



Title of Report:	Planning Committee Report – LA01/2021/1207/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd December 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: LA01/2021/1207/F **Ward:** Waterside

App Type: Full

Address: Waterside Car Park, Castle Place, Coleraine, BT51 3DJ

Proposal: NI Water carried out maintenance within their existing pumping station buildings and required temporary land surrounding the station to accommodate this work. The surrounding land was used for site accommodation and to facilitate the works on agreement with the council which began on 5th July 2021 running till 27th August 2021.

Con Area: N/A **Valid Date:** 05/10/2021

Listed Building Grade: N/A

Agent: McAdam Design (1C Montgomery House, 478 Castlereagh Road, Belfast)

Applicant: NI Water (Westland House, Westland Road, Belfast)

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

EXECUTIVE SUMMARY

- Full retrospective planning permission is sought for NI Water carried out maintenance within their existing pumping station buildings and required temporary land surrounding the station to accommodate this work. The surrounding land was used for site accommodation and to facilitate the works on agreement with the council which began on 5th July 2021 running till 27th August 2021.
- The site is located within the Settlement Development Limit of Coleraine, Coleraine Town Centre, an Area of Archaeological Potential and a Local Landscape Policy Area as defined in the Northern Area Plan 2016.
- No objections were received for this proposal.
- Consultations were issued to the following consultees and no objections were raised:
 - Environmental Health
 - DfI Roads.
 - Shared Environmental Services
 - DAERA
 - Historic Environment Division
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 6 and PPS 11.

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, guidance, and consideration 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 site is located within Waterside car park in Coleraine. On site is a Waste Water Pumping Station (WWPS) and Pumping Building in the ownership of NI Water. These buildings are single storey with the WWPS orientated east-west with the Pumping Building attached to the southern wall of the WWPS. The remainder of the site is car parking spaces associated with Waterside car park. The site is accessed via the surrounding car park area. Vehicular access is from Castle Lane to the southwest of the site. Pedestrian access is possible from Castle Lane, the riverside walk located to the northeast through southeast, the rears of the buildings fronting onto Waterside and from the path to the northwest from County Hall.
- 2.2 The area is urban surrounding the site and located within the settlement limit. The site is surrounded by Waterside car park. To the east is the River Bann and associated riverside walk. To the south are buildings fronting onto Waterside. To the west is a retail premises. To the north is open space connecting into County Hall and a Health Centre.
- 2.3 The site is located within the settlement development limits for Coleraine and within Coleraine Town Centre as designated within the Northern Area Plan 2016. The site is located within an Area of Archaeological Potential and partially within Local Landscape Policy Area Designation CEL 24: County Hall.

3. RELEVANT HISTORY

There is no relevant planning history.

4. THE APPLICATION

- 4.1 Full retrospective planning permission is sought for NI Water carried out maintenance within their existing pumping station buildings and

required temporary land surrounding the station to accommodate this work. The surrounding land was used for site accommodation and to facilitate the works on agreement with the council which began on 5th July 2021 running till 27th August 2021.

Habitats Regulation Assessment

- 4.2 The potential impact 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, etc) Regulations (Northern Ireland) 1995 (as amended). The Proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

5. PUBLICITY & CONSULTATIONS

5.1 External

- There are no letters of objection or letters of support received on this application.
- One neighbour notification letter was sent on 14.10.2021.

5.2 Internal

- **Dfl Roads** have been consulted and raise no objections to the proposal.
- **Shared Environmental Services** have been consulted and have eliminated the proposal from further assessment because it could not have any conceivable effect on a European Site.
- **DAERA Water Management Unit and Inland Fisheries** have been consulted and advised that Water Management Unit is content with the proposal subject to Conditions, the applicant noting the advice in the Explanatory Note, referring and adhering to Standing Advice and obtaining any relevant statutory permissions. Inland Fisheries are content that with appropriate mitigation this application is unlikely to have any significant impact on fisheries interests in the vicinity of the works.
- **Historic Environment Division: Historic Buildings and Historic Monuments** have been consulted and raise no objections to the proposal.

- **Environmental Health** has been consulted and have queried what the proposal entails, potential noise generation and hours of operation.

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 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)
- 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

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 11: Planning & Waste Management

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development, and traffic matters.

Planning Policy

- 8.2 The proposal must be considered in line with the SPPS, PPS policy documents and the supplementary planning guidance specified above.
- 8.3 The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Principle of Development

- 8.4 The site is located within the Settlement Development limit of Coleraine and is located within an Area of Archaeological Potential and partially within Local Landscape Policy Area Designation CEL 24. The proposal is retrospective and seeks to utilise an area of the existing car park to facilitate works to the pumping station. The proposal includes the erection of a temporary 1.8m high heras fence to enclose the site boundary, the temporary erection of a site office and temporary siting of diesel pumps. Q9 of the P1 form indicates that works will last approximately 2 months and on completion the car park will return to its former use. The agent has clarified that the works have already been completed and the application is retrospective.
- 8.5 Clarification was sought with the agent on the nature of the works that occurred. The proposed maintenance works entailed the replacement of an existing screw pump within the existing NI Water pumping station. This required the existing screw pump to be lifted out and the new lowered into place. This work utilised a 50T mobile crane. For a period of two weeks the pumping station was ran temporarily by 2 No. 8" diesel pumps. These pumps were active 24 hours a day with sound proofing barriers erected around the pumps. The proposed site accommodation was powered off the existing NI Water facility so no generator was used for this element. Working hours were 8-5 noting

that out of hours the temporary pumps continued to operate as required for the 2 week period.

- 8.6 The application site is located within an Area of Archaeological Potential as designated within the Northern Area Plan 2016. Volume 2 of the plan highlights consideration under Policy BH 3 of PPS 6 and the Environmental Section in Volume 1 of the plan. Volume 1 refers to PPS 6 and the extent of Areas of Archaeological Potential highlighted in accordance with this policy statement. Historic Environment Division were consulted on the proposal and Historic Monuments advised that the application is located close to LDY007:018, the site of a castle and fortification and that they have assessed the application and on the basis of the information provided and the limited nature and scale of the proposal that they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements.
- 8.7 Having regard to the nature of the proposal relating to the temporary use of the land to facilitate works in the pumping station buildings and the response from Historic Environment Division: Historic Monuments, it is considered that the proposal would satisfy the requirements of the SPPS and PPS 6 in this respect.
- 8.8 Local Landscape Policy Area Designation CEL 24 County Hall LLPA relates to the grounds of County Hall, and the adjoining extensive school playing fields contain some remnants of the original parkland of Jackson Hall and this original parkland planting has been complemented by extensive planting in the 1970s which is now maturing and adding to the visual significance of this LLPA. The accompanying text states that any further development in the grounds of County Hall should respect this woodland. There is scope for housing development at the more pen northern end of the school playing areas.
- 8.9 Consideration of impact on the LLPA designation falls under Policy ENV 1 Local Landscape Policy Areas contained within Volume 1 of the Northern Area Plan 2016. Policy ENV 1 states that permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. Where development is permitted it is required to comply with any requirements set out for individual LLPAs, in this case CEL 24. The policy continues on to refer to when riverbanks are included in LLPA designations which is not relevant in this case. It

continues that where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

- 8.10 The area of the LLPA within which the application site is located comprises a car park. The proposal is for a temporary use of land to facilitate works. The proposal does not impact on the grounds of County Hall, the school playing fields or any of the parkland or subsequent planting as they are not located on the application site. The proposal is compliant with Policy ENV 1 of the Northern Area Plan 2016 in this respect.
- 8.11 There are no planning policies which specifically cover the nature of this proposal. The closest policy is that of Policy WM 5 of PPS 11: Planning and Waste which relates to Development in the vicinity of Waste Management Facilities. This policy outlines that proposals involving the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works, will only be permitted where all the following criteria are met:
- *it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and*
 - *it will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.*
- 8.12 The applicant for this application is NI Water. NI Water are a statutory undertaker in relation to water and sewage undertakings. There is permitted development for development by water or sewage undertakers under Part 14, Class H of The Planning (General Permitted Development) Order (Northern Ireland) 2015. However, given the location of the site in an Area of Archaeological Potential there is no permitted development rights for the occurred works in this instance.
- 8.13 The description of the application outlines that the usage of the land was approved by Council and utilised from 5th July 2021 to 27th August 2021.
- 8.14 The proposal would not prejudice or unduly restrict activities permitted to be carried out within the Waste Water Pumping Station and Pumping Building as the proposal relates to the usage of land to facilitate the maintenance of this facility by NI Water who are the

owners of the premises.

- 8.15 Impacts on people will be related to the loss of car parking opportunities on the site and impact on amenity from the proposed works. The proposal is retrospective and relates to a temporary use of land for approximately two months. NI Water are the applicant and have the ability to maintain their facilities without planning permission where any plant or machinery would not exceed 15 metres in height or the height of anything it replaces whichever is the greater.
- 8.16 Noise generation at the site would be from the general maintenance operations, operation of the 50T mobile crane and the diesel pumps. The agent has advised that the pumps have sound proofing barriers erected around them. Environmental Health have raised queries in relation to The works have already been completed with the temporary usage of the land already occurred. Therefore any impacts in terms of noise have also already occurred. In this respect the proposal would not give rise to unacceptable adverse impacts in terms of people.
- 8.17 The proposal will result in the loss of car parking spaces from the car park. However, this will only be temporary. DFI Roads were consulted on the proposal and have no objection. Q25 of the P1 form indicates an average of 5 staff vehicles and 7 staff for the proposal. This would not be significant in terms of traffic generation and parking is available within the adjoining car park. It is considered that the proposal would not give rise to unacceptable adverse impacts in terms of transportation systems.
- 8.18 Environmental impacts from the proposal are in relation to the waste disposal nature of the pumping station. The building is located within the middle of a car park and is surrounded by hardstanding. However, the River Bann is located to the east of the car park.
- 8.19 Shared Environmental Services have eliminated from the proposal from further assessment as they have concluded that there is no viable environmental pathway from the site to any European site. In their Stage One assessment they note that at all times that the proposal will have at least a 25 metre land buffer of operating car park and parkland between it and the river. They also outline that the operational infrastructure is as stated NI Water main infrastructure which is currently consented under The Water (NI) Order 1999 by

NIEA WMU.

- 8.20 NIEA Water Management Unit have advised on the basis of the information provided, that they are content with the proposal subject to Conditions, the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained. They note Q18 of the P1 form where the proposal is for foul sewage to be disposed of to a Northern Ireland Water Limited pumping station.
- 8.21 The proposal is retrospective and involved the replacement of an existing screw pump within the existing pumping station. The proposal utilised diesel pumps from which the pumping station was ran temporarily for two weeks. These pumps are located outside the pumping station on the hardstanding associated with the car park.
- 8.22 DAERA Standing Advice on Commercial or Industrial Developments includes two conditions. As the application is retrospective and works have occurred there is no requirement for the proposed conditions.
- 8.23 No ecological assessments are deemed to be required given the retrospective and temporary nature of the proposal, the location within an existing car park and the separation distances involved.
- 8.24 It is considered that the proposal would not give rise to unacceptable adverse impacts in terms of the environment.
- 8.25 Having regard to the above assessment the proposal is considered to be compliant with the Northern Area Plan, SPPS, PPS 6 and Policy WM 5 of PPS 11 and is recommended for approval.

9. CONCLUSION

- 9.1 The proposal is acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, PPS 6 and PPS 11. The proposal is not considered to cause any unacceptable adverse impact in terms of people, transportation systems or the environment. The proposal will not adversely affect the features of the designation LLPA. The proposal will not impact on archaeological remains.

10. Conditions

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

Reason: Retrospective application.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

4. 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 Map

