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| Planning Committee Report LA01/2017/0506/F | 28th November 2018 |
| PLANNING COMMITTEE | |

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

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| <u>No:</u> LA01/2017/0506/F | <u>Ward:</u> Mountsandel |
| <u>App Type:</u> Full Planning | |
| <u>Address:</u> Market Yard, Lime Market Street, Coleraine | |
| <u>Proposal:</u> Proposed change of use for the Market Yard site to a multi-use space and car park which incorporates minor works to the gatehouse, lean-to structure and enlargement of vehicular opening between the yards, new surface finishes and external lighting. | |
| <u>Con Area:</u> n/a | <u>Valid Date:</u> 19.04.2017 |
| <u>Listed Building Grade:</u> Grade B1 | |
| Agent: Nicholas O'Dwyer Ltd, 15 Downshire Road, Newry, BT34 1EE | |
| Applicant: Causeway Coast & Glens Borough Council, Cloonavin, 66 Portstewart Road Coleraine BT52 1EY | |
| Objections: 0 | Petitions of Objection: 0 |
| Support: 0 | Petitions of Support: 0 |

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

1 Recommendation

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in 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 Market Yard is located within Coleraine Town Centre. The site is accessed through a gatehouse via Lime Market Street with secondary access through two gates located along New Market Street. The site consists of a large yard to the east and a smaller yard to the west of the site. The two yards are connected by two arched openings in a shared boundary wall. The site is surrounded by stone walls. The yards are finished in concrete. Currently the site sits vacant with no primary use.
- 2.2 The proposed site is located within the Settlement Development Limit for Coleraine as designated by the Northern Area Plan 2016. The site is located within an Area of Archaeological Potential and is in proximity to a number of archaeological monuments to include settlement site, house, wall and ecclesiastical site. The Market Yard site, structures and the walls surrounding the site are listed. The character of the area consists of a number of commercial premises to include public houses, bookmakers, pet store and restaurants. There are also some residential properties located within the site. Buildings surrounding the site are a mix of two and three storey.

3 RELEVANT HISTORY

LA01/2017/0477/LBC Proposed change of use for the Market Yard site to a multi-use space and car park which incorporates minor works to the gatehouse, lean-to structure and enlargement of vehicular opening between the yards, new surface finishes and external lighting.

Market Yard, Lime Market Street, Coleraine
Under Consideration

LA01/2016/0368/PAD Use of existing vacant yard for proposed council maintained off street car park. The yard is, in part, within the confines of the listed walls and gate house of nineteenth century market yard, Coleraine
Market Yard, New Market Street, Coleraine,
PAD Concluded 01.12.2016

C/2009/0785/F Proposed development Coleraine Museum and Library at Market Yard
Market Yard, Lime Market Street, Coleraine
Permission Granted 28.06.2010

C/2009/0791/LB Conservation, extension, alteration and dismantling/reinstatement of buildings on and/or surrounding Market Yard
Market Yard, Lime Market Street/New Market Street, Coleraine
Permission Granted 28.06.2010

4 THE APPLICATION

- 4.1 Planning permission is sought for a change of use for the Market Yard site to a multi-use space and car park which incorporates minor works to the gatehouse, lean-to structure and enlargement of vehicular opening between the yards, new surface finishes and external lighting.

Habitats Regulations Assessment Screening

- 4.2 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 as the proposal does not have a hydrological link as a pathway for pollution to a European Site. The proposal would not be likely to have a significant effect on the features, conservation objectives or status or any of these sites.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours:** No objections received

Internal

5.2 **DFI Roads:** Has no objection to the proposal subject to condition

DAERA Water Management Unit: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal

Historic Environment Division: No objection subject to conditions.

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:

1. Northern Area Plan 2016

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)

Planning Policy Statement 3 (PPS3) Access Movement and Parking

Planning Policy Statement 6 (PPS 6) Planning, Archaeology and The Built Heritage

- 8 CONSIDERATIONS & ASSESSMENT** 8.1 The main considerations in the determination of this application relate to: the principle of development; impacts on the features of Archaeological Importance, Impacts on the Listed Structures of the Market Yard and roads issues.

Planning Policy

- 8.2 The principle of the development proposed must be considered having regard to the Northern Area Plan and PPS policy documents specified above and the supplementary guidance. The proposed site is a committed site for development under designation CET 05 of the Northern Area Plan given the history of the site.

Impact on Listed Structures

- 8.3 The Markets, Lime Market Street, Coleraine is a grade B1 listed building of special architectural and historic interest and the proposed development will directly affect this protected structure. The proposed development includes a change of use to a multi-use space/car park, minor works to the gatehouse and lean-to structure, enlargement of vehicular opening between the yards, new surface finishes and provisions for external lighting. The key policies in relation to this application are Policies BH7 (Change of Use of a Listed Building), BH8 (Extension or Alteration of a Listed Building) and Policy BH11

(Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. In regard to Policy BH 7 the Planning Authority will normally only permit the change of use of a listed building where, this secures its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced. Having regard to Policies BH 8 and BH 11 permission will only be given where,

- the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

8.4 Historic Environment Division as the competent authority was consulted in regard to this proposal. HED stated that the proposal complies with the policy requirements of SPPS (para 6.12 & 6.13) and policies BH7 (Change of Use of a Listed Building), BH8 (Extension or Alteration of a Listed Building) and Policy BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, subject to conditions. These conditions relates to finishes of the disabled car parking areas and the design of railings and barriers. These conditions are reasonable.

Principle of a Multi-Use Space and Car Park

8.5 In determining proposals for public and private car parks, including extensions, it is stated in the SPPS that the planning authority should be satisfied that there is a need for the development by reference to the councils overall parking strategy. Other planning considerations include traffic and environmental impacts.

8.6 Having regard to the SPPS it is considered that the proposed change of use to multi-use space and car park is an acceptable town centre use and would be considered a cultural and

community facility given the multiuse space element. The proposed development will also protect and enhance the diversity in town centre uses and would lead to the re-use of the Market Yard in turn helping retain an important historic feature of Coleraine.

- 8.7 Policy OS 5 of PPS 8: Open Space, Sport and Outdoor Recreation relates to Multi Use Spaces. Planning permission will only be granted for the development of sport or outdoor recreational facilities that generate high levels of noise where there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses; where there is no unacceptable level of disturbance to farm livestock and wildlife and where there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude. The multi-use element of the proposed development would be used to hold markets and events which would not be ongoing uses. Environmental Health was consulted in regard to this application and raised no significant concern in regard to noise. Given this it is considered that the proposed development meets with the criteria of this policy and would not create an unacceptable level of noise disturbance. The site will be used as a car park for the remainder of the time.
- 8.8 Policy AMP 9 relates to the Design of Car Parking. Planning Permission will only be granted for a proposal where it respects the character of the local townscape/ landscape, where it will not adversely affect visual amenity and where provision has been made for security, and direct and safe access and movement of pedestrians and cyclists within the site. Surface level car parking should generally be broken up to avoid the creation of vast expanse of dead space. In terms of this proposal a mix of finishes to include concrete and paving setts will be used to reduce the visual impact of the proposed development. The existing market yard area is finished with concrete and the proposed car parking spaces will use broken lines and be painted off white or cream to reduce the visual impact. The proposed development will lead to retention of the Market Yard area which is currently not in use. The proposed development will also provide a movement pattern for pedestrians to use the site and connect with the town centre. Given the proposed finishes the proposed development will fit in

with the character of the area and therefore meets with this criteria of planning policy.

- 8.9 Another key policy relating to this proposal is Policy AMP 10 which relates to the provision of Public and Private Car Parks. Planning permission will be granted for proposals of this nature when they do not significantly contribute to an increase in congestion, where it is not detrimental to local environmental quality, where it is accepted by DFI Roads and where they are compatible with adjoining land uses. This proposal will ensure the retention and reuse of the Market Yard and therefore will contribute to environmental quality within the area. DFI Roads was consulted in regard to this proposal and where content subject to condition that the proposed development would not lead to congestion. Given the town centre location it is considered that the nature of the site as a car park is acceptable.

Impact on Archaeological Features

- 8.10 The proposed site is located in proximity to a number of Archaeological Sites and Monuments and is located within an Area of Archaeological Potential. The key policy in relation to this Policy BH 02 of Planning Policy Statement 6 relate to this application and include provisions to preserve and protect Archaeological Remains of Local Importance and their Settings. Historic Environment Division was consulted and was content that the proposed development satisfies PPS 6 Policy requirements subject to with the proposed development conditions for the agreement and implementation of a developer-funded programme of archaeological works.

Roads Issues

- 8.11 DFI Roads did raise some concerns in regard to the proposed development but amended plans have been submitted and has resolved any issues. DFI Roads are now content with the proposed development subject to condition.

9 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is located within the town centre of Coleraine and the proposed multi use space and car park is considered an acceptable town centre use. The proposed development will allow for the retention and re-use of the Market Yard which is an important historical feature. The proposed scheme is considered sympathetic to the Listed element of these structures and the design to include mix of finishes will reduce the visual impact of the proposed scheme. The proposed development also meets with the relevant planning policy criteria and will be recommended for approval.

10 Conditions

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

Reason: Time Limit.

2. The proposed car parking spaces shall be outlined with off white or cream coloured paint.

Reason: In the interests of Visual Amenity

3. Disabled parking spaces and areas identified with a dashed yellow line on drawings 03 Rev 6 and 04 Rev 5 dated 25th September 2018, shall not be demarcated with yellow paint. Details of the proposed specification shall be submitted to the Council for agreement in writing with HED, prior to commencement onsite.

Reason: To protect the essential character and setting of the listed building.

4. Details of the proposed heritage style two rail and post barrier, shall be submitted to the Council, for agreement in writing with HED, prior to manufacture.

Reason: To protect the essential character and setting of the listed building.

5. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by The Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and

- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

6. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

7. No other development hereby permitted shall be commenced until the road works indicated on Drawing No's 03 Rev 6 & 04 Rev 5 both bearing the date stamp 25 Sep 2018, Drawing No. 13 bearing the date stamp 08 Mar 2018 and the Departments FCD1 Form dated 25 Sep 2018 have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

8. A detailed programme of works and any associated traffic management proposals shall be submitted to and agreed by DfI Roads, prior to the commencement of any element of road works.

Reason: To facilitate the convenient movement of all road users and the orderly progress of work in the interests of road safety.

9. The replacement of any waiting restriction markings removed will be carried out at the Developer's expense. The Department for Infrastructure – Roads, Traffic Section, County Hall, Castlerock Road, Coleraine should be consulted before any works are carried out.

Reason: In the interest of road safety.

10. The proposed multi-use space shall not be used for outdoor entertainment events involving sound amplification for any period exceeding 28 days in the calendar year.

Reason: In the interests of neighbouring amenity

Site Location

