



**Causeway  
Coast & Glens  
Borough Council**

<b>Planning Committee Report LA01/2017/0347/F</b>	<b>28<sup>th</sup> June 2017</b>
<b>PLANNING COMMITTEE</b>	

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

**The Ark Activity Centre, Benone  
Strand, Limavady**

**LA01/2017/0347/F**

**Full Planning**

**28<sup>th</sup> June 2017**

<b><u>App No:</u></b>	LA01/2017/0347/F	<b><u>Ward:</u></b>	Magilligan
<b><u>App Type:</u></b>	Full Planning		
<b><u>Address:</u></b>	The Ark Activity Centre, Benone Strand, Limavady.		
<b><u>Proposal:</u></b>	Retrospective change of use of ranger/ meeting room to café.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	15 <sup>th</sup> March 2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	Causeway Coast and Glens Borough Council, Riada House, 14 Charles Street, Ballymoney, BT53 6DZ.		
<b>Agent:</b>	N/A		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 sections 7 and 8 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 comprises of a 2 storey activity centre incorporating changing / shower facility, w.c, shop, storage and ranger/meeting/viewing room. The building features a sloping roof facilitating ground floor space over the entire footprint and a partial first floor to the front of the building (facing the beach). The building sits atop a raised concrete plinth. The building is finished with timber cladding to external walls with timber framed

windows and doors. There is a strip of glazing with a single glazed door, extending almost the full width of the building, on the front elevation of the ground and first floors. There is a single window on the rear elevation. A large sliding timber door features on the ground floor in the middle of either side elevation.

- 2.2 The eastern side of the building can be accessed at ground level from a timber walkway leading from the dunes. The western side of the building is accessed via concrete steps at beach level. The western and northern boundaries of the site are defined with a 1.8m rusted iron fence. The remaining boundaries are undefined.
- 2.3 The site is outside any development limit as set out in the Northern Area Plan 2016. The site is within an Area of Outstanding Natural Beauty as designated in the Plan. The site is within the Magilligan Area of Special Scientific Interest (ASSI) and Special Area of Conservation (SAC).

### **3 RELEVANT HISTORY**

B/2014/0145/F. Land north of Benone Tourist Complex and adjacent to the beach- Benone Avenue, Limavady - New activity Centre- inc. changing/ shower facilities, WCs, shop, storage, ranger/meeting room and viewing room. 1 no. new boardwalks and sand ladders, linking to established boardwalk. Permission Granted 13<sup>th</sup> February 2015.

LA01/2015/0042/NMC. Land North of Benone Tourist Complex and adjacent to Beach, Benone Avenue, Limavady - New Activity Centre including Changing/Shower Facilities, W C's, Shop, Storage, Ranger/Meeting Room and Viewing Room. New Boardwalks and Sand Ladders and New Activity Space. Non Material Change Granted 29<sup>th</sup> June 2015.

### **4 THE APPLICATION**

- 4.1 Planning permission was granted for a new activity centre incorporating changing/ shower facilities, WCs, shop, storage, ranger/meeting room and viewing room with 1 no. new boardwalk and sand ladders, linking to established boardwalk in

2015. The scheme was subject to a non-material change in 2015 which omitted the green roof and timber balustrading and included photovoltaic panels on the roof. The current proposal seeks a retrospective change of use of the ranger/ meeting room to provide a café at ground floor level. No external alterations are proposed.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** No objections or representations received.

### **5.2 Internal**

**Transport NI:** No objection

**NIEA:** No objection

**Shared Environmental Services:** No objection

**Loughs Agency:** No objection

**Environmental Health:** No objection

## **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 development plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

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

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a 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**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 (PPS3) Access Movement and Parking

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

Planning Policy Statement 16 (PPS16) Tourism

Planning Policy Statement 2 (PPS2) Natural Heritage

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The application site is located in the AONB, ASSI and SAC. The main considerations in the determination of this application relate to the principle of development, impact on the AONB, Impact on the ASSI and SAC.
- 8.2 The site is outside any defined settlement development limit as set out in the Northern Area Plan and is located within the AONB, SAC and ASSI. The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. As this is a proposal for a retrospective change of use of a ranger / meeting room to a café, the main policy considerations are paragraphs 6.256, 6.260 and 6.262 of the SPPS, CTY 1 and 4 of PPS21, Policy TSM 2 of PPS16 and PPS2.

## **Principle of development**

- 8.3 The principle of development must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 The site is outside any development limit as set out in the Northern Area Plan 2016. The site is within an Area of Outstanding Natural Beauty as designated in the Plan. The site is within The Magilligan ASSI and SAC
- 8.5 Paragraph 6.256 of the SPPS sets out the regional strategic objectives for tourism which are to:
- a. facilitate sustainable tourism development in an environmentally sensitive manner;
  - b. contribute to the growth of the regional economy by facilitating tourism growth;
  - c. safeguard tourism assets from inappropriate development;
  - d. utilise and develop the tourism potential of settlements by facilitating tourism development of an appropriate nature, location and scale;
  - e. sustain a vibrant rural community by supporting tourism development of an appropriate nature, location and scale in rural areas; and
  - f. Ensure a high standard of quality and design for all tourism development.
- 8.6 Paragraph 6.260 of the SPPS highlights the need for the Planning Authority to carefully manage tourism development to protect rural amenity, wider sustainability objectives and the long-term health of the tourism industry. It states that the guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the countryside such as appropriate re-use of rural buildings and appropriate redevelopment and expansion proposals for tourism purposes.
- 8.7 Paragraph 6.262 of the SPPS states that there are many diverse features of the built and natural heritage of Northern Ireland that can be regarded as tourism assets such as certain beaches and Areas of Outstanding Natural Beauty. It states the Planning Authority must safeguard tourism assets from excessive, unnecessary and inappropriate development.
- 8.8 The Planning Authority assesses that this proposal is in compliance with the provision of the SPPS. The proposal is

ancillary to Benone Beach, an existing tourism asset. Furthermore, the proposal concerns the change of use of one room of an existing building within the countryside with no detrimental impact to the surrounding rural amenity or tourism asset.

- 8.9 Planning Policy Statement 21, Policy CTY1 sets out the range of types of development which in principle are considered to be acceptable in the countryside. CTY1 states that planning permission will be granted for tourism development in accordance with the TOU Policies of the Planning Strategy for Rural Northern Ireland. Planning Policy 16: Tourism, superseded the tourism Policies contained within the PSRNI.
- 8.10 CTY1 states that planning permission will be granted for non-residential development in the countryside where the proposal concerns the reuse of an existing building in accordance with Policy CTY4.
- 8.11 Policy TSM 2 of PPS16 states that a proposal for the extension of an existing tourism amenity will be permitted where the scale and nature of the proposal does not harm the rural character, landscape quality or environmental integrity of the local area. Where possible such proposals will be expected to be accommodated through the conversion, reuse or extension of existing buildings on site.
- 8.12 Policy CTY4 of PPS21 states that planning permission will be granted for the sympathetic conversion of a suitable building for a variety of alternative uses providing the proposal satisfies several criteria.
- 8.13 The Planning Authority assesses that the proposal is in compliance with CTY1 of PPS21 as the proposal complies with Policy TSM2 of PPS16 and, as per the provision of CTY4, proposes the reuse of an existing building in the countryside, where all necessary services are already available, at a scale appropriate for the countryside location where the reuse would maintain the form of the existing building.

### **Impact on AONB**

- 8.14 Policy NH6 of PPS2 details the policy consideration for new development within an AONB. NH6 states that Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate

design, size and scale for the locality and all the following criteria are met:

- a) The siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) It respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects: local architectural styles and patterns; traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour.

8.15 Officials are of the opinion that the siting and scale of the proposal is sympathetic to the special character of the AONB in general and the immediate locality. The proposal is fully contained within an existing building which has been sympathetically designed to integrate with the location. The proposal will contribute to sustainability and will not alter any existing landscape features. The existing building has been sensitively designed with materials set to weather further over time.

#### **Impact on the ASSI and SAC**

8.16 The potential impact of this proposal on the Special Area of Conservation 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 Planning Authority concludes that the proposal would not be likely to have a significant effect on the features or conservation objectives of any European site.

8.17 SES were consulted in regard to the Special Area of Conservation. SES have concluded that the proposal is eliminated from further assessment as it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.

8.18 Planning Policy Statement 2, Natural Heritage details the policy considerations when assessing development proposals within locally and internationally designated sites.

- 8.19 Policy NH4 applies to local sites of nature conservation importance. The Policy states that planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on a local nature reserve or a wildlife refuge.
- 8.20 The planning authority assesses that the proposal is not likely to have a significant effect on the ASSI designation.
- 8.21 Policy NH1 applies to development proposals within internationally designated sites such as RAMSARs and SACs. The policy states that planning permission will only be granted for a development proposal that is not likely to have a significant impact on the designated site.
- 8.22 Officials assess that the proposal is not likely to have a significant impact on the SAC designation. The proposed use is unlikely to give rise to pollutants due to the limited scope of the facility proposed.

### **Access Movement and Parking**

- 8.23 Policy AMP 2 provides the Policy context for assessing a development proposal that includes access to a public road. The access must not prejudice road safety or significantly inconvenience the flow of traffic or conflict with Policy AMP3, Access to Protected Routes.
- 8.24 Access to the Café will be via the existing public road leading to the Beach. The applicant indicates that the proposal will give rise to an increase of approximately 5 additional vehicles visiting the site. There is an area of hardstanding, just beyond the boundaries of the site which historically has been used by visitors to the beach to park their vehicles. Officials assess that the proposal, and marginal intensification of the existing access will not significantly inconvenience the flow of traffic or prejudice road safety. Transport NI were consulted during the consideration of this proposal and have no concerns with standard condition/informative.

## **9.0 CONCLUSION**

- 9.1 The proposed development is considered acceptable in this location having regard to the area plan and other material

considerations. The development is considered appropriate in terms of its scale, layout and appearance. There are no likely adverse effects to either locally or internationally designated sites. The proposal is ancillary to, and will enhance, an important tourism asset. Approval is recommended.

## **10 Conditions**

### **10.1 Regulatory Conditions**

1. This approval is effective from the date of this decision notice and is issued under Section 55 of the Planning Act (Northern Ireland) 2011.

Reason: Retrospective application.

### **10.2 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. If during the course of developing the site the developer uncovers a pipe not previously evident NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 08457 440088.
5. The applicant is advised to contact NIW through its Customer Relations Centre on 08458 770002 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this decision notice to discuss any areas of concern.
6. 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 Planning Authority or other statutory authority.

7. It should be noted that all commercial kitchens should have a suitable properly maintained grease trap on their effluent pipes.
8. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
9. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
10. The applicant should demonstrate best environmental practice when working close to watercourses. The potential for deleterious matter to enter a watercourse is of primary concern. Impacts on the aquatic environment such as a decrease in water quality can cause a significant impact upon various life history stages of fish species.
11. The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.
12. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
13. All construction plant and materials shall be stored within the curtilage of the site.

## Site Location



Site Location Plan 1:2500