



Planning Committee Report LA01/2019/0430/F	24th March 2021
PLANNING COMMITTEE	

<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>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>App No:</u></b>	LA01/2019/0430/F	<b><u>Ward:</u></b>	Portstewart
<b><u>App Type:</u></b>	Full		
<b><u>Address:</u></b>	Rock House, 7 Rock Drive, Portstewart		
<b><u>Proposal:</u></b>	Erection of 1 No. two storey dwelling and 4 No. apartments replacing existing holiday accommodation, apartment and all associated works.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	18.04.2019
<b><u>Listed Building Grade:</u></b>	N/A		
<b>Applicant:</b>	TBF & KL Thompson Trust		
<b>Agent:</b>	Bell Architects Ltd, 65 Main Street, Ballymoney, BT53 6AN		
<b>Objections:</b>	25 (12)	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

## **Executive Summary**

- This proposal is considered acceptable at this location having regarding to the Northern Area Plan 2016 and all other material considerations.
- The site is located on white lands as shown in the Northern Area Plan.
- There have been 25 objections from 12 separate addresses received regarding the proposed development. All concerns raised by the statutory consultees have been addressed.
- The proposed design and layout is considered acceptable having regard to relevant planning policies and will not create conflict with adjacent land uses. There is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
- The proposed design is considered acceptable and is in keeping with the character of the area. The ridge height of the new building is below that of the existing building.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 7, and Addendum to PPS 7.

Drawings and additional information are available to view on the Planning Portal-<http://epicpublic.planningni.gov.uk/publicaccess/>

## 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 **Approve** planning permission subject to the conditions set out in section 10.

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The proposed site is located at Rock House at 7 Rock Drive Portstewart. The existing site is being used for holiday accommodation and an existing retirement home is located at 5 Rock Drive also within the curtilage of the site. To the north the site is bounded by a wall and gates. To the west the site is bounded by an existing wall which bounds a coastal pathway. To the south the site is bounded by a wall and metal fencing. To the east the site is bounded by metal fencing and a grassed area which bounds the properties at Strand Road.
- 2.2 The application site is located within the settlement limit of Portstewart as defined in the Northern Area Plan 2016. The application site is located on white lands in the Northern Area Plan. Development within this area is predominantly residential with two-storey detached and semi-detached dwellings with some apartments located along Strand Road. Dwellings include a mix of traditional and contemporary designs and finishes include render, glazing, red brick and stone.

## 3.0 Relevant History

- 3.1 C/2002/0612/F- 7 Rock Drive Portstewart, Subdivision of existing dwelling to form 2no. separate flats.  
Permission Granted 16.10.2002
- 3.2 C/2002/0213/F- 7 Rock Drive Portstewart, Extension to dwelling to provide new garage and entrance and associated internal alterations.  
Permission Granted 22.05.2002
- 3.3 C/1983/0216- Rock House, Rock Drive Portstewart. Erection of holiday accommodation.

Permission Granted 13.06.1983

#### **4.0 THE APPLICATION**

4.1 Erection of 1 No. two storey dwelling and 4 No. apartments replacing existing holiday accommodation, apartment and all associated works.

##### **Habitats Regulations Assessment**

4.2 The application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Causeway Coast and Glens Borough Planning Authority.

4.3 The application site is located close to the Bann Estuary SAC and ASSI. Given this a consultation was sent to SES for consideration. SES stated that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.

4.4 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 features of any European site.

#### **5.0 PUBLICITY & CONSULTATIONS**

##### **5.1 External:**

**Neighbours:** There has been 25 objections raised. The concerns raised include the following:

- Rationale for accepting application and how it is viewed by the Charity Trust NI
- Increased traffic on approach to Rock House, deterioration of road surface
- Risks to pedestrians on the road who also use cliff path.

- Does not allow for regular number of visitors to the proposed buildings especially during busy periods but also if buildings are inhabited on permanent basis.
- Increased servicing of the proposed buildings through maintenance, deliveries, and routine needs.
- Not enough parking within grounds of Rock House could lead to residents parking in Rock Drive and O'Hara Drive
- Residents and public long term and permanent privacy and safety should not be minimised.
- Development would change the character of this quiet cul de sac.
- Development would set a precedent for more extensive development.
- Need to neighbour notify all residents on O'Hara Drive.
- Concern in regard to height of the development should be limited to 2 storeys in keeping with scale of existing development.
- Legal status of application as it is a registered charity.
- Development looks incongruous alongside existing dwelling and overall context.
- Surprise at Document 3 stating building has been vacant as there are constant visitors to the site.
- Concern regarding 1<sup>st</sup> floor North facing window apt A1 which is aligned opposite the south facing 1<sup>st</sup> floor bedroom at 4 Rock Drive.
- Increased roof level exacerbated by the depth of the proposed building is at odds with existing ridge heights.
- Overbearing and oppressive in relation to property at 74 Strand Road and have a detrimental impact on private amenity by overlooking, dominance and loss of outlook.
- Height is 1.362 metres higher than existing Rock House, no adjacent buildings of this height, massing of the building will be out of proportion to adjacent properties.
- Loss of privacy particularly east side of the building, roof terraces and glazing will allow people uninterrupted views of the private amenity areas of dwellings at 72, 74 and 76 Strand Road.
- Misleading information Section CC shows the roof profiles of neighbouring properties on the north side of the development as higher than the proposed development this is misleading and inaccurate as it doesn't show that apartments 2 and 4 will be higher than any surrounding property.
- Proposal falls short of meeting required separation distance to common boundary and rears of the existing dwelling at 72 Strand Road this is only 13.4 metres.

- Impact on privacy compounded by its scale and mass with 3 levels and height increased by 1.5 metres.
- Height of the proposal 1.22 metres higher than the FFL of 72 Strand Road and level of the clients living area at 72 Strand Road.
- The proposal provides 2 roof terraces, terrace at 3<sup>rd</sup> level serving apt A4 of particular concern which has ffl of 12.102 which is only lower than garden by 1.16 metres will allow for close range view of main living and dining area which have significant levels of glazing and is 600mm above the level of the rear garden and dining room.
- Given sea views why do the terraces extend to eastern elevation.
- Impact of A5 not as severe as A4 but there still is an issue of proximity and potential overlooking from 3<sup>rd</sup> Floor hallway window, there is also a perception of overlooking from ensuite window although likely to be obscured PAC deem perception as a consideration see Appeal Reference 2016/A0008.
- Proposal has extensive glazing on eastern elevation at ground level and 1<sup>st</sup> floor level mainly serving bedrooms, policy also protects future occupants will be views from dwelling at 72 Strand Road toward development which will impact amenity.
- Scale, proportions, massing and appearance with 3 levels is dominant and out of character.
- Proposal fails criteria (a), (g) and (h) of QD1.
- It was stated that the adverse impact of the proposal on the landscape is an important factor in the AONB.
- Concern regarding proposed density especially when it involves the loss of existing open space to the front of the existing property.
- Residents of O'Hara Drive have not and will not give permission for the use of any part of O'Hara Drive for the purposes of construction traffic.
- No proper consideration given to the roads design and the safety measures to be considered for the proposed development.
- The increased traffic has not been assessed, no pedestrian access by way of footpath has been considered and the width of the carriageway has not been considered.

## 5.2 Internal:

DFI Roads: No objection subject to condition.

Environmental Health: No objection subject to conditions.

NI Water: No objections.

DAERA: Natural Environment Division and Coastal Development: No objections subject to conditions.

DAERA: Water Management Unit: No objections.

SES: 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**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: Principle of Development, Quality in New Residential Development, Impact on the Character of the Surrounding Area, PPS 3 Access, Natural Environment, Foul Sewage, Neighbour Notification, Perception of Overlooking, Accuracy of Section, Rock House Charity and Historic Right of Way.
- 8.2 The application site is located within the defined Settlement Development Limit of Portstewart and is located on white lands within the Northern Area Plan. The site is located in proximity to a Local Landscape Policy Area and an Area of Outstanding Natural Beauty, but the site is not located within these designations. There are no other designations linked to this site.
- 8.3 Quality in New Residential Development**
- 8.4 The SPPS states that the policy approach to housing in settlements must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures.
- 8.5 Policy QD1 of PPS 7 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. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

- 8.6 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;**

- 8.7 The site and surrounding area is characterised by residential development. There are a mix of dwelling types which include traditional designs and more contemporary designs. There are instances of dwellings with pitched roofs, hipped roofs and flat roofs. Dwellings along Strand Road, O'Hara Drive and Rock Drive include a mix of bungalows, 1.5 storey, two storey and three storey dwellings. Initially the proposed development was three storey but the upper floor has been removed and the proposal at two storey with flat roof retains the character along this coastal location. There are examples of flat roof designs on O'Hara Drive, the Edge Water Apartments and dwellings at 62A and 64A Strand Road. There are a mix of finishes which includes render, red brick and stone. The proposed design is finished with a mix of render and stone which is considered acceptable having regard to the character of the area. The proposed building is slightly lower than the existing building on site and is on a similar footprint. Given this the proposed layout, scale, proportions, massing and appearance of buildings is considered acceptable.

- 8.8 In terms of layout the proposal will include an area of hardstanding to the front which will be extended slightly to ensure adequate parking. The visual impact of this is considered acceptable. The proposed development will be softened by the grassed areas with hedgerows to the front of the buildings. The proposed layout is acceptable.

- 8.9 Having regard to the topography of the site the proposed site is quite flat and sits well below the existing dwellings along Strand

Road. This change in levels screens views of the proposed development from Strand Road. There are therefore no concerns in regard to topography.

- 8.10 Representation letters have been received which raise concerns regarding the visual impact of the proposal and that the development is not in keeping with the character of the area. In terms of visual impact and character this has been considered in paragraphs 8.7 to 8.10 of this report.

**(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;**

- 8.11 The proposed development is not located in proximity to any listed buildings. The site is not in proximity to any Archaeological Sites and Monuments and is not located within an Area of Archaeological Potential. The site is also not located within a Local Landscape Policy Area. The proposal will not lead to the removal of 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;**

- 8.12 In the Creating Places document it is stated that all dwellings should have an area of private open space behind the building line. It is stated that garden provision should be calculated as an average space standard and should be around 70 square metres per house or greater. Only one dwelling is proposed as part of this application. The other 4 units are apartments. In regard to the dwelling at A1 there is a small garden area to the front which equates to 22.5 square metres. This area will be surrounded by hedgerows which will provide some degree of privacy. There is also a balcony located at 1<sup>st</sup> floor level which provides a further 10.2 square metres of private amenity. Overall this dwelling has access to 32.7 square metres of private amenity space. There is also provision for a store to the rear of the building. The proposed dwelling is 2 bedroom and amenity provision is just below the 40 square metres minimum for dwellings as set out in Creating Places which are typically used

for dwellings with 2 bedrooms. Given its location close to a coastal pathway this provision is considered adequate.

8.13 In regard to the proposed apartments, it is recommended in Creating Places that apartments should have access to between 10 and 30 square metres of private amenity. The 4 apartments proposed include balconies and small gardens to the front which achieves the acquired amenity provision. The small gardens at ground floor level will be screened by hedgerows.

8.14 Given the proposal includes provisions for 1 dwelling and 4 apartments, it does not exceed the 25 unit threshold as stated in PPS 8 Open Space and Recreation policy OS 2 relating to open space in new residential development. A consideration has been given for the need for public open space, but this is not required. The proposed development therefore complies with Policy OS2 of PPS 8.

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

8.15 This proposal includes provisions for 5 units. As the development does not exceed 100 units or 5 hectares as specified in Policy OS 2 of PPS 8 the provision of an equipped children's play area is not required. The site is located within the Settlement Development Limit of Portstewart in which there are a range of facilities and services located in proximity to the site. Given the sites location close to these facilities it is considered that further neighbourhood facilities are not required.

**(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;**

8.16 This proposal is located within the Settlement Development Limit of Portstewart. The dwellings are located within walking and cycling distance to the town centre of Portstewart. Potential residents will also have convenient access to public transport.

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

8.17 The proposed development will provide in site parking for all the units proposed. The proposal includes provisions for four 2

bedroom apartments which require 1.75 non assigned car parking spaces which equates to 7 car parking spaces. The proposed dwelling is two bedroom and the total number of spaces required for a three bedroom is 2.5 spaces. Given this there is a need to provide 9.5 spaces. Overall 11 spaces have been provided which meets with the Parking Standards. The proposal therefore complies with this criteria of policy. A representation letter raised concerns with parking, but adequate parking has been provided.

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

8.18 The design of the proposed development is considered acceptable given the mix of dwellings and buildings designs located within the area. The apartments and dwelling are two storey and include a profiled metal roofing system. The walls are finished with a mix of painted render, timber cladding and natural stone. These materials and contemporary design are considered acceptable having regard to the character of the area in which there are a number of more contemporary dwellings mixed with traditional dwellings. The boundary treatments will remain as is and the existing access gate and pillars will remain.

**(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;**

8.19 In terms of design and layout the key issue in relation to this proposal, is the impact of the proposal on existing dwellings located around the site to include the dwellings at 68 to 80 Strand Road, 4 Rock Drive and the existing dwelling at 5 Rock Drive. The relationship between the proposed units will also be considered.

8.20 Within Creating Places it is also stated that great care will be needed in designs where new residential schemes, such as apartments, include living rooms or balconies on upper floors as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties. In these instances, a separation distance of 30 metres should be observed. In regard to this scheme this 30-metre separation distance to the dwellings at 72, 74 and 76

Strand Road has not been achieved. The separation distance to the dwelling at 72 Strand Road is 16 metres. The separation distance to the dwelling at 74 Strand Road is 25 metres and the separation distance to the dwelling at 76 Strand Road is 29 metres. However, the proposed development is located on a much lower level to the dwellings at Strand Road and given the reduction from 3 storey to 2 storey there will be no concern regarding overlooking, loss of light or overshadowing toward the properties at Strand Road. Representation letters were received which raised concerns regarding overlooking and impacts on the dwellings at Strand Road. Given the reduction in height these concerns have been addressed.

- 8.21 In regard to the dwellings at 68, 78 and 80 Strand Road there are greater separation distances to the proposed development and given the change in levels there is no concern regarding overlooking, loss of light or overshadowing.
- 8.22 In regard to the dwelling at 4 Rock Drive the proposed development shares a side-by-side relationship with this dwelling. The dwelling at 4 Rock Drive is located right on the common boundary of the proposed development site. There is a separation distance of approximately 1.5 to 2 metres between the existing and proposed dwelling associated with the scheme. Concerns were raised by the occupier of this property regarding overlooking. The proposed development has since been reduced in height to below that of the existing building. Further to this, 1<sup>st</sup> floor windows have been removed along the side elevation looking toward this property. There is only one small ground floor ensuite window and given its nature there are no concerns regarding this. Therefore, there is no issue in regard to overlooking. In regard to overshadowing and loss of light the proposed development has an overall height which is below that of the existing building although it has a full two storeys. The proposed building will be moved no closer to the common boundary and given their side to side relationship any overshadowing or loss of light will not be significant.
- 8.23 A consideration must also be had for the existing dwelling at 5 Rock Drive. The proposed building will sit in front of the dwelling at 5 Rock Drive. The proposed building is on a similar footprint to the existing building but there are differences where the proposed building sits further forward and further back from the existing building. Initially a large window was located along the

side elevation looking toward the front door of the dwelling at 5 Rock Drive. Concerns were raised regarding this window which has since been removed. There is also a dining room window located at ground floor level but given this is not in an elevated position there are no concerns in regard to this. A 1<sup>st</sup> floor balcony is proposed for the apartment at A3 but there will be no opportunity to look toward the front of the dwelling at 5 Rock Drive as there will be a screen wall. Given the similar footprint, the fact that the proposed building is lower than the existing building and the orientation of this dwelling there will be no concern regarding overlooking or loss of light.

8.24 The existing dwellings located at Strand Road may have the potential to look down toward the rear elevation of the proposed building. Concerns were raised initially in regard to this given the number of windows on the rear elevation. The number of windows has since been reduced but some 1<sup>st</sup> floor bedroom and ensuite windows remain. Given the removal of the third floor and the differences in levels between the dwelling on Strand Road and the proposed site this concern has been addressed.

8.25 In regard to noise and other disturbance Environmental Health was consulted but raised no issues and recommended informatives relating to noise, asbestos, dust, refuse collection and contamination.

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

8.26 The proposed design and layout ensures that there are no issues arising in relation to crime and personal safety. The site will be secured by existing gate and walls. The proposed development will not lead to the creation of spaces where anti-social activity will be encouraged.

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

8.27 Policy LC 1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

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

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

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

8.28 This proposal will provide 1 dwelling and 4 apartments on an existing developed site in Portstewart. Although the majority of dwellings in this area are dwellings there are instances of apartments along Strand Road which includes the Edge Water apartments which has a higher density. There is also the Dunes and the Links apartments located in proximity to the site. The proposed density is considered acceptable at this location.

8.29 The site and surrounding area is characterised by residential development. There is a mix of dwelling types which include traditional designs and more contemporary designs. Given this mix the proposed pattern of development is considered to be in keeping with the character of the area. A full consideration of character has been completed in paragraphs 8.7 to 8.10 of this report.

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

### **PPS 3 Access**

8.31 Access to the proposed development will be from O'Hara Drive and Rock Drive located to the north of the site. DFI Roads was consulted in regard to this application and advised that on the Site Analysis it states that existing holiday home has been vacant for a few years. It was stated that this is incorrect as the holiday home is currently operational and has been for the last 10 years. Given the current use DFI Roads raised no objections to the proposed development subject to condition to facilitate parking and circulating within the site.

8.32 A number of representation letters were received which raised concern in regard to road safety and the increase in traffic along O'Hara Drive. It was stated that a proper assessment of road design, safety measures, level of traffic, pedestrian access and the width of the carriageway had not been completed. It was

also raised that O'Hara Drive was a private road and that access would not be permitted to the site. DFI Roads was consulted in regard to these concerns but raised no further concern and reiterated their initial response. DFI Roads has considered the current use on the site and giving weight to this it is considered that the proposed development would not lead to a significant intensification at the site.

### **Natural Environment**

8.33 DAERA Natural Environment Division (NED) was consulted regarding this application. NED advised that the Planning Authority should refer to the tools and guidance available on the DAERA website. Given the coastal location and removal of the existing building a biodiversity checklist was requested. A biodiversity checklist, a preliminary bat roost assessment survey and a bat roost emergence/re-entry survey report was submitted in support of the application. A further consultation was sent to NIEA to consider the information. NED considered the impacts of the proposal on natural heritage interests and on the basis of the information provided has no concern subject to conditions which includes the provision of a lighting plan.

8.34 The proposed development will therefore not result in adverse impact on protected species, priority species and their habitats in line with the SPPS and Policies NH2 and NH 5 of PPS 2 Natural Heritage.

### **Foul Sewage**

8.35 There is a public water supply and foul sewer located within 20 metres of the proposal. There is also capacity in the Waste Water Treatment Works to facilitate the proposal. There is no surface water sewer within 20 metres and NI Water states that the developer is required to consult with NIW and may wish to requisition a surface water sewer to serve the proposed development or obtain approval from Rivers Agency for discharge to a watercourse. Given the existing development located on the site this is unlikely to be an issue.

### **Neighbour Notification**

8.36 A number of concerns were raised by residents in O'Hara Drive that they had not been neighbour notified in regard to the proposal. In regard to the General Development Procedure Order 2015 the Council is required to serve notice of the



application to any identified occupier on neighbouring land. Neighbouring land means land which directly adjoins the application site or which would adjoin it but for a road less than 20 metres in width. The access road is not included within the red line boundary of the site therefore the dwellings on O'Hara Drive would not be considered identified occupiers on neighbouring land. All relevant neighbours have been notified in regard to the proposal.

### **Perception of Overlooking**

8.37 Within a representation letter it was raised that there would be a perception of overlooking from an ensuite window at upper floor level. An appeal was raised which deemed perception as a consideration 2016/A0008. As the upper floor has now been removed and given the change in levels between the dwellings on Strand Road and the site at Rock House this perception has been removed.

### **Accuracy of Section**

8.38 Concern was raised in regard to section CC which was submitted in support of the application. It was stated that this was misleading. This related to the impact of overlooking from the third floor. This floor has now been removed from the scheme. Given this, this issue has also been addressed and the section has been superceded.

### **Rock House Charity**

8.39 Concern was raised regarding the legal status of this proposal given the applicant is a registered charity. This is not a relevant material planning consideration.

### **Historic Right of Way**

8.40 It was stated that the road servicing the property through O'Hara Drive is private and while Rock Drive is a public thoroughfare, it is only accessible through O'Hara Drive. It was stated that accordingly, the use of the properties or the roadway along Rock Drive is not capable of intensification without the consent of the property owners on O'Hara Drive. It was stated that the use of O'Hara Drive by Rock House is a separate and free-standing contract and is not, and was not, intended to allow for a change in the fundamental nature of the area. DFI Roads was consulted in regard to these comments

and advised that any issue relating to rights of way over the section of Rock Drive and O'Hara Drive which are private is a legal matter between the residents and the applicant. As the boundary of the site does not include the access along O'Hara Drive and Rock Drive the applicant is not obliged to serve notice on these occupiers of O'Hara Drive. In regard to section 27 of the P1 form Certificate A has been filled in which confirms that TBF & KL Thompson Trust are in actual possession of every part of land to which the said application relates. Given this, this is a civil matter and is a matter between the owners of the site and the owners of the occupiers on O'Hara Drive.

## **9.0 CONCLUSION**

9.1 The proposed development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The proposed layout of the site is considered acceptable. It is considered that there will be no unacceptable impacts on existing dwellings or proposed dwellings via overlooking, loss of light or overshadowing. The proposal retains the character of the area. Approval is recommended.

## **10.0 Conditions and Informatives**

### **10.1 Regulatory Conditions:**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. All soft and hard landscaping incorporated in the stamped approved Drawing No.07 Rev 1 bearing Planning Authority date stamp 11th June 2020 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 development shall not be occupied until hard surface areas have been constructed in accordance with the approved Drawing No. 07 Rev. 01 dated 11th June 2020 to provide adequate facilities for parking and circulating within the site. No part of these hardened surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

4. No demolition works or vegetation clearance, shall take place between the 1st of March and 31st of August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests in the buildings and vegetation, immediately before works commence and provided written confirmation that no nests are present/birds will be harmed and there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

5. A suitable buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuel and washing area, storage of machinery/material/spoil and the Atlantic Ocean located to the west of the site and the site drains.

Reason: To minimise the impact of the development on the biodiversity value of the Bann Estuary ASSI/SAC.

6. Surface water discharging to storm sewers will be limited to a maximum rate of 2 litres per second.

Reason: To protect the Bann Estuary ASSI/SAC.

7. Trap gullies and a flow control manhole with a sump will be employed to catch sediment on site.

Reason: To protect the Bann Estuary ASSI/SAC.

8. A wildlife friendly, sensitive lighting plan must be submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details,

unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:

- a) Specifications of lighting to be used across the site, including model of luminaires, location and height;
- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
- d) Evidence that the shoreline to the west of the site will not be subject to light spillage of more than 1 lux.

Reason: To protect bats, otters and other protected species.

9. No piling operations, blasting or rock dumping shall be carried out during the construction of the proposed development.

Reason: To protect the harbour porpoise and marine mammals which is a feature of the Skerries and Causeway SAC which is a European designated site.

### Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application

by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

## Site Location Map

### *Site Location Map*



Site Location Map  
Scale 1:1250

# Site Layout Plan

