

Planning Committee Report LA01/2018/1340/F	26th June 2019
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
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

<u>App No:</u>	LA01/2018/1340/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full Planning		
<u>Address:</u>	3 Berne Road, Portstewart.		
<u>Proposal:</u>	Proposed external alterations to existing café premises		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	30.10.2018
<u>Listed Building Grade:</u>	N/A		
Applicant:	Mr David Lynas		
Agent:	Shane Birney Architects, Building 80/81, Ebrington, L'Derry.		
Objections:	21	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

1.0 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises of a single storey detached building used as a Café with ramps to the front and side to provide level access and a small, open cordoned off area. The building had formerly been a toilet block. The footprint of the building measures 6.9m x 10m with a ridge height of 4.5m above finished floor level. The building incorporates a pitched roof orientated parallel to the road and features a projection to the front, evoking the form of a sail, which incorporates circular porthole type windows. Immediately to the south of the site is a public carpark which has been shown within blue lands. Immediately to the north of the site is The Berrins, a three storey apartment block comprising 6 apartments. Beyond the carpark to the south of the site is Bearnville, a three storey apartment block comprising nine apartments. The ground rises steeply beyond the eastern boundary of the site with a partially constructed apartment block at the top.

The building is finished externally with painted render to walls, black window frames and rainwater good and low profile black slate roof tiles. External pedestrian access to the building is via a door on the southern gable. The party boundary with The Berrins is defined with a 1m pebbledash wall and a 1.8m close board fence atop a pebbledash wall. The eastern boundary is defined with a 1.4m retaining wall. The southern boundary is defined with the aforementioned cordon which comprises a rope barrier interspersed with vertical timber poles. With the exception of a short run of level access ramp the western boundary with the street is not defined.

- 2.2 The site is located within the settlement development limit for the Town of Portstewart and the eastern boundary abuts Strand Head LLPA designation PTL 07. The site is not subject to any

other specific zonings or designations as set out in the Northern Area Plan 2016.

3.0 RELEVANT HISTORY

- 3.1 Relevant planning history exists on the application site.
- 3.2 C/2014/0493/F. Public Toilet Block located approximately 17m's to the Rear of No 42 Strand Road, Portstewart, BT55 7LU. Change of Use from disused toilet block to tourist/cafe outlet. Internal re-configuration, new window installation and external works. Granted 04/06/2015.
- 3.3 LA01/2017/0804/A. 3 Berne Road, Portstewart. Shop signage to South & West elevation. Granted 22/08/2017.

4.0 THE APPLICATION

- 4.1 Full planning for external alterations to existing café premises.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

21 letters of objection have been received in relation to this application. 20 to the first iteration of the proposal which comprised a sizeable extension to the premises and 1 to the final iteration of the proposal which comprises a new shopfront, canopy to the front elevation for alfresco dining and minor elevational changes. The main issues raised in reference to the first iteration are summarised below:

- Vehicles continuously use the private access and parking areas associated with The Berrins to turn vehicles making it unsafe for children to play unsupervised.
- Existing issue with congestion and poor parking on footpaths and grass verges.
- Concerns about and increase in vermin.
- The smell of cooking is unpleasant in the morning and will get worse with the extension.
- The extension will bring additional traffic to the site which has inadequate facilities.

- Littering is a concern due to the lack of a public waste bin and overflowing commercial bins.
- A condition should be applied to the planning approval to make the café toilets accessible to the general public, not just customers.
- There should be a presumption that access to the café is pedestrian only after the adjacent carpark is full.
- There should be 5 disabled parking bays in the adjacent carpark.
- The Council should provide double yellow lines to discourage nuisance parking.
- The Council should make an arrangement with the nearby school to use parking at peak times.
- The proposal will reduce space in a carpark that is already too small.
- Parking on O'Hara Drive is prohibited as it is private.
- Berne Road is too narrow for such a facility.
- The volume of traffic created by the café is already excessive and will be exacerbated.
- The site is not big enough for a commercial premises.
- The existing issues detrimentally affect parents with pushchairs and disabled people.
- Cars using the existing café contravene the Highway Code.
- The figures stated in question 25 of the P1 form are inaccurate.
- The previous approval was granted without a parking report.
- Clarification is sought on how the applicant proposes to provide the required 14 parking spaces.
- A parking survey should be completed during peak times.
- The Café should be closed permanently.
- Parking restriction should be introduced on Berne Road.
- The proposed scheme improves disabled access however there are no disabled parking spaces.
- Proposed parking layout shows one less space than that stipulated by DFI Roads.
- The carpark is not in the ownership of the applicant so how can it be for sole use of the café.
- A parking space would block the gate in the boundary wall of Bearnville.
- The area referred to as a layby in the plans is a footpath.

5.2 Following submission of an amended scheme, comprising a new shopfront and canopy to the front of the existing premises a single objection was received. A summary of the points raised is as follows:

- P1 form has not been adequately adjusted.
- Objector doubts business would be viable considering the prospective number of customers claimed by applicant.
- Doubts café could function with only two staff.
- Sample menu indicates fried food will be prepared and as such the existing domestic extraction system is inadequate.
- An odour and noise impact assessment should be carried out.
- Pending outcome of assessments they expect suitably worded conditions to control nature of cooking operations and noise from extraction/ refrigeration.
- Their Client has a right of way over carpark.
- The canopy will be intrusive on the streetscape and may lead to subsequent increase in floorspace.
- Applicant has not addressed DFI Roads concerns.

5.3 Internal:

NI Water: No objection.

HED: As the proposal falls within a consultation zone for an archaeological site and monument HED were consulted on the proposal. HED has no objection.

DFI Roads: Roads advise, there is not adequate provision for parking and servicing in-curtilage.

Environmental Health: EHO states that although it would be best practice to install a commercial extraction system, necessitating the aforementioned noise and odour impact studies, the premises would be working within the parameters set with planning approval C/2014/00493/F.

6.0 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any

determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

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

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

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

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

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

PPS 3 - Access, Movement and Parking

PPS6- Planning, Archaeology and the Built Heritage

Planning Strategy for Rural Northern Ireland

Supplementary Planning Guidance

DCAN 8 – Restaurants, Cafes and Fast Food Outlets

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The site is located within the settlement development limit for the Town of Portstewart and the eastern boundary abuts Strand Head LLPA designation PTL 07. The site is not subject to any other specific zonings or designations as set out in the Northern Area Plan 2016.
- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: Visual impact, amenity, parking and archaeology.

Assessment

Visual Impact

- 8.3 The proposed development comprises an open canopy to the front (western) elevation, within the curtilage of the existing café, repositioning of a door and an additional window to the southern elevation, removal of the existing 'sail' feature to the front elevation, fully glazed shopfront and new steel door to the rear elevation. The canopy will project from the western elevation by 3m at its widest point at the northwest corner of the building tapering to 2.4m where it terminates at the existing ramp. Other minor external alterations are proposed along with a minor internal reconfiguration.
- 8.4 In terms of the proposed canopy and impact upon the streetscape it is noted that the open sided canopy will not come any further forward than the boundary wall associated with Bearnville. I assess that the canopy will not be detrimental to the streetscape due to its modest scale, open design and

natural materials and will make a positive contribution as per policy DES2.

Amenity

- 8.5 In terms of impact upon surrounding amenity, while it is acknowledged that there appears to be an existing issue with parking and turning at Berne Road, it is considered that there is no intensification to the existing use that which was approved under C/2014/0493/F. The Café will continue to use existing cooking appliances and domestic extraction system considered and granted under C/2014/0493/F. It is noted that EHO have stated that there is no current or historical noise or odour complaints in the vicinity of the café
- 8.6 In terms of the outside eating area DCAN 4 states, planning permission is not likely to be required where it is proposed to place tables and chairs on the forecourt or any open land within the curtilage of the restaurant, where that land forms part of a planning unit. As per DCAN 4 the applicant could place tables and chairs outside the premises, within the curtilage, without the need to seek planning permission.

Traffic & Parking

- 8.7 DFI Roads have raised concern with the lack of carparking and in-curtilage servicing however, as there is no proposed intensification the previous comments remain.
- 8.8 Therefore, issues raised by objectors in relation to parking, provision of disabled parking bays, double yellow lines, waste bins, noise, litter, sole use of the carpark by the café, a parking survey, noise and odour assessments etc. are either beyond the remit of the application or irrelevant as the arrangement was considered to be acceptable under C/2014/0493/F.
- 8.9 The additional window to the southern elevation and the minor changes to the shopfront will not detrimentally impact upon surrounding amenity over the existing arrangement.

9.0 CONCLUSION

- 9.1 The canopy and shop front are the only elements not considered and approved under application C/2014/0493/F therefore it is not reasonable to refuse permission or seek to impose more onerous conditions in relation to this application. An 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. All The use hereby permitted shall not be open to customers between 11pm at night to 8am in the morning.

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

11 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 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.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

Site Location

22-30 HOPEFIELD AVENUE, BELFAST,
BT15 5AP copyright remains with OSCAR & OSCAR



Causeway Coast and
Glens Borough Council
Drawing
Number.....01.....

Planning Office
RECEIVED
30 OCT 2018
File No.....
Causeway Coast and
Glens Borough Council

Rev.	Description	Date
01	ALTERATIONS TO 3 BERNE ROAD	
02	Site Location Plan	
03	P01	1:1250 Rev.-

