

Planning Committee Report Item	23 November 2016
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Principal Planning Officer
Cost: (If applicable)	N/a

**32-44 Maghera Street
Kilrea**

**LA01/2015/0605/F
Full Planning**

23rd November 2016

<u>App No:</u>	LA01/2015/0605/F	<u>Ward:</u>	Kilrea
<u>App Type:</u>	Full Planning		
<u>Address:</u>	32-44 Maghera Street, Kilrea		
<u>Proposal:</u>	Variation of condition No. 3 (development to be carried out in accordance with approved plans) of approval C/2014/0173/F (demolition of No. 32 and relocation of alleyway, refurbishment, alterations and extension to existing shop premises).		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	21 August 2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	Donaghy Bros. 34-40 Maghera Street, Kilrea.		
Agent:	Michael Burroughs Associates, 33 Shore Road, Hollywood.		
Objections:	0	Petitions of Objection:	0

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

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 **REFUSE** planning permission subject to the reasons set out in section 10.
- 1.2 The recommendation to refuse was agreed by Planning Committee at the meeting of 27 July 2016. At the subsequent appeal, the Planning Appeals Commission (PAC) considered that the abbreviated description of the proposal used for the purpose of the Council's press advertisement did not meet the necessary requirements for advertising purposes. As a result, the PAC found the appeal and decision invalid. This resulted in the application being returned to the Council for a decision

again. Further to that, an amended, full description (as set out in the proposal box above) was advertised in the press and notified to neighbours. No objections were received following re-advertisement and neighbour notification of the revised description.

The previous description was as follows:

Variation of condition No. 3 (development to be carried out in accordance with approved plans) of approval C/2014/0173/F.

2 SITE LOCATION & DESCRIPTION

- 2.1 This is a roadside building located on the southern side of Maghera Street, Kilrea. The proposal relates to the eastern portion of an electrical sales shop. The existing two storey frontage is finished in a combination of roughcast and smooth render, with contemporary red cladding at the eastern end of the building (on the frontage and on the eastern gable).
- 2.2 The site is abutted by a dwelling and commercial development (shops and bars) to the east, by the host business to the west and by commercial buildings (shops) on the northern side of Maghera Street. Maghera Street, other than at the subject site, is characterised by two storey / two and a half storey largely commercial buildings with fairly traditional frontages to the street. Premises along Maghera Street are generally finished in a combination of smooth render / roughcast render / chippings and stonework with slate or black flat roof tiles on pitched roofs. Public footpaths run along both sides of Maghera Street. Critical views of the site are from Maghera Street.
- 2.3 The site is located within Kilrea settlement development limit. Kilrea is designated as a town (Designation SET1). The site is located within Kilrea Town Centre. The site is located within an Area of Archaeological Potential.

3 RELEVANT HISTORY

C/2012/0308/F - Proposed Refurbishment, Alterations and Extension to Existing Shop Premises. 34-40 Maghera Street

Kilrea. Approved 03 May 2013

C/2014/0173/F - Proposed Demolition of No 32 and Relocation of Alleyway, Refurbishment, Alterations and Extension to Existing Shop Premises. 32-44 Maghera Street Kilrea.
Approved 20 November 2014

4 THE APPLICATION

- 4.1 Planning permission is sought for variation of condition No. 3 (development to be carried out in accordance with approved plans) of approval C/2014/0173/F (demolition of No. 32 and relocation of alleyway, refurbishment, alterations and extension to existing shop premises). The proposal seeks to retain the existing red two-tone contemporary strip cladding finish at the eastern portion of the building.
- 4.2 Following the site inspection, the case officer requested the omitted eastern gable elevation and requested the submission of coloured drawings to reflect the colour of the 'as-built' elevations. The omitted details were subsequently submitted and the revised proposal was re-advertised and notified to neighbours.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the proposal.

5.2 Internal

NIEA: has no objection to the proposal.

MATERIAL CONSIDERATIONS

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

accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (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 (NAP)

Strategic Planning Policy Statement (SPPS)

A Planning Strategy for Rural Northern Ireland

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the planning history and the proposed design.

Principle of development

8.2 The site is located within the settlement development limit of Kilrea and within the defined town centre as defined by Northern Area Plan.

- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.

Planning History

- 8.4 The applicant applied for the current proposal via a previous application C/2014/0173/F. During the processing of C/2014/0173/F the applicant was advised by the Department that the proposed red cladding was considered out of character in the streetscape, given the site's context within a small rural town and that the finish should be amended to a more appropriate finish reflecting this context. The applicant was further advised that the concerns related to the colour of the cladding and the fact that the cladding would be prominent and out of character with the historic fabric of Kilrea. The applicant was further advised that a similar finish with grey cladding was unacceptable and either painted render or random rubble would be a more appropriate finish. Therefore the finishes of the proposal were subsequently changed on the drawings to a 'smooth render finish' and C/2014/0173/F was granted on this basis. However, the applicant, at their own risk, constructed the building in the red cladding and this application now seeks permission for this in retrospect.

Proposed Design

- 8.5 Kilrea is a small market town, where the character of buildings in the town centre is one of traditional frontages.
- 8.6 A Design and Access Statement has been submitted with the current proposal. The Design and Access Statement states that there is a wide range of styles, finishes and colours to the shop fronts in Kilrea Town Centre and Maghera Street in particular. The applicant argues that this is a significant improvement from the dated tiled finish to No. 32 and the building extension looks crisp and modern and enhances the character of the area by adding to the variety of shopfronts on Maghera Street. The applicant further argues that the extension has improved the image of the business and helps portray it as the progressive, successful business that it is. They say that the business has been established for over 50 years and invested about £1m in its recent extension and alterations. The applicant quotes PAC

decision 2005/A603, which states that ‘it is not the requirement of policy that a proposal should make a positive contribution to townscape or visual amenity. The test is whether the proposal would result in unacceptable harm or would significantly erode existing character’.

8.7 This Design and Access Statement was dated August 2015 and much of the policy referred to in it has been subsequently superseded with the introduction of both the Northern Area Plan 2016 and the Strategic Planning Policy Statement in September 2015.

8.8 The regional strategic objectives for town centres and retailing, as set out in the Town Centres and Retailing section of the SPPS, promotes high quality design to ensure that town centres provide sustainable and attractive environments.

8.9 The proposal does not comply with Policy SET2 (Development Within Settlement Development Limits) of NAP, in that the proposal is not sensitive to the character of the settlement.

8.10 Policies SP18 and DES2 of A Planning Strategy for Rural Northern Ireland require development proposals in towns and villages to be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The designs and finishes of other sites within Kilrea Town Centre, as highlighted by the applicant, are considered to be traditional in character. Well designed, contemporary proposals may be acceptable at this location. However, in this case it is the nature of contemporary two-tone bright red strip cladding finish that is visually at odds with its surroundings and is incongruous with the traditional character of Maghera Street. The nature of the finish and how it so sharply contrasts other development in Maghera Street, intensifies the harm caused to the character of the area. The proposal has the effect of being dominant in the street which accentuates the harm caused and underlines its insensitivity to the character of the area surrounding the site.

8.11 The Design and Access Statement highlights economic considerations. The change of finish, as per the previous approval, will in no way prejudice the operation of the business. The proposal results in unacceptable harm and significantly erodes existing character of Kilrea Town Centre.

9.0 CONCLUSION

- 9.1 This proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. It fails to meet the principle policy requirements of Policy SET2 of the Northern Area Plan 2016 and Policies SP18 and DES2 of A Planning Strategy for Rural Northern Ireland. The red two tone cladding, which covers ground and first floor, is not sensitive to the character of the area surrounding the site. Refusal is recommended.

10 Refusal Reason

- 10.1 The proposal is contrary to paragraph 6.271 of the Strategic Planning Policy Statement for Northern Ireland, Policy SET2: Development within Settlement Development Limits of the Northern Area Plan 2016 and Policies SP18/DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, not be sensitive to the settlement and the character of the area surrounding the site in terms of the use of materials.

