

Planning Committee Report LA01/2019/0281/F	25 November 2020
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2019/0281/F	<u>Ward:</u> MOUNTSANDEL
<u>App Type:</u> Full	
<u>Address:</u> Land at Asda 1 Ring Road Coleraine	
<u>Proposal:</u> Erection of a freestanding single storey restaurant with carparking, drive thru, landscaping and associated site works to the site. Installation of 2no. customer order displays (COD) with canopies and a childrens playframe	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 13.03.2019
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> Planware Ltd, The Granary, 37 Walnut Tree Lane, Sudbury	
<u>Applicant:</u> McDonald's Restaurants Ltd, 11-59 High Street East Finchley, London	
<u>Objections:</u> 16 (No 16 of objectors)	<u>Petitions of Objection:</u> 0
<u>Support:</u> 1	<u>Petitions of Support:</u> 0

Executive Summary

- Full planning permission is sought for a freestanding single storey restaurant with carparking, drive thru, landscaping and associated site works to the site.
- The site is located within the Settlement Development Limit of Coleraine.
- The application meets the requirements of the SPPS.
- Noise and Odour Assessments have been provided and Environmental Health are content with the detailing of these reports and are content that the proposal will not have an adverse impact on the amenity of neighbouring receptors by way of odour or noise subject to conditions.
- A Traffic Assessment has been provided in support of the application. DFI Roads are content that the existing road network has the capacity to facilitate a development of this nature.
- There has been 16 objections and 1 letter of support.

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

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within the car park of the ASDA supermarket located at 1 the Ring Road Coleraine just off the Lodge Road roundabout. The existing site is located at a lower level to the main road and is currently made up of a car park which facilitates ASDA. To the North the site has an open boundary with additional car parking associated with ASDA. To the south the site is bounded by a grassed bank which abuts the Ring Road. To the east the site is bounded by a small area of grassland with a hedge and some tree planting which abuts a footpath. To the west the site is bounded by vegetation to include trees and hedges and a wooden fence which bounds the Lodge Hotel which sits on a more elevated site.
- 2.2 The proposed site is located within the Settlement Development Limit of Coleraine as designated in the Northern Area Plan 2015. The site is located within the car park of an existing ASDA and there is a hotel, petrol station, nursing home and hospital located in proximity to the site. Coleraine Rugby, Football and Cricket club are also located in proximity to the site.

3 RELEVANT HISTORY

LA01/2019/0257/A- Car Park at Asda, 1 Ring Road, Coleraine, The installation of 6no Fascia Signs, Under Consideration

LA01/2018/0730/PAD- Asda Superstore Car Park, A 29 Ring Road, Lodge Road Roundabout, Coleraine. Free standing McDonald's Restaurant with Drive Thru Lane, car parking and associated works. PAD Concluded.

C/2008/0375/F- Asda Stores Ltd, 1 Ring Road, Coleraine. Proposed external amendments to rear of existing store to include; additional canopy, access ramp & service vehicle parking. Granted 11.02.2009

C/2005/0818/F- Safeway, 1 Ring Road, Coleraine. Minor works to include: modifications to the building exterior, proposed new compactor canopy, proposed trolley bays and new roof access. Granted 06.10.2005

4 THE APPLICATION

- 4.1 Erection of a freestanding single storey restaurant with carparking, drive thru, landscaping and associated site works to the site. Installation of 2no. Customer order displays (COD) with canopies and a children's play frame.

5.0 PUBLICITY & CONSULTATIONS

5.1 External Neighbours and Representation

Public Representation – To date there have been 16 representations. The main issues raised are summarised as follows.

- Road traffic and road safety issues.
- The impact of having a drive through restaurant in close proximity to three schools.
- Development does not promote active and healthier lifestyles for children.
- Impact of two McDonalds on other food outlets.
- Noise impacts and the impact on a neighbouring nursing home.
- Potential for litter distribution.
- The impact of the proposal on the Lodge Hotel which is an important tourism asset.
- The proposed plans do not show the Lodge Hotel.
- Absence of an assessment on the impact on the amenity of the Lodge Hotel and concern regarding the development opening 24 hours with no restriction on opening times.
- Concern regarding the limited landscaping and boundary treatment proposed.

- Noise impacts from Customer Order Displays and vehicles using the drive through, the use of the outdoor patio area, deliveries to the site and servicing.
- Potential for sleep disturbance for residents.
- Concern regarding the impacts of odour.
- Need for conditions relating to noise, odour, site management plan, lighting plan, delivery times and opening times.
- Concern that if this proposal is to ease congestion at Riverside Retail Park then it should be located at the other end of town and not within 1.4km of the existing facility.
- Concern that the proposed opening time of 6am to 11pm will impact on the residents of the Lodge Hotel.
- The proposal will have a negative impact on Asda.
- A large number of the hotels bedrooms will be located directly behind this restaurant and the proposal may have an impact on the Lodge Hotels car park as those using McDonalds will use it.
- The proposal will become a gathering point for boy racers and may lead to anti-social activity.
- Impact of the proposal on Lodge Park residents.
- Impact on the already congested entrance to Asda.
- Concern regarding impact of additional lighting and signs at night on the amenity of residents.
- The proposal will lead to the increase in use of a right of way with increased noise.
- Additional litter would increase risk of vermin.
- Complaint that a resident located within 150 metres was not notified.

There has also been one letter of support where it was stated that the development is desperately needed in Coleraine as the existing McDonalds is extremely busy at all times of the day.

5.2 Internal

DFI Roads: Has no objection to the proposal.

NI Water: Has no objection to the proposal.

DAERA: Has no objection to the proposal.

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

Rivers Agency: Has no objection to the proposal.

6.0 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

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

Planning Policy Statement 16: Tourism

Supplementary Guidance

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

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of development; The SPPS and DCAN 4: Restaurants, Cafes and Fast Food Outlets, PPS 3- Access, Movement and Parking, Impact of Townscape, Impact on Lodge Road Hotel, Flood Risk, Contamination and Habitats Regulations Assessment.

Principle of development

- 8.2 In the Northern Area Plan the site is located within the Settlement Development Limit for Coleraine designation CE 01 in the Northern Area Plan. There are no other designations linked to this site.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 8.5 The Retailing and Town Centres section of the SPPS is relevant in this consideration. One of the key objectives of this policy is to secure a town centres first approach for the location of future retailing and other main town centre uses. The SPPS highlights under paragraph 6.271 under footnote (58) that main town centre uses are considered to be cultural and community facilities, retail, leisure, entertainment and businesses. A drive through restaurant is considered not to fall within the definition of a main town centre use. Therefore, the sequential approach to secure main town centre uses within town centres does not apply to this development.

Environmental and Amenity Considerations

- 8.6 In regard to the SPPS there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when

proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

8.7 Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality.

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

- There would be a significant loss of retail floorspace at ground level;
- A clustering of non-retail uses is created;
- The area overall is tending to be dominated by non-retail uses.
- The impact of the proposal
- The impact in terms of the size
- The quality and attractiveness of the proposed development,
- The likely effects on the amenity of the shopping area and residents within it.
- The impact of the development on the vitality and viability of the centre,
- Noise disturbance, smells and fumes; refuse and litter;- traffic considerations and car parking;
- Provision for people with disabilities.

8.9 This proposal involves the construction of a new unit outside of the designated town centre and within the car park of Asda. Given the out of town location bullet points 1-3 are not relevant.

8.10 In terms of size the proposed development will provide a new building within ASDA car park. The café will have a total gross floor space of approximately 360 square metres with additional

corral area. The proposed McDonalds Unit is considered to be of an acceptable size and is similar in scale to other McDonald's stores. The proposed design is considered acceptable in regards to form and scale and consideration has been given to existing development surrounding the site. The design is contemporary in nature and consists of horizontal planks which will be finished with a random pattern of harmony oak, loft brown, Italian walnut, French walnut and Milano Terra. The walls will also be finished with Mater, Eternit Materia in a grey mist colour. There will also be a feature frame on steel support structure coloured pure white and the use of dark grey engineering brick. Given the mix of building designs within the context of the site the proposed design at one storey with a flat roof is considered acceptable. The proposed building is also set at a lower level to the main road and views of the building from the main road will be restricted by this change in levels.

8.11 As this proposal involves the use as a restaurant it will have the potential to create noise disturbance, smells and fumes and litter which could have an impact on the amenity of the shopping area and neighbouring properties. Environmental Health was consulted and a request was made for a Noise Impact Assessment and Odour Assessment. This information has since been provided. The Noise Impact Assessment and Odour Assessment considered the impacts of the proposal on neighbouring receptors to include Lodge Hotel and a neighbouring nursing home. Environmental Health are content with the detailing of these reports and are content that the proposal will not have an adverse impact on the amenity of neighbouring receptors by way of odour or noise subject to conditions. The conditions to reduce noise impacts include restrictions on opening times, the installation of an in-line post fan silencer to achieve attenuation in the region of 10dB, the encasement of the fan and motor assembly in an acoustic enclosure and the installation of an inverter to the extract system to limit power use to demand only.

8.12 Within the odour assessment detailing of the proposed extraction system was provided. It was stated that a three stage odour abatement system has been proposed which will reduce and minimise odour impacts. Within the odour assessment it was stated that the grease removal and odour control systems proposed, including the use of plasma-clean canopy coil grease

filters, ozone injection units combined with ESP and carbon filters will provide a high level of filtration and abatement. Given this it was considered that there should be no significant odour impacts at nearby receptors. Environmental Health are content with the abatement system provided. A condition will also be placed on any approval to ensure the extraction system as detailed in the Odour Assessment is fully implemented prior to the operation of the proposed development.

8.13A number of representations have been received regarding the potential for noise, odour, distribution of litter and impact of servicing. Environmental Health was consulted in regard to these representations and it was stated that noise and odour issues have been addressed by the applicant. In terms of littering it is assumed bins will be provided as is the case at other outlets. Within a supporting statement it is stated that McDonalds is committed to tackling litter in as many ways as possible including three daily litter patrols and the provision of bins. An Optimum Corral area will be provided for bin storage and this will be an enclosed area which will limit the impact of smells on neighbouring receptors. In regard to servicing it is stated within the Supporting Statement that servicing will be undertaken by Martin Brower and will take place approximately 3 times per week and will last between 15 and 45 minutes depending on the delivery required. A condition will also be used to ensure deliveries take place at a suitable time. This arrangement is considered acceptable.

PPS 3- Access, Movement and Parking

8.14A detailed Traffic Assessment was provided as part of the proposed development and DFI Roads was consulted in relation to this application. DFI Roads raised initial concerns in regard to the formulation of the traffic analysis which didn't include: Lodge Road roundabout; impacts of weekday AM peak times and its cumulative impact, accuracy of the detailing, calculation of trip generation; junction assessment for 10 years and changes to junctions within 15 years; committed developments and concerns that parking surveys of current demand at ASDA may not be fully representative of requirements during peak shopping periods and holiday times. Additional information was provided and DFI Roads was content that the additional information

required has been provided and that all issues raised in relation to the Transport Assessment have now been addressed.

8.15 A number of representations have been received regarding the impact of the proposal on traffic and its potential impact on the surrounding road network. DFI Roads was consulted in relation to this and it was stated that a Transport Assessment was required from the applicant which demonstrated that the surrounding road network would continue to operate within capacity.

8.16 The proposed development will provide adequate access for people with disabilities. Disabled parking has been provided. Overall the proposal does not prejudice road safety or significantly inconvenience the flow of traffic.

Impact of Townscape

8.17 Other key policies in relation to the proposal are Policies SP 18 and DES 2 of a Planning Strategy for Rural Northern Ireland. Policy SP 18 requires a high standard of design. Policy DES 2 requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area in terms of design, scale and use of materials. Consideration has been given to design and character throughout this report. It is considered that the proposed development is acceptable given the mix of building designs located within the context of the site. It is considered that the design which is one storey is acceptable and is sympathetic to the character of the area.

Impact on neighbouring receptors

8.18 The proposed development is located in close proximity to the Lodge Road Hotel. Although the Lodge Hotel has not been indicated on the site layout plan a full consideration of its location has been completed which included a site inspection. The rear of the proposed building is located approximately 14.5 metres from the side elevation of the Lodge Road Hotel. This section of the hotel includes a number of bedroom windows which will look toward this development. There is a grassed area and a boundary of larger trees and hedges located

between the proposed restaurant building and the existing hotel. Landscaping is proposed along the boundary of the site but this is made up of turf and low level shrubs. A condition will be placed on any approval to ensure the provision of a 2m high close boarded fence along the western boundary of the site which will reduce the visual impact of the proposed development. The proposed development is one storey and does include a drive through which runs close to the boundary of the Lodge Hotel. The building proposed is one storey and given its scale it is considered that it will not have an adverse impact having regard to loss of light and overshadowing. The proposed development is also located at a slightly lower level to the Lodge Road Hotel.

8.19 The rear elevation of the proposed restaurant which looks toward the Lodge Hotel includes one high level kitchen window, one ordering point and one collection point for the drive through element of the scheme. The kitchen window is high level which will restrict the potential for overlooking toward the Lodge Hotel. The ordering and collection points will also have limited opportunity for overlooking and there will be no public access to these areas. Given the existing vegetation located at the boundary of the Lodge Hotel and the condition for a 2m high close boarded fence planting along the western boundary of the site it is considered that there will be no adverse impact on the Lodge Hotel through overlooking, loss of light and overshadowing.

8.20 The neighbouring nursing home is located approximately 60 metres from the proposed site. Given this distance it is considered that the proposed development would not have a detrimental impact on the nursing home through overlooking, loss of light or overshadowing.

8.21 Within a representation letter concern was raised that the proposal would have a detrimental impact on ASDA as it would increase traffic congestion which may put people off going to it. A detailed traffic assessment has been provided which has assessed the impact of the proposal on traffic congestion and parking. It is considered by DFI Roads that the existing road network and parking provision at ASDA has the capacity to cater for this proposed development.

8.22 Within a representation letter concern was raised regarding the impact of the proposed development on the residents at Lodge Park. The proposed housing development is located approximately 114 metres from the site. It is also located at the other side of the Lodge Hotel which will be located between the sites. Given this separation distance the proposed development will not have a detrimental impact having regard to loss of light, overshadowing and overlooking.

Flood Risk

8.23 A section of the site is located within the surface water flood zone. A consultation was sent to DFI Rivers who confirmed that the site does not lie within the 1 in 100 year fluvial flood plain and that DFI Rivers has no reason to object. It was also stated that the site is not affected by a designated watercourse. It was stated that a Drainage Assessment is not required by the policy, but that it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. The proposed development will not lead to an increase in flood risk and complies with the policies set out in PPS 15: Flood Risk.

Contamination

8.24 DAERA Land, Soil and Air and Environmental Health was consulted in regard to the proposed development and it was stated initially that additional environmental information would be required to fully assess the impact of the proposal on the water environment. A Geo-Environmental Site Investigation Report was submitted as part of the application. In regard to this Environmental Health stated that intrusive sampling did not detect any significant levels of soil contamination, ground gas or groundwater issues. Pollutants detected were below threshold values and no remediation is required on site prior to the commencement of development. DAERA Land, Soil and Air raised no objection to the proposed development subject to conditions relating to the potential for finding new contamination, Remediation if found and a Verification report.

Tourism Asset

8.25 Within a representation letter concern was raised that the proposed development would have a detrimental impact on the Lodge Hotel which is an important Tourism Asset. Under Policy TSM 8 of PPS 16 tourism assets are afforded protection. However, the definition of a tourism asset in this policy is any feature associated with the built or natural environment which is of intrinsic interest to tourists. Further clarity is provided in the justification and amplification paragraph 7.41 where it is stated that there are many diverse features or combinations of features associated with the natural and built heritage in Northern Ireland which are of intrinsic interest to tourists. Some examples may include Areas of Outstanding Natural Beauty, Conservation Areas and historical and archaeological sites. It is considered that the Lodge Hotel does not fall within this definition.

Neighbour Notification

8.26 It was stated in one of the representation letters that a neighbour notification had not been sent to a residential property located within 150 metres of the site. In line with The Planning General Development Procedure Order 2015 there is a requirement to serve notice to any identified occupier on neighbouring land. All relevant neighbours have been notified.

Economic Development

8.27 In line with paragraph 3.3 of the SPPS we must ensure economic considerations are accorded appropriate weight in the taking of planning decisions. It also states that furthering sustainable development means balancing social, economic and environmental objectives, all of which are considerations in the planning for and management of development. Within the supporting statement submitted with the application it is stated that the proposed development will employ more than 65 full and part time staff primarily from the local area. It is also stated that McDonalds will provide strong staff training programmes and environmental initiatives and also supports the Ronald McDonald House Charities and encourages young people to lead more active lives.

Other Issues

- 8.28 It was stated within representation letters that the proposal would not promote active and healthier lifestyles. It was also stated that a proposal of this nature should not be located in close proximity to three schools as it would lead to issues with punctuality. One of the Core planning principles of the SPPS is 'Improving Health and Well Being' paragraph 4.6 of the SPPS advises that where appropriate councils may bring forward local policies to manage the proximity of fast food outlets to schools. The Northern Area Plan has no policies that would be applicable. However it should be noted that the nearest school is Coleraine Grammar and it is over 1km away. The Coleraine town centre is closer to this school and provides a range of choice in restaurants and takeaways.
- 8.29 Although concern has been raised about the close proximity of the two McDonalds stores and their impact on traffic, DFI Roads are content that the existing road network has the capacity to facilitate this development. A detailed traffic assessment has been provided and DFI Roads is content that the existing road network has the capacity to facilitate the development.
- 8.30 Concern was raised in representation letters that the proposed additional lighting and signage would have a detrimental impact on the amenity of nearby residents. The closest residential dwellings are located approximately 114 metres from the proposed development and the Lodge Hotel is located between the existing dwellings and the proposed site. A separate application for the signage have been submitted. The site is located at a lower level to the main road and this will reduce the impact of any lighting or signage.
- 8.31 Concern was raised within a representation letter that an additional McDonalds would have a detrimental impact on existing businesses within the food industry. Within the SPPS it is stated that the planning system does not exist to protect the private interests of one person against the activities of others. In regard to considering this it is stated that the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that

ought to be protected in the public interest. Therefore the financial impact on existing businesses is not a planning material consideration.

Habitats Regulation Assessment

8.32 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 proposed development would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

9.0 CONCLUSION

9.1 The proposed development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. Through the implementation of conditions relating to noise and the implementation of a high level odour abatement system there are no concerns in regard to noise and odour. Given the mixed character of the area and mix of different uses within this area the proposed design is considered acceptable. Approval is recommended.

10 Conditions

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

Reason: Time Limit.

2. The development hereby approved shall not become operational until an in-line post fan silencer to the extract flue has been installed which shall achieve an attenuation of 10dB.

Reason: To protect the amenity of neighbouring receptors.

3. The development hereby approved shall not become operational until the fan and motor assembly is encased in an acoustic enclosure an in-line post fan silencer to the extract flue has been installed which shall achieve an attenuation of 15dB.

Reason: To protect the amenity of neighbouring receptors.

4. The development hereby approved shall not become operational until an inverter to the extract system to limit power use to 'demand only' is installed.

Reason: To protect the amenity of neighbouring receptors.

5. The development hereby permitted shall only operate between the hours of 6am and 11pm Monday to Saturday and 12noon to 6pm on Sundays.

Reason: To protect the amenity of neighbouring residents.

6. Deliveries to the development hereby permitted shall only take place between 8am and 10pm Monday to Saturday and between 8am and 8pm on Sundays.

Reason: To protect the amenity of neighbouring residents.

7. The development hereby approved shall not become operational until the three stage odour abatement system as shown in the Odour Control Assessment Doc 5 dated 25th May 2019 has been implemented.

Reason: To protect the amenity of neighbouring residents.

8. If during the development works, new contamination and risks are encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

9. After completing any remediation works required under Condition 8, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. No development shall take place until a detailed landscape plan for the complete site has been submitted to and agreed in writing with the Council. The landscaping plan shall include a landscape buffer along the western boundary of the site which runs along the boundary of the Lodge Hotel.

Reason: In the interests of visual amenity

11. No development shall commence until a 2 metre close boarded fence is erected along the western boundary of the site which runs along the boundary close to the Lodge Hotel.

Reason: In the interests of visual amenity.

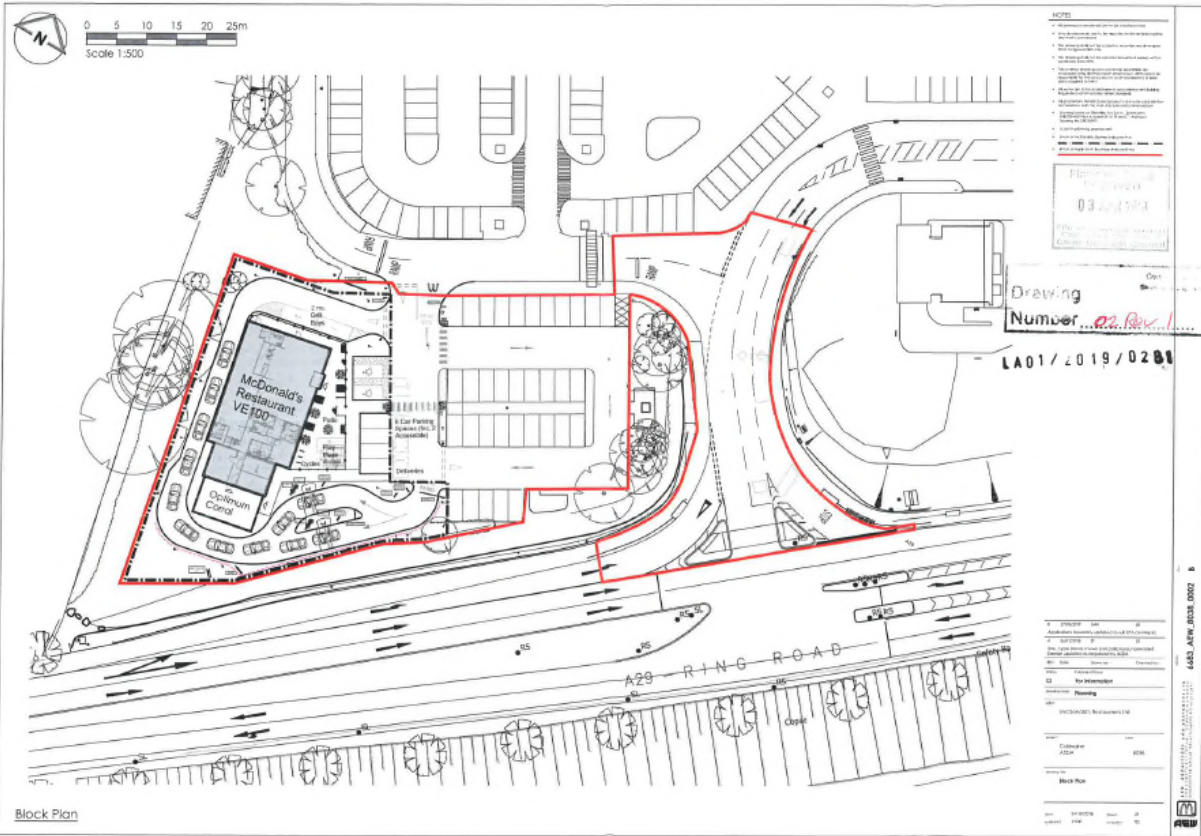
Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site Location Plan



Site Layout Plan



Addendum & Erratum

LA01/2019/0281/F

1.0 Update

1.1 Condition 5 of the Planning Committee report states,

5. The development hereby permitted shall only operate between the hours of 6am and 11pm Monday to Saturday and 12noon to 6pm on Sundays.

Reason: To protect the amenity of neighbouring residents.

This should state:

5. The development hereby permitted shall only operate between the hours of 6am and 11pm Monday to Sunday.

Reason: To protect the amenity of neighbouring residents.

This is in line with the advice given by Environmental Health in their consultation response dated 29th November 2019.

1.2 A further letter of objection has been received raising the following issues:

- Concern in relation to the proximity of the proposal to a hotel
- The hotel has a number of different business within it
- Noise, pollution and general upheaval in the construction process would have an impact on the hotel
- Bedrooms in the hotel are close to the proposed restaurant with opening house till 11-11:30pm
- Would be an attraction to young people whether open or closed

- The site should be moved to an adjacent site that would have no impact on any properties

1.3 Further information was also submitted by the applicants. This information sets out the benefits to Coleraine the store will bring through menu choices and food standards, employee and employer investment, investment in the environment and communities and job creation for 65 local people.

2.0 Assessment

2.1 The objection points including the impact on the hotel and its users are fully considered in the Planning Committee report in paragraphs 8.18 to 8.22.

2.2 The proposal has been considered under economic development in paragraph 7.2 of the Planning Committee report.

3.0 Recommendation

3.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

Addendum 2

LA01/2019/0281/F

1.0 Update

1.1 A further consideration of the issues raised in an objection letter received on 25th February 2020 have been made below. The additional points of concern raised within this letter are as follows.

- Many constituents have raised concern in regard to the proposed development.
- This development will have a detrimental impact on the Lodge Hotel complex particularly the adjacent annex.
- The hotel houses a number of different business, a conference centre and 40 bedrooms which will be impacted upon by the proposal.
- Bedrooms in the hotel are close to the proposed restaurant with opening hours of 11am to 11:30pm and concern regarding potential 24 hour opening.
- The site should be moved to an adjacent site that would have no impact on the Lodge Hotel or neighbouring properties.

1.2 A further letter of objection was received on 11th August 2020 raising the following issues:

- The proposal would have an impact on groups of guests that are brought to the hotel occupying the entire hotel for 4 nights 5 times a year.
- The view from the hotel will be of a fast food outlet.
- The noise from the road can be annoying during certain months when windows are left open and guests can't sleep. This noise impact will be increased if the McDonalds with drive thru is given permission.
- The smell and car fumes from the drive through could also cause a concern as some guests have respiratory conditions.

- Concerns raised in regard to pest control as the seagulls in ASDA car park are annoying.

- 1.2 On 29th May 2020 a proposed Landscaping Plan and Landscape Maintenance Schedule was submitted. This included the provision of a 2.5 metre high acoustic barrier which will be erected along a section of the west boundary in which the Lodge Hotel is located. This landscape plan includes the provision of tree planting, grass verges, wildflower grassland areas, seasonal bulb planting, the use of ivy green screens and scrub planting within the confines of the site. The landscaping plan provides block paving surfaced footways and the use of safety surfacing for play park areas within the confines of the site. The proposed Landscape Maintenance Schedule also provided details of how the landscaping proposed will be retained.
- 1.3 On 21st July 2020 elevations of the proposed acoustic barrier was provided along with a Jacksons Fencing Acoustic Barriers Brochure and Noistop Outdoor Brochure which provides technical information and specification on the acoustic barrier to be installed. The acoustic barrier to be installed will be 2.5 metres in height. A landscaping plan was also submitted. A further neighbour notification was sent to ensure neighbours and those that had made representation were notified of the proposed information.

2.0 Assessment

- 2.1 The objection points including the impact on the hotel and its users are considered in the Planning Committee report in paragraphs 8.18 to 8.22. In terms of the concern raised in regard to 24 hour opening a condition will be used on any approval to ensure the business is opened between the hours of 6am and 11pm Monday to Sunday. If the proposed restaurant was to be moved to another section of the ASDA car park a new application would be required which would need a new assessment. Given this, any relocation cannot be considered under this application
- 2.2 The concerns raised in regard to noise and smell have been addressed in paragraphs 8.11 to 8.13 of the Planning Committee report. A Noise Impact Assessment and an Odour assessment have been submitted and Environmental Health are content with

the detailing of these reports. Environmental Health are content that the proposal will not have an adverse impact on the amenity of neighbouring receptors by way of odour or noise subject to conditions. In regard to fumes from cars using the drive thru, Environmental Health are aware that cars will be using the drive thru and no issues were raised in regard to this.

- 2.3 Concern was also raised in regard to pest control. In regard to this it is the responsibility of the applicant to ensure the site is effectively managed and maintained. Within a supporting statement it is stated that McDonalds is committed to tackling litter in as many ways as possible including three daily litter patrols and the provision of bins. An Optimum Corral area will be provided for bin storage and this will be an enclosed area which will limit the impact of smells and pests on neighbouring receptors.
- 2.4 Concern was raised that the occupiers of the Lodge Hotel bedrooms would have a view of a McDonald restaurant which would lead to complaints. Within the SPPS it is stated that the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. It is not considered that this view would unacceptably affect the amenities of the neighbouring properties. The impact of the proposal on the Lodge Hotel has been fully considered in paragraphs 8.11 to 8.13 of the Planning Committee report.
- 2.5 Within the previous landscape plan an acoustic barrier was not included but was mentioned within the Noise Impact Assessment. This barrier has now been included on the landscape plan and is located along the western boundary of the site. The proposed barrier is considered to be acceptable and the visual impact of this barrier will be reduced by the use of ivy screens at each side of the barrier. Further to this the acoustic barrier will reduce potential noise impacts specifically toward the Lodge Hotel and also act as a visual barrier to the proposed McDonalds restaurant. A condition will be used to ensure this acoustic barrier is erected and retained permanently. Details of this barrier was provided within the Noise

Impact Assessment and Environmental Health are therefore aware of this barrier. Given this no further consultation was sent to Environmental Health. The proposed fence elevation and technical specification documentation is considered acceptable for use at this site. Given the inclusion of this acoustic barrier condition 11 can be removed from the Planning Committee report. The removed condition can be replaced for the following condition.

11. The proposed 2.5 metre high acoustic barrier located along the western boundary of the site as annotated on Drawing Number 07 Rev 2 dated 21st July 2020 shall be installed and retained permanently and shall be constructed prior to the occupation of the proposed restaurant.

Reason: In the interests of private amenity.

- 2.6 The proposed landscaping used within the confines of the site will reduce the visual impact of the proposed development. This visual impact will be further reduced through the use of different surfacing to include block paving surfaced footways. The proposed landscaping is considered acceptable. The proposed landscape maintenance schedule is also acceptable and a condition will be used to ensure the landscaped areas will be maintained in line with this schedule. As the landscaping plan has now been provided condition 10 which related to the submission of a detailed landscape plan can be removed. This will be replaced by the following conditions.

10. The scheme of planting as approved in drawing number 07 Rev 2 dated 21st July 2020 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 Planning Authority 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.

12. Details of the maintenance and management of landscaped areas shall be carried out in accordance to Landscape Management Schedule Doc 14 date stamped 25th May 2020 and associated Landscape Proposals Plan Drawing Number 07 Rev 2 date stamped 21st July 2020.

Reason: To ensure the establishment and continuity of the approved open space, communal areas, and amenity areas through the long term maintenance to achieve a quality residential development.

3 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 9.1 of the Planning Committee report.

Addendum 3

LA01/2019/0281/F

1.0 Update

- 1.1 This application was presented to the Planning Committee on 26 August 2020. The application was deferred so that the Applicant/ Agent could ascertain either if an alternative siting arrangement could be achieved within the existing application site or within the wider Asda car park.
- 1.2 Further to this the Planning Department contacted the Agent to ascertain how they wished to proceed. Within email correspondence dated 06 October 2020 the Agent stated that their intention is to submit a new planning application by the end of the month which lies within the existing application site/ red line in an altered position. The Agent advised that having liaised with Asda, the new restaurant cannot be located anywhere else outside the application site/ red line of the existing proposal. The Agent requested that both applications could be taken to the same Planning Committee meeting for members to review the options for developing this site at the earliest opportunity. However, the Agent has underlined that they wish a decision to be made on the current scheme.
- 1.3 This second planning application has since been submitted and is in the process of being validated. This shows an alternative siting arrangement within the same application site/ red line with the car parking area located adjacent the Lodge Hotel instead of the restaurant and associated Drive Thru lane. The application currently has no reference number but if allocated one prior to the Planning Committee meeting, an additional Addendum shall be provided with relevant details. The request to bring both applications to the same Planning Committee meeting has been considered. All consultations and neighbour notifications will need to be issued on the new application and this would delay presentation of the current application to the Planning Committee by a further few months at the least. Furthermore, the new

application will be delegated and may not be considered by the Planning Committee. Accordingly, the Planning Department considers it appropriate that the current application is presented to the November Planning Committee for further consideration. When made valid the new application shall be considered separately. Whether this application should be deferred pending assessment of the new application is a matter for the Planning Committee.

Recommendation

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 9.1 of the Planning Committee report.