

<b>Planning Committee Report</b>  LA01/2018/1413/F	<b>27<sup>th</sup> November 2019</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>	LA01/2018/1413/F	<b><u>Ward:</u></b>	<b>Mountsandel</b>
<b><u>App Type:</u></b>	Full		
<b><u>Address:</u></b>	Causeway Coast Vineyard Church, 10 Hillmans Way, Coleraine, BT52 2ED		
<b><u>Proposal:</u></b>	Proposed use of land and buildings within Vineyard Premises for Market/Car Boot Sale (One Saturday Per Month Only)		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	06.11.2018
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Donaldson Planning Ltd, 50a High Street, Holywood, BT18 9AE		
<b><u>Applicant:</u></b>	Causeway Coast Vineyard, 10 Hillmans Way, Coleraine, BT52 2ED		
<b><u>Objections:</u></b>	<b>5</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>25</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## **Executive Summary**

- This proposal is acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The site is located within the Coleraine Settlement Limit and an Existing Area of Economic Development within the Northern Area Plan 2016.
- There has been five objections received and 25 letters of support to this application. No statutory consultee has raised any concerns with the proposal.
- The proposal relates to the operation of a market / car boot sale. The site was approved as a use for a church on 9<sup>th</sup> March 2011 under application C/2010/0285/F with an extension to incorporate charity function under application LA01/2016/0805/F.
- Given the limited number of days of operation in a calendar year, it is not considered to have an unacceptable, adverse impact on Coleraine town centre.
- Any increase in vehicle movements to and from the premises will be acceptable given the operation of the market one Saturday per month.

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 and 8 and resolves to **APPROVE** full planning permission subject to the condition set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at Causeway Coast Vineyard Church, 10 Hillmans Way, Coleraine.
- 2.2 The site is comprised of two former industrial sheds and an area of hardstanding used as a car park.
- 2.3 Adjoining the site to the east is Causeway Coast Vineyard Church and Vineyard Compassion which is a charity with ties to the church. To the northeast is a large area of hardstanding used as car parking for the Church and Vineyard Compassion. Outbuildings adjoin the southwest of the site which are within the ownership of the Church. Beyond these outbuildings and the two former industrial sheds runs a railway line along the southwestern boundary. To the southeast of the site is a grassed area. To the northwest of the site is a timber yard. Access is located to the north which connects to Hillmans Way. The access adjoins a manufacturing business, an employee car park associated with said business and a watercourse which runs through the site.
- 2.4 The site is located within the Coleraine settlement development limit as designated within the Northern Area Plan 2016. The site is also located within an Existing Area of Economic Development identified within the Northern Area Plan 2016. The surrounding area comprises a range of economic and industrial uses with a range of businesses located within the immediate area. The area also includes buildings associated with the Church and Vineyard Compassion which operates on the site.

### 3 RELEVANT HISTORY

C/2010/0285/F - Former Aiken's Timber Factory at Hillman's Way, Ballycastle Road, Coleraine - Proposed change of use from existing industrial building to form a new church, including car parking and associated site works – Granted – 09/03/2011

C/2011/0358/F - Former Aikens Timber Factory at Hillmans Way, Ballycastle Road, Coleraine, BT52 2ED - Church building - To facilitate design and structural changes to church development, previously approved under C/2010/0285/F – Granted – 23/11/2011

LA01/2016/0805/F - 10 Hillmans Way, Ballycastle Road, Coleraine BT52 2ED - Provision of community facilities to carry out the charitable work of Vineyard Compassion, including office and staff accommodation. Proposed three storey annex to adjacent church building – Granted – 27/01/2017

LA01/2018/0796/PAN - Causeway Coast Vineyard Church, 10 Hillmans Way, Coleraine - Proposed use of land and buildings within vineyard premises for market/car boot sale (one Saturday per month) – Acceptable

LA01/2018/1412/F - Causeway Coast Vineyard Church, 10 Hillmans Way, Coleraine - Proposed use of existing church premises to facilitate conferencing and other community related events on an occasional basis. Primary use to remain as a church – Granted – 24/10/2019

### 4 THE APPLICATION

- 4.1 The proposal is for the proposed use of land and buildings within Vineyard premises for market/car boot sale (one Saturday per month only).

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

- 4.2 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.
- 4.3 The Design & Access Statement is to provide details of the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt

with.

- 4.4 The report demonstrates that the applicant undertook consideration of the proposal in terms of the design and access. No design changes are proposed as a part of the development and there will be no change in the access. The existing car park will remain available to meet the needs of the facility and the existing building has been designed to comply with the needs of people with disabilities.

### **Proposal of Application Notice**

- 4.5 As this application is a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.
- 4.6 A Proposal of Application Notice was submitted on 5<sup>th</sup> July 2018 under LA01/2018/0795/PAN. The applicant advised that they intended to undertake the following forms of consultation:

Press notice of the public event in Coleraine Chronicle and Coleraine Times on week commencing 30<sup>th</sup> July 2018.

A leaflet drop to all premises on Hillmans Way shown on a submitted map and address list.

Notice was sent to DEA Local MPs, MLAs and Councillors, the Chief Executive of Causeway Coast and Glens Borough Council and DFI Roads.

- 4.7 The public event was held on 13<sup>th</sup> August 2018 at The Vineyard, 10 Hillmans Way, Coleraine, BT52 2ED.

### **Community Consultation Report**

- 4.8 The Community Consultation Report (CCR) was submitted as part of the planning application, received on 6<sup>th</sup> November 2018 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 4.9 It contained the methods of consultation carried out and the comments and feedback from this exercise. The report demonstrates that consultation was carried out as agreed in the Proposal of Application

Notice.

- 4.10 The event was advertised in Coleraine Times and Coleraine Chronicle on 26<sup>th</sup> July 2018, leaflets and/or emails were sent to all properties with c500 metres of the site, to north of the railway line and information was emailed to local MP, MLAs and Councillors.
- 4.11 The consultation event took place on 13th Aug 2018 from 4pm – 8pm at the church. The content of the findings and report of the consultation exercise indicates that there were no issues or concerns raised that considered necessary to amend the proposal following the consultation exercise and that the proposal had attracted relatively little interest from neighbouring properties. The report states that the public display was attended by representatives from 5 local businesses in Hillman’s Court and that comments were supportive of the proposal and that the matter of traffic using Hillmans Way was raised. It also states that letters were received from three local businesses who were not in attendance at the event who expressed concerns over increased traffic in Hillmans Way.
- 4.12 The CCR demonstrates that adequate community consultation has taken place and the key issues of concern have been considered.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Advertising: Advertised in the Coleraine Chronicle on the 28<sup>th</sup> Nov 2018.

Neighbours: Three neighbours were notified on the application.

Five letters of objection were received on this application. The objections raised matters of concern in relation to:

- The expansion of activities of the church beyond the usage as a church which are inappropriate uses within an Industrial Estate.
- The detriment of the market / car boot sale to other traders within the borough.
- Increased traffic and impacts on other occupiers of the industrial estate by way of increased congestion, intensification of traffic

on access and loss of trade.

- That the application cannot be considered in isolation and application LA01/2018/1412/F must feature in any decision taken on development on this site.
- The operation of the market without planning approval.

Twenty Five letters of support were received on the application. The content of these letters is acknowledged.

### **Internal**

DAERA Drainage and Water: No Objections.

DAERA Land, Soil and Air: No Objections.

DFI Roads: No Objections.

DFI Rivers: Advice Provided.

Environmental Health: No Objections.

NI Water: No Objections.

## **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 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:
- The 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 & Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

Planning Policy Statement 4 (PPS 4) – Planning and Economic Development

Planning Policy Statement 15 (Revised) (PPS 15) – Planning and Flood Risk

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development and traffic issues.

### **Planning Policy**

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above.

### **Principle of Development**

- 8.3 The principle for an application of this nature is outlined in the Northern Area Plan 2016 and the Strategic Planning Policy Statement.
- 8.4 The Strategic Planning Policy Statement states that a town centre first approach should be secured for the location of future retailing and

other main town centre uses which should be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impact. The acceptability of the proposed retailing use is discussed further in the paragraphs below.

- 8.5 There are no changes proposed to the design of the buildings and the access remains the same. The proposal involves the re-utilisation of an existing car park and two former industrial sheds to facilitate a market / car boot sale, one Saturday per month only.
- 8.6 While the number of days of operation is limited to twelve in a calendar year, this is not permitted development under Part 5 of the Schedule to The Planning (General Permitted Development) Order (Northern Ireland) 2015 given that this provision excludes use of a building within the curtilage of a building. Therefore planning permission is required for this use.

### **Impact on the existing area of economic development**

- 8.7 The SPPS and Policy PED 7 of PPS4 outline circumstances where the loss of an existing Economic Development Uses are acceptable. The SPPS states that planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. It also states that while the same principle should also apply generally to unzoned land in settlements in current economic development use; Councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, which are considered to outweigh the loss of land for economic development use. This supports Policy PED 7 of PPS4 where it states that development of this nature will not be permitted unless the zoned land has been substantially developed for alternatives uses or the land is unzoned in a settlement, results in the loss of an existing Class B2, B3 or B4 use and is demonstrated to be an acceptable alternative use.
- 8.8 In relation to this application, the current use of the site is as a church and the land is unzoned, located within an Existing Area of Economic Development. This use was established under application C/2010/0285/F, the re-development of the former Aiken's timber yard site to create a church facility. It was considered under that application, that the proposed use as a church would provide for the redevelopment of part of the overall site and would not prohibit the

future usage of the surrounding industrial lands nor would it landlock the remaining part of the site. It was also considered that as the access was through the industrial estate and given that the hours of usage would be largely different to that of the existing industrial uses, the traffic generated by the proposal should not cause conflict with other road users.

- 8.9 Application C/2011/0358/F proposed design and structural changes to the building previously approved. It was considered that the alterations were minor and would not impact on the amenity of neighbouring uses.

### **Proposed Retailing Use**

- 8.10 The SPPS outlines a number of regional strategic objectives for town centres and retailing. These include: to secure a town centres first approach for the location of future retailing and other main town centre uses. Main town centre uses are defined as including: cultural and community facilities, retail, leisure, entertainment and businesses. This proposal relates to a market/car boot sale where the intention is for the sale of goods by vendors to visitors to the market. Therefore, the proposal is considered to be a retailing use.
- 8.11 The SPPS requires a sequential test to be applied to planning applications for main town centre uses which are not in an existing centre and are not in accordance with an up-to-date LDP. It requires main town centre uses to be considered in the following order of preference: primary retail core, town centres, edge of centre then out of centre locations, only where sites are accessible a choice of good public transport modes.
- 8.12 The proposal involves the re-utilisation of the facilities on the site including two former industrial sheds which were retained on the site and part of the existing car park. The proposal is not considered to meet the sequential test outlined within the SPPS. Edge of centre locations are considered to be 300 metres from the town centre boundary. The application site is located beyond this 300 metre limit.
- 8.13 The submitted Design and Access Statement states that the intention to use the existing Vineyard premises to facilitate a Saturday market and car boot sale once per month with the primary use to remain as a compassion centre and church.

8.14 With respect to the approvals under applications C/2010/0285/F and LA01/2016/0805/F, a community use has been established on this site. The proposal relates to a retailing use. Given that the proposal is limited to only one Saturday per month with the primary use on site to be retained, it is considered that the proposal is acceptable in this location and will not have a detrimental impact on Coleraine Town Centre. Therefore the use is not sufficiently frequent to warrant refusal under the retailing policy of the SPPS.

### **Traffic Considerations**

8.15 Issues were raised by objectors regarding traffic stating that current church use impacts on other occupiers of the industrial estate by way of increased congestion, intensification of traffic on access and loss of trade and that the proposal under consideration will increase this impact.

8.16 A statement submitted from the agent dated 4<sup>th</sup> Mar 2019 states that the area approved for car parking can accommodate over 500 cars and that the Saturday market area takes up about 100 of these spaces but some 400 spaces remain available on the site.

8.17 The statement goes on to explain that the P1 form, Question 25 refers to average no of vehicles daily and does not request vehicle numbers during particular events, especially if these only take place once a month. The figure presented of 20 extra cars per day reflects the fact that the monthly market might attract some 600 cars on the days when it is in operation. As it is held on Saturdays only, this number of vehicles does not unacceptably conflict with traffic on Ballycastle Road, and any off-site parking which may take place has minimal impact upon nearby residents or business. In addition, officials from the Vineyard are in attendance to supervise and manage parking in and around the site, including an arrangement with Coleraine Town Football Club which allows utilisation of its parking area as potential overspill if required.

8.18 With regards to the rationale leading to the approval of C/2010/0285/F explained under paragraph 8.5, it is not considered that the usage of the site will result in vehicle movements which are within the normal operating hours for the existing industrial uses within the industrial estate. Given that intensive traffic movements to the site will be limited to one Saturday a month, it is considered that the proposal would not

have a detrimental impact to businesses within the area.

- 8.19 DFI Roads were consulted on the proposal and the objections submitted and raised no objection to the proposal.

### **Flood Risk**

- 8.20 The Strategic Planning Policy Statement and PPS 15 outline policy in relation to flood risk. The SPPS states that built development must not be permitted within the flood plains or the sea unless there is an exception to the policy. Policy FLD 1 of PPS 15 states that development will not be permitted within the 1 in 100 fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to policy. Where the principle of development is accepted as an exception, the applicant is required to submit a Flood Risk Assessment.
- 8.21 A culverted watercourse runs through the north of the site where vehicular access is provided. This area is within the 1 in 100 year fluvial flood plain. An exception is therefore required to be demonstrated. It is considered that the proposal does not fall under any of the exceptions listed. However, the proposal is related to a change of use of the land and buildings. Paragraph 5.6 of PPS 15 states that where a change of use of a building will result in significant intensification of use or where the location or design of the development has implications for the safe evacuation of people in a flood, that consultation with DFI Rivers is required. A Flood Risk Assessment was requested on this basis.
- 8.22 A Flood Risk Assessment was submitted for consideration. It states that the majority of the application site would not be impacted by an extreme fluvial flood event in the Lodge Burn Stream. However the area of the site that crosses the stream is predicted to be impacted – i.e. the main access and egress for the application. As no buildings or permanent structures are proposed, the application for which planning permission is sought will not result in an adverse impact to the existing hydrological regime of the area. However the occurrence of an extreme fluvial flood coinciding with a market / car boot sale presents a flood and health and safety hazard to persons and patrons. In particular the occurrence of an extreme fluvial flood event has the potential to restrict and impede vehicular and pedestrian access to and egress from the site. As discussed in Section 7.2 (of the FRA), it is recommended that appropriate flood identification and flood

notification measures are implemented in order to ensure that the application site is not utilised for market / car boot sale purpose during the occurrence of an extreme fluvial flood event in the Lodge Burn stream. The above flood identification and flood notification measures shall provide a practicable and manageable means of mitigating flood risk and flood hazard to the application site.

- 8.23 DFI Rivers were consulted on the submitted Flood Risk Assessment and had no reason to disagree with its conclusions. They advised that they cannot comment on the suitability or otherwise of emergency plans and evacuation plans that have been submitted as part of the FRA.
- 8.24 The content of and the adherence to the flood identification and flood notification measures specified within the Flood Risk Assessment are a matter for the applicant.

### **Other Issues**

- 8.25 An objection raised detriment to other traders within the borough from the operation of the market. The increase in competition from the proposal is not a material consideration. The planning system operates in the public interest and does not exist to protect the private interests of one person against the activities of another. The impact on Coleraine Town Centre has been considered and due to the small number of of events throughout the year it is not considered that there will be an unacceptable impact.
- 8.26 An objection stated that this application cannot be considered in isolation and application LA01/2018/1412/F for proposed conferencing facilities must feature in a decision taken on development on this site. All applications are considered on their own merits and in the context of relevant planning policies. Planning histories are a material consideration and are set out in Section 3 of this report. It is considered that there will be no cumulative impact from the operation of both this proposal and that approved under LA01/2018/1412/F.
- 8.27 Objections raised that the market is currently operating without planning permission. While this is the case, this is not prejudiced to the consideration of this application.

## **Habitats Regulation Assessment**

- 8.28 The potential impact 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 proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal relates to the re-utilisation of existing facilities for a market / car boot sale, one Saturday per month. Given the limited number of days of operation in a calendar year, it is not considered to have an unacceptable, adverse effect on Coleraine town centre. It is considered that any increase in vehicle movements to and from the church will be acceptable given operation of the market for one Saturday per month. Approval is recommended.

## **10 Conditions**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

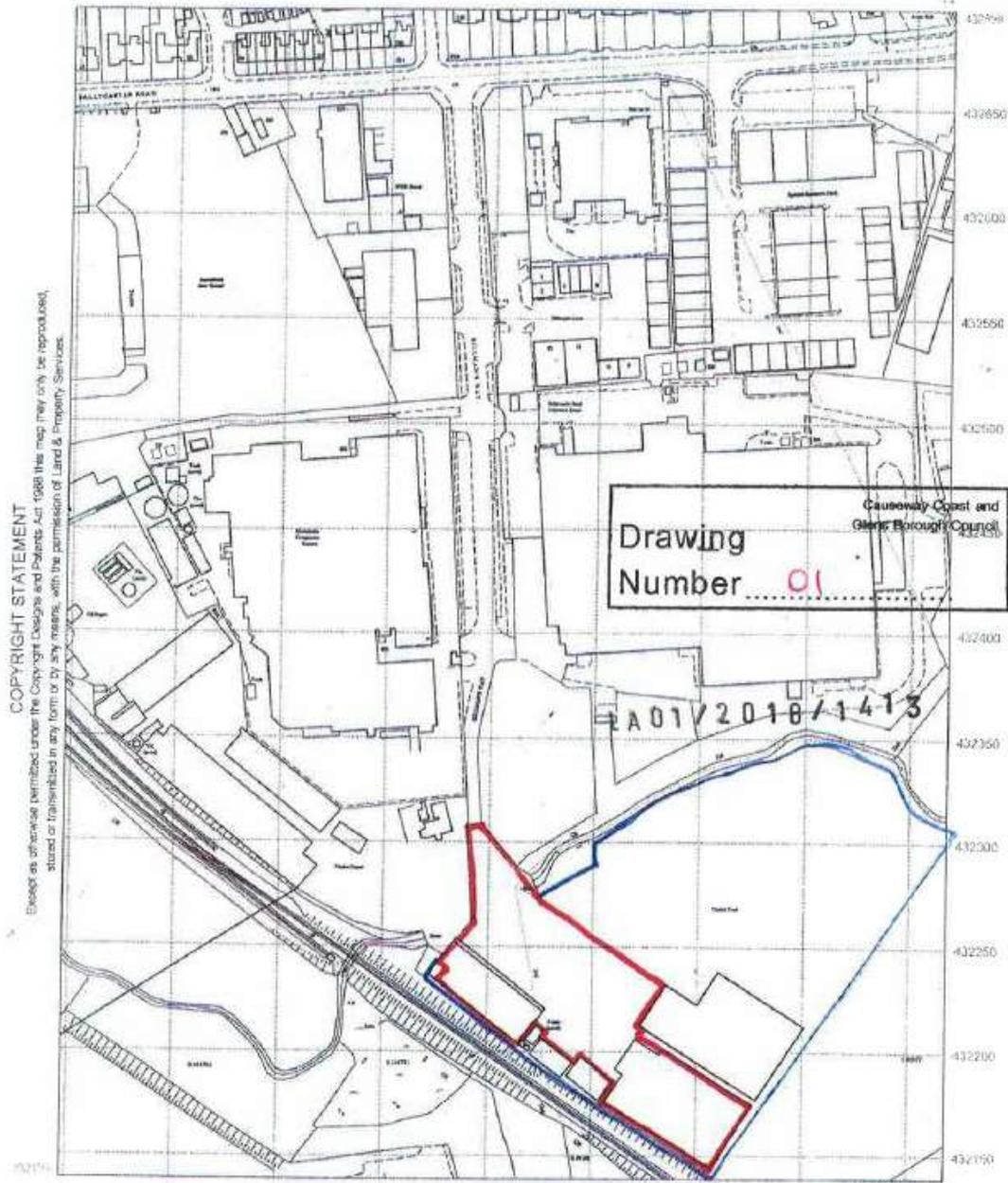
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

### **Informatives**

1. 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.
2. 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.
3. 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.

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



**PROJECT**  
**MARKET/CAR BOOT SALE**  
**10 HILLMANS WAY**  
**COLERAINE BT52 2ED**

**PROJECT REF:**  
**1821**  
**C01**

**CLIENT**  
**VINEYARD CHURCH**

**DATE**  
**JUNE'18**

**DRAWING TITLE**  
**LOCATION MAP**

**SCALE**  
**1 : 2500**

**LA01/2018/1413**

**Planning Office**  
**RECEIVED**  
**6 NOV 2018**

**william SHANNON ARCHITECT**

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