

# **ITEM A**

**Coleraine Borough Council**

**Located approximately 17m to  
the Rear of No 42 Strand Road**

**Portstewart**

**BT55 7LU**

**C/2014/0493/F**

**Full Planning**

**27 May 2015**

<b><u>No:</u></b>	<b>C/2014/0493/F</b>	<b><u>Ward:</u></b>	<b>Strand</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Located approximately 17m to the Rear of No 42 Strand Road, Portstewart BT55 7LU</b>		
<b><u>Proposal:</u></b>	<b>Change of Use from disused toilet block to tourist/cafe outlet. Internal re-configuration, new window installation and external works</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>15.12.14</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>Target Date:</u></b>	
<b><u>Agent:</u></b>	<b>None</b>		
<b><u>Applicant:</u></b>	<b>Causeway Coast and Glens Borough Council, Cloonavin, 66 Portstewart Road, Coleraine</b>		
<b><u>Objections:</u></b>	<b>5</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

Drawings are available to view on the Planning Portal-  
[www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1.0 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.

## 2.0 SITE LOCATION & DESCRIPTION

- 2.1 The proposal incorporates an existing boarded up single storey detached building. This building has been used as a council toilet block but is now closed and boarded up. The building sits on a small plot of land which includes a tarmac car park. The building itself has a pitch roof with slates. The walls are dashed and painted white. The land is flat on site but rises up a steep embankment to the rear south side with a dwelling on top

overlooking the site. There is a low wall to the boundary to the east. The site is open to the sea side. There is a coastal path opposite.

- 2.2 The site is located within the urban development limits of Portstewart town. This is a residential area with neighbouring apartment blocks and residential housing in the area. Portstewart strand is close by.

### **3.0 RELEVANT HISTORY**

- 3.1 The site is historically a disused toilet block and car park and there is no relevant planning history.

### **4.0 THE APPLICATION**

- 4.1 Planning permission is sought for a change of use from a disused toilet block to tourist/cafe outlet. This will include internal re-configuration, new window installation and external works.

## **PUBLICITY & CONSULTATIONS**

### **4.2 External:**

**Neighbours:** 5 objections regarding this proposal have been received from:

The Whins, 42 Strand Road, Portstewart;

Apartment 1 The Berrins 4 Berne Road Tullaghmurray West Portstewart;

[www.wpexclusiveluxury.com](http://www.wpexclusiveluxury.com);

and 2 objections were from Pragma Chartered Town Planners on behalf of Bernville apartments 1-6 Berne Road, Portstewart and King & Gowdy Solicitors acting on behalf of the residents of Bearnville apartments, Bearne Road, Portstewart.

#### **The reasons for objecting include:**

- road safety issues and congestion
- car park capacity issues
- increased noise levels
- odour problems
- impact on character of the area
- already vacancies in town
- increase in rubbish/ litter with the business
- no independent advice in respect of environmental health issues
- Flooding currently occurs on site

### 4.3 Internal:

**Transport NI:** Has no objection to the this proposal

**NI Water:** Public water supply and public foul sewer is available.

**Environmental Health:** Has no concerns with the proposal subject to the restriction of opening hours.

## 5.0 MATERIAL CONSIDERATIONS

5.1 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.”

5.2 The development plan is:

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

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

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

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

## 6.0 RELEVANT POLICIES & GUIDANCE

Nirth East Area Plan 2002

Draft Northern Area Plan 2016

Planning Policy Statement 16 Tourism

PPS 1 General Principles

PPS 3 Access, Movement and Parking

## Supplementary Planning Guidance

### DCAN 4 -Restaurants, Cafes and Fast Food Outlets

#### **7.0 CONSIDERATIONS & ASSESSMENT**

- 7.1 Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan. Under the justification planning policy TSM 1 of PPS 16 Tourism also goes on to state that in specific locations tourism can provide a focus for regeneration schemes.
- 7.2 The design will have a glass frontage overlooking the sea. There will be a new small grass area to the front with a patio area for outside tables and chairs to the side. This will be hard paved. The car park will remain the same. The internal layout will incorporate a cafe with prep area, tables and chairs, snug area and toilet. In terms of rubbish, the tenant must comply with environmental health legislation and policy (separate to planning), which involves the satisfactory storage and collection of rubbish from the development. The design is considered acceptable as the scale and nature of the project is suitable for the location, and is aesthetically more pleasing than the disused boarded up toilet.
- 7.3 This building has currently boarded up windows and doors. This is unattractive and does not support vitality in an area within the town. There are apartment blocks to the east and west. To the south is a high grass embankment. This is a seaside location which should be utilised to maximise its potential. This proposal will make a positive contribution to the locality, in terms of tourism and the economy. The building and proposal are of a small scale and not significant enough to be of detriment to the town centre. There does appear to be any concern that will result in an unacceptable detrimental impact on the area, given the current and proposed use.
- 7.3 The proposal complies with the policy as it is within a settlement; and is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design and is not contrary to the draft Northern Area Plan.

## 8.0 Other Matters

- 8.1 Transport NI has been consulted with the objections regarding road safety issues and parking and it has no objections to the proposal. The current use of the site is a material consideration with the building last used as a public toilet with an adjoining car park. The site could be re-opened as a public toilet, which would create an amount of traffic, noise and general disturbance in the area which would impact on the residents' amenity.
- 8.2 The current use of the site is a material consideration with the building last used as a public toilet with an adjoining car park. The site could be re-opened as a public toilet, which would create an amount of traffic, noise and general disturbance in the area which would impact on the residents' amenity.
- 8.3 The Environmental Health Department of Causeway Coast and Glens Borough Council is the competent authority who provide advice to the planning authority on environmental health issues. A consultation has been sent to it in relation to concerns on residential amenity, and no objection has been raised, subject to a restriction on opening hours. By conditioning the hours this will help reduce any late night noise, and as the proposal is for a sit in cafe as opposed to a take away, there should not be any noise from people congregating late at night. Any odour and fumes should be extracted and addressed as per the average industry standards using appropriate extraction equipment.
- 8.4 The onus is on the applicant to comply with environmental legislation in relation to the storage/disposal of refuse. Litter is often associated with hot food take-aways and in this case it is not a take-away but rather a sit in cafe.
- 8.5 The proposal complies with Policy TSM 1 of Planning Policy Statement 16 Tourism. DCAN 4 offers guidance on the issues of restaurants and cafes and does not preclude this type of application.
- 8.6 Although issues relating to noise, odour, traffic and litter have been raised as areas of concern, there have been no objections from either Transport NI or the Environmental Health Department in this regard.

## **9.0 CONCLUSION**

9.1 The proposal is considered acceptable in this location having regard to the draft Northern Area Plan and other material considerations. The development is an appropriate use of the land and is acceptable in terms of its layout and appearance. In accordance with para 52 of PPS 1, no significant harm would be caused to neighbouring amenity. Matters relating to access, landscaping and open space can be secured by planning condition. Approval is recommended.

## **10.0 CONDITIONS/ INFORMATIVES**

### **10.1 Regulatory 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 use hereby permitted shall not be open to customers between 11pm at night to 8am in the morning.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

### **10.2 Informatives:**

1. 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.
2. 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.



3. 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.
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 Department or other statutory authority.
5. Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.
8. Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served.
9. No surface water sewer within 20m of your proposal, you may wish to apply to NIW to requisition a surface water sewer to serve your proposal if it will serve more than 1 property to discharge roof drainage.
10. 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 consultation to discuss any areas of concern.
11. 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.
12. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), to discuss any areas of concern. Application forms and guidance are also available via these means.
13. This development requires the installation of a grease trap.
14. All services within the development should be laid underground.

## ANNEX

<b>Date Valid</b>	15th December 2014
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<b>Date First Advertised</b>	10th January 2015
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<b>Date Last Advertised</b>	
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**Details of Neighbour Notification (all addresses)**

Gowdy Solicitors  
298 Upper Newtownards Road Ballyhackamore Dundonald  
Paul Lockhart  
42 Strand Road Tullaghmurry West East Crossreagh  
The Owner/Occupier,  
42A Strand Road Tullaghmurry West East Crossreagh  
Sam and Lorna Robinson  
Apartment 1, The Berrins, 4 Berne Road, Tullaghmurry West, Portstewart, Londonderry, BT55 7PB,  
The Owner/Occupier,  
Apartment 2, The Berrins, 4 Berne Road, Tullaghmurry West, Portstewart, Londonderry, BT55 7PB,  
The Owner/Occupier,  
Apartment 3, The Berrins, 4 Berne Road, Tullaghmurry West, Portstewart, Londonderry, BT55 7PB,  
The Owner/Occupier,  
Apartment 4, The Berrins, 4 Berne Road, Tullaghmurry West, Portstewart, Londonderry, BT55 7PB,  
The Owner/Occupier,  
Apartment 5, The Berrins, 4 Berne Road, Tullaghmurry West, Portstewart, Londonderry, BT55 7PB,  
The Owner/Occupier,  
Apartment 6, The Berrins, 4 Berne Road, Tullaghmurry West, Portstewart, Londonderry, BT55 7PB,  
The Owner/Occupier,  
Flat 1 Bearville 1 Berne Road  
The Owner/Occupier,  
Flat 2 Bearville 1 Berne Road  
The Owner/Occupier,  
Flat 3 Bearville 1 Berne Road  
The Owner/Occupier,  
Flat 4 Bearville 1 Berne Road  
The Owner/Occupier,  
Flat 5 Bearville 1 Berne Road  
The Owner/Occupier,  
Flat 6 Bearville 1 Berne Road  
The Owner/Occupier,  
Flat 7 Bearville 1 Berne Road  
The Owner/Occupier,  
Flat 8 Bearville 1 Berne Road  
The Owner/Occupier,  
Flat 9 Bearville 1 Berne Road

Michael Worthington Scottish Providence Buildings 7 Donegall Square West Town Parks Michael Worthington michael@pragmaplanning.com Wayne A Pollock wayne@wpexclusiveluxury.com	
<b>Date of Last Neighbour Notification</b>	7 <sup>th</sup> January 2015
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	N/A



