

<b>Planning Committee Report LA01/2020/0026/F</b>	<b>27 January 2021</b>
<b>PLANNING COMMITTEE</b>	

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

<b><u>App No:</u></b>	<b>LA01/2020/0026/F</b>	<b><u>Ward:</u></b>	<b>Portstewart</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>12-19 The Promenade, Portstewart</b>		
<b><u>Proposal:</u></b>	<b>Redevelopment of existing buildings to provide a four and a half storey building comprising ground floor retail, 22 apartments above, widening of existing vehicular access and provision of surface level parking to rear</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>09.01.2020</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Applicant:</u></b>	<b>7 Glenshane Enterprise Centre, 441a Ballyquin Road, Dungiven</b>		
<b><u>Agent:</u></b>	<b>Kevin Cartin, Unit 5 Belmont Business Park, 232-240 Belmont Road, Belfast</b>		
<b><u>Objections:</u></b>	<b>18(14 objectors)</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## **Executive Summary**

- The 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 the town centre of Portstewart Promenade.
- The proposal in terms of the retail element complies with the town centres first approach detailed in Paragraph 6.271 of the SPPS.
- The proposal meets the requirements of Policy QD1 of PPS 7 in terms of an apartment development.
- 17 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 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.
- The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- Access and parking arrangements are acceptable.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 15, PPS 8, PPS 7, PPS 6, PPS 3 and PPS 2.

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

## 1.0 RECOMMENDATION

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

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 This site is irregular in shape and comprises Nos. 12 – 19 The Promenade. The site is accessed from and fronts directly onto the Promenade forming part of the existing terrace. Uses on the site include ground floor Amusement Arcade, Retail and Restaurant with first, second and third floor accommodation in the form of apartments. Existing buildings have shop fronts and signage at ground floor level and are 2-3 storeys high with pitched roofs. These buildings have a variety of rear returns with a mix of pitched and flat roof constructions.
- 2.2 The site is adjacent to a two storey building to the North, which contains The Fashion Shop at ground floor level with an apartment above. The site is also adjacent to a three storey building to the South, which comprises McKenzies Menswear. Beyond the existing buildings on the site, the land slopes steeply upwards with a rough landscaped bank and electrical substation. To the rear of the site is a steep rock face leading to an area of open space and housing in Stuarts Gardens and Heathmount at a significantly higher level. The site looks over the promenade, the harbour and out towards Portstewart Strand.
- 2.3 The site is located within Portstewart settlement limit, Portstewart Town Centre and The Promenade as designated under NAP 2016. The rear of the site bounds an area of existing open space. The front of the site is adjacent to Portstewart Point LLPA. The site is part of the wider

promenade which is predominantly a mixture of ground floor retail/food outlets with residential accommodation above. Building heights along the Promenade vary between 2 and 4.5 storeys.

### **3.0 RELEVANT HISTORY**

#### *Site*

- 3.1 LA01/2019/0612/PAD  
12 - 19, The Promenade, Portstewart  
Redevelopment of existing buildings to provide a four and a half storey building comprising ground floor retail, 24 apartments above, widening of existing vehicular access and provision of surface level parking to rear
- 3.2 C/2008/0879/F  
17 -20 The Promenade, Portstewart  
Extension of existing licensed restaurant incorporating ancillary accommodation. Conversion of existing retail unit, residential accommodation and amusement arcade into public house and lounge bar with ancillary accommodation  
Approval - 20.09.2010
- 3.3 C/2004/0432/F  
18,19 & 20 The Promenade, Portstewart  
Demolition of existing retail units and flats to provide 2no ground floor retail units with 7no apartments on first, second and third floor levels.  
Approval - 17.03.2005

#### *Surrounding Area*

- 3.4 C/2009/0381/F  
8-10 The Promenade, Portstewart  
Hotel comprising 48 Guest rooms and 6 self-catering, bar, restaurant/bar, spa with swimming pool and treatment rooms at the former Windsor Hotel  
Approval - 15.04.2010

- 3.5 LA01/2020/0502/F  
11 The Promenade, Portstewart  
The proposal includes Front extension to Ground floor to Increase shop window and first floor terrace and a first floor extension/additional window to the rear bedroom to allow for the first floor to be brought up to the same level for disabled access - this is also achieved by replacing the pitched roof on the side with a flat roof at one level from front to back with a pitched roof addressing the street  
Approval - 11.11.2020
- 3.6 LA01/2020/0040/F  
Lands at 9 and 10 The Promenade and at vacant adjoining lands directly to the north of 9 & 10 The Promenade  
Application for retention of existing works to bar/restaurant consisting of 2 no rear extensions, 1 at 1st floor level only with 2 no. windows to side elevation & double doors to rear elevation & the other consisting of ground floor store & 1st floor seating with 1 no. window to rear elevation. Additional retrospective work includes cladding to front elevation. Application to also include proposed works to existing bar/restaurant consisting of covered escape stairs, proposed internal seating/cooking area, covering of external wall structures & external uncovered terrace areas.  
Under Consideration

## **4.0 THE APPLICATION**

- 4.1 Redevelopment of existing buildings to provide a four and a half storey building comprising ground floor retail, 22 apartments above, widening of existing vehicular access and provision of surface level parking to rear.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

17 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:

- Plans do not show the Right of Way used at No. 20 The Promenade - this was shown on application LA01/2015/0347/F. Query over the Right of Way for No. 21 The Promenade in terms of existing manholes/drainage from this property and also the existing access/levels across of the rear of No. 20.  
(Plans have been amended showing the Right of Way to the north and east of No. 20 The Promenade.)
- Query over red line of application site. Encroachment onto 'The Green' at Heathmount. Notification of this proposal should have occurred with Mrs D P Sloan.  
(The Agent has reviewed this information but advises the objector map submitted refers to unregistered title. The client has reviewed Land Registry folios and remains confident that the site boundary identified on Drawing No. 01A is representative of legal title. It is the responsibility of the developer to ensure that he/she controls all the lands necessary to carry out the proposed development. Boundary disputes are a civil matter between the parties involved.)
- Parking and increased congestion
- Access onto congested promenade
- Road safety
- Height of development not in keeping with adjoining buildings
- Over dominant apartment block which exceeds the maximum ridge height as set out in the Northern Area Plan
- Mass of proposal is overbearing and dominates the streetscape
- Development does not respect the surrounding context
- Visual Impact and detrimental upon local character
- Unsightly view of rear elevation of apartment block
- Bin storage on Promenade would be visually detrimental
- Proposal would take away from the scenic part of Portstewart Promenade in particular the LLPA Portstewart Point (PTL 02)
- Comparisons made to The Windsor Hotel Development are not relevant as there are no records of commencement of this previous planning permission so it has expired. It cannot be considered as a precedent to new apartment development in relation to roof height.
- Impact upon residential amenity of No. 11 The Promenade in terms of loss of light, overshadowing and dominance.
- Impact on the Green area at Heathmount – removal of part of the rock face and height of development could compromise

the open space use and enjoyment of residents who use this space. Any obstruction to the existing skyline would be in conflict with PPS 8 which refers to “open spaces of public value”.

- Contrary to planning policy QD1 of PPS 7; LC 2 of the Addendum to PPS 7, AMP 2 of PPS 3 and PPS 8 (The Addendum to PPS 7 seeks to safeguard the character of Established Residential Areas. However, Annex E advises Policy LC 1 will not apply to designated town centres within large towns in recognition of the desirability of promoting increased density housing. Policy LC 1 is therefore not relevant to assessment of this proposal because the site is within the designated town centre of Portstewart which has a population of approx. 8000 which is above the 5000 threshold for large towns. Policy LC 2 is also not relevant for consideration as this proposal is for demolition and rebuild and not the conversion or change of use of existing buildings to flats/apartments.)
- The Ice House Hotel is currently undergoing renovations (LA01/2020/0040/F) to provide a lively bar with an uncovered terraced area. False contextual images should not be provided to try and prove that a 4.5 storey apartment block is acceptable in this area.  
(The Planning Authority is aware of this application which is still under consideration. The proposal is being assessed in relation to the existing contextual elevation.)
- Request for a shop unit at ground floor to be for convenience goods such as a newsagent as the Promenade has too many coffee shops.  
(The Planning Authority cannot specify the exact retail use of this unit. However, the use will fall within Class A1: Shops of The Planning (Use Classes) Order (NI) 2015.)
- Discrepancy between Drawing No. 14 (Principle Elevation West) and Drawing No. 09 (Gable Sectional Elevation North) in relation to ridge height.  
(Plans have been amended ensuring all measurements in relation to ridge heights are correct. Plans show the relationship of the proposed ridge height with the properties along Heathmount.)

## 5.2 Internal:

NI Water (No objections)

Environmental Health (No objections)

DFI Rivers (No objections)

DFI Roads (No objections)

Historic Environment Division: Historic Monuments (No objections)

Shared Environmental Services (No objections)

DAERA: Water Management Unit (No objections)

DAERA: Natural Environment Division (No objections)

DAERA: Marine and Fisheries Division (No objections)

DAERA: Land and Groundwater Team (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 6 – Planning, Archaeology & the Built Heritage

PPS 7 – Quality Residential Environments

PPS 8 – Open Space, Sport and Outdoor Recreation

PPS 15 – Planning and Flood Risk

### **Supplementary Planning Guidance**

DCAN 8 – Housing in Existing Urban Areas

Creating Places

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The site is located within Portstewart settlement limit (Designation PT 01) 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 site is located within Portstewart Town Centre (Designation PTT 01) and The Promenade (Designation PTP 01). Policy PTP 02 of NAP 2016 applies for The Promenade and Proposals for redevelopment or refurbishment of properties on the Promenade will not be permitted unless they respect the height, scale, proportions and rhythm of the street frontage, incorporating, where appropriate, features characteristic of the streetscape.
- 8.2 The proposal will also be subject to assessment of Policy PTS 01 – Portstewart Town Shop Fronts and a high standard of design is required for new and refurbished shop fronts. Only proposals which are consistent with the identified design principles will be acceptable. The site falls within Portstewart Area of Archaeological Potential. The front of the site bounds the Portstewart Point Local Landscape Policy Area (Designation PTL 02) under NAP 2016. Features of importance include the prominent headland which boldly defines the northern end of Portstewart Bay. Policy ENV 1 of NAP 2016 falls for consideration as this applies to LLPAs. The site is in close proximity to Bann Estuary SAC/ASSI which is of international and national importance.
- 8.3 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: Retail use, local character, environmental quality and residential amenity, open space, flooding, sewerage, archaeology, access and parking, contamination and natural heritage.

### **Retail Use**

- 8.4 Paragraph 6.270 advises the aim of the SPPS is to support and sustain vibrant town centres through the promotion of established

town centres as the appropriate first choice location of retailing and other complementary functions consistent with the RDS. The SPPS advises Town Centre uses should have diversity such as leisure, cultural and community facilities as well as housing and business.

- 8.5 The proposal entails retail use at ground floor level comprising 318m<sup>2</sup>. Access to the retail unit is gained through a covered entrance porch from the Promenade. The retail unit has its own covered bin storage at the rear. The retail unit is to be finished in white render at the front (amended from stone cladding) and the fascia board is to be finished in Dibond cladding. Proposed materials/finishes for the retail frontage are considered satisfactory and in keeping with other properties along the Promenade.
- 8.6 The retail frontage is considered to respect the existing street scene as there is good solid to void ratio. The depth of the fascia board is in proportion to the width of the shop front. While proposed windows are almost at pavement level, this is considered acceptable on balance as the site is within proximity of “3 Kings” which has similar full height glazing extending down to pavement level. The proposal is considered to generally follow the design principles identified in Policy PTS 01 of NAP 2016 in relation to Town Shop Fronts.
- 8.7 Policy RTC 1 of NAP 2016 requires security grilles and shutters to be fully integrated into the frontage of the building. Security shutters shall either be fully recessed behind the fascia, or properly integrated into the new fascia. This application does not include any security grilles or shutters.
- 8.8 The proposal in terms of the retail element complies with the town centres first approach detailed in Paragraph 6.271 of the SPPS.

### **Local Character, Environmental Quality and Residential Amenity**

- 8.9 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

8.10 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;***

8.11 The proposal seeks to demolish the existing buildings on site and replace with a 4.5 storey development with retail at ground floor level and 22 apartments on the upper floors. Vehicle access is gained from The Promenade leading to a ground floor car park with 25 spaces. The proposed development increases the building height as compared with the existing context but it has been developed in response to the existing buildings to the north of the application site. It was highlighted that the Windsor Hotel application approved under C/2009/0381/F continued the height of Nos. 1-3 and 4-7 The Promenade however, this permission has expired.

8.12 A PAD application was submitted for a similar development to this proposal (LA01/2019/0612/PAD). In conclusion, it was advised the height of the development should be stepped down adjacent to neighbouring properties to achieve a variation of ridge heights along the Promenade. Proposed side elevations should appear less dominant and be articulated better with reduced gable depth. The design of the rear elevation should be softened to avoid appearing as a continuous block. There should be more vertical emphasis with smaller balconies.

8.13 The original proposal received objections and has been amended during processing to address initial concerns in relation to scale, massing, height, design of front and rear elevations, amenity space requirements for the apartments and

the detrimental impact upon the residential amenity of No. 11 The Promenade.

- 8.14 The revised proposal shows the height of this development being stepped down in relation to neighbouring properties along the Promenade. There is a variation of ridge heights with 5 different ridge heights established. The maximum height of this development is approx. 16.9m but this height is reflective of the retail and apartment blocks located north of the site. In addition, development of the former Montague Hotel to the south is 4 storeys with roof space accommodation. It is considered the height of this development, when viewed contextually along the Promenade, is acceptable in conjunction with other existing buildings.
- 8.15 The front elevation has been amended to be more reflective of other buildings along the Promenade with better proportions, the introduction of projecting balconies, and only a small number of recessed balconies. The front elevation has appropriate solid to void ratio and windows have vertical emphasis. The front elevation previously contained an angled section away from No. 11 The Promenade which was not characteristic of the streetscape. This was removed with development set back in line with the existing building line at first floor level ensuring the proposal respects the existing built form along the Promenade. The design of the front elevation for the context of the Promenade is considered visually acceptable.
- 8.16 The rear elevation has been redesigned to have more vertical emphasis and smaller balconies, expressed individually. There are variations in projections as well as a mixture of materials/finishes creating visual interest.
- 8.17 The Gable elevation (north) is open to public views when on approach to No. 11 The Promenade and should be reflective of other existing gables and subservient returns along the Promenade. This aspect has been amended with the gable more articulated with a depth of 6.6m wide at a height of approx. 12.3m (3 storeys with accommodation in roofspace) immediately adjacent to No. 11 The Promenade. The rear return has been set further back from the shared boundary with No. 11 The Promenade at third and fourth floor levels. It is acknowledged, this development occupies a large site in the town centre, with

more views being available of the Gable Elevation (North) because of there being a vacant site at No. 8, followed by Nos. 9-10 (a two storey building) and No. 11 (a two storey building). However, the photomontage submitted showing the view south east along the Promenade is visually pleasing following the amendments submitted.

- 8.18 In relation to the topography of the site, it is relatively flat until the rear of the site, where a rockface slopes steeply upwards towards the open space located to the front of housing in Stuarts Gardens and Heathmount. Existing ground levels range from 7.65 to 12.74 at the rear of existing development on site. The open space has a ground level of 18.90 at the highest point so there is a significant rise in levels at the rear of this site.
- 8.19 The proposal includes a car park at ground floor level towards the rear of the site. To facilitate this car park, a small section along the curve of the rock face will need to be cut back by approx. 5 - 6m. The extent of this area is hatched on Drawing No. 02B. This is not considered extensive in proportion to the remaining rockface.
- 8.20 The proposal does not cause unacceptable damage to the character of the surrounding area. The building line of the existing built form has been respected with this new development. The revised proposal respects the scale, height and rhythm of the Promenade. 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;***

- 8.21 There are no listed buildings in proximity of the site. HED: Historic Monuments was consulted and have no objections but for full assessment see sub heading "Archaeology". There are no important landscape features within the site in need of protection.

8.22 The front of the site is bounded by Portstewart Point LLPA. The features that contribute to the environmental quality, integrity or character of this area is the prominent headland boldly defining the northern end of Portstewart Bay. Policy ENV 1 of NAP 2016 advises planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. This proposal does not harm the features of Portstewart Point LLPA as the site is not located in this designated area.

8.23 Overall the proposed development will not have a detrimental impact on features of archaeological, built heritage or landscape importance.

***(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;***

8.24 Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.20 states “In the case of apartment or flat developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 – 30m<sup>2</sup> per unit.

8.25 This development entails 22 Apartments over first, second, third and fourth floor levels. The layout of the apartments is considered acceptable as each apartment is easily accessible and self-contained with access to bin storage. Following amendments, amenity spaces are now in the range from the lowest of 8.4m<sup>2</sup> for Apt 2 to the highest of 16.5m<sup>2</sup> for Apt 3. All apartments have amenity spaces 10m<sup>2</sup> and above except for 7 Apartments. Apt Nos. 4, 9, 10, 14, 15 and 22 have amenity spaces between 0.1-0.3m<sup>2</sup> lower than 10m<sup>2</sup> which is considered negligible given the very small difference. Apt 2 has an amenity space of 8.4m<sup>2</sup>, an increase from 5.4m<sup>2</sup> proposed previously, so on balance this is considered acceptable given the increase; the fact it is only 1

apartment out of 22; and prospective residents are in close proximity to public amenity spaces being located in Portstewart town centre. It is considered the amended plans address inadequate amenity space for certain apartments, and that the development as a whole has satisfactory amenity space for apartments adequate in size for domestic needs.

- 8.26 The proposal has a large bin store capable of holding 9 No. 1100 litre bins or 14 No. 660 litre bins. There is also a bulky household waste storage area approx. 10m<sup>2</sup>. These areas are accessed via the driveway into the car park and/or the foyer for the apartments. To ensure waste disposal is not unsightly along the Promenade, there is a bin holding area for a 5 bin capacity which is enclosed approx. 1.7m from the pavement.

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

- 8.27 Not applicable to a development of this scale. The site is located within the town centre 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;***

- 8.28 The site is within the town centre of Portstewart and within walking distance of local retail units, cafes, restaurants, primary schools, churches and recreational uses as well as having convenient access to public transport links.

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

- 8.29 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;***

8.30 The amended proposal entails a design similar to the original concept with alterations. The design has been modified to ensure local traditions of form, materials and detailing are respected. The existing building line along the Promenade has been recognised with the angled section at the upper floor levels removed. The architectural design now delivers a modern building that is sympathetic to and takes cues from the architecture and rhythm of the adjoining buildings, whilst also acknowledging the variety of architectural styles that been introduced to the Promenade in recent years. The scale, massing and height of this development is sympathetic and contextually appropriate with other properties located along the Promenade. Ridge heights for this development vary helping to reduce overall bulkiness. The proposed design of this retail/apartment development should not have a detrimental impact on the streetscape considering the maximum ridge height is reflective of the heights of other developments along the Promenade.

8.31 The design of the retail/apartment development is contemporary with materials/finishes including white render for the walls; dark grey metal flashing; uPVC/Aluminium window frames (black/grey); and dark grey slate/tile for the roof. Proposed materials/finishes are considered satisfactory and in keeping with those used for other properties in this local 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;***

8.32 Upon assessment of the original proposal, there were residential amenity concerns to No. 11 The Promenade in terms of loss of light, overshadowing and dominance given the depth and height of the scheme and the relationship with the front of the proposed development onto the Promenade. Amendments were received seeking to resolve these concerns.

8.33 No. 11 The Promenade is in use as a Fashion Shop at ground floor level and an apartment at first floor level. The proposal should not

result in overlooking issues to No. 11 The Promenade. Two first floor windows and two second floor windows directly face No. 11 but these are for the halls of Apartments 1 and 7 and are high level so no overlooking will occur. Two third floor windows and two fourth floor windows comprising an ensuite and utility store directly face No. 11 The Promenade but there are no overlooking concerns from these rooms given their use and finish in obscure glass. No other windows or balconies directly face No. 11 The Promenade so there are no overlooking concerns.

8.34 The proposal should not adversely harm the residential amenity of No. 11 The Promenade in terms of overshadowing, loss of light and dominance. The amended proposal shows a 3 storey gable with accommodation in the roof space immediately adjacent to No. 11 The Promenade. The angled section fronting onto the Promenade has been removed ensuring the new development respects the existing built form. This is particularly important in connection with No. 11 The Promenade because this property has a first floor living room and kitchen window adjacent to the application site. Issues of dominance to these rooms have been addressed through the apartment development respecting the existing building line along the Promenade. The front balcony for Apartment 2 has a direct view into the side first floor living room window of No. 11 The Promenade, this arrangement is acceptable given the view only relates to a small proportion of the living room; adequate separation distances.

8.35 No. 11 The Promenade is located immediately north of the application site. The existing buildings on site currently overshadow and result in a loss of light to No. 11 at the rear of their premises. Therefore, the proposed development will also result in overshadowing and loss of light to this neighbouring property, assessment must ensure the amount is not unacceptable. Amended plans show a void with flat roof over the retail unit immediately behind Apartment Nos. 1, 7 & 13 adjacent to No. 11 The Promenade. The purpose of the void is to allow light into the bedroom and bathroom windows belonging to this neighbouring property. At third and fourth floor levels, development is set off the boundary with No. 11 The Promenade towards the rear of the site by approx. 4m. Development extends 19.5m from the gable towards the rear of the site at ground, first and second floor levels. Development extends 15.7m from the gable towards the rear of the site at third and fourth floor levels.

The amended proposal is considered to help alleviate unacceptable overshadowing, loss of light and dominance to No. 11 The Promenade. While a proportion of their plot may be overshadowed to some extent, the occupants of No. 11 The Promenade could make use of the rear garden furthest away from the development. The increased in overshadowing would not be so adverse that would warrant a refusal.

- 8.36 The proposal should not harm the residential amenity of No. 20 The Promenade located immediately south of this development. No. 20 The Promenade is a commercial property consisting of McKenzie Menswear. There is a small single storey return with a flat roof to the rear. Overlooking from the closest rear balconies belonging to the apartments is restricted by the erection of 1.8m high screens facing this neighbouring property. An apartment bedroom window on each of the upper floors directly faces No. 20 The Promenade but views are restricted given the small size of these windows; their positioning in the room; and separation distances.
- 8.37 The proposal should not result in unreasonable overshadowing, loss of light or dominance to No. 20 The Promenade. This neighbouring property is located immediately south of the development so there will be no overshadowing or loss of light. The dominance of the scheme has been alleviated through establishing a gable with rear returns set off the shared boundary. The development at the rear has been stepped off the shared boundary with No. 20 The Promenade by approx. 1.3m for a return extending 6.2m and then 6.1m for a return extending 14.2m.
- 8.38 Properties to the rear of the site are located on Stuart's Gardens and Heathmount. There are no residential amenity concerns to these properties given they are positioned at a much higher level than the application site. The proposed contextual elevation shows the ridge height of the development being a maximum of 1.5m above the ground level taken in front of Nos 16 and 15 Heathmount. There are no overshadowing or loss of light concerns given the separation distances; the site orientation; and the difference in ground levels. While a number of windows and balcony areas are proposed in the rear elevation of this development, overlooking is limited because the application site is at a much lower level and views are only of the front of these properties.

8.39 The proposal is for a retail unit at ground floor with apartments above. These uses are common along the frontage of the Promenade in Portstewart and is considered compatible with adjacent land uses. A Noise Impact Assessment was submitted with this application. Environmental Health was consulted and expressed no objections subject to noise conditions being issued on any approval granted.

8.40 The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.

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

8.41 The development has been designed to deter crime and promote personal safety.

### **Open Space**

8.42 Policy OS 1 refers to the Protection of Open Space in PPS 8. The Planning Authority will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

8.43 Objections have been raised in relation to the proposal impacting upon the Green area at Heathmount due to removal of part of the existing rock face. Objectors detail how the height of the development could compromise the open space use and enjoyment of residents who use this space.

8.44 A zoned area of existing open space is located to the rear of the site. The open space has a ground level of 18.90 at the highest point so there is a significant drop in levels to the ground level of 4.55 where the application site fronts onto the Promenade. The land within the application site is relatively flat but there is a steep rock face at the rear which leads into the open space at the front of housing in Stuarts Gardens and Heathmount.

- 8.45 The proposal includes a car park at ground floor level towards the rear of the site. To facilitate this car park, a small section along the curve of the rock face will need to be cut back by approx. 5 - 6m. The extent of this area is hatched on Drawing No. 02B and measures approx. 20m<sup>2</sup>.
- 8.46 The edge of the existing rock face at this curved area has a ground level of 17.5 whereas the land immediately adjacent in the application site has a ground level of 9.95. There is a significant drop of approx. 7.5m. Given the difference in levels at this particular area, one could not make safe use of this green space as it is a health and safety hazard. Although an element of the rock face has to be adapted to facilitate this development, it does not result in the loss of usable safe open space.

### **Flooding**

- 8.47 Consultation occurred with DFI Rivers in relation to this application. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. There are no watercourses which are designated within the site. The site may be affected by undesignated watercourses of which there are no records.
- 8.48 The development is located within a predicted flooded area as indicated on the Surface Water Flood Map. A Drainage Assessment was submitted with this application which detailed how runoff from the site will be controlled by a stormwater attenuation system and safely disposed of at a rate of 2l/s supported by relevant correspondence from NI Water.
- 8.49 DFI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. DFI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. DFI Rivers have no objections to this proposal provided a planning condition safeguarding against flood risk is issued with any approval granted. The proposal complies with Policies FLD 1, FLD 2 & FLD 3 of PPS 15.

## Sewerage

- 8.50 DAERA: Water Management Unit (WMU) was consulted in relation to this application. Concerns were raised that the sewage loading associated with this proposal has the potential to cause an environmental impact if transferred to North Coast WwTW. WMU advise if NI Water determine the sewer network can cope with the additional load, with no adverse effect on the WwTW or sewer network's ability to comply with their Water Order Consents, then WMU no longer object to this application.
- 8.51 NI Water was consulted in relation to this application and advised the Waste Water Treatment Facilities (North Coast) are presently available to serve this development.
- 8.52 In terms of Foul Sewer Assessment, there is a 100mm diameter public foul sewer. However, there is Downstream Incapacity. A Network Capacity Check is required. NI Water can consider connections where the developer can demonstrate:
- Like for Like Development
  - Extant Previously approved development
  - Where the Development will offer a reduced loading on the Sewer Network which may include Storm Separation and/or Attenuation.
- 8.53 To address these concerns, the Agent applied for a Pre Development Enquiry (PDE), received by NI Water on 22<sup>nd</sup> August 2019. This confirmed the following:
- There is a 180mm diameter public water main located within The Promenade which can serve the proposal
  - There is a 100mm diameter public foul sewer located within The Promenade; however, there is downstream incapacity. The developer has provided calculations which demonstrates a proposed reduced loading on the combined system by removing storm.
  - There is a 375mm and 300mm storm sewer located within The Promenade which can serve this development, based on a storm discharge of 2l/s.
  - The receiving North Coast WwTW has sufficient capacity to serve this proposal.

8.54 In light of the above information, the proposal is now regarded acceptable from a sewage perspective and will not result in an environmental impact.

### **Archaeology**

8.55 The proposal is located within the Area of Archaeological Potential (APP) for Portstewart. This represents the historic core of the settlement with both the above- and below-ground archaeological evidence of its development. Consultation occurred with HED: Historic Monuments who reviewed the Archaeological Impact Assessment. HED is content the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.

### **Access and Parking**

- 8.56 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. A Transport Assessment Form and a ground floor roads engineering drawing was submitted with this application. The proposed development entails widening of the existing vehicle access from the Promenade leading to a car park with 25 spaces. There is one car parking space for each of the apartments and 3 car parking spaces for the retail unit. A bike store has also been provided.
- 8.57 DFI Roads was consulted and following submission of amendments have no objections to this application subject to conditions and informatives. No steps or access ramps shall project out into the public footway. The proposal is acceptable in terms of the access and the car parking provision for this development. The proposal complies with Policies AMP 1, 2 and 7 of PPS 3.

## **Contamination**

- 8.58 Consultation occurred with DAERA: Regulation Unit (RU) (Land and Groundwater Team) to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water.
- 8.59 A Preliminary Risk Assessment (PRA) was submitted by the Agent. The PRA confirms the site is currently used as commercial/residential properties with rough grassland to the rear. It confirms the site is bounded to the north and south by commercial properties, to the west by coastline and to the east by open slopes raising to residential buildings. The PRA identifies a disused domestic oil tank and a small electrical sub-station as potential sources of on-site contamination. No potential off-site sources of contamination are identified. The PRA concludes that the development does not present any unacceptable risks to environmental receptors.
- 8.60 RU have no objections to this development provided conditions and informatives are placed on the planning decision notice.
- 8.61 Environmental Health was consulted and have no objections to this proposal. The applicant is advised that the onus to consider land contamination risk and ensure that a site is safe and suitable for its intended use rests with the developer.

## **Natural Heritage**

- 8.62 DAERA: Marine and Fisheries Division (M&FD) was consulted in relation to this application. The site is separated from the marine environment by an existing promenade and main road. Providing there is no piling on site and appropriate pollution prevention measures are implanted during construction and operation, the proposal is unlikely to have an impact on marine habitats and species. M&FD, following consideration of the impacts upon marine habitats and species, do not object to this application and refer to standing advice.
- 8.63 DAERA: Natural Environment Division (NED) was consulted in relation to this application. A Biodiversity Checklist, An Ecological



Statement, a Bat Roost Potential Survey, a Full Bat Survey report and a Shadow Habitat Regulation Assessment was submitted in support of this application. The site is in close proximity to Bann Estuary SAC/ASSI which is of international and national importance.

- 8.64 A potential impact upon the designated site is degradation of adjacent aquatic environment from contaminated runoff resulting during construction and operational works. NED advise the proposal is unlikely to impact Bann Estuary provided mitigation is adhered to such as a buffer of 10m between the locations of any refuelling; surface water discharging to storm sewers at a limited rate of 2l/s; and trap gullies and a flow control manhole with a sump being employed to catch sediment.
- 8.65 NED notes that there is no evidence of badger, otter, pine martin or red squirrel found on the site. However, the buildings on site displayed characteristics that made it possible for them to support roosting bats and subsequently a bat roost potential (BRP) survey was carried out. The BRP survey report considers there is a high potential for roosting bats within these 3 structures so a full bat survey report was conducted.
- 8.66 NED are content that there are no potential bat roosting features on the rock face to the rear of the property and that no further survey work is required. NED are also content with the ecologist's findings that "No bats were observed emerging from any of the structures during the survey period. Low bat activity was observed within the surrounding environment, concentrated in the open space north of the site." NED consider the demolition of the building is unlikely to have a significant impact on roosting bats.
- 8.67 NED acknowledge the presence of foraging and commuting Common pipistrelle bats in the open space to the north of the property. Bats are a European Protected Species and great care should be taken to minimise external site lighting in the north of the site, where bat activity was detected. NED encourage implementation of the mitigation measures proposed by the ecologist in the Full Bat Survey. This will be conditioned with any planning approval granted.
- 8.68 NED are content that no evidence of nesting birds was noted during the internal and external survey of the site but would

highlight that birds are a highly mobile species and this may change in the future. As such, no demolition works or vegetation clearance shall take place between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive.

- 8.69 NED highlight the presence of breeding swifts in the vicinity of the Promenade and Diamond in Portstewart. NED would encourage that swift bricks or nest boxes are incorporated into the building to benefit Swifts and improve the biodiversity value of the site.
- 8.70 NED notes that a non-native species Montbretia (Crocoshmia) was recorded as being present behind the existing buildings on site. This is not listed as a non-native invasive plant species in Part II of Schedule 9 of the Wildlife (NI) Order 1985 (as amended). However, it exhibits invasive species characteristics so great care should be taken when removing and/or transporting any part of this plant species to prevent it spreading to other areas of the site and/or beyond the site boundary.
- 8.71 NED has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no objections, subject to conditions.
- 8.72 In relation to this application, consultation also occurred with SES who have no objections to this proposal subject to conditions. Having considered the nature, scale, timing, duration and location of the project, the Stage 1 assessment concluded that the proposal would not have a likely significant effect on the selection features, conservation objectives or status of Bann Estuary SAC.
- 8.73 In relation to the Skerries and Causeway SAC, it was considered that based on the nature, scale, duration and location of the proposal significant effects could not be excluded. Therefore, a Stage 2 appropriate assessment was carried out. Having considered the nature, scale, duration and location of the project, it is concluded that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European Site. Mitigation measures relate to a clearly defined buffer of at least 10m being maintained between the location of any refuelling etc and surface water drains within or adjacent to the site; Storm drainage adhering to the principles of Sustainable Drainage Systems; and no development occurring on

site until the method of sewage disposal has been agreed with NI Water.

- 8.74 Following consultation with DAERA and SES, the proposal is considered to meet the requirements of Policies NH 1, 2, 3 & 5 of PPS 2.

### **Habitats Regulations Assessment**

- 8.75 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.

## **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 proposal in terms of the retail element complies with the town centres first approach detailed in Paragraph 6.271 of the SPPS. The proposal meets the requirements of planning policies and provides a quality residential development. The proposal respects the scale, height and rhythm of the Promenade. 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. The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties. The development will not impact upon the Portstewart Point LLPA.
- 9.2 The proposed development is acceptable from a drainage or flood risk perspective. The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact. There are no archaeological concerns with this development. The proposal has satisfactory access and parking. There are no contamination issues with this development. The proposal does

not harm the Skerries and Causeway SAC and Bann Estuary SAC. The proposal does not adversely impact on designated sites or protected species. 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. Notwithstanding the Provisions of Part 3 Class C of the Schedule to the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions), no changes to the colour (White) of the Gable as shown in Sectional Elevation (North), Drawing No. 09C date received 22<sup>nd</sup> December 2020, shall be undertaken without the prior approval of the Council.

Reason: In the interest of townscape character

- 3, The elevations and gables as shown in Drawing No. 09C and 07C date received 22<sup>nd</sup> December 2020 and 10C date stamped 11.12.2020 and shall be painted white prior to the occupation of the apartments.

Reason: In the interest of townscape character.

4. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Causeway Coast and Glens Borough Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
  - The identification and evaluation of archaeological remains within the site;
  - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
  - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
  - Preparation of the digital, documentary and material archive for deposition.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

5. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 3.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

6. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 3. These measures shall be implemented and a final archaeological report shall be submitted to Causeway Coast and Glens Borough Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Causeway Coast and Glens Borough Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

7. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing No. 03B and DFI Roads FCD 1 form bearing the date stamp 26<sup>th</sup> October 2020. 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.

8. The access gradient to the dwellings hereby permitted shall not exceed 4% (1 in 25) over the first 10 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.

9. No other development hereby permitted shall be commenced until the existing access indicated on Drawing No. 03B bearing the date stamp 26<sup>th</sup> October 2020 has been permanently closed and the footway reinstated to the satisfaction of DFI Roads.

Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

10. Any steps or access ramps shall not project out into the public footway.

Reason: In the interest of pedestrian safety, road safety and convenience of road users

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

Reason: To protect breeding birds.

12. A suitable clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the Atlantic Ocean located to the west of the site and any surface water drains within or adjacent to the site.

Reason: To minimise the impact of the development on the biodiversity value of the Bann Estuary SAC. To prevent polluting

discharges entering the marine environment and impacting on the site integrity of Skerries and Causeway SAC.

13. The mitigation measures proposed by the ecologist in the Full Bat Survey (Doc 10 date stamped 19<sup>th</sup> December 2019), shall be implemented as detailed below:
- Fitting all lights with directional hoods and/or luminaries to direct the light downwards unto targeted areas preventing unnecessary light spill.
  - Fitting all external lighting (e.g. safety lights at the front and rear) around the property with motion sensors with a timer of up to 60 seconds.
  - Keeping the intensity of lighting to the minimum level required for safety – preferably using low UV LED's or low/high pressure sodium lamps.

Reason: To minimise external site lighting to the north of the site where bat activity was detected during the emergence survey undertaken on 2<sup>nd</sup> July 2019.

14. A Construction Method Statement (CMS) must be submitted in writing to the Planning Authority, for consultation and agreement with DAERA: Water Management Unit, at least eight weeks prior to the commencement of construction and should include all necessary mitigation methodologies for the protection of the water environment.

Reason: To protect the water environment during the development of this proposal.

15. Storm drainage of the site, during construction must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on the adjacent marine environment. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753.

Reason: To prevent polluting discharges entering and impacting on the site integrity of Skerries and Causeway SAC.

16. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland



Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

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

17. Prior to the commencement of any of the approved development on site, a final Drainage Assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval in writing.

Reason: To safeguard against flood risk to the development and elsewhere.

18. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable.

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

19. After completing the remediation works under Condition 17 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

20. Prior to commencement of development, an asbestos survey shall be carried out and submitted to Council for agreement in writing. If asbestos is present on the site details including waste classification, proposed removal/disposal measures and validation waste management documentation should be submitted.

Reason: In the interests of health and safety and waste management legislative requirements.

21. The development hereby approved shall be designed in order that the combined rated level of noise shall achieve 10dB below the background level of noise (LA90 daytime – 53dB and LA90 night-time – 47dB) at any noise sensitive receptor.

Reason: In the interests of residential amenity.

22. The floor/ceiling construction for apartments (first floor) above the retail/commercial unit (ground floor) shall achieve a Sound Reduction of 56dB Rw.

Reason: In the interests of residential amenity.

23. The construction for separating floor/ceilings will be upgraded to ensure a Sound Reduction of 49dB Rw in order to achieve BS 8233:2014 internal levels (Extract from BS 8233:2014 tabled below) and World Health Organisation Guidelines in noise sensitive rooms for both daytime and night-time.  
Dwellings (Reference Section 7.7.2, Table 4, BS 8233: 2014 “Guidance on sound insulation and noise reduction for buildings”

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living Room	35dB LAeq, 16 hour	-
Dining	Dining Room	40dB LAeq, 16 hour	-
Sleeping (daytime resting)	Bedroom	35 dB LAeq, 16 hour	30 dB LAeq, 8 hour 45dB LAm <sub>ax</sub> (WHO)

Reason: In the interests of residential amenity.

24. Apartments Western Façade (front elevation) shall have upgraded acoustic laminate glazing 6/16/6.8mm providing a Sound

Reduction - 34 DB RTra/40dB Rw (Pilkington Optithon Option)  
 Laminated Glass for noise control in order to achieve BS  
 8233:2014 and World Health Organisation Guidelines in noise  
 sensitive rooms for both daytime and nighttime.  
 Dwellings (Reference Section 7.7.2, Table 4, BS 8233: 2014  
 “Guidance on sound insulation and noise reduction for buildings”

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living Room	35dB LAeq, 16 hour	-
Dining	Dining Room	40dB LAeq, 16 hour	-
Sleeping (daytime resting)	Bedroom	35 B LAeq, 16 hour	30 dB LAeq, 8 hour 45dB LAmax (WHO)

Reason: In the interests of residential amenity.

25. Apartments Western Façade (front elevation) wall construction shall achieve a Sound Reduction of 54 Rw.

Reason: In the interests of residential amenity.

26. All apartments shall achieve the acoustic design criteria as stated :  
 Dwellings (Reference Section 7.7.2, Table 4, BS 8233: 2014  
 “Guidance on sound insulation and noise reduction for buildings”

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living Room	35dB LAeq, 16 hour	-
Dining	Dining Room	40dB LAeq, 16 hour	-
Sleeping (daytime resting)	Bedroom	36 B LAeq, 16 hour	30 dB LAeq, 8 hour 45dB LAmax (WHO)

Reason: In the interests of residential amenity.

27. Apartments Western Façade (front elevation) shall incorporate an acoustic ventilation system (with equivalent glazing Sound Reduction) with specification to comply with Building Control Technical Booklet K and ventilation rates in accordance with Table 2.2 of Technical Booklet K.

Reason: In the interests of residential amenity.

28. A sound reduction of no less than 42dB Rw shall be achieved for walls to the ground floor/commercial unit.

Reason: In the interests of residential amenity.

29. The external noise level within external amenity space shall achieve 50dB LAeq (daytime and evening) with an upper guideline value of 55dB LAeq.

Reason: In the interests of residential amenity.

30. Deliveries by commercial vehicles to and from the site shall only be made between the hours of 08:00 hours to 21:00 hours.

Reason: In the interests of residential amenity.

31. The construction of a site/acoustic boundary fence (3metres effective height) to achieve the sound reduction as depicted within Table 11 of Document 4 shall be erected prior to noise generating construction works commencing in order to meet the predicted construction noise levels detailed within Table 12 (Category A noise limits (BS 5228;2009)).

Reason: In the interests of residential amenity.

## **11 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 at <http://epicpublic.planningni.gov.uk/publicaccess/>.

6. Historic Environment Division: Historic Monuments advise the following:

Please refer to the HED guidance document Development and Archaeology: Guidance on Archaeological Works in the Planning Process which contains advice on how to fulfil the requirements of the archaeological conditions attached to your planning approval.

Please allow sufficient time in advance of the commencement of site works for the agreement of the programme of archaeological work document with the planning authority and for your archaeological consultant to obtain an archaeological excavation licence. For guidance on the preparation of the programme of archaeological work please contact:

Historic Environment Division – Heritage Development & Change  
Branch Ground Floor 9 Lanyon Place Belfast BT1 3LP  
Tel: 02890 823100  
Email: [HEDPlanning.General@communities-ni.gov.uk](mailto:HEDPlanning.General@communities-ni.gov.uk)

Quote reference: SM11/1 Portstewart AAP and LA01/2020/0026/F

7. DAERA: Natural Environment Division advise the following:

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

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

It is recommended that swift bricks or nest boxes are incorporated into the building to benefit Swifts and improve the biodiversity value of the site.

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to –
  - i. affect the local distribution or abundance of the species to which it belongs;
  - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
  - iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69558 or 028 905 69557.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be

carried out during the bird breeding season between 1st March and 31<sup>st</sup> August.

8. DAERA: Regulation Unit Land and Groundwater Team advise the following:

The purpose of the Conditions 17 and 18 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and endues of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (NI) Order 1997, the Waste Management Licensing Regulations (NI) 2003 and the Water Order (NI) 1999.

RU recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the development including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions.

# Site Location Map





# Block Plan

