

Title of Report:	Planning Committee Report – LA01/2020/1390/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th February 2024
For Decision or For Information	For Decision – Objection Item
To be discussed In Committee YES/NO	No

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	---
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.
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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: LA01/2020/1390/F **Ward:** LURIGETHAN

App Type: Full Planning

Address: Approximately 50m NE of 1 Gortaclee Road
Cushendall

Proposal: Proposed distillery/tourist Visitor Centre with ancillary restaurant, function space, gift shop and storage

Con Area: n/a

Valid Date: 29.12.2020

Listed Building Grade: n/a

Agent: 2020 Architects, 49 Main Street, Ballymoney, BT53 6AN

Objections: 31 **Petitions of Objection:** 0

Support: 15 **Petitions of Support:** 2

Executive Summary

- Full planning permission is sought for a proposed distillery/tourist Visitor Centre with ancillary restaurant, function space, gift shop and storage.
- The site is located within the settlement limit of Cushendall as defined in the Northern Area Plan 2016.
- The site lies within land within Land Zoned for Economic Development within Northern Area Plan 2016.
- The site is located within Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB).
- The principle of development is considered acceptable having regard to policy PPS 4.
- It is also considered acceptable having regard to PPS 16 and DCAN 4.
- DFI Roads, Environmental Health, NI Water, DAERA (Water Management Unit and Natural Environment Division), Shared Environmental Services (SES), DFI Rivers, Health and Safety Executive were consulted on the application and raise no objection.
- There are 31 objections to the proposal.
- There are 15 letters of support for the proposal.
- There are 2 petitions of support.
- The application is recommended for Approval.

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

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 application site is currently occupied by an existing 2 storey commercial building located in the north-western corner of the site. The remainder of the site is undeveloped and covered with grass.
- 2.2 The application site is a rectangular shaped plot measuring approximately 0.49ha. The land on the site rises gently from south to north. The site is located at the corner of Coast Road and Gortaclee Road with the access onto Gortaclee Rd.
- 2.3 The western and northern boundaries are defined by an existing fence approximately 2m in height, there is also existing hedge and trees along the northern boundary. The southern and eastern boundaries are defined by a low wall with fencing above the wall.
- 2.4 The application site is located within the settlement limit of Cushendall and is on land zoned for Economic Development as designated by the Northern Area Plan 2016. The site is also located within Antrim Coast and Glens AONB. The land to the west is an existing Area of Economic Development occupied by Red Bay Boats. The land to the north and south, on the opposite side of Gortaclee Road is residential. The land to the east on the

opposite side of Coast Road is occupied by a disused school. The land to the south-east is a caravan park.

3 RELEVANT HISTORY

E/2003/0181/F - Land adj 1 Gortaclee Road, Cushendall -
Erection of 2 industrial units and formation of yard –
Permission Granted – 16.01.2004

C/2014/0306/F - Land adjacent to 61 Coast Road and no.1
Gortaclee Road, Cushendall
Erection of Industrial unit & offices and formation of yard & car
park –
Permission Granted - 24.07.2002

4 THE APPLICATION

- 4.1 The application proposes full planning permission for a distillery/tourist Visitor Centre with ancillary restaurant, function space, gift shop and storage.

Design and 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 as the application is for more than one dwelling and is located within a designated area (Antrim Coast and Glens AONB).
- 4.3 The Design and Access Statement received on 18th December 2020 demonstrates that the applicant undertook detailed consideration of the proposal in terms of the design principles and concepts in relation to the proposed design and the impact on the character of the immediate context.

Environmental Impact Screening

- 4.4 The proposed development is located within a sensitive area (Antrim Coast and Glens AONB) and falls within Category 7 (d) of Schedule 2 of The Planning (Environmental Impact Assessment) Regulations (NI) 2017 and therefore the Council is obliged under Regulation 12 (1) to make a determination as to whether the application is for EIA development.
- 4.5 The Council determined on 31/03/2021 that the proposal is not an EIA development and as such this planning application, did not need to be accompanied by an Environmental Statement.

5 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: Coleraine Chronicle 04.01.2021

Re-advertisement: Coleraine Chronicle 28.03.2022 & 11.07.2022 & 07.02.2024

Neighbours: Notification according to procedures.

- 5.2 31 letters of objection have been received in relation to the proposal. The majority of the objections come from residents of Coast Road and Bellisk Park. The issues raised are as follows;

Impact on Private Amenity

- Overlooking/loss of privacy
- Loss of Light
- Noise
- Odour
- Emissions/Smell
- Air Pollution
- Safety as a result of chemicals and flammable liquids
- Impacts on health
- Light pollution

- Impact of proposed plant/machinery including cooling tower and boiler
 - Operating hours of cooling tower

Principle of Development

- Impact on drainage
- Impact on sewage system
- Impact on character
- Visual Impact of both building and ancillary development
- Impact on AONB
- Impact on existing businesses within Cushendall
- Loss of zoned land for economic use
- Visitor centre, bar and restaurant not compatible with character of the area.
 - Bar and restaurant should be town centre uses.
 - Impact on natural heritage and protected sites
 - Biodiversity checklist not accurate

Roads Issues

- Increased traffic
- Pollution and dust from vehicles
- Road Safety concerns
- Concerns regarding impact of proposed coach access
- Proposed parking provision on adjacent lands

Fifteen comments of support and 2 petitions have been received, the points raised include the following:

- Benefits to local economy
- Benefits to local tourism industry
- Year-round benefits to the locality
- Benefits to food and tourism industry in Ireland
- Employment benefits for locals

5.3 In response to these concerns Officials note the following;

- The proposal involves the use of an existing access to the public road. DfI Roads was consulted to consider the proposed development and have no objections subject to conditions.
- It is proposed to use neighbouring lands at the GAA Club to provide additional parking. DfI Roads have advised they have no objection to this.
- Updated noise and odour assessments have been provided
- A Drainage Assessment was submitted by the agent which demonstrates that the design and construction of a suitable drainage network is feasible. DfI Rivers have no objection to the proposal
- Ecological information including a PEA was submitted by the agent to address biodiversity concerns. NIEA Natural Environment Division and SES are content with the proposal subject to conditions.
- The impact on residential amenity (including noise and odour impact) has been considered in paragraphs 8.24 – 8.36 of this report.
- The visual impact and design of the proposal has been considered in paragraphs 8.14 - 8.23 of this report.
- The proposal is not considered to have an adverse impact on the AONB.

5.4 **Internal**

DFI Roads: No objections

Northern Ireland Water – No objections

Environmental Health – No objection subject to conditions

DAERA: Water Management Unit– No objection subject to agreement by NI Water.

DAERA: Natural Environment Division - No objections

Shared Environmental Services: No objections

DFI Rivers – No objections

Health and Safety Executive – Advice provided.

Public Health – No response

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:
- 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 both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy (RDS) 2035

Northern Area Plan 2016

Strategic Planning Policy Statement for Northern Ireland

A Planning Strategy for Rural Northern Ireland

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 4 – Planning and Economic Development

Panning Policy Statement 11 – Planning and Waste Management

Planning Policy Statement 16 – Tourism

DCAN 4 – Restaurants, Cafes and Fast-Food Outlets

Causeway Coast and Glens Corporate Strategy

Antrim Coast and Glens AONB Design Guide

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposed development must be considered having regard to the Northern Area Plan 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to the principle of development; impact on land zoned for economic development; impact of tourism development; impact on amenity, access and parking; flood risk; sewage disposal and waste management; hazardous substances and other matters.

Planning Policy

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

Principle of Development

- 8.3 The Northern Area Plan 2016 identifies the site as being located within the settlement limit of the Cushendall.

- 8.4 The application site is zoned as a committed site for Economic Development CLED 01 as set out in the Northern Area Plan 2016.
- 8.5 Paragraph 3.8 of the SPPS asserts a presumption in favour of development which accords to an up-to-date development plan unless the development will propose demonstrable harm to interests of acknowledged importance.

Impact on Land Zoned for Economic Development

- 8.6 The proposal is on an area of land zoned within the Northern Area Plan for Economic Development (para 8.4). No Key Site Requirements have been identified within the Area Plan. Northern Area Plan 2016 defines economic development as development falling within Class B1 Business, Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage and Distribution as identified in The Planning (Use Classes) Order (Northern Ireland) 2015.
- 8.7 The distillery element of the proposed development is considered to be a Class B3 – General Industrial. The Northern Area Plan 2016 states that uses within this class will only be considered acceptable where the carrying out of any proposed industrial process is compatible with adjacent uses.
- 8.8 PPS 4 - Planning and Economic Development is the main policy context for economic development. The main specified policies relevant to economic development in this case are Policy PED 1, Policy PED 7 and Policy PED 9.

Retention of Zoned Land and Economic Development Uses (PED 7)

- 8.9 The policy for zoned land in all locations states that development that would result in the loss of land or buildings zoned for economic development use in a development plan to other uses will not be permitted. The proposed distillery is considered to be an economic development use as defined in PPS 4.
- 8.10 The proposed development incorporates other uses including visitor centre, function space, restaurant, bar and gift shop. Part of the ground floor, which largely accommodates the distillery, has double height ceilings resulting in the first floor having a smaller floor area. The first floor accommodates the restaurant, bar and function area. Clarification has been sought from the agent and the other proposed uses are intended to be ancillary to the proposed industrial use and used to promote the distillery. They will not be used for separate events, functions or hire and a condition has been recommended limiting the use as outlined in Part 10 of this report.
- 8.11 The proposed development on site as described will also allow for employment opportunities in a range of different areas therefore contributing positively to the local economy. As such, as the primary use on site is a distillery it is considered that the proposed development is in compliance with zoning CLED 01.

Economic Development in Settlements (PED 1)

- 8.12 Policy PED 1 provides policy guidance on Economic Development in Settlements and in particular the section under Cities and Towns as Cushendall is designated as a town in Northern Area Plan 2016.
- 8.13 Such uses as the proposed distillery will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use.

The impacts of the proposed development are assessed in more detail below.

Visual Impact and Design

- 8.14 DES 2 of A Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale, and use of materials.
- 8.15 The application site is located within the settlement limit of Cushendall with a mix of surrounding land uses including residential and commercial. The application site is zoned for commercial development with the proposed distillery use is in keeping with this zoning.
- 8.16 The development site lies within a site currently occupied by an existing 2-storey building located in the north-western part of the site. This building is to be retained as a storage building associated with the distillery building, the remainder of the site is currently undeveloped. The land immediately to the north is occupied by residential development and the land to the south on the opposite side of Gortacree Rd is also residential development. The land to the west is existing economic development use and is occupied by Red Bay Boats, this site consists of a number of large industrial style buildings. To the east of the site is a disused school.
- 8.17 The proposed building will have a greater visual impact due to the scale and design of the building compared to what is currently on site. The proposed building has a contemporary design and not designed as a typical industrial building. The building is 2-storey with a ridge height of 9.5m and is divided into four separate blocks. The building is approx. 47m on front

(eastern facing) elevation and approx. 30m in length along the side elevations (north and south facing). The building has a pitch style roof and the separate blocks give the appearance of several slimmer gables as opposed to a large uniform industrial style buildings.

8.18 Policy NH 6 of PPS 2 advises that new development with an AONB will be granted where it is of an appropriate design, size and scale for the locality. The proposed finishes include insulated metal panels in carteen and black to the walls and roof and black frame windows. While these differ from a traditional industrial style building and not considered traditional within the Antrim Coast and Glens AONB the materials and colours have been selected to respect the natural character of the area and are aimed at representing the local geology and contrasting colours help break the massing of the proposal.

8.19 When viewed from the east along Coast Road the ground floor has a large, glazed area into the cask room within the distillery, this helps provide a feature of the buildings when viewed from this direction and helps break up the mass of the overall building. When viewed from the east the existing industrial buildings and rising land to the west help provide a backdrop for the building. When travelling from the north and south along Coast Rd the separate blocks with pitch style roofs will break up the massing of the building. This road is also located along the North Antrim coastal route which is a popular tourist route and will be visible when travelling in both directions along Coast Road. The proposed building, while industrial in appearance, has been designed to link to the natural and built surroundings and appears appropriate in the surrounding streetscape and industrial zoning.

8.20 The land to the north and south of the site is occupied by residential properties including a mix of mostly detached single storey, 2 storey and 1.5 storey dwellings. The dwelling immediately to the north at No 61 Coast Rd is a detached

single storey dwelling. The proposed distillery building is to be located approximately 17 metres from the side elevation of this dwelling and approximately 4 metres from the shared boundary. The existing building on site is also approximately 4 metres from the shared boundary. No. 61 sits at a slightly higher level to the proposed building. There are ground floor windows on the side elevation of the dwelling adjacent to the proposed building. No windows are proposed on the northern facing side elevation of the distillery, therefore, overlooking is not expected. The existing northern boundary of the site is defined by an existing mature hedge and fence approx. 1.8m in height. A new 2.2m high acoustic fence is proposed along the northern boundary. The impact on the proposed building on no 61 Coast Road has been considered. Additional cross sections have been submitted to show the relationship of the proposed building on No 61 Coast Rd which indicates the proposed ridge level will be approximately 1.3m above the ridge level of No 61. A reduction in height of 1m of the section of buildings closest to this dwelling was also requested to ensure the scale and design is appropriate to the setting. Plant and equipment associated with the distillery, including tanks, cooling tower and oil tank are located to the rear of the building and approximately 4 – 18 metres from the shared boundary with no. 61. The heights of these associated equipment range from 4 metres up to 7 metres. In order to screen these from the neighbouring property a 4 metre high masonry wall is proposed along the northern boundary of the building.

- 8.21 Residential properties are also located to the south of the application site on the opposite side of Gortaclee Road. The proposed building is approximately 37m from No 1 Bellisk Park and 49 metres from No. 3 Bellisk Park. The southern facing elevation of the building has 2 balconies and windows. The balconies are located off the restaurant and function space. The southern elevation of the building is far enough removed from the properties on Bellisk Park that direct overlooking is not a concern. However, concerns exist for the potential noise

impact the balconies could have on neighbouring residential properties. The use of the balconies will be limited and controlled by way of condition. The southern boundary of the site is to be defined by a wall 1.2m in height with a 0.8m acoustic fence on top to help protect residential amenity. Concern was raised over the visual impact of the proposed wall and fence to the southern boundary however a variety of different boundary styles can be seen along Gortaclee Rd including similar style boundary walls with fence above.

8.22 On balance, in order to protect residential amenity, the proposed boundary details are considered acceptable. The proposed bin storage area is set back from public view, adjacent to the storage building on site. Additional landscaping is proposed along the southern and western part of the site which are the main public views of the site.

8.23 Given the separation distance, proposed boundaries and proposed landscaping the scale, nature and design of the proposal is considered acceptable at this location.

Noise

8.24 The proposed development will result in noise emission from a number of sources including the cooling tower, plant room, boiler, proposed flues and vents and vehicle movements including forklift. Noise is also expected to be generated from the ancillary uses including the restaurant and function space.

8.25 Acoustic boundaries are proposed along the northern and southern boundaries to help protect amenity of neighbouring properties. A 4m high wall has been added to provide screening to the yard area between the new distillery building and the existing building to be retained. The impact on the dwellings to the north and south of the application site has been considered and Environmental Health have been consulted as the competent authority in relation to noise.

- 8.26 Concern has been raised regarding potential noise from the proposed restaurant, balconies and function space. It is advised that the 1st floor function space will not be used for entertainment purposes. A condition is recommended in line with this (Condition no. 23). A closing time of 9.30pm for the bar/restaurant has been proposed to help protect residential amenity.
- 8.27 Bin storage and plant are located to the western elevation of the building. The proposed boiler is located within the existing building on site. The Noise Assessment dated January 2024 states that allowing for the proposed noise mitigation measures and adherence to the plant noise limits, the predicted noise levels do not exceed the internal BS8233 noise limits at the nearby residential receptors or indicate an adverse impact with regard to BS4142. The predicted noise levels do not exceed the WHO 'Guidelines for Community Noise' limits for external amenity spaces. No exceedance of the existing background levels is predicted.
- 8.28 There will also be an impact on amenity due to increased traffic as a result of the development. Overspill parking is proposed to the north of the site at the Gaelic Football Grounds. It is also possible that visitors may choose to park at the existing council car park to the south east of the site. These arrangements may also result in noise from visitors walking to and from the proposed development. DFI Roads have been consulted and have no objection to the access and parking arrangement and it is not expected to result in unacceptable impact on amenity.
- 8.29 A peer review of the noise assessment was carried out by Irwin Carr Consultants on behalf of the Council. Following initial assessment, they provided comments dated 23rd November 2023. Additional information was submitted by the agent for consideration and further comments were provided by Irwin Carr Consultants on 2nd February 2024. This report comments

on specific elements of the proposal in relation to noise impacts. Environmental Health have considered the contents of this report and have provided appropriate conditions in their comments dated 20th February 2024.

Odour and Air Quality

- 8.30 The proposed distillery has the potential to result in emissions including smell. An odour report has been submitted for consideration. The development includes flues and vents, a cooling tower and effluent tank. Consultation has been carried out with Environmental Health as the competent authority.
- 8.31 Separate Odour Assessments and updated assessments and technical notes have been provided for the distillery element of the proposal and the restaurant element.
- 8.32 The update odour assessment for the distillery concluded that the significance of predicted impacts was defined as negligible at all receptor positions. In accordance with the stated guidance, the overall odour effects as a result of the proposed development are considered to be not significant. Based on the updated assessment results, potential odour emissions from the site are not considered to represent a constraint to planning consent for the proposed development.
- 8.33 The updated odour assessment for the food preparation activities concludes that the results of the assessment indicated the odour risk was classified as high. This prediction does not infer that significant odour impacts would occur or local amenity levels would be affected. However, it does suggest that appropriate mitigation is required to reduce potential effects to an acceptable level. The assessment goes on to state that an odour abatement strategy has been specified in line with relevant guidance for kitchens with a high risk of impact. It therefore follows that with this mitigation in place, potential odour impact would be reduced to an acceptable level. As

such, the proposed mitigation is considered to be suitable for a development of this nature.

8.34 A peer review of the odour assessment was carried out by Irwin Carr Consultants on behalf of the Council. Following initial assessment, they provided comments dated 23rd November 2023. Additional information was submitted by the agent for consideration and further comments were provided by Irwin Carr Consultants on 2nd February 2024. This report comments on specific elements of the proposal in relation to odour impacts. Environmental Health have considered the contents of this report and have provided appropriate conditions in their comments dated 20th February 2024.

8.35 A cooling tower and diesel boiler are proposed to service the development. These elements have the potential to cause air quality impacts, as a result an Air Quality Impact assessment has been submitted for assessment. The impact on human and ecological receptors was assessed and the results of this assessment concluded that impacts on pollutant concentrations were not predicted to be significant at any sensitive receptor location in the vicinity of the site.

8.36 Foul sewage is to be disposed of via mains connection NI Water have advised there is capacity at the Waste Water Treatment works. DAERA – Water Management have been also consulted and have no objections to the development subject to NI Water approval.

Ancillary Development

8.37 In addition to the distillery the proposed development also includes visitor centre, gift shop, restaurant and function space. The proposed visitor centre is considered to be tourism development and it is therefore necessary to consider this element under Policy TSM 1 and TSM 7 of PPS 16. TSM 1 requires tourism development to be of a nature appropriate to

the settlement and respect the site context in terms of scale, size and design and has regard to specified provision of the development plan.

- 8.38 The proposed visitor centre and gift shop are to be run in conjunction with the distillery and conditioned accordingly. This use is therefore compatible with the zoning of the site for economic development. The area plan zoning does not preclude tourism development to be run in conjunction with the economic development. The SPPS advises that retailing should be directed to town centres. The retail element of the proposal is a small area at the entrance to the building which will be limited to the sales of goods associated with the distillery. As such, the proposed gift shop will not have an adverse impact on the vitality and viability of the town centre as it will not compete directly with established retail uses.
- 8.39 A number of supporting comments have indicated that the proposed development will also benefit the local tourist industry.
- 8.40 The proposed restaurant, bar and function space will also be run in conjunction with the distillery and conditioned accordingly. Clarification was sought from the agent in relation to the proposed bar/restaurant as concerns were raised from local residents as to the intended use. It has been clarified that the bar/restaurant and function space are entirely ancillary to the distillery. They have been included in the proposal as a way of marketing the brand and product to the general public and merchants. The bar/function space is to be used for corporate events which will promote the distillery. Given that the restaurant and function space will be ancillary to the distillery the use at this location is acceptable.
- 8.41 Issues regarding impact on amenity and design have been addressed above as per guidance set out in DCAN 4.

Access and Parking

- 8.42 The development will use the existing access onto Gortaclee Road. The proposal is expected to increase the amount of vehicular traffic on Gortaclee Rd. Consultation with DFI Roads was carried out as the competent authority. Following initial consultation DFI Roads requested amendments to address concerns relating to visibility splays, level of parking and details relation to coach access.
- 8.43 Parking has been provided on site with 23 car parking spaces and space for 1 coach with space indicated for turning within the site. Parking provision has been calculated in accordance with the 'Parking Standards' document with a total parking requirement of 58 spaces. The provision on site falls short of that required for the proposed development. However, overspill car parking is provided at the GAA Club located to the north of the site along Coast Rd on an unrestricted basis. Letters have been provided from the GAA Club confirming full access during opening hours. DFI Roads have accepted the use of the adjacent land at the GAA Club to provide additional car parking for the proposed development. There is also a Council owned public car park on the opposite side of Coast Road with existing pedestrian crossing points in place. Following submission of amended plans DFI Roads have no objection subject to conditions.
- 8.44 The development accesses directly to the existing road network and links to existing public transport network. There is a bus stop on Coast Road adjacent to the application site and existing footpaths run along Gortaclee Rd and Coast Road directly into the town centre. The adjacent Coast Road also lies along the Cycle Network.

Natural Heritage

- 8.45 There are currently existing commercial buildings located in the north-eastern corner of the site, most of the remainder of the site is covered with grass. There is an existing mature hedge

along the northern boundary. A Biodiversity Checklist accompanied the application. Objectors raised concerns regarding the accuracy of the check list. The agent confirmed that the checklist was used a tool to determine if further ecological information is required. Subsequently, a Preliminary Ecological Appraisal (PEA) was submitted by an ecologist to determine the likely ecological impacts.

- 8.46 Consultation was carried out with DAERA – Natural Environment Division (NED) on receipt of the PEA. NED have commented that given the relatively small size of the development and low ecological value of the habitats impacted, any loss caused can be mitigated for onsite by implementation the recommendations set out in the PEA. The PEA has assessed the structure on site as having a negligible bat roost potential. However, NED have recommended a condition that any additional lighting must be directed away from boundary vegetation as there is a potential for lighting to impact on foraging bats.
- 8.47 From the information provided it has been demonstrated that the proposed development is not likely to cause harm to protected species and therefore complies with policy NH 2 of PPS 2

Hazardous Substances

- 8.48 In addition to planning permission some industrial developments may also require consent under the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993, as amended by The Planning (Control of Major-Accident Hazards) Regulations (Northern Ireland) 2000. This legislation allows the Planning Authority to consider whether the proposed storage or use of a significant quantity of a hazardous substance is appropriate in a particular location, having regard to the risks arising to persons in the surrounding area and the wider implications for the community. Clarification has been sought from the agent in relation to quantities of Hazardous Substances required for the development. It is advised that the

total tonnage of alcohol to be held on site at any one time will be 36.15 tonnes. From the information provided the levels fall below the threshold for the requirement of Hazardous Substance Consent.

Drainage, Sewage Disposal and Waste Management

- 8.49 DFI Rivers have advised that the site is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. A drainage assessment has been submitted for consideration and DFI Rivers have advised they accept the logic of the drainage assessment and have no reason to disagree with its conclusions.
- 8.50 The applicant had initially indicated that the foul sewage for the development was to be disposed of via mains connection. Initial consultation with NI Water advised that a Pre Development Enquiry (PDE) had been received in December 2020. The response to the PDE indicated the requirement for a Network Capacity Assessment. The agent submitted a letter from NI Water dated 05/07/2021 indicating that the existing network has the capacity to supply the proposed development without the need for any network intervention. Re-consultation was carried out with NI Water in December 2023, their consultation response dated 15/12/2023 recommends approval.
- 8.51 The response to the PDE also advised that the site is located within the 400m odour consultation zone boundary of the WwTW's. A further letter from NI Water was received from the agent dated 24/03/2021. This letter advised that 'NIW have considered the location of the property under this policy and can confirm that while it is inside the 'Odour Consultation Zone Boundary' our assessment concludes that NI Water will not, on the grounds of 'incompatible development' raise an objection to any proposed development or reuse of the site.' Due to the proximity to the WwTW policy WM 5 of PPS 11 is a relevant consideration. Policy WM 5 states that development in the vicinity of waste management facilities and WWTW will only be

permitted where all the following criteria are met: - it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and - it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment. Advice was sought from Environmental Health regarding potential loss of amenity. They have not advised of concerns regarding the proximity of the proposed development to the WWTW. The proposal is considered to comply with Policy WM 5.

Habitats Regulations

8.52 Consultation was carried out with Shared Environmental Services. They have advised that the potential impact of 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.

Other matters

8.53 Several objections had raised concerns regarding the impact on health from the proposed development, namely concerns in relation to Legionella risk. This concern was raised with the agent. It is advised that *baudouinia compniacensis*, the fungus referred to, is associated with very large volumes of whiskey production and is commonly seen around distilleries on a far larger scale than that proposed. Legionnaires within the plant would only occur from improper maintenance and is associated primarily with the cooling tower. Regular cleaning of the plant and machinery will be required to reduce this risk. It is therefore considered that the above concerns do not pose risk to human health and that appropriate cleaning and maintenance of plant

and machinery should be adhered to to ensure this is the case. The Health and Safety Executive have advised that the control of legionella would fall under the Health and Safety at Work Order and more specifically under the Control of Substances Hazardous to Health Regulations (COSHH).

- 8.54 While it has been assessed that Hazardous Substance Consent is not required, concerns had been raised regarding fire risk and risks associated with chemical storage. The agent advised via email on 13 Feb 2023 that the applicant has made contact with the Health and Safety Executive for advice on this matter. They advise that health and safety measures will be in place to limit fire risk.

9. 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. The principle of economic development at this location has been established under zoning CLED 01. The proposed layout of the site is considered acceptable. It is considered that there will be no unacceptable impacts on existing properties from noise, odour, overlooking, loss of light or overshadowing. Approval is recommended.

10 Proposed 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. No development shall commence until the vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 01 (Rev. 6) dated 18th January 2024. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The access gradient to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with approved Drawing No. 01 (Rev. 6) dated 18th January 2024 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

5. There shall be no external lighting directed towards boundary vegetation.

Reason: To minimise the impact of the proposal on bats.

6. The development shall be carried out in strict accordance with the recommendations and requirements of the Preliminary Ecological Appraisal report dated December 2021.

Reason: To safeguard ecological species.

7. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

8. The development hereby approved shall not be occupied or operated until additional parking provision is made available at Ruairi Og CLG, in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking for vehicles associated with the site.

9. The scheme of planting as approved in Drawing No. 01 (Rev. 6) dated 18th January 2024 shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape in the interests of visual amenity.

10. The restaurant, bar and function areas shall solely be operated for patrons in conjunction with the primary distillery use and shall not be used for separate events, functions or hire.

Reason: To control the nature of the use of the premises in the interests of neighbouring residential amenity.

11. The gross retail floor space of the retail store hereby approved shall not exceed 48 square metres.

Reason: To safeguard the vitality and viability of the Town Centre and other Centres within the catchment.

12. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015, of the net retail floor space of the retail unit hereby approved, no less than 48 square metres shall be used for the sale and display of the items listed below and for no other purpose, including any other purpose in Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2015:

- (a) food, non-alcoholic beverages, alcoholic drink and;
- (b) souvenir items associated with the approved use.

Reason: To limit the range of goods to be sold, in the interests of safeguarding the vitality and viability of the Town Centre and other Centres within the catchment.

13. The development shall not become operational until the Acoustic barriers (specification of construction and achieving a surface mass density of no less than 25kg/m²) and 4m high wall(s) as detailed within Drawing No. PD001 Rev. 6 have been erected. The acoustic barriers and wall(s) shall have an effective height and positioned in accordance with the location detailed within Drawing No PD001 Rev. 6 and be maintained in

perpetuity for the lifetime of the development. The barrier(s)/wall(s) shall be of continuous, solid construction (i.e. no holes or gaps for sound to pass through).

Reason: In the interests of residential amenity.

14. The sound power level of the permitted cooling tower shall not exceed 72 dB(A) and shall be located as per submitted drawing number 'PD001 Rev. 6, entitled 'Site Location & Site layout'.

Reason: In the interests of residential amenity.

15. The hours of operation of the following plant/equipment shall be restricted to daytime only (07:00 – 23:00 hours):

- Cooling Tower
- Pot Ale Tank Pump
- Effluent Tank Pump
- Malt Silo Auger
- Oil Fired Steam Boiler

Reason: In the interests of residential amenity.

16. Vehicle movements, including deliveries by commercial vehicles (HGVs) to and from the site shall be restricted to between the hours of 07:00 to 23:00 hours.

Reason: In the interests of residential amenity.

17. The sound power level of the permitted oil fired steam boiler shall not exceed 54 dB(A) and shall be located as per submitted drawing number 'PD002 Rev. 3, entitled 'Proposed Plans'.

Reason: In the interests of residential amenity.

18. No live or recorded music (with the exception of background music (sound levels below 60 dB(A) - when measured centrally within the Restaurant/main function area)) shall be permitted to be played within or externally to the development hereby approved.

Reason: In the interests of residential amenity.

19. The sound power level of the permitted plant room shall not exceed 62.9 dB(A) (daytime) and 58.9 dB(A) (night-time) and shall be located as per submitted drawing number 'PD002 Rev. 3, entitled 'Proposed Plans'.

Reason: In the interests of residential amenity.

20. The sound power level of the permitted kitchen plant shall not exceed 55.8 dB(A) (daytime) and 51.8 dB(A) (night-time) and shall be located as per submitted drawing number 'PD002 Rev. 3, entitled 'Proposed Plans'.

Reason: In the interests of residential amenity.

21. The use of the balcony area shall be restricted to the following:
Monday to Saturday: 09:00 to 21:30 and Sunday: 09:00 to 19:00.

Reason: In the interests of residential amenity.

22. The kitchen extraction system shall be, designed and positioned, in accordance with drawing number PD002 Rev. 3, as well as operated and maintained in order to ensure a high level of odour control, best practice and performance requirements which shall negate adverse odour emissions, in accordance with "EMAQ Guidance "Control of odour and noise from kitchen exhaust systems (2022). Odour dispersion shall be

secured by effective height of flues being no less than 1 metre above roof height.

Reason: In the interests of residential amenity.

23. The hours of operation of the restaurant, function area and bar shall be restricted to the following: Monday to Saturday: 09:00 to 21:30 and Sunday: 09:00 to 19:00.

Reason: In the interests of residential amenity.

24. Forklift trucks operating within the development shall be electrically powered. Reversing alarm noise (tonal) shall be prohibited, and alternative reversing alarm using broadband noise shall be employed.

Reason: In the interests of residential amenity.

25. Within one month of the development first becoming operational, a noise verification report conducted by a suitably qualified and competent person, which demonstrates that all works have been undertaken in accordance with the noise report entitled "Noise Assessment" and dated 11th January 2024, shall be submitted to the Planning Department of Causeway Coast and Glens Borough Council.

This should include details of sound powers levels of the plant/equipment referenced in Conditions 14,17,19 & 20 permitted by this permission and the estimated cumulative noise impact at neighbouring noise sensitive receptors.

The noise survey information shall include detail of:

- Any noise limit/s breaches
- Recommendation of acoustic mitigation required
- Confirmation of implementation of mitigation measures and evidence of noise limit/s conformance.

Reason: In the interests of residential amenity.

26. Substance emissions from the approved boiler and cooling tower shall not exceed the emission rates as detailed in table 19 of the submitted Air Quality Assessment (report ref: 4313-3r3), dated 15th December 2023.

Reason: In the interests of residential amenity.

27. Within 4 weeks of the Council being notified of a reasonable noise complaint, from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the permitted development operator shall at his/her expense employ a suitably qualified and competent person to undertake a noise survey to order to:

assess the level of noise immissions from the permitted development. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with the development operating at the maximum capacity.

- Details of the noise monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing.

- 2 weeks prior notification of the date of commencement of the survey shall be provided.

The noise survey information shall include detail of:

- Any noise limit/s breaches

- Recommendation of acoustic mitigation required

- Confirmation of implementation of mitigation measures and evidence of noise limit/s conformance.

The noise survey information shall be provided within 4 weeks (unless extended with Causeway Coast and Glens Borough Council) further to a written request from the Council.

Reason: In the interests of residential amenity.

28. Within 4 weeks of the Council being notified of a reasonable odour complaint, from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the permitted development operator shall at his/her expense employ a suitably qualified and competent person to undertake an odour survey to order to:

assess the level of odour immissions from the permitted development. The duration of such monitoring shall be sufficient to provide comprehensive information on odour levels with the development operating at the maximum capacity.

- Details of the odour monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing.

- 2 weeks prior notification of the date of commencement of the survey shall be provided.

The odour monitoring survey information shall include detail of:

- Any breaches, including of emission rates outlined in the Odour Assessment, (Report Ref: 4313-1r6), dated 18th January 2024.

- Recommendation of mitigation measures required

- Confirmation of implementation of mitigation measures and evidence of odour emission conformance.

The survey information shall be provided within 4 weeks (unless extended with Causeway Coast and Glens Borough Council) further to a written request from the Council.

Reason: In the interests of residential amenity.

29. The use of tannoy systems shall not be operated at any time externally.

Reason: In the interests of residential amenity.

30. The maximum aggregate quantity of hazardous substances (Alcohol) that may be present at the site outlined in red on

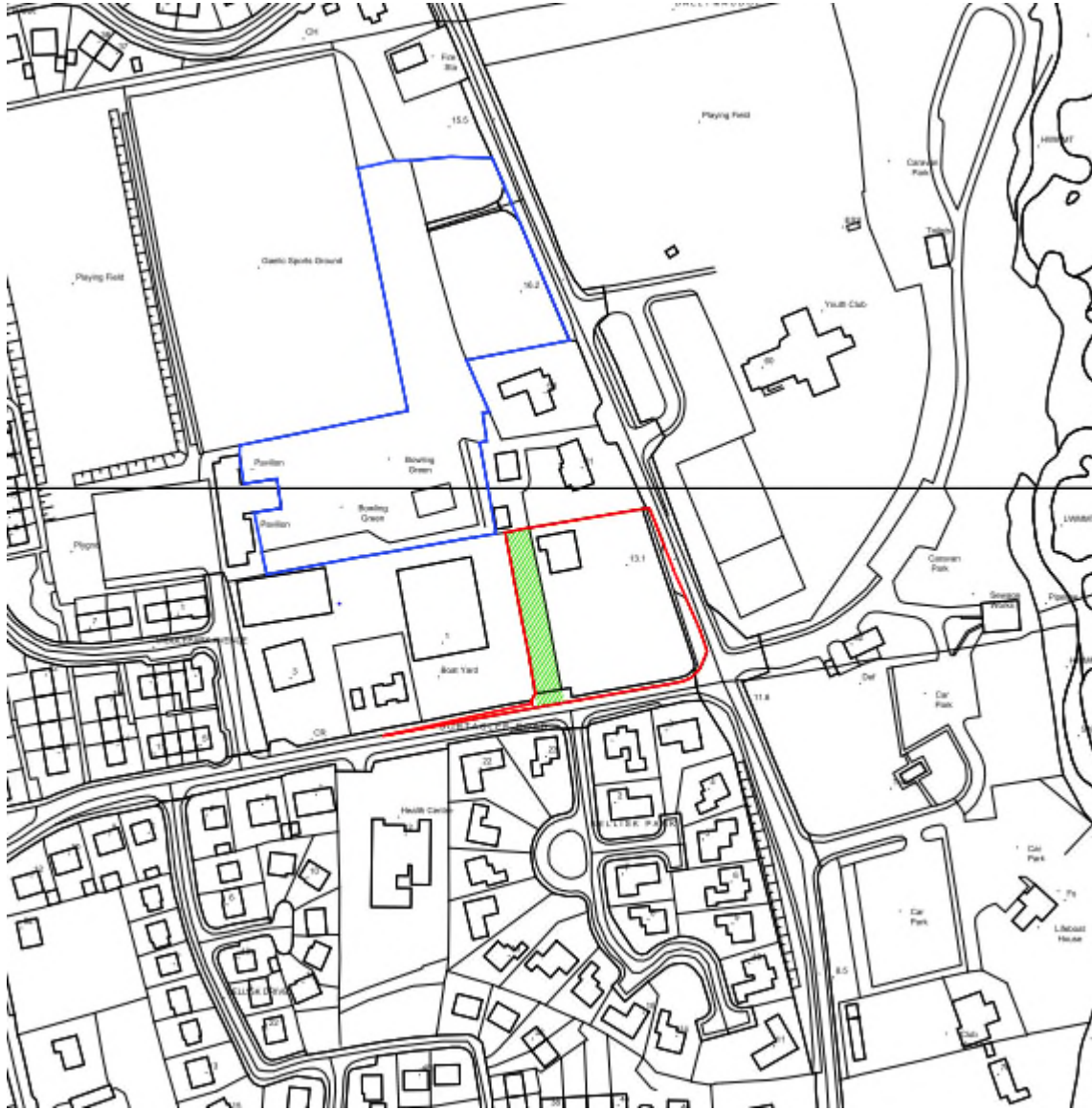
Drawing Nos. 01 (Rev 6) at any one time shall not exceed 40 tonnes.

Reason: In the interests of public safety and to enable the Planning Authority to retain control over the intensity of site usage.

31. The lighting scheme for the development hereby approved shall be designed, installed, operated and maintained in accordance with the submitted document referenced '*Exterior Lighting Proposals for New distillery*' date stamped 22 Dec 2021. Light pollution shall be obviated by ensuring adherence to the Institute of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light, GN 01: 2021.

Reason: In the interests of residential amenity.

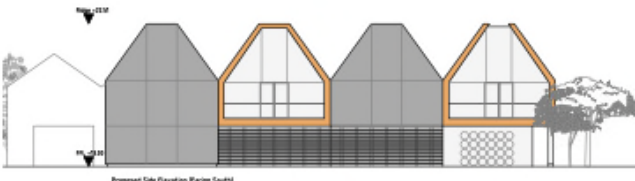
Site Location Plan



Elevations and Section



- Proposed Finishes:**
- Walls: Insulated Metal Panels (Corbin & Back)
 - Windows: Black Frames
 - Roof: Insulated Metal Panels (Corbin & Back)



PROJECT INFORMATION	
Project Name	APSP
Client	APSP
Architect	APSP
Engineer	APSP
Contractor	APSP
Interior Designer	APSP
Landscaper	APSP
Structural Engineer	APSP
Mechanical Engineer	APSP
Electrical Engineer	APSP
Plumbing Engineer	APSP
Fire Engineer	APSP
Acoustic Engineer	APSP
Energy Modeler	APSP
Commissioning Agent	APSP
Construction Manager	APSP
General Contractor	APSP
Interior Finisher	APSP
Landscaper	APSP
Signage Contractor	APSP
AV Contractor	APSP
IT Contractor	APSP
Security Contractor	APSP
Facilities Management	APSP
Operations & Maintenance	APSP