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| <b>Title of Report:</b>                | <b>Planning Committee Report – LA01/2021/0813/F</b> |
| <b>Committee Report Submitted To:</b>  | <b>Planning Committee</b>                           |
| <b>Date of Meeting:</b>                | <b>24<sup>th</sup> November 2021</b>                |
| <b>For Decision or For Information</b> | <b>For Decision</b>                                 |

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|--|--|
| <b>Linkage to Council Strategy (2021-25)</b> |  |
| Strategic Theme                              | Cohesive Leadership  |
| Outcome                                      | Council has agreed policies and procedures and decision making is consistent with them |
| Lead Officer                                 | Principal Planning Officer   |

|                                    |     |
|------------------------------------|-----|
| <b>Budgetary Considerations</b>    |     |
| Cost of Proposal                   | Nil |
| Included in Current Year Estimates | N/A |
| Capital/Revenue                    | N/A |
| Code                               | N/A |
| Staffing Costs                     | N/A |

|                               |  |     |       |
|-------------------------------|--|-----|-------|
| <b>Screening Requirements</b> | Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. |     |       |
| Section 75 Screening          | Screening Completed:   | N/A | Date: |

|  |                              |     |       |
|--|------------------------------|-----|-------|
|  | EQIA Required and Completed: | N/A | Date: |
| Rural Needs Assessment (RNA)             | Screening Completed          | N/A | Date: |
|  | RNA Required and Completed:  | N/A | Date: |
| Data Protection Impact Assessment (DPIA) | Screening Completed:         | N/A | Date: |
|  | DPIA Required and Completed: | N/A | Date: |

|                                      |  |                            |                   |
|--------------------------------------|--|----------------------------|-------------------|
| <b><u>App No:</u></b>                | <b>LA01/2021/0813/F</b>  | <b><u>Ward:</u></b>        | <b>Dundooan</b>   |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>   |                            |                   |
| <b><u>Address:</u></b>               | <b>Lands to the rear and north of 191 Coleraine Road, 19-45 Cappaghmore Manor and the south of 12-14 Cromlech Park Portstewart</b>   |                            |                   |
| <b><u>Proposal:</u></b>              | <p><b>This Section 54 application seeks to vary the wording of condition 9 and 12 of LA01/2018/1272/F and LA01/2020/0882/F to include additional hard and soft landscaping within the central area of approved amenity space to enhance the community facilities. The variations sought would read; (9) All areas of open space , as indicated on approved plan Landscape Proposal No03 Rev 07 bearing the date 18thSept 2019 shall be implemented before 31st Jan 2022 in accordance with the approved Landscape Proposal No03 Rev 08 dated 25th June 2021 and drawing DCL-LP-03 dated 9th June 2021 and the Landscape Management and Maintenance Plan Doc 08, bearing the date stamp 29th May 2019 and the Planting Details Plan drawing No 02 and Addendum to Detailed Planting Plan Drawing 03 and Plant Schedule Doc 01.</b></p> <p><b>(12) Details of the maintenance and management of the open space communal areas and landscape areas shall be carried out in accordance Landscape Management and Maintenance Plan Doc 08, bearing the date stamp 29th May 2019, Drawing No03 Rev 08 date 25th June 2021 and associated Schedule Doc 1B date stamped 23rd July 2019 and the central area of open space shall be carried out in accordance with the drawing and Planting schedule provided in Drawing DCL-LP-03 dated 6th June 2021</b></p> |                            |                   |
| <b><u>Con Area:</u></b>              | <b>N/A</b>   | <b><u>Valid Date:</u></b>  | <b>30.06.2021</b> |
| <b><u>Listed Building Grade:</u></b> | <b>N/A</b>   | <b><u>Target Date:</u></b> |                   |
| <b>Agent:</b>                        | <b>JPE Planning, 1 Inverary Valley, Larne, BT40 3BJ</b>  |                            |                   |
| <b>Applicant:</b>                    | <b>Radius Housing Association</b>  |                            |                   |
| <b>Objections: 0</b>                 | <b>Petitions of Objection: 0</b>   |                            |                   |
| <b>Support: 0</b>                    | <b>Petitions of Support: 0</b>   |                            |                   |

## **Executive Summary**

- **Planning permission is sought to vary the wording of condition 9 and 12 of LA01/2018/1272/F and LA01/2020/0882/F relating to the provision/ design of open space and the future management and maintenance.**
- **The application is recommended for Approval in accordance with Policy HOU2 of the Northern Area Plan, Paragraph 6.205 of the SPPS and Policy OS1 of PPS8.**

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

## **1 RECOMMENDATION**

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

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located at lands to the rear and north of 191 Coleraine Road, 19-45 Cappaghmore Manor and to the south of 12-14 Cromlech Park, Portstewart. The site is currently under construction for housing development. The site is accessed via the Coleraine Road through an improved and constructed access. The lands rise from south west to north east. To the north the site is bounded by fencing and existing vegetation which is sparse in nature. To the east the site is bounded by sparse vegetation and a post and wire fence. To the south the site is bounded by an existing 2 metre high wall associated with the dwelling at 191 Coleraine Road. To the west the site is bounded by fencing and existing hedgerows.
- 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 lands zoned for housing within the Northern Area Plan 2016 under zoning PTH 5.

## **3.0 RELEVANT HISTORY**

LA01/2021/1188/NMC - Residential development comprising 87 units; 20 no apartments, 9 no two storey townhouses. 54 no 2-storey semi detached dwellings and 4 no 2-storey detached dwellings and associated landscaping/open space, parking and roads access with right turning lane onto Coleraine Road. (Housing zoning PTH51 in the Northern Area Plan 2016) Under Consideration

LA01/2020/0882/F - This application seeks to vary the wording of Condition 9 of LA01/2018/1272/F. The condition reads, "The proposed open space and amenity areas identified on the stamped drawings shall be carried out prior to the occupation of the dwellings hereby approved or as otherwise agreed in writing with the Council. The variation sought would read, "All areas of open space, as indicated on approved plan Landscape Proposal Drawing No. 03 Rev 07 bearing the date stamp 18th September 2019 shall be implemented before 31st January 2022 in accordance with the approved Landscape Proposal Drawing No. 03 Rev 07 and the Landscape Management and Maintenance Plan Doc 8, bearing the date stamp 29th May 2019 and the Planting Details Plan Drawing No. 02 and Addendum to Detailed Planting Plan Drawing No. 03 and Plant Schedule Doc 1 of application LA01/2019/1362/DC. Permission Granted 30.04.2021

LA01/2019/1193/DC Partial discharge of Condition No.4 of LA01/2018/1272/F Partially Discharged

LA01/2020/0689/DC Discharge of Condition No.4 of LA01/2018/1272/F Discharged

LA01/2019/1279/DC Discharge of Condition 16 of LA01/2018/1272/F Discharged

LA01/2019/1362/DC Discharge of Condition 8 of LA01/2018/1272/F Discharged

LA01/2020/0606/DC Discharge of Condition 23 of LA01/2018/1272/F Discharged

LA01/2018/1272/F - Residential development comprising 87 units; 20 no apartments, 9 no two storey townhouses. 54 no 2-storey semi detached dwellings and 4 no 2-storey detached dwellings and associated landscaping/ open space, parking and roads access with right turning lane onto Coleraine Road. (Housing zoning PTH 51 in the Northern Area Plan 2016) Permission Granted 10.10.2019

LA01/2018/0117/PAN- Lands to the north and rear of 191 Coleraine Road and to the south of Nos 12 - 14 Cromlech Park, Portstewart - Proposed residential development  
PAN Accepted 11.04.2018

LA01/2018/0116/PAD- Lands to the north and rear of 191 Coleraine Road and to the south of nos 12 - 14 Cromlech Park, Portstewart. Proposed residential development - to comprise a mix of social and private/affordable housing (as required by Northern Area Plan 2016 - zoning PTH 51 & Policy HOU3).  
PAD Concluded 31.10.2018

LA01/2016/1580/F- Lands along Coleraine Road, Portstewart (frontages of no's 184, 191 & 174 Coleraine Road & in front of No's 1-4 Cappagh More Square, Glebe, Portstewart), Proposed right hand turning lane and social housing development access road including road widening and access alteration along Coleraine Road, Portstewart to service Social Housing zoning - PTH 51 in Northern Area Plan 2016.  
Permission Granted 29.11.2018

#### **4.0 THE APPLICATION**

- 4.1 The application seeks to vary the wording of Conditions 9 and 12 of LA01/2018/1272/F and LA01/2020/0882/F relating to a proposed landscaping scheme.

##### **Habitat Regulations Assessment**

- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed under planning application LA01/2015/0349/O in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). It was concluded that the proposal would not be likely to have a significant effect on the features of any European site. As this application does not propose any physical alterations to the layout and design of the development it is considered that the proposal will not result in any adverse impact on any European designated site.

## **Environmental Impact Assessment**

- 4.3 This proposal was subject to an environmental impact assessment screening in accordance with The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 4.4 Having considered The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and taking into account the above information, it is considered that the proposed development is not EIA development and would not require the preparation of an Environmental Statement.

## **Design & Access Statement**

- 4.5 As per The Planning (General Development Procedure) Order (Northern Ireland) 2015, Section 6 4(a) a Design and Access Statement is not required as the conditions to which the variation is sought do not relate to design and access issues.

## **5.0 PUBLICITY & CONSULTATIONS**

**External:** No objections have been received to this application.

**Internal:** No consultees

- 5.1 Regulation 2(1)(b) of the DM Regulations has the effect that any change to or extension of an existing major development is to be treated as major where the change or extension itself meets or exceeds the relevant threshold or criterion in the corresponding entry in Column 2 of the Thresholds Table.
- 5.2 Application LA01/2018/1272/F was classified as major as it exceeded the thresholds outlined in the table within the Schedule. However, where an application is submitted for a change or extension to 'Major Development' the proposal is not subject to Pre-Application Community Consultation.



## **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
- 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 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

DCAN 8 - Housing in Existing Urban Areas

Creating Places

**8.0 CONSIDERATIONS & ASSESSMENT**

**Principle of Development**

- 8.1 The principle of development has been established on the site through planning permission LA01/2018/1272/F permission was granted for a Residential development comprising 87 units; 20 no apartments, 9 no two storey townhouses. 54 no 2-storey semi-detached dwellings and 4 no 2-storey detached dwellings and associated landscaping/ open space, parking and roads access with right turning lane onto Coleraine Road

**Condition 9**

- 8.2 Condition 9 of the planning approval LA01/2018/1272/F stated:

“The proposed open space and amenity areas identified on the stamped approved Drawing Nos. 03 Rev 07 bearing the date stamp 18th September 2019 and the Landscape Management and Maintenance Plan Doc 8, bearing the date stamp 29th May 2019, shall be carried out prior to the occupation of the dwellings hereby approved or as otherwise agreed in writing with the Council.

Reason: In the interest of visual and residential amenity.”

The applicant then submitted an application under LA01/2020/0882/F to vary this condition 9 to state:

“All areas of open space, as indicated on approved plan Landscape Proposal Drawing No. 03 Rev 07 bearing the date stamp 18th September 2019 shall be implemented before 31st January 2022 in accordance with the approved Landscape Proposal Drawing No. 03 Rev 07 and the Landscape Management and Maintenance Plan Doc 8, bearing the date

stamp 29th May 2019 and the Planting Details Plan Drawing No. 02 and Addendum to Detailed Planting Plan Drawing No. 03 and Plant Schedule Doc 1 of application LA01/2019/1362/DC.

Reason: In the interest of visual and residential amenity.”

8.3 Under the previous application LA01/2020/0882/F it was initially proposed that the provision of open space could be provided on a phased basis. However, the Planning Authority had concerns in regard to this approach as if there was a significant delay in the proposal then a large area of open space located to the centre of the development may not be provided for an extended period of time. This concern was raised and the wording of the proposed condition was altered which specified that all areas of open space must be provided by 31st January 2022.

8.4 The now proposed Condition (9) is:

“All areas of open space , as indicated on approved plan Landscape Proposal No03 Rev 07 bearing the date 18thSept 2019 shall be implemented before 31st Jan 2022 in accordance with the approved Landscape Proposal No03 Rev 08 dated 25th June 2021 and drawing DCL-LP-03 dated 9th June 2021 and the Landscape Management and Maintenance Plan Doc 08, bearing the date stamp 29th May 2019 and the Planting Details Plan drawing No 02 and Addendum to Detailed Planting Plan Drawing 03 and Plant Schedule Doc 01.

Reason: In the interest of visual and residential amenity.”

8.5 The initial application LA01/2018/1272/F was approved with a condition stating that a landscaping plan must be submitted for consideration. This landscaping plan was submitted under application LA01/2019/1362/DC and condition 8 was discharged. The wording of the proposed condition under this application quotes the drawing numbers submitted under application LA01/2019/1362/DC and therefore links the provision of open space with the proposed landscaping. The discharge application also included a landscaping plan, plant schedule and planting details.

8.6 Condition 12 of LA01/2018/1272/F reads:

“Details of the maintenance and management of the open space communal areas and landscaped areas shall be carried out in accordance to Landscape Management and Maintenance Plan Doc 8 date stamped 29th May 2019 and associated Schedule Doc 1B date stamped 23rd July 2019.

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.”

8.7 The variation of the conditions now applicable under this application LA01/2021/0813/F are concentrated on a new landscaping scheme. Drawings 02 and 03 show a new landscape plan. The Drawings and the condition refers to the open space provision in the centre of the proposed development. The amendments are strictly limited to the central area of green space that was previously approved. The original permission proposed this as a grassed green area with some trees planted around the periphery. The agent has referred to The Housing Association securing some additional funding to improve on the area of landscaping. There is no change to the size or area of the openspace.

8.8 The proposed Condition 12 reads as:

“Details of the maintenance and management of the open space communal areas and landscape areas shall be carried out in accordance Landscape Management and Maintenance Plan Doc 08, bearing the date stamp 29th May 2019, Drawing No03 Rev 08 date 25th June 2021 and associated Schedule Doc 1B date stamped 23rd July 2019 and the central area of open space shall be carried out in accordance with the drawing and Planting schedule provided in Drawing DCL-LP-03 dated 6th June 2021.

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.”

8.9 The changes to the landscaping include the replacing of some of the large green area with decorative paved areas, raised planters (which also act as seating), Community seating in the form of benches are included and a broader mix of shrub planting to create more decorative gardens. There is still a grassed area and overall the proposal offers a much better village green style arrangement with a landscape community garden, which will be managed by the Housing Association.

8.10 Overall it is considered that the proposed changes to the open space provide a quality residential environment for the residents.

## **9.0 CONCLUSION**

9.1 The proposed variation of Conditions 9 and 12 relating to the landscaping, management and maintenance is considered to be acceptable having regard to the Northern Area Plan 2016 and other material considerations. Approval is recommended.

## **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. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

3. After completing all remediation works under Condition 2 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

4. Condition discharged.
5. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

6. A Mechanical ventilation system should be installed into all apartment blocks facing the existing Kingspan 6kW wind turbine. The specification of the ventilation should comply with Technical Booklet K1. In addition, the minimum ventilation rate should not be less than 0.3l/s per m<sup>2</sup> of internal floor area (this should include all floors, e.g. ground and first floor areas).

Reason: To protect residential amenity.

7. Glazing used for apartment blocks shall be specified and installed in order to achieve a mean sound reduction of 31dB (6/6/6 typical double glazing) to ensure the achievement of BS8233:2014 internal noise.

Reason: To protect residential amenity.

8. Condition discharged.
9. All areas of open space, as indicated on approved plan Landscape Proposal Drawing No. 03 Rev 07 bearing the date stamp 18th September 2019 shall be implemented before 31st January 2022 in accordance with the approved Landscape Proposal Drawing No. 02 (DCL-LP-03) date stamped 30th June 2021 and Drawing No. 03 (CR-08) date stamped 30th June 2021 and the Landscape Management and Maintenance Plan Doc 8, bearing the date stamp 29th May 2019 and the Planting Details Plan Drawing No. 02 and Addendum to Detailed Planting Plan Drawing No. 03 and Plant Schedule Doc 1.

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.

10. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, all proposed landscaping shall be carried out in accordance with the approved landscape plan and maintained in accordance with the Landscape Management and Maintenance Plan Doc 8, bearing the date stamp 29th May 2019.

Reason: In the interest of visual and residential amenity.

11. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

12. Details of the maintenance and management of the open space communal areas and landscaped areas shall be carried out in accordance to Landscape Management and Maintenance Plan Doc 8 date stamped 29th May 2019 and the approved Landscape Proposal Drawing No. 02 (DCL-LP-03) date stamped 30th June 2021 and Drawing No. 03 (CR-08) date stamped 30th June 2021.

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.

13. The proposed landscaping located along the Northern, Southern, Eastern and Western boundaries of the site shall be implemented and permanently retained in line with the Landscape Management Plan Doc 8 dated 29th May 2019.

Reason: In the interests of visual amenity.

14. The existing hedgerow located along the western boundary of the site shall be permanently retained.

Reason: In the interests of visual amenity.

15. The proposed 1.8 metre high screen walls as shown in drawing number 03 Rev 7 date stamped 18th September 2019 shall be constructed before the occupation of the dwellings at sites 1, 2, 3, 26, 27, 28, 41, 42, 45, 46, 50, 51, 52, 53, 60 and 61.

Reason: In the interests of private amenity.

16. Condition discharged.

17. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway

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

18. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m 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 user.



19. No development shall commence until visibility splays of 4.5 metres by 120 metres at the junction of the proposed access road with the public road, are provided in accordance with Drg. No.03 Rev 07, dated 18th September 2019 and Drg. No 43, dated 30th September 2019.

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

20. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with drawing number 03 Rev 7 dated 18th September 2019 and Drg. No 43, dated 30th September 2019.. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

21.No development shall take place until the right hand turning lane as detailed in the drawing number 03 Rev 7 dated 18th September 2019 and Drg. No 43, dated 30th September 2019 has been provided.

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

22.Housing units 11- 23 inclusive and 26 to 87 inclusive as shown on the stamped approved Drawing No. 03 Rev 7 date received 18th September 2019 shall be solely for the purposes of social housing and shall be managed by a registered Housing Association.

Reason: To ensure the provision of social housing units in Portstewart and to comply with the key site requirements of housing zoning PTH 51 of the Northern Area Plan 2016.

23.Condition discharged.

## Site Location as approved under LA01/2018/1272/F



## Proposed central Landscape LA01/2021/0813/F

