abutted by Rockview Lane. The site is currently secured by metal fencing. At the north easterly boundary the site is open but bounded by an existing watercourse with views onto

Portstewart Golf Club. To the south the site is bounded by existing dwellings and a laneway at Rockview lane which is currently private.

- 2.2 Development within this area is predominantly residential with agricultural lands located to the east of the development. Dwellings are made up of a mix of different styles and include bungalows, chalet type dwellings and two storey properties which are predominantly detached. There are however semi-detached and town house type dwellings located at Swilly Mews and Swilly Close.

3 RELEVANT HISTORY

C/2010/0706/F- Proposed Alterations to Approved Residential Site layout and Alterations to Earlier Approved Private Streets Determination (including Units 78-84 already constructed under planning Permission C/2006/0159/F) - Total 58 Units. At lands off Swilly Park, Portstewart (south-east of nos. 11, 28, 30, 32 & 34 Swilly Park). Permission Granted 11.07.2013

C/2010/0496/F- Proposed alterations to approved residential site layout to provide additional 23 no. dwellings, alterations to earlier approved private streets determination (including units 78 to 84 already constructed under planning permission C/2006/0159/F) at lands off Swilly Park, Portstewart (south east of nos. 11, 28, 30, 32 & 34 Swilly Park) - Total 81 units. Application Withdrawn 15.12.2010

C/2009/0619/F- Alteration to site layout approved under C/2006/0159/F to upgrade private road 6 to an adoptable standard including larger turning area, minor amendments to road geometry and site frontage only. At lands off Swilly Road Portstewart. Permission Granted 19.03.2010

C/2006/0159/F- Proposed housing development and roadways for private streets determination (amended scheme). At lands off Swilly Park, Portstewart (South East of Nos: 11,28,30,32 & 34 Swilly Park) Permission Granted 14.04.2008

4 THE APPLICATION

- 4.1 Planning permission is sought for a revised layout and change of house types as approved under extant planning permission C/2010/0706/F with reduction of 5 No. units from 49 No. units (sites 1-36, 68-69, 71-77, 85-88) to 44 No. units (2 detached/42 semi detached) to include associated car parking and landscaping.
- 4.2 Through the processing of the application some revisions were sought. Neighbours and objectors have been notified when required. There has been a change of house type to sites 36/37 and 40/41, however, this change relates to the internal arrangement of the dwellings, and swapping the front door with the front living room window. A downstairs window on the rear elevation has been changed to a door. The footprint of the building has not changed. These minor alterations do not go to the heart of the development and no prejudice would arise.
- 4.3 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 conservation objectives/features of any European site.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

To date 8 objections and 1 petition of objection with 10 signatures have been lodged against this proposal which are summarised below:

- Style and character of the proposed dwellings
- The privacy of existing dwellings and occupants
- Town cramming
- Restricted access and access for emergency service vehicles
- Adequate roads infrastructure
- Failure to develop existing brownfield lands
- Potential impacts on wildlife and natural habitats

- The need for new dwellings and over supply of dwellings
- The issue of unoccupied dwellings in Portstewart
- No dwellings were sold from the preceding application
- No convenient pedestrian access, cycle routes or access to public transport
- Issues with the previous approval application reference C/2010/0706/F
- No neighbour notification
- Greater housing density than that suggested in the Northern Area Plan
- Increase in traffic
- Increase in litter and anti-social behaviour
- Crime and personal safety
- Privacy issues relating to proposed balconies
- Need for affordable housing
- No vehicular access onto Station Road
- Time it takes to deal with a fire
- The existing building line has been moved forward
- Impact on the desirability of Swilly Park and impacts on house values
- A previous refusal based on not in keeping with the character of the area.

5.2 Internal

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

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

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

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

Rivers Agency: Has no objection, in principle, to the proposal

Shared Environmental Services: Has no objection, in principle, to the proposal

NIHE: Has no objection 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 both 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: background and principle of development; quality in new residential development; design concept; the impact on the character of the surrounding area; traffic matters; social/affordable housing; drainage matters; and other matters.

Planning Policy

- 8.2 In the Northern Area Plan the site is within the settlement development limit for Portstewart. The site is also designated as a committed site for housing; Designation PTH 10. There are no further specific zonings or designations covering the site. Policy SET 2 of the Northern Area Plan is applicable as this is land zoned for housing.
- 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.
- 8.4 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.

Principle of development and planning history

- 8.5 This site is zoned for housing in the Northern Area Plan. Policy SET 2 states that permission will be granted for development proposals that comply with the specified use. It also says that the proposal needs to be sensitive to the size and character of the settlement. As this is a committed site and there are no key site requirements for this land, the second part of SET 2 does not apply. Therefore the principle of housing on an area of land zoned for this use is acceptable, and is established by the Area Plan.
- 8.6 There is an extant approval on this land for a total of 88 units; which includes those dwellings either constructed or under construction. The applicant can complete this permission and

this fall back position must be given significant weight. This extant permission involved a higher density scheme, and included less curtilage parking, two apartment blocks, terrace/town houses and semi-detached properties. This application seeks a reduction in 5 units on the overall scheme which would result in an overall total of 83 on the land. The site outlined in red for this application has permission for 49 units. The applicant now seeks 44 units in lieu of these 49 units, and the proposed development is for 42 semi-detached houses and 2 detached.

- 8.7 The principle of developing housing on this land is established through the Area Plan. There is a live approval for a scheme which is at a higher density than what is now sought, and the proposal does not include apartments. The proposal also includes dwellings with all in curtilage parking; rather than communal/on street which is approved on this and previously constructed within this housing zoning.

Quality in New Residential Development

- 8.8 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. Supplementary guidance in relation to the assessment of this is set out in both Creating Places and DCAN 8 Housing in Existing Urban Areas.

(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;

- 8.9 Development within this area is predominantly residential and there are a mix of detached bungalows, chalets and two storey dwellings located within Swilly Park, Swilly Drive and Swilly Road. There is also a mix of town houses and semi-detached properties located at Movilla Road, Swilly Close and Swilly Court. The proposed development is made up of semi-detached dwellings with two detached dwellings. The dwellings are all two storey with a smooth render finish and slate roofs. There are a mix of hipped roofs and pitched roofs. As this is reflective of the

character of this area the dwellings proposed are considered acceptable. Regard must be had to the previous approval on the site which is a higher density scheme.

8.10 In terms of layout the proposal has considered the impact on neighbouring dwellings and the relationship with existing dwellings. There is good separation distance between each dwelling and there will be no unacceptable impact in terms of overlooking or loss of privacy. All dwellings within this proposal will have in curtilage parking and there will be no shared parking areas. Landscaping will be used carefully to break up any hard surfacing.

8.11 The proposal offers 4 different house types of 42 semi-detached properties and 2 detached properties. The dwellings are all two storey in height and will be finished with slate roofs, smooth render and some of the dwellings have flat roofs to the rear. The proportions, massing and the appearance of buildings are acceptable in the landscape.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

8.12 As the site does not include any designated features of archaeological or built heritage, there will be no detrimental impact in terms of these features. The layout respects the landscape features.

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

8.13 Policy OS 2 of PPS 8 states that the planning authority will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open

space is provided as an integral part of the development. The proposal has provided a large area of open space at the centre of the site. The area of the open space is approximately 2170m² square metres. Given the site area is 1.82 Hectares this equates to almost 12% of the total site area and therefore satisfying the space requirement of the policy and that set out in the Creating Places document.

8.14 Due to the layout of the development there are a variety of plot sizes. Therefore, each of the 44 dwellings proposed has a varied range of private amenity their own amenity spaces. The private amenity spaces range from the smallest, at approximately 70 square metres, to the largest which are close to and in excess of 220 square metres. 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 that the average plot size of 70 square metres per house is desirable and that no dwelling should have a private space of less than around 40 square metres. As all the properties will have private amenity space of much greater than the 40 square metres, and in all cases either has or exceeds the average of 70 square metres, the proposal meets the recommended standards set out in Creating Places.

8.15 As part of this proposal boundary hedgerows and screen fencing will be used along the boundaries of each property. Grassed front and rear gardens will break up the hardstanding. Further to this oak trees will make up the boundaries of the open space which helps integrate the development.

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

8.16 The proposal is located within the Settlement Development Limit of Portstewart. The scale of the proposal does not require neighbourhood 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;

8.17 The site is located within the settlement development limit for Portstewart and is located within walking distance of the town centre. There are bus stops located close to the site, with bus stops on the Promenade, Mill Road and York corner. The proposal has also incorporated traffic calming measures with a raised table used to control speed.

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

8.18 For each dwelling proposed there is at least two car parking spaces provided for each unit. Transport NI was consulted as the competent authority on traffic matters and raise no issues with parking provision.

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

8.19 The dwellings proposed are of a traditional form and are all 2 storey in size with a smooth render finish and slate roofs. In terms of design the proposal is acceptable given the use of traditional materials and finishes which will complement the character of this area.

(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;

8.20 The proposed development has been designed and laid out to ensure that there is no significant detrimental impact on the privacy and amenity of adjacent of adjacent dwellings. Paragraph 7.16 of Creating Places provides guidance in relation to separation distances. The majority of the dwellings achieve the recommended distance of at least 10 metres to the common boundary and 20 metres to the rear of opposing dwellings. An

area which requires careful consideration is plots 38 to 44. Plot numbers 38 to 43 all have a separation distance of at least 10 metres to the common boundary. Plot number 44 is located within 8 metres of the common boundary but this is a similar distance to that approved under the previous approval on this plot. The existing dwellings in Swilly Park (28, 30, 32 and 34 Swilly Park) are less than 10 metres from the common boundary so a distance of 20 metres between the rears of opposing dwellings is not achieved. However, as the proposal achieves the 10 metres and is no worse than what was previously approved, on balance this is not considered fatal to the overall scheme.

- 8.21 The initial proposal included house types with rear balconies. Some of the objections raised valid concern with this, as some of the proposed balconies located would create overlooking and privacy issues. This has been revised and house type B no longer includes rear balconies which has resolved this issue. House type A still has rear balconies but no overlooking will be caused by this as there are no dwellings located to the rear of these properties and there is adequate separation distance which will not prejudice any future development.
- 8.22 In addition tree planting is proposed along the rear boundaries of these properties to ensure that an adequate level of privacy is maintained. Overall the layout and arrangement of dwellings in the proposed development will be such that there will be no significantly adverse impact on neighbouring properties.

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

- 8.23 This proposal will not lead to the creation of areas where anti-social may be encouraged. The site boundaries for each dwelling will be well secured with hedges and fencing. Further to this the large area of open space located to the centre of the proposed development will be directly overlooked by the fronts of the proposed dwellings.

Design Concept

8.24 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

8.25 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.

8.26 The overall density of this scheme has been reduced from the previous approval application reference LA01/2010/0706/F. The proposal will see the construction of 44 dwellings within a site area of 1.82 Hectares. This results in an overall density of @24 dwellings per hectare, down from @27. This is considered acceptable and will not significantly erode the character, environmental quality or amenity to an unacceptable level, particularly having regard to existing development, previous approvals, and the dwellings more recently constructed and under construction.

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

Traffic matters

- 8.28 Transport NI was consulted in relation to this proposal and raises no objection the access arrangements and roads infrastructure provided as part of the scheme.
- 8.29 In the objections and petition received, issues in relation to access for emergency services has been raised given there is only one access point into the development. Transport NI's has been consulted in this regard and in its consultation response states that the roads standards provided could facilitate 400 dwellings. Therefore no determining weight has been given to this matter.

Social/Affordable Housing

- 8.30 Policy HOU 2 Social and Supported Housing of the Northern Area Plan 2016 states that proposals for schemes of more than 25 residential units, or on a site of 1 hectare or more, will be required to contribute to meeting the needs of the wider community, where there is an established need for social housing. As this proposal is for 44 dwellings it would meet this requirement. The agent provided a document stating that the subject site is the remainder of lands previously approved under extant planning permissions C/2006/0159/F and C/2010/0706/F. This included 88 dwellings of which 30 have been constructed and 23 of these were sold to, and are currently managed by Apex Housing Association. This scheme will reduce the total number of dwellings approved at the overall site to 83, 23 of which are allocated for social housing. Of the 83 dwellings 27.7% has been provided for social housing. The Housing Executive confirm these figures and states that the social requirement for Swilly Park as a whole had already been met at the site and Policy HOU 2 had been complied with. Therefore no further social housing is required in this proposal.

Drainage Matters

- 8.31 Under Policy FLD 3 of Planning Policy Statement 15 a Drainage Assessment was required. River Agency has been consulted as the competent authority and has raised no objection. Within the Drainage Assessment it is stated that the responsibility of

maintaining a land drain on the north east boundary will be with each individual landowner. An informative will be included on any permission to highlight this. A 6 metre wayleave has been specified on the plans for the maintenance of this land drain and a condition will be included to restrict any development within 5 metres of this wayleave.

Other Matters

- 8.32 A number of the issues raised, including devaluation of properties, potential anti-social behaviour, sale of properties relating to a previous approval, and impacts on the desirability of Swilly Park are not issues given determining weight.
- 8.33 However in relation to issues of affordable housing, local character, residential amenity, environmental quality, pedestrian access, cycle routes and access to public transport and other issues such as traffic and access, are issues which have been addressed within this report in consultation with the relevant consultees.
- 8.34 Issues have been raised in relation to need for this development, failure to develop brownfield lands, and an oversupply of housing and unoccupied dwellings within the Portstewart Area. No evidence has been submitted in this regard and these considerations would not indicate a need to depart from the Area Plan.
- 8.35 Issues have been raised in relation to the previous application planning reference C/2010/706/F as the dwellings were not in keeping with the general character of the area. This proposal cannot reconsider the merits of the previous approval as this is a legally implemented permission.
- 8.31 Objections have raised concerns regarding the impacts on wildlife and natural habitats. This has been considered within the application. NIEA has been consulted as the competent authority in this regard and raises no objection.
- 8.32 An issue was raised in relation to neighbour notifications and an objector stated they had not been notified. In this case the Planning Authority is required to serve notice of the application to any identified occupier (occupier of premises within a 90 metre radius of the boundary of the application site) on

neighbouring land (land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20m in width) in accordance with Article 8(2) of the General Development Procedure Order. In this application, neighbours have been notified in accordance with the statutory requirements.

8.33 Although the building line for the properties at sites 5 to 16 has been moved forward of the previous permission, this is considered acceptable as this will have no unacceptable impact on the existing or proposed development.

8.34 There is mention of a planning application within Swilly Park which was refused on the basis that the proposed alterations were not in keeping with the character of the area. No details have been submitted in this regard and each application must be assessed on its own merits.

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. The principal of development is established in the Area Plan and there is an extant and live permission approved under planning reference C/2010/0706/F. This application seeks to reduce the density of the previous approval, removal of the shared parking areas, apartment blocks and terrace/townhouses. The application proposes 44 dwellings made up of 42 semi-detached and 2 detached properties. The layout includes an area of public open space, all dwellings will have incurtilage parking, and soft landscaping will break up areas of hard surfacing. The proposal complies with policy requirements set out in PPS 7 and its addendum, and guidance set out in Creating Places and DCAN 8. Approval is recommended.

10 Conditions

1. As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. All soft and hard landscaping incorporated in the stamped approved Drawing No.08 Rev 3 bearing Planning Authority date stamp 31st January 2017, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice before occupation of the first residential unit in the development.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

3. 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

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drg. No. 23 Rev 03, (Drg no. C01 Rev D, Private Streets Determination Road Layout dated 26th August 2016),

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

5. The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

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

6. No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

7. No part of the development hereby approved shall be occupied until the Developer has provided an efficient system of street lighting in accordance with Schedule 8 of The Private Streets (Construction) Regulations (Northern Ireland) 1994 as amended by The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Reason: To ensure the provision of adequate Street Lighting and in the interests of safety.

8. No construction shall be made, trees planted or other obstruction made within 5m from the edge of the culvert located to the rear of the properties at plots 1 to 18. Clear access and egress should be provided at all times.

Reason: To facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners.

9. Details of the maintenance and management of the open space communal areas and landscaped areas by a Management Company supported by a charitable trust or properly constituted residents association with associated management arrangements, or other such arrangements agreeable to the Planning Authority, including a signed copy of the Memorandum and Articles of Association in accordance with the Management Plan shall be submitted to and agreed with the Planning Authority before the first residential unit is occupied.

Reason: To ensure the establishment and continuity of the approved open space, communal areas, and amenity areas through the long term maintenance to achieve a quality residential development.

Site Location Plan

