

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2020/0197/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>26<sup>th</sup> May 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:

**No:** LA01/2020/0197/F

**Ward:** UNIVERSITY

**App Type:** Full

**Address:** 64 Portstewart Road, Coleraine

**Proposal:** Change of use from private yacht club with associated external terrace and yard to restaurant to include internal alterations, extensions to provide service corridor and entrance lobby with alterations to external finishes, extension to existing external terrace and new stretch canopy roof over existing external yard (reduced in size) and new external chill room, toilet and servery bar.

**Con Area:** n/a

**Valid Date:** 20.02.2020

**Listed Building Grade:** n/a

**Agent:** Montgomery Irwin Architects Ltd. 7-9 Stone Row Coleraine

**Applicant:** Castleroe Holdings Ltd, 22 Ballyblakes road Ballymoney

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

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

## **Executive Summary**

- Full planning permission is sought for the change of use of a building from private yacht club to restaurant with internal alterations and extensions.
- The site is located within the Settlement Development Limit of Coleraine.
- The application meets the requirements of the SPPS.
- There is no concern in regard to impact on neighbouring dwellings given the separation distances to the nearest properties. Environmental Health was consulted in regard to noise and odour subject to conditions relating to an odour extraction system and the playing of live or amplified music and opening hours.
- DFI Roads have no objections to the proposed development subject to conditions.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

## **1 RECOMMENDATION**

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

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located within an existing yacht club located at 64 Portstewart Road and includes an existing car park. There is an existing building located on site which has a mono pitch roof and dash finish. The site is located to the rear of Cloonavin located at 66 Portstewart Road and views of the building are limited by existing development. To the South West the site is bounded by the River Bann and to the North East the site is bounded by Cloonavin and existing car parking.
- 2.2 The proposed site is located within the Settlement Development Limit of Coleraine as designated in the Northern Area Plan 2015. The site is located in proximity to an archaeological site and monument.

## **3 RELEVANT HISTORY**

There is no relevant history linked to this site.

## **4 THE APPLICATION**

- 4.1 Change of use from private yacht club with associated external terrace and yard to restaurant to include internal alterations, extensions to provide service corridor and entrance lobby with alterations to external finishes, extension to existing external terrace and new stretch canopy roof over existing external yard (reduced in size) and new external chill room, toilet and servery bar.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External Neighbours and Representation**

Public Representation – To date there have been no representation letters received.

## 5.2 Internal

**DFI Roads:** Has no objection to the proposal subject to conditions.

**NI Water:** Has no objection to the proposal.

**DAERA Water Management Unit:** Has no objection to the proposal.

**DAERA Regulation Unit:** Has no objection to the proposal subject to conditions.

**DAERA Natural Environment Division:** Has no objection to the proposed development subject to conditions.

**Environmental Health:** Has no objection to the proposal subject to conditions.

**Historic Environment Division:** Is content with the proposed development.

## 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 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)

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

Planning Policy Statement 2: Natural Heritage

Supplementary Guidance

DCAN 4: Restaurants, Cafes and Fast Food Outlets  
Creating Places

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development; Environmental and Amenity Considerations, PPS 3- Access, Movement and Parking, Impact of Townscape, Flood Risk, Sewage Disposal, Natural Heritage and Habitats Regulations Assessment.

### **Principle of development**

- 8.2 In the Northern Area Plan the site is located within the Settlement Development Limit for Coleraine designation CE 01 in the Northern Area Plan. There are no other designations linked to this site.
- 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.
- 8.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration.

8.5 The Retailing and Town Centres section of the SPPS is relevant in this consideration. One of the key objectives of this policy is to secure a town centres first approach for the location of future retailing and other main town centre uses. The SPPS highlights under paragraph 6.271 under footnote (58) that main town centre uses are considered to be cultural and community facilities, retail, leisure, entertainment and businesses. A restaurant is considered not to fall within the definition of a main town centre use. Therefore, the sequential approach to secure main town centre uses within town centres does not apply to this development.

### **Environmental and Amenity Considerations**

8.6 In regard to the SPPS there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, 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.

8.7 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.

8.8 DCAN 4: Restaurants, Cafes and Fast Food Outlets also provides guidance in regard to cafes and fast food outlets. It is stated that applications for restaurants or hot food takeaway premises may be acceptable except where,

- There would be a significant loss of retail floorspace at ground level;
- A clustering of non-retail uses is created;
- The area overall is tending to be dominated by non-retail uses.
- The impact of the proposal
- The impact in terms of the size

- The quality and attractiveness of the proposed development,
- The likely effects on the amenity of the shopping area and residents within it.
- The impact of the development on the vitality and viability of the centre,
- Noise disturbance, smells and fumes; refuse and litter;- traffic considerations and car parking;
- Provision for people with disabilities.

8.9 The proposal will not lead to the loss of retail floorspace as the current building is a yacht club and is not used for retail. There will be no clustering of non-retail uses at this site. The proposal will lead to the modification of an existing building with internal alterations and extensions. The proposed extensions are modest and will not increase the floorspace of the existing building significantly. The proposed design is considered acceptable at this location. The proposed development will not have a detrimental impact on the vitality and viability of the town centre given the use as a restaurant which can be considered outside the town centre. The proposal will allow provision for people with disabilities. DFI Roads was consulted in regard to the proposal and raised no concern in regard to this.

8.10 Given the proposed use there is the possibility of disturbance from noise and odour. Environmental Health was consulted in regard to this proposal and have no objections subject to conditions for the provision of an extraction system and the playing of live or amplified music. There are no concerns in regard to overlooking, loss of light or overshadowing given the separation distances to the nearest residential dwelling.

### **PPS 3- Access, Movement and Parking**

8.11 DFI Roads was consulted in regard to the proposed development. DFI Roads did raise initial concerns in regard to the proposal and requested a topographical survey which shows the proposed car parking provisions of 48 spaces and the car park located adjacent the development to accommodate this. A topographical survey was provided and a deed of clarification was submitted to demonstrate that the development does have access to the existing car parking areas. Overall the proposal does not prejudice road safety or significantly inconvenience the



flow of traffic. The parking provision is considered acceptable and meets with the Parking Standards.

### **Impact of Townscape**

8.12 Other key policies in relation to the proposal are Policies SP 18 and DES 2 of a Planning Strategy for Rural Northern Ireland. Policy SP 18 requires a high standard of design. Policy DES 2 requires development proposals in towns and villages to be sensitive to the character of the area in terms of design, scale and use of materials. The proposed design is considered acceptable at this location and complies with policy DES 2.

### **Flood Risk**

8.13 Given the location of the proposed development in proximity to the River Bann and its location close to a flood zone DFI Rivers was consulted. DFI Rivers stated that the proposal lies just outside the 1 in 100 year fluvial flood plain and the Q200 year coastal flood plain. It was also stated that the Planning Authority should be aware that the department updated its technical flood risk guidance to relation to allowances for climate change for Northern Ireland. The site is not located within the definition of a flood plain for the purposes of PPS 15 Policy FLD 1 and the provisions of Policy FLD 1 do not apply to this proposal. The agent has been made aware of the DFI Rivers response in regard to climate change.

### **Sewage Disposal**

8.14 There is a public water supply within 20 metres of the development site which has the capacity to serve the proposal. NI Water stated that the existing premises is already connected to the public sewage network.

### **Natural Heritage**

8.15 An Ecological Appraisal has been submitted as part of this application. Natural Environment Division states that the bank below the western boundary bordering the River Bann will be retained in its entirety. NED also state that the raised timber decking does encroach into this bank and that a 10m buffer could not be retained. However, it was stated that provided

polluting impacts are appropriately mitigated against during the construction phase, NED are content that works are unlikely to result in significant impacts on designated sites.

- 8.16 NED are content that the proposal is unlikely to have any impacts on roosting bats. Within the PEA it was identified that the boundaries of the site has suitability for foraging bats. A Proposed lighting document was provided at the request of NED and NED are content with its detailing and has requested that any lighting proposed is in accordance with this document. In regard to impacts on the River Bann NED is content that the proposed development is unlikely to impact the adjacent watercourse and associated riparian habitats provided a 5m buffer as indicated on Drawing Number 02A is retained and protected from all construction activities. In regard to wild birds it is advised that any removal of vegetation should be kept to a minimum and demolition works should not be carried out during breeding season. NED are content with the proposal subject to conditions relating to the provision of buffers, external lighting and ensuring no construction works are completed during bird breeding season.
- 8.17 The Marine and Fisheries team has considered the impacts of the proposal and on the basis of the information provided refers to standing advice. Water Management Unit has considered the impacts of the proposal on the water environment and stated that the proposal has the potential to adversely affect the surface water environment. It was also stated that if permission is likely to be granted the applicant should note and consider advice within the consultation response. Given the existing use on the site and the response from NI Water which identifies that there is capacity in the wastewater treatment works the proposal has been considered acceptable. Water Management Unit has also recommended a condition relating to the provision of a Construction Method Statement which will be included on any approval. The proposed development therefore complies with Policy NH 2 and policy NH 5 of PPS 2 Natural Heritage.
- 8.18 DAERA Land, Soil and Air did state that the proposal is located close to the boundary of a Pollution Prevention and Control Installation and that there is potential for the proposed development to suffer periodic loss due to dust, noise and odour. The Industrial Pollution & Radiochemical Inspectorate is content

with these impacts subject to an informative making people aware of this potential issue.

## **Habitats Regulation Assessment**

8.19 The application site is hydrologically linked to the Bann Estuary SAC and ASSI. SES was consulted in regard to this application. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. This condition relates to the provision of a Construction Method Statement prior to the commencement of works on site.

## **9.0 CONCLUSION**

9.1 The proposed development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. Approval is recommended.

## **10 Conditions**

1. As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

Reason: To ensure there is a satisfactory means of Access in the interests of road safety and the convenience of road users.

3. The odour extraction system detailed in Drawing No 02B (March 2021) shall be designed, installed, operated and maintained in accordance with best practice and performance requirements as detailed within EMAQ/DEFRA Guidance, (2018) "Control of Odour and Noise from Kitchen Exhaust Systems" and any associated manufacturers technical specifications and guidance to ensure effective odour and noise

control during cooking operations. The system shall be maintained there after in order that odour control criteria commensurate with the application detailed are achieved, and adverse amenity impacts are negated.

Reason: To Protect Residential Amenity

4. The playing of live and/or amplified music shall be prohibited from all external areas at any time. Tannoy systems shall not be operated at any time externally.

Reason: To Protect Residential Amenity.

5. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted and approved in writing with Causeway Coast and Glens Borough Council in consultation with NIEA Water Management Unit and SES, at least 8 weeks prior to the commencement of the works or phase of works. This statement shall contain site specific environmental mitigation to prevent polluting discharges at construction phase from entering the adjacent River Bann.

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

6. A suitable buffer of at least 10m must be retained between the location of refuelling, storage of oil/fuel/substrate/construction materials/machinery, concrete mixing and washing areas and any watercourses/surface drains on site.

Reason: to protect water quality within the adjacent watercourse and designated sites downstream.

7. A suitable buffer of at least 5m, as indicated on submitted Drawing 01B - Site Location and Block Plan, and Drawing 02C – Site Plan and Elevation, both dated 12th April 2021, must be retained between the development and the adjacent watercourse, and protected from all construction works at all times. All existing vegetation shall be retained within this buffer area, and as noted within these drawings.

Reason: To protect priority habitats.

8. All external lighting shall be implemented in accordance with the drawings and specifications as noted in submitted document DOC 03 Proposed Lighting, dated 7th October 2020.

Reason: To minimise the impact of the proposal on bats and other wildlife.

9. No vegetation clearance or demolition of buildings or structures shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed, and there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

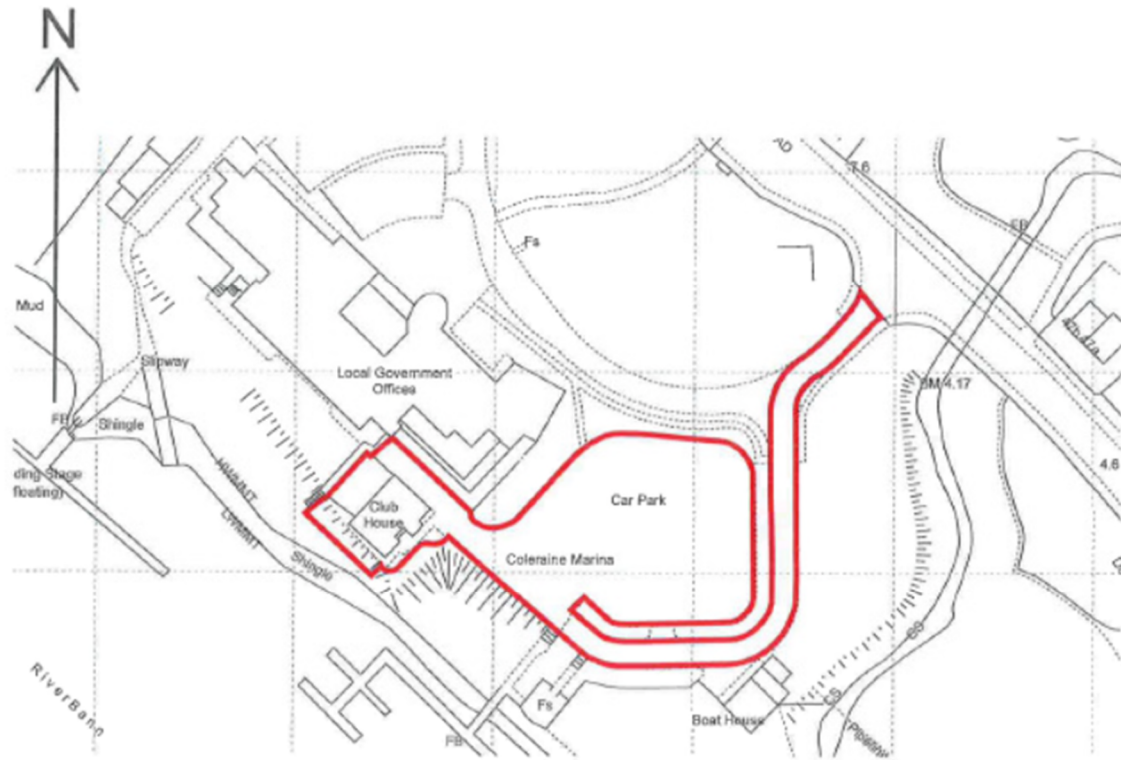
Reason: To protect breeding birds.

#### 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 Plan



#### LOCATION PLAN

OSNI SHEET REFERRED TO, PLAN No.01309 MW3  
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# Site Layout Plan

