

Item B

Mr Sweeney

Lands appurtenant to Sweeneys

Wine Bar

Bayhead Road

Portballintrae

C/2014/0488/F

Full Planning

27th May 2015

<u>No:</u>	C/2014/0448/F	<u>Ward:</u>	Dunluce
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Lands appurtenant to Sweeneys Wine Bar, Bayhead Road Portballintrae		
<u>Proposal:</u>	Renewal of development as approved under Planning Permissions C/2008/0946/O and C/2012/0218/RM for proposed 21 bed boutique hotel with associated facilities, car parking and landscaped amenity		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	10.12.2014
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Agent:	Studios Rogers, c/o The Egg Store 1 Mountsandel Road Coleraine BT52 1JB		
Applicant:	Mr Sweeny C/o Agent		
Objections:	9	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

**Drawings are available to view on the Planning Portal-
www.planningni.gov.uk**

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on Bayhead Road, Portballintrae. It is an irregular shaped roadside gap site, with land levels that fall from the south-east corner to the north-west corner. The site is finished in gravel hard-standing with grass towards the rear. A slipway and steps are located at the north-west corner of the site. A number of semi-mature trees are located at the south-western corner of the site. The western boundary is defined by a stone wall; masonry wall to the roadside boundary; the east boundary is defined by a post and rail fence and 2-2.5 metre high planting; whilst the rear boundary is defined by an embankment, dropping down to a shingle beach. A footpath and 4 metre wide verge is located to the road frontage. A right of way exists through the site running north/south through the western edge of the site adjacent to the boundary wall.
- 2.2 The site is located within the development limits of Portballintrae as defined in the North East Area Plan 2002 and the draft Northern Area Plan 2016.

3 RELEVANT HISTORY

C/1992/0743

Proposal: Construction of a car park and beach access road

Address: Land adjacent to 25 Bayhead Road Portballintrae

Decision: Approved

Decision Date: 25.02.1993

C/2008/0946/O

Proposal: Proposed 21 bed boutique hotel with associated facilities, car parking and landscape amenity.

Address: Lands appurtenant to Sweeneys Wine Bar, Bayhead Road, Portballintrae.

Decision: Approved

Decision Date: 21.08.2009

C/2012/0218/RM

Proposal: Proposed 21 bed boutique hotel with associated facilities, car parking and landscaped amenity.

Address: Lands Appurtenant to Sweeney's Wine Bar, Bayhead Road, Portballintrae, Co. Antrim, BT57 8RZ.

Decision: Approved

Decision Date: 30.05.2013

4 THE APPLICATION

- 4.1 Planning permission is sought for the renewal of development as approved under Planning Permissions C/2008/0946/O and C/2012/0218/RM for proposed 21 bed boutique hotel with associated facilities, car parking and landscaped amenity.
- 4.2 The principle of hotel development was established on the subject site under outline approval C/2008/0946/O on 21 August 2009. Condition 01 of the outline approval required the submission of the subsequent Reserved Matters application within 3 years of the date of the outline approval (i.e. by 20 August 2012). The Reserved Matters application was submitted on 24.05.2012 and approved on 29.05.2013. As per condition 01 of C/2012/0218/RM, the hotel permission is extant until 28.05.2015. As such, the applicant can avail of their fall-back position to build the hotel under the extant approval.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Nine (9) objectors** making representation on this proposal have been received from 22 Bayhead Road, Portballintrae, 25 Bayhead Road, Portballintrae, 26 Bayhead Road, Portballintrae, 36 Bayhead, Road Portballintrae, 56 Bayhead Road, Portballintrae 1a Seaport Apartments, Portballintrae, 12 Seaport Avenue, Portballintrae, 15 Benbane

Park, Portballintrae, and 4 Bushfoot Road, Portballintrae, objecting to the application for the following reasons:

- Subject site is protected open space
- Noise impact
- Contrary to CO2 PSRNI / restricts views of the coast –
- The outline proposal was approved on the basis of two ministerial statements issued by the Minister for the Environment, which have since been quashed and the planning consent should be rescinded
- Traffic / parking problems / servicing problems
- Loss of privacy at 25 Bayhead Road –
- Unacceptable use in a predominantly residential area / unacceptable impact on character / unacceptable massing
- Contrary to Planning Policy
- Proposal is not in keeping with Coleraine Borough Councils plans to extend car parking in Portballintrae
- Land is unstable
- Alternative sites
- Land Ownership
- Two licensed premises in proximity to one another is unacceptable
- Building over a culverted watercourse /PPS15
- Impact on LLPA
- Impact on a public beach / requirement for a sea wall
- Vulnerability / instability of the coast adjacent to the site
- No need for the proposal given the existing hotel in the vicinity

Internal

5.2 Transport NI: Has no objection to the proposal subject to conditions.

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

Rivers Agency: Has advised that whilst the proposal is contrary to Planning Policy Statement 15, PPS15 does not preclude such

development and requires consent under Schedule 6 of the Drainage (NI) Order 1973.

NIEA Natural Environment Division: Has no objection in principle to the proposal subject to conditions.

NIEA Historic Buildings Unit: Has no objection to this proposal.

DOE Marine Division: Has no objection to this proposal and offers general advice.

6 MATERIAL CONSIDERATIONS

6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- North East Area Plan 2002
- draft Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 Due weight should be given to the relevant policies in the development plan.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

PPS 1 General Principles

PPS2 Natural Heritage

PPS6 Planning Archaeology and the Built Heritage

PPS 8 Open Space, Sport and Outdoor Recreation

PPS 15 Planning and Flood Risk

PPS16 Tourism

draft Northern Area Plan 2016

Supplementary Planning Guidance

Parking Standards

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: design considerations, open space designation, Area of Village Character, Bay LLPA, Right of Way, residential amenity, existing culvert, traffic/access issues and stability of the site.

Planning Policy

- 8.2 The site is located within whiteland within the Portballintrae settlement limit; within a Major Area of Existing Open Space; and within a proposed LLPA (Designation PEL02: Bay LLPA).
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.
- 8.4 PPS 2, sets out the planning policies for the conservation, protection and enhancement of natural heritage. It also provides the policy context for proposals in Areas of Outstanding Natural Beauty.

- 8.5 PPS 6 gives policy guidance in relation to development affecting the setting of a listed building.
- 8.6 PPS 8 provides advice in relation to open space designations.
- 8.7 PPS16 is exercised positively in favour of tourist accommodation (which is appropriate in terms of nature, scale and location) in existing settlements, subject to environmental impact. This policy also covers issues relating to the impact of tourist proposals on the coast.

Design Considerations

- 8.8 The proposal is for a two storey building with basement. It proposes 21 Bedrooms which are split across the 3 floors. There is an entrance lobby, restaurant and bar area, and lounge area at ground floor level, and a kitchen and other general service areas located within the basement. The 2nd floor is bedrooms only. Concerns have been raised in relation to the overlooking of private residents, and in particular 25 Bayhead Road. The side windows which look towards this property are ensuite windows and would be opaque glass. The front windows look out onto Bayhead Road and you would have to be at such an acute angle to see into no.25 that any loss of privacy would be minimal.
- 8.9 The proposed hotel takes its design, form, and materials from other existing developments within this settlement and reflected within the causeway coast. It includes natural blue grey tiles, traditional chimneys to match Sweeny's Wine Bar with corbeling and chimney pot detailing, the building is finished in a rough cast render. The proposal shows a high quality design and finishes which are acceptable in this sensitive location in proximity to nearby listed buildings and within the AONB. NIEA: Historic Buildings Unit has no objection to the proposal in relation to the impact on nearby listed buildings, when assessed

under Policy BH11 of PPS6. The current proposal is the same as that approved via C/2012/0218/RM.

- 8.10 The proposed landscaping and surface finish details are acceptable. The existing planting along the eastern boundary is to be retained and augmented. The car park is to be landscaped and this is considered acceptable.

Open Space Designation

- 8.11 The land use zoning was considered during the processing of the outline approval. Planning consent was granted for a hotel under C/2008/0946/O on the basis that site was not considered to be open space as defined in PPS8; the site was considered by the Department to be a car park in accordance with approval C/1992/0743. Car parks are not considered to merit protection under PPS8. The site has an existing approval for a hotel.

Area of Village Character

- 8.12 The outline application was approved on 21st August 2009. The Area of Village Character did not come in until 2011 in draft form, but is still protected under policy. The applicant has proposed a high quality design that does not affect the setting of the adjacent listed buildings. The proposed design is the same as that was approved at Reserved Matters stage which is material to this application. It was considered this design complies with the criteria of the Area of Village Character.

Bay LLPA

- 8.13 The draft Area Plan proposes an LLPA around the Bay of Portballintrae. This seeks to protect the environmental quality, integrity and character of this area and also incorporates the Dunluce / Ballintrae designated Site of Local and Nature Conservation Interest. There is no demonstrable impact on either of these factors as this was the same policy context that the previous application was approved under and there is no

objection from NIEA Natural Environment Division or DOE Marine Division.

Right of Way

- 8.14 In relation to the Right of Way running north/south through the western edge of the site adjacent to the boundary wall, it has been advised, by Council, that this is not a public right of way. It has been agreed that the right of way does not have any material impact on the planning application and vice versa.

Residential Amenity

- 8.15 A Noise Impact Assessment was submitted with the proposal. After considering this report the Environmental Health Department raised no objection to the proposal.
- 8.16 The principle of development was established through the outline approval.

Existing Culvert

- 8.17 There is an existing culvert running through the site which the applicant developed. Rivers Agency advise that the proposal is contrary to Policy FLD 2 of PPS15 by reason of building over a culverted watercourse. However, the commentary in FLD 2 goes on to state that proposals to build over the line of a culverted watercourse requires the written consent of Rivers Agency and that failure to obtain appropriate permissions under the Drainage Order may lead to prosecution or other statutory action. After seeking clarification, Rivers Agency advised that Policy FLD 2 does not preclude such developments from proceeding, but rather that development could proceed subject to the necessary approvals under Schedule 6 of the Drainage Order. Rivers Agency did not advise there was any reason to withhold planning permission and any further consents required under other legislation is not a material planning consideration.

Traffic/access issues

- 8.18 Transport NI accepted the access arrangements and parking requirements in the previous application. As this has not changed Transport NI has not raised any objection to the proposal and finds no reason to alter its recommendation. Transport NI recognises that, along with other sea-side towns there can be congestion in peak season, and parking restrictions have been placed on Bayhead Road and Beach Road.

Stability of the site

- 8.19 Neither NIEA nor DOE Marine Division has raised any concern in regard to the stability of the site and its impact on the coast.

9 CONCLUSION

- 9.1 The proposed development is considered acceptable in this location having regard to the draft Northern Area Plan and other material considerations. There is a current permission for the same proposal and there has been no significant change since that approval. The proposal complies with planning policy and is acceptable in terms of its layout and appearance. In accordance with para 52 and para 59 of PPS 1, no significant harm would be caused to neighbouring amenity and there would be no demonstrable harm. Approval is recommended.

10 CONDITIONS

10.1 Regulatory Conditions:

1. As required by Section 61 of 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. A construction method statement shall be submitted and agreed in writing prior to works commencing. High percussive activities, including pile driving, drilling through rock substrate or the use of explosives shall not be employed. All construction works shall comply with the statement.

Reason: To prevent the proposals having a detrimental impact on the cSAC feature of Harbour Porpoise Phocoena Poncoena.

3. Glazing and mechanical ventilation capable of providing a sound reduction index of at least that as stated within the table below shall be installed within the facades of the restaurant area:

Frequency (HZ)	63	125	250	500	1000	2000	4000
Sound reduction index (dB Rw)	19	24	20	25	35	38	35

Reason: In the interests of residential amenity.

4. All doors and glazing serving the restaurant area shall be kept closed during times of entertainment.

Reason: In the interests of residential amenity.

5. All amplified entertainment shall be played through an in-house amplification system and compression type noise limiter, which shall be set to and maintained at a noise level no greater than 85 dB LAeq, 5 min.

Reason: In the interests of residential amenity.

6. Prior to the proposed development first becoming operational, a noise survey shall be undertaken to demonstrate that the cumulative noise impact from operational plant and equipment installed at the proposed development can meet the target noise level of 57 dB L Aeq (5 Mins) at 1 metre from the facade of the development. The planning authority shall be advised of the date of the noise survey at least 2 weeks prior to the event, to enable them to witness the measurement. A report of the survey shall be submitted to and agreed in writing by the planning authority prior to the development becoming operational.

Reason: In the interests of residential amenity.

7. The balcony / terrace serving the eastern facade of the restaurant area shall not be available for use during the hours of 23:00 hours to 07:00 hours.

Reason: In the interests of residential amenity.

8. There shall be no entertainment activities or public address systems within the terrace / balcony areas serving the restaurant.

Reason: In the interests of residential amenity.

9. There shall be no deliveries to or from the hotel during the hours of 23:00 hours to 07:00.

Reason: In the interests of residential amenity.

10. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.

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

11. 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 before the development hereby permitted is commenced and shall be retained and kept clear thereafter.

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

12. The gradient of the access shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses 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.

ANNEX

Date Valid	10th December 2014
Date First Advertised	3rd January 2015
Date Last Advertised	

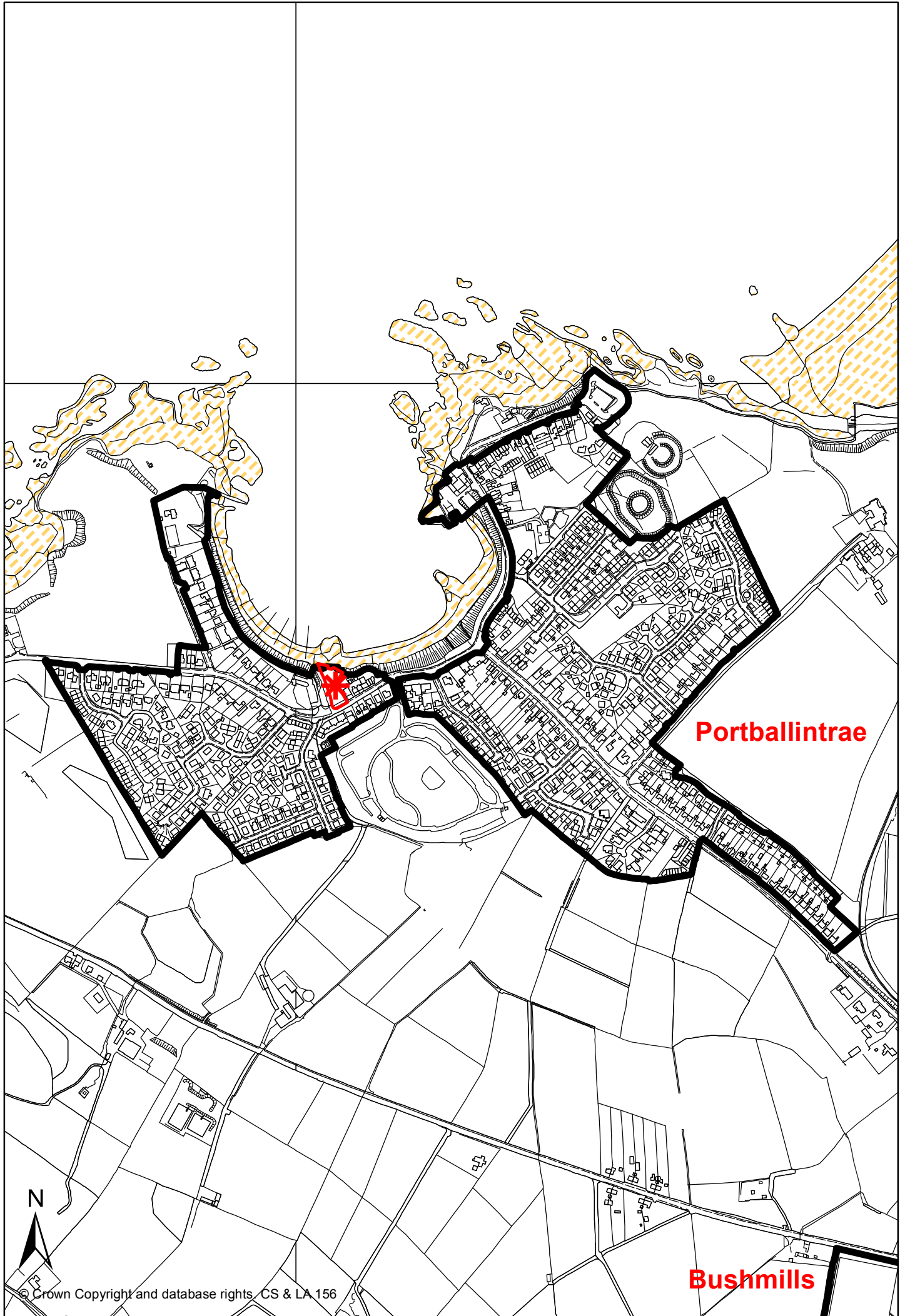
Details of Neighbour Notification (all addresses)

The Owner/Occupier,
1 Seaport Apartments Portballintrae
The Owner/Occupier,
10 Seaport Apartments Portballintrae
The Owner/Occupier,
11 Seaport Apartments Portballintrae
The Owner/Occupier,
12 Seaport Apartments Portballintrae
Barbara Cooke
12 Seaport Avenue Ballintrae Portballintrae
The Owner/Occupier,
13 Seaport Apartments Portballintrae
The Owner/Occupier,
14 Seaport Apartments Portballintrae
Brian Beesley
15 Benbane Park Ballintrae Portballintrae
The Owner/Occupier,
15 Seaport Apartments Portballintrae
The Owner/Occupier,
16 Seaport Apartments Portballintrae
The Owner/Occupier,
17 Seaport Apartments Portballintrae
The Owner/Occupier,
18 Seaport Apartments Portballintrae
The Owner/Occupier,
19 Bayhead Road, Bushfoot Or Lissanduff, Portballintrae, Antrim, BT57 8RZ,
The Owner/Occupier,
19 Seaport Apartments Portballintrae
G. F. Brockerton
1a Seaport Apartments, Bayhead Road, Bushfoot Or Lissanduff, Portballintrae, Antrim, BT57 8DN,
The Owner/Occupier,
1a Seaport Apartments, Bayhead Road, Bushfoot Or Lissanduff, Portballintrae, Antrim, BT57 8DN,
G F Brockerton
1a-D Seaport Apartments, Bayhead Road, Portballintrae, Antrim, Northern Ireland, BT57 8DN
The Owner/Occupier,
1b Seaport Apartments, Bayhead Road, Bushfoot Or Lissanduff, Portballintrae, Antrim, BT57 8DN,

The Owner/Occupier,
 1c Seaport Apartments,Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8DN,
 The Owner/Occupier,
 1d Seaport Apartments,Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8DN,
 The Owner/Occupier,
 2 Seaport Apartments Portballintrae
 The Owner/Occupier,
 20 Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8RZ,
 The Owner/Occupier,
 20 Seaport Apartments Portballintrae
 The Owner/Occupier,
 21 Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8RZ,
 The Owner/Occupier,
 21 Seaport Apartments Portballintrae
 John and Judi Duff
 22 Bayhead Road Bushfoot Or Lissanduff Portballintrae
 The Owner/Occupier,
 22 Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8RZ,
 The Owner/Occupier,
 23 Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8RZ,
 The Owner/Occupier,
 24 Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8RZ,
 Rosemary Kinley
 25 Bayhead Road Bushfoot Or Lissanduff Portballintrae
 The Owner/Occupier,
 25 Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8RZ,
 Monica Patterson
 26 Bayhead Road Bushfoot Or Lissanduff Portballintrae
 The Owner/Occupier,
 26 Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8RZ,
 The Owner/Occupier,
 3 Seaport Apartments Portballintrae
 Philip Hanvey
 36 Bayhead Road Ballintrae Portballintrae
 The Owner/Occupier,
 3a Seaport Apartments,Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8DN,
 The Owner/Occupier,
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 The Owner/Occupier,
 3f Seaport Apartments,Bayhead Road,Bushfoot Or Lissanduff,Portballintrae,Antrim,BT57 8DN,
 Owner/occupier .
 4 Bushfoot Road Bushfoot Or Lissanduff Portballintrae

The Owner/Occupier,
 4 Seaport Apartments Portballintrae
 The Owner/Occupier,
 5 Seaport Apartments Portballintrae
 R.M. Meyler
 56 Bayhead Road Ballintrae Portballintrae
 The Owner/Occupier,
 6 Seaport Apartments Portballintrae
 The Owner/Occupier,
 7 Seaport Apartments Portballintrae
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 8 Seaport Apartments Portballintrae
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 9 Seaport Apartments Portballintrae
 The Owner/Occupier,
 Apartment 2a, Seaport Apartments, Bayhead Road, Bushfoot Or
 Lissanduff, Portballintrae, Antrim, BT57 8DN,
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 Apartment 2b, Seaport Apartments, Bayhead Road, Bushfoot Or
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 Apartment 2e, Seaport Apartments, Bayhead Road, Bushfoot Or
 Lissanduff, Portballintrae, Antrim, BT57 8DN,
 The Owner/Occupier,
 Apartment 2f, Seaport Apartments, Bayhead Road, Bushfoot Or
 Lissanduff, Portballintrae, Antrim, BT57 8DN,

Date of Last Neighbour Notification	15th December 2014
Date of EIA Determination	29th January 2015
ES Requested	No



Portballintrae

Bushmills



