



Planning Committee Report LA01/2018/0903/F	23rd August 2020
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

<u>App No:</u>	LA01/2018/0903/F	<u>Ward:</u>	Giant's Causeway
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Stores, Woodvale Park, Bushmills, BT57 8QF		
<u>Proposal:</u>	Existing warehouse to be converted into 4 no. apartments, with access and associated parking at ground floor level within the building footprint.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	25.07.2018
<u>Listed Building Grade:</u>	N/A		
Applicant:	Mr Pascal Emere, 7 Westminster Park, Portstewart, BT55 7JD		
Agent:	Montgomery Irwin Architects, 7-9 Stone Road, Coleraine, BT52 1EP		
Objections:	0	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1.0 RECOMMENDATION

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

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at The Stores, Woodvale Park, Bushmills. It is located behind the Main Street east of Market Square. The site is rectangular in shape and comprises a large store with a pitched roof. The store has two existing vehicle accesses in the north and south elevations. The store is finished in wet dash render with corrugated roof sheeting and roof windows. There are timber louvres painted to existing elevations. There is a pedestrian access east of the site and a vehicular access west of the site. The site is surrounded by residential properties.
- 2.2 The site is located in Bushmills which comprises various commercial properties along Main Street. The site is surrounded by housing and dwellings are generally two stories in height and are typically terraces with on street parking in this area.

3.0 RELEVANT HISTORY

- 3.1 E/1993/0079: Warehouse Woodvale Bushmills: Site for 2 two-storey dwellings to replace disused warehouse Granted 23.07.1993

4.0 THE APPLICATION

- 4.1** Full planning for Existing warehouse to be converted into 4 no. apartments, with access and associated parking at ground floor level within the building footprint.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

No letters of objection have been received in relation to this application.

5.2 Internal:

DAERA: Water Management Unit: No objections

NI Water: No objections

Environmental Health: No objections

Historic Environment Division (Historic Monuments): No objections

Historic Environment Division (Historic Buildings): No objections

DFI Roads: Objections

6.0 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 7 – Quality Residential Environments

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

PPS 6 – Planning, Archaeology & the Built Heritage

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 proposal is located within the settlement limit of Bushmills. The site is within an Area of Archaeological Potential and within Causeway Coast Area of Outstanding Natural Beauty. Policy SET 2 refers to development within Settlement limits and proposals should be sensitive to the size and character of the settlement.
- 8.2 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: Impact on local character, environmental quality and residential amenity, Archaeology & the Built Heritage, access and parking and natural heritage.

Local Character, Environmental Quality and Residential Amenity

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

Policy QD1 – Quality in New Residential Development

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;

The proposed site is located within the settlement limit of Bushmills. The proposal entails conversion of the disused warehouse to 4 Apartments. These apartments are split vertically and not horizontally. There are no changes to the overall height, width and length of the existing building so the scale and massing is the same as existing and therefore does not harm the surrounding context. Changes to the existing building are the inclusion of several windows and balcony areas as well as new materials/finishes for this development. The proposal does not visually detract from the character and appearance of the surrounding area.

(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;

The site is located within an area of archaeological potential so consultation occurred with HED: Historic Monuments. Their response indicated no archaeological objection. The site is within proximity of several listed buildings but due to reuse of an existing warehouse and separation distances HED: Historic Buildings have no objections. There are no landscape features within the site. There are no integration concerns given the proposal is located within the development limit of Bushmills.

(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;

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 for 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 - 30 sq metres per unit, having regard to the particular context of the development and the overall design concept.

Apartments 1 & 4 have balcony areas measuring approx. 7m² and Apartments 2 & 3 have balconies of approx. 8.8m² which is less than recommended requirements. Although all apartments have access to a store on the ground floor level this is not usable space for private amenity. The proposal is considered contrary to this criterion due to limited private amenity space for the apartments.

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

Not applicable to a development of this scale. The site location is close to the town centre of Bushmills 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;

The site is within the settlement limit of Bushmills and within walking distance of local retail units, cafes, churches, schools, play parks etc. The proposal is within proximity of public transport links.

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

The proposal is considered to meet parking provision however it is unacceptable in terms of meeting DFI Roads requirements in terms of visibility splays as considered under sub-heading PPS 3.

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

The scale, form, massing and appearance, materials and detailing of the proposal is acceptable. The proposal entails a conversion of the existing building with alterations including fenestration, doors and garage doors. Materials and finishes include timber stained cladding, red brick panels, wet dash render and grey natural roof slate which are considered satisfactory for this area. The proposal should not detract from the character and appearance of the area.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

Residential housing surround the application site. The proposal creates conflict with neighbouring properties (Nos. 35-46 Woodvale) in terms of harming their residential amenity. The proposal results in overlooking of their rear garden areas which are in close proximity of the application site. Nos. 35, 36, 45 & 46 located to the west of the application site will experience unacceptable overlooking of their rear private garden areas given the number of windows in the west elevation of the proposal and limited separation distances. First and second floor windows are for bedrooms and living areas. Units 2 & 3 with their living areas at second floor level have been amended to include obscure glass screens to the terraces and angled windows to try and prevent overlooking to these neighbouring properties. While this helps limit overlooking to a certain degree, it results in apartments with obscure glass and only one small vertical window for outlook. This arrangement is not acceptable as prospective residents would not be living in a quality residential environment. It is acknowledged the living room window and bedroom window of Unit 1 are facing the gables of Nos. 45 & 46 Woodvale so direct views of their private amenity spaces may be oblique. Nos. 37 – 44 located to the east of the application site will experience unacceptable overlooking of their rear private garden areas given the number of windows in the east elevation of the proposal and limited separation distances. First and second floor windows are for bedrooms, kitchens and stairwells. There are a total of 10 windows in this east elevation with 4 finished in obscure glass. The second floor bedroom window of Unit 1 would face the gable wall of No. 44 Woodvale so views of the private amenity spaces may be oblique from this angle. However, it is the sheer number of windows in both the east and west elevations of this proposal which overlook and give the perception of overlooking to the detriment of the residential amenity of these neighbouring properties. The proposed apartment development will adversely impact upon neighbouring residential amenity in terms of overlooking. The proposal will not result in any further overshadowing to neighbouring properties because there are no changes to the height of the existing warehouse for conversion.

Noise is not perceived to be an issue as this proposal is for an apartment development adjacent to existing housing within the settlement limit of Bushmills and Environmental Health have no objections.

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

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

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

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

- 8.5 The pattern of development is in keeping with the overall character of the established residential area as the proposal entails conversion of an existing warehouse. Dwellings surround the application site and planning permission was granted and implemented at No. 49 Woodvale for Refurbishment of existing factory to provide 5no. holiday units under reference E/2009/0009/F. The proposal at 4 Units is not uncharacteristic of the surrounding area and is not significantly higher than other properties in the residential area. The proposal may be acceptable in terms of density however the proposal fails to meet other planning policy considerations.
- 8.6 Units 2 & 3 measure approx. 85.2m² and Units 1 & 4 measure approx. 77.3m². Space Standards advise a 4 person 3 bedroom should be a minimum of 80/85m² when two storey. Floor area increases to 90/95 for 5 person 3 bedroom and 95/100 for 6 person 3 bedroom. Units 1 & 4 fall short of the space standards so the proposal is considered contrary to criterion (c) for this reason. All apartments are not satisfactory in terms of size requirements.

Policy LC2 – The Conversion or Change of Use of Existing Buildings to Flats or Apartments

- 8.7 All apartments are self-contained with none wholly located in the rear of the property without access to the public street. The original building measures approx. 250m² which is greater than 150m² so conversion is acceptable. The conversion would bring back a derelict warehouse into residential use so the proposal maintains the form and character of the existing building as alterations only include fenestration and door alterations. The proposal does not harm local character or environmental quality as visually the proposal would not detract from the character and appearance of the area. The proposal is considered to fail criterion (a) because the apartments harm the residential amenity of the surrounding area as Nos. 35-46 Woodvale would experience unacceptable overlooking of their private amenity spaces from this scheme.

Archaeology & the Built Heritage

- 8.8 The proposal is located within the Bushmills Area of Archaeological Potential so consultation was carried out with HED: Historic Monuments. Their consultation response indicated no archaeological objection so the proposal complies with Policy BH 2 of PPS 6.
- 8.9 The application is in proximity to various listed buildings (clock tower market square, Library 47 Woodvale, Former National School, 56-58 Main Street) which are of special architectural and historic interest which should be protected. HED was consulted in relation to this application and express no objections as the listed buildings are sufficiently distant to remain unaffected by the proposal. The proposed development complies with the requirements of Policy BH 11 of PPS 6 as there is no harm to the setting of listed buildings.

Access and Parking

- 8.10 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. DFI Roads was consulted in relation to this

application and have requested amendments. DFI Roads notes that the minimum visibility splays of 2m x 33m cannot be achieved without control of additional lands. Inability to provide the minimum splays is considered to prejudice the safety and convenience of road users. If control of additional lands is not forthcoming then refusal is recommended.

- 8.11 The agent forwarded correspondence dated 20th February 2019 for consideration as the application should be approved on the basis of the existing lines of vision that are operational in the local neighbourhood. DFI Roads was consulted on this additional information and advise the proposal is still unacceptable as the proposal results in an intensification of both accesses. The proposal is contrary to PPS 3 and DCAN 15 as it will prejudice the safety and convenience of road users since the visibility splays cannot be achieved.

Natural Heritage

- 8.12 The application site falls within the Causeway Coast Area of Outstanding Natural Beauty. Proposals should be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. Proposals should respect local architectural styles and patterns as well as local materials, designs and colour. The conversion of the disused warehouse to apartments is visually acceptable with satisfactory materials/finishes and does not detract from the character and appearance of the local area. The proposal is acceptable following consideration of Policy NH 6 of PPS 2.

Habitats Regulations Assessment

- 8.13 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 unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal does not result in a quality residential environment. Apartments do not meet the space standards identified and would have inadequate outlook and private amenity for prospective residents. The proposed layout for the Apartments contributes to unacceptable overlooking/loss of privacy to neighbouring properties harming residential amenity. The proposal is unacceptable in terms of providing access since visibility splays of 2 metres x 33 metres cannot be provided in accordance with the standards contained in DCAN 15. Refusal is recommended.

10.0 REFUSAL REASONS

1. The proposal is contrary to Paragraph 4.26 of the SPPS and Policy QD1 of Planning Policy Statement 7 “Quality residential environments” in that it fails to provide a quality residential environment and is contrary to criteria (c) and (h) resulting in a residential development with inadequate outlook and private amenity for prospective residents; and a layout contributing to unacceptable overlooking/loss of privacy to neighbouring properties harming residential amenity.
2. The proposal is contrary to criterion (c) of Policy LC1 of the Addendum to Planning Policy Statement 7 “Safeguarding the Character of Established Residential Areas” in that the proposal does not meet the space standards set out in Annex A for two apartments.
3. The proposal is contrary to criterion (a) of Policy LC2 of the Addendum to PPS 7 “Safeguarding the Character of Established Residential Areas” in that it would, if permitted, harm the residential amenity of the surrounding area in terms of unacceptable overlooking and loss of privacy to neighbouring properties.

4. The proposal is contrary to Policy AMP 2 of PPS 3 “Access, Movement and Parking” in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2 metres x 33 metres from the proposed access cannot be provided in accordance with the standards contained in DCAN 15.

Site Location Map

LA01/2018/0903

ACEmap® Single

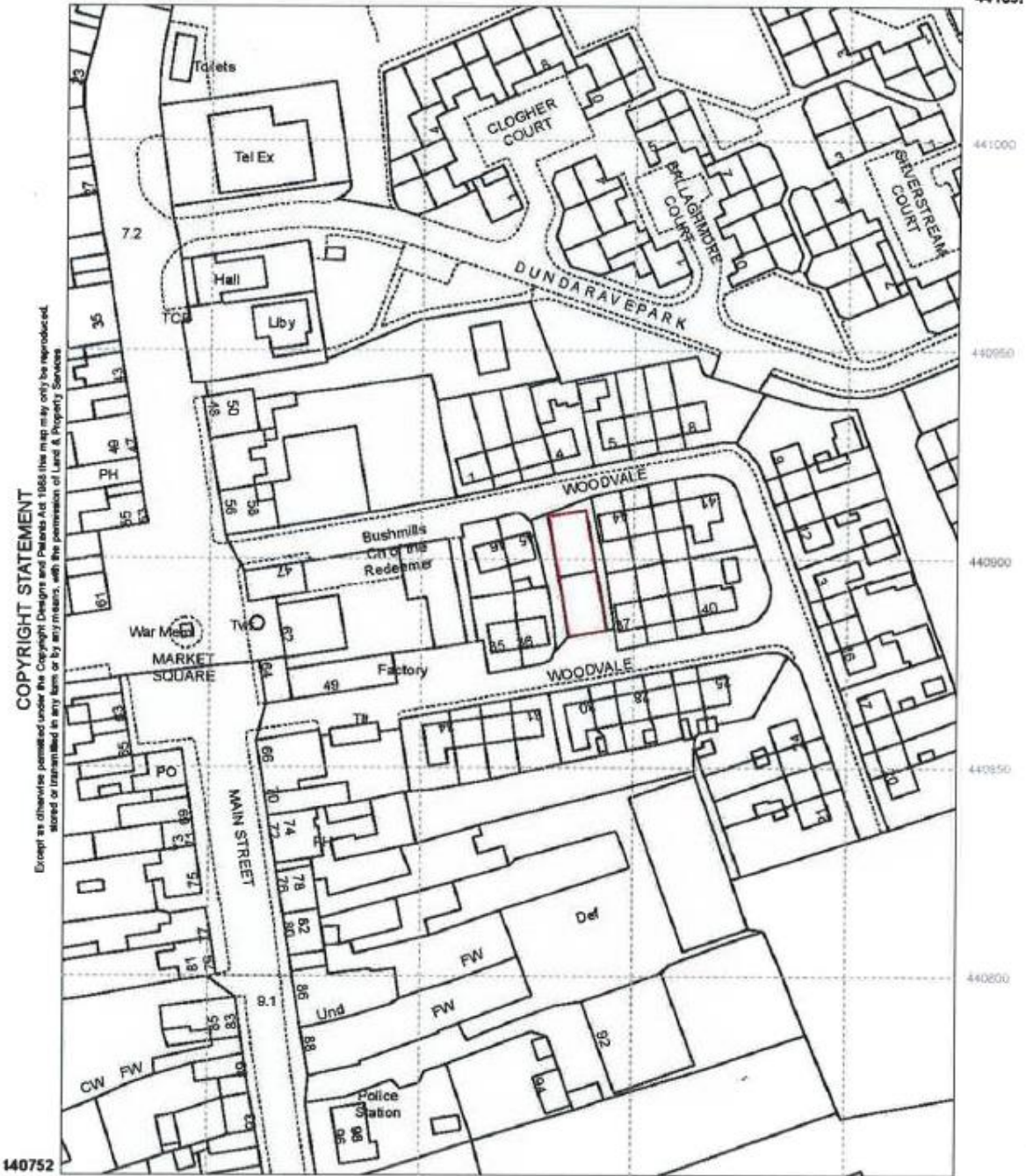
Scale: 1:1,250

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Order no. ORD57841

Centre Point (Easting, Northing): 294121, 440892

Plan No. 00705SW



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Addendum

LA01/2018/0903/F

1.0 Update

- 1.1 The proposal has been amended through the submission of a revised description and plans date received 23rd December 2019. A signed affidavit was also submitted for assessment on the 30th March 2020.
- 1.2 The new description for the proposal is “Existing warehouse to be converted into 3 no. apartments, with access and associated parking at ground floor level within the building footprint.” The proposal has been reduced from 4 to 3 Apartments at this location.
- 1.3 The proposal was re-advertised on 22nd January 2020 and neighbours were re-notified on 7th January 2020. Additional neighbours within Woodvale were also notified of this development. To date no correspondence has been received.

2.0 Assessment

- 2.1 The original proposal for four apartments was unacceptable in terms of the SPPS, Policy QD1 of PPS 7 and Policies LC 1 & 2 of the Addendum to PPS 7. The development had inadequate outlook and private amenity for prospective residents and a layout contributing to unacceptable overlooking/loss of privacy to neighbouring properties harming residential amenity. In addition, some of the original apartments did not meet the space standards set out in Annex A of the PPS 7 Addendum.
- 2.2 Amended plans received showed the proposal reduced from 4 to 3 Apartments at this location. The outlook for all apartments has been improved given the location of living/kitchen areas with outlook onto Woodvale which is satisfactory. All apartments are self-contained with their own access. All apartments have amenity

space in the form of terraces and stores at ground floor level. Apt 1 has private amenity space measuring 13.8m², Apt 2 measures 10.4m² and Apt 3 measures 18.8m² meeting minimum requirements specified in Creating Places. The 3 apartments now meet space standards identified in Annex A of the Addendum of PPS 7 as floor space measurements are approx. 97m² for Apt 1, 129m² for Apt 2 and 200m² for Apt 3.

- 2.3 The revised design has sought to overcome issues in terms of overlooking and loss of privacy to neighbouring properties. The number and size of the windows in the East Elevation have been reduced and all these windows are to be finished in obscure glass. This is considered satisfactory in terms of protecting the residential amenity of property nos. 37 – 44 Woodvale. There are limited windows on the West Elevation and these include bedrooms and a snug. The design includes angled louvers in front of the terraces connected with these rooms as this will limit overlooking and loss of privacy to property nos. 35, 36, 45 & 46 Woodvale. No objections have been received from any of these neighbouring properties. It is considered the amended layout results in a residential development that does not harm the residential amenity of neighbouring properties.
- 2.4 The amended design is acceptable in terms of scale, form, massing and appearance. Materials and finishes include timber profile cladding, red brick detailing, wet dash render and grey natural roof slate which are considered satisfactory for this area. The proposal should not detract from the character and appearance of the area.
- 2.5 NIHE was consulted on the revised proposal on 6th January 2020. Their response advised this consultation does not trigger application of Policy HOU2 of NAP 2016. However, it is noted the site is located adjacent to Housing Executive dwellings and it is important any development proposals would not compromise the amenity of adjacent residents. The revised proposal has overcome all concerns relating to the residential amenity of neighbouring properties.
- 2.6 Following submission of amended plans DFI Roads was consulted on 6th January 2020. Their consultation response advised the proposed apartments will generate 24-30 vehicle movements on a

daily basis which is considered as intensification onto Woodvale Road even if the previous use of this building is considered which has not been in operation for quite some time. Refusal is still recommended.

- 2.7 A meeting occurred with the Agent, DFI Roads and Planning on 13th February 2020. DFI Roads explained more information on the existing use of the building is required in terms of vehicle movements as it is necessary to prove the proposed apartments will not result in an intensification on the site.
- 2.8 The Agent provided a signed Affidavit from Carson Glass which explained the building on site was used in association with his family business, Glass's Fruit and Veg at 71 Main Street, Bushmills, between the years of 1989 and 2018. The four parking spaces associated with the building were in regular daily use. Three spaces at the south end and one at the north end. Each of the four cars would have arrived in the morning, left for lunch, returned after lunch and left again at the end of the day. Approx. two of the cars would have left on business and returned on at least one other occasion during the day. A delivery vehicle would also be coming and going at various times of the day, making outward deliveries and taking goods to and from the shop. The van would have come and gone at least three times a day. Supplier's delivery vehicles also visited the premises, at least once a day.
- 2.9 DFI Roads was consulted on this information on 21st April 2020 and advise the information provided on the signed Affidavit provides the details of the vehicle movements at the proposed site during its previous use. It is accepted the current proposal will not lead to an intensification of vehicle movements at the proposed site. DFI Roads therefore have no objections subject to a planning condition. The revised proposal is now acceptable in terms of Policy AMP 2 of PPS 3 and DCAN 15.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the change of recommendation to Approve this proposed development.

3.2 The amended proposal has overcome all previous refusal reasons for this development. The proposed residential development is now acceptable in terms of the SPPS, Policy QD 1 of PPS 7, Policies LC 1 & 2 of the Addendum to PPS 7 and Policy AMP 2 of PPS 3 and DCAN 15.

4.0 Planning Conditions

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

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The proposed windows on the East Elevation shall be finished in obscure glass in accordance with the stamped approved drawings Nos. 03D and 04D date received 23rd December 2020 and permanently retained as such.

Reason: In the interests of residential amenity.

3. The angled louvers for the terraces in the West Elevation shall be erected in accordance with the stamped approved drawings Nos. 03D and 04D date received 23rd December 2020 and permanently retained as such.

Reason: In the interests of residential amenity.

4. None of the apartments hereby approved shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 04D bearing date stamp 23rd December 2019 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Planning Informatives

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