Title of Report:	**Planning Committee Report – LA01/2022/1587/F**
Committee Report Submitted To:	**Planning Committee**
Date of Meeting:	**23rd October 2024**
For Decision or For Information	**For Decision – Objection Item**
To be discussed In Committee YES/NO	**NO**

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Estimated Timescale for Completion	
Date to be Completed	

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	**YES/NO**
Legal Opinion Obtained	**YES/NO**

Screening Requirements	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:

No: LA01/2022/1587/F **Ward: Portstewart**

App Type: Full

Address: Land to the side and rear of 12 Sunset Ridge, Portstewart, BT55 7EQ

Proposal: Construction of 2no two storey semi-detached dwellings with parking and private driveway upgraded to serve additional dwellings.

Con Area: N/A **Valid Date: 20.12.2022**

Listed Building Grade: N/A

Agent: Gerard McPeake Architectural, 31a Main Street, Limavady, BT49 0EP

Applicant: NB Homes, 143 Drumagarner Road, Kilrea BT51 5TN

Objections: 31 **Petitions of Objection: 0**

Support: 0 **Petitions of Support: 0**

Executive Summary

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.

- The application site falls within Portstewart settlement limit.

- 31 letters of objection have been received in relation to this application.

- No objections have been raised by statutory consultees in relation to this proposal.

- The proposal meets the requirements of Policy QD1 of PPS 7 and Policy LC1 of the Addendum to PPS 7 in terms of these 2 dwellings.

- The scale, form, massing and appearance, materials and detailing of the proposal is acceptable.

- The design of this proposal is visually appropriate and should not detract from the character and appearance of the area given the varying designs and styles already present.

- The density is not significantly higher than the surrounding area and the application site can accommodate this without adverse impact on the character and appearance of the surrounding area.

- The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- The proposal is acceptable from a sewage perspective and will not result in an environmental impact.
- Access and parking arrangements are acceptable.

- The proposal does not result in natural heritage issues.

- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 7, Addendum to PPS 7, PPS 3 and PPS 2.

Drawings and additional information are available to view on the Planning Portal- https://planningregister.planningsystemni.gov.uk/

1.0 RECOMMENDATION

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

2.0 SITE LOCATION & DESCRIPTION

2.1 This site is irregular in shape and comprises part of No. 12 Sunset Ridge, Portstewart. The area within the site includes the access for No. 12, the garage and the rear garden. There is a long narrow strip of land behind Nos. 8 & 10 Sunset Ridge and Nos. 5, 7 & 9 Milford Avenue which also forms part of the application site. No. 12 Sunset Ridge is a two storey semi-detached dwelling with a pitched roof and attached flat roof garage. The existing access is from Sunset Ridge to the front of the garage. Hedging surrounds the small front amenity space and the remainder of the site is enclosed by fencing, hedging and a wall. The land appears to have been cleared leaving scrub and grass. During the processing of this application, the flat roof garage was demolished.

2.2 The surrounding area is characterised by residential use. There is a mixture of dwellings in the local area such as detached, semi-detached and townhouses. Most dwellings have in-curtilage parking but this is dependent on plot size. The application site is located within Portstewart settlement Limit.

3.0 RELEVANT HISTORY

3.1 There is no relevant history.

4.0 THE APPLICATION

4.1 Construction of 2no two storey semi-detached dwellings with parking and private driveway upgraded to serve additional dwellings.

4.2 There have been design changes and various amendments and revisions through the processing of the application which has changed from 2 detached dwellings to a pair of semi-detached.

Habitats Regulations Assessment

4.3 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas 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, conservation objectives or status of any of these sites.

5.0 PUBLICITY & CONSULTATIONS

5.1 **External:**

31 letters of objection have been received in relation to this application from 10 separate addresses. The main issues raised are summarised below:

- Volume of Traffic
- Parking and turning of vehicles
- Difficulty for emergency services gaining access
- Proposal will make road more dangerous for children as they play outside houses
- Proposed access unacceptable in terms of width
- Impact on No. 12 Sunset Ridge with proposed vehicles using the access immediately beside. This may be acceptable to the current owner but in the long term and for future owners of No. 12 it is not an acceptable relationship.
- Contrary to planning policy (Policy QD1 of PPS 7; Policy NH 2 & 5 of PPS 2; Policy AMP 2 of PPS 3)
- Unacceptable height
- Overdevelopment

- Overlooking and loss of privacy
- Overshadowing and loss of light
- Inappropriate design which is out of character with the surrounding area
- Limited separation distances from boundary of Milford Avenue properties
- Site is elevated compared with neighbouring properties therefore more impact
- Unacceptable density
- Excavation of site
- Approval would set a negative precedent
- Biodiversity concerns
- Loss of habitat
- Damage to the natural environment ie) wildlife and flora to include badgers, bats, hedgehogs, field mice, birds, insects and wild primroses
- Ecological Appraisal was carried out months after the site was cleared – cannot agree with findings and recommendations on this basis. The natural habitat that existed was no longer there when the survey was completed. Had the appraisal been completed prior to the clearing of the site the findings would have been notably different.
- Infrastructure unable to cope with water and sewage
- Inadequate sewage pipe work
- Noise and Disturbance
- Use of green space south of the proposed dwellings leading to increased security concerns.
- Construction Noise
  (Environmental Health was consulted in relation to this application and express no objection. A section in their response refers to Construction Noise. Combined construction noise emissions within the permitted site should not exceed noise limits stipulated within Table E 1 of BS 5228: 2009+A1:2014. Given that the proposal is in close proximity to existing residential development it is recommended that Category A levels are relied upon.)
- Development if approved will devalue neighbouring properties
  (Although the Council recognises the potential impact development could have on the value of neighbouring properties, this is not considered to be detrimental to such an extent to warrant refusal.)

5.2 **Internal:**

NI Water (No objections)

DFI Roads (No objections)

Environmental Health (No objections)

DAERA: Water Management Unit (No objections)

DAERA: Natural Environment Division (No objections)

6.0 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 7 – Quality Residential Environments

Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas

Supplementary Planning Guidance

Creating Places

DCAN 8 – Housing in Existing Areas

Development Control Advice Note 15 Vehicular Access Standards

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: Local character, environmental quality and residential amenity, sewerage, access and parking, and natural heritage.

Planning Policy

8.2 The site is located within Portstewart settlement limit so Policy SET 2 of NAP 2016 applies and planning permission will be granted provided the proposal is sensitive to the size and character of the settlement. The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above.

Local Character, Environmental Quality and Residential Amenity

8.3 PPS 7 promotes quality residential development in all types of settlements. DCAN 8 and Creating Places is additional guidance intended to supplement this policy in terms of improving the quality of new housing development.

Policy QD1 – Quality in New Residential Development

8.4 This policy sets out a presumption against housing development in residential areas where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Proposals for new residential development should comply with the following criteria:

(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;

8.5 The proposal seeks to provide 2no. semi-detached dwellings on a backland plot situated at an angle to Nos. 12 and 14 Sunset Ridge. The semi-detached dwellings have a frontage of 7.3m, a gable width of 11.4m and a ridge height of 6.4m. The eaves level for these dwellings are 5m at the front dropping to 2.9m at the rear.

8.6 Access to these dwellings is from Sunset Ridge passing the gable wall of No. 12 leading to 4 parking spaces at the front. The proposal entails a reconfiguration of the rear area for No. 12 to facilitate this development. 3 parking spaces are being located at the rear of No. 12 Sunset Ridge. The private driveway and pathways are to be finished in paviors.

8.7 The site slopes downwards in a north eastern direction so levels have been provided on plans as well as a section to aid assessment. The design and layout of the dwellings have been amended since the original submission to address various concerns including in terms of the levels in relation to neighbouring properties.

8.8 Objectors have raised a number of concerns throughout the processing of the application and are summarised in Para. 5.1 of this report. Concerns include overdevelopment and the proposal being uncharacteristic of this area.

8.9 Sunset Ridge comprises two storey semi-detached dwellings, chalet bungalows and bungalows all of which have pitched roofs. There is also an example of two storey detached dwellings with a flat roof. Milford Avenue comprises bungalows that are gable fronted with pitched roofs.

8.10 This proposal for a pair of semi-detached dwellings is characteristic of the area given the types in the local context as well as having a pitched roof similar to other properties. The dwellings have a contemporary design but modern designs have been approved and built in the surrounding area. Public views of the application site are primarily from Sunset Ridge, Lever Park and Milford Avenue. Views will be limited from Sunset Ridge given the positioning of this site behind Nos. 12 and 14 Sunset Ridge; the narrow access between Nos. 12 and 10 Sunset Ridge; and the finished floor levels of the dwellings being lower than the level of the tarmac area of the cul-de-sac.

8.11 DCAN 8 is planning guidance which advises there is the potential in appropriate circumstances to integrate new residential development into backland areas to produce a high-quality residential environment. Proposals should relate to a site which has appropriate plot depth and configuration. Notwithstanding the guidance states that backland development on plot depths of less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character, and where careful design can overcome concerns of overlooking and day lighting. It also states a backland plot should be of sufficient depth to accommodate new housing in a way which provides a quality residential environment for new and existing residents.

8.12 This site is irregular in shape and does not present as a traditional backland development plot where the land to the back (rear garden) is solely to the rear of the built form of the dwelling. The plot depth of the site is approx. 61.7m and while this is below the 80m threshold, the characteristics of this plot consisting of size and shape enables housing to be located

centrally with acceptable parking, rear amenity and separation distances when assessed against the criteria set out in Para5.7 of DCAN 8.

8.13 The design of the proposed semi-detached dwellings and location within the site assists with alleviating unacceptable impacts on residential amenity (assessed in detail under Criterion (h) Paras 8.28 – 8.46). Proposals should also be of a form and scale which respects the local context which this application does. The height of the new dwellings does not exceed the height of Nos. 12 and 14 Sunset Ridge. The design is considered acceptable.

8.14 While DCAN 8 provides guidance, the proposed scheme is considered acceptable, on balance, given there is no adverse impacts on the character and appearance of the area or residential amenity of adjacent neighbouring properties. This is an area of land within an urban area which can be developed without demonstrable harm to surrounding neighbours when considering planning policy. The guidance in DCAN 8 is to be weighed and balanced against all planning policies and the lesser plot depth of this site, on its own, would not carry determining weight to warrant the refusal of this application.

8.15 Although the proposed access to the front of No. 12 Sunset Ridge is not typical of the area, it does meet DFI Roads requirements. Furthermore, the site is large enough to accommodate both dwellings while meeting policy requirements and would not warrant the refusal of this application on these grounds.

8.16 The proposal does not cause unacceptable damage to the character of the surrounding area. The proposal is considered acceptable in terms of layout, scale and massing respecting the surrounding context and is appropriate to the character and topography of the site.

(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;

8.17 The application site does not contain any listed buildings or monuments. During site inspection, hedging forms part of the site boundaries and the site comprises scrubland. There is an existing tree along the northern boundary which is to be retained. A block plan has been submitted showing the proposed boundary treatments for this development. The northern boundary will retain the existing wall and hedging and supplement this with 1.8m high fencing and new hedging. The western boundary will comprise 1.8m high fencing and new hedging. The eastern boundary will retain the existing fence and hedge and include new hedging (a 2m buffer) and fencing in certain places. The southern boundary will include 1.8m high fencing to cut off the long narrow strip from this housing development. These boundary treatments and arrangements are deemed satisfactory for this plot. The landscaping provided is sufficient for a site located within the settlement limit of Portstewart.

(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;

8.18 Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.19 states all houses should have an area of private open space behind the building line and it should be approx. 70m^2 per house or greater. Smaller areas may be more appropriate for houses with 1 or 2 bedrooms but any individual house with an area of less than around 40m^2 will generally be unacceptable.

8.19 Site 1 has a rear garden area of approx. 120m^2 and Site 2 has a rear garden area of 150m^2 which are both above recommended requirements. These rear amenity areas are sufficient for domestic purposes. Boundary treatments include new fencing and hedging as well as retention of existing boundaries to assist with privacy. Three new trees are proposed along the rear boundary.

8.20 The rear garden for No. 12 Sunset Ridge will be reconfigured to facilitate this development. This rear garden measures approx.

110m^2 which is above recommended requirements and sufficient for domestic recreation.

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

8.21 The site is located within the settlement limit of Portstewart with various amenities available so neighbourhood facilities are not required as an integral part of this development.

(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;

8.22 The site is within the settlement limit of Portstewart and within walking distance of local retail units, cafes, restaurants and recreational uses as well as having convenient access to public transport links.

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

8.23 The proposal has been assessed in detail under the sub-heading "Access and Parking" and is considered compliant with this criterion.

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

8.24 The scale, form, massing and appearance, materials and detailing of the proposal is acceptable.

8.25 Materials and finishes consist of smooth render, black fibre cement, weather board painted for the walls; fibre or slate roof covering; zinc cladding for the porch; black gutters and downpipes; grey double glazed upvc windows and doors; and hardwood timber doors. These proposed materials/finishes are considered satisfactory and in keeping with the wider local context.

8.26 Public views of the proposal are primarily from Sunset Ridge, Lever Park and Milford Avenue. This proposal should not visually detract from the surrounding area given the acceptable design, scale and massing. Views will be limited from Sunset Ridge given the separation distance and positioning of these dwellings from the road. Whilst there will be some views of the application site from Milford Avenue these views will be between existing houses positioned along this Avenue which will limit the visual impact. The proposal may be viewed from Lever Park because the ground levels of the application site are much higher. Notwithstanding this, the volume of housing in the area will restrict views and it is considered that the proposal will not have a negative impact upon visual amenity in this area. Objections have been raised stating that this development would set a negative precedent but each application must be assessed on its own merits and in accordance with planning policies and guidance.

8.27 The design of this proposal will not visually detract from the surrounding context and will not harm the character and appearance of the 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;

8.28 Objections have been received in relation to this application with concern expressed in relation to the impact on neighbouring residential amenity.

<u>Nos 12 & 14 Sunset Ridge</u>

8.29 Nos. 12 & 14 Sunset Ridge are a pair of semi-detached dwellings located west of the proposal. The new dwellings will not result in unacceptable overlooking of these properties given there is only one first floor gable window and this is to be finished in obscure glass. There are no anticipated overlooking issues from ground floor windows. The proposal should not result in unacceptable overshadowing or loss of light to these properties given the site orientation; adequate separation distances; and appropriate scale and massing.

8.30 The new access to the development is located to the side of No. 12 Sunset Ridge. Whilst this is not a typical arrangement, it is considered acceptable given No. 12's rear amenity space has been made private with a 1.8m high fence and separate parking for No.12 is provided. Some noise and disturbance may be experienced by No. 12 from vehicles travelling in and out of this development but this would be intermittent and Environmental Health has no objections to this aspect of the development. No.12 is also in the control of the planning applicant as this property has been outlined in blue on the site location map.

No. 10 Sunset Ridge

8.31 This residential property should not be adversely affected by this development. No overshadowing or loss of light will occur given the site orientation; the positioning of the new dwellings; and the large separation distances.

8.32 The front of the dwellings would be looking towards No. 10 Sunset Ridge but all windows relate to bedrooms as the main living area is located at the rear. There is a separation distance of 30m between buildings with 15m between the front of the new dwellings and the shared boundary with No. 10. While there will be an element of some overlooking, it is considered to not be unreasonable or unacceptable in this urban context having regard to planning policy and guidance, and with the proposed separation distances and orientation of the existing and proposed dwellings.

Nos. 82 & 84 Lever Park

8.33 The pair of proposed semi-detached dwellings are located approx. 11m from the rear boundary in accordance with Creating Places guidance. The rear of the dwellings is approx. 25m back to back with No. 84 Lever Park and approx. 26m back to back with No. 82 Lever Park.

8.34 Proposed ground floor windows include living and dining windows and ensuites and bathrooms are at first floor level with velux windows. There are no anticipated overlooking issues with velux windows. That said given the difference in levels (with Nos. 82&84 sited at a lower level, an assessment of the ground floor windows is required.

8.35 The FFL of the dwellings are 31.30 with the rear gardens 31.02 decreasing to 30.77. The level at the front of No. 82 is 30.33 and the level at the front and rear of No. 84 is 29.80 and 29.90 respectively.

8.36 No. 82 Lever Park is positioned with their rear elevation facing south west so there will be no direct views into windows of their property from this development. There is also good vegetation screening in the rear of this plot limiting overlooking. No. 84 Lever Park is not positioned immediately facing the rear of the new dwellings which helps avoid direct overlooking however they have less boundary screening at the rear. During site inspection, when standing on the plot near the boundary with No. 84 views are apparent of their rear garden due to the low height of the shared boundary wall.

8.37 It is acknowledged there will be some overlooking from the proposed ground floor windows given the difference in levels but mitigating factors include the separation distances; new boundary screening; and additional tree planting and is therefore considered to be acceptable.

8.38 Nos. 82 and 84 will not experience unacceptable overshadowing, loss of light or dominance given the large separation distances and the relationship between buildings. The scale and massing of the dwellings shows the eaves level being reduced from front to back with a height of 2.9m at the rear. The section provided shows this relationship and it is considered acceptable.

8.39 It is considered that, on balance, this proposal is acceptable and will not adversely harm the residential amenity of No. 84 Lever Park to such an unacceptable extent to warrant refusal on overlooking grounds.

Nos. 9, 11 and 13 Milford Avenue

8.40 No.9 will not experience unacceptable overlooking, overshadowing, loss of light or dominance from this proposal given the respective relationship between No.9 and the proposed development and large separation distances.

8.41 No.11 will not experience unacceptable overlooking from this development. Some views may be possible from proposed first

floor bedroom windows in the front elevation of their rear garden however this would be at an oblique angle therefore limiting the impact. No. 11 may have some overshadowing in the evening but this would only be to a small section of the northern corner of their garden which is considered to not be unacceptable.

8.42 No. 13 will not be adversely impacted by overlooking given the side gable of the new dwelling facing their property only has one first floor ensuite window which is finished in obscure glass. The proposed windows in the rear elevation of the new dwellings do not face their rear garden so there is no loss of privacy concerns. No. 13 may experience some overshadowing and loss of light given the site orientation so this would be in the evening time. However, this would be predominantly to their garage (being the closest to the development), rear elevation and rear garden. This has been mitigated by the scale and massing of the dwellings with the reduced eaves level at the rear; a separation distance of 8m to the shared boundary; and a separation distance of 18.7m building to building. It is not considered the new dwellings would result in dominance to this property given separation distances and appropriate scale and massing.

8.43 It is considered that, on balance, this proposal is acceptable and will not adversely harm the residential amenity of No. 13 Milford Avenue to such an extent to warrant refusal on overshadowing/loss of light grounds.

8.44 The relationship between the two new dwellings is appropriate as there are no issues with overlooking, loss of privacy or overshadowing given the design of semi-detached properties.

8.45 Noise is not perceived to be an issue as this proposal is for residential development in the settlement limit of Portstewart and Environmental Health has no objections.

8.46 The proposal is considered to not adversely conflict with adjacent land uses and there is no unacceptable adverse effect on the residential amenity of neighbouring properties or proposed properties.

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

8.47 The development has been designed to deter crime and promote personal safety. Objectors are concerned about the use of the green space south of the proposed dwellings leading to increased security concerns. This area has been closed off with 1.8m high timber fencing to prevent unauthorised access and to overcome any security problems. The erection of this boundary treatment will be conditioned with any approval granted.

8.48 The Addendum to PPS 7 seeks to safeguard the character of Established Residential Areas. The key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and are in harmony with the local character of established residential areas, villages and smaller settlements.

Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity

8.49 This policy requires the proposed density is not significantly higher than that found in established residential areas. It requires the pattern of development to be in keeping with the overall character and environmental quality of the established residential area. It states all dwelling units and apartments should meet the appropriate space standards.

8.50 Several objections have been raised in terms of unacceptable density and overdevelopment of the site. The RDS provides the overarching strategy for development. This promotes a drive to provide more housing within existing urban areas and advocates an increased density of urban housing on brownfield sites or redevelopment opportunities.

8.51 The character of the area is not limited to properties immediately abutting the application site. The character of the area comprises a wider sample of properties. In reviewing this, plot sizes for a sample of detached properties in Sunset Ridge consist of 540m^2 (No. 5), 730m^2 (No. 8) and 790m^2 (No. 13). Some plots in Milford Avenue measure 540m^2 (No. 9) and 760m^2 (No. 5). To the west of the application site within Castleton Park terrace housing is present on plot sizes of approx 110m^2. This demonstrates the difference in plot sizes within the immediate vicinity. A pair of semi-detached properties (Nos. 15 & 17 Sunset Ridge) together have an overall

plot size of 1012m^2. The application site measures 1770m^2 so this is directly comparable and is larger hence 2 dwellings on this plot is reasonable in the context of density and the surrounding area.

8.52 The 2 new dwellings at this location are possible because of the size of the application site. The site can accommodate housing with sufficient private rear amenity space while also meeting parking requirements and adequate separation distances from neighbouring properties. All proposed dwellings are satisfactory in terms of size requirements in accordance with Annex A.

Sewerage

8.53 DAERA: Water Management Unit was consulted in relation to this application and refer to standing advice.

8.54 NI Water was consulted in relation to this application and advised refusal because there are Network Capacity issues so connections should be curtailed. Submission of a Wastewater Impact Assessment to NI Water is required. This information was provided to NI Water and on re-consultation approval is now recommended. NI Water and the applicant have agreed a downstream engineering solution to mitigate the foul capacity issue and allow connection for this development proposal. This solution is to be fully funded and delivered by the applicant.

8.55 Objections were received about the infrastructure unable to cope with water and sewage and inadequate sewage pipe work. NI Water were re-consulted to provide comment on these concerns. Upon receipt of a fully completed WWIA application, NI Water produce a site-specific development solution engineers report detailing potential developer funded solutions to overcome wastewater capacity constraints and help facilitate new development in areas where capacity is limited. Any additional flows will add to existing capacity issues and any solution must ensure a zero-detriment approach thus ensuring the current situation is not worsened. These measures are to protect both the environment and existing customers. NI Water's response dated 28 August 2024 recommended conditional approval as NI Water's solution engineering team have confirmed that a zero-detriment solution has been agreed and signed off. The approval recommendation has been conditioned on the basis that the agreed solution is provided to the satisfaction of NI Water. NI

Water are responsible for the maintenance of the public wastewater network but are not responsible for roadside drains.

8.56 The proposal is now regarded acceptable from a sewage perspective and will not result in an environmental impact.

Access and Parking

8.57 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.

8.58 Several objections have been received in relation to this development with concerns relating to the volume of traffic; parking and turning of vehicles; difficulties for emergency services gaining access; dangers for children playing; and that the proposed access is unacceptable in terms of width.

8.59 Access to the site is gained south of No. 12 Sunset Ridge. 3 parking spaces are provided for No. 12 at the rear and 4 parking spaces are provided to the front of dwellings 1 and 2. There is a private driveway and a turning area for vehicles.

8.60 Consultation occurred with DfI Roads in relation to this application as the competent authority on traffic matters. During the processing of the application, an amended site plan was necessary in relation to the detailing for kerbs. In its final consultation response, DfI Roads raises no objection to this application subject to conditions. DfI Roads has noted the roads issues and concerns raised in the various objection letters buts advise it is content. The proposal is acceptable in terms of the access and the car parking provision for this development. The proposal complies with Policy AMP 2 of PPS 3.

Natural Heritage

8.61 Consultation was carried out with DAERA: Natural Environment Division (NED). A biodiversity checklist was submitted in support of this application. NED required further information to assess this proposal seeking the submission of a Preliminary Ecological Appraisal Survey to account for priority protected species, badgers, bats etc. A Bat Roost Potential (BRP) Survey of all

structures/trees proposed for demolition/felling/removal was also required. This additional information was submitted and NED re-consulted.

8.62 Objections received in relation to this proposal include biodiversity concerns; loss of habitat; and damage to the natural environment ie) wildlife and flora to include badgers, bats, hedgehogs, field mice, birds, insects and wild primroses.

8.63 The site where the new structures and associated access will occupy is currently comprised of an area of bare ground, an area of scattered scrub, and two areas of scattered bracken, with fences and lengths of species-poor hedgerow forming the site boundaries. NED consider these habitats have low and moderate biodiversity value overall.

8.64 A Bat Roost Potential (BRP) survey was completed on a mature tree present on site and concluded that it contained no observable Potential Roost Features (PRFs) which may be utilised by bats for roosting purposes. Therefore, this tree has negligible bat roosting potential. NED is content that the proposal is unlikely to have a detrimental effect on roosting bats.

8.65 In terms of site connectivity, hedgerows extending from the site and small patches of scrub to the north and south continue throughout the local landscape and may provide linear connections between the development site and the wider landscape. However, given that the proposal currently has no plans for nighttime lighting, foraging and commuting bats are unlikely to be deterred from the area. As a result, bats are not currently considered a significant constraint to the proposals, however, NED welcomes the implementation of mitigation measures outlined on page 18 of the Preliminary Ecological Appraisal (PEA) with regards to the erection of bird and bat boxes. This will be conditioned with any permission granted.

8.66 NED advise any removal of vegetation or demolition on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found.

8.67 NED advise that although the PEA did not locate any badger setts, badgers are known to be active in the area, so there is a probability that badgers will utilise the site as a foraging ground. There is the possibility that a badger sett could appear within the site boundary and should this occur before or during the development phase the applicant should contact their ecologist or the NIEA Wildlife Team. Badgers and their places of refuge are protected at all times under the terms of the Wildlife (Northern Ireland) Order 1985 (as amended).

8.68 NED notes from drawing 02E Proposed Site Plan that the majority of hedgerow is to be retained with the addition planting of more boundary hedgerow. NED welcomes the retention of hedgerow where possible and recommends planting with native species on site to further enhance the biodiversity value of the site.

8.69 Objectors are concerned that the Ecological Appraisal was carried following clearance of the site and that the natural habitat that existed was no longer there when the survey was completed, and the findings may have differed if done earlier. Upon consideration of the proposal and acknowledgement of objections, NED is content that there is unlikely to be a significant impact on protected and/or priority species and habitats, subject to conditions. Necessary conditions will be imposed should planning permission be granted.

8.70 Following assessment, the proposal is acceptable in terms of natural heritage interests and is considered to meet the requirements of Policies NH 2 and 5 of PPS 2.

9.0 CONCLUSION

9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The scale, form, massing and appearance, materials and detailing of the proposal is acceptable. The design of this proposal is visually appropriate and should not detract from the character and appearance of the area given the varying designs and styles already present. The proposal is not considered to adversely conflict with adjacent land uses and there is no unacceptable adverse effect on the residential amenity of neighbouring properties. It is considered the density (2 dwellings)

is not significantly higher than the surrounding area and the application site can accommodate this without adverse impact on the character and appearance of the surrounding area.

9.2 The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact. The proposal has satisfactory access and parking. The proposal is acceptable in terms of natural heritage interests. 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. No development shall commence until the vehicular access, including visibility splays and any forward sight distance, is provided in accordance with Drawing No. 02E. 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.

3. 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. 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.

4. All hard and soft landscape works shall be completed in accordance with Drawing No. 02E within the first available landscaping season after the occupation of the dwellings, unless otherwise agreed by the Planning Authority in writing.

   Reason: To ensure the provision of amenity afforded by appropriate landscape design.

5. 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 Council, 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 Council gives its written consent to any variation.

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

6. Prior to works commencing on site, all existing trees shown on drawing 02E Proposed Site Plan, as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Council.

   Reason: To protect the biodiversity value of the site, including protected species.

7. No 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 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 Council within 6 weeks of works commencing.

   Reason: To protect breeding birds.

8. Prior to commencement of development on site, plans and elevations showing the exact locations and details of bird and bat boxes shall be submitted to the Planning Authority for consideration, consultation with DAERA: NED and agreed in writing. Details should be in accordance with Page 18 of the Preliminary Ecological Appraisal (DOC 09 Dated July 2023 uploaded 17.08.2023).

   Reason: As a mitigation measure to assist with the foraging and commuting of bats within the site.

9. No drainage shall be laid until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Reason: To ensure a practical solution to sewage disposal from this site is possible.

10. That no development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water. The development shall not be occupied until the developer has complied with all of the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

    Reason: To ensure a practical solution to sewage disposal from this site is possible.

11. Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

    Reason: To safeguard the site and adjacent land against flooding and standing water

12. The first floor ensuite windows in the side elevations shall be finished in obscure glazing in accordance with Drawing Nos. 03B and 06A and be permanently retained.

    Reason: In the interests of residential amenity.

13. The 1.8m high timber close board fence shall be erected in the positions shown on the proposed block plan, Drawing No. 02E, prior to occupation of the dwellings and shall be permanently retained.

    Reason: In the interests of residential amenity and protecting a green area from anti-social behaviour.

14. The driveway and pathways shall be finished in paviors in accordance with the proposed Block Plan, Drawing No. 02E, prior to occupation of the dwellings and shall be permanently retained.

    Reason: In the interests of visual amenity.

INFORMATIVES

1. 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.

2. 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.

3. 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.

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 through the Consultee Hub: https://consulteehub.planningsystemni.gov.uk

Site Location Map

Proposed Block Plan