

<b>Planning Committee Report LA01/2016/0975/F</b>	<b>22<sup>nd</sup> February 2017</b>
<b>PLANNING COMMITTEE</b>	

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

**95 Mill Road, Portstewart**  
**LA01/2016/0975/F**

**22<sup>nd</sup> February 2017**

<b><u>No:</u></b>	LA01/2016/0975/F	<b><u>Ward:</u></b> ATLANTIC
<b><u>App Type:</u></b>	Full Planning	
<b><u>Address:</u></b>	95 Mill Road, Portstewart	
<b><u>Proposal:</u></b>	Proposed construction of 5 no. dwellings and associated site works	
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b> 18.08.2016
<b><u>Listed Building Grade:</u></b>	N/A	
<b>Agent:</b>	Tyrone Forsythe & Associates Ltd, 36 Freughlough Road, Castleberg, BT81 7JT	
<b>Applicant:</b>	IMAC Construction Services Ltd, 1 Tracy's Way, Dungiven	
<b>Objections:</b> 6(4)	<b>Petitions of Objection:</b>	0
<b>Support:</b> 0	<b>Petitions of Support:</b>	0

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

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located on Mill Road in Portstewart and comprises an old dilapidated outbuilding set within an area of overgrown land. The remains of the building are obscured from the road by overgrown planting and the land within the rear part of the site is largely unmaintained and overgrown.
- 2.2 The southern boundary, with the neighbouring property at 93 Mill Road, is defined by existing boundary walls and ranch style fencing. The south western corner of the site is currently

undefined, the remainder of the western boundary is defined by timber board fencing approx. 1.8m tall. The northern boundary is defined by the existing boundary walls to the rear of the properties at No 1 and 3 Millbrook Park.

- 2.3 The character of the surrounding area is residential. The local character along the western side of Mill Road is defined by the existing detached single storey dwellings set within their own curtilages.

### **3 RELEVANT HISTORY**

- 3.1 There is no relevant planning history on the site.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the construction of 5 no. detached dwellings and associated site works.
- 4.2 The proposal was submitted for 6 no. detached dwellings which would replace an existing outbuilding on the site. This was considered to result in overdevelopment of the site and the agent was given the opportunity to submit an amended proposal showing a reduction in house numbers and changes to the design to comply with Policy QD1. Further to an office meeting on the 2<sup>nd</sup> November 2016 amended plans were submitted on the 16<sup>th</sup> November 2016.
- 4.3 The amended plans submitted on the 16<sup>th</sup> November 2016 only showed a reduction in 1 dwelling, with the proposal seeking 5 no. detached dwellings. These are still considered unacceptable as it results in overdevelopment of the site. At the office meeting on the 2<sup>nd</sup> November it was explained to the agent that the Planning Authority would be seeking a reduction in the number of units to 2 or 3 dwellings.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External**

Six letters of objection were received from four separate objectors which are summarised below:

Following the initial neighbour notification on the 6 no. dwellings four objections were received raising the following issues:

- Development would be out of character to the area
- Height of proposed development would restrict light
- 2-storey houses would tower over and overlook surrounding homes and garden area
- Overdevelopment of the site
- Loss of trees and hedges on the site
- Increased noise

Following the submission of amended plans showing the reduction to 5no. dwellings, the neighbours and objectors were re-notified on the 01/12/2016. Two further objections were received raising the following issues:

- Overdevelopment of the site
- Area on the town side of Mill Road is exclusively single storey bungalows – development would be out of character
- Overlooking and overshadowing
- Congestion
- Use of Oil Heating

## 5.2 Internal

**Transport NI:** Has no objection to the proposal.

**NI Water:** Has no objection to the proposal.

**DAERA Water Management Unit:** Has no objection to the proposal.

**Environmental Health:** 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

Planning Policy Statement 12: Housing in Settlements

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

Supplementary Guidance

DCAN 8: Housing in Existing Urban Areas

Creating Places

## 8.0 CONSIDERATIONS & ASSESSMENT

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

### **Principle of development**

8.2 In the Northern Area Plan the site is within the settlement development limit for Portstewart. There are no specific zonings or designations covering the site.

8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

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.

### **Quality in New Residential Development**

8.5 Policy QD 1 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

***(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;***

8.6 The character of the immediate context of the site on the western side of Mill Road is of single storey dwellings set in medium sized plots, which is the predominant character throughout the western side of Mill Road. This is in contrast to the eastern side of Mill Road which has a distinctly different character, with a mixture of single storey, two storey, and three storey dwellings, and has a holiday park. This reflects the

underlying topography of the land which rises gently on the Eastern side of Mill Road.

- 8.7 The siting of the houses in Millbrook Park, adjacent to the site, exhibit a pattern of garden area to the front, built form extending to the rear of the site, with garden areas to the side and rear. Adequate separation between dwellings allows for driveway parking. There is a defined building line running along this western section of Mill Road which is respected by the existing built form to the north and south of the site.
- 8.8 The scale, massing and siting of the proposed dwellings fails to respect that exhibited in the surrounding context and would have a detrimental impact on the character of the surrounding area. The proposed dwellings to the front of the site are also sited forward of the existing defined building line. The proposal fails to comply with criteria (a).

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

- 8.9 There are no archaeological, built heritage or landscape features identified on the site and it is therefore unlikely that this proposal will result in any demonstrable harm.

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

- 8.10 The site is fairly level although slightly uneven under foot in certain locations. Whilst the proposed site layout may indicate that the level of private amenity space provided would be in accordance with the standards outlined in Creating Places, the



quality of the space available is limited given the arrangement and layout of the dwellings. The proposed layout will result in overlooking of the amenity spaces for site 1 and site 4 and therefore does not provide adequate private amenity/garden space.

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

8.11 The proposal is located within the settlement of Portstewart. The scale of the proposal does not require facilities to be provided within the site.

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

8.12 The site is located on the Mill Road within the settlement of Portstewart and the movement pattern is considered to be satisfactory.

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

8.13 Provision is made within the site for resident and visitor parking. Transport NI was consulted as the competent authority on such matters and raises no objection to the proposal.

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

8.14 The design of the proposed dwellings fails to respect the character of the immediate context of the site. The character of this part of Mill Road is defined by bungalows with dashed walls, red brick detailing and brown interlocking roof tiles. The two

storey form, materials, and detailing do not draw on the best of local traditions. Additionally, the proposal introduces a contrasting material in the form of buff coloured facing brick and smooth light cream plaster finish which will detract from the overall appearance of the surrounding area.

8.15 Boundary treatments along Mill Road are proposed to be a Buff coloured facing brick wall with wrought iron railings. Internally, within the site, there is a mixture of close board timber fencing and a 1.8m high Buff coloured wall.

8.16 Paragraph 4.21 of PPS 7 allows for an overall design concept which provides contrast and interest balanced by unifying elements to provide coherence and identity. The proposal fails to draw on unifying elements which would allow it to respect the built form in the immediate surrounding 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;***

8.17 Amended plans submitted on the 16<sup>th</sup> November 2016 for 5 no. detached dwellings will result in an unacceptable adverse impact on the amenity of neighbouring properties. The proposal will result in overlooking which cannot be solely addressed through the use of obscure glazing. The perception of being overlooked would still remain, particularly in respect of the relationship from site 1 to no. 1 Millbrook Park, and from site 2 to no. 3 Millbrook Park. The scale and height of the proposed dwellings being two storey in relation to the neighbouring single storey dwellings has the potential to result in a loss of light and overshadowing of these neighbouring properties.

8.18 The layout of the proposal includes proposed dwellings which back on to the fronts of other proposed dwellings. This will result in overlooking issues within the site and is considered an unsatisfactory form of development.

8.19 The separation distances fall below the guidance outlined in Creating Places. Where the development abuts the private garden areas of existing properties, a separation distance

greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of the new house and the common boundary. In the northern part of the site the separation distance between site 1 and the common boundary with no. 1 Millbrook Park is 2m at the narrowest point and extends to 4m. On site 2 it is 5m at the narrowest point with no. 3 Millbrook Park and extends to 8m. It is not considered that there is adequate separation distances between the proposed dwellings and other neighbouring properties to result in an acceptable form of development.

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

8.20 There are no issues in relation to crime and personal safety.

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

8.21 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.***

8.22 The proposed density would equate to approx. 22 dwellings per hectare. The density of the surrounding established residential area equates to approx. 11 dwellings per hectare on this side of Mill Road. This represents a density which would be double that of the established residential area. The layout and siting of dwellings within the application site does not reflect the existing pattern of development along this side of Mill Road, which has a clearly defined character of single storey dwellings in medium

sized plots. The potential impact of the proposal on the street scene along the West side of Mill Road would be significant in that it would introduce two and three storey dwellings which fail to respect the neighbouring context due to the unacceptable impacts set out under Policy QD1. The proposed dwellings would comply with the standards outlined in Annex A.

8.23 The proposal is contrary to criteria (a) and (b) of Policy LC 1.

### **DCAN 8: Housing in Existing Urban Areas**

8.24 Additional guidance contained in DCAN 8 notes the importance of retaining a building line to maintain the character of the area. The proposed siting of dwellings forward of the established building line detracts from the character of the area. It is also stated that care should be taken to respect the 'footprints' of existing development. The overdevelopment of the site fails to respect the scale of the existing built form in the immediate surrounding area.

### **Objections**

8.25 The issues raised by objectors are mostly considered in the report paras 8.5-8.27. The matter regarding loss of trees and hedges is shown in the details of proposed landscaping, which is included on the proposed site plan 1 and 2. As these trees and hedges are not protected, this is not a matter that would be given determining weight and a reason to withhold planning permission.

8.26 Environmental Health has been consulted as the competent authority in relation to noise matters and it raises no objection. However, there are informatives set out in its response regarding noise during the construction process.

8.27 Transport NI has been consulted as the competent authority on traffic matters, including congestion, and raises no objection in this regard.

8.28 The use of oil heating instead of natural gas is not a consideration given any determining weight in the assessment of this planning application.

## **9.0 CONCLUSION**

- 9.1 The proposal is not considered acceptable in this location and fails to comply with the relevant planning policies for a development of this type. The proposal represents overdevelopment of the site, with the proposed dwellings having an unacceptable impact on the amenity of both existing and proposed properties. The proposal is out of context with the established character of Mill Road/Millbrook Park and the proposal breaks the defined building line. The proposal fails to comply with PPS 7 and its Addendum and is therefore unacceptable. Refusal is recommended.

## **10 REFUSAL REASONS**

- 10.1 The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7 (Quality Residential Environments), and Development Control Advice Note 8 (Housing in Existing Urban Areas) in that the development as proposed fails to provide a quality residential environment by being contrary to criteria a, c, g and h of Policy QD1.
- 10.3 The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Policy LC 1 of the Addendum to Planning Policy Statement 7 (Safeguarding the Character of Established Residential Areas) in that the proposal fails to respect the existing character of the area by being contrary to criteria a and b of Policy LC 1.

