

<b>Planning Committee Report Item LA01/2016/0253/F</b>	<b>21st December 2016</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>	Principal Planning Officer
<b>Cost: (If applicable)</b>	N/A

**3-5 Greenmount Avenue  
Coleraine**

**LA01/2016/0253/F  
Full Planning**

**21st December 2016**

**App No:** LA01/2016/0253/F      **Ward:** Churchland  
**App Type:** Full Planning  
**Address:** Spar Supermarket/Pound Shop, 3-5 Greenmount Avenue  
Coleraine, BT51 3QB  
**Proposal:** Retention of external refrigeration and air conditioning units  
**Con Area:** N/A      **Valid Date:** 02/03/2016

**Applicant:** R and J Foods Ltd

**Agent:** Mr W J Watters

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

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

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

## **2 SITE LOCATION & AREA**

- 2.1 The site contains a single storey retail unit within an existing local centre. The property is currently a Pound Shop and is located between and adjoining a Spar and a Winemark. The property is finished with dry dash and has an automatic door on the front elevation. There is an existing ATM built into the shopfront. There are several air-conditioning units located on the flat roof, to the front of the property. There is an existing panel, 1300mm in height, which currently screens the air conditioning units at the front. However, the units are visible from Greenmount Road which runs to the side of the site.

- 2.2 The area is characterised by a mix of residential and retail/commercial uses. The site is located within a local centre designated by the Northern Area Plan 2016. To the north, east and south are residential properties. To the east of the site is the busy Dunhill Road and Riverside Retail Park.

### **3 RELEVANT HISTORY**

- 3.1 There is relevant planning history for the site, which consists of the following:

C/2007/0290/F- Spar retail unit at Greenmount Avenue, Coleraine- Change of use of retail Unit 2 to facilitate the relocation of existing deli counter- The scheme was recommended for refusal and was subsequently Withdrawn on 06.06.2008.

C/2015/0124/F- Spar Supermarket, 3-5 Greenmount Avenue, Coleraine, BT51 3QB- Refurbishment of existing air extraction installation incorporating a new external terminal duct approx. 700mm higher than the existing duct- Approved on 07.07.2015.

LA01/2015/0523/A- Pound Shop, 3-5 Greenmount Avenue, Coleraine- Retention of hoarding type sign- Permission was refused for this application on 21.12.2015. This scheme was taken to planning appeal and was subsequently Dismissed on Appeal on 16.06.2016.

### **4 THE APPLICATION**

- 4.1 The scheme consists of the retention of external refrigeration and air conditioning units including lowering their position by 300mm. In addition, the proposal includes the provision of a screen wall, 700mm high from the eaves line, to screen the units from Dunhill Road. This screen wall would replace the existing 1300mm high panel. The application takes the form of a full application.

## **5 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 **Neighbours:** No letters of objection have been received with this application.

### **Internal**

- 5.2 Environmental Health Services request a noise impact assessment.

## **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)

The Regional Development Strategy 2035

Planning Strategy for Rural Northern Ireland

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the: impact the development will have on the visual character of the existing building/ area and; amenity.
- 8.2 The site is located within Coleraine and is located within the defined settlement limit as outlined in the Northern Area Plan 2016.
- 8.3 The principle of the proposed development must be considered having regard to the policy documents specified above and the supplementary guidance.
- 8.4 A transitional period operates until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. This policy should be read in conjunction with the Northern Area Plan and the Planning Strategy for Rural Northern Ireland.

### **Planning Policy Context**

- 8.5 The SPPS and Planning Strategy for Rural Northern Ireland form the policy context for the assessment of the scheme. The SPPS states the following in relation to design and character:

Paragraph 4.12: Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

Paragraph 4.27: Where the design of proposed development is consistent with relevant LPD policies and/or supplementary design guidance, planning authorities should not refuse permission on design grounds, unless there are exceptional circumstances. Planning authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings, or not in accordance with the LDP or local design guidance.

The Planning Strategy for Rural Northern Ireland Policy DES 2 Townscape states the following:

That development proposals in towns and villages should be sensitive to the character of the area and the surrounding site in terms of design, scale and use of materials.

With regard to amenity, Paragraph 4.11 of the SPPS states that the planning system has a role to play in minimising potential adverse impacts such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

## **Impact of the development on the existing building and the surrounding context**

- 8.6 The proposed scheme consists of the retention of 7 no. external refrigeration and air conditioning units, which are located on the roof of the existing building. There is an existing panel which is presently screening the existing units on the front elevation. This panel for the purposes of an advertisement was deemed to be unacceptable and was the subject of a planning appeal 2015/A0226 which was dismissed by the PAC on 16/6/2016. The main areas of concern are that the 7 units have been proposed at roof level, in the front of the building. There are no other examples of this type of development obtaining planning permission in the locality and therefore the proposed units have been located in a poor position. Their location detracts from the character of the building and detracts from the adjacent Spar Shop and the adjacent Winemark building.
- 8.7 The proposed screen wall will project 700mm above the established eaves line of the building. This screen will limit critical views of the air conditioning units from the front of the building and Dunhill Road. However, the screen in itself running for a length of 11 metres along the eaves line, will appear prominent, incongruous and simply out of place (total frontage of building approximately 34 metres). As such the provision of the screen as an addition to the building is not sensitive to the character of the area surrounding the site in terms of design.
- 8.8 Harm is compounded by the main critical view being from the A29 Dunhill Road, one of the main traffic routes from Coleraine to Limavady and Garvagh. Given the location of the building relative to Dunhill Road and the openness between the road and the site, critical views are extensive, particularly in the direction of travel leaving Coleraine.
- 8.9 The side of the building would likely be an acceptable location for the air conditioning units. This would remove them from the roof and negate the use of a screen panel. The Agent was given an opportunity to move the units to the side of the building adjacent the location of the external bin/ trolley/ coal store. The siting and design of units at this location would need to take into account noise considerations and the proximity of adjacent residential

properties. The Agent responded and stated that his client would incur substantial costs to move the units to the side of the premises. However, as the applicant erected the units without permission and did so at their own risk, little weight is given to the cost of relocation as a material consideration.

## **Amenity**

- 8.10 Environmental Health as the competent authority has commented on the proposal regarding noise issues. They have advised that there is a potential issue with cumulative noise and that this could have a negative effect on the amenity of adjacent residential properties, particularly at night. A noise impact assessment has been requested. However, this was not requested given that the principle of the development was considered to be unacceptable.

## **9 CONCLUSION**

- 9.1 The proposed development presents a poor design solution which is detrimental to the character of the area, particularly on one of the main approach roads to Coleraine. Furthermore, it has not been demonstrated that the proposal would not have an adverse effect on the amenity of adjacent residential properties by reason of noise. Having regard to the Northern Area Plan and other material considerations, the proposal is unacceptable. Refusal is recommended.

## **10 REASONS FOR REFUSAL**

### **10.1 Reasons:**

1. The proposal is contrary to paragraphs 4.12 and 4.27 of the Strategic Planning Policy Statement 2015, in that, if permitted, the development is a poor design, inappropriate to its context.
2. The proposal is contrary to Policies SP18 and DES 2 of the Planning Strategy for Rural Northern Ireland, in that, the development is not sensitive to the character of the area and the surrounding site in terms of design and scale.

