

ITEM E

**50-52 Prospect Road Portstewart
BT55 7LQ**

**LA01/2015/0152/O
Outline Planning**

27th January 2016

<u>No:</u>	LA01/2015/0152/O	<u>Ward:</u>	Tullaghmurry West
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	50-52 Prospect Road Portstewart BT55 7LQ		
<u>Proposal:</u>	Proposed 3 No Townhouses in Replacement of Two Existing Semi Detached Houses. Renewal of Existing Approval. (Revised Description)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	11th May 2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Dr and Mrs Nicholl and Mr and Mrs Brown 7 O'Hara Drive / 1 Downing Park Portstewart		
Agent:	Dr. M Nicholl 7 O'Hara Drive Portstewart BT55 7PD		
Objections:	6	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

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

1 RECOMENDATION

- 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 section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on the southern side of Prospect Road and comprises of two existing dwellings in the form of two-storey semi-detached properties of No's 50-52. The current dwellings have front and rear gardens with the roadside northern boundary defined by a low garden wall with mature vegetation

and wooden fencing partly defining the rear and side boundaries with part of the western side boundary open to the adjacent driveway. The topography of the site falls away from the roadside boundary in a southerly direction.

- 2.2 The site is located within a residential area within the development limits of Portstewart as defined in the Northern Area Plan 2016. To the east of the site is 3 storey terraces of Prospect Mews, there are semi-detached dwellings to the north and west of the site and single storey detached dwellings to the south of the site.

3 RELEVANT HISTORY

C/2011/0399/O 50 - 52 Prospect Road, Portstewart, BT55 7LQ
Proposed 3 no Townhouses in Replacement of 2 no Semi-detached Houses. Granted 15.05.2012

4 THE APPLICATION

- 4.1 Planning permission is sought for the renewal of 3 No. three storey townhouses in replacement of two existing semi-detached houses.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: 6 (Six) objectors** making representation on the proposal have been received.

The reasons for objecting are summarised below:

- Privacy and overlooking, particularly from balconies
- Noise, particularly from balconies
- Removal of mature trees
- Health and Safety
- Construction risks
- Access and general transport concerns
- Out of character
- Inadequate infrastructure

- Disruption to new footpath

Internal

5.2 **Transport NI:** Has no objection to the proposal.

NI Water: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times a plan strategy and 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 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

Planning Policy Statement 12: Housing in Settlements

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the renewal of previous permission; the proposed design and layout; traffic issues and; other matters.

Planning Policy

- 8.2 The site is located within the settlement limit of Portstewart as defined in the Northern Area Plan.
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

Renewal of previous permission

- 8.4 This application was made valid on 11th May 2015 and is a renewal of outline planning permission C/2011/0399/O which was approved on 15th May 2012. The documents and drawings submitted in this application are the same as those submitted in 2011.
- 8.5 Since the previous application was granted, the Northern Area Plan (NAP) has now been adopted and the proposal must have

regard for this. The adoption of the NAP has not changed the policy context or land use of this land from either the North East Area Plan or the draft NAP.

- 8.6 The Strategic Planning Policy Statement (SPPS) has also been published. The SPPS continues to support increasing housing densities in urban areas, without town cramming, promoting the development of developed and undeveloped land within the urban footprint first.
- 8.7 The previous permission is a material consideration in the determination of this application. Notwithstanding the policy updates and changes set out in Paras. 8.5 & 8.6. As such, specific policy relating to this proposal has not changed significantly and the previous permission should be given substantial weight.

Proposed design and layout.

- 8.8 This proposal is for outline permission only. The applicant seeks to establish the principle of developing 3 townhouses on this site without submitting full details of floor plans/elevations etc. That said, a certain amount of indicative information is required to enable adequate assessment of the proposal.
- 8.9 The site is currently occupied by two storey semi-detached dwellings (2 units) and has a depth of approximately 38 metres and a width of approximately 24 metres. There are 5 townhouses to the left of the proposal (Prospect Mews) and a similar pair of semis to the right (nos 46-48 Propsect Road). This proposal seeks to replace the semi-detached block with 3 townhouses.
- 8.10 A concept plan has been submitted showing that the dwellings will respect the building line along Prospect Road, with 2 incurtilage parking spaces per unit. The layout provides an indication of the depth of building, and shows hardstanding to the front and sides of the block with a small patio area to the rear of the units. The remainder of the area to the rear will provide a grassed garden area. Space for bins and an oil tank is also shown.

8.11 On the previous approval the concept plan indicated 12 – 15 metre high trees running along the side and rear boundaries. However, on visiting the site, these trees have now been removed which is also a matter raised by objectors. The loss of these trees is not fatal to the planning application, due to the separation distances between the proposed and existing properties.

8.12 PPS 7 Quality Residential Environments provides significant policy guidance in relation to housing proposals. Policy QD1 expects all proposals for residential development to conform with the following criteria:

- *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;*

When considering the policy context of PPS7 and the addendum to PPS 7, along with DCAN 8 and PPS12, this proposal is acceptable, in that the development respects the surrounding context and would not result in unacceptable damage to local character, environmental quality or residential amenity. An adequate amount of amenity space is provided for the proposed dwellings which exceeds the minimum guidance and terrace properties are evident in the area, such as the Prospect Mews development immediately adjacent the site, so the dwellings are not out of character in terms of house types. The site itself has a depth of approximately 38m with a width of approximately 24m. When taking account of the plot width and separation distances, there is an acceptable plot size ratio to the surrounding development with minimal impact on residential amenity or environmental quality.

The height of the dwellings needs careful consideration and condition. This is an outline application which seeks the principle of the development and the issues of detailed design, massing height can be conditioned and dealt with at reserved matters stage. A condition restricting the height to be no greater than the existing ridge height of No50 & 52 Prospect Road, with contextual elevations demonstrating this,

could be attached to any planning permission to ensure the character of the existing streetscape is respected.

- *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;*

There will be no impact on any archaeological or built heritage features as a result of this proposal. Although the trees identified to the rear and side boundaries have been removed, landscaping will be a matter reserved and any reserved matters application must be accompanied with a landscaping proposal.

- *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;*

Given this proposal is for 3 dwellings this is no requirement to provide public open space. Creating Places provides guidance on private open space and indicates on page 52 that private amenity space for family homes should be around 70 sq m per house or greater which this proposal meets. As this is an established residential area with built development on the site, there is no need to identify specific planting or planted areas, however a landscape plan will be required as set out above.

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

Again, as given the scale and nature of this proposal for 3 units replacing 2, there is no requirement to provide neighbourhood facilities.

- *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;

This proposal will not deliver any additional roads or ancillary facilities. The proposal will utilise existing movement patterns.

- *adequate and appropriate provision is made for parking;*

The concept plan shows 2 spaces per unit. Transport NI has no objection to this and therefore there is adequate provision for parking.

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

These are detailed design matters which will be required at reserved matters stage.

- *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; and*

The site will remain as residential and the principle of development is acceptable. The specific design will be submitted at reserved matters. Any design will need to ensure there is no unacceptable impact, for example the impact on neighbours privacy or amenity from upper floor windows.

- *the development is designed to deter crime and promote personal safety.*

The proposal sits within an existing residential context. The concept indicates that the primary entrance is to the fronts of the units adjacent to the road with sufficient space to move safely around each unit.

Other Matters

- 8.13 Objectors have raised concern with regards to balconies. Although balconies are shown on the indicative drawings, these have been withdrawn and do not form part of any approval.

Such matters would be considered at the detailed design stage when a reserved matters application is submitted. The concept plans for the development also indicates that the proposed development is to be approx. 16.5m from the common boundary of the existing dwellings to the south of the site which accords with the guidance set out in Creating Places. Creating places also suggests a separation distance of 30m between existing properties and any new development with balconies or living spaces on upper floors.

- 8.14 Health and safety risks from demolition works and during construction have been raised as matters of concern. Health and safety in relation to overhead power lines and telecommunications has also been raised. It is the responsibility of the developer to ensure the correct procedures and standards set out in legislation relating to health and safety for workers and adjacent properties are adhered to.
- 8.15 There are concerns relating to access arrangements for construction traffic and any future occupants of the dwellings. TransportNI has been consulted as the competent authority and raises no objection.
- 8.16 A final matter regarding ground rent which restricts development on the site is ultimately a civil matter between the 2 parties outside the remit of this planning application.

9 CONCLUSION

- 9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. This is a renewal of a previous planning permission where planning policy has not substantially changed. The principle of developing this site for 3 units is acceptable in terms of character and residential amenity. Specific details regarding layout and design are to be considered at reserved matters stage. Approval is recommended.

10 CONDITIONS

10.1 Regulatory Conditions:

1. As required by Section 62 the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Planning Authority within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission;
or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Planning Authority, in writing, before any development is commenced.

Reason: To enable the Planning Authority to consider in detail the proposed development of the site.

3. The development hereby approved shall be designed in accordance with the provisions of Planning Policy Statement 7 (PPS 7) - Quality Residential Environments and shall generally accord with the provisions of the proposed site concept, Drawing No 03 (Rev 1) date stamped 09th December 2015.

Reason: To ensure a quality residential development

4. The buildings hereby permitted shall be no greater than 2 and a half storey, having an eaves level and ridge height no higher than that of the adjacent properties at Prospect Mews and 46-48 Prospect Road, Portstewart. The design of the dwelling must be consistent with the building traditions of the locality in terms of form, massing and external details.

Reason: To ensure that the proposal is in keeping with the character of the area.

5. The separation distance between the gable walls of the proposed dwellings and the side boundaries shall be at least 2.0m.

Reason: In the interests of residential and visual amenity.

6. No development shall take place until a plan indicating floor levels of the proposed dwelling(s) in relation to existing and proposed ground levels has been submitted to and approved by the Planning Authority.

Reason: To ensure resident's privacy is not adversely affected.

7. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45metres at any point.

Reason: In the interest of visual amenity.

8. No development shall take place until full details of all hard and soft landscaping including boundary treatments and proposed tree and shrub planting and a programme of works, have been approved by the Planning Authority, and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

9. The block plan required for the reserved matters application shall be generally in accordance with Drawing. No 03 (Rev 1) date stamped 09th December 2015.

Reason: To ensure that there is satisfactory access and car parking provision.

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. Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be

served. Application to NIW is required to obtain approval to connect.

3. Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served.
4. Surface water sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served. Application to NIW is required to obtain approval to connect.
5. No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains. A diversion may be necessary. Consultation with NIW is required at an early design stage.
6. There is potential that Asbestos containing materials may be present in or on the current dwellings and outbuildings. The applicant is advised to have an asbestos survey carried out prior to any works by a suitably competent person/s. Any identified Asbestos containing material must be removed and disposed of in full compliance with all health and safety and waste management legislative requirements.
7. "Noise from construction activities should –
 - (a) not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and
 - (b) not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and
 - (c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will

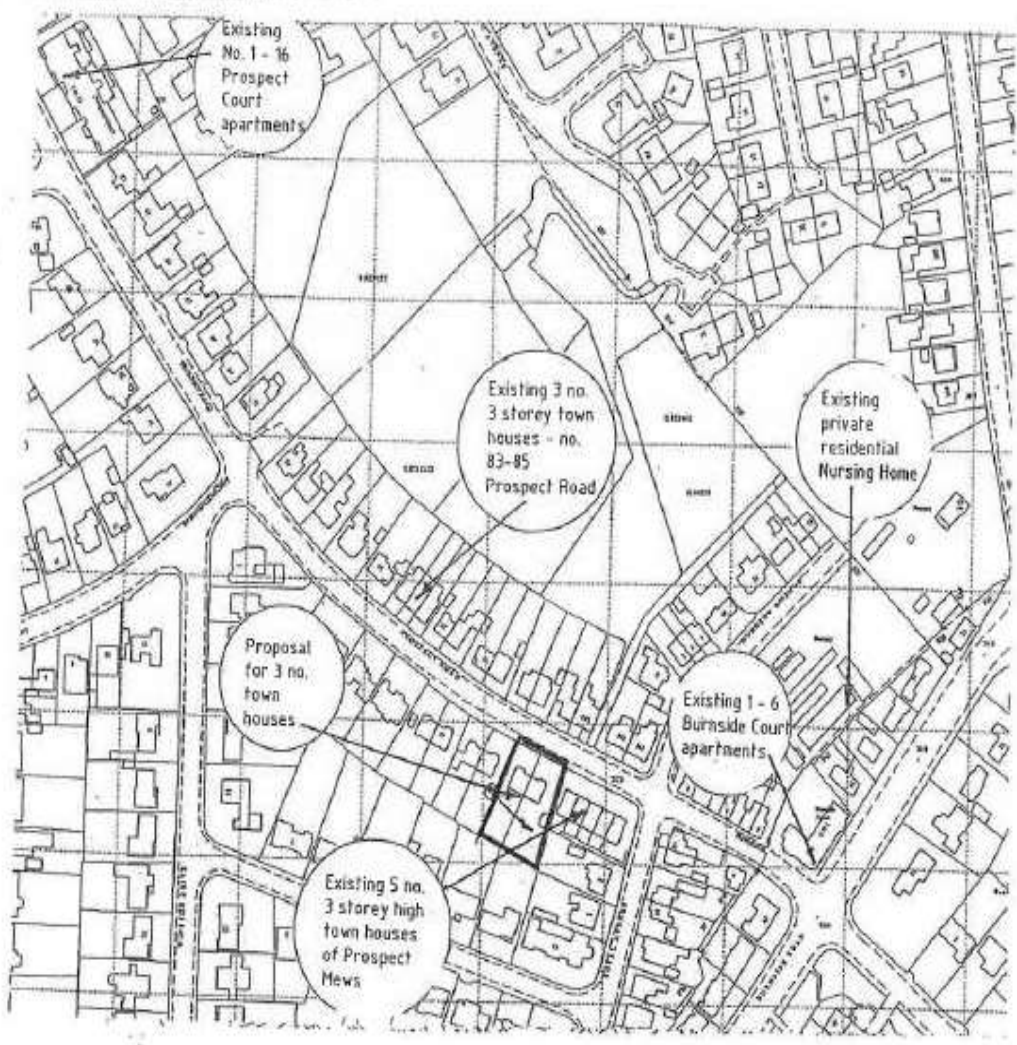
not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”

8. The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

ANNEX

Date Valid	11th May 2015
Date First Advertised	27th May 2015
Date Last Advertised	28th October 2015
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 101 Prospect Road Tullaghmurry West Portstewart John P Henstock 11, Regent Park, Portstewart, Londonderry, Northern Ireland, BT55 7NP Albert Crozier 13, Regent Park, Portstewart, Londonderry, Northern Ireland, BT55 7NP The Owner/Occupier, 48, Prospect Road, Portstewart, Londonderry, Northern Ireland, BT55 7LQ R and R Thompson 5, Royal Avenue, Portstewart, Londonderry, Northern Ireland, BT55 7LE The Owner/Occupier, 7 Royal Avenue Tullaghmurry West Portstewart Jennifer Caldwell 7, Regent Park, Portstewart, Londonderry, Northern Ireland, BT55 7NP W T Creelman 9, Regent Park, Portstewart, Londonderry, Northern Ireland, BT55 7NP The Owner/Occupier, 97 Prospect Road Tullaghmurry West Portstewart The Owner/Occupier, 99 Prospect Road Tullaghmurry West Portstewart The Owner/Occupier, Prospect Mews,54 Prospect Road,Tullaghmurry West,Portstewart,Londonderry,BT55 7LQ</p>	
Date of Last Neighbour Notification	19th October 2015

Site Location



LA01/2015/0152

M.A.C.

McNEILL ARCHITECTURAL CONSULTANCY

Proposed 3 no. town houses in replacement of no. 50 - 52 Prospect Road, Portstewart
FOR Dr M & Mrs J Nicholl & Mr & Mrs T Brown
LOCATION MAP

Scale 1:2,500

Drawing no. 1

June 2011

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