

<b>Planning Committee Report</b> <b>LA01/2018/0308/F</b>	<b>28th October 2020</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>No:</u></b> LA01/2018/0308/F	<b><u>Ward:</u></b> Kilrea
<b><u>App Type:</u></b> Full Planning	
<b><u>Address:</u></b> 26 and 30 Garvagh Road, Kilrea	
<b><u>Proposal:</u></b> Demolition of existing PFS and associated retail unit together with the demolition of existing 2 storey block including 2 no lettable units on ground floor and office accommodation on 1 <sup>st</sup> floor; proposed construction of replacement PFS and associated retail unit, lettable unit and 1 <sup>st</sup> floor office accommodation; construction of new entrance to and exit from petrol forecourt; replacement of existing site dwelling off-site and construction of proposed new entrance land for access.	
<b><u>Con Area:</u></b> N/A	<b><u>Valid Date:</u></b> 06.03.2018
<b><u>Listed Building Grade:</u></b> N/A	
<b>Agent:</b> Whittaker and Watt Architects	
<b>Applicant:</b> Chic Limited, 26 Garvagh Road, Kilrea	
<b>Objections:</b> 0	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

## **Executive Summary**

- Full planning permission is sought for demolition of the existing petrol filling station and retail units and construction of a replacement petrol filling station and retail unit.
- The proposal also involves demolition of an existing dwelling and off-site replacement dwelling within the settlement limit.
- The site is outside the Town Centre of Kilrea and part of the site is located outside the Settlement Development Limit. An extension to the settlement limit was approved under a previous application to allow for an extension to the existing building and additional car parking.
- It is considered that the proposal is likely to have an adverse impact on Kilrea town centre, however this would not be so significant as to warrant refusal.
- The proposed building was initially considered to be unacceptable in this location in terms of size, scale and massing. Amendments have been received which show a reduction in overall height, scale and massing. The proposed building is generally acceptable in this location.
- The proposed replacement dwelling is considered to be acceptable in this location.

## **1 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 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located on the south-western side of the Garvagh Road in Kilrea. Part of the site comprises the existing Maxol petrol filling station forecourt and Spar shop, with two additional retail units comprising an off-licence and hot food takeaway. The remaining section of land comprises an area of agricultural land on which the car-park for the existing shop has been extended. To the north of the site is a detached single storey dwelling at No. 30 which is also part of the application site. The topography of the site is generally flat.
- 2.2 The area surrounding the site is of mixed uses comprising mainly residential dwellings on the opposite side of the road with community uses including a GP surgery to the north and Kilrea Baptist Church to the south. The residential properties comprise mainly single storey and 1½ storey dwellings.
- 2.3 Part of the application site is located within the settlement limit of Kilrea as defined within the Northern Area Plan 2016. Part of the site lies outside the settlement limit. The site is in close proximity to an archaeological site and monument. It does not fall within any specific environmental designations and there are no watercourses in the vicinity.

## **3 RELEVANT HISTORY**

C/2011/0398/F- Extension to shop at petrol station, two new detached retail units and 1 new fuel island with extended canopy over and provision of additional car parking facilities. Permission Refused 21.05.2012

C/2013/0364/F- Extension to shop to provide additional storage and office facilities, including internal alterations, new shopfront and additional car parking facilities. Permission Granted  
26.02.2014

LA01/2017/1575/PAN - Demolition of existing petrol filling station & associated spar retail unit together with demolition of existing two storey block including 2 no. lettable units on ground floor and office accommodation on first floor; proposed construction of replacement petrol filling station & associated Eurospar retail unit, lettable unit & first floor office accommodation; construction of new entrance to & exit from petrol forecourt, replacement of existing site dwelling & construction of proposed new entrance lane for access

#### **4 THE APPLICATION**

- 4.1 The proposal seeks full planning permission for the demolition of an existing petrol filling station, associated Spar retail unit and existing two storey block to construct a replacement petrol filling station and associated Eurospar retail unit, lettable unit and first floor office accommodation. Construction of a new entrance to and exit from the petrol forecourt is also proposed.
- 4.2 An off-site replacement dwelling is also proposed under this application for the existing dwelling at No. 30 Garvagh Road.

#### **Design & Access Statement**

- 4.3 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application.
- 4.4 The Design & Access Statement provides details of the design principles and concepts that have been applied to the development.
- 4.5 The report date received on 6<sup>th</sup> March 2018 demonstrates that the applicant undertook detailed consideration of the proposal in terms of the design principles and concepts in relation to the size, layout, orientation and appearance. Proposed vehicular

access, vehicular and pedestrian circulation, service access, waste refuse and recycling have also been considered.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.6 This proposal was subject to an environmental impact assessment screening as required by The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 4.7 The application was considered to fall within Schedule 2: Category 10(b) of the Regulations- the carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks where the area of the development exceeds 0.5 hectares. The area is approximately 0.7 hectares which exceeds the threshold.
- 4.8 Having considered the Regulations, the development proposal would not have any likely impacts of such a significance to warrant an environmental statement. The determination was made on 24 April 2018.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

#### **5.1 Neighbours:**

No letters of objection or support have been received.

### **Internal**

**5.2 Historic Environment Division:** No objections

**Water Management Unit –** No objections

**Land & Groundwater Team –** No objections

**Natural Environment Division –** No objections

**DFI Roads:** No objections

**NI Water** – No objection subject to conditions

**Environmental Health** – No objections

**Shared Environmental Service** – No objections

### **Proposal of Application Notice**

- 5.3 The proposal falls within the Major category of development and as such the applicant entered into pre-application community consultation including the submission of a Proposal of Application Notice (PAN) under application LA01/2017/1575/PAN. The applicant organised and facilitated a public event, with appropriate community notification and advertisement. The applicant submitted a pre-application community consultation report with the application and there were no written public comments from members of the public in reference to the proposed development.
- 5.4 The applicant advertised a pre-application public information event for the application by placing an advertisement in the Coleraine Chronicle which was published on 5th December 2017. The applicant also delivered flyers to neighbouring properties within a 200m radius of the application site on 7<sup>th</sup> December 2017. The consultation event took place on 15th December 2017 at Kilrea Town Hall. The event was held between 10am and 1pm and was hosted by the applicant and the agent. A total of 24 members of the general public attended the event. Attendees were invited to provide comments on the proposed development by way of a comment card.
- 5.5 The applicant indicated that feedback from members of the public attending the event was positive and that the majority of attendees welcomed the proposed scheme.
- 5.6 Results from the PAN are highlighted under the pre-application community consultation report dated 6th March 2018. It contains a copy of the newspaper advertisement, flyers and posters advertising the public event and supporting information.

## **Community Consultation Report**

- 5.7 The community consultation report (CCR) was submitted as part of the planning application, received on 6th March 2018 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.8 It contains a copy of the methods of consultation carried out comments and feedback from the consultation exercise in the local context. The report demonstrates that consultation was implemented as agreed in the Proposal of Application Notice.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development 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 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 RELEVANT POLICIES & GUIDANCE**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Regional Development Strategy (RDS)

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS3): Access Movement and Parking

Planning Policy Statement 6 (PPS 6): Planning Archaeology and the Built Heritage

Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the development; impact on the town centre; traffic/road issues; impact on visual amenity and the immediate context; compatibility of development with adjacent land uses; impact on designated sites; and other matters.

### **Planning Policy**

- 8.2 The principle of development proposed must be considered having regard to the Northern Area Plan (NAP), the SPPS, and relevant Planning Policy Statements specified above.
- 8.3 NAP 2016 does not have any specific policy on Retailing and Town Centres. This is covered by the SPPS and the Planning Strategy for Rural NI.
- 8.4 Paragraph 6.279 states that retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted.



- 8.5 The SPPS also states that all policies and proposals must ensure that there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.

### **Principle of development**

- 8.6 The principle of development for an application of this nature is outlined in the Northern Area Plan 2016, Planning Strategy for Rural NI and SPPS. The proposed site is located outside the town centre of Kilrea. Part of the site is located within the settlement development limit as defined within the Northern Area Plan 2016. The proposed shop will be located outside of the defined settlement limit while the petrol pumps are within the settlement limit.
- 8.7 Planning permission was granted under application C/2013/0364/F for "Extension to shop to provide additional storage and office facilities, including internal alterations, new shopfront and additional car parking facilities". This approval allowed for an extension of the settlement limit to accommodate a small extension of the existing premises. The extension outside the settlement limit was considered acceptable at this time as the existing site was very constrained and a small extension would allow better circulation and parking. This extension enabled the development for a modest extension onto the existing shop to proceed. There were no significant landscape features at this specific location marking the settlement development limit.
- 8.8 The extension approved under C/2013/0364/F relates to the same extent of land as the proposal. Although this approval was not implemented, it was extant at the time the current application was submitted.
- 8.9 The settlement limit is tightly drawn along the west of the site and is restrictive. There is other development in the immediate area including a church to the south and health centre to the north that projects further west than the application site. Part of the church building, immediately adjacent the application site, is located beyond the settlement development limit. Therefore the area to be developed would not project into the countryside

further than the existing pattern of development which forms the immediate context of the site.

- 8.10 As was the case in the consideration of the previous application for the extension to the existing shop and car park, there are no significant landscape features bounding the established site that will be lost as a result of the extension to the settlement limit. Therefore the principle of the development site extending beyond the settlement development limit is acceptable in this specific case.

### **Impact on Town Centre**

- 8.11 Paragraph 6.271 of the SPPS states that “the regional strategic objectives for town centres and retailing are to secure a town centres first approach for the location of future retailing and other main town centre uses”. Main town centre uses include cultural and community facilities, retail, leisure, entertainment and business. As well as the use as a petrol filling station, the proposal also seeks to provide a substantial retail unit, off-licence, food preparation area and office accommodation.
- 8.12 Paragraph 6.279 of the SPPS states that retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. While the footprint of the proposed retail development is located beyond the settlement development limit, given that the principle of the extension to the existing site within the settlement development limit is considered acceptable, urban retailing policies are more applicable. Therefore for retailing planning purposes, the site is classified as out-of-centre. For this reason, the proposal can be considered an exception to Policy CTY 1 of PPS 21 Sustainable Development in the Countryside.
- 8.13 Most petrol filling stations now provide a wide range of retail goods in the associated shop. The important role of such retail provision is recognised. Such shops however should remain secondary to the use as a PFS. Proposals for larger units providing general retailing are not considered appropriate. The existing shop comprises a retail area, offices and store. The range of facilities provided in the proposed replacement shop would be similar to the facilities within the existing shop but on a

larger scale. The proposal includes a food preparation area, which is additional, and will incorporate the existing off-licence and hot food unit.

- 8.14 Paragraph 6.280 of the SPPS states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date LDP. The agent has considered alternative sites in the town centre of Kilrea to accommodate this specific proposal and has concluded that there are no suitable sites available. Officials agree with this conclusion.
- 8.15 The Development Plan Team advised that the proposal is contrary to the SPPS in that it is likely to have an unacceptable adverse impact on the vitality and viability of the town centre.

### **Retail Impact Assessment**

- 8.16 Under paragraph 6.280 of the SPPS, all applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of impact as well as need. The gross external area of the proposed development is 1,074 square metres and therefore a Retail Impact Assessment is required.
- 8.17 A Retail Impact Assessment was submitted by the agent on 8<sup>th</sup> June 2020 which sets out the quantitative and qualitative need for the proposal.
- 8.18 The total increase in floorspace proposed for this location amounts to 341 gross sqm, which represents a percentage addition of 47% to the existing floorspace. The net floorspace of the proposal is 455 sqm (excluding the 14 sqm for hot food sales). The actual increase in net retail sales space for convenience goods in the filling station store is 157 net sqm.
- 8.19 The report states that the statistical analysis has demonstrated that the retail impact of this proposal on existing retailers within Kilrea Town Centre will average around 4.9%. It is argued that this is not considered adverse and should therefore be considered positively in the determination of this application.

- 8.20 A Retail Audit was undertaken by Nexus Planning on behalf of the Planning Department in relation to the submitted Retail Impact Assessment. This was received on 3<sup>rd</sup> September 2020. The Nexus report is a material consideration in the assessment of this application.
- 8.21 The report comments that the Retail Impact Assessment submitted with the application is highly reliant on “clawing back” a very large amount of trade from that which currently “leaks” outside the catchment area. Nexus in observing that this would result in the new retail proposal needing to attract trade back from stores outside the catchment area (such as large foodstores in Coleraine, Ballymoney or Ballymena), state that this is unlikely.
- 8.22 The Nexus report considers the trade diversion to the proposal and states that the impact of the proposals on convenience goods facilities in Kilrea Town Centre would be either 12.2% (under the 80% trade draw scenario) or 13.7 (under the 90% trade draw scenario). This contrasts to the 4.9% estimate concluded in the applicant’s Retail Impact Assessment as set out above.
- 8.23 Nexus considered that the application proposal would be likely to result in significant adverse effects on Kilrea Town Centre.
- 8.24 The applicant’s Retail Impact Assessment contrasts the turnover of convenience goods stores in the catchment area at 2022, with the available convenience goods spending in the catchment area at 2022 and concludes that the difference between the two constitutes a qualitative need.
- 8.25 In terms of quantitative need, Nexus state that it is too simplistic to assume that any gap between the turnover of existing facilities in a catchment area and total available expenditure automatically constitutes “need”.
- 8.26 The Nexus report concludes that there are the beginnings of a quantitative need case and that this supports the application proposals in support of the application proposal. However, Nexus are not convinced that there is any significant qualitative need for the proposal.

8.27 The Nexus report was prepared in advance of the fall-back position later put forward by the Agent.

### **Fall Back**

8.28 The fall-back position is a relevant material consideration in determining the planning application.

8.29 Braniff Associates, on behalf of the applicant, has commented on the fall-back position. This refers to the reconfiguration of the existing store to increase net floorspace by 97 square metres, which would not require planning permission given that there is no extant condition limiting net retail floorspace. The agent has prepared plans to demonstrate how the existing building can be reconfigured internally to increase the net floor area from 230sqm to 327sqm.

8.30 Essentially, it would be possible to reconfigure the existing floorspace in the overall building to provide additional net (customer) floorspace. This could be achieved by a reduction in the extent of non-customer area floorspace in “back of house” areas such as stores and offices.

8.31 This fall-back position is realistic and viable. Nexus subsequently considered the retail impact on Kilrea Town Centre arising from the fall-back position and found this to be 7.9%. Further to this, Nexus considered the additional retail impact arising from the proposal (beyond the fall back 7.9%) and found this to be 5.8%. Paragraph 6.291 of the SPPS states that an application should be refused where the impact (on an existing centre) is “significantly adverse”. It is acknowledged that the proposal is likely to have an impact on the convenience shops within Kilrea Town Centre and that the vacancy rate of 14.5% is not insignificant. However, when the fall-back position is given significant weight, the additional 5.8% retail impact is not considered to be so significantly adverse to warrant refusal on this basis.

## **Roadside Service Facilities**

8.32 The agent presented an argument that the proposal should be assessed under Policy IC 15. Policy IC 15 relates to the provision of roadside service facilities on the trunk roads network in the open countryside and may be considered acceptable where there is a clear indication of need. The proposed site is not located on a trunk road but is located on the B64 Garvagh Road. Furthermore, as set out above, the existing petrol filling station is on an urban site surrounded by other urban development. The proposal will extend the existing urban site into the open countryside rather than being a standalone development within the countryside. Therefore this policy is not applicable to this proposal.

## **Design**

8.33 Policy DES 2 Townscape of the PSRNI requires development proposal in towns and villages to be appropriate to the area surrounding the site. The main consideration is to ensure that development proposals neither conflict with, nor detract from the character, amenity or design of an area.

8.34 The surrounding area comprises a mix of uses including residential, commercial and community uses. The immediate area comprises a mixture of single storey and storey and a half residential dwellings. Kilrea Baptist Church is located directly to the south of the site and Kilrea Health Centre is located to the North. Kilrea Tyres is located on the opposite side of the road.

8.35 The proposed retail unit comprises a large building of contemporary design. Proposed finishes comprise a mix grey/black natural stone, glazing, timber wood-effect cladding and zinc cladding panels to the roof. The design and materials are considered to be generally acceptable.

8.36 Initially, the proposed retail unit measured 12.5m to the ridge at the highest point, with the main body of the building measuring 9.6m to the ridge, and a frontage length of 42.4m. The size, scale and massing of the building was considered to be unacceptable in this location.

- 8.37 Amended plans were received showing a reduction in the highest part of the proposed building to 10.5m and the main part of the building to 8.4m. The highest part of the building is similar in height to the adjacent Church. Existing buildings including the existing Spar shop, lettable units and dwelling at No. 30 will be removed. While this opens up views of the site, the proposed building will be set back by approximately 46 metres from the road which will help to reduce its prominence.
- 8.38 Given the reduction in ridge height, the existing church will screen the proposed building when travelling north on Garvagh Road. The existing trees along the lane at the northern boundary will provide screening when travelling south on Garvagh Road. The main views of the development will be limited to along the site frontage.
- 8.39 There is an existing long-established petrol filling station and retail unit on site. The proposed building, in conjunction with the proposed new canopy is generally acceptable on this site and will not detract from the character, amenity and design of the established area when identified from critical views along the Garvagh Road.

### **Traffic/Roads Issues**

- 8.40 There is currently an existing access serving the existing petrol filling station/shop/retail units. The proposal seeks to create new entrance and exit points to serve the proposed replacement petrol station.
- 8.41 Initially, a new access was to be constructed to serve the proposed replacement dwelling. The proposed access was located partially outside the settlement development limit. The amendments show that access to the replacement dwelling will now be via an existing laneway which currently serves agricultural outbuildings.
- 8.42 DFI Roads was consulted in reference to the amended scheme and have no objections to the proposed development subject to conditions.

## **Impact on Amenity**

- 8.43 Paragraph 3.8 of the SPPS sets out the guiding principle for planning authorities in determining planning applications. It states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.44 Environmental Health have been consulted as the competent authority on the impact of noise and contamination issues. Following submission of a Preliminary Risk Assessment, the Environmental Health Department acknowledged that there are slightly elevated levels of chromium in the groundwater. However, given the commercial nature of the proposal, the levels detected are unlikely to pose significant risk to end users of the site. Planning conditions relating to land contamination have been included within the consultation response.
- 8.45 A Noise Assessment was submitted as part of the amended scheme. The Environmental Health Department advised that the Department did not have the noise modelling software and were unable to provide fully informed comments regarding outputs at identified sensitive receptors. Following submission of further information, the Environmental Health Department have recommended conditions relating to operating hours of commercial units, positioning/screening of noise generating plant and equipment and hours of deliveries.

## **Archaeology**

- 8.46 The site is in proximity to an Archaeological Monument. Historic Environment Division- Historic Monuments Unit was consulted as the competent authority on archaeological matters and raises no archaeological objection in relation to the development. The scheme complies with the policy provisions within PPS 6 regarding archaeology.



## **Natural Heritage**

### Designated Sites

- 8.47 The application site is not located within or immediately adjacent to any designated sites including ASSI, SAC, SPA or RAMSAR sites. It is not located within a SLNCI. Shared Environmental Services have no concerns in relation to impact on designated sites.

### Protected Species

- 8.48 The proposed site includes a number of buildings which are due to be demolished as part of the proposal. The wider landscape contains natural heritage features which make it suitable for foraging bats.
- 8.49 A Preliminary Ecological Appraisal was submitted. The report includes an assessment of the bat roosting potential of all buildings and has set the potential as negligible.
- 8.50 NIEA Natural Environment Division is content with the proposal on the basis of the information provided. Informatives relating to bats have been included within the consultation response.

### Habitats, Species and Features of Natural Heritage Importance

- 8.51 The site contains a field of rank agricultural grasses which is bordered by hedgerow priority habitat containing native species. A further small hedgerow of non-native species is present as a previous garden hedge and is of limited biodiversity value. The PEA states that the hedgerow which borders the site will be retained. This is welcomed by Natural Environment Division.

## **Economic Benefits**

- 8.52 The information accompanying the planning application indicates that the proposed development will result in employment of 15 further employees, which will bring the total number of employees to 55.

- 8.53 The construction of the shop is a significant capital investment which will also create employment through the construction phase. The employment and capital investment benefits are a material consideration afforded significant weight.

### **Planning & Flood Risk**

- 8.54 The Strategic Flood Map indicates that the site does not lie within the 1 in 100 year flood plain. The site is unaffected by a designated watercourse.
- 8.55 The proposed development involves a new building exceeding 1000sq m in area and therefore a Drainage Assessment is required under Policy FLD 3 of PPS 15.
- 8.56 Dfl Rivers was consulted regarding the submitted Drainage Assessment. Dfl Rivers, while not being responsible for the preparation of the assessment, accepts its logic and has no reason to disagree with its conclusions. Dfl Rivers have requested that a condition be attached to any approval relating to the submission of a final drainage assessment prior to commencement of development.

### **Proposed Replacement Dwelling**

- 8.57 The existing dwelling to be replaced is located directly north-west of the existing Spar shop. It currently comprises a single-storey detached dwelling with a hipped roof and dash finish.
- 8.58 The proposed replacement dwelling is to be located on land to the east of the existing petrol filling station/shop. The majority of the site is within the settlement limit, however a new access will be created which falls partly outside the settlement limit.
- 8.59 With regards to the proposed dwelling, Policy QD1 of PPS 7 applies. Under Policy QD1, all proposals for residential development will be expected to conform to all of 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 development comprises a 2 storey detached dwelling which will be located to the west of the proposed shop and petrol filling station. The NE of Garvagh Road comprises mainly single and 1½ storey detached dwellings, with a development of 2 storey terraced dwellings located further north. The SW part of Garvagh Road comprises a mix of uses, including a two storey residential dwelling, church, existing shop and PFS and medical centre.

The proposed dwelling measures approximately 8m in height to the ridge. The surrounding dwellings and buildings are mainly of low ridge height, however there are other examples of two storey dwellings in the surrounding area. The proposed dwelling is set back from the road and behind an existing/proposed shop/PFS, therefore views are limited.

Given the mix of dwelling types and styles in the area, the proposed dwelling respects 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;**

Historic Environment Division have no objection to the proposal. No issues in terms of archaeological and built heritage.

**(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;**

No requirement for provision of public open space given a single dwelling is proposed. Adequate private amenity space is provided.

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

No issues arising in relation to local neighbourhood facilities - the proposal is not of such significant size as to require the provision of neighbourhood facilities.

**(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 located close to Kilrea town centre and is within walking distance of the amenities offered by the town centre.

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

A new access lane is proposed from the Garvagh Road. DfI Roads were consulted in relation to the proposal and advised to reconsider access position as proposed visibility for the replacement dwelling is less than that from existing access.

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

Although the immediate area is characterised by single storey detached dwellings, there is a mix of house types and designs in the general area. The design of the proposed replacement dwelling is generally in keeping with the established character and there is a similar development located to the south-east of the site. The proposal is set back from the main Garvagh Road and there will be limited views given its position behind the petrol filling station and surrounding buildings and vegetation.

Proposed finishes include smooth, coloured render walls with black slate look-a-like roof tiles. The overall design and finish would be acceptable, however the external chimneys would not be acceptable as they are not characteristic of other dwellings in this 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;**

The proposed replacement dwelling is not located close to any other residential dwellings. The rear amenity space is adjacent to the health centre and nursery school. Given the location of the proposed dwelling, there should be no unacceptable adverse effect in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

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

No issues arising in relation to crime and personal safety.

### **Access to Proposed Dwelling**

8.60 The proposal involves the use of an existing access from the Kilrea Road which currently runs to the north-west boundary of the existing dwelling at No. 30. The access currently serves a small cluster of agricultural buildings.

8.61 DfI Roads have no objection to the proposal subject to conditions.

### **HABITAT REGULATIONS ASSESSMENT**

8.62 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 CONCLUSION**

9.1 The proposed development is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS. Giving significant weight to the fall-back position, the proposal while likely to have an adverse effect on Kilrea Town Centre, is not considered to be so significantly adverse to warrant refusal. The scale, massing and design of the proposed replacement shop/petrol station/dwelling is generally appropriate in this location. 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. The net retail floorspace for the proposed unit identified on drawing No 03 REV 4 received by the Planning Authority on 27-SEP-2019 shall not exceed 455 square metres and shall be used only for the retail sale and ancillary storage of items generally considered as falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises and for no other purpose, including any other purpose in Class A1 of the schedule to the Planning (Use Classes) Order (NI) 2015. The gross floorspace shall not exceed 1,074 square metres.

Reason: To control the nature, range and scale of commercial activity to be carried out at this location in line with the SPPS policies on retailing and town centres.

3. All planting, landscaping and boundary treatments comprised in the approved details of Drawing No. 03 REV 4 date stamped 27- SEP-2019 shall be carried out during the first planting season following commencement of development.

Reason: In the interests of visual amenity

4. No development shall take place until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 12 Rev 5 bearing the date stamped 29<sup>th</sup> January 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.

5. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m 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 user.

6. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 12 Rev 5 bearing date stamp 29<sup>th</sup> January 2020 to provide adequate facilities for parking, servicing 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, servicing and traffic circulation within the site.

7. The parking facilities detailed in Condition No (3) above shall be open for use during all hours of business.

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

8. No other development hereby permitted shall (be commenced/be occupied/become operational) until the road works indicated on Drawing No 12 Rev 5 bearing the date stamp 29<sup>th</sup> January 2020 have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

9. All vehicle washing must take place in the designated concrete wash area only.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

10. All noise generating plant and equipment shall be so positioned and acoustically screened from noise sensitive receptors so that the rated level of noise from the operation shall achieve zero dB increase in the background level of noise ( $L_{Ar \text{ daytime}} - 42\text{dB}$  and  $L_{Ar \text{ nighttime}} - 32\text{dB}$  ).

Reason: To ensure there is no adverse impact on residential amenity.

11. The Air Water Vacuum system and Jet Wash are restricted to operate 08:00 – 21:00 hours only. reason: To ensure there is no adverse impact on residential amenity.

12: The hours of operation of commercial units are restricted to between the hours of 06:00 hours and 00:00 hours.

Reason: To ensure there is no adverse impact on residential amenity.

13. Deliveries by commercial vehicles to and from the site are restricted to no more than 2 per day and shall be between the hours of 07:00 hours to 21:00 hours.

Reason: To ensure there is no adverse impact on residential amenity.

14. The drainage assessment states that this is a preliminary design therefore, 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.

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

15. In the event that previously unknown contamination is encountered at any time when carrying out works at the approved development that was not previously identified, Causeway Coast and Glens Borough Council Planning Department shall be notified immediately and works shall cease pending submission and agreement of a written report detailing the proposed investigation, risk assessment and remediation scheme. This contamination shall be fully investigated and a risk assessment undertaken in accordance with Land Contamination Risk Management Guidance (2019). ) <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>".

Reason: For the protection of health and to ensure the site is suitable for use

16. Following completion of remedial measures implemented under approved remediation strategy (Required under Condition 13), and prior to occupation of the development, a written verification report shall be submitted for prior approval with Causeway Coast and Glens Borough Council Planning Department in consultation with Environmental Health. The verification report shall be completed by competent persons in accordance with Land Contamination Risk Management Guidance (2019) <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>".

The verification report shall present suitable evidence that all the remediation and monitoring works have been undertaken and shall demonstrate the effectiveness of the works in managing and remediating all the risks and achieving the remedial objectives".

Reason: For the protection of health and to ensure the site is suitable for use

17. All fuel storage tanks (and associated infra-structure) must be fully

decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater verified. Should contamination be identified during this process, Conditions 17 and 18 will apply.

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

18. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Condition 17 will apply.

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

19. If during the development works, new contamination or risks to the water environment 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). 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.

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

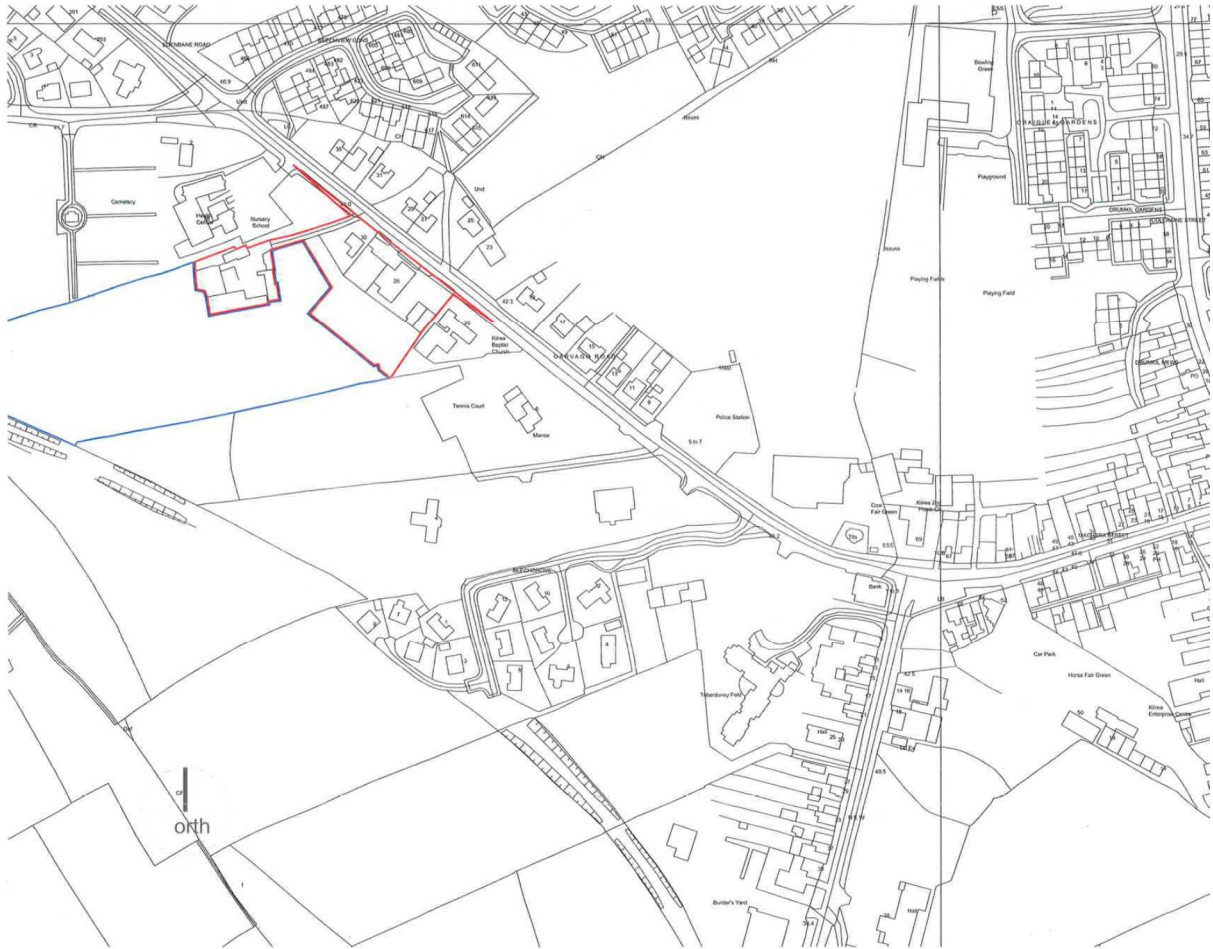
20. After completing all remediation works under Condition 17 and prior to commencement of operations, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). 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.

21. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention” available at <http://publications.environmentagency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

# Site Location Plan



# Site Layout Plan

