

Title of Report:	Planning Committee Report – LA01/2020/0560/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th May 2021
For Decision or For Information	For Decision

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

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

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:

Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2020/0560/O

Ward: Portrush and Dunluce

App Type: Full

Address: Lands at No.109 Dunluce Road Portrush

Proposal: Replacement of existing dwelling with proposed golf lodge/hotel, associated spa facility, car parking, landscaping, access & ancillary development.

Con Area: N/A

Valid Date: 10.06.2020

Listed Building Grade: N/A

Agent: Clyde Shanks, 2nd Floor, 7 Exchange Place, Belfast BT1 2NA

Applicant: Ballykeel Beg No.1 Ltd, Victoria House, Gloucester Street, Belfast BT1 4LS

Objections: 5 Petitions of Objection: 1

Support: 4 Petitions of Support: 0

Executive Summary

- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The site is within Causeway Coast Area of Outstanding Natural Beauty and is located outside the Portrush Settlement Limit.
- The proposal, for a Golf Hotel and Spa adjacent to Royal Portrush Golf Course, has been found acceptable taking into consideration the relevant policies and all other material considerations.
- There are no significant adverse impacts upon natural heritage.
- Flooding, Drainage, Access and Parking arrangements are acceptable.
- 5 objections and 4 letters of support have been received in relation to this application. 1 petition of objection was submitted.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 2, PPS 3, PPS 6, PPS 15, PPS 16 and PPS 21.

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 application site is located on lands at 109 Dunluce Road Portrush. These lands include a large dwelling set within extensive gardens. There are a number of trees located along the boundaries of the site and within the site. The site is located on lands below the main Dunluce Road. The primary views are from Dunluce Road travelling in both directions. However, these views are restricted by existing trees and the elevated position of the road above the site. The site can be viewed from Royal Portrush Golf Course in which a section of the site is quite open and from the access road to the dwellings at Strand Avenue which will be restricted by existing trees. To the north east the site is bounded by the dwellings located at Strand Avenue. To the south west the site is bounded by an existing dwelling at 111 Dunluce Road. To the north west the site is bounded by Royal Portrush Golf Course and to the south west the site is bounded by Dunluce Road and footpath.
- 2.2 The site is located within the countryside. There is existing development located around the site which includes residential dwellings along Dunluce Road and on Strand Avenue. These properties provide a mix of traditional and contemporary architectural styles. The site is also located in proximity to Royal Portrush Golf Club and Whiterocks beach.
- 2.3 The site is located outside the Settlement Development Limit of Portrush as defined in the Northern Area Plan 2016. The site is within the Causeway Coast Area of Outstanding Natural Beauty (AONB). The site is located within a Local Landscape Policy

Area designation PHL04 Royal Portrush. Those features or combination of features that contribute to the environmental quality, integrity or character of this area are listed below.

1. This area is dominated by Curran Strand, commonly known as East Strand and the related extensive sand dunes and the slopes rising behind, provides one of the most memorable vistas along the North Coast, especially when approaching Portrush from the east.
 2. This area is also within the Causeway Coast AONB.
 3. It also contains the Portrush Golf Links SLNCI.
- 2.4 No further development will be acceptable other than minor modifications and extension to existing buildings.

3 RELEVANT HISTORY

- 3.1 LA01/2019/0995/PAN: Land at 109 Dunluce Road, Portrush: Replacement of existing dwelling with proposed hotel.
PAN Acceptable - 30.09.2019
- 3.2 LA01/2017/1570/F: Land opposite Stand Avenue, approximately 90 metres North of No. 106 Dunluce Road, Portrush BT56 8NB, Proposed Luxury Hotel Resort incorporating conference facilities and spa, guest suites, apartments and villas, associated access, car parking, landscaping and ancillary development.
Withdrawn – 26.09.2019
- 3.3 C/2012/0124/F: 111 Dunluce Road, Portrush. Replacement two storey dwelling.
Permission Granted - 11.05.2012

4 THE APPLICATION

- 4.1 The scheme is for the replacement of an existing dwelling with proposed golf lodge/hotel, associated spa facility, car parking, landscaping, access & ancillary development.

- 4.2 The proposed hotel consists of a three-storey main lodge building comprising reception, dining and bar areas, golf bag store and 7 guest accommodation suites. It includes two storey courtyard guest accommodation suites located to the rear of the main Lodge which includes 20 suites. The proposal also includes a two-storey annex building with 8 suites and a 1 storey health spa building. The main lodge building is traditional in nature with a hipped roof bay windows and dormer windows. The appearance of this building is similar to the existing building located on the site and some of the existing features have been replicated. The courtyard buildings are more simplistic in nature with a gabled roof. The annex building is similar to the lodge in appearance with a hipped roof. The spa building is more contemporary in nature and includes western red cedar/Siberian larch cladding. Access to the site is from Dunluce Road. The existing access will be closed up and a new access with improved visibility will be provided.

Environmental Impact Assessment

- 4.3 This proposal was subject to an environmental impact assessment screening as highlighted by The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 4.4 The application is considered to fall within Schedule 2: Category 12(c) of the Regulations- The carrying out of development to provide for holiday villages & hotel complexes outside urban areas & associated developments.
- 4.5 Having considered the Regulations, the development proposal would not have any likely impacts of such a significance to warrant submission of an environmental statement.

5 PUBLICITY & CONSULTATIONS

5.1 External:

Four letters of support have been received from the Ireland Golf Tour Operator Association Bushmills Trust, two MLAS and from Darren Clarke of International Sports Management Limited.

Within the letters of support it was stated that the proposal would;

- Be welcomed as there is a shortage of accommodation of this standard in the area.
- The proposal would fill a gap that exists in the tourism market.
- The proposal would attract economic investment to the area from high end U.S golfers.
- The proposal will complement and enhance what is already here.
- The proposal will ensure tourist related to golf will stay in the North Coast area.

Five letters of objections have been received in relation to this application. A petition with 15 signatures has also been provided. As the Council is not aware if those signing the petition were made aware of how their personal data may be used by the Council, then in line with the General Data Protection Regulations, the Council is therefore unable to further process this third party personal data.

The issues raised are as follows;

- Concern that the proposal would have an access onto Strand Avenue.
- Concerns regarding the use of mains sewage which will be inadequate for a hotel.
- Concern that Strand Avenue would be blocked.
- Impact on the AONB and the proposal is not in keeping with the character of the area.
- Concern in regard to road safety and that an appropriate traffic survey would corroborate the concerns.
- The proposal will create a precedent for this form of development.
- Concerns regarding noise and odour and potential impacts on the property at 9 Strand Road.
- Concerns regarding the heights of the existing trees and overpopulation of trees, impacts on sunlight and potential to fall down.

5.2 **Internal:**

NI Water: No objections

DFI Roads: No objections

Environmental Health: No objections

Shared Environment Services: No objections

DFI Rivers: No objections

DAERA: Water Management Unit: No objections

DAERA: Natural Environment Division: No objections

DAERA: Marine and Fisheries Division: No objections

DAERA: Protected Landscapes: Has raised concern regarding the impact on the AONB.

Geological Survey: Has raised no concern.

Development Plan: Has raised no concern.

Proposal of Application Notice

- 5.3 As this application is considered major it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.
- 5.4 A Proposal of Application Notice was submitted on 10th September 2019 under reference LA01/2019/0995/PAN. The applicant advised that they intended to undertake the following forms of consultation:
- Press advertisement of the public event in Coleraine Chronicle.
 - Leaflet drop to all properties within 500m of the development.
 - Notice was served on 7 elected councillors.
- 5.5 The public event was held on 10th December 2019 at Portrush Town Hall.

Community Consultation Report

- 5.6 The community consultation report (CCR) was submitted as part of the planning application, received on 10th June 2020 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 5.7 It contained the methods of consultation carried out and the comments and feedback from this exercise. The report demonstrates that the consultation was carried out as agreed in the Proposal of Application Notice.
- 5.8 Two public consultation events were held with 25 people attending the meeting at Royal Court Hotel and 45 in attendance at Portrush Town Hall. A total of 10 questionnaires were completed. In summary the feedback received at both events included:
- Concern that there would be no pedestrian or vehicular access to Strand Road.
 - Clarification on the level of tree removal and proposed new planting.
 - The level of car park provision.
 - Health and safety and concern regarding golf balls.
 - Concern regarding the openness of the site from Royal Portrush Golf Club.
 - Concerns in regard to noise from the Bothy and whether this will impact on people playing golf.
 - Request to retain an existing embankment and hedgerow parallel to the fourth fairway.
 - The protected route status and the intention to create a new access.
 - Drainage and adequacy of drainage within the site.
 - Queries regarding the potential for further accommodation at the grassed area of the site.
 - Impressed with the quality of the proposed design.
 - Likes the way the proposed design seeks to reflect the best qualities of the existing dwelling on site.
 - Welcome addition to the accommodation in the area and a boost to the economy.
- 5.9 Following the community consultation exercise, the agent considered the points raised and provided feedback in relation to

these points. This was considered prior to the submission of the full application. A full consideration of these points can be found in section 5 of the Community Consultation Report.

- 5.10 The CCR demonstrates that adequate community consultation has taken place and the key issues of concern have been considered.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local 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 the Northern Area Plan 2016 (NAP) and the site falls outside the Settlement Development limit of Portrush. The site is located in the Causeway Coast AONB.
- 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 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access Movement and Parking

Planning Policy Statement 15: Planning and Flood Risk

Planning Policy Statement 16: Tourism

Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary Planning Guidance

DCAN 15 – Vehicular Access Standards

Building on Tradition – A Sustainable Design Guide for the NI Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to Tourism, Economic Consideration, Visual Impact, Rural Character and AONB, Flooding, Access and Parking, Protected Route, Contamination, Other Issues, Natural Heritage and Habitats Regulations Assessment.

Tourism

- 8.2 Policy CTY 1 of PPS 21 Sustainable Development in the Countryside directs that planning permission will be granted for tourism development in accordance with the TOU policies of the Planning Strategy for Rural Northern Ireland. These TOU policies have been superseded by PPS 16 so this provides the main policy basis to assess the proposal.

Policy TSM 3 – Hotels, Guest Houses and Tourist Hostels in the Countryside

- 8.3 *A hotel will be granted planning permission in the countryside under two circumstances:*
- (a) The replacement of an existing rural building or*

*(b) A new build proposal on the periphery of a settlement.
The proposed hotel will be considered under both criteria.*

8.4 TSM 3 sets 8 criteria for replacement of an existing rural building with a hotel. However, this proposal only meets with 6 of the criteria as the existing building would not be of sufficient size to facilitate the proposed use in accordance with the accommodation requirements set out in the Tourism Order 1992 and the redevelopment would not result in significant environmental benefits. Therefore as it does not sit on all fours further consideration of option (B) of TSM3 is required.

8.5 *In regard to circumstance (b) a firm proposal to develop a hotel on land at the edge of the settlement will be permitted subject to the following criteria:*

- *There is no suitable site within the settlement or other nearby settlement*
- *There are no suitable opportunities in the locality to provide a hotel either through (a) The conversion and re-use of a suitable building or (b) The replacement of a suitable building.*
- *The development is close to the settlement, but will not dominate it, adversely affect landscape setting, or otherwise contribute to urban sprawl.*

8.6 A 'firm' proposal is further explored in the Justification and Amplification, paragraph 7.14 of Policy TSM 3. Policy requires that an application of this nature should be accompanied with the following information: Sufficient evidence to indicate how firm or realistic the particular proposal is and what sources of finance are available to sustain the project. The information submitted with the application in relation to this is set out below:

- A letter from Mr Brady J. Cox of Jackson Walker LLP has been submitted in support of the application and can be found in Appendix 4 of the Planning Support Statement. He is counsel for WOC Portrush, LLC, a Texas limited liability company, which is managed by Jonathan Harper and Robert Covington, and that it was established to fund and direct the construction and operation of a luxury lodge and spa located adjacent to Royal Portrush Golf Club.

- WOC Portrush LCC Inc. owns 100% of the allotted shares of the Ballykeel Beg Holding Company which owns 100% of the Ballykeel Beg No. 1 Limited and Ballykeel Beg No. 2 Limited. Ballykeel Beg No. 1 Limited was established to facilitate the management of the Dunluce Lodge Project.
- Members of the Company initially committed to fund an aggregate of approximately \$13.7 million which is the Capital Commitment. As of May 1st 2020 the Members had funded an aggregate of \$6.875 million. The members are committed to fund the remaining balance of approximately \$6.825 million.

8.7 The above information is considered sufficient to demonstrate that the proposal is firm and realistic and that there will be sufficient funds to ensure a sustainable project. It has been demonstrated there is a firm intent to deliver this development.

8.8 The next criteria for consideration is:

- ***There is no suitable site within the settlement or other nearby settlement***

8.9 The applicant in this case is seeking to develop a small luxury golf lodge/hotel on a suitable site which is: adjacent to and overlooking Royal Portrush Golf Club; in a discreet setting which can be a gated to offer exclusivity and a high degree of privacy and which has an established degree of mature landscaping containment and/or an opportunity to provide an attractive landscaped setting; is of a sufficient scale to facilitate a 35 suite golf lodge/hotel with associated facilities; and offers ease of access to the road network. It was stated that the commercial requirement to be adjacent to and overlooking Royal Portrush Golf Club in effect rules out the prospect of any other suitable site being identified within the Settlement Development Limit of Portrush. Section 45 of the Planning Act identifies that the Planning 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. In this case the location adjacent to and overlooking Royal Portrush Golf Club is a key element of providing a hotel in Portrush. This is considered a relevant material consideration and has been weighted accordingly in the assessment of the application, as without this location the project may not be feasible.

8.10 An extensive sequential test was completed for the neighbouring settlements of Portstewart, Bushmills and Portballintrae under applications LA01/2016/1328/F and LA01/2018/0077/O. This revealed there were no other suitable sites for a hotel other than the sites selected for each application at the Pits on Ballyreagh Road and on the edge of Bushmills Settlement Limit at Dunluce Road. These reports are still valid and no further sites have arisen since the studies were undertaken.

8.11 An exhaustive search of other potential sites in the Portrush Settlement has been completed during the assessment of the application. It was stated by the agent, that no search of a nearby settlement had been completed as the potential to overlook any Royal Portrush Golf Club from any other Settlement is not possible.

8.12 The following alternative locations have been assessed as follows:



1. East Strand Car Park
This is Council owned land and is in use as a public car park. The site is not for sale and is a public asset. Given the current use, availability and fact that the site does not overlook Royal Portrush Golf Club this site is not suitable for development. The site is also very open.
2. Lands to the East of Causeway Street
This site has recently been purchased after being on the market and is expected to be used for an apartment development. Planning permission for apartments and townhouses have been approved on the site. The site does not overlook Royal Portrush Golf Club. Given the approved use, limited availability and the fact that it does not overlook Royal Portrush Golf Club the site is not suitable for the development of this hotel.
3. West Strand
This is a Council car park and includes open space/amenity lands. The site is very open and does not include mature containment. The site does not overlook Royal Portrush Golf Club. Given the current use and openness of the site this site is not suitable for the development of this hotel.
4. Dunluce Centre
This is a public/private asset set within wider lands and the surrounding area is designated as open space. The site is not adjacent to and does not overlook Royal Portrush Golf Club. The site is also very open. Given the site is designated as open space it is not a suitable site to facilitate a hotel.
5. Lands at former Catering College
Outline Planning Permission has been granted for residential development at this site. There is a current outline application LA01/2020/0317/O for residential development which is under consideration. The site does not overlook Royal Portrush Golf Club is quite open and given the current application is likely to be used for residential development. This site is located within an existing residential area.
6. Coleraine Road
Lands at this site are designated as open space and are adjacent to a zoned housing site in the Northern Area Plan.

The site does not overlook Royal Portrush Golf Club. Given the existing zonings on the site a hotel development would not be suitable at this site.

7. Castle Erin

This site has recently been approved for housing at appeal under application LA01/2019/0459/F. The site does not overlook Royal Portrush Golf Club and is quite open. The access to the site may also be quite restricted. Given the permission for housing this site is not available.

8. Barry's Amusements

This site will provide limited containment and will be restricted by an existing railway line. The site has only come onto the market for sale at the time of this report. It would not be reasonable to hold this application at this late stage, indefinitely to ascertain the suitability of the site for hotel development. The site does not overlook Royal Portrush Golf Club. Given this the proposed hotel would not be suitable for this site.

9. Waterworld

The site is located at the Harbour and is owned by the Council. The site is currently in use and given potential car parking and access issues this would not be an appropriate site for this development. The site also does not overlook Royal Portrush Golf Club.

10. Former Londonderry Hotel

This site is subject of a hotel application under application LA01/2017/0689/F and LA01/2018/0446/LBC and is awaiting a call-in decision by DFI. The site is not located adjacent to and does not overlook Royal Portrush Golf Club. Given the current application this site is not available.

8.13 Following review and analysis of the information submitted in relation to Portrush, it is concluded there are no suitable sites for a hotel development of this nature given the built up nature of Portrush, designations on proposed sites and limited availability of land.

- **A hotel will be granted permission at the edge of a settlement when there are no suitable opportunities in the locality to provide a hotel through conversion and re-use of a suitable building(s) or the replacement of a suitable building(s).**

8.14 The site assessment undertaken above did include some sites that would involve the conversion and re-use of a suitable building. This includes the Dunluce Centre and Water World which have not been considered as suitable sites. A sequential assessment of other potential suitable sites located outside the settlement limit within the locality that include conversion, re-use or replacement has been completed. Details of these are provided below. These assessments found there to be no other suitable opportunities in the locality. The proposed site does involve the replacement of an existing building. From the assessment and local knowledge, it is considered that there are no suitable opportunity sites involving the conversion and re-use or replacement of suitable buildings in the locality.

- **A hotel will be granted permission at the edge of a settlement when the development is close to the settlement, but will not dominate it, adversely affect landscape setting, or otherwise contribute to urban sprawl.**

8.15 A hotel will be granted permission at the edge of a settlement when there is no suitable site within the settlement or other nearby settlement. Case law (Tesco Stores v Dundee City Council) makes clear that 'suitable' should be interpreted as suitable to accommodate the proposed development. It is important to be flexible and realistic in the assessment and suitability of alternatives.

8.16 The proposed site is located approximately 1.3km from the Settlement Development Limit of Portrush and is separated only by Royal Portrush Golf Links and the dwelling at 111 Dunluce Road. The site is physically separate from the settlement development limit by these features. However, due to the caravan parks extending from the limit on the adjacent sides of the road, the visual linkage with the golf course adjacent to the SDL, the site is visually connected and associated to the SDL of Portrush and thereby close to it.

8.17 Given the difference in ground levels between Dunluce Road and the proposed site and the existing mature vegetation located along the boundaries which contain the site, the proposal will not dominate the settlement. Although a number of trees will be removed to provide an adequate access it is considered that there are enough remaining trees to integrate the proposed development. This will also be aided by proposed landscaping. Views of the site will be from Dunluce Road travelling both directions and there are views of the site from the fourth fairway of Royal Portrush Golf Club and at Strand Avenue. Views along Dunluce Road will be limited by existing trees. There is a section of the site that is quite open onto the fourth fairway of Royal Portrush but existing and proposed landscaping will allow the development to integrate effectively into the landscape.

8.18 The landscaping proposed will provide compensatory new planting and trees which will offset the loss of trees which will be required to facilitate the new access. This proposal will not lead to urban sprawl due to the topography, existing and proposed landscaping and surrounding development. Whilst the site is within the AONB and LLPA, it is not considered to dominate the settlement or adversely affect the landscape setting of the Settlement for these reasons.

8.19 Where the principle of a new building on the periphery of a settlement is established through meeting the criteria in paragraph 8.3, a sequential locational test will be applied, with preference being attributed to the sites in the following order:

- Land adjacent to the existing settlement limit, subject to amenity and environmental considerations
- A site on the periphery of the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment
- An undeveloped site close to the settlement where the development could be visually integrated into the landscape.

8.20A sequential locational test has been completed by the agent which has considered land adjacent to the existing settlement limit. The following sites have been considered.

11. Seaview Park

Former Portrush Hockey Club playing pitch. The site is bounded by existing apartments, East Strand car park and Royal Portrush Golf Club pitch and putt. This is an existing area of open space. To develop this site would be contrary to PPS 8. The site is not located adjacent nor does it overlook Royal Portrush Golf Club.

12. Rathmore Golf Clubhouse, Royal Portrush Golf Club Ladies Club

The site is not adjacent to Royal Portrush reconfigured golf links. The site is currently in use as is not available for development.

13. Golf Links Hotel and Kelly's Complex.

These lands form part of Kelly's caravan site and is separated from Royal Portrush by Bushmills/Dunluce Road. This site is open and does not overlook or lie adjacent to Royal Portrush Golf Club. These lands are currently in use and are considered unavailable.

14. Former Salmon Fisheries

The site contains an existing area of open space and is located within a Local Landscape Policy Area and would have a detrimental impact on the features associated with this LLPA. The site is open and provides limited containment. The site does not overlook Royal Portrush Golf Club. Given the designations and area of open space this site is not suitable for a development of this nature.

15. Ballywillan Road

The site is located just outside the Settlement Development Limit of Portrush. The site is not located adjacent to nor does it overlook Royal Portrush Golf Club. The site is flat and open and a development of this nature could not visually integrate into the landscape without having a detrimental impact on rural character.

8.21 Further sites located within the Settlement Development Limit of Portrush have been considered by officials. These have been considered below.

Land at 3-5 Lansdowne Crescent

This site has gained planning permission for apartment development. The site is bounded on two sides by existing developments. The site is not adjacent to nor does it overlook Royal Portrush Golf Club. Given the approved use this site is unlikely to be available or suitable for a hotel.

Site to the rear of 57-59 Causeway Street

This site is limited in terms of size and would not have the capacity to facilitate a 35 suite hotel. Therefore the site is unsuitable for hotel development.

8.22 The proposed site does not fall directly within any of the above preferences of the sequential test for the reasons set out above. However, consideration has been given to the fact that the site is only separated from the settlement limit by Royal Portrush Golf Links and the dwelling at 111 Dunluce Road. Consideration has also been given to the fact that the proposed site contains buildings although vacant may not be considered derelict. This proposed site would be considered to be close to the settlement development limit of Portrush. However, in regard the above third preference this relates to an undeveloped site close to the settlement where development could be visually integrated into the landscape. Although the site has been developed the proposed hotel can be visually integrated into this site given the existing trees located on the boundaries and within the site and the drop in levels between Dunluce Road and the proposed site.

8.23 Giving weight to its location close to the settlement, the fact that the site is only separated from the settlement development limit by the confines of the dwelling at 111 Dunluce Road and Royal Portrush Golf Links, the linked use to the Golf Club, and the development can be visually enclosed and integrated into the landscape it is considered on balance that the proposed development is acceptable having regard to Policy TSM 3 of PPS 16.

Policy TSM 7 – Criteria for Tourism Development

- 8.24 All tourism developments must also comply with 6 design criteria and 9 general criteria set out in Policy TSM 7 of PPS 16. These criteria relate to movement pattern, design, layout, boundary treatment, drainage, crime, compatibility with surrounding land uses, landscape quality and character of the surrounding area, impact on neighbouring amenity, access arrangements, sewage disposal and impact on features of natural or built heritage.
- 8.25 In terms of movement pattern the proposal respects existing public rights of way and provides adequate and convenient access to public transport. There is a bus stop located in proximity to the site. The site is also located close to the Settlement of Portrush.
- 8.26 In terms of design the proposed development is considered acceptable. The main lodge building which is 2.5 storey replicates some of the features of the existing building located on the site with hipped roof and dormer windows. Further features include traditional lead roof over entrance and bay windows, painted sash and case windows and a painted roughcast rendered blockwork with smooth banding details. The main lodge building has an eaves height of 7.5 metres and a ridge height of 12.5 metres. The proposed building will be set back from the golf course to a section of the site which has more natural screening. Given the location of the site which includes extensive natural screening and sits at a lower level from Dunluce Road the scale of the proposed Lodge building is considered acceptable.
- 8.27 The proposed courtyard buildings are more simplistic in nature with gabled roofs and painted hardwood doors and windows which ensure the buildings are subservient to the main Lodge Building. Given these variances in design the courtyard buildings appear ancillary to the main lodge building. The courtyard buildings are finished with painted roughcast rendered blockwork with smooth banding details and are two storey. The design of the courtyard building is considered acceptable.
- 8.28 The annex building is traditional in nature and is 1.5 storey. This buildings share some of the features of the main Lodge Building with dormer windows and hipped roof. This building is located on a very discrete site and given the existing natural screenings located around the site this design is considered acceptable.

- 8.29 The Health Spa building is one storey and includes a more contemporary design with green powder coated GMS standing seam roof and western red/ cedar/siberian larch cladding. This design is considered acceptable.
- 8.30 In terms of layout the proposed Lodge Building and Courtyard buildings will be located within a grassed area to the most part. This location allows for the greater retention of trees which will aid the integration of the proposed development. Although a number of trees will be felled as part of the creation of the new access it is considered that given the remaining trees, the drop in levels from Dunluce Road and the proposed planting that the layout is acceptable. The remaining trees located along the boundaries barring the new access will be retained.
- 8.31 In terms of Sustainable Drainage systems, a Drainage Assessment has been provided as part of the application which demonstrates that safe discharge of surface water from the site is feasible. DFI Rivers was consulted in regard to this and was content with the detailing of the Drainage Assessment.
- 8.32 In terms of crime and safety the proposed development will be gated with access provided for guests and staff only. Perimeter fencing will also be used to secure the site.
- 8.33 The proposed development is considered to be compatible with surrounding land uses and neither the use or the built form will detract from the landscape quality and character of the surrounding area. A full consideration of impacts on rural character and the AONB has been considered in paragraphs 8.40 to 8.52 of this report.
- 8.34 Consideration of criteria (h) is required to ensure there is no harm to the amenities of nearby residents. The closest neighbouring residents include the dwellings at 111 Dunluce Road and 8 and 9 Strand Avenue. In terms of overlooking, loss of light and overshadowing there is no concerns given the separation distances to the existing properties and the extensive planting located along the boundaries of the site which will be retained. In regard to noise and odour a noise and odour impact assessment was submitted as part of the application. In regard to noise it was found that there are no likely significant noise impacts associated with the proposed

development. In regard to odour it was found that a low level of odour control is required for the proposed development. The extraction system location will extract through a raised area in the kitchen roof, complying with the requirements of the assessment. Environmental Health was consulted in regard to the proposed development. In regard to noise it was stated to ensure the protection of the amenity of neighbouring residents a number of conditions should be imposed which relate to noise limits, noise monitoring and verification and delivery noise. Given the noise conditions it is considered that the proposed development would not have a detrimental impact on the amenity of neighbouring residents.

8.35 In regard to odour Environmental Health did question the finding that a low level of odour control will be required. It was stated that the risk score should be raised given the proximity to the existing dwellings and that a high level of odour control would be required. Environmental Health also stated that any new medium scale combustion plant will be required to obtain a permit to be registered to operate. In regard to odour a condition will be used to ensure an odour abatement system is used to remove any potential odour issues.

8.36 The proposal is not located in an Area of Archaeological Potential and it is not located in proximity to any Archaeological Sites or Monuments. The proposal will not have a detrimental impact on the features associated with the LLPA. This has been considered in paragraph 2.4 of this report. Given this the proposed development is considered acceptable.

8.37 A package treatment plant is included as part of the proposed development to provide adequate means of sewage disposal should a connection to the mains sewer not become available. NI Water raised no concern in regard to this. NIEA Water Management Unit stated that if it is not possible to connect the proposed development to the mains sewer then consent to discharge under the terms of the Water Order 1999 will be required. DAERA recommend a condition which will be added to any approval. Environmental Health raised no concerns regarding the Wastewater Treatment Works.

8.38 A consideration of the proposed access, impacts on road safety and access onto a protected route has been considered under paragraph 8.56 and 8.57 of this report. The proposal will also not

extinguish or constrain an existing or planned public access to the coastline or a tourism asset.

Economic Consideration

8.39 The SPPS has five core planning principles which are set out in paragraph 4.1. One is to “support sustainable economic growth”. The SPPS requires Planning Authorities to take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority.

8.40 In support of this application an Economics Benefits Statement was submitted. This statement identifies that golf tourism is a vital part of the visitor economy across Northern Ireland. Reference was made to the growth ambitions set out in the Strategic Review of Golf Tourism in Northern Ireland which was to grow the value of golf tourism from the current estimate of £33m p.a to £50M p.a. by 2020 across Northern Ireland. It was stated that there is a need to improve links and synergy with the wider tourism offering 2015 to 2020. The Strategic Review of Golf Tourism document also identified a lack of infrastructure, particularly four and five star hotel accommodation in key locations with on-site facilities. It was stated that this development would contribute such a facility. It was stated that the proposed development would attract the highest spending international visitors which will in turn increase the level spend per visitor.

8.41 The proposed development will provide further economic benefits based on a 80% to 90% occupancy rate over the period April to November which includes the following;

- Direct construction jobs = 148
- Indirect construction jobs = 98
- Total GVA over the construction period = £15.8m
- Total visitor nights per season= 10,248 to 11,529
- Accommodation spend per season = £4.9m to £5.5m
- Additional Expenditure per season = £3.8m to £4.3m
- Total visitor per season = £8.7m to £9.8m
- Additional Employment (direct/indirect/induced) = 44 FTE
- Economic output (GVA) generated by direct/indirect/induced jobs per annum = £1.6m

- Rates per annum = around £73,000

8.42 It is considered there is a recognised need for this type of accommodation in the area. Jobs, the economy and tourism are all matters discussed locally and regionally and this proposal would go some way in meeting objectives of creating jobs and investment to stimulate the local and regional economy and promote long term growth.

Visual Impact, Rural Character and AONB

8.43 Given the countryside location Policies CTY 13 and CTY 14 of PPS 21 which relates to integration and rural character. Permission will be granted where the proposal can be visually integrated into the surrounding landscape and it is of an appropriate design. Permission will be granted where the proposed building will not cause a detrimental change to, or further erode the rural character of an area. The site is also located within the Causeway Coast AONB. Planning permission will be granted in an AONB only where it is of an appropriate design, size and scale for the locality.

8.44 In support of this scheme the agent submitted a Landscape Visual Impact Assessment. This considered the visual impact of the proposed development. This statement from Barton Willmore found that views from the A2 roadway are densely screened and filtered by existing vegetation. It was found that views from Strand Avenue and Whiterocks Beach car park are densely screened, allowing only for glimpsed and filtered views of the site. It was found that that the proposal will maintain the character of well-contained built form and ornamental pleasure grounds, within a wooded setting that would be reinforced. It was found that while the proposal would lead to the loss of open grassland within the site the proposed development would result in beneficial effects on structural vegetation and on landscape character. It was also stated that after the establishment of the proposed vegetation that views of the proposed building may not be perceived at all. As a result it was found that, the proposed development would avoid any significant harm to the AONB and LLPA and potentially diminish the influence of built form on these designated landscapes.

8.45 There is also a view of the proposed development from the 4th fairway of Royal Portrush Golf Club. A visual has been provided of this view in the Design and Access Statement submitted with the

application. The proposed building is set back from the gold course in an area that is more screened than the existing building. It is accepted that there will be views of the development from this viewpoint. However, given the existing planting which will be retained and the proposed landscaping that views from here would be acceptable.

8.46 An Arboricultural Impact Assessment was also submitted in support of the proposed development. It was found that a number of trees are highlighted for removal. It was found that many coniferous trees across the whole site are in poor condition, are extremely attenuated and/or severely suppressed due to over-planting which consequently limits their future growth potential. It was found that many trees throughout the site were dead. It was stated that the post-development programme of native broad-leafed tree and shrub planting will help increase biodiversity and amenity value throughout the site. It was found that if the current woodland is selectively thinned, it will allow an uneven structure to develop as opposed to its current even aged status. This will ultimately provide long term sustainable tree cover on the site. It was found that a grouping of 30 trees numbered G122 have become extremely attenuated and would have limited growth potential. It was recommended that these should be removed with suitable replacement specimens introduced and established. In regard to the retained trees these will be protected in accordance to BSI and allied industry recommendations.

8.47 In regard to the Landscape Visual Impact Assessment and the Arboricultural Impact Assessment DAERA Protected Landscapes Team and the Development Plan team was consulted. DAERA Protected Landscapes team in their response raised concerns regarding the impact on the AONB. It was stated in their response that given the extreme sensitivity of the site we would advise you to consider employing a Consultant Arboriculturist and Landscape Architect to check the detailed mitigation measures. It was stated that the outcome of their deliberations will inform the protected landscapes team in regard to potential impact on the AONB. These concerns were raised with the agent and visuals and further information in the form of an addendum to visual impact assessment was submitted. This recommendation from the Protected Landscapes Team was considered but given the fact that the arboricultural impact assessment was completed by a

professional it was considered that consultation with the Council's Tree Officer would be sufficient regarding the impacts of tree loss.

8.48 The tree officer was content with the tree removal proposed which is required to provide an adequate and safe access to the development. The tree officer had no objection to the sound management approach for the woodland compartments which involves selective thinning. In terms of layout it was found that the proposed buildings are not located within any of the Root Protection Areas for retained trees. It was stated that the proposed development would lead to the removal of 234 trees from the site. The Tree Officer stated that it is welcomed that care has been taken by the designer to ensure that the trees are retained as a fundamental part of the development. However, clarification is required on a number of issues to ensure that the integrity of retained trees and their future health is not compromised by inappropriate development or unnecessary removal. Further information in the form of a revised arboricultural impact assessment, illustrative material showing the proposed view from Dunluce Road, an updated Landscape Visual Impact Assessment, updated tree removal plan and updated overall landscape plan was provided.

8.49 The Tree Officer stated that on assessment of the additional information, it has been demonstrated that effort has been made to ensure that the trees are retained as a fundamental part of the development, with tree loss kept to a minimum on site and fully considered through the design process. When considering the extent and level of retained trees along with the proposed comprehensive landscaping scheme the visual integrity of the treed character of the site will be retained. Furthermore the proposed landscaping scheme will enhance the long term character of the site through greater diversity and arboricultural management. Given the clarification provided the tree officer has no concerns with the proposed development subject to conditions which will be added to any approval.

8.50 DAERA Protected Landscapes team was consulted in regard to the revised information and response from the Tree Officer. Protected Landscapes team reiterated their comments from the previous consultation and provided no further information in regard to the impact on the AONB. Further contact was made to clarify the Protected Landscapes team position on the application. It was

stated that our position remains that there is the potential to open up views into the site and therefore the development may adversely impact on the Causeway Coast AONB.

8.51 In regard to this potential impact, the site is located at a lower level to the main Dunluce Road which aids the integration of the proposed development. The proposed site is also surrounded by existing vegetation and trees which assists to screen views of the proposed site. Given this the proposed site is not considered to be a prominent feature on the landscape. In order to provide a new access with the required visibility a significant number of trees will be removed from the site. It is accepted that this will open up views of the site specifically from the new access. However, it is considered that there are sufficient remaining trees to enclose the proposed built form and with the change in levels and the proposed planting that the proposal will be successfully integrated into the site without having a detrimental impact on rural character or the AONB.

8.52 The proposed development will include the provision of a new access road onto Dunluce Road. Given the significant drop in levels between Dunluce Road and the proposed site significant infilling will be required to ensure a safe access into the development. This will lead to ground levels at the location of the entrance being increased up to approximately 5 metres at its greatest point. This level of infilling is considered necessary to provide a safe access and is considered acceptable. Views of this infilling will be restricted by the drop in levels from Dunluce Road and proposed landscaping which will screen the proposed access. The highest level of infilling is over an area between section G-G and C-C of the proposed access. This infilling is not considered to be sufficient to have a detrimental impact on the AONB or the rural character of the area.

8.53 Consideration of Policy CTY 15 (The Setting of Settlements) of PPS 21 is relevant for assessment of urban sprawl. Development will be refused that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

8.54 Given the change in ground levels, the tree retention and the proposed planting and development on either side of the proposal, it is considered that a hotel at this location would not result in urban sprawl or mar the distinction between the settlement and the surrounding countryside.

8.55 The Development Plan team was consulted in regard to the impacts of the proposal on designation PHL04 Royal Portrush Local Landscape Policy Area. On assessment of the information provided it was found that it has been demonstrated that effort has been made to ensure that the trees are retained as a fundamental part of the development, with tree loss kept to a minimum. It was found that with the level of trees to be retained and the proposed landscaping that the visual integrity of the treed character of the site would be retained. Further to this the proposal will not have a detrimental impact on the key features associated with this LLPA which includes the sand dunes and slopes rising behind or the AONB or the SLNCI.

8.56 Having regard to all the views surrounding the site, and in particular the critical views from Dunluce Road, the proposal will have a degree of visual impact on the landscape. It is accepted that the proposed tree removal will open up views of the site from Dunluce Road but that due to the differences in ground levels which will screen views of the site, the trees to be retained on site and the proposed landscaping that this is considered acceptable on balance. The tree removal is required to provide a safe access into the site which is deemed acceptable. It is considered that, on balance, these impacts are not so significant and unacceptable in policy terms to carry determining weight in this case and warrant the withholding of planning permission. The proposal is considered acceptable having regard to Policies CTY 13, CTY 14 and CTY 15 of PPS 21 and Policy NH 6 of PPS 2.

Flooding

8.57 A Drainage Assessment (DA) was submitted with the application. DFI Rivers was consulted in regard to this application who advised the flood maps indicates that the development does not lie within the 1 in 100 year fluvial flood plain or within the 1 in 200 year coastal flood plain. In regard to Policy FLD 2 a working strip with a minimum width of 5 metres has been provided to an existing watercourse which runs through the site. This is shown in the provided Drainage Assessment. DFI Rivers stated that clear access and egress should be provided at all times.

8.58 In regard to the Drainage Assessment provided DFI Rivers stated that the DA provides a conceptual design for a drainage system that

discharges via a soakaway into the ground. It was stated that commenting on this would be outside the remit of DFI Rivers. It was stated that it should be brought to the attention that responsibility for the accuracy, acceptance of the drainage assessment and flood risk assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. The Drainage Assessment was completed by a competent person and it is stated that the proposed system allows for capacity for disposal of up to the 100 year rainfall event to ensure a standard of flood protection elsewhere.

8.59 The proposal also includes the culverting of two short lengths of watercourse to provide access for a footpath. This includes a 0.4m by 0.22m culvert and a 1.25m by 1.8 metre tall sprung arch culvert. These are considered minor and are permitted under Policy FLD 4.

Access and Parking

8.60 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic in line with Policy AMP 2 of PPS 3. The proposed site access will be from Dunluce Road. Parking for the hotel is located within the confines of the site. A Transport Assessment was completed in support of the application. DFI Roads did raise initial concerns regarding the gradient proposed and the PSD drawings. Amended plans were received and DFI Roads are now content with the development proposed subject to conditions assuming the Council considers the proposal to meet Consequential amendment to Policy AMP 3 of PPS 3 Access Movement and Parking. Having regard to parking a total of 36 unassigned spaces have been provided with 11 on street spaces located within the site. In regard to the Parking Standards for hotel development 1 space is required per bedroom plus restaurant, function room, conference and bar at 1 space per 5sqm and resident staff at 1 space per 3 staff on duty. There is provision for a least one space per room. In regard to the restaurant, function room and bar this will be restricted to residents within the hotel and will not be open to anyone outside of this. This is therefore not required. In terms of staff car parking 12 additional spaces will be provided and this is deemed sufficient and will allow for 36 staff at any one time.

Protected Route

- 8.61 The proposed development will be accessed from a Protected Route. Given this Consequential amendment to Policy AMP 3 of PPS 3 Access Movement and Parking applies. A protected routes statement has been provided in support of the application. The key section of this policy relates to other protected routes outside settlement limits. Planning permission will only be granted for a development proposal involving access onto this category of protected route for a replacement dwelling, a farm dwelling, a dwelling serving an established Commercial or Industrial Enterprise or other categories of development. Criteria (d) relating to other categories of development would be relevant to this proposal. In this case approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.
- 8.62 In this case access cannot be obtained from an adjacent minor road and the visibility splays from the existing access are not available to provide a safe access. Given this the existing access will be closed up and a new access will be provided which provides adequate visibility splays. This relocation of an existing access is considered acceptable and will provide a safe access to the development. Material weight has been given to the provision of an improved access. Given this the proposal complies with the protected routes policy.

Contamination

- 8.63 In regard to contamination DEARA Land Soil and Air was consulted. Environmental Health in the PAD response did recommend a desk top survey to assess potential contamination at the site. DAERA Land Soil and Air stated that there are no records of previous potentially contaminating land uses on the application site or the adjacent area. DAERA Land Soil and Air have no objections subject to conditions relating to potential new contamination being encountered. Given the uses of the site it is considered that a desktop survey is not required and that if new contamination is

found this will be investigated given the conditions recommended by DAERA.

Other Issues

8.64 In regard to the representation letters received a number of the issues have been addressed throughout this report. This includes impacts on road safety, odour and noise, impacts on the AONB and sewage disposal. In terms of the existing trees which will be retained and their height, impact on loss of light and potential to fall down this would be a matter be the applicant and the residents of Strand Avenue. Concern was also raised in regard to access onto Strand Avenue.

8.65 A letter was received from the agent in response to the representation received. It was stated that there is no intention to use the existing gate onto Strand Avenue and access to and from the hotel remains via the Dunluce Road. In regard to sewage it was identified that a Waste Water Treatment Plant would be used which has been identified on the plans. In regard to height of trees, impact on loss of light and potential for falling trees the agent stated that applicant would welcome discussions in regard to the trees in question. All issues raised in the representation letters have been addressed throughout this report.

Natural Heritage

8.66 A Construction Environmental Management Plan and an Ecological Assessment was submitted as part of this application. DAERA Natural Environment Division was consulted in regard to this application. Based on the information provided NED is content that the site does not support a priority habitat. It was stated that given the location of the proposed development that the watercourse is unlikely to be impacted upon and is to remain open. In regard to the proposed tree removal NED is content that there are no priority habitats in this section of the site. In regard to the proposed planting, it was stated that this has the potential to improve the biodiversity of the site.

8.67 Given the ecological survey completed and further bat roost assessment which recorded no emergence of bats from the building, NED is content that the buildings within the site are unlikely to currently support roosting bats. Low levels of foraging and

commuting bats were found during the surveys and NED has recommended that a condition must be placed on any approval to ensure there is no more than 1 lux light spill directed toward the woodland features. No evidence of badger setts or otter holts were found on the site but there was evidence of badgers foraging. The section of woodland associated with this is to be retained as part of the proposal. Given this NED had no concerns with the proposed development. It was also noted that Himalayan Balsam which is an invasive species was found on the site and it is an offence to introduce this plant into the wild or to cause its spread. Overall NED are content with the proposal subject to conditions relating to lighting and tree retention.

8.68 The site is also located adjacent to Royal Portrush Golf Links Site of Local Nature Conservation Importance (SLNCI) but the site is not located within this designation. Within the Ecological Assessment it was stated that given the nature of the proposals and the private nature of the golf course that no likely impacts would occur as a result of the development. It was also stated that in any event, subject to the implementation of standard engineering protocols and best practice during construction in line with the measures proposed in relation to statutory designated sites, any potential direct or indirect adverse effects on non-statutory designated sites will be fully mitigated. DAERA Natural Environment raised no concern in regard to this designation.

8.69 The proposed development will therefore not result in adverse impact on protected species, priority species and their habitats and is acceptable having regard to in line the SPPS and Policies NH2 and NH 5 of PPS2.

8.70 DAERA Marine and Fisheries Division has considered the impacts of the proposal on the marine environment and is content that there should be no adverse impacts provided the informative as outlined in their response is adhered to. The application site is set back from the marine environment.

8.71 DAERA Water Management Unit considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal strictly subject to conditions, the applicant noting the advice in the explanatory note in

the response, the applicant referring and adhering to DAERA standing advice and any relevant statutory permissions being obtained. The proposed conditions relate to the provision of Construction Environmental Management Plan being submitted and the method of sewage disposal. An Outline CEMP was submitted in support of the application. DAERA did identify a need for further information but stated that this could be provided with the CEMP provided prior to the construction of the development.

Habitats Regulations Assessment

8.72 The application site is located in close proximity to the White Rocks Area of Special Scientific Interest (ASSI) and Skerries and Causeway Special Area of Conservation which are protected by the Habitats Regulations and Environment Order 2002. SES was consulted in regard to this application. SES stated that having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the mitigation relating to a Final Construction Environmental Management Plan and sewage disposal that the proposal will not have an adverse impact on the integrity of any European Site. DAERA raised no concerns in regard to this subject to conditions.

9 CONCLUSION

- 9.1 The proposed principle of hotel development is considered acceptable in this location having regard to the NAP 2016 and other material considerations, including the SPPS. The proposal has been considered against the policy tests set out for tourism development in the countryside. The proposal conforms to Policies TSM 3 & 7 of PPS 16. There is no suitable site within Portrush to accommodate this hotel. There are no opportunities for conversion of suitable buildings or replacement of suitable buildings within the locality.
- 9.2 The hotel is located close to the settlement of Portrush but will not dominate it. The proposed hotel is located on a site that is designated as an AONB and LLPA. The hotel while having a visual impact this will be limited by existing trees and vegetation and the fall in ground levels within the site, this impact is not considered to erode rural character, impact upon a sensitive landscape or otherwise contribute to urban sprawl. The proposal has been

designed with mitigation measures such as extensive landscaping to assist absorption of the development into the wider landscape.

- 9.3 There are economic benefits to this hotel development such as employment both during construction and longer term when operational. 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. No development shall commence until the vehicular access, including visibility splays and associated footway works, shall be provided in accordance with Drawing No's 33C and 34C bearing the date stamp 4th March 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being

comprised in the streets, shall be as indicated on Drawing No. 33C bearing the date stamp 4th March 2021.

REASON: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

5. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No. 33C bearing the date stamp 4th March 2021. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

6. The development hereby permitted shall not be commenced until the Road Restraint Risk Assessment has been submitted and approved in accordance with CD 377 of the Design Manual for Roads and Bridges.

REASON: To ensure that the structure is designed and constructed in accordance with CD 377 of the Design Manual for Roads and Bridges.

7. The development hereby permitted shall not be commenced until the geotechnical approval required for the embankments has been approved in accordance with CD 662 of the Design Manual for Roads and Bridges.

REASON: To ensure that the side slopes are constructed in accordance with CD 662 of the Design Manual for Roads and Bridges.

8. No other development hereby permitted shall become operational until the existing access indicated on Drawing No. 33C bearing the

date stamp 4th March 2021 has been permanently closed and the footway / verge reinstated to the satisfaction of DFI Roads.

REASON: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

9. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved Drawing No's 03B (Site Plan) received 20th November 2020, Drg. No. 33C (Access Layout PSD Plan) and Drg. No. 34C (Site Sections) bearing the date stamp 4th March 2021.

REASON: To ensure the development is carried out in accordance with the approved plans

10. All retained trees on site, as indicated on the approved drawings No 7C, No 10C and Arboricultural Impact Assessment (Doc 7A) shall be permanently retained, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 14 days. No retained tree, other than those required to be removed for the purpose of carrying out development, shall be, cut down, uprooted or destroyed, or have its roots within the crown spread damaged or subject to any soil level changes, without the prior written consent of the Council. Development will be taken to include the main development, any associated buildings, access and service provision.

Reason: To ensure the retention of trees and to the ensure continuity of the landscape amenity afforded by these trees.

11. Prior to any development on site, all trees identified to be retained must have their roots protected, as per the measures detailed in the Tree Protection Plan and associated Arboricultural Method Statement within the submitted Arboricultural Impact Assessment (Doc 7A) by Arbor Consulting . The erection of fencing required for the protection of retained trees shall be undertaken in accordance with BS5837 (2012) 'Trees in Relation to Construction'. The fencing must be in place before any

equipment, machinery or materials are brought on to the site for the purposes of the approved development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition. The ground levels within the fenced off areas shall not be altered, nor shall any excavation be made or any other works carried out, materials stored or fires lit.

Reason - To protect the sensitive roots of the trees to be retained and ensure their future health and vitality.

12. All Arboricultural work shall be implemented in accordance with the submitted Arboricultural Impact Assessment (Doc 7A) by Arbor Consulting and shall be carried out in accordance with BS5837 (2012) 'Trees in Relation to Construction'. Any remedial works to be carried out by a competent Tree Surgeon, preferably an Arboricultural Association approved contractor.

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

13. The appointed contractor must submit a Final Construction and Environmental Management Plan (CEMP) eight weeks prior to commencement of any development on site and approved in writing by Causeway Coast and Glens Borough Council Planning. This plan should contain all the appropriate environmental mitigation as detailed in the CEMP by Ecology Solutions dated April 2020 and the comments of NIEA WMU and NED dated 15/12/2020.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will negate any potential effects on the features of Skerries and Causeway SAC.

14. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge for a private WWTW has been granted under the terms of the Water (NI) Order 1999 by NIEA WMU and a Schedule 6 consent to discharge

surface water under the Drainage (Northern Ireland) Order 1973 has been obtained from DFI Rivers.

Reason: To ensure a practical solution to sewage and surface water disposal is possible at this site.

15. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees.

16. No external lighting shall be directed toward the retained woodland.

Reason: To minimise the impact of the proposal on bats and other wildlife.

17. If during the development works, new contamination or risks are encountered which have 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 Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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

18. After completing the remediation works under Condition 17 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 Land Contamination: Risk Management (LCRM) guidance. 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.

19. The rated noise emissions from the permitted development, measured in accordance with BS 4142:2014 “Methods of rating and assessing industrial and commercial sound”, shall not exceed the levels within Table 1 – Noise Limits:

Table 1- Noise Limits

Receiver	Daytime 07:00 – 23:00 hours, (L _{Aeq} , 1 hour) And Night-time 23:00 – 07:00 hours, (L _{Aeq} , 15mins)
R1 – The Rosses	29.1dB
R2 – 108 Dunluce Road	26.5dB
R3 – 110 Dunluce Road	24.5dB
R4 – 108c Dunluce Road	24.7dB
R5 – 106 Dunluce Road	26.7dB
R6 – 9 Strand Avenue	35.1dB

20. Within 4 weeks of the Council being notified of a reasonable noise complaint, from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the permitted development operator shall at his/her expense employ a suitably qualified and competent person to undertake a noise survey to assess the level of noise immissions from the permitted development. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with all plant and equipment fully operating. Details of the noise monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing, at least 2 weeks notification of the date of commencement of the survey shall be provided. The noise survey information shall be provided within 3 months of the date of a written request from the Council.

Reason: To protect residential amenity.

21. Deliveries to the development hereby permitted shall only take place between 8am and 7pm Monday to Friday and on Saturday between 8am and 3pm.

Reason: To protect the amenity of neighbouring residents.

22. Site preparation/enabling and construction works shall be implemented in accordance with best practice and standards as detailed within BS 5228, Parts 1 and 2, 2009, "Code of Practice for Noise and Vibration Control on Construction and Open Sites". Noise and vibration impacts shall be minimised/controlled. Such works shall not take place outside of the following hours, without the prior approval of the Planning Department:

- 07:30 - 18:00 hours Monday - Friday
- 08:00 - 13:00 hours Saturdays
- No working on Sundays or Bank Holidays

Noise levels shall not exceed the threshold values as stipulated within Section 4.1.1 of Report Reference: Rp 0001 2020046, dated 6th May 2020.

Reason: To protect the amenity of neighbouring residents.

23. Dust mitigation measures shall be implemented during site preparation/enabling and construction works to minimise the generation and movement of dust from the proposed development to sensitive receptors. The dust mitigation measures employed shall be in accordance with the Institute of Air Quality Management, "Guidance on the assessment of dust from demolition and construction, (2014)".

Reason: To protect the amenity of neighbouring residents.

24. Prior to operation of the restaurant, an Odour Impact Assessment shall be submitted to and agreed with by Council. The applicant / developer shall retain the services of an odour consultant in order that the impact of cooking odours on neighbouring residential units may be assessed and suitable mitigation measures proposed. Such an odour impact report shall refer to the "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" EMAQ+ (2018) and recommend mitigation measures as specified within the document.

Reason: In the interests of residential amenity.

25. A lighting plan must be submitted to and approved in writing by the Planning Authority in consultation with Environmental Health and DAERA Natural Environment Division prior to the operation of the development. The Plan shall include the following:

- a) Specifications of lighting to be used across the site, including model of luminaires, location and height;
- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;

Reason: To protect bats, otters and other protected species and residential amenity.

26. The scheme of planting as approved in Drawing Number 07D dated 30th March 2021 and Landscape Management Plan Doc 6 dated 17th June 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.

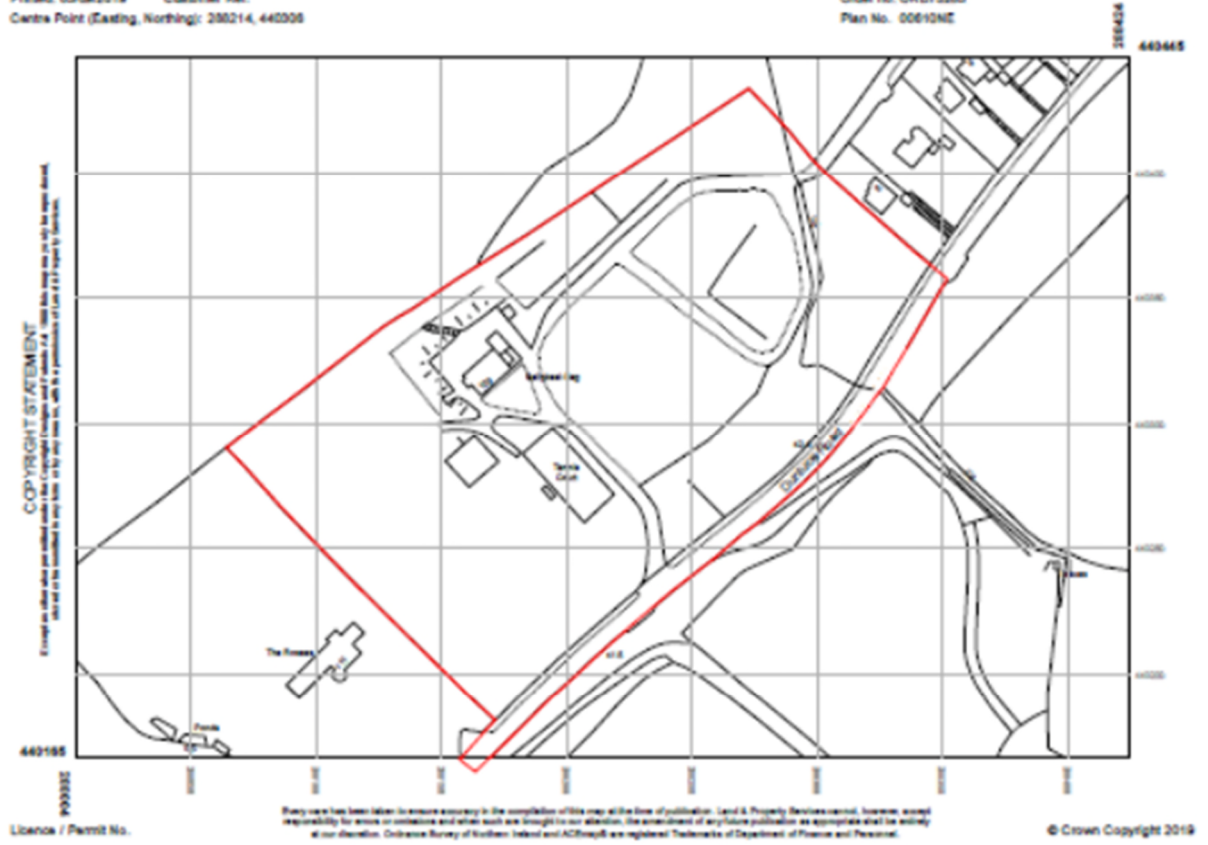
INFORMATIVES

1. 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.
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 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.
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

ACEmap® Single
Printed: 03/09/2019 Customer Ref:
Centre Point (Easting, Northing): 280214, 440208

Scale: 1:1,250
Order no. OR075205
Plan No. 00610NE



Site Layout

