



Department of the
Environment

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PUBLIC CONSULTATION

Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas

SYNOPSIS OF CONSULTATION RESPONSES

AUGUST 2010

SUMMARY OF CONSULTATION RESPONSES

Introduction

1. On 9th November 2009, the Department issued for consultation a second Addendum to Planning Policy Statement (PPS) 7 setting out additional planning policy provisions on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements. The draft Addendum also included regional policy on the conversion of existing buildings to flats or apartments, and a further policy to promote greater use of permeable paving within new residential developments.
2. As part of the consultation process copies of the draft Addendum were distributed to approximately 350 interested parties, including all Assembly Members; all 26 District Councils, Government Departments and external stakeholders. Notice of the publication of the draft Addendum and the commencement of the consultation period was given in the Belfast Telegraph, Irish News and Newsletter on 10 November 2009. The document was also made available on the Planning Service website. Consultation responses were requested by 5th March 2010. All the responses received will be taken into account by the Department in finalising the document.
3. This paper provides a general overview of the main findings of the public consultation exercise. It is not intended to be a comprehensive report on every comment received, but rather a summary of the key issues raised in the responses. A copy of this document is available on the Planning Service website www.planningni.gov.uk
4. The Department would take this opportunity to thank all those who contributed to the consultation exercise.

Overview of Consultation

5. The Department received a total of 89 responses to the draft PPS Addendum from a wide range of interests which can be broken down into the following categories:

Table 1: Categories of Respondents

Category	No.	%
Responses from individuals	32	36.0
Non-Government Organisations (Voluntary Organisations, Residents Groups, Charities, etc)	24	27.0
Business Organisations (Developers, Architects, Planning Consultants, etc)	19	21.3
Local Government (27 % of all Councils, Political Parties, etc)	9	10.1
Non-Departmental Public Bodies (e.g. Historic Buildings Council)	5	5.6
TOTAL	89	100

6. Of the 89 respondents, 1 had no comment to make, leaving 88 substantive responses covering a wide range of issues. Some of the responses raised matters outside the scope of the public consultation exercise, for example, the introduction of a third party right of appeal. 5 responses were received after the consultation period ended. A full list of the respondents is provided in Annex A.
7. Of the 32 responses received from individuals, 21 of these comprised a standard petition-style reply seeking better protection for existing hedges and trees in established residential areas.
8. Respondents from Business Organisations included: Architects/Designers (6 x no.); Planning Consultants (7 x no.); Developers (5 x no.); and 1 response from a paving manufacturer.
9. Responses from local government included a response from the Alliance Party, an interim response from the Environment Committee and responses from 7 of the 26 district councils (Fermanagh District Council; North Down Borough Council; Dungannon and South Tyrone Borough Council; Coleraine Borough Council; Antrim Borough Council; Belfast City Council, and; Craigavon Borough Council).
10. The majority of respondents (62 or 69.7 %) expressed unequivocal or qualified support for the policies set out in the Draft PPS 7 Addendum. 18 (20.2%) of the responses received were opposed to the introduction of the addendum with many suggesting that there is no need for it as robust policies are already in place. The opinion of the remaining 9 (or 10.1%) respondents was unclear.

General Issues Emerging from the Responses

Terminology and Use of Language

11. Several respondents suggested that the terminology and use of language in the draft addendum needed clarification.

Response: Where appropriate, the Department has amended text and provided further clarification in the final addendum.

Houses in Multiple Occupancy (HMOs)

12. There were a small number of respondents (including Coleraine Borough Council, Causeway Coast Communities Consortium, and Portstewart Community Vision) who expressed concerns that the addendum did not contain a regional policy on HMOs.

Response: The approach taken has been to deal with HMOs through local development plans such as the Belfast HMO Subject Plan where policies can be tailored to the local context. In this context no further change was proposed.

Protection of Existing Hedges and Trees

13. A large number of the responses received from private individuals suggested that the Department should require better protection of existing hedges and trees in established residential areas.

Response: The Department already attaches particular importance to the retention and integration of existing landscape features, including trees, within new residential developments. Further information can be found within PPS 2 and PPS 7. In this context no further change was proposed.

Impact on Construction Industry and Individual House Builders

14. Some respondents (mainly those from Business Organisations and their representatives) raised concerns that the addendum will impact significantly on housing output and will have serious detrimental impacts on individual house-builders, including those that have acquired property with a view to redevelopment at higher densities. These respondents also suggest that the proposed policy changes should be deferred until wider implications for housing allocations in development plans has been fully considered and the construction industry recovers.

Response: The Department has no evidence to suggest that the addendum will impact significantly on housing output or housing allocations in development plans. The addendum is intended to reinforce the application of existing policy and guidance which seeks to increase housing density within appropriate locations in urban areas without town cramming and therefore carries forward the prevailing policy principles in this regard.

The Department acknowledges that the rate of house building has slowed considerably owing to the current economic climate, and in some locations house building has stopped altogether. However, there is insufficient justification for deferring the introduction of the policies proposed which seek to support established policy rather than give way to a fundamental change in policy direction.

It is important to emphasise that the addendum will not stop developers building much needed new residential development. Furthermore, the Department annually monitors housing land availability which will continue to inform housing allocations in development plans across the Region. In this context no further change was proposed.

Density Mix / Apartment Types and Sizes / Open Space

15. A small number of respondents (mainly from the voluntary and community sector) suggested that more emphasis should be placed on ensuring a greater mix of densities, apartment types and sizes suitable for families within the addendum, and a high quality and shared open space.

Response: The Department already places particular importance on the need to provide greater variety in house types and sizes within all new residential developments. Existing policy supports the provision of a mixture of different types and sizes of houses, apartments and maisonettes for new development proposals of 25 or more units, and in smaller schemes existing policy emphasises that the need to provide greater variety in type and size is considered on its individual merits (See PPS 12, Policy HS 4).

Furthermore, development plans may include specific policies for the control of housing development in established residential areas as provided for in PPS 7 at paragraph 3.7. Recent plans include density standards under key site requirements for zoned sites and also provide policies for the control of apartment developments (e.g. the draft Northern Area Plan). Accordingly, the addendum does not preclude bespoke policy or advice being provided in a local development plan for controlling density mix, apartment types and sizes tailored to the local context. In this context no further change was proposed.

In regard to open space, Policy QD 1(c) already requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Supplementary planning guidance in 'Creating Places' recommends the level of private open space provision for new residential developments. For apartments, the provision of between a minimum of 10m² to 30m² of private communal open space for apartments is suggested. In this context no further change was proposed.

Cumulative Impact

16. A small number of respondents suggest that the policy should do more to address the issue of the cumulative impact that a number of similar developments may have on a local community and its character.

Response: The Addendum to PPS 7 reinforces existing policy and guidance which requires development proposals to be considered in terms of their physical relationship to their setting and environmental context, and makes clear that great care will be needed to ensure that the individual or cumulative effects of development proposals for infill housing, backland development or redevelopment schemes in established residential areas do not significantly erode the character and amenity of existing areas, through inappropriate design or overdevelopment (PPS 7, para 4.8).

Furthermore, in August 2007 Planning Service issued a Planning Circular (PC/07) to assist proper implementation of the current policy and in particular to address public concerns about cumulative impacts and this is referred to in the addendum at paragraph 1.5. In this context no further change was proposed.

Monitoring

17. A small number of respondents suggested that the Addendum should include methods to monitor the overall number and sizes of apartments approved in an area.

Response: This is an operational matter for the Planning Authority. Currently, sites that are identified as potentially suitable for residential development in prevailing development plans through zonings and any other urban sites that have been granted planning permission for residential development through a planning application or planning appeal are monitored by Planning Service. This annual 'Housing Land Availability Monitor' includes an assessment of the number of completed and

undeveloped apartments as dwellings. The draft addendum does not preclude this or other information being used to inform the preparation of development plans in relation to housing, including the formulation of bespoke local policies on apartment development tailored to local circumstances.

Specific Issues

Policy LC 1

18. Some 72 respondents provided specific comment on Policy LC 1. 54 respondents (75%) offered unequivocal or qualified support for the policy, although a number of responses expressed concern over the use of ambiguous language, with many considering that there were inconsistencies in the terminology used in LC 1.

Response: Criteria (a) and (b) have been amended to ensure that the language used is consistent. Specifically, the terms 'locality' and 'existing residential neighbourhood' have been replaced with 'established residential area' to avoid any ambiguity.

19. A small number of respondents considered that Policy LC 1 did not go far enough. For example: Lagan Valley Group Residents Association considered that the policy should specify that building on the gardens of dwellings and apartments should normally be prohibited. Conversely, 'Strategic Planning' consider that Policy LC 1 is overly restrictive.

Response: The Department considers that Policy LC 1 adequately reinforces existing policy on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements. The policy approach retains a level of flexibility whilst also conforming to the strategic principles and guidance set out in the RDS. The policy does not ban development in gardens. However, the addendum will better control development in gardens to avoid detrimental impact on townscape character and residential amenity. Policy LC 1 also reflects the RDS definition of 'previously developed land' (i.e. brownfield land) which excludes the gardens of dwellings and apartments. In this context, no further change was proposed.

20. There were a large number and range of suggestions for making minor improvements to Policy LC 1. For instance, the Royal Town Planning Institute suggested that guidance should be given on good practice and examples that would be appropriate for differing residential densities.

Response: The final addendum refers to the NIHE publication 'Higher Density for quality and low maintenance' - a good practice guide.

21. There was broad support for the introduction of space standards. However, a number of respondents considered that these should also apply to town and city centres, and arterial routes and flat conversions. (See also (e) non-specific policy issues)

Space Standards have been introduced as an important tool for controlling density in established residential areas. Whilst the Department considers that it is in the public interest that all new dwellings should be fit for purpose and provide enough space to meet the needs of all households, applying space standards in all locations would be much too prescriptive for regional planning policy. Accordingly, no further changes were proposed. Nevertheless, the addendum does not preclude bespoke policy or advice being provided in a local development plan for controlling standards for residential accommodation.

22. Comments which occurred with greatest frequency in opposition to the draft policy included:
- LC 1 contradicts the objectives of the RDS;
 - It is overly restrictive / prevents intensification even in circumstances where it may be more sustainable; and,
 - Will stifle good design and lead to spatially homogenous areas

Response: The Department considers the addendum is in general conformity with the strategic planning guidelines contained in the RDS. It provides flexibility by continuing to permit in principle residential intensification in most established residential areas while at the same time seeks to reduce the potential for harmful over-development of residential plots (i.e. town cramming).

Policy LC 1 is not intended to preclude bespoke policy or advice from being provided in a local development plan to deal with situations where higher density development or redevelopment may be considered appropriate.)

As to concerns that Policy LC1 will stifle good design and lead to homogenous areas, the Department would advise that whilst the addendum introduces additional safeguards to ensure the density and pattern of new housing is sympathetic to that of the surrounding residential areas, it is not intended to stifle or dismiss proposals for contrasting designs which will continue to be assessed in the context of the site and its surroundings. The Department considers that there is sufficient flexibility to continue to facilitate quality design solutions including proposals for contrasting designs.

Policy LC 2

23. Some 72 respondents provided comment on Policy LC 2. Of these, 43 or 60% of respondents offered unequivocal or qualified support for the policy although a number of responses expressed concern about some of the individual criteria. One respondent suggested that the Policy was 'draconian and ignorant of context'. Of the six criteria set out under LC 2, criterion's (b), (c) and (e) were the subject of most comment.

Response: The title and policy has been amended to make clear that Policy LC2 also applies to 'change of use' proposals and that all the criteria set out in Policy QD1 of PPS 7 must also be met. In addition, criterion (a) has been amended to delete the wording '(See Policy LC1)' as this has no operational effect.

24. In relation to criteria (b) a number of respondents suggested that this will result in an inflexible approach to the alteration/replacement of buildings which would otherwise not be considered worthy of protection from demolition.

Response: *The Department notes the concerns. The draft policy introduces additional safeguards to ensure that buildings are appropriate for conversion, and that the conversion provides quality accommodation, respecting the character of the area and the amenity of residents. Individual planning proposals will continue to be considered on a case by case basis and their acceptability is ultimately a matter for professional judgement taking into account the overall policy framework and existing guidance together with all other material planning considerations. Proposals for the demolition and redevelopment of existing properties will continue to be assessed in the context of Policy QD 1 of PPS 7 and Policy LC 1 (where proposals are located within an established residential area). No further change was proposed.*

25. There were also concerns that the 150m² restriction under criterion (c) will limit the number of properties suitable for conversion, particularly in higher density inner city areas, city and town centres and public transport corridors and arterial routes.

Response: The Department accepts *that the conversion of existing buildings to flats or apartments may be appropriate in some locations (such as those suggested) where existing properties are less than 150m². The Department has therefore amended the Justification and Amplification section under Policy LC 2 to make clear the locations where a more flexible approach to the floorspace requirement in the policy may be applied.*

26. One respondent (Rosetta Design) considered that in terms of criteria (f) “it would be more rational to say there will be no reduction in parking space”.

Response: The Department has reviewed criterion (f) in relation to existing policy and guidance. It is considered that criterion (f) of Policy QD 1 in PPS 7 and Criterion (e) of the first Addendum to PPS 7 on Residential Extensions and Alterations’ cover the issue of car parking adequately for all residential development, including flat conversions. Accordingly, the Department has removed criterion (f) in the final addendum.

Policy LC 3

27. Some 69 respondents provided comment on Policy LC 3. Of these, 55 (80%) of respondents offered unequivocal or qualified support for the policy. The majority of respondents considered that the policy wording should be strengthened and that permeable paving should be mandatory for new residential development in all areas. Conversely, the Construction Employers Federation welcomed the flexibility in wording that is an encouragement and not a requirement. A small number of respondents considered that LC 3 was bolted on as an expedience. Tobermore Concrete Products limited (a permeable paving manufacturer) indicated full agreement with Policy LC 3 and referred the Department to British Standard Guidance for the Structural Design of permeable pavements).

Response: *The Department would advise that it is only permissible to pursue a policy of encouraging the use of permeable paving at this time. Requiring the use of permeable paving would require a change in legislation. In addition, the Construction Regulations do not currently permit the use of permeable/porous construction for roads that are to be adopted. It is also important to note that NIEA is taking forward work on the development of a Sustainable Drainage Strategy (SuDs) for Northern Ireland. In this context no further changes were proposed. The Department will of course review its position in light of whatever emerges in the SuDs Strategy.*

The Department has drawn attention in the Justification and Amplification section to the requirements of BS7533 Part 13 in terms of the design and installation of permeable pavements referred to by Tobermore Concrete Products Limited.

Non-policy Specific Issues

Annex D: Space Standards

28. A small number of respondents included specific comments on Annex D. 1 respondent suggested that unit sizes seem reasonable and are generally in keeping with guidelines used in the Republic of Ireland. Conversely, 4 respondents considered that the standards used are smaller than those used elsewhere (such as in Dublin).

Response: The Department accepts that there may well be other jurisdictions or planning authorities where higher space standards are applied (including Dublin City Council). However, the proposed space standards in the addendum have been successfully applied in Northern Ireland by housing associations on the design and build of social housing units, and, as the local development industry is familiar with these standards, (many have been involved in the development of social housing on behalf of housing associations), no further change was proposed.

Annex E: Definition of Established Residential Area

29. Some 20 respondents included specific comments on Annex E. In general most comments expressed concerns with the use of language and terminology. Most respondents considered that further clarification was required on the locations where the term will not apply.

Response: The Department has amended Annex E to improve and clarify the definition of Established Residential Areas.

Annex F: Screening for Equality Impact Assessment

30. One respondent commented on Annex F and suggested that the mobile elderly are disadvantaged by the proposed policy.

Response: The Department disagrees with this statement. As part of the equality of opportunity screening exercise the Department has considered all nine equality groups for adverse differential impacts and considers that overall all age groups should benefit from the policies contained in the draft addendum. In particular, older and younger people will benefit from the requirement for developers to provide adequately sized dwelling units when meeting the range of housing needs.

ANNEX A

List of Respondents (S = Substantive, N = Noted/No Comment)

In total, the Department received 89 responses to the public consultation. The groups and organisations who responded are listed below. In addition, 32 responses were received from individuals whose names are not listed.

Non Government Organisations (24 Responses):

- Belfast Healthy Cities (S)
- Belfast Metropolitan Residents Group (S)
- Causeway Coast Communities Consortium (S)
- Cavehill Antrim Road Regeneration Housing & Planning Group (S)
- Community Places (S)
- Construction Employers Federation (S)
- Colin Neighbourhood Partnership Board (S)
- Council for Nature Conservation and the Countryside (S)
- Credenhill, Forest Park, Netherlands Resident's Association (S)
- Disability Action (S)
- Deramore Residents Association (S) (on behalf of Lagan Valley Group Residents Association; Lower Malone Residents' Association; Adelaide/Cadogan Residents' Association; Marlborough Residents' Association; Ulidia Residents' Association; Lower Ballynafeigh Residents' Association; Hampton Park Residents' Association; Stranmillis Residents' Association; and Park Road and District Residents' Association).
- Dunadry Community Association (S)
- Glen Road Environmental Action Team (S)
- Lagan Valley Group Residents Association (S)
- Northern Ireland Environment Link (S)
- Northern Ireland Federation of Housing Associations (S)
- Playboard Northern Ireland (S)
- Portstewart Vision (S)

- Royal Society for the Protection of Birds (RSPB) (S)
- Royal Town Planning Institute (S)
- Ulster Architects Heritage Society (S)
- Ulster Angling Federation (S)
- Ulster Society for the Protection of the Countryside (N)
- West Belfast Partnership (S)

Non-Departmental Public Bodies (5 Responses):

- Historic Buildings Council (S)
- Historic Monuments Council (S)
- Northern Ireland Housing Executive (S)
- Northern Ireland Tourist Board (N)
- Institute of Public Health in Ireland (S)

Local Government (9 Responses):

- Alliance Party (S)
- Antrim Borough Council (S)
- Belfast City Council (S)
- Coleraine Borough Council (S)
- Craigavon Borough Council (S)
- Dungannon and South Tyrone Borough Council (S)
- Environment Committee (S)
- Fermanagh District Council (S)
- North Down Borough Council (S)

Business Organisations (19 Responses):

- Andrew Nesbitt Architects (S)
- Beechview Developments Ltd (S)
- Braniff Associates (S)
- Bryan Orr Developments (S)
- Coogan & Co. Architects Ltd (S)
- Development Planning Partnership LLP (S)

- Dickson Architectural Services (S)
- Elevate Planning (S)
- Monaghan Tennyson Architects (S)
- Ostick & Williams Architects & Planners (S)
- RFB Developments Ltd. (S)
- Rosetta Design (S)
- Simpson Developments Ltd (S)
- Strategic Planning (S)
- Tobermore Concrete Products (S)
- Todd Planning (S)
- Total Architecture & Design Ltd (S)
- Turley Associates (S)
- WYG Environmental and Planning (N.I.) Ltd (S)