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| <b>Title of Report:</b>                | <b>Planning Committee Report – LA01/2022/0774/F</b> |
| <b>Committee Report Submitted To:</b>  | <b>Planning Committee</b>                           |
| <b>Date of Meeting:</b>                | <b>28<sup>th</sup> June 2023</b>                    |
| <b>For Decision or For Information</b> | <b>For Decision – Council Interest</b>              |

|  |  |
|--|--|
| <b>Linkage to Council Strategy (2021-25)</b> |  |
| Strategic Theme                              | Cohesive Leadership  |
| Outcome                                      | Council has agreed policies and procedures and decision making is consistent with them |
| Lead Officer                                 | Development Management and Enforcement Manager   |

|                                    |     |
|------------------------------------|-----|
| <b>Budgetary Considerations</b>    |     |
| Cost of Proposal                   | Nil |
| Included in Current Year Estimates | N/A |
| Capital/Revenue                    | N/A |
| Code                               | N/A |
| Staffing Costs                     | N/A |

|                               |  |     |       |
|-------------------------------|--|-----|-------|
| <b>Screening Requirements</b> | 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: |

|   |                                      |
|---|--------------------------------------|
| <b><u>No:</u></b> LA01/2022/0774/F  | <b><u>Ward:</u></b> Causeway         |
| <b><u>App Type:</u></b> Full  |                                      |
| <b><u>Address:</u></b> 250-252 Castlecat Road, Dervock  |                                      |
| <b><u>Proposal:</u></b> Change of use from Public House/Restaurant to Public House and 6no. Holiday Units |                                      |
| <b><u>Con Area:</u></b> N/A   | <b><u>Valid Date:</u></b> 15/07/2022 |
| <b><u>Listed Building Grade:</u></b> N/A  |                                      |
| <b>Agent:</b> None specified  |                                      |
| <b>Applicant:</b> Mr and Mrs S McKillop   |                                      |
| <b>Objections:</b> 2  | <b>Petitions of Objection:</b> 0     |
| <b>Support:</b> 0   | <b>Petitions of Support:</b> 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 application site falls within Dervock settlement limit and Dervock Area of Archeological Potential.
- Two letters of objection have been received in relation to this application.
- No objections have been raised by statutory consultees in relation to this proposal.
- The proposal is acceptable in terms of the proposed conversion to a public house and 6 no. holiday units.
- The proposal is considered acceptable in terms of layout, design, scale and massing respecting the surrounding context and is appropriate to the character of the site and surrounding area.
- The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- The proposal does not harm the setting of nearby listed buildings.
- The proposal is acceptable in terms of archaeology.
- Access and parking arrangements are acceptable.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 16, PPS 6 and PPS 3.

**Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.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 This site is located at 250-252 Castlecatt Road, Dervock. The site comprises a 1.5 storey building currently in use as a pub/restaurant finished in render with a pitched slate roof and wall dormers. There are 1.5 storey and single storey rear returns with pitched and flat roofs. There is a small patio area to the north of this building. Two external stairwells exist to the first floor of this building at the rear. This building fronts onto the public footpath onto Castlecatt Road with remaining site boundaries defined by walls. There is a large hard surfaced area to the rear which is for parking and is accessed from the Toberdoney Road.
- 2.2 The surrounding area is predominately characterised by residential use with properties opposite the site being terraces. Commercial use is evident in the vicinity of the site including a Jamison Landrover business, a café, a spar and takeaways.
- 2.3 The site is within an Area of Archaeological Potential. East of the application site is Dervock River Local Landscape Policy Area (designation DVL01) and the area to the south and east of the existing bar/restaurant has been zoned for housing (designation DVH07 – rear of 250 Castlecat Road).

### **3.0 RELEVANT HISTORY**

#### **3.1 LA01/2023/0369/CLOPUD**

Land adjacent to McCann Bar, 250-252 Castlecatt Road,  
Toberdoney Road, Dervock  
Erection of three townhouses and two apartments  
(D/2006/0253/F)  
Under Consideration

#### **3.2 D/2006/0253/F**

Land adjacent to Mc Cann's Bar, 250-252 Castlecatt Road,  
Toberdoney Road, Dervock  
Erection of three townhouses and two apartments  
Approval – 29/05/2007

#### **3.3 D/2005/0243/F**

250-252 Castlecatt Road, Dervock, Ballymoney  
Amendment to D/2000/0068/F to relocate and extend  
kitchen/associated alteration to include relocation of off-sales  
and proposed new signage  
Approval – 23/06/2005

#### **3.4 D/2000/0068/F**

McCann's Bar, 250-252 Castlecatt Road, Dervock  
Alterations to existing public bar to provide new gents toilets,  
access corridor, change of use from dwelling to bar, new  
windows and signage and general internal alterations.  
Approval – 19/05/2000

### **4.0 THE APPLICATION**

- 4.1 Proposed Change of use from Public House/Restaurant to Public House and 6 no. Holiday Units.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External:**

2 letters of objection have been received in relation to this application. The main issues raised are summarised below and considered and assessed in the remainder of this report:

- Village sewage cannot cope with anymore new builds – additional pressure to infrastructure
- Traffic problems in particular the exit onto Toberdoney Road
- Future use as hostel – problem to local residents
- No demand for tourist accommodation – more of a need for social housing
- Inadequate street and security lighting that would support this application being approved

## 5.2 Internal:

NI Water (No objections)

Environmental Health (No objections)

DFI Roads (No objections)

Historic Environment Division: Historic Buildings (No objections)

Historic Environment Division: Historic Monuments (No objections)

DAERA: Water Management Unit (No objections)

## 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

PPS 6 – Planning, Archaeology & the Built Heritage

PPS 16 - Tourism

### **Supplementary Planning Guidance**

Creating Places

Development Control Advice Note 15 Vehicular Access Standards

Parking Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

### **Planning Policy**

- 8.1 The site is located within Dervock settlement limit so Policy SET 2 of NAP 2016 applies and planning permission will be granted provided the proposal is sensitive to the size and character of the settlement. The application site also falls within an Area of Archaeological Potential. East of the application site is Dervock River Local Landscape Policy Area (designation DVL01) and the area to the south and east of the existing bar/restaurant has been zoned for housing (designation DVH07 – rear of 250 Castlecat Road).
- 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: Tourism, sewerage, archaeology, listed buildings and access and parking.

### **Tourism**

- 8.3 The proposal includes conversion to a Public House and 6 no. holiday units. The proposal entails keeping part of the existing floor area to use as a public house which has a bar area (seating and dining) with kitchen and toilet. There are no concerns with this aspect of the proposal given the existing use on the site is a pub/restaurant which has co-existed with residential properties located nearby.
- 8.4 Policy TSM 1 of PPS 16 advises planning permission will be granted for a proposal for tourism development within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.
- 8.5 This proposal includes conversion to 6 no. 1 bedroom units for holiday let over two floors. 3 units are at ground floor level and 3 units are at first floor level. The holiday units are comprised within the existing built form with no extensions. The proposed front elevation remains the same as existing with the existing window and door openings retained. The proposed rear elevation includes alterations in terms of the inclusion of two windows at ground floor level. The proposed side elevations differ with the inclusion of windows and doors at ground and first floor level. The alterations proposed are considered minimal and the original design of the



existing building remains intact. The proposal in terms of design is considered visually acceptable given these small changes. The scale and size of this development remains similar to the existing built form and is acceptable. The proposal respects the site context in terms of scale, size and design and complies with Policy TSM 1 of PPS 16.

- 8.6 A proposal for tourism use is also subject to the requirements of Policy TSM 7 of PPS 16 which includes several design and general criteria.
- 8.7 The proposal entails 6 no. holiday units located within Dervock settlement limit. The proposal is considered compatible with surrounding land uses. The conversion to a public house is the same as the existing use so there are no perceived planning issues. This use has co-existed with residential properties located nearby. The conversion to 6 no. holiday units is considered an acceptable form of development located in a settlement limit. The proposal will not detract from the surrounding area given the design remains similar to the existing built form with alterations relating to the inclusion of doors/windows only on the side and rear elevations.
- 8.8 The site layout shows each holiday unit being self-contained with its own access door. Following amendments each holiday unit is considered to have adequate outlook and lighting for rooms with the inclusion of additional windows/roof lights. The proposal maintains the form and character of the existing building as alterations only include fenestration and door alterations. The proposal does not harm local character or environmental quality as visually the proposal would not detract from the character and appearance of the area.
- 8.9 The proposal will not harm the residential amenity of neighbouring properties. Residential properties are located west and north of the site. No extensions are proposed for this development so there will be no further impact in terms of loss of light and overshadowing. The residential properties along Castlecatt Road opposite the site will be unaffected given the front elevation remains the same as existing. The residential property north of the site will not be adversely impacted in terms of overlooking/loss of privacy as the side elevation facing this property remains the same as existing except for a new ground floor window. Noise is not

perceived to be an issue and Environmental Health express no objections.

- 8.10 The existing built form fronts onto the public footpath of Castlecatt Road. The remaining site boundaries are defined by walls which is considered an acceptable form of enclosure. The bin storage area for the proposal is covered and located in the north eastern corner of the site. This should have adequate screening from public view when travelling along the Toberdoney Road. The dimensions of the bin store are 3m x 4.6m x 2.5m high and it will be finished in metal panel colour light grey and black upvc rainwater goods. These materials/finishes are considered acceptable at this location.
- 8.11 For amenity purposes, there is a hard surfaced area located adjacent to the northern boundary and there are some small green spaces to the rear of the building. A public amenity space is available within 80m across Castlecatt Road at Paddys Park playing fields and recreation space. Riverside Park also lies within 200m of the site and provides a public playpark, picnic area and recreation space. The amount of amenity provision within the site and the recreation spaces located nearby are considered sufficient for prospective tourists of this development. It is important to note that these holiday units are not for permanent accommodation.
- 8.12 Crime and personal safety are not perceived to be an issue if managed effectively.
- 8.13 The proposal does not adversely affect features of the built heritage. HED was consulted in relation to this application and express no objections. See section detailed "Archaeology" and "Listed Buildings".
- 8.14 Drainage and surface water run-off in connection with this development is considered adequate and NI Water and DAERA: Water Management Unit have no objections. The proposal is capable of dealing satisfactorily with any emission or effluent. Surface water and foul sewage is being disposed of by existing drainage. NI Water, DAERA: WMU and Environmental Health were consulted and express no objections.
- 8.15 Adequate access arrangements, parking and manoeuvring areas are provided. The proposal makes use of an existing access onto the Toberdoney Road. Access to the public road will not prejudice

road safety or inconvenience the flow of traffic. The existing road network can cope with this development and DFI Roads have no objections.

- 8.16 Objections were received about the holiday units being used as a hostel in the future. The holiday units are to be let out to tourists. It is not for permanent accommodation and a condition will issue on any permission granted restricting this.
- 8.17 Objectors advise there is more demand for social housing than holiday accommodation. The Planning Department can only assess and determine development proposals as submitted. Objectors advise that there is inadequate street and security lighting that would support this application being approved. Environmental Health were consulted on this application and express no objections.
- 8.18 Following the above consideration, the proposal is considered to comply with all the relevant design and general criteria of Policy TSM 7 of PPS 16.

### **Sewerage**

- 8.19 DAERA: Water Management Unit was consulted in relation to this application and have no objections.
- 8.20 Objection was raised in relation to sewage. NI Water was consulted and recommend approval because although Dervock WWTW is currently operating at capacity, this proposal can be approved on the basis of like for like development. The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact.

### **Archaeology**

- 8.21 The site is located within Dervock Area of Archaeological Potential and consultation occurred with HED: Historic Monuments. Following assessment of the application and on the basis of the information provided, HED: Historic Monuments expresses no objections to this proposal. The development is satisfactory to SPSS and PPS 6 archaeological policy requirements.

## **Listed Buildings**

- 8.22 Consultation occurred with HED: Historic Buildings who advised the site is within proximity to HB04 02 013 Allen and Adair Hall St. Colman's C of I Church, Dervock, Ballymoney Co. Antrim which is a Grade B1 listed building of special architectural and historic interest. HED: Historic Buildings on review of the proposals advise there are minimal changes to the exterior of the existing building to affect the setting of the listed building. HED: Historic Buildings has no objections as the proposal as presented satisfies the policy requirements of paragraph 6.12 of the SPPS and Policy BH11 of PPS 6.

## **Access and Parking**

- 8.23 Planning permission will only be granted provided the proposal does not prejudice road safety or significantly inconvenience the flow of traffic. This proposal is for a change of use of the existing pub/restaurant to public house and 6 no. holiday units. The public house element measures approx. 54.75m<sup>2</sup> and requires 11 parking spaces. The 6 holiday units requires 8 parking spaces (1.25 x 6). The total parking requirement for this proposal is 19 spaces.
- 8.24 The proposed site layout plan shows a total of 16 unassigned parking spaces. Although there is a deficit of 3 parking spaces, this is considered acceptable given the application site is located within Dervock settlement limit with on-street parking a viable option.
- 8.25 Objection was raised in relation to traffic. DFI Roads was consulted in relation to this application and express no objections. The proposal is acceptable in terms of the access and the car parking provision for this development. The proposal complies with Policies AMP 1, 2 and 7 of PPS 3.

## **Habitats Regulations Assessment**

- 8.26 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, 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.

## **9.0 CONCLUSION**

- 9.1 The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal meets the requirements of planning policies. The proposed conversion to a public house and 6 no. holiday units is acceptable. The proposal is considered satisfactory in terms of layout, design, scale and massing respecting the surrounding context and is appropriate to the character of the site and surrounding area. The proposal is not considered to create conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties.
- 9.2 The proposal is regarded acceptable from a sewage perspective and will not result in an environmental impact. The proposal will not have an adverse impact upon the setting of nearby listed buildings. The development is satisfactory to archaeological policy requirements. The proposal has satisfactory access and parking. 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 any forward sight distance is provided in accordance with the Block Plan Drawing No. 02D date received 30<sup>th</sup> May 2023. 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 dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

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

4. All planting comprised in the approved plan, Drawing No. 02D date received 30<sup>th</sup> May 2023, shall be carried out in the first planting season following operation of the holiday units hereby approved and any trees or shrubs which, within a period of 5 years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity.

5. Details of the maintenance and management for the communal landscaped areas shall be submitted to and agreed in writing with the Planning Authority before operation of the holiday units hereby approved.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

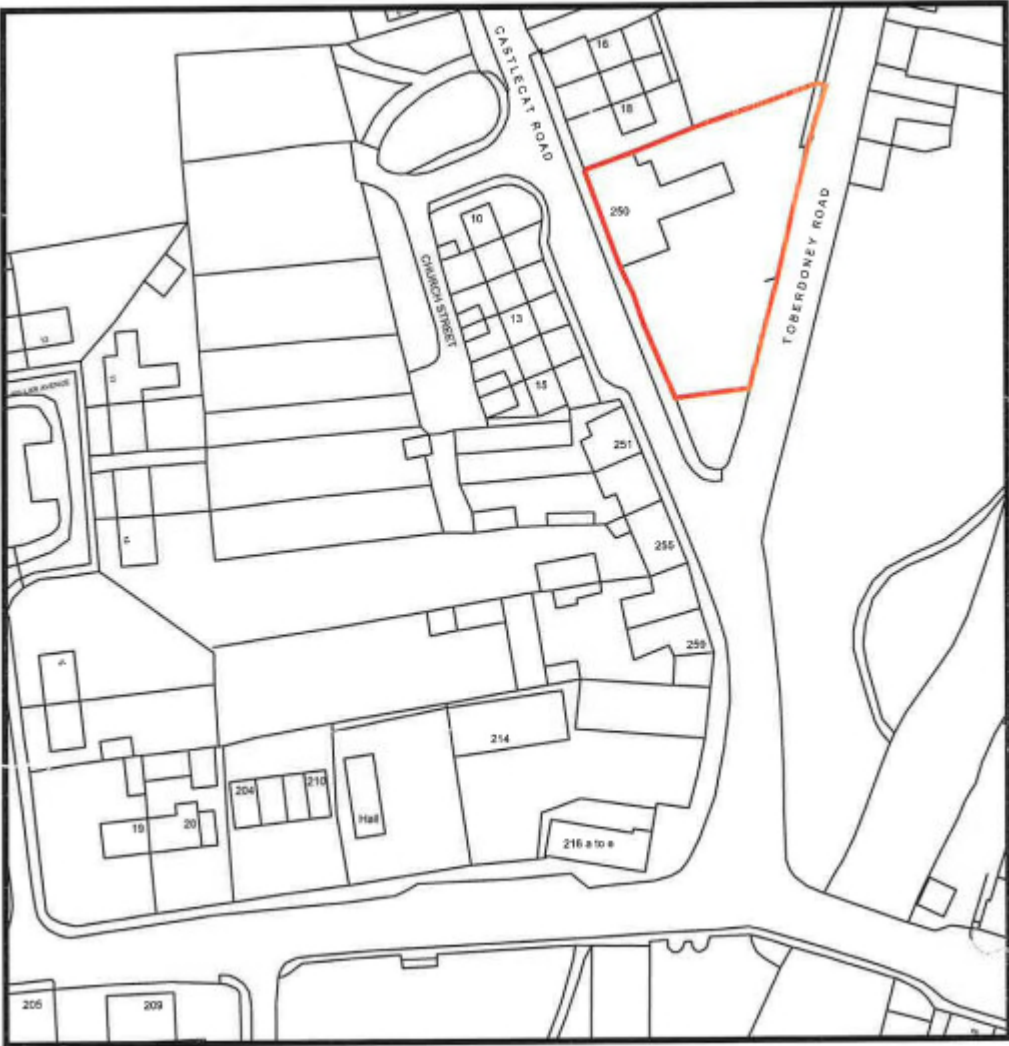
6. The holiday units hereby permitted shall only be used for holiday accommodation and shall not be used for permanent residential accommodation.

Reason: In the interests of residential amenity.

## 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.
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 <https://planningregister.planningsystemni.gov.uk/simple-search>

Site Location Map





# Proposed Block Plan



**LANDSCAPING PROPOSAL:**  
 ALL PLANTING TO BE PLANTED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE LANDSCAPE ARCHITECT.  
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**GENERAL NOTES:**  
 THE INFORMATION CONTAINED HEREIN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT.  
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**DISCLAIMER:**  
 The information provided in this drawing is for informational purposes only and does not constitute a contract. It is the responsibility of the client to verify the accuracy of the information provided and to obtain all necessary permits and approvals from the relevant authorities.

**CLIENT:** Mr and Mrs S. McKillop  
**PROJECT:** Change of use from Public House/Restaurant to Public House and 6no. Holiday Units at Castle Street, Derroch

**TITLE:** Site Plan

|       |        |      |             |        |
|-------|--------|------|-------------|--------|
| DATE  | NO. BY | REV. | PROJECT NO. | DATE   |
| 04/21 | SM     | 01   | B22/43      | D      |
| 05/11 | SM     | 02   | 02          | Nov.22 |

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