



Planning Committee Report LA01/2019/0182/F	27 January 2021
PLANNING COMMITTEE	

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

<b><u>App No:</u></b> LA01/2019/0182/F	<b><u>Ward:</u></b> Portrush and Dunluce
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> 24m NE of 50/51 Kerr Street, Portrush	
<b><u>Proposal:</u></b> Proposed 2 storey, 3 bedroom cottage with pitched roof and single storey side projections and front porch and a double domestic store with covered log store.	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 19.02.2019
<b><u>Listed Building Grade:</u></b> N/A	
<b>Applicant:</b> Porter Property Ltd. 3 Portman Business Park, Lissue Ind. Estate, Rathdown Road Lisburn	
<b>Agent:</b> Darren McCaffrey Associates, Beech Cottage, Blaney, Enniskillen	
<b>Objections:</b> 18 (9)	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

## **EXECUTIVE SUMMARY**

- Full planning permission is sought for a two storey, three bedroom dwelling.
- The site is located within an Area of Townscape Character.
- The application fails to meet the requirements of criteria (a), (c) and (h) of Policy QD 1 of PPS 7 in the provision of a quality residential environment.
- The proposed development fails to provide an adequate outlook and is adversely impacted upon by overlooking and overshadowing from existing development.
- The proposal also fails to meet the requirements of Policy AMP 2 of PPS 3.
- The proposed access would, if permitted, prejudice the safety and convenience of road users since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
- There has been 18 objections to the proposed development.

**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 **REFUSE** planning permission subject to the reasons set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 This site is located to the rear of the buildings at 49 to 51 Kerr Street and is accessed via a narrow laneway located just off Kerr Street and between the buildings at 49 to 51 Kerr Street. The existing site is currently vacant and at the time of inspection did not appear to be in use. The site was secured by a wooden fence which prevents access to the site. To the north, the site is bounded by a cliff face which bounds the properties at Royal Court apartments and the dwellings at 79 to 81 Main Street. To the south the site is bounded by a wooden fence and the rear wall of an existing outbuilding of the dwelling at 49 Kerr Street. The fence bounds an existing car park used to facilitate the existing apartments located in proximity to the site. To the east the site is bounded by a stone wall which bounds the property at 49 Kerr Street. To the west the site is bounded by a landscaped bank with wall made up of grasses, hedging and trees.
- 2.2 The site is located within the Settlement Development Limit of Portrush. The site is located within an area with a mix of uses to include dwellings and apartments, restaurants and bars, yacht club and Portrush Lifeboat Station. Buildings surrounding are primarily two and three storey and are finished with a range of materials to include red brick, dash and render.

### **3.0 RELEVANT HISTORY**

C/2008/0243/F

Proposed demolition of existing Bed & Breakfast to provide 3 no. apartments. 53 Kerr Street, Portrush  
Permission Granted 09.10.2009

C/1999/0674/F

Alteration and extension of 1 No. dwelling to provide 2 No. self-contained units. 52 Kerr Street, Portrush  
Permission Granted 11.11.1999

C/1985/0179/F

Conversion of dwellings to six holiday apartments. 50-51 Kerr Street Portrush.  
Permission Granted 03.12.1985

C/1980/0655/F

Alterations to 6 cottages, Albert place, off Kerr Street, Portrush (Current site)  
Permission Granted 09.01.1981

At an office meeting it was raised that an intensification of the proposed access was previously accepted under application reference C/2008/0243/F. This application relates to the demolition of a B&B to provide three apartments at 53 Kerr Street. This B&B already had an established access onto the existing right of way between 50 and 51 and 52 Kerr Street. Therefore, in discussion with DFI Roads it is considered that the proposed development to three apartments did not quantify as an intensification of use at the site of 53 Kerr Street.

### **4.0 THE APPLICATION**

- 4.1 Proposed 2 storey, 3 bedroom cottage with pitched roof and single storey side projections and front porch and a double domestic store with covered log store.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

18 letters of objection have been received in relation to this application. The main issues raised are summarised below and will be considered and assessed in the remainder of this report:

- Limited width of access provision.
- Detrimental impact on road safety and impact on pedestrians using an existing footpath.
- Increase in the volume of vehicular and pedestrian movements.
- The existing site is a species rich area and provides a natural habitat for a range of plants and wildlife.
- The existing Flora and Fauna located on the site needs to be protected.
- Impact on access for Emergency vehicles and limited car parking space.
- Lack of Drainage Infrastructure no details of septic tank and limited space to provide a septic tank of sewage treatment plant. Concern regarding adequate access.
- Building methodology, construction access, duration and disruption.
- When exiting onto Kerr Street there are no site lines which is hazardous.
- Impact of an existing bus stop which increases traffic congestion.
- The lands are no being used to store crab cages and there has been intensification of the use at the site.
- Boat building activities have ceased on the site for 44 years was also stated that lands in question were never used as a workspace but for parking and occasional boat storage.
- The site was never used to facilitate any industrial development.
- Traffic Assessment has not been provided and concern regarding survey dates in November not a peak time.
- Concern that the covered store for log storage would be converted to a garage.

- The turning circle shown on the plans for car towing boats does not exist.
- Concern that the development could be used as an Airbnb.
- History of accidents and intensification would exacerbate road safety issues.
- Concern that the development may be converted to apartments in the future.

## 5.2 Internal:

**NI Water:** (Advised that public water supply is 44 metres from the site boundary and can serve the proposal, the foul sewer is 40 metres from the site boundary and can serve the proposal.)

**DAERA:** Water Management Unit and Natural Environment Division: No objections

**Environmental Health:** No objections

**DFI Roads:** Recommended Refusal

**Historic 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 3 - Access, Movement and Parking

PPS 6- Planning, Archaeology and the Built Heritage

Addendum to PPS 6- Areas of Townscape Character

PPS 7 – Quality Residential Environments

Addendum to PPS 7- Safeguarding the Character of Existing Residential Development

### **Supplementary Planning Guidance**

DCAN 8 – Housing in Existing Urban Areas

Creating Places

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

The main considerations in the determination of this application relate to: the principle of development; quality in new residential development; impact on the character of the surrounding area; PPS 3- Access, Movement and Parking; Impact on Area of

Townscape Character; Services; Impact on Natural Heritage and the Coast and Habitats Regulations Assessment.

### **Principle of development**

- 8.1 In the Northern Area Plan the site is located within the Settlement Development Limit for Portrush. The site is located within An Area of Archaeological Potential. The site is located within An Area of Townscape Character designation PTH 02 in the Northern Area Plan.
- 8.2 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.3 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

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

- 8.4 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;**

- 8.5 Development within this area is mixed and includes dwellings and apartments, restaurants and bars, yacht club and Portrush Lifeboat Station. Buildings surrounding the site are primarily two and three storey and are finished with a range of materials to include red brick, dash and render. The proposed site is located to the rear of the building at 50 and 51 Kerr Street. In terms of layout the site is restricted by a steep cliff edge which limits the proposed garden depth to the rear. The proposed site is also extensively overlooked by an existing apartment block which is located just 2 metres from the site boundary. In terms of outlook



the proposed development will look toward an existing car park and the rear of existing apartments located at 50, 51 and 52 Kerr Street Portrush. It is considered that the proposal fails to provide a positive outlook for potential occupiers. There is a limited separation distance of 23 metres from the frontage of the proposed dwelling to the existing apartments at 50 and 51 Kerr Street. Given the restricted nature of the site, the extensive overlooking, the limited separation distances to existing properties and the limited outlook it is considered that the proposal fails to provide a quality residential scheme.

- 8.6 The proposed dwelling is sited in backland to Kerr Street. The dwellings all have a strong frontage onto Kerr Street, with ancillary buildings to the rear. The proposed dwelling is substantial and would not read with the existing context. The issue of backland development is further considered in paragraph 8.31 of this report.
- 8.7 Landscaping has been proposed and includes provisions for 6 semi mature lime pollard trees located along the frontage of the site in an attempt to reduce the visual impact of a cobbled driveway and parking area located to the front of the proposed dwelling. It is considered that these trees would not be in keeping with the character of the area and given its location would have an adverse impact on the proposed dwelling as it would reduce lead to a loss of light to a site that will have limited light due to existing development which surrounds the site. Given the limited public views of the site which is restricted by existing development on Kerr Street and the proposed cobbled finish which breaks up the sea of tarmac effect it is considered that the proposed area of hardstanding located toward the front of the site is acceptable.
- 8.8 The proposal therefore fails to comply with this criteria of Policy QD1 as the development fails to provide a positive outlook, is hemmed in by an existing cliff edge and existing development located on Kerr Street and Main Street and is significantly overlooked by balconies and windows associated with the Royal Court apartments. The site will also be overlooked by the properties at 79 to 91 Main Street. These properties are located at a higher level to the proposed site and this emphasises this impact. The proposal also fails to respect the surrounding context and character.

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

8.9 The site is located within An Area of Archaeological Potential and is located within proximity to several Archaeological Sites and Monuments. Historic Environment Division was consulted as the competent authority and raised no objection to the proposed development. The proposal is therefore satisfactory to the policy requirements of the SPPS and Policy BH 2 of Planning Policy Statement 6. There are no listed buildings located in proximity to the site.

8.10 The proposed site is located within an Area of Townscape Character. A full consideration of this has been completed under section 8.27 and 8.28 of this report.

***(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;***

8.11 Within Creating Places it is recommended that dwellings should have access to at least 70 square metres of private amenity space. The proposed dwelling has provision for amenity space which consists of a rear garden area and pergola located to the side of the proposed dwelling. This amenity area totals approximately 220 square metres which is well above the recommended 70 square metres in Creating Places. However the proposed amenity space will be restricted by an existing cliff face and will also be extensively overlooked from the apartments at Royal Court and the dwellings on Main Street which are elevated above the proposed site. Given this it is considered that the proposed amenity space would not be considered private and therefore fails to meet this criteria of planning policy.

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

8.12 Given the small scale nature of this proposal to provide one dwelling provisions for local neighbourhood facilities are not required. The proposal is located within the Settlement Development Limit for Portrush and potential residents can use facilities located nearby.

***(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;***

8.13 The dwelling is located within the Settlement Development Limit for Portrush and is convenient for walking and cycling and is located close to public transport networks.

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

8.14 Within the block plan provided two car parking spaces have been allocated for this development. Within the Parking standards it is stated that a three bedroom dwelling should have 2.75 spaces. There is enough space to provide a third addition parking space. DFI Roads was consulted in regard to the proposed development and have recommended refusal as the existing access is not adequate. As the access to the proposed parking area is not adequate the proposal fails this criteria of this Policy.

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

8.15 The proposed design is considered acceptable in regards to form, materials and detailing. The dwelling proposed will be two storey with a pitched roof. The walls will be finished with smooth sand/cement render walls with smooth rendered plinth, the doors and windows will be finished in hardwood and the rain water

goods will be aluminium. The overall height is considered acceptable having regard to the context of the area. In terms of context this proposal is considered acceptable having regard to design. Overall it is considered that the proposed building design integrates effectively into the site and is sympathetic with the existing built form.

***(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;***

8.16 In terms of layout and design the proposed development given its location has the potential to have an impact on neighbouring properties. Within Creating Places it is recommended that there should be a 30 metre separation distance between apartments and existing dwellings. In regard to the apartments at 50 and 51 Kerr Street there is a separation distance of approximately 23.4 metres between the rear of the existing apartments and the front of the proposed dwelling. There is a small paved area to the rear of the building at 50 and 51 Kerr Street. There are a number of rear windows on the existing buildings at 50 and 51 Kerr Street to include bedroom windows and the proposed development will overlook these windows. The proposed development would therefore have an adverse impact on the existing apartments in terms of overlooking. This impact is emphasised by the limited separation distance between the proposed dwelling and existing apartments. Given the separation distance and orientation of the proposed dwelling the proposed development would not have a detrimental impact on the apartments by way of loss of light or overshadowing.

8.17 In regard to the dwelling at 49 Kerr Street there is a separation distance of 23 metres between the rear of the existing dwelling and the front of the proposed dwelling. There is also a large outbuilding located between the site and the dwelling at 49 Kerr Street which will reduce the potential for overlooking. The section of the proposed building that looks toward the rear of 49 Kerr Street is 1.5 storey with no upper floor accommodation. Although there is a small window on the upper floor as shown in the elevations there will be no potential to overlook from this window as there is no 1<sup>st</sup> floor accommodation. Therefore there is no concern regarding overlooking toward the dwelling at 49

Kerr Street. Given the separation distance, the existing outbuilding located between the sites and the orientation of the proposed dwelling there is no concern in regard to loss of light or overshadowing.

- 8.18 In regard to the dwelling at 52 Kerr Street there is a separation distance of 32.6 metres from the front of the proposed dwelling to the rear of the existing dwelling. This separation distance is considered sufficient not to have a significant impact in terms of overlooking, loss of light and overshadowing.
- 8.19 In regard to the dwellings located on Main Street and the apartments at Royal Court there will be no impact having regard to overlooking, loss of light or overshadowing as the proposed development is set at a much lower level to these properties.
- 8.20 The proposed dwelling will be located to the rear of existing apartments and dwellings at 50, 51 and 52 Kerr Street. The site is also located close to an existing cliff face located to the rear of the site in which the Royal Court Apartments are located. There are a number of windows and balconies associated with these apartments that will overlook the rear of the proposed dwelling. The existing apartments are constructed on a higher level and would have a dominant impact on the proposed dwelling. The existing cliff face will exacerbate this impact. The existing apartments are located just 2 metres from the common boundary and just 12.5 metres from the rear of the proposed dwelling. In *Creating Places* it is recommended that there should be a separation distance of 30 metres between apartment developments and dwellings. The provision proposed is well below this recommendation.
- 8.21 Further to this the proposed dwelling does not have a positive outlook as it will look directly toward an existing car park and the rear of an existing apartments and dwelling at 49, 50 and 51 Kerr Street. The separation distance to these properties is 23.4 metres which is again below the 30 metre recommendation for apartments and dwellings. As stated in section 4.16 of PPS 7 all buildings should be located and orientated to front onto existing and proposed roads to present an attractive outlook. The proposed building fronts onto a rear car park and the rear of existing buildings. This outlook is not considered to be acceptable. The proposed site will also be overshadowed by

existing development which surround the site and this will ensure a limited supply of light. This light will be reduced further by the proposed planting of trees. Given the limited separation distances to existing development the proposed dwelling would be hemmed in.

8.22 In regard to noise and other disturbance Environmental Health was consulted but raised no significant issue subject to informatives relating to loss of amenity from existing restaurants and commercial premises, noise, dust, lighting and radon, refuse collection and site preparation and construction. Although the proposed development would have a limited impact on existing premises there would be a significant detrimental impact on any proposed occupier of the dwelling though overlooking and limited outlook. The proposed development therefore fails to comply with this section of policy.

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

8.23 This proposal will not lead to the creation of areas where anti-social may be encouraged. The site will be bounded by existing walls and a 1.9 metre high replacement smooth rendered blockwork wall with hardwood painted gates.

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

8.24 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.***

- 8.25 This proposal will provide 1 new dwelling within the Portrush Settlement Development Limit. The proposed density is considered acceptable at this site having regard to existing residential development located along Kerr Street in which there are instances of higher densities on smaller sized plots to include the apartments at 50 Kerr Street.
- 8.26 The site is located within an area with a mix of uses to include dwellings and apartments, restaurants and bars, yacht club and Portrush Lifeboat Station. Buildings surrounding are primarily two and three storey and are finished with a range of materials to include red brick, dash and render. The proposed dwelling at two storey with a traditional form and smooth render finish is considered an acceptable design. However, the pattern of development is not in keeping with the overall character and environmental quality of this established residential area in that, all dwellings on Kerr Street have a strong frontage onto Kerr Street with ancillary buildings only to the rear. This proposal is located in backland to Kerr Street, is substantial and would not read with the existing context.
- 8.27 The dwelling proposed is of a size not less than those set out in Annex A of the policy.

### **PPS 3- Access, Movement and Parking**

- 8.28 The proposed development is accessed via a narrow laneway approximately 2 metres in width. DFI Roads was consulted in regard to the proposed development. They advised that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 8.29 A number of objections have been received in regard to the proposed development which raises concern in regard to the access and road safety. DFI Roads was consulted in regard to this and advised that the refusal reason noted previously still applies. An office meeting took place to consider the proposed access. At this meeting there was some discussion on the

previous use of the site as a boat storage area and whether there is an intensification of use from the proposed development.

8.30 Following this meeting an Access and Traffic Review statement was submitted. Within this statement a photograph was provided showing the storage of boats on the site. In summary it was stated that the proposal for a dwelling would be a betterment for the access as opposed to the previous industrial use for boat storage. It was stated that the proposal would remove the previous use and would prevent the need for difficult manoeuvring for vehicles to transport boats. It was also stated that the removal of this difficult manoeuvring would minimise the impact on existing users of the car park to the rear of 48 to 51 Kerr Street. A number of representations were received which queried the former use of the site which had not been used as an area for boat storage for a number of years. DFI Roads was consulted in regard to this document and it was stated that DFI Roads would advise that this document refers to the betterment of an access to a dwelling compared with the access for an industrial use of boat storage and repair facility. It was stated that no evidence has been provided to indicate that such a facility existed on this site. It was concluded that the refusal reason noted on the previous consultation still applies. The Planning Authority would be in agreement that no evidence has been provided to demonstrate a former industrial use on the site.

8.31 Given the intensification of this site the proposed development would prejudice road safety and significantly inconvenience the flow of traffic.

### **Impact on Area of Townscape Character**

8.32 The proposed site is located within an Area of Townscape Character designation PHT 02 as designated in the Northern Area Plan. Policy ATC 2 of Addendum to PPS 6: Areas of Townscape Character is a key policy in regard to new development in an ATC. It is stated in this policy that new development in an Area of Townscape Character will only be permitted where the development proposed maintains or enhances the overall character and respects the built form of the area. Further to this it is stated in paragraph 4.10 of PPS 7 that in assessing housing proposals in Conservation Areas and Areas of Townscape Character, the protection of the existing



character and distinctive qualities of the area will be paramount. It is stated that proposals involving intensification in Areas of Townscape Character will only be permitted in the following exceptional circumstances:

- (a) an extension in keeping with the scale and character of the dwelling and its surroundings; or
- (b) the sympathetic conversion of a large dwelling in appropriate locations to smaller units; or
- (c) the development of a significant gap site within an otherwise substantial and continuously built up frontage provided this would be of a density and character prevailing in the area.

8.33 The proposed development does not fall within any of these exceptions. However, in regard to potential impacts on the ATC the site is located to the rear of the buildings which front onto Kerr Street. Public views of the development from Kerr Street is restricted by existing development. The scale massing and form of the proposed development is considered acceptable having regard to the ATC. The proposed development will also not have a detrimental impact on the features associated with this ATC which includes the mixture of two and three storey buildings with uniform ridge and eaves heights and the frequent detailing of angled bay windows. These features are prevalent to the frontage of the buildings on Kerr Street. As the proposed development does not have a detrimental impact on these features it complies with Policy ATC 2 of the Addendum to PPS 6 and Policy QD1 of PPS 7.

### **Backland Development**

8.34 The proposed development is considered backland development. In regard to this DCAN 8 Housing in Existing Urban Areas stated that a fundamental requirement for successful backland development is for the backland plot to be of sufficient depth to accommodate new housing in a way which provides a quality residential environment for new and existing residents. It is stated 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. The proposed site is located 43 metres from the

established building line on Kerr Street. This falls well short of the recommended distance.

8.35 Further to this the site will be extensively overlooked by existing development located along Main Street to include dwellings and an apartment block which are set at a higher level to the proposed site and would tower above the site. Due to the limited depth of the site there is also concern regarding the proposed outlook which is toward an existing car park and the rear of existing apartments at 50 to 52 Kerr Street. Given the limited depth it is considered that the proposed development does not provide a quality residential scheme.

### **Services**

8.36 Within the P1 form it is stated that the proposed development will use mains water and mains sewage. NI Water was consulted in regard to this and it was stated that there is no public water supply, foul sewer or surface water sewer located within 20 metres of the proposal.

8.37 A representation letter was received making reference to the lack of drainage infrastructure and the fact that no septic tank has been shown on the plans and that there is no room for a septic tank or sewage treatment plant on the site. A phone call with NI Water provided further clarity on the initial response and a further consultation was sent to NI Water. A consultation response was returned and it was stated that the nearest public water supply is 44 metres from the red line boundary of the site and can serve this proposal. It was stated that the nearest public foul sewer is 40 metres from the red line boundary of the site and can serve this proposal. It was also stated that the Developer is required to consult with NIW at an early design stage to discuss discharge options and may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse. It was confirmed that the existing waste water treatment works has the capacity to facilitate this development.

### **Impact on Natural Heritage and the Coast**

8.38 Within a representation letter it was stated that the site supports a species rich area with wildflowers, insects and birds including the Goldfinch. DAERA Natural Environment Division was consulted in regard to the proposed development and this representation letter. Natural Environment Division stated that aerial photos show the site to be a small area of rough grassland within the centre of Portrush and that NED have no concerns as it appears unlikely that the site supports Northern Ireland priority habitats or species.

8.39 DAERA Coastal Development was consulted in regard to the proposed scheme to consider the impact of the proposed development on the coast. DAERA Coastal Development raised no concern and it was stated that the application site is separated from the marine environment by an existing dwelling, main road and area of hardstanding.

### **Habitats Regulation Assessment**

8.40 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). Shared Environmental Services was informally consulted via email and it was stated that the area of the proposal is noted as a former boat yard. There are no open watercourses within the vicinity of the proposed development, and the red line boundary of the proposal is approximately and directly 60m from the marine environment, i.e. Harbour area, and approximately and directly 160m from Skerries and Causeway SAC, and separated from it by existing dwellings, roads etc. Given the location of the proposal, it is unlikely that there will be any significant impacts on feature species during the construction phase, through hydrological links and disturbance. The proposed development would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

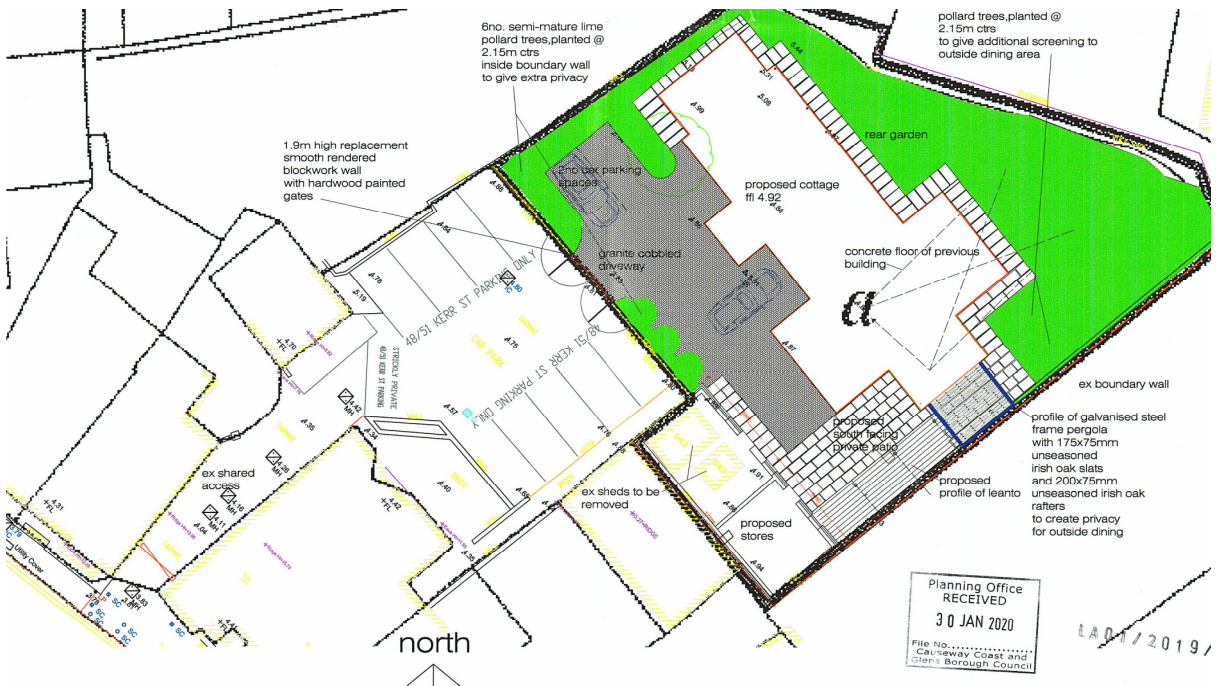
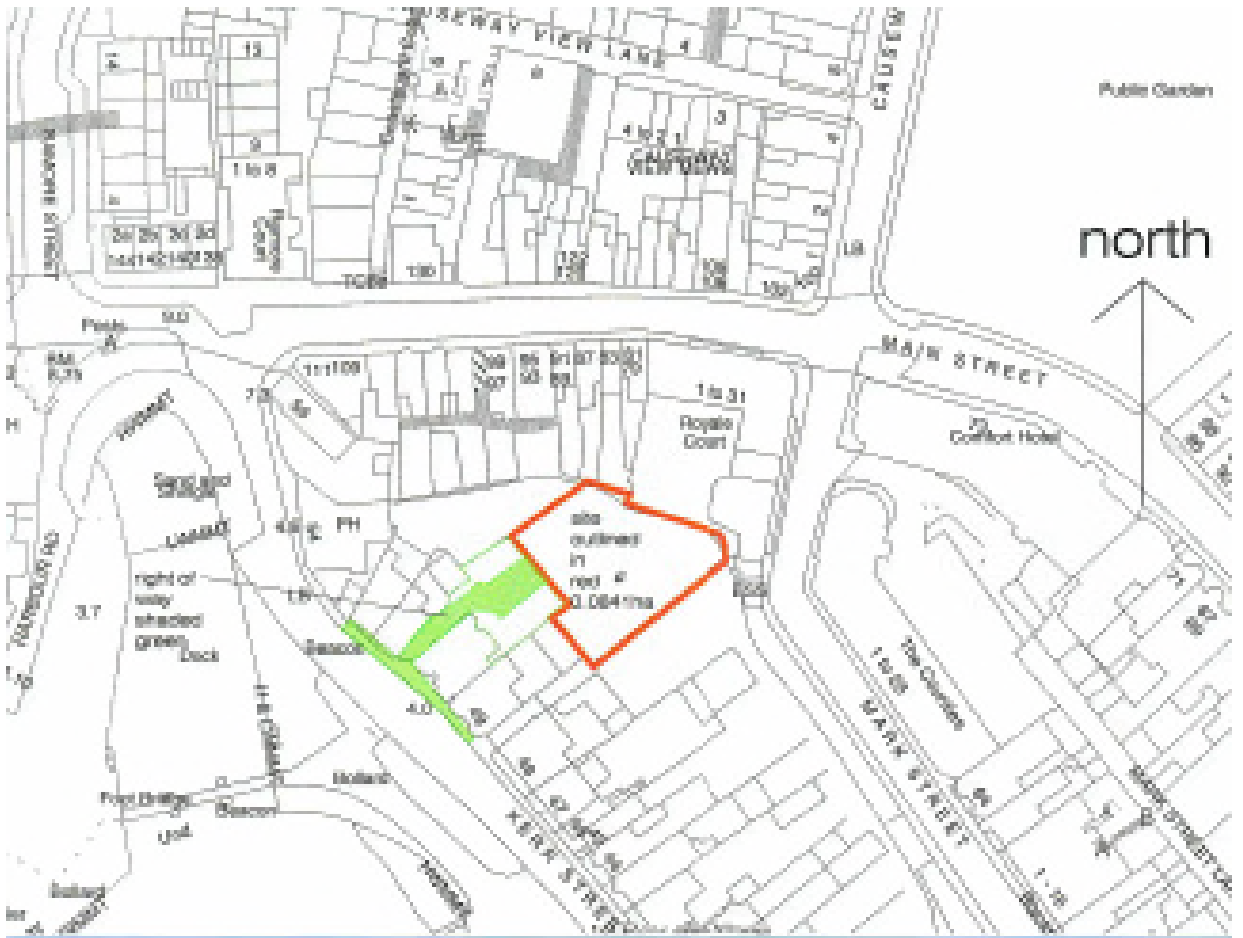
## **9.0 CONCLUSION**

9.1 The proposed development is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. An intensification of

the existing access is not acceptable and will have an adverse impact on road safety. The proposal fails to provide a quality residential environment and would impact on the amenity of the existing and new residents. The proposed dwelling will be adversely impacted by overlooking from existing development located around the site and the proposed development fails to provide an acceptable outlook. Refusal is recommended.

## **Refusal Reasons**

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
2. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7 (Quality Residential Environments), Policy LC 1 of Addendum to PPS 7 (Safeguarding the Character of Existing Residential Development) and Development Control Advice Note 8 (Housing in Existing Urban Areas) in that the development as proposed fails to provide a quality residential environment by being contrary to criteria (a), (c), (f) and (h) of Policy QD1 and criteria (b) of Policy LC 1.





# Addendum

## LA01/2019/0182/F

### 1.0 Update

- 1.1 Within this addendum a further consideration of the access provisions to the site has been provided. The access width falls well short of the required width which is essential to enable drivers emerging from the minor road to see and be seen by drivers proceeding along Kerr Street. Where the access crosses a footway it is important to have inter-visibility between pedestrians and emerging motorists. In these circumstances there should normally be visibility splays between the drivers viewpoint 2m back into the access and a distance measured along the back of the footway for 2m on each side. This has not been provided in this instance. The points of concern raised in the objections letters, the agent's arguments and DFI Roads comments are detailed in paragraphs 8.29 to 8.31 of the Planning Committee report.
- 1.2 This application was due to go to the Planning Committee in September. However, prior to the commencement of this meeting additional information was submitted by the agent on 16th September 2020 to include a cover letter which addresses the proposed access and concerns raised by DFI Roads and Planning. Furthermore revised site layouts and site sections were provided. This information required an additional consultation to DFI Roads and a further neighbour notification. The neighbour notification was sent on 5<sup>th</sup> October 2020 and expired on 19<sup>th</sup> October 2020. A further consultation was sent to DFI Roads on 5<sup>th</sup> October 2020.
- 1.3 On 24<sup>th</sup> September 2020 a representation letter from the residents of Kerr Street was submitted. Within this representation letter a land ownership issue was raised. A copy of deeds was submitted along with this letter.

1.4 Further to this 8 more objections have been received. The key issues raised relate to the following matters.

- Concerns regarding traffic intensification and safety of the access
- Concern regarding access to existing services which will require a trench.
- There is no methodology for construction and how will the site be accessed by lorries and cranes during construction
- It is stated within the statement provided by Donaldson no details of sustainable practice as set out in Donaldson letter
- Impact of 1.9 metres screen wall around the property which will reduce the dwellings outlook further.
- Concerns regarding the shoehorned amenity space provided and concern that the proposal does not provide a quality residential scheme.
- Potential for overlooking from 83-100 Main Street toward the application site and a building at 48 Kerr Street to be converted will look into the proposed site.
- Letter from Donaldson Planning suggests the only private area is a small south facing patio.
- Previous application refused 20 years ago on inadequate access
- Potential impact of smoke pollution from a solid fuel/ log burning fire given the site is located within a quarry basin and its chimney will be under an existing cliff.
- Concern regarding the depth of the site which does not meet the criteria for backland development in DCAN 8.
- Non-vehicular accident between a cyclist and pedestrian at the access which has highlighted the issue with visibility at this access.

## 2.0 **Assessment**

2.1 Within the cover letter it is stated that the front parking and patio area will have a degree of privacy as it will be defined with a 1.9 metre high wall. However, within Creating Places it is stated that on green-field sites and in lower density developments all houses should have an area of private open space behind the building line. This area is not located behind the building line. Further to this there are a number of rear windows which will look toward this area on the existing apartments at 50 and 51 Kerr Street. From the upper floors it will be possible to look over this 1.9 metre high wall and this will therefore reduce the privacy of this area.



2.2 It is stated that more than 220 m<sup>2</sup> of amenity space will be provided. An assessment of the cross sections provided has been completed. In regard to this it is accepted that views from these balconies will be outward and will look over the buildings on Kerr Street. Given the steep gradient it is considered that there will be minimal opportunity to overlook the rear amenity space. However, the proposed dwelling will be a significant perception of being overlooked which will have a detrimental impact on the quality of the amenity space provision. Given this refusal reason 2 should be changed to;

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

2.3 Within the covering letter provided it is stated that there will be no significant overlooking from the proposed dwellings towards the rear of the apartments at Nos 50 and 51 Kerr Street. It was identified that within the Committee report that the separation distance between the buildings is 23 metres. It goes on to state that the actual distance from the first floor bedroom windows to the rear windows of the apartments is 25.8 metres. Although there is a separation distance of 23 metres between the buildings at the closest point it is accepted that there is a separation distance of 25.8 metres to the 1<sup>st</sup> floor bedroom windows.

2.4 The cover letter also refers to Creating Places where it indicates that on green-field sites and in lower density developments, good practice indicates a separation distance of around 20 metres or greater between opposing rear first floor windows and that greater flexibility will generally be appropriate in assessing the separation distance for apartments and infill housing schemes in inner urban locations or other higher density areas. It is stated that the proposed separation distance is generous for an urban infill site.

- 2.5 In regard to this the proposed dwelling will be located between two apartment developments. In *Creating Places* it states that great care will be needed in designs where new residential schemes, such as apartments as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties. Where such development is proposed on green-field sites or in lower density areas, good practice indicates that a separation distance of around 30m should be observed or, alternatively, consideration given to a modified design. Although the proposal is for a dwelling this 30 metres separation distance should be applied as there are apartments located directly to the North East and the South West. The 30 metre separation distance has not been provided.
- 2.6 Although *Creating Places* does state that greater flexibility regarding separation distances for infill housing schemes in inner urban or other higher density areas this proposal is enclosed on all side by development and due to their close proximity fails to provide a quality residential environment. *Creating Places* also states that schemes likely to result in a significant loss of privacy or overlooking, particularly of existing properties, will not be acceptable. It is considered that the separation distance of 25.8 metres to the 1<sup>st</sup> floor bedroom window is not sufficient to prevent overlooking toward the apartments at 50 and 51 Kerr Street. This distance also falls below the recommended 30 metre separation distance in *Creating Places*.
- 2.7 In relation to the potential overlooking of the application site itself by the Royal Court apartments it was stated that this concern is misplaced for several reasons. That the apartment balconies are orientated to look over the top of Kerr Street buildings and toward the harbour. It was stated that the level or apartment parking is well above the ridge height of the proposed dwelling. It was stated that due to the much higher level, the steep gradient and the proposed design views into the garden area will be restricted. This is illustrated in the cross sections submitted. It was also stated that the proposed house has been carefully designed to ensure that there will be useable private amenity spaces at different locations within the site.
- 2.8 An assessment of the cross sections provided has been completed. It is accepted that there are outward views toward the

harbour from the balconies at Royal Court. Further to this there is also a significant perception of overlooking from the existing apartments given their scale and height which is emphasised by an existing cliff face located at the rear of the site. The existing apartments at Royal Court would have a dominant impact on the proposed dwelling. Please see section 8.20 of the Planning Committee report.

- 2.9 Further information was also provided in regard to the access and the following points were raised. The wording of refusal reason 1 was raised and it was stated that within Policy AMP 2 of PPS 3 it actually states that such access will not prejudice road safety or significantly inconvenience the flow of traffic. An email was sent to DFI Roads to consider this point but DFI Roads was content with the wording of Condition 1.
- 2.10 The letter provided states that the driveway at Kerr Street is already in place to serve the 10 parking spaces and garage to the rear of 48-51 Kerr Street. It stated that this driveway is not adopted and is a private road and that adoption standards do not apply to private driveways. It was stated that this was confirmed by DFI Roads consultation response of March 2019. It goes on to state that this access has operated satisfactorily with no recorded accidents at the access over the last 3 years.
- 2.11 The letter states that the use of this access cannot significantly prejudice road safety as it already exists. It was stated that the use of one car arriving at the proposed house would not cause significant delay to the public road. It was also stated that any delays would be minimal. It was identified that as this is a private driveway the standards should be no different than those which already exist for numerous garages along Kerr Street. It was also stated that adequate sight lines are in place. Finally it was stated that PPS 3 notes in paragraph 5.17 that access standards must be applied with regard to the circumstances of the individual case. It was stated that in a context where there are numerous accesses or similar or lesser width it is clear the primary objective should be to allow this brownfield site to be developed. In terms of the points raised a consultation was sent to DFI Roads to consider. DFI Roads have since considered the information provided and within their consultation response dated 26<sup>th</sup> October 2020

recommended refusal. In regard to the other entrances from Kerr Street these are historical.

### **Consideration of Representations Letters**

- 3.1 The issues raised in regard to access and road safety have been raised previously and have been considered throughout this report and paragraphs 8.28 to 8.31 of the Planning Committee report. DFI Roads have been made aware of these concerns and have made no further comments regarding the representations. DFI Roads have recommended refusal on the site.
- 3.2 In regard to connecting into existing services the provision of these will require consultation with NI Water and Rivers Agency. NI Water has noted that there is capacity in the waste water treatment works to facilitate this proposal. NI Water has also stated that the public water supply and the foul sewer can serve the proposal. Within the representation letter concern was raised regarding the impact of the works required to provide these connections and how that will impact on access to an existing car park. The provision of these services would be a separate to Planning and NI Water and DFI Rivers would be the statutory body relating to this.
- 3.3 It was also stated that there is no construction methodology or details of the proposed dwelling providing a sustainable development. In terms of a methodology this is not required for the proposed development. Best practice in terms of construction would be needed to ensure there are no adverse impacts on existing residents. Given the location of the site details of how the construction of the dwelling would be sustainable have not been provided. This information is not required.
- 3.4 A consideration of backland development as raised in a representation letter has been completed in paragraphs 8.34 and 8.35 of the Planning Committee report. A consideration of the proposed outlook has been provided in paragraph 8.21 of the Planning Committee report. The provision of a 1.9 metre high wall will have no further significant impact on this outlook which is considered unacceptable.
- 3.5 A full consideration of the provision of amenity space has been provided in paragraph 8.11 of the Planning Committee report and paragraph 2.2 of this addendum. In regard to the dwellings at 83 to 100 Main Street there is no concern in regard to overlooking

given the separation distance and orientation of these buildings which will not look directly toward the rear amenity space of the proposed dwelling.

- 3.5 In regard to potential impacts of fumes from a wood burning stove an email has been sent to Environmental Health to consider further. Environmental Health stated that the provision of a wood burning stove would have to meet with building regulations to ensure there is adequate dispersal of fumes and ventilation.
- 3.6 Within a representation letter it was raised that a previous application submitted 20 years ago was refused on the site due to limited access. No reference number for this application was provided. A planning history search has been completed and a previous history was not found. An application submitted at this time may have been prior to the implementation of Creating Places and would have been prior to the implementation of PPS 3 and would have been assessed under different policy.
- 3.7 It was raised in a representation letter that it is the intention to convert an existing building to the rear of 49 Kerr Street into a permanent dwelling and it will be possible to view the rear amenity space of the proposed dwelling from a window on the north facing gable wall of this rear building. In regard to this the building in question is not currently being used as living a dwelling and therefore significant weight cannot be placed on this. A consideration of the impacts of the proposal on the existing dwelling at 49 Kerr Street has been considered in paragraph 8.17 of the Planning Committee report.
- 3.8 Within the representation letters received two accidents at this access were raised. DFI Roads have been notified of this but have no knowledge of these accidents and did not comment further.
- 3.9 Within a representation letter received on 15<sup>th</sup> September 2020 a land ownership issue was raised from the residents of Kerr Street. It was stated that the area of the application site was a garden for the residents of Kerr Street. Deeds were provided. An email was sent to the agent to consider this point. Within their response it is stated that the correspondence asserts that the application site was originally a garden, to which residents are purporting to have some rights of access. It was stated that no maps have been

provided to substantiate this comment. It was stated by the agent that the Certificate remains correct.

#### **4.0 Recommendation**

- 4.1 That the Committee note the contents of this Addendum and the amended refusal reason 1 set out in Para 2.2 above and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.

# **Addendum 2**

## **LA01/2019/0182/F**

### **1.0 Update**

1.1 On 16<sup>th</sup> November 2020 a further letter of representation was received from the occupiers of the 31 apartments at the Royal Court Apartment Complex. The concerns raised are as follows:

- Concern regarding proximity to Royal Court apartments and potential for overlooking.
- 6 apartments and a commercial property on the ground floor of the Royal Court block directly overlook the proposed development. It is also stated that the other 25 apartments will be able to overlook the site. It was stated that the recent plans provided do not address the issues.
- Concern regarding the access from Kerr Street which may delay access to emergency services in an emergency. It was stated that some time ago the Fire Service had to deal with a fire adjacent to the proposed site from Mark Street.
- Concern regarding the developers long term plan for the site and potential to include commercial uses at the site.

### **2.0 Assessment**

2.1 The potential impact on the apartment complex at Royal Court Apartments has been considered in paragraph 8.19 and 8.20 and paragraphs 2.2, 2.7 and 2.8 of Addendum to Planning Committee Report.

2.2 Concerns regarding access from Kerr Street has been considered in paragraphs 8.28 to 8.31 of the Planning Committee Report and paragraph 1.1 and 3.1 of Addendum to Planning Committee report.

2.3 This proposal is an application to develop the site to provide a residential dwelling on the site. No commercial use has been proposed under this application.

### **3 Recommendation**

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.



# Addendum 3

## LA01/2019/0182/F

### 1.0 Update

1.1 The application was approved by the Planning Committee on 25<sup>th</sup> November 2020. Prior to the issuing of this application 6 further representation letters were received. The issues raised are as follows:

- Concerns regarding the operation of the Planning Committee and site inspections completed by the Planning Committee Members.
- Concern regarding the nature of the site which is not a brownfield site and impacts on wildlife.
- Impact of overlooking and limited separation distance.
- Overlooking from the users of the Off Shore Pub whose open balcony and smoking area look down onto the site.
- Access to the site is not in accordance to standards contained in DCAN 15 and is contrary to PPS 3.
- It was stated that there has been accidents at the site including one in September 2019 and photos have been included and one in September 2020 which involved a pedestrian at the access and a cyclist.
- During the Halloween break a child ran across the access from the RHS when exiting in front a vehicle, this was a near miss. Highlights the complexity of the access and its context.
- Who is held responsible if there is a fatality or injury at this access when DFI Roads advice overruled by Planning Committee?
- Concern regarding visibility at the access and concern how advice from DFI Roads was not taken into account. There is no adequate vision to the RHS through railings.
- Cars paking on Kerr Street encroach over the entrance which seroulsy impacts on the visibility at the access to pedestrians and cars.

- Safety of residents accessing their homes.
- Residents not able to access their homes during construction which will block the car park.
- It was stated that cars do reverse out of the access onto Kerr Street and this occurs when the car park is overloaded or when two cars meet at the access.
- Concern regarding an inaccuracy in the site plan regarding access to a car park.
- Queried how an application 20 years ago was refused on access and now this application has been approved when the roads are busier.

## **2.0 Assessment**

- 2.1 The concerns regarding: the nature of the site and impacts on wildlife; the impact of overlooking and separation distance; concerns regarding visibility; access to properties and the existing car park during construction; and, planning history has all been considered in paragraphs 8.1 to 8.40 of the Planning Committee report and paragraphs 2.1 to 3.9 of Addendum and paragraphs 2.1 to 2.3 of Addendum 2.
- 2.2 From the information provided it is evident that there has been accidents/near misses at the entrance to the proposed site. DFI Roads when consulted had no record of any collisions. However DFI Roads recommended refusal for the reasons set out in the Committee report and its addenda. It is also considered that in some cases cars will have to reverse onto Kerr Street from this access when the car park is blocked or when two cars meet at the entrance of the site. A consideration of the access arrangements has been provided in paragraphs 8.28 to 8.31 of the Planning Committee report and paragraphs 2.9 to 2.11 of Addendum. It is considered that the proposed development if permitted will prejudice the safety and convenience of road users since the width of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15 and is therefore contrary to Policy AMP 2 of PPS 3.

### **3 Recommendation**

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

# Erratum

## LA01/2019/0182/F

### 1.0 Update

- 1.1 The third sentence of Paragraph 8.26 of the Planning Committee report states,

The proposed dwelling at two storey with a traditional form and smooth render finish is considered an acceptable design.

This should be removed from the Planning Committee Report.

### 2.0 Recommendation

- 3.1 That the Committee note the contents of this Erratum and agree with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

**SITE VISIT REPORT: MONDAY 21<sup>st</sup> September 2020**

*Committee Members: Alderman Boyle, Duddy, Finlay, S McKillop (Vice Chair), McKeown; Councillors Anderson, Baird, Dallat O'Driscoll (Chair), Hunter, McGurk, MA McKillop, McLaughlin, McMullan, P McShane, Nicholl, Scott*

**Time 10:00am**

**LA01/2019/0182/F**

**App Type: Full application**

**Proposal: Proposed 2 storey, 3 bedroom cottage with pitched roof and single storey side projections and front porch and a double domestic store with covered log store.**

**Present:** Councillors Dallat O'Driscoll, Baird, Nicholl, MA McKillop, McGurk  
Officials D Dickson, J Lundy

**Comments:** The Officer identified the access to the site from Kerr Street. The width and length of the access were pointed out along with the views exiting the site onto Kerr Street. Officials showed plans and the siting of the dwelling from the existing car park area. Also highlighted the relationship with the rear of the properties on Kerr Street and the apartments on Mark Street. Members noted these points accordingly.

J. Lundy 21/09/2020