

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2019/0960/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>22<sup>nd</sup> September 2021</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

**App No:** LA01/2019/0960/F                      **Ward:** Hopefield

**App Type:** Full Planning

**Address:** 121 Coleraine Road Portrush & 5 Errigal Court Portrush

**Proposal:** 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.

**Con Area:** N/A

**Valid Date:** 04.09.2019

**Listed Building Grade:** N/A

**Applicant:** Henderson Group Property, PO BOX 49, 9-11 Hightown Avenue, Mallusk

**Agent:** Whittaker & Watt Architects Ltd, 379 Antrim Road, Newtownabbey, Glengormley, BT36 5EB

**Objections:** 18                      **Petitions of Objection:** 0

**Support:** 0                      **Petitions of Support:** 0

## **Executive Summary**

- The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations.
- The proposal is acceptable as it will not result in a significantly adverse impact upon Portrush Town Centre in terms of retailing and weight is attributed to the site's location within an existing Local Centre within the settlement limit.
- The proposal is acceptable and will not detract from the character, amenity and design of the local area when viewed from the Coleraine Road.
- The design and layout of the proposal does not unacceptably impact upon neighbouring residential amenity.
- The proposal is acceptable from a sewage perspective and will not result in an environmental impact.
- The proposal is acceptable from a drainage or flood risk perspective.
- There are no natural heritage or contamination issues.
- The proposal is acceptable in terms of access to and from Coleraine Road and the car parking provision for this development is satisfactory.
- 18 letters of objection have been received in relation to this application.
- No issues have been raised by statutory consultees in relation to this proposal.
- The proposal complies with all relevant planning policies including the SPPS, PPS 2, PPS 3, PPS 7, Addendum to PPS 7 and PPS 15.

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1.0 RECOMMENDATION**

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

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The site is irregular in shape and comprises No. 121 Coleraine Road and No. 5 Errigal Court, Portrush. No. 121 Coleraine Road includes the existing petrol filling station with associated store (Eurospar), canopy and signage; off licence (Winemark); Opticians (iCare); Fish and Chip Shop (Chequers); and Pizza Unit (Chequers). The buildings within the local centre are single storey in height. There are two vehicular access points onto the Coleraine Road and car parking is available within the site primarily in the eastern section. The boundary treatment adjacent to Coleraine Road is open.
- 2.2 No. 5 Errigal Court contains a residential plot with a detached bungalow positioned centrally. This dwelling is finished in white render with a hipped roof. Vehicle access is gained from Errigal Court and there is a tarmac area surrounding the house. Grass and stoned areas are located to the front and side of the dwelling. Boundary treatment of this plot consists of low height red brick pillars and rendered walls along the western and southern boundaries. The northern boundary adjacent to No. 4 Errigal Court is defined by existing hedging. The eastern boundary adjacent to the local centre is formed by a wall of varying heights.
- 2.3 Public views of the application site are from Coleraine Road when travelling both directions and from Errigal Court. The immediate context of the site is primarily residential in nature

with detached dwellings located on plots along Coleraine Road. Lidl is located south west of the application site.

### **3.0 RELEVANT HISTORY**

Several planning histories exist for this application site. The most relevant are as follows:

- 3.1 C/2008/0164/F  
121 Coleraine Road, Portrush  
Construction of a ramp, steps & additional entrance to provide level access for people with disabilities & installation of an ATM  
Approval - 02.09.2008
- 3.2 C/2001/0054/F  
121 Coleraine Road, Portrush  
Proposed alterations and side and rear extension to supermarket and filling station  
Approval - 20.03.2001
- 3.3 C/2007/0734/F  
5 Errigal Court, Portrush  
Erection of 4 No. semi-detached dwellings (2 with detached garages) with associated car parking and amenity space.  
Approval - 23.07.2008
- 3.4 C/2004/1166/F  
Lands Adjacent to No.5 Errigal Court, Adjacent to Coleraine Road, Portrush  
Change of use from part of residential garden area for expansion of adjoining commercial complex for the purpose of selling cars.  
Refusal - 31.08.2006

### **4.0 THE APPLICATION**

- 4.1 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.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

18 letters of objection have been received in relation to this application from 8 separate addresses. The main issues raised are summarised below and will be considered and assessed in the remainder of this report:

- Loss of privacy to residents of Errigal Court
- Impact upon local character
- Boundary treatment for No. 5 Errigal Court
- Access
- Traffic concerns
- Reversing of HGV from Coleraine Road into this shopping area to unload is unacceptable and dangerous
- Pedestrian Safety within the site and along the footpath
- Noise from retail unit in terms of announcements and from large delivery vehicles operating outside opening hours and in the early hours of the morning.
- Deliveries outside the 11pm to 7am guidelines resulting in noise and disturbance which is increased during the summer months and Christmas time.
- Air Pollution
- Hot food sales would cause more vehicles and noise especially in the evening.
- No need for hot food unit as there are plenty in Portrush
- Impact upon health and wellbeing due to noise
- Impact upon health and safety in relation to No. 1 Magheramenagh Drive given gas tanks and bins are being stored adjacent to the shared boundary of this residential property. The current location of bins/rubbish and gas tanks have serious health and safety/fire/odour issues.
- Noise from people, engines, doors banging and exhaust fumes within close proximity of No. 4 Errigal Court's back door, kitchen/living area and conservatory. Lack of enjoyment of private rear amenity space due to the extension of curtilage of the local centre as the existing residential garden of No. 5

Errigal Court will be changed into car parking and used for commercial activities.

- New replacement dwelling in front of the established building line.
- Overlooking and overshadowing of No. 4 Errigal Court's sitting room and the front of the house which only gets a little sun in the evening.
- Previous planning history C/2004/1166/F was refused for change of use of residential garden to commercial use so this sets a precedent. Refusal reasons were that it would harm the character of the residential area and living conditions of the residents by reason of noise, nuisance, inconvenience and general disturbance.
- Inaccuracies in the Transport Assessment Form.  
(DFI Roads was consulted in relation to this application and following review of the TAF have no objections)
- Queries over the change of use of the residential plot in terms of whether it is for car parking or service yard.  
(The site layout plan shows this area as a car park with room for delivery lorries.)
- Inaccuracies in completion of the P1 Form:  
Q 5 - description inaccurate as doesn't include change of use from residential garden of No. 5 Errigal Court to commercial  
Q 6 – change of use not ticked  
Q 11 – applicant states they are not aware of a similar proposal on this site. C/2004/1166/F and C/2006/0499/O exist.  
(The P1 Form was amended with an accurate description with change of use also ticked. While previous applications were not identified on this form by the agent, the Planning Department are aware of these.)

## 5.2 Internal:

DAERA: Regulation Unit Land and Groundwater Team (No objections)

DAERA: Water Management Unit (No objections)

DAERA: Natural Environment Division (No objections)

DFI Rivers (No objections)

DFI Roads (No objections)

Environmental Health (No objections)

NI Water (No objections)

## **6.0 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)



The Planning Strategy for Rural Northern Ireland

PPS 2 – Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 7 – Quality Residential Environments

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

PPS 15 – Planning and Flood Risk

**Supplementary Planning Guidance**

DCAN 8 – Housing in Existing Urban Areas

Creating Places

Development Control Advice Note 15 Vehicular Access Standards

**8.0 CONSIDERATIONS & ASSESSMENT**

**Planning Policy**

- 8.1 The site is located within Portrush settlement limit. Part of the overall site has been zoned as a designated Local Centre (PHLC 01) under NAP 2016. Policy SET 2 of NAP 2016 applies for development within settlement development limits. Planning permission will be granted provided that the proposal is sensitive to the size and character of the settlement.
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: Retailing and Town Centres, Economic Benefits, Design, Impact on amenity, Impact of Replacement Dwelling on Local character, environmental quality and residential amenity, sewerage,

flooding, access and parking, contamination and natural heritage.

### **Retailing and Town Centres**

- 8.3 The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location for retailing and other complementary functions, consistent with the RDS.
- 8.4 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.
- 8.5 Paragraph 6.276 states “Planning Authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping, and ensure their role is complementary to the role and function of the town centre. 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.”
- 8.6 Paragraph 6.292 details that “...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.”
- 8.7 Paragraph 6.283 advises “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 retail impact as well as need. The gross external area of the proposed spar development is 1,100 square metres and the gross external area of the new hot food unit is 79 square metres so a Retail Impact Assessment is required.

- 8.8 Retail Statements were submitted by the agent in support of this application and were updated and supplemented throughout the processing of this application. The Retail Statement sets out the quantitative and qualitative need for the proposal. The Retail Statement includes: The Proposal & Planning Context; The Catchment; Existing Shopping Environment; Retail Economic Impact Assessment; and Retail Policy Assessment. Paragraph 6.290 of the SPPS highlights the factors to be addressed in a retail impact and assessment of need.
- 8.10 The retail statement concluded the additional floorspace will be accommodated within the zoned Local Centre with additional car parking being provided in the extended curtilage. The application to modestly extend the Local Centre in Portrush is unlikely to have harmful implications for the town centre. The statistical analysis has demonstrated that the retail impact on existing retailers within Portrush Town Centre will not be adverse and should therefore be considered positively in the determination of this application.
- 8.11 The original proposal entailed upgrade of Local Centre to provide extended filling station shop, 2 new units and additional parking. Following consultation with the Development Plan Team and review of the Retail Statement submitted, concerns were expressed that the retail units could potentially inhibit occupation of similarly sized retail units that are currently vacant in Portrush Town Centre. Amendments were then received with the omission of one of the two proposed units and a reduction in size of the remaining unit which is proposed for hot food use.
- 8.12 The existing gross floorspace for the Eurospar is 947m<sup>2</sup> with the extension comprising an increase of 153m<sup>2</sup> resulting in a total overall floorspace of 1100m<sup>2</sup>. This equates to a 16.2% increase. The existing units within the local centre comprise an existing floorspace total of 288m<sup>2</sup>. The additional unit proposed amounts to 79m<sup>2</sup> bringing the overall total floorspace to 367m<sup>2</sup> equating to a 27.4% increase. The overall gross floorspace relating to all buildings/units within the site totals 1467m<sup>2</sup> which equates to a percentage increase of 18.8%.
- 8.13 The proposed extension for the Eurospar is driven by a desire to qualitatively enhance the retail offer at the store for customers. The extra floorspace allows the store to be

reconfigured for improved internal circulation, shelving arrangements and access to enhanced product lines. There will be improved lobbies, check out areas and customer WC facilities.

- 8.14 A Retail Audit was undertaken by Nexus Planning on behalf of the Planning Department in relation to the submitted Retail Statement. This was received on 9<sup>th</sup> November 2020. The Nexus report is a material consideration in the assessment of this application.
- 8.15 The Audit has taken into account the extension of the net sales area of the Eurospar. This is 162m<sup>2</sup> of additional sales area, and will be used for the sale of convenience goods, in keeping with the predominant function of the existing spar store. The current net sales area of the Spar store is 466m<sup>2</sup>.
- 8.16 The Nexus report agrees there is no quantitative need for the proposals, but that there are grounds to promote the scheme under a qualitative need case. Greater weight can be attributed to the benefit of upgrading the existing facilities within an identified Local Centre.
- 8.17 The Nexus report suggests that the Town Centre is in reasonable health, based on latest vacancy data, and that it benefits from a degree of tourist trade which may have been under-stated in the Retail Statement submitted.
- 8.18 The Nexus report advises despite concerns over aspects of the applicant's trade diversion assessment, the proposal would result in an adverse impact on Portrush Town Centre, however, it is unlikely that those levels would reach the level of having a significant adverse impact.
- 8.19 The Nexus report concludes that there is no obvious quantitative need case. However, there is the beginnings of a qualitative need case, and that whilst adverse, the impacts of the proposal on Portrush Town Centre are unlikely to reach the level of 'significantly adverse'. The recommendation is that the

application proposal is unlikely to trigger any of the reasons for refusal set out in paragraph 6.291 of the SPPS.

- 8.20 Following review of all the information submitted in relation to retailing, it is concluded that the proposal is acceptable on balance as it will not result in a significantly adverse impact upon Portrush Town Centre and weight is attributed to the site's location within an existing Local Centre within the settlement limit.

### **Economic Benefits**

- 8.21 The investment for this application is approx. 1.8 million and the proposed development will result in employment of 15 further employees. Additional employment will also be created throughout the construction phase. The employment and capital investment benefits are a material consideration afforded significant weight.

### **Design**

- 8.22 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.
- 8.23 The surrounding area consists primarily of residential use with some commercial properties such as the application site and Lidl. Magherabuoy House Hotel is within proximity of the site in a southern direction and Hilltop Holiday Park is located in a western direction from the site.
- 8.24 The proposal consists of an upgrade to the Local Centre to provide extended filing station shop, 1 new hot food unit and additional parking. There is an increase in height of the forecourt canopy with 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, relocation of bins and gas cages. The site layout plan clearly shows the new layout for this proposal.

- 8.25 The layout, design and materials/finishes of the building is considered acceptable. The new design is more contemporary in nature and materials/finishes include painted sand cement render finish – white, Aluminium PPC grey band, timber effect cladding, PPC rainwater goods, and PPC parapet flashing. The height of the building is generally 5.5m except for the entrance canopy which is 6.2m high and the hot food unit which is 4.3m high.
- 8.26 The existing forecourt canopy is to be cut back from the existing Eurospar shop frontage and raised in height to 5.8m. A new fuel pump is to be positioned between spaces P5 and P6 as shown on the site layout plan. These changes are visually acceptable.
- 8.27 The relocation of the bins and gas cages is welcomed as this was a concern to the neighbouring residential property No. 1 Magheramenagh Drive given their location adjacent to the shared boundary. The bins are being relocated to the communal delivery yard and the gas storage will be adjacent to the proposed hot food unit.
- 8.28 All proposed boundary treatments for the Local Centre are considered satisfactory as detailed on the proposed site layout plan. The roadside elevation is a rendered block wall measuring 0.8m high. The remaining front boundary treatment is open. The boundary treatment adjacent to No. 1 Magheramenagh Drive is a wall which is being retained as existing. The boundary treatment adjacent to the new replacement dwelling and No. 4 Errigal Court is a 1.8m high rendered wall with buffer planting which forms enclosure for the new car park.
- 8.29 The main views of the development will be limited to along the site frontage from Coleraine Road when travelling in both directions. This Local Centre already exists along Coleraine Road but the proposal does entail an extension of the existing built form as well as extending the existing curtilage to include part of the residential garden belonging to No. 5 Errigal Court. This extension of the site width equates to 9m which will result in

more of a visual presence along the Coleraine Road. Existing views of the application site consist of seeing the petrol station complex with buildings and hard surfaced areas comprising car parking. Proposed views will be somewhat similar from along the Coleraine Road although sustained for a longer period of time because of the increase in curtilage. Given the application site is designated as a Local Centre with its location in the settlement limit of Portrush, the proposal is not considered to result in an adverse visual impact along Coleraine Road.

### **Impact on Amenity**

- 8.30 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.
- 8.31 Developments of this nature may give rise to noise emissions and several letters of objection have been received from neighbouring properties raising concerns in relation to noise. No. 4 Errigal Court, located adjacent to the application site has objected to this application in terms of noise and loss of amenity. Environmental Health was consulted and reviewed the Noise Assessment submitted in support of this application. A demonstration of the noise modelling undertaken in the Noise Assessment was required so this was facilitated through a meeting and additional information was received. Environmental Health after re-consultation express no further objections to this proposal following consideration of the supporting noise and contaminated land assessments and the content of the letters of representation. Environmental Health recommend approval subject to planning conditions relating to Acoustic screening, noise generating plant & equipment, hours of deliveries and operating hours of commercial properties.
- 8.32 No. 4 Errigal Court has raised specific objection to this extension of the existing curtilage of the Local Centre which converts part of a residential plot into car parking/service yard. A previous planning history C/2004/1166/F on Lands Adjacent to

No.5 Errigal Court, Adjacent to Coleraine Road, Portrush was refused on 31/08/2006 for Change of use from part of residential garden area for expansion of adjoining commercial complex for the purpose of selling cars. Refusal reasons included harming the character of this residential area and the living conditions of the residents in No. 1, 2, 3 & 4 of Errigal Court by reason of noise, nuisance, inconvenience and general disturbance. The development was also contrary to PPS 4 and draft PPS 4 as it was incompatible with the adjacent residential development thereby creating an unacceptable precedent for similar proposals within residential areas.

8.33 This application differs in that it is integrating the land into the Local Centre complex and it is not for a different commercial business. This Local Centre extension is considered minor in nature with an acceptable impact upon townscape. The remaining residential plot for No. 5 Errigal Court is satisfactory in size allowing the replacement dwelling adequate space and private amenity fully compliant with Policy QD1 of PPS 7 providing a quality residential development. Aspects of noise, nuisance, inconvenience and general disturbance have been considered but it is not felt this proposal would result in such an adverse impact upon the residential amenity of No. 4 Errigal Court to warrant refusal given Environmental Health have no objections to the Noise Assessment submitted. Good screening has been provided along the shared boundary with No. 4 Errigal Court such as a 1.8m high wall with buffer planting.

8.34 As there is an existing long-established petrol filling station and other commercial uses on this site, the proposal is acceptable and will not detract from the character, amenity and design of the local area when viewed from the Coleraine Road.

### **Impact of Replacement Dwelling on Local character, environmental quality and residential amenity**

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

#### **Policy QD1 – Quality in New Residential Development**



8.36 This policy sets out a presumption against housing development in residential areas where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Proposals for new residential development should comply with the following criteria:

***(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;***

8.37 No. 5 Errigal Court is to be demolished and replaced with a new detached dwelling. The plot for No. 5 Errigal Court is to be reduced in overall size. The remaining plot size is considered adequate to accommodate a replacement dwelling with sufficient amenity space and separation from neighbouring properties. The new dwelling is accessed from Errigal Court with hard surfacing located at the front and grass areas located to the front and sides of the dwelling.

8.38 Following consideration of the original submission, the replacement dwelling was amended in terms of design and footprint. The new footprint is deemed acceptable as the size is comparable to other dwellings within this cul-de-sac. The new dwelling is L shaped with the majority of accommodation being located adjacent to Coleraine Road. The dwelling is situated approx. 11.4m away from the gable of No. 4 Errigal Court.

8.39 The replacement dwelling sits further forward in the site than the original dwelling. Presently Errigal Court consists of 5 dwellings including the application site, which are all bungalows with their front elevation onto this road. A building line of sorts exists in that these properties are angled onto Errigal Court but set back distances do vary. The replacement dwelling is considered to respect this and be similar with a frontage onto Errigal Court. Although there is a large front projection for the replacement dwelling it is positioned a good distance away from No. 4 Errigal Court while also ensuring there is ample separation from Errigal Court.

8.40 The height of the replacement dwelling is 6m to the ridge with accommodation at ground and first floor level. This height is considered satisfactory and in keeping with the other properties within Errigal Court as it is only slightly higher. This development respects the surrounding context as it is a replacement detached dwelling and the raised height for the dwelling is visually acceptable.

8.41 The proposal does not cause unacceptable damage to the character of the surrounding area given the plot size can accommodate a dwelling with adequate spacing and private amenity. The proposal has been designed with appropriate scale and massing respecting the surrounding context and is considered 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;***

8.42 There are no listed buildings or archaeological features in close proximity to the site. There are no important landscape features within the site in need of protection. The plot for the proposed replacement dwelling will be enclosed with appropriate boundary treatments. The access will have rendered pillars 1.2m high with gates painted white. The eastern and southern boundaries will be defined with a 0.8m high rendered wall which is visually appropriate for this context. The northern boundary adjacent to No. 4 Errigal Court will be retained as existing hedging. The eastern boundary adjacent to the Petrol Filling Station will be formed by a 1.8m high wall with proposed hedging closest to the replacement dwelling. The proposed replacement dwelling will not have a detrimental impact on features of archaeological, built heritage or landscape importance.

***(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;***

8.43 Adequate provision for public and private open space and landscaped areas should be an integral part of the development. Creating Places, paragraph 5.19 states all houses should have an area of private open space behind the building line and it should be approx. 70m<sup>2</sup> per house or greater. Smaller areas may be more appropriate for houses with 1 or 2 bedrooms but any individual house with an area of less than around 40m<sup>2</sup> will generally be unacceptable.

8.44 The replacement dwelling has grass areas to the front and side with pavers at the rear. The space attributed for amenity is well above recommended requirements and is considered more than adequate for the usual domestic needs. Originally views of the private rear amenity space could be gained from the Coleraine Road, so plans were amended to show a 1.8m high rendered wall closing this area off from public view. This wall will be conditioned on any permission granted.

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

8.45 Not applicable for a proposed replacement dwelling. The site location is close to the town centre of Portrush with various amenities available so neighbourhood facilities are not required as an integral part of this development.

***(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;***

8.46 The site is within the settlement limit of Portrush and is well served by public transport. The site is within walking distance of the amenities of Portrush.

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

8.47 The proposed replacement dwelling is accessed from Errigal Court and there is ample parking space at the front of the dwelling. DFI Roads was consulted and have no objections to this aspect of the proposal.

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

8.48 The design of the replacement dwelling is contemporary with materials/finishes including smooth render painted white and grey facing brick for the walls. The windows are to be finished in grey aluminium with a grey slate roof. Rainwater goods are to be black uPVC. The replacement dwelling design has good solid to void ratio with the majority of windows having vertical emphasis. The proposed design is acceptable in terms of scale and massing and is sympathetic when viewed with neighbouring properties within Errigal Court. The replacement dwelling has dual frontage as it can also be viewed from the Coleraine Road but the design has ensured this elevation has visual interest. The design is visually acceptable at this location given the variety of styles of housing in the wider area. These proposed materials/finishes are satisfactory as they are in keeping with those used in other developments within the wider 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;***

8.49 Neighbouring residential dwellings are located to the north, west and south of the application. This replacement dwelling will not affect the amenity of the Coleraine Road properties as these are located opposite the site across the road. The property most affected by this development will be No. 4 Errigal Court and objections have been received in relation to this scheme. All concerns from objectors are detailed in paragraph 5.1.

8.50 The proposed replacement dwelling should not adversely impact upon the residential amenity of No. 4 Errigal Court. The replacement dwelling should not result in unreasonable overshadowing and loss of light to No. 4 Errigal Court given the separation distance of approx. 11.4m gable to gable. The replacement dwelling has been redesigned in terms of the front projection to alleviate concerns to No. 4 Errigal Court by moving the majority of accommodation further away from the shared boundary. The height of the dwelling is 6m which is only slightly higher than that of the existing property.

8.51 The proposal should not result in unreasonable overlooking of No. 4 Errigal Court. There are no anticipated overlooking issues from ground floor windows given the presence of an existing hedge along the shared boundary screening views. The only first floor window directly facing No. 4 Errigal Court is for a bedroom in the gable. There will be some views of their concrete yard and garage window however, views will be limited of their private amenity space and conservatory given the angle. This amount of overlooking is considered acceptable in an urban context.

8.52 Noise and disturbance is a material consideration of this application. There are no anticipated noise concerns from this proposed replacement dwelling and Environmental Health have no objections subject to noise informatives.

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

8.53 The development has been designed to deter crime and promote personal safety. Entrance is via the access from Errigal Court. All site boundaries are defined primarily with walls of differing heights and there is also proposed hedging along the eastern boundary adjacent to the Petrol Filling Station. The proposed development will not lead to the creation of spaces where anti-social activity will be encouraged.

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

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

8.55 The proposed dwelling is acceptable in terms of density as it is a replacement for the existing dwelling. The pattern of development is in keeping with the overall character of the established residential area. The proposal is replacing the existing dwelling with a detached dwelling similar in overall size to other properties

within this cul-de-sac. The proposed replacement dwelling is satisfactory in terms of size requirements.

## **Sewerage**

- 8.56 NI Water in their consultation reply dated 24<sup>th</sup> September 2019 advised the developer is required to consult with NI Water by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal. Although on 4<sup>th</sup> January 2018 NI Water responded to a PDE in respect of this proposed development, the information stated therein was only valid for a maximum period of 12 months. As this period has expired, the applicant is required to submit a further PDE to ensure that capacity as being available to serve this proposal previously identified in the original response, still exists.
- 8.57 DAERA: Water Management Unit (WMU) was consulted in relation to this application. No objections were expressed in their first consultation reply dated 30<sup>th</sup> September 2019. However, during the processing of the application and subsequent amendments, DAERA: WMU were consulted again. In their consultation response dated 17<sup>th</sup> September 2020 concerns were raised that the sewage loading associated with this proposal has the potential to cause an environmental impact if transferred to North Coast WwTW. WMU advise if NI Water determine the sewer network can cope with the additional load, with no adverse effect on the WwTW or sewer network's ability to comply with their Water Order Consents, then WMU no longer object to this application.
- 8.58 In light of these comments, NI Water was re-consulted on the 22<sup>nd</sup> October 2020 but the consultation reply dated 13<sup>th</sup> January 2021 expressed objections. NI Water has completed a Network Capacity Check and can confirm that the public system cannot presently serve this proposal. This is due to the receiving foul sewerage network having reached capacity and the proposed connection point to the development being upstream of an existing Unsatisfactory Intermittent Discharge (UID). This proposal is being considered within a Pilot Project to consider alternative solutions that may allow some connections to be granted. A Specific Solution Engineering Report will be produced which will detail potential options together with high level cost estimates. Any solution that progress to site will be designed, constructed and

funded by Developer. Report has not yet been completed for this proposal.

- 8.59 The agent forwarded additional information, drawings and reports date received 30<sup>th</sup> April 2021 seeking to address the issues identified.
- 8.60 On receipt of the final consultation response from NI Water dated 27<sup>th</sup> May 2021, NI Water will approve connection to foul sewer on the basis that the portion of storm water run-off from the PFS roof, canopy roof and forecourt area currently discharging to existing public foul sewer is intercepted and discharged to public storm sewer. This will result in reduced hydraulic loading.
- 8.61 DAERA: WMU was re-consulted with the additional information. WMU has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained.
- 8.62 Following review of the above information, the proposal is now regarded acceptable from a sewage perspective and will not result in an environmental impact.

### **Flooding**

- 8.63 Consultation occurred with DFI Rivers in relation to this application. The Strategic Flood Map (NI) indicated that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Due to the size and nature of development a Drainage Assessment was submitted. DFI Rivers in their final consultation have no objections. DFI Rivers accepts the logic of the Drainage Assessment and has no reason to disagree with its conclusions. DFI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. The proposal complies with Policies FLD 1 & FLD 3 of PPS 15.

### **Access and Parking**

- 8.64 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the

flow of traffic. A Transport Assessment Form was completed for this application. There are two existing vehicular access points to this site for the Local Centre from the Coleraine Road. The proposed site plan shows parking spaces to the east, south and west of the Spar building totalling 84. Three disabled parking spaces are being provided as well as one parent/child space. Two trolley areas are being provided with one adjacent to No. 5 Errigal Court and the other adjacent to No. 1 Magheramenagh Drive. Cycle provision is located to the west of the proposed hot food unit. The proposed replacement dwelling is accessed from Errigal Court. DFI Roads was consulted in relation to this application and following submission of amendments, express no further objections subject to conditions and informatives.

- 8.65 Several objections have been raised in relation to parking and access which are fully detailed in paragraph 5.1. DFI Roads have no objections to this proposal subject to conditions and informatives. DFI Roads were aware of the objections raised in relation to this application and concerns were assessed. DFI Roads in their consultation response dated 23<sup>rd</sup> July 2021 advise the car parking and servicing arrangements for the proposed development are acceptable. The proposal is acceptable in terms of access to and from Coleraine Road and the car parking provision for this development is satisfactory. The proposal complies with Policies AMP 1, 2 & 7 of PPS 3.

### **Contamination**

- 8.66 Consultation occurred with DEARA: Regulation Unit (RU) (Land and Groundwater Team) to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water.
- 8.67 A Preliminary and Generic Quantitative Risk Assessment was submitted by the Agent in support of the application. Intrusive site investigations were undertaken in 2007 and 2019. The fuel storage tanks at the site present the principal risk of contamination. A total of 6 boreholes have been used to investigate the site. Bedrock (basalt) has prevented boreholes reach the water table, and there are risks that if leaks occurred from underground fuel storage tanks they would not be detectable using shallow



boreholes alone. However, ground gas monitoring undertaken at the site shows no detections of methane and only low concentrations of carbon dioxide which suggest that no fuel contamination has occurred at the site. No unacceptable risks from ground or groundwater contamination have been detected at the site.

- 8.68 RU have no objections to this development provided conditions and informatives are placed on the planning decision notice.
- 8.69 Environmental Health was consulted and have no objections to this proposal having reviewed the Preliminary and Generic Quantitative Risk Assessment. Conditions and Informatives relating to Land Contamination should be placed on any permission granted.

### **Natural Heritage**

- 8.70 Consultation occurred with DAERA: Natural Environment Division (NED) in relation to this application. Following consideration of a Site Inspection Report date stamped 5<sup>th</sup> July 2019, NED is content the proposed development is unlikely to significantly impact protected or priority species or habitats. NED have no concerns that this proposal would impact upon designated sites and other natural heritage interests. NED have no objections subject to adherence to planning informatives.
- 8.71 The proposal complies with Policies NH 2 & NH 5 of PPS 2 as there will be no harm to European protected species or any unacceptable adverse impact upon Habitats, Species or Features of Natural Heritage Importance.

### **Habitats Regulations Assessment**

- 8.72 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

## **9.0 CONCLUSION**

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal is acceptable as it will not result in a significantly adverse impact upon Portrush Town Centre in terms of retailing and weight is attributed to the site's location within an existing Local Centre within the settlement limit. Greater weight can be attributed to the benefit of upgrading the existing facilities within an identified Local Centre. The design of the Local Centre extension and new unit proposed is satisfactory with appropriate materials/finishes. The proposal is acceptable and will not detract from the character, amenity and design of the local area when viewed from the Coleraine Road. The replacement dwelling meets the requirements of planning policy ensuring a quality residential environment with adequate private amenity space. The design and layout of the proposal does not unacceptably impact upon neighbouring residential amenity.
- 9.2 The proposal is acceptable from a sewage perspective and will not result in an environmental impact. The proposal is acceptable from a drainage or flood risk perspective. There are no concerns that this proposal would impact upon designated sites and other natural heritage interests. There are no concerns in relation to contamination issues. The proposal is acceptable in terms of access to and from Coleraine Road and the car parking provision for this development is satisfactory. 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. All planting, landscaping and boundary treatments comprised in the approved details of Drawing No. 03G date stamped 22<sup>nd</sup> January

2021 shall be carried out during the first planting season following commencement of development.

Reason: In the interests of visual amenity.

3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

4. The net retail floorspace for the proposed Spar Store shall not exceed 628 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 1,100 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.

5. The proposed Hot Food Unit shall not exceed 79m<sup>2</sup> floorspace as shown on Drawing No. 03G date received 22<sup>nd</sup> January 2021 and shall only operate with this specific use and for no other purpose, including any other purpose in Class A1 of the schedule to the Planning (Use Classes) Order (NI) 2015.

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.

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. 03G bearing date stamp 22<sup>nd</sup> January 2021 and Drawing No. 13D bearing the dated stamp 27<sup>th</sup> November 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. If during the development works, new contamination or risks 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) and/or the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable. 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.

8. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable. Land, Soil & Air The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

9. Building services plant and equipment shall be specified, positioned and designed to include noise attenuation measures in order to safeguard residential amenity, which is capable of achieving Noise Rating (NR) 15 (spectrum based criterion) internally at noise sensitive receptors.

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

10. Acoustic screening shall be installed at the site boundaries as shown on the drawing Proposed Site plan 03G, date stamped 22<sup>nd</sup> January 2021 prior to noise generating activities commencing. The barriers shall have an effective height of no less than 1.8metres for the blockwork wall and no less than 2m for the timber fence. The timber fence shall have a surface weight of not less than 15kg/m<sup>2</sup>, close boarded/ship-lapped design with no holes or gaps for sound to pass through. Acoustic barrier noise reduction shall be capable of achieving as a minimum (daytime - external noise guideline/criterion of 50dB). These acoustic barriers shall be maintained in perpetuity with the lifetime of the development.

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

11. 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 ( $L_{Ar \text{ daytime}} - 50\text{dB}$  and  $L_{Ar \text{ nighttime}} - 45\text{dB}$  ).

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

12. The Air Water Vacuum system shall be restricted to operate 08:00 – 21:00 hours only.

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

13. The hours of operation of commercial units shall be restricted to between the hours of 06:00 hours and 00:00 hours.

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

14. Deliveries by commercial vehicles to and from the site shall be 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.

15. The 1.8m high rendered wall to the rear of the replacement dwelling shall be erected in the position shown on the site layout plan Drawing No. 03G date stamped 22<sup>nd</sup> January 2021 before occupation of the dwelling and shall be permanently retained.

Reason: To ensure the proposed replacement dwelling has private rear amenity space screened from public view along the Coleraine Road.

16. The drainage for the site must be constructed in accordance with the agreed drainage plan as shown in Drawing No. 19 date received 28<sup>th</sup> August 2020 entitled "Drainage Layout".

Reason: In order to avoid the risk of the incorrect diversion of surface water/site drainage to drains carrying rain / surface water to a waterway.

## **11 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. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

# Site Location Map



Do not scale from drawings, all dimensions to be reported to the contractor immediately. All dimensions to be checked by the Contractor on site prior to any works, installation, or ordering of materials.

Any small changes made on site may not be reflected on printed drawings. Please refer to the Contractor's on-site possession drawings.

### REVISIONS

F	06.06.19	validation instructed comments
E	16.05.19	boundary
D	11.05.19	consultant comments
C	25.05.19	boundary amendment
B	21.05.19	boundary to client instruction
A	20.05.19	boundary to client instruction

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**Hillcrest Eurospar**  
121 Coleraine Road  
Portsmouth, BT56 8H

**Henderson Group Property**  
Location Plan

Scale: 1:1250  
Date: 02.05.19  
Author: KH  
Checker: AL

PLANNING DRAWING  
**1955-07.01F**  
whittakerandwatt  
B O R N H O U S E

376 Antrim Road, Newcastle, BT5 2EQ  
Tel: 02839 991519 Fax: 02839 243265 www.whittakerandwatt.com





# Addendum

## LA01/2019/0960/F

### 1.0 Update

1.1 Four further representations have been received. The letters have been uploaded on to the planning portal. The issues raised relate to:

- That the development will have an adverse impact on the Portrush Town Centre
- Therefore is no quantitative need for the application proposals
- The replacement dwelling and reduction in plot size is detrimental to the character of the area and would set a precedent.
- The proposal will have an impact on the residential amenity of No. 4 which shares a boundary with the proposed car park.
- Noise from cars park along the boundary
- Overlooking from the proposed dwelling upper floor windows
- Description of the proposal is mis leading and will result in additional traffic
- Emissions form cars and lorries will have a detrimental impact on health and well being
- Road safety
- Overlooking from lorries.

### 2.0 Assessment

2.1 The impact on the town centre form the proposal is considered in the Planning Committee report in paragraphs 8.8 to 8.21. Planning policy for retail is set out in the SPPS. Planning employed NEXUS Planning to review the submitted retail impact assessment. NEXUS Planning concluded that Portrush Town Centre is in reasonably good health and that the impacts on Portrush Town Centre are unlikely to reach the level of significantly adverse as required in paragraph 6.291 of the SPPS to warrant refusal.

- 2.2 The replacement dwelling and reduction in the curtilage is considered within paragraphs 8.35 to 8.55 of the Planning Committee Report.
- 2.3 Objections relating to road safety are also addressed in the Planning Committee report in paragraphs 8.64 to 8.65.
- 2.4 in relation to overlooking of the private amenity space from the cabins of lorries. The proposal includes a 1.8 metre high wall on the boundary with the adjacent neighbour with a landscaping buffer. Any lorries are to reverse into the area and will be looking onto the Coleraine Road when parked. A typical transit van is 1.854 m in height measured externally. There are 7 proposed car parking spaces along the boundary, due to the 1.8 high wall and the 5m buffer planting there is no concerns regarding adverse impact by way of overlooking.
- 2.5 Environmental Health have been consulted regarding air quality and any potential impact on human health and well-being that the proposal may have. Environmental Health have raised no concerns relating to this issue. Furthermore Environmental Health Officers will be in attendance at the Planning Committee to answer any queries.

## **2.0 Recommendation**

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.