

OONAGH GIVEN

CHARTERED TOWN PLANNER

Upgrade of Local Centre to provide extended filling station shop, 1 new hot food unit and additional parking. Increase in height of forecourt canopy. Demolition and replacement dwelling. New fuel pump, trolley store, cycle storage, bollards, new ramps and steps, new white lining and directional arrows, new boundary treatments including fencing, walls, rendering, new hard and soft landscaping, fuel vent pipe relocation, change existing residential garden to commercial use (car parking), relocation of bins, relocation of gas cages. [Amended description] | 121 Coleraine Road Portrush & 5 Errigal Court Portrush

Statement of Objection

1. I have been appointed by the owners of 4 Errigal Court to object to the above planning application on their behalf. The purpose of this statement is to demonstrate that the proposal is unacceptable in terms of its impact on residential amenity and residential character and that it is contrary to the policy approach to retailing and town centres.

The Proposal

2. The proposal includes the extension of a commercial car park/ delivery area into what is presently a domestic property, the demolition of an existing dwelling and its replacement with a new one on a different footprint, an extension to a filling station shop, the erection of a hot food bar, and, other development related to the existing business.

Site and Context

3. The site is located within the town of Portrush on the Coleraine Road. The general area is mainly in residential use. The site is bounded on three sides by residential development of detached dwellings at a low/medium density. The same type of development is on the opposite side of the Coleraine Road from the site. The site comprises a filling station and Euro Spar supermarket together with four smaller retail units two of which are hot food bars, and an adjacent detached dwelling - No.5 Errigal Court which forms part of cul-de-sac of five houses.

Town Centres and Retailing

4. The Local Development Plan covering the town of Portrush is the Northern Area Plan which was adopted in 2015. The site is located within the settlement limit of Portrush. Part of the site is on an area of land that is zoned a "Local Centre" and designated for commercial use with the plan reference PHLC01". The plan designates a town centre

boundary for Portrush “*in which all retail development will normally be required to locate*”. The site is outside of the town centre boundary as designated by the Plan. The proposal involves the northward expansion of the “Local Centre” into a residential area and beyond the extent of the zoning as defined by the Plan.

5. With respect to Local Centres, paragraph 6.276 of the Strategic Planning Policy Statement states:

“In these centres, extensions should only be permitted where the applicant has demonstrated that no adverse impact will result on town centres in the catchment”.

6. With respect to retail and town centre type development outside of town centres it states at paragraph 6.291:

“Where an impact on one or more of these criteria is considered significantly adverse [...] then it should be refused.”

7. Policy contained in paragraph 6.291 sets a lower bar than that contained in paragraph 6.276, in that it appears to allow for development that will have an adverse impact, provided that it is not “significantly adverse”. However, considering the meaning of the word “adverse” which describes something as harmful or unfavourable (OED), any development which is considered to have adverse impacts on interests of acknowledged importance – in this case town centres, would be automatically contrary to the overarching principle in determining applications for planning permission as set out in paragraph 5.72 of the SPPS, which states:

“Sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interest of acknowledged importance.”

8. Any adverse impact, significant or otherwise, is not acceptable and it would be wrong to knowingly granting planning permission for a development it is was considered that it would have an adverse impact on a town centre. In the Retail Audit prepared by Nexus Planning for the Council, it was found that the impacts *would* have an adverse impact on Portrush town Centre – “...and that whilst adverse, the impacts of the proposal on Portrush Town Centre are unlikely to reach the level of ‘significantly adverse’” (paragraph 5.1 page 17 of the Audit).
9. In paragraph 4.3 of the Nexus Audit it is noted that in the Retail Statement carried out by Braniff Associates there is no obvious quantitative need for the application proposals. Elements of the proposal are quantitative in nature – the erection of an additional unit (hot food bar, which is in addition to the two already on the site) and additional carparking. If there is no quantitative need for the scheme, and only a qualitative need that is based upon the upgrading of the existing filling station, then there is no justification for the additional hot food bar and additional car parking.

10. Given that it has been acknowledged that there is no quantitative justification for the proposal and that it will have an adverse impact on Portrush Town Centre, it is contended that planning permission should be refused as it is contrary to paragraphs 6.276 and 6.291 of the SPPS.

Quality Residential Environments

11. The proposal involves the erection of a new dwelling within a settlement and so PPS 7 Quality Residential Environments is a material consideration. Policy QD1 of PPS 7 requires that new residential development will create a quality and sustainable residential environment, and, requires all proposals for residential development to conform to all of 9 specified criteria (a) to (i). The site is within an established residential area and so the addendum to PPS 7 – Safeguarding the Character of Established Residential Areas also applies.
12. The new dwelling is to be a replacement for an existing single storey dwelling at 5 Errigal Court. Errigal Court is comprised of 5 detached bungalows grouped in the form of a cul-de-sac on similarly sized plots. No. 5 occupies the junction of Errigal Court and Coleraine Road and mirrors the dwelling opposite (No. 1 Errigal Court) in terms of plot shape, size and layout. Next door to number five is No. 4 and the two houses have a similar set back from the edge of the access road.
13. The proposal involves roughly halving the size of the original plot and positioning the proposed dwelling northward of the original footprint in advance of the No. 4 and thereby breaking the building line that Nos 4 and 5 presently share. By bringing the dwelling closer to the road and halving the size of the plot, the building line is noticeably broken and the uniform pattern and layout out of Errigal Court is undermined. The change of use of the southern half of the domestic property at No. 5 Errigal court to a commercial use (car park) will be odds with the existing residential character of Errigal Court and will undermine the existing pattern of development which comprises detached dwellings and gardens. The grant of planning permission would also set a precedent for the subdivision of existing properties in Errigal Court which would not only change the pattern of development, but would also change the character of the area in terms of residential amenity, quality of life, volume of road traffic and road safety.
14. The proposal fails to comply with criterion (a) as it does not respect the surrounding context in terms of layout and scale (plot size). The proposal is contrary to Policy LC1 parts (a) and (b) of the Addendum to PPS 7 as the replacement of a dwelling on a plot that has been halved in size is at odds with the pattern of development in Errigal court; it increases the density of development on the original plot; and, it sets a precedent for further subdivision of the other properties in Errigal Court.

Residential Amenity

15. The proposal does not comply with criterion (h) of QD1 as it will have a detrimental impact on the residential amenity enjoyed by No 4 Errigal Court and by the proposed replacement dwelling at No.5, by means of noise, general disturbance, and overlooking.

No. 4 Errigal Court

16. For the most part, No. 4 Errigal Court presently shares its boundaries with other residential properties only. The western boundary of No. 4 Errigal Court is shared with another detached dwelling and private garden (No. 5 Errigal Court). The proposal is to subdivide No. 5 with the northern portion accommodating a new dwelling and the other half undergoing a change of use from residential to a commercial car park and delivery area. It will have the effect of increasing the density of development along the western boundary of No. 4 as well as introducing a non-conforming and non-compatible neighbour. The peaceful enjoyment and sense of privacy that the owners of No.4 presently enjoy will be detrimentally impacted by the proposal. Their environment will be noisier from the sounds of vehicles (including delivery lorries) constantly coming and going, car doors slamming, engines running. A car park serving a local (and extended) supermarket, with a new hot food bar next to the new car park, will also be a lively area, as customers engage with one another as they make their way to their cars, or eat takeaway food in their vehicle with the prospect of playing the car radio or keeping the ignition running at the same time.
17. In the Environmental Health Department's response of 11 June 2020, it recommends that an informative regarding advice on Good Practice to reduce Delivery Noise Nuisance be attached if planning permission is granted. However, there is no way by which any such noise as set out in the nine bullet points can be controlled by the planning authority. The EHD informative relates only to *delivery vehicles* and includes noise sources such as engines left idling and vehicle radios and stereos, however the exact same noise can emanate from the line of customer vehicles that may park against the side garden of No 4 Errigal Court and only metres away from the back wall of the proposed replacement dwelling – over which neither the planning authority nor the applicant/operator have any control. If the absence of noise from vehicle engines idling or car radios is necessary to protect residential amenity but cannot be enforced by the planning authority, or controlled by the operator, then residential amenity will be left unprotected and accordingly the application ought to be refused.
18. The dwelling to be replaced is single storey whereas the proposed dwelling is to have one and a half storeys with a bedroom window in the gable of the first floor overlooking the front, side and rear of No.4.

Residential Amenity of Proposed Dwelling

19. The proposed boundary feature between the rear of the proposed dwelling and the neighbouring commercial carpark and delivery area will be around 5 metres from the back wall of the proposed dwelling, with the usable space being less than that because of the proposed planting. Whilst the total area of the private amenity space to the rear of the proposed dwelling might meet with the standards suggested in Creating Places, the narrow shape inhibits its use and the area will be overshadowed for most of the day. All of the usable private amenity space is only a few metres from the car parking area for the neighbouring commercial development as is the rear wall of the house. The activity in the proposed car park will undermine the residential amenity of the back garden and those rooms to the rear of the house. Paragraph 7.16 of Creating Places recommends a minimum distance of 10m between the rear boundary of new houses and the common boundary. Although paragraph 7.16 refers to the relationship between new residential development and existing residential properties, the 10m minimum distance between the rear wall and common boundary is a useful guide to apply in this case in which the proposed dwelling shares a common boundary with a busy commercial centre. Impacts from noise and general disturbance are the same as those for No. 4.

Summary

20. Policy QD1 of PPS7 states that:

“In established residential areas proposals for housing development will not be permitted where they would cause unacceptable damage to the local character and environmental quality or residential amenity of these areas.”

21. Errigal Court is an established residential development of five dwellings around a common access road. By halving the plot size of one of the residential properties and placing a replacement house in a new smaller planning unit, the character and quality of the existing housing development will be lost as will the residential amenity of No 4.

22. Policy QD1 also states that:

“Planning permission will only be granted for new residential development where it can be demonstrated that the proposal will create a quality and sustainable residential environment”.

23. The proposed layout of the proposed replacement dwelling and its relationship with the proposed commercial use and neighbouring dwelling is not a quality design.

24. With respect to the impacts of retail development in particular, paragraph 6.292 of the SPPS states:

“In order to ensure high quality and otherwise satisfactory forms of development all applications for retail development or main town centre type uses will also be

assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts”.

25. For the reason given in paragraphs 14 - 24 above, the proposal will impact on the built character and residential amenity of the neighbouring housing development and therefore fails to comply with paragraph 6.292.
26. Any proposed expansion of this Local Centre should be considered strategically by the planning authority as part of the Local Development Plan Process in order that the existing and future policy approaches to Portrush town centre are not prejudiced.