



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2021/0293/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>22<sup>nd</sup> June 2022</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	Principal 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: LA01/2021/0293/F      Ward: Giant's Causeway**

**App Type: Full Planning**

**Address: 75 Main Street, Bushmills**

**Proposal: Refurbishment of and extension to Bushmills Courthouse. New three-storey extension to Bushmills Courthouse comprising cafe, retail space, shared community space, individual work units and community garden and bicycle parking. This includes provision of new storm drainage through adjacent public car park to the southwest**

**Con Area: Yes      Valid Date:**

**Listed Building Grade: B1      Target Date:**

**Agent: Hamilton Architects, 3 Joy Street, Belfast, BT2 8LE**

**Applicant: Enterprise Causeway Ltd, Sandel Village, 17 Knocklynn Road, Coleraine**

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

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

## Executive Summary

- The proposal is located within the settlement development limit for Bushmills. It is also with the Bushmills Conservation Area, the Causeway Coast and Glens AONB and designated a committed housing site in the Northern Area Plan 2016.
- Full planning application seeking the refurbishment of and extension to Bushmills Courthouse. New three-storey extension to Bushmills Courthouse comprising cafe, retail space, shared community space, individual work units and community garden and bicycle parking. This includes provision of new storm drainage through adjacent public car park to the southwest.
- The application site is also located within the Town Centre. The proposed use is an acceptable Town Use in accordance with the SPPS.
- The application is also accompanied by a Listed Building Consent as the building is listed B1. Historic Environment Division are satisfied with the proposal that it meets with the policies contained within PPS 6.
- The site is partially located in the fluvial flood plain. The proposal meets the exceptions test set out in Policy FLD 1 and a flood risk assessment was submitted. DFI Rivers are satisfied the proposal meets with Policy FLD1.
- The proposal has been found to be acceptable in relation to the policies contained within the SPPS, PPS 6, PPS 3 and PPS 15.
- Approval is recommended subject to conditions.

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

## **1 RECOMMENDATION**

- 1.0 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 application site is located at 75 Main Street, Bushmills. On site is a three storey with associated yard at the rear. The application site also includes lands adjoining to the west of the curtilage of the property, a laneway and part of a public car park. The building is a Grade B1 listed building currently on the Heritage at Risk register. The building is derelict and the rear yard is overgrown. The building is the only three storey building in its context making it a prominent feature in the streetscene.
- 2.2 The site is located within the Bushmills Settlement Development Limit and is zoned for housing as a committed site under Designation BSH 04. The site is located within Bushmills Town Centre, Bushmills Conservation Area, an Area of Outstanding Natural Beauty and an Area of Archaeological Potential as designated under the Northern Area Plan 2016.

## **3.0 RELEVANT HISTORY**

- 3.1 LA01/2021/0294/LBC - Refurbishment of and extension to Bushmills Courthouse. New three-storey extension to Bushmills Courthouse comprising cafe, retail space, shared community space, individual work units and community garden and bicycle parking. This includes provision of new storm drainage through adjacent public car park to the southwest - 75 Main Street, Bushmills – Under Consideration

LA01/2020/0902/PAD - Refurbishment of and extension to

Bushmills Courthouse. New three storey extension to Bushmills Courthouse comprising cafe, retail space, shared community space, individual work units and community garden with sculpture and bicycle parking - 75 Main Street, Bushmills – PAD Accepted

E/2008/0027/F - Refurbishment of existing listed building Courthouse (75 main Street Bushmills), with change of use into shop with office above. New development at rear comprising 4 No.retail units with 6 No 2 bedroom units and 2 No. 1 bedroom units above. With associated parking and access provision - 75 Main Street, Bushmills – Permission Granted - 21.11.2011

E/2008/0028/LB - Refurbishment of existing listed building Courthouse (75 main Street Bushmills), with change of use into shop with office above. New development at rear comprising 4 No.retail units with 6 No 2 bedroom units and 2 No. 1 bedroom units above. With associated parking and access provision - 75 Main Street, Bushmills – Permission Granted - 21.11.2011

## **4.0 THE APPLICATION**

- 4.1 The application is a full planning application seeking the refurbishment of and extension to Bushmills Courthouse. New three-storey extension to Bushmills Courthouse comprising cafe, retail space, shared community space, individual work units and community garden and bicycle parking. This includes provision of new storm drainage through adjacent public car park to the southwest.

## **5.0 PUBLICITY & CONSULTATIONS**

**External:**

**Neighbours:**

Representations

No letters of objection or support have been received in relation to this application.

**Internal:**

**Historic Environment Division** – No objections.

**Conservation Section** – No objections.  
**DFI Roads** – No objections.  
**Environmental Health** – No objections.  
**DFI Rivers** – No objections.  
**Shared Environmental Services** – No objections.  
**DAERA Water Management Unit** – No objections.  
**DAERA Natural Environment Division** – No objections.  
**DAERA Inland Fisheries** – 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
- 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**

Regional Development Strategy 2035.

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2 (PPS2): Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement & Parking

Planning Policy Statement 6 (PPS 6): Planning, Archaeology and the Built Heritage.

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

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Principle of Development**

- 8.1 The proposed development must be considered having regard to the Area Plan, SPPS and PPS documents specified above.

The application site is located is zoned for housing as a committed site under Designation BSH 04. The site is located within Bushmills Town Centre, Bushmills Conservation Area and an Area of Archaeological Potential as designated under the Northern Area Plan 2016.

- 8.2 The application site is zoned for housing. However, this proposal relates to a mixed use development comprising, retailing, food sales and community uses with no housing component.
- 8.3 Paragraph 6.271 of the SPPS outlines the strategic objectives for town centres as to secure a town centre first approach for the location of future retailing and main town centre uses. Main town centre uses include cultural and community facilities, retail, leisure, entertainment and businesses.
- 8.4 Paragraph 6.272 of the SPPS states that planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.281 of the SPPS outlines a sequential test in order of preference for main town centre uses as primary

retail core, town centres, edge of centre and out of centre locations, only where sites are accessible by a choice of good public transport modes.

- 8.5 The application site is located within Bushmills town centre and the proposed uses are acceptable in a town centre. Although the site is zoned for housing, this proposal will have a positive impact on the town providing community facilities and bringing the site and derelict listed building on the heritage at risk register back into use. The principle of the proposed use is acceptable in this respect.

### **Historic Environment**

- 8.6 Given that the proposal relates to a listed building and is located within a Conservation Area it falls to be considered under the remit of Policies BH 7, BH 8, BH 11 and BH 12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.
- 8.7 The application site consists of a three storey, Grade B1 listed building formerly used as a court house. The building is currently derelict though is substantially intact. The building has a cuboidal form with a dash rendered frontage. The gable elevation consists of stone. There are chimneys located on each gable. The roof is tiled with slates. The front of the building has an open sided, pitched roof portico with pillars in a neo-classical style. Windows were not visible and were decorated with art given the derelict nature of the building. The openings have a horizontal emphasis. The rear of the building has a two storey lean-to style return. The windows are bricked up at the rear. At the rear of the site is an overgrown yard which extends to the rear of the premises. This yard is bound by walls and buildings of adjoining properties except at the rear which is open. The rear leads into an area of hardstanding located between a workshop and Orange Hall. The application site runs along the eastern side of the garage and encompasses a section of an existing car park leading up to the River Bush.
- 8.8 Policy BH 7 of PPS 6 states that a change of use will normally be permitted where it secures the upkeep, survival, character and architectural or historic interest of the building is preserved



or enhanced. Proposals should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting.

- 8.9 Policy BH 8 of PPS 6 states that consent will normally only be granted for the extension or alteration of a listed building where the essential character of the building and its setting are retained and its feature of special interest remain intact and unimpaired, the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building and the architectural details match or are in keeping with the building.
- 8.10 Policy BH 11 of PPS 6 states that the development not normally be permitted which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where the detailed design respects the listed building in terms of scale, height, massing and alignment, the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building and the nature of the use proposed respects the character of the setting of the building.
- 8.11 Policy BH 12 of PPS 6 states that development for new buildings, alterations, extensions and changes of use in or which impact on the setting of a conservation area will normally only be permitted when the development preserves or enhances the character and appearance of the area, the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area, the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area, important views within, into and out of the area are protected, trees and other landscape features contributing to the character or appearance of the area are protected and the development conforms with the guidance set out in conservation area documents.
- 8.12 The proposal relates to the refurbishment of the existing courthouse building and the provision of a three storey extension. The ground and first floor of the existing building is to be used as retail/exhibition space with two meeting rooms

located on the second floor. The proposed extension consists of a ground floor entrance lobby leading into the rear of the listed building and café on the ground floor. There are staff facilities and kitchens at ground floor associated with the café use. The first floor consists of space for 13 workshops with a break out area within kitchen and toilets. The second floor consists of two shared workshops and two shared space areas with toilet and shower facilities. Both the first and second floors are also accessible from the first floor of the existing building.

8.13 The proposed elevations for the existing building indicate demolition/removal, repair and replacement of sections of the existing building including the portico, windows, guttering and downpipes, roof tiles/slates, chimneys and walls. The proposed elevations indicate lime render to the courthouse exterior with rusticated finish to ground floor, natural slate roof, cast iron gutters and chimneys repointed. The scale, massing and design of the existed listed building is identical to that existing. The materials and finishes differ given the nature of the repair and replacement of the external materials on the building.

8.14 The proposed elevations for the new return indicate a three storey return. This is connected to the existing listed building by a three storey flat roofed linkage. The return is comprised of three sections each with a pitched roof. The return is subordinate to the existing building with the eaves and ridge heights below the existing eaves and ridge heights of the building. The northern side of the return is rendered with vertical emphasised windows. Chimneys are present at the ridges and along the extent of the return. There is a rendered section sitting above the eaves to accommodate the lift and a roof dormer-like screening wall located towards the rear which conceals the rooftop plant serving the return. The walls are to be composed of a silicon based render system. The flat roof elements of the external plant area and the flat roof linkage comprise a single ply membrane roof. The pitched roof is to comprise a single ply membrane roof with standing seam profiles to correspond with standing seam joints to zinc cladding associated with the eaves level windows on the southern elevation of the return. The windows on the southern elevation and rear have a vertical emphasis as with that on the northern elevation. The ground floor is stepped in from the first and second floors which overhang it. The ground floor southern elevation has 50mm thick

stone panels along its entirety. The return utilises aluminium downpipes.

- 8.15 Access is available from the return onto Main Street via a laneway located along the side of the building. The laneway is to be finished with concrete and natural stone paving. It has 9 bicycle stands and a community garden. This leads to an external area at the rear which comprises a community garden with wild garden planting, bin store and porous asphalt open area. Fencing and a new build dwarf concrete blockwork wall with mild steel railings to achieve a height of 1.8m are located along the rear boundary.
- 8.16 A section of the application site is located within a Council owned car park which is to facilitate storm water disposal.
- 8.17 Signage is indicated on the plans but would require a separate advertisement consent.
- 8.18 The existing listed building is a prominent building given its location on Main Street and its three storey height which is unique in context of the surrounding two storey buildings. The closest views those possible of the existing building on approach from both directions along Main Street, from Dunluce Road and the public car park to the south of the site. More distant views are possible of the existing building from Bridge Street and Millennium Park.
- 8.19 Similar views are possible of the proposed rear return. However, the extent of these views vary given the length and siting of the rear return at the rear and its scale and height relative to other properties.
- 8.20 Historic Environment Division were consulted on the proposal in relation to the impact on the listed building and its setting and in relation to the impact on listed building and their associated settings within the surrounding area.
- 8.21 Conservation Section were consulted on the proposal in relation to its location in Bushmills Conservation Area and any potential impacts on built heritage within the area.

- 8.22 Historic Environment Division (Historic Buildings) advised that having considered the impacts on the proposal on the listed building and on the basis of the information provided that they are content with the proposal, as presented with conditions. They outline that these comments were made in relation to the requirements of paragraphs 6.12 and 6.13 of the SPPS and policies BH 7, BH 8 and BH 11 of PPS 6.
- 8.23 Conservation Section have advised that they would have no objection to the current proposal, as when considering the limited public views afforded to his location there will be minimal impact on the roofscape and historic setting and character of the Conservation Area.
- 8.24 The building is of special historical interest, is derelict and is currently on the heritage at risk register. The proposed re-use of the listed building and extension will ensure its upkeep and survival by bringing the building back into use. No objections have been raised in relation to the demolition, repair and renovation works to the existing building or the design of the proposed rear return by Historic Environment Division. The character, architectural and historic interest of the listed building will be both preserved and enhanced. The proposed materials and finishes, architectural features and design are not traditional but are considered to be sympathetic and in keeping and would not be detrimental to the character of the listed building. There are no changes in the scale, height, alignment and massing of the existing listed building. There are minor design changes but given the poor condition of the building, these design changes will enhance it. The design of the rear return respects the scale, height, massing and alignment of the existing listed building. The proposed change of use, alterations and extension of the listed building is considered to be acceptable and the proposal will not adversely affect the setting of a listed building. Policies BH 7, BH 8 and BH 11 of PPS 6 is satisfied.
- 8.25 The proposed rear extension is required for the re-use of the building. In this respect the proposed rear return is required to make the proposal viable. Concerns were initially raised in relation to the size of the rear return and the detrimental impact that it would have on the setting of and views within the Conservation Area. However, with a reduction in the height of the return and the relocation and concealment of the rooftop

plant, Conservation Section are content. The Conservation Area Officer advised that the works to the listed building will re-instate this key building which will enhance the character and appearance of the area. The proposed extension does not particularly enhance the character and appearance of the Conservation Area on its own merits but its inclusion as a part of the proposal will preserve the listed building which makes a positive contribution to the Conservation Area.

8.26 The existing building is prominent in its context given its three storey height against the height of the surrounding two storey buildings. There will be views of the rear return from Dunluce Road, at a distance further to the north along Main Street and from the public car park to the south. The proposed return will be sympathetic with the built form of the area when viewed in context. The scale and form of the rear return is acceptable in this respect. The materials and detailing of the return will not be detrimental to the adjoining buildings in the area given the extent of views. The proposal is considered to conform with the guidance outlined within the Bushmills Conservation Area Guide. The important views within, into and out of the area will not be impacted upon by the proposal.

8.27 There are no trees or other landscape features to be protected as part of the proposal. The proposal includes the development of community gardens with access to the rear return from a laneway accessing from Main Street. This area will be paved. The proposed materials and finishes are considered to be acceptable in context of the Conservation Area. Policies BH 12 of PPS 6 is satisfied.

8.28 The application site is located within an Area of Archaeological Potential.

8.29 Historic Environment Division: Historic Monuments were consulted and advised that they are content that the proposal satisfies PPS 6 archaeological requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per

Policy BH 4 of PPS 6.

8.30 The proposed archaeological conditions will be attached in the case of an approval.

### **Access and Parking**

8.31 The existing building is located on Main Street, Bushmills with the extension located to the rear. Access to the rear is via a laneway with proposed paving located to the south of the existing building and return from Main Street. Alternative access is available via an existing laneway between a garage and the rear of No. 77 Main Street which leads to the communal garden area and the rear of the return. The site has no in-curtilage car parking. Provision is made for pedestrians with the provision 9 bike stands to accommodate a total of 20 bicycles.

8.32 A Transport Assessment Form and Traffic and Transport Report was submitted for the proposal.

8.33 The Traffic and Transport Report notes the nearest public transport routes as bus stops on the Strand Road and north Main Street arms of the A2 Strand Road/Main Street roundabout at approximately 100 metres walking distance. The Giants Causeway Park and Ride is located approximately 200 metres to the north and accessed from Dundarve Road.

8.34 On street parking laybys are available along both sides of Main Street and free Monday to Saturday, 8:30am to 6:00pm (1 hour maximum stay and no return within 1 hour). Two Council operated car parks are available at Millennium car park with 41 spaces to the south of the site and Dundarve car park with 93 spaces at Dundarve. These are 30m and 200m walking distance respectively. The Traffic and Transport Report also notes a small off-street car park at the north end of Priestland Road for 18 vehicles.

8.35 The maximum number of parking spaces to be required for the proposal through the completion of a cumulative car parking assessment was indicated to be 22 parking spaces.

8.36 DFI Roads were consulted on the proposal and provided conditions and informatives having regard to the Transport

8.37 The application site is considered to be located within an accessible location within the town centre with good pedestrian and cycle links available. There is no car parking available on site but given the on-street car parking and closely located public car parks and the potential for linked trips to the proposal with other uses in the town centre, there are no concerns in relation to the access for the proposal and that there will be adequate and convenient car parking for its operation. The proposal is considered to satisfy Policies AMP 1 and AMP 7 of PPS 3 in this respect.

### **Flood Risk**

8.38 The proposal is located within the 1 in 100 year fluvial flood plain and falls to be considered under Policy FLD 1 of PPS 15. The policy requires that it be demonstrated that the proposal constitutes one of the exceptions to policy.

8.39A Flood Risk Assessment and Flood Study were submitted for the proposal. The Flood Risk Assessment considers the proposal to constitute an exception as it is of overriding regional or sub-regional importance and its position within the floodplain is necessary.

8.40 Given the nature and scale of the proposal it is not considered to fall under that exception. The proposal is considered to fall under the minor development exception given the extent of the footprint of the rear return located within the floodplain.

8.41 DFI Rivers advise that majority of the outdoor areas are within the 1 in 100 year fluvial floodplain and that ground levels would result in a flood depth of 0.6 metres during a 1 in 100 year fluvial event with this increase to 0.7 metres taking into account climate change.

8.42 DFI Rivers state that the building is located outside the 1 in 100 year fluvial floodplain. However, the overall proposals and constraints for the site have been reviewed and it is concluded within the FRA that its only feasible to have finished floor levels 9.1m OD. The FRA indicates a 1 in 100 year fluvial flood level at the location of 8.88m OD to rise to 8.98m OD taking into account

climate change. DFI Rivers advise that this is less than the recommended 600mm freeboard and that the Planning Authority may want to condition the proposals made within Section 5.1 of the FRA relating to proposed flood mitigation methods which include flood resistant and resilient construction to a level of 9.5m OD.

8.43 Section 5.1 of the FRA states that as it is not possible to provide DFI Rivers' recommended freeboard of 600mm, flood resilient construction shall be incorporated into the proposed development to protect the development from the future impact of climate change. All services, where feasible will be set above the 1% AEP fluvial flood level plus 600mm freeboard level of 9.50m AOD Belfast, non-return valves will be installed on the development's foul sewer network and water compatible materials utilised to enable a quick return to service should flooding occur.

8.44 DFI Rivers outlines that flood mitigation has been provided in the form of flood plain re-profiling through a flood study. The findings of the Flood Study are that the proposals cause no adverse effects to fluvial or other flood risk elsewhere by flood displacement. DFI Rivers state they have no reason to doubt the technical findings in the Flood Study.

8.45 DFI Rivers outline that the proposal may be considered by the Planning Authority to be a significant intensification of use which will increase flood risk and advise the Planning Authority to consider paragraph 6.21 of PPS 15.

8.46 The referenced section of paragraph 6.21 of PPS 15 states:  
*Finally, a replacement proposal which involves significant intensification of use, for example through increasing the existing footprint or change of use, will be resisted if this would have the effect of introducing more people to a high flood risk area.*

8.47 The proposal does not relate to a replacement of development and is not considered to result in a significant intensification of use on the site. DFI Rivers have advised of the issues with impact of flooding in the communal garden area and the building is located outside the 1 in 100 year fluvial flood plain. A flood risk management plan should be conditioned so as to ensure a



means of escape in the event of flooding.

8.48 DFI Rivers have advised that there are no designated watercourses within the site but it may be affected by undesignated watercourses in which case Policy FLD 2 will apply. They advise that a Drainage Assessment is not required by policy but the applicant is advised to carry out their own assessment of flood risk and construct in an appropriate manner that minimises flood risk to the proposed development and elsewhere. Policy FLD 3 is satisfied in this respect. Policy FLD 4 and 5 are not applicable to the site.

### **Sewerage**

8.49 The proposal intends to use mains for water supply and sewage disposal and to discharge to the River Bush for surface water disposal.

8.50 NI Water have recommended the application be approved with standard planning conditions. They advise of capacity at the waste water treatment works and a public foul sewer and public water main within 20 metres of the proposed development boundary which can adequately service these proposals. They advise that a foul network capacity check has confirmed the addition of this proposal is not predicted to cause any flooding, surcharge or spill detriment to the existing foul sewerage network.

8.51 The route of the proposed storm drainage is from the rear of the development into the public car park to the south and into the River Bush. The proposal indicates a proposed 150mm uPVC on a proposed 300mm thick gen 3 concrete bedding with outfall into the river. A new manhole is proposed and to be fitted with a non-return valve. The river bank is indicated to be locally regraded to suit the new outfall.

8.52 A Preliminary Construction Environmental Management Plan was submitted for the proposal and a clarifying letter from the agent indicating that this was not to be a complete CEMP. The agent advised that they will require the appointed contractor to update the document for approval of Water Management Unit and any other interested consultee prior to the commencement on site and request the detailed CEMP be included as a

planning condition.

- 8.53 DAERA Water Management have advised that they are content subject to the applicant referring and adhering to standing advice, any required statutory permissions being obtained, the caveat within the explanatory note and conditions. A condition has been provided by Water Management Unit relating to the submission of a full Final CEMP. This will be applied in the case of an approval.
- 8.54 Water Management Unit advise that they have no objection to the disposal of foul sewage if NI Water advise that the WWTW and associated sewer network can take the additional load with no adverse effect on the WWTW or sewer networks ability to comply with their Water Order Consents. NI Water have advised connections are available.
- 8.55 Water Management Unit make reference to standing advice for Commercial or Industrial Developments and Pollution Prevention Guidance.
- 8.56 They advise the applicant that discharge consent, issued under the Water (NI) Order 1999, is required for any discharges to the aquatic environment and may be required for the site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. They advise that the applicant must refer and adhere to relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment.
- 8.57 Inland Fisheries made comment in relation to the headwall design to facilitate the surface water drainage proposed at the site and advised they were content with the design proposed in relation to its location on the Public Angling Estate and its importance of the rivers aesthetic nature, access to the river and as an amenity from an angling perspective.
- 8.58 Having regard to the above matters, there are no concerns in relation to the foul and surface water sewerage and water supply arrangements.

## Noise, Odour and Disturbance

- 8.59 The application site is located within Bushmills Town Centre. The site adjoins a shop to the north, a takeaway to the south beyond the access and tourist accommodation to the east. To the rear of the site is a mechanics and an Orange Hall with a car park to the south. The area is a mixture of commercial and residential uses. There are a number of derelict properties in close proximity to the site with no current use.
- 8.60 Environmental Health requested further information relating to noise, odour, bin storage, and hours of operation including the nature and timing of activities within the centre.
- 8.61 The agent has advised that regular opening hours will be 8am – 10pm with evening events taking place on average 2 times a week and will include community events such as history/heritage talks, community group meetings, food tasting events and delivery of creative workshops. The agent advises that the workshop area will be accessible 24 hours for tenants and that tenants will be creatives using the building for designing and making.
- 8.62 Environmental Health advised that the operating hours of the centre of 8 – 10pm does not appear unreasonable given the context of the development and recommend a condition to restrict the use and deliveries to these hours to negate night-time disturbance and protect amenity. In relation to the 24 hour use of the workshops they advise that its unclear whether there may be potential for noise disturbance with the detail stating that the workshops will be used by creatives for designing and building. They advise it is imperative that there is no noise escape from any creatives activities carried out within the workshops and that they must be suitably designed with sufficient sound reduction. They outline that creatives may include, metal working / e.g. sculptures, wood working etc. which may result in noise generating activities.
- 8.63 The agent advised that the sound rating of the external plant on the roof is sound pressure 50dB(a) and sound power 66dB(a), that the units are located at a high level towards the rear of the building, enclosed on four sides by walls and open to the sky. The siting and screening is outlined as reducing the impact of

noise from the units. In relation to odour it is outlined that there is a large kitchen canopy which is ducted to above roof level and will be terminated in a vertical direction to take smells away from the building and is located at the rear. A heat recovery unit is outlined as providing ventilation and indicated on the proposed ventilation plant drawing. In relation to noise from workshops it is outlined that they will ensure the necessary noise reduction is taken into account and they will advise their client that certain activities should be restricted to occurring between the 8am to 10pm timeframe and that this should be noted in the management plan for the building with the same applying for deliveries.

- 8.64 Environmental Health advised that the agents detail confirms that external noise generating plant and equipment is to be located at the proposed development. However, there has been no noise impacts at sensitive receptors associated with the running of this plant. They advise that noise levels may be demonstrated to be acceptable should assessment be undertaken in accordance with BS 4142:2014 and that no acoustic supporting information has been submitted. Following correspondence with Environmental Health a post-verification report will be required to be submitted to demonstrate acceptable noise levels from the plant and equipment in the form of a negative condition.
- 8.65 Environmental Health also require the submission of an odour impact assessment in relation to the proposed kitchen extraction system. Following correspondence with Environmental Health, a negative condition will be applied in relation to the assessment of odour impacts.
- 8.66 With the submission of the reports through the applied negative conditions and adherence to the conditions in relation to opening hours it is considered that there would be no detrimental impact to the character of the Conservation Area or surrounding receptors by the way of noise, odour or any other disturbance. It is considered reasonable that the management plan indicated by the agent should be conditioned so as to ensure activities within the workshops are restricted to appropriate hours.

## 8.67 Natural Heritage

- 8.68 A Preliminary Ecological Appraisal (PEA) and Bat Activity Survey were submitted in support of the application. The PEA identified four Special Areas of Conservation (SAC), one Special Protection Area (SPA) and one RAMSAR site within 15km of the application site. Within 5km of the application site there were four Areas of Special Scientific Interest (ASSI) and one National Nature Reserve (NNR) identified. They are outlined to not have any connectivity within the application site and not to be impacted.
- 8.69 Two habitat types were identified during the phase 1 habitat survey included within the PEA. These were assessed on site visit to support protected and notable species present within the local area. A Preliminary Bat Roost Assessment was undertaken to highlight potential for the building to support roosting bats and from the survey it was recommended that bat activity surveys of the building were undertaken. Birds were considered within the PEA to be unlikely to be nesting within the site due to lack of suitable habitat with no significant impacts predicted on bird species. Herptiles were also considered to be unlikely to be presents due to lack of suitable habitat and lack of connectivity between the site and suitable herptile habitat with no significant impacts predicted on these species.
- 8.70 The bat activity survey found bat activity to be at a low level across the site during the surveys with low species diversity of bats detected on site. Throughout the survey no bats were observed to be entering or emerging from the structure. No roosts were present in the surveyed structure at the time of survey.
- 8.71 DAERA Natural Environment Division advised the proposal has the potential to indirectly impact designated site features of Runkerry ASSI and Skerries and Causeway SPA. They highlight the Habitat Regulations Assessment requirements carried out by Shared Environmental Service on behalf of the Council.
- 8.72 They advise the site contains a building, grassland and a stone wall and having considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided has no concerns. They have

recommended informatives.

8.73 Shared Environmental Services have concluded no viable environmental pathway and therefore no likely significant effects to any European Site feature from the proposal. The Stage 1 assessment notes the new surface water outfall onto the River Bush. They note the outfall is subject to a DFI Rivers Schedule 6 consent and must be HRA compliant and that given the size of the works proposed and distance to the feature of Skerries and Causeway SAC that no likely significant effects concluded. The conclusions of the Habitats Regulation Assessment are agreed with.

8.74 Having regard to the above consideration the proposal is considered to be compliant with the requirements of PPS 2.

### **Habitats Regulation Assessment**

8.75 Causeway Coast and Glens Borough Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 12/10/2021. This found that the project would not be likely to have a significant effect on any European site.

## **9.0 CONCLUSION**

9.1 The proposal is considered acceptable having regard to the Northern Area Plan 2016 and other material considerations. The proposed development will secure the maintenance and future upkeep of a Grade B1 listed building in accordance with PPS 6. The design, scale and massing of the building will not have a detrimental impact on the Conservation Area or the listed building and is in accordance with PPS 6. The proposed use is a suitable town centre use in accordance with the SPPS. The proposal will not off set any flooding onto adjacent areas and meets with the policy requirements of PPS 15. The scheme is compliant with current planning policy as highlighted above. Approval is recommended.

## 10.0 Conditions

### 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.

- 2 Replacement timber sliding sash windows to the Old Court House shall be detailed as indicated on Drawing No. 21 date received 15th July 2021 and shall be single glazed, putty fronted.

Reason: in order to retain the character and appearance of the special architectural and historic interest of this listed building.

- 3 The existing cast iron column shall be retained at it fill height

Reason: in order to safeguard the special architectural or historic interest of this listed building.

- 4 The historic newel post, capping the cast iron column, shall be carefully removed and securely stored and retained.

Reason: in order to safeguard the special architectural or historic interest of this listed building.

- 5 Once a contractor has been appointed, a full Final Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

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

- 6 No development should take place on-site until the method of sewage disposal has been agreed in writing with NIW or a Consent to discharge has been granted.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

- 7 Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

- 8 The extension hereby approved shall utilise flood mitigation methods to ensure flood resistant and resilient construction to a level of 9.5mOD.

Reason: To protect the approved development from flood risk.

- 9 The operations of the development hereby approved shall not commence until a flood risk management plan has been submitted and agreed in writing by the Council. The flood risk management plan shall detail how users of premises will be made aware of the risk of flooding in a 1 in 100 year event and include details of how flood risk will be managed and mitigated.

Reason: To ensure the safety of the users of the premises.

- 10 The commercial kitchen of the development hereby approved shall not be brought into operation until the details of the odour abatement system serving the commercial kitchen have been submitted, in the form of an odour impact assessment and the odour mitigation approved in writing by the Planning Department in consultation with the Environmental Health Department. The specification and design of the odour abatement system shall be in accordance with the methodology and standard stipulated within guidance document "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (EMAQ 2018). The approved odour abatement system shall be operated, retained and maintained thereafter.



Reason: In the interests of the amenity of the surrounding area.

- 11 The operations of the development hereby approved shall not commence until a post completion noise verification report is submitted to the Planning Department which demonstrates that the noise emission level from the plant and equipment does not exceed the LA90 levels daytime and night-time.

Reason: In the interests of the amenity of the surrounding area.

- 12 The community garden areas shall not be utilised after 22:00 hours.

Reason: In the interests of the amenity of the surrounding area.

- 13 The operating hours of the café, retail areas, meeting rooms and shared space areas hereby approved shall be between 08:00 and 22:00 hours.

Reason: In the interests of the amenity of the surrounding area.

- 14 Deliveries to the development hereby approved shall be between 08:00 and 22:00 hours.

Reason: In the interests of the amenity of the surrounding area.

- 15 The workshops hereby approved shall not utilise any noise generating plant and equipment between 23:00 and 07:00 hours.

Reason: In the interests of the amenity of the surrounding area.

- 16 No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

- 17 No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 16.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

- 18 A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under Condition 16. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

# Site Location Map and Site Plan



