



Title of Report:	Planning Committee Report – LA01/2020/0957/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th October 2023
For Decision or For Information	For Decision – Objection Item
To be discussed In Committee YES/NO	NO

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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:

<u>No:</u>	LA01/2020/0957/F	<u>Ward:</u>	Castlerock
<u>App Type:</u>	Full		
<u>Address:</u>	Rear of 11 Main Street, Castlerock		
<u>Proposal:</u>	Retrospective Change of Use from ancillary dwelling areas and wooden shed to surfing training, equipment hire and cafeteria area. Retrospective change of use from detached dwelling accommodation to café. Retrospective provision of seated cafeteria areas, open timber structure providing covered seating area and timber hut coffee servery.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	21.09.2020
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	J.O Dallas Associates, 31 Abbey Street, Coleraine		
<u>Applicant:</u>	Aran, Leanne & Linsey Lyons, 13 Main Street, Castlerock		

EXECUTIVE SUMMARY

- This is a full planning application for the retrospective change of use from ancillary dwelling areas and wooden shed to surfing training, equipment hire and cafeteria area; retrospective change of use from detached dwelling accommodation to café and retrospective provision of seated cafeteria areas, open timber structure providing covered seating area and timber hut coffee servery.
- The site is located within the settlement development limit of Castlerock which is designated as a village in the Northern Area Plan 2016.
- Eighteen (18) objections have been received in relation to the proposal. Eight (8) of these are from separate addresses. One (1) letter of support has been received.
- Consultees are content with the proposal subject to conditions.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 2, PPS 3 & Policy DES 2 of the PSRNI.
- Approval is recommended.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.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** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located to the rear of No. 11 Main Street, Castlerock.
- 2.2 The site comprises the former rear garden of the existing dwelling at 11 Main Street, which is a semi-detached dwelling. The rear garden of the adjoining property at No. 15 Main Street is located to the west of the site, with a mature hedge on the western boundary between the application site and site and No. 15. There is a building under construction on the site immediately east of the application site. The site has a pedestrian access from The Promenade which runs to the north.
- 2.3 The site is located within the settlement development limit of Castlerock which is designated as a village within the Northern Area Plan 2016. It is located within Binevenagh Area of Outstanding Natural Beauty. The site does not fall within any other environmental designations.

3 RELEVANT HISTORY

C/2001/0900/F – 13 Main Street, Castlerock - Change of Use to convert existing semi-detached house into two flats. Permission granted 17/11/2001.

4 THE APPLICATION

- 4.1 This is a full application for “Retrospective Change of Use from ancillary dwelling areas and wooden shed to surfing training, equipment hire and cafeteria area. Retrospective change of use from detached dwelling accommodation to café. Retrospective provision of seated cafeteria areas, open timber structure providing covered seating area and timber hut coffee servery”.
- 4.2 The application was accompanied by a Supporting Statement and Design and Concept Statement. The supporting information outlines a background to the business and information pertaining to its operations and functions.

5 PUBLICITY & CONSULTATIONS

5.1 External

One letter of support has been received on this application. This states that this is the sort of business that should be encouraged in the area. It engages opportunity, employs young people and makes our coastal places more diverse and characterful.

- 5.2 Nineteen (19) letters of objection have been received in relation to the application. Eight (8) of these are from separate addresses. The issues raised are as follows;

- Build-up of traffic and road safety issues as premises is located at a sharp corner. Large delivery vehicles parked for lengthy periods on double yellow lines on the already dangerous bend.
- Noise pollution from people using the café. Music and events take place in the evenings.
- Privacy concerns and impact on enjoyment of neighbouring property
- Precedent – granting planning permission would allow others to transform their gardens into businesses.
- Multiple businesses operating from the site including coffee shop, surf/watersport hire, yoga classes, seasonal evening events,

selling of clothing/merchandise, has been used as a commercial wedding venue for small weddings.

- Impact on property value
- Impact on other businesses in the area
- Only 1 neighbour notified, however property sits within 90m of multiple apartment buildings and residential dwellings.
- Projected increase of 75 visitors is listed with a statement that no additional vehicles will accompany such visitors. This is highly inaccurate and misleading.
- The scale of the business must be questioned when compared to other businesses operating within the village.
- The upper deck immediately adjacent front door of No. 15 continues to be used by the public.

5.3 In response to these concerns Officials note the following;

- The proposal involves the use of an existing pedestrian access from The Promenade. There is existing parking provision along The Promenade. There are double yellow lines running along the corner and front of the site. As such, parking is prohibited immediately in front of the site. DfI Roads offer no objection to the proposal.
- Environmental Health have been consulted on the proposal and have been made aware of content of objection letters regarding noise and odour. Environmental Health have not raised any objections. Conditions can be included to protect amenity.
- The seating area located on the raised platform has been removed from the plans to prevent overlooking into the rear garden of No. 15. A condition is included to retain the upper part of the site as private amenity of No. 11 Main Street. The café/seating area will be contained to the lower level of the garden and there is a mature hedge between the site and garden of No.15 which will minimise overlooking and provide screening.
- The Council is required to serve notice to any identified occupier on neighbouring land as per Article 8(2) of the GDPO. In this case, No.15 Main Street is the only property to which this applies. The

site adjoining the red line to the east is currently unoccupied as the building is still under construction.

- The agent has advised that the vast majority of the surf shack customers are already visiting Castlerock and will avail of this service when they are there. The existing parking on The Promenade will be utilised. DfI Roads have no objections to the proposal.
- The business comprises a café and surf hire facility. There are other cafes within the settlement limit of Castlerock.

5.4 **Internal**

Environmental Health: No objections

DFI Roads: No objections

NI Water: No objections

NIEA Water Management Unit: No objections

NIEA Natural Environment Division: No objections

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 2 (PPS 2) – Natural Heritage

Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking

DCAN 4 – Restaurants, Cafes & Fast-food outlets

Planning Strategy for Rural Northern Ireland – Policy DES 2

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above. The main considerations in the determination of this application relate to principle of development; impact on residential amenity, impact on the AONB, traffic and road safety.

Principle of Development

- 8.2 The principle of development for an application of this nature is outlined in the Northern Area Plan 2016, Planning Strategy for Rural NI and the SPPS.
- 8.3 Paragraph 6.278 of the SPPS states that policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need and be of a scale, nature and design appropriate to the character of the settlement.
- 8.4 The proposal comprises a café, timber coffee hut, outdoor seating areas and surf hire and training. Castlerock is designated as a village within the Northern Area Plan 2016 and as such does not have a designated town centre. The Retailing and Town Centres section of the SPPS is relevant in this consideration. One of the key objectives of this policy is to secure a town centre first approach for the location of future retailing and other main town centre uses. The SPPS highlights under paragraph 6.271 under footnote (58) that main town centre uses are considered to be cultural and community facilities, retail, leisure, entertainment and businesses. The use is not considered to fall within the definition of a town centre use and as such the sequential approach to main town centre uses does not apply. Policy DES 2 of A Planning Strategy for Rural NI requires development in towns and villages to be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.
- 8.5 The proposal is located within the settlement limit of Castlerock which comprises a variety of uses, including uses similar to that of the proposed development. The proposal is relatively small scale, is located within a mixed use area consisting of public amenities, residential development and commercial businesses. In terms of location the site is located immediately adjacent to the beach making it an accessible location for the surf training and equipment hire element of the business. The use is considered to be sensitive to the character of the surrounding area. Therefore, the principle of development is considered acceptable.

Restaurants, Cafes & Fast-Food Outlets

8.6 Development Control Advice Note 4 provides guidance, explaining the criteria and technical standards which the Council considers when dealing with proposals for restaurants, cafes and fast-food outlets.

8.7 Applications for restaurants, cafes or fast-food outlets generally give rise to a number of issues and objections which are specific to these particular categories of land use. As a result, the likely impact of such proposals on the character and amenity of the adjoining or surrounding area will be an important concern when determining applications. In assessing this impact, a number of factors will need to be taken into account i.e.;

- Noise and disturbance
- Smells and fumes
- Refuse and litter
- Traffic considerations and car parking
- Provision for people with disabilities

The proposal includes a sit-in café and takeaway coffee hut with seating areas. A change of use of part of the garden associated with the dwelling at No. 11 Main Street has occurred to facilitate the development. The Environmental Health Department was consulted and have advised that, if minded to approve the development, the Planning Department may wish to impose suitable planning conditions relating to noise and odour. In order to protect amenity, it is advised to include a restriction on hours of operation. The agent was advised that given the proposed uses and proximity to residential receptors, a condition would be required to restrict operating hours from 9am-6pm. If the applicant wants to operate later than 6pm, a Noise Impact Assessment would be required to demonstrate that there will be no adverse noise impacts. There is bin provision for the premises including dry mixed recycling, general waste and food waste (for coffee grinds). The applicant has advised that depending on the time of year, these get collected weekly or fortnightly via a private waste management company. These are collected via the vehicular access to the site on Main Street. The agent confirmed that the applicant is content to restrict opening hours from 9am-6pm. A

condition has been included to this effect. A number of objections have been received, in which issues were raised regarding traffic and car parking. Access to the site is via an existing pedestrian access from The Promenade. The agent has advised that the vast majority of the surf shack customers are already visiting Castlerock and will avail of this service when they are there. Parking exists along The Promenade. DfI Roads have been consulted and have no objections to the proposal. The submitted plans indicate a ramp at the access and disabled W/C facilities within the café area.

Impact on Residential Amenity

- 8.8 The proposal comprises a sit-in café and takeaway coffee hut with associated seating areas. There is also a surf/watersports hire facility. The development is within the former rear garden of a semi-detached dwelling. Given the nature of the proposal and its proximity to residential receptors, there is potential for impacts such as noise, odour and loss of privacy to occur.
- 8.9 The Environmental Health Department was consulted and advised that the Surf Shack is currently registered and subject to food safety and health and safety regulations and that there is no relevant complaint history concerning noise or odour emissions. They advised that supporting information which would require the department to provide further information/advice has not been submitted. The agent was advised of this response and provided further supporting information which confirmed that there will be no live entertainment, no amplified music, no functions convened and that the outdoor seating is for a small number of patrons using the café. The submitted correspondence states that the premises will close at 5pm on weekdays and will operate until 8/9pm on weekends only during the summer months. The supporting information advises that there is no food cooked on the premises. Environmental Health have advised that, if minded to approve the development, the Planning Department may wish to impose suitable planning conditions. In order to protect amenity to the neighboring properties, it is advised to include a restriction on hours of operation. Given the proposed uses and the proximity of development to residential receptors, a condition restricting the operating hours from 9am-6pm will be included to

minimize potential noise impacts. In terms of waste and litter, there is bin provision for the premises including dry mixed recycling, general waste and food waste (for coffee grinds).

- 8.10 The site is located adjacent to the garden of No.15 Main Street. There are outdoor seating areas for the café which are to be retained as part of the application. The gardens slope down towards The Promenade and there is a mature hedge between the site and No.15 which will minimise overlooking from the site into the garden. Initially, a seating area was proposed on a raised platform at the upper part of the garden. The potential for overlooking from the raised platform onto the garden and rear windows of the adjoining dwelling at No.15 was considered to be unacceptable and this has now been removed from the plans. This area will be retained as private amenity space for the existing dwelling. It is not considered that the proposal will have an unacceptable adverse impact in terms of overlooking and loss of privacy.
- 8.11 The commercial use is restricted to the front portion of the site which fronts onto Main Street. This area is situated at a lower level than the immediate amenity space of No. 15. The structures comprise flat roofs and are low in height. This will ensure that views from No. 15 are not adversely impacted. The proposal does not include any external lighting and it would appear that all lighting is either internal or of low level string lighting.
- 8.12 The proposal comprises a change of use of the rear garden of an existing dwelling. There were concerns regarding loss of private amenity space for the existing dwelling at No. 11 Main Street. The flagged terrace was initially indicated to be used as an additional seating area. The agent has now removed this seating area from the proposed plans and has indicated it to be retained as private amenity space for the dwelling. The total area of private amenity space behind the dwelling is approximately 128sqm. This is sufficient amenity space provision for the existing dwelling.
- 8.13 Properties along Main Street have a dual frontage with access from both the front and rear of the site. The topography and open nature of the gardens fronting The Promenade give rise to open views of the gardens from surrounding public viewpoints. The opposing frontage is south facing and provides a more private and enclosed amenity

space. This is reflected in patios and areas of seating at both properties.

Impact on Character/Townscape

- 8.14 Policy DES 2 of A Planning Strategy for Rural NI requires development proposal in towns and villages to contribute to the townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.
- 8.15 A new development will normally be required to be appropriate in use and sensitive in siting, scale, layout, design and materials, both in itself and in relation to adjoining buildings, spaces and views. The main concern is to ensure development proposals neither conflict with or detract from the character, amenity and design of an area.
- 8.16 The proposal comprises a change of use from ancillary dwelling area to the rear of the existing dwelling at 11 Main Street to provide a café with associated seating areas, equipment hire/surfing training and timber coffee servery. Finishes include off-white painted timber panels to coffee hut and covered seated area, corrugated perspex roof to seated areas and smooth render painted white wall to part of the seated area. There are raised beds with plants and shrubs throughout.
- 8.17 The surrounding area comprises a mix of residential development and commercial uses. There are residential dwellings and apartments along The Promenade, including an apartment block under construction to the east of the site at the junction of the Promenade and Sea Road. There is a further apartment block to the west of the dwelling at No 15 with townhouses sitting forward of No. 15. There are other commercial uses in the area including Bertha's Bar and Atlantic Kayaks & Leisure located on Sea Road close to the application site. There are commercial premises located on Main Street and there are further coffee shops on Sea Road.
- 8.18 The development is relatively small scale. There are similar facilities within the village of Castlerock in the vicinity of the site. The design and materials are considered to be generally acceptable. The large apartment block under construction to the east of the site limits public

views of the development when approaching the Promenade from Sea Road. Existing residential development along the Promenade also limits views from the opposite direction. The extent of development will be limited to the lower part of the site by way of a planning condition and the existing hedgerow at the western boundary of the site will provide screening. It is considered that the proposal will not conflict with or detract from the character, amenity or design of the area.

Access and Parking

- 8.19 The proposed development involves the use of an existing unaltered access to the public road for pedestrian use. DfI Roads was consulted and initially advised that the proposal is contrary to Policy AMP 7 of PPS 3 in that it would prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking of vehicles that would be attracted to the site.
- 8.20 The agent was advised of this response. The agent submitted a supporting letter which states that the vast majority of the surf shack customers are already visiting Castlerock and will avail of this service when they are there. It states that parking exists along the adjacent promenade as well as other on-street areas. DfI Roads was re-consulted with the supporting information and advised in a consultation response dated 27th May 2022 that on advice from senior management, DfI Roads offer no objections to this proposal.

Impact on Natural Heritage

- 8.21 The proposed site is located within Binevenagh Area of Outstanding Natural Beauty. Policy NH 6 of PPS 2 Natural Heritage states that new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and where it is sympathetic to the special character of the area.
- 8.22 The application site is located within the settlement development limit of Castlerock. The settlement comprises a mix of land uses including residential, retail and community uses. The proposal comprises a change of use of part of the rear garden of an existing dwelling to a café with associated outdoor seating, a takeaway coffee hut and a surf/equipment hire facility. Given the location of development within

the settlement and similar uses in the surrounding area, the proposal is considered to be generally acceptable in this location, having regard to the AONB.

Other Considerations

- 8.23 Paragraph 4.12 of the SPPS relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above-mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.
- 8.24 The majority of the issues in paragraph 4.12 have been considered above so the remaining issue to consider is the means of sewerage disposal. The proposal includes provision of a WC & disabled WC for visitors. NI Water have advised they have no objection. It is considered that the proposal would comply with this paragraph 4.12 of the SPPS.

Habitats Regulation Assessment

- 8.25 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.

9 CONCLUSION

- 9.1 The proposal is considered to be acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, DCAN 4, Planning Policy Statements 2 and 3 and Policy DES 2 of PSRNI. Consultee responses have been considered. The proposal complies with the relevant planning policies and guidance. Approval is recommended.

10 Conditions

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: Retrospective application

2. The hours of operation shall be limited to 9am – 6pm Monday to Sunday.

Reason: To ensure no adverse impacts on residential amenity

3. No noise/odour generating plant and equipment shall be installed without the prior approval of the Planning Authority in consultation with the Environmental Health Department.

Reason: To ensure no adverse impacts on residential amenity

4. There shall be no amplified music and/or public address system employed at any time.

Reason: To ensure no adverse impacts on residential amenity

5. A Noise Management Plan shall be submitted within 3 months from the date of the decision notice and agreed in writing with the Council.

Reason: To ensure no adverse impacts on residential amenity.

6. 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 order to:

- Assess the level of noise emissions from the permitted development. The duration of such monitoring shall be sufficient to provide comprehensive information on noise levels with the development operating at the maximum capacity.
- Details of the noise monitoring survey shall be submitted to Causeway Coast and Glens Borough Council for written approval prior to any monitoring commencing.
- 2 weeks prior notification of the date of commencement of the survey shall be provided.

The noise survey information shall include detail of:

- Any noise limit/s breaches
- Recommendation of acoustic mitigation required
- Confirmation of implementation of mitigation measures and evidence of noise limit/s conformance.

The noise survey information shall be provided within 4 weeks (unless extended with Causeway Coast and Glens Borough Council) further to a written request from the Council.

Reason: To Protect Amenity of Existing Receptors

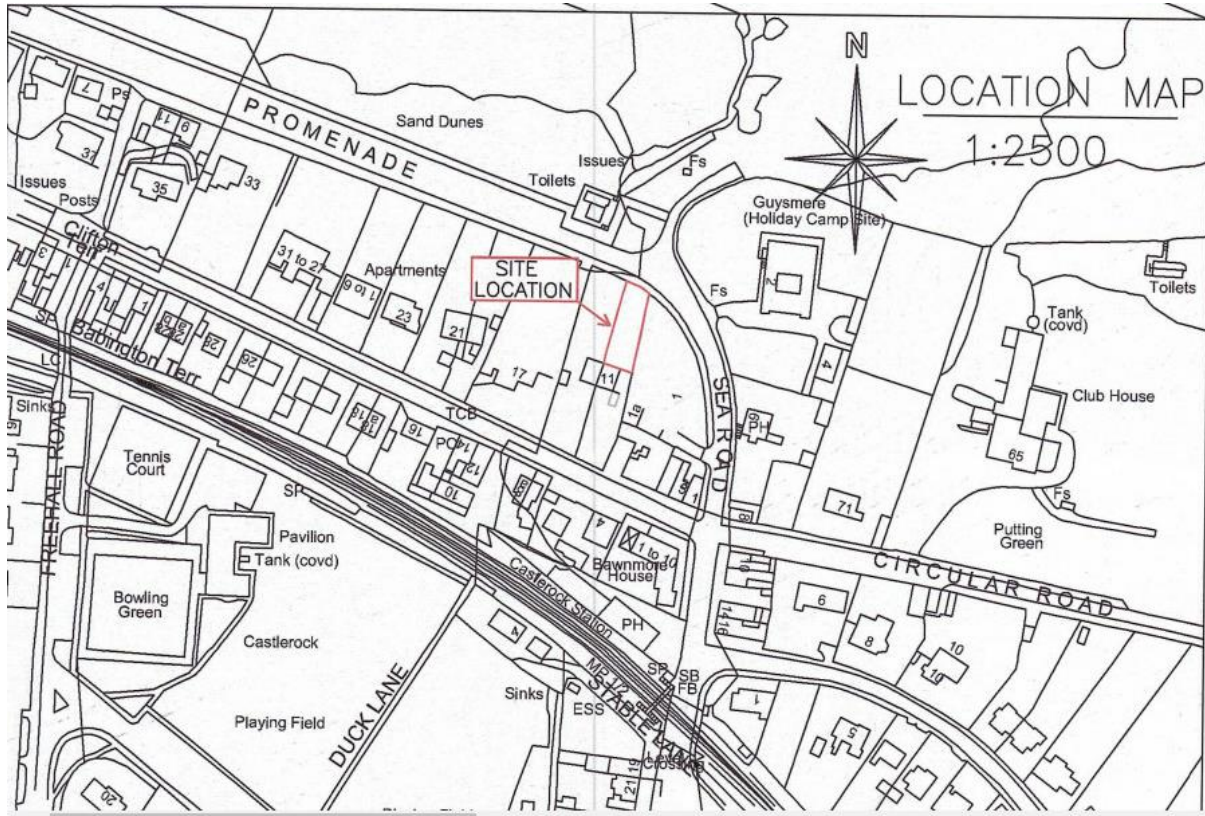
7. The upper part of the site shall be maintained solely for domestic use as indicated on Drawing No. 02 Rev 2 date received 21st February 2023.

Reason: To ensure no unacceptable overlooking of the neighboring dwelling.

8. No external lighting shall be installed unless in accordance with details submitted to and approved in writing by the Council. The details shall include the specification of the lighting including luminance levels (Lux) and the design and appearance of fixtures including columns, casings and brackets as applicable.

Reason: In the interests of visual amenity

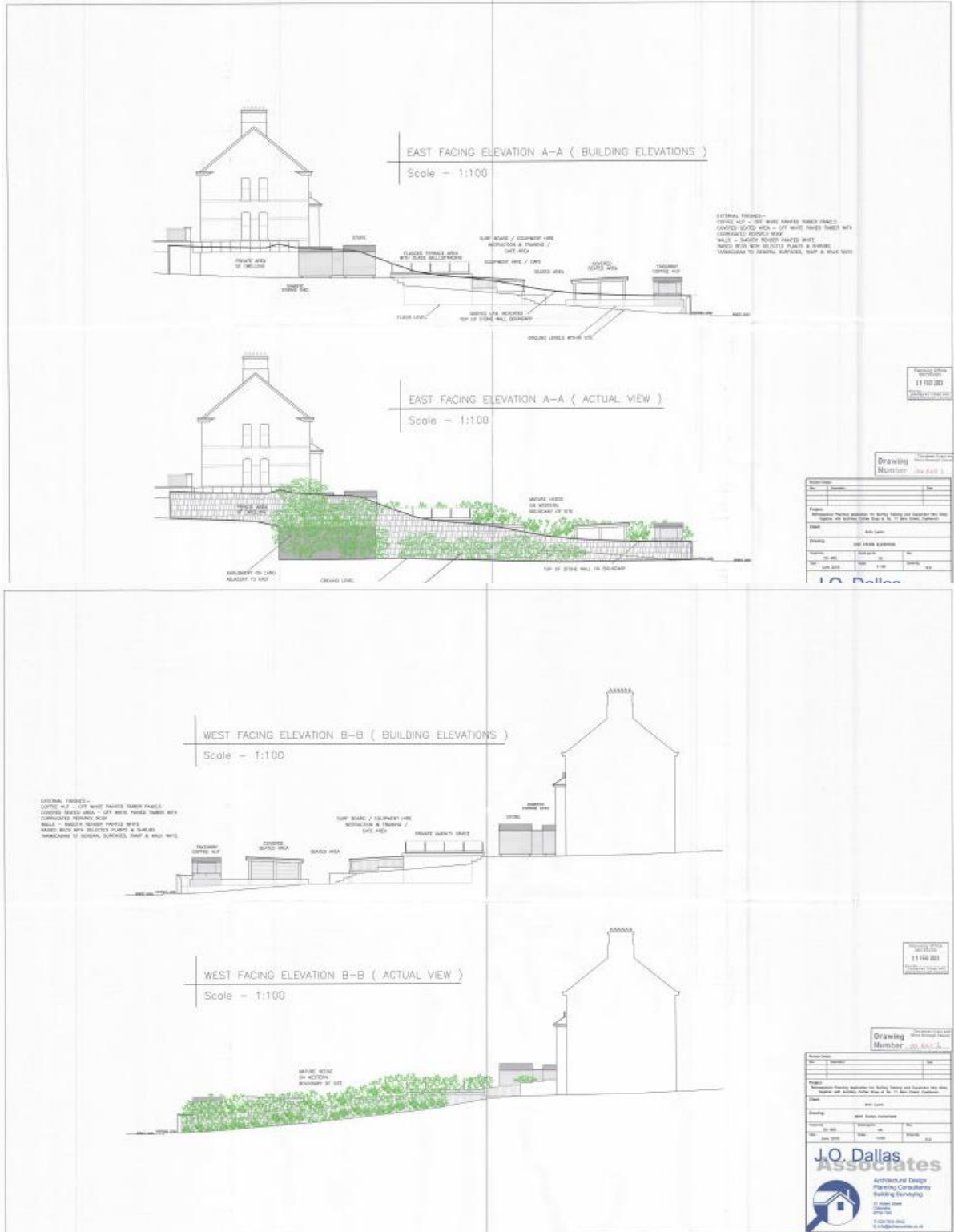
Site Location Map



Site Block Plan



Elevations



Addendum

LA01/2020/0957/F

1.0 Update

- 1.1 Further information was submitted by the applicant on 9th October 2023. This information includes a statement refuting comments made by the Speaker on the application at the September Planning Committee meeting.
- 1.2 They include comments relating to opening hours, noise pollution, cooking odours and a wedding party which took place on the site. This supporting information has been uploaded to the Planning Public Register for information.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

Erratum

LA01/2020/0957/F

1.0 Update

- 1.1 In Part 10 of the Planning Committee Report, condition No. 05 reads:

‘A Noise Management Plan shall be submitted within 3 months from the date of the decision notice and agreed in writing with the Council.

Reason: To ensure no adverse impacts on residential amenity.’

This should be amended to:

- 1.2 A Noise Management Plan shall be submitted within 3 months from the date of the decision notice and agreed in writing with the Council. The measures shall be implemented from the date of the agreement.

Reason: To ensure no adverse impacts on residential amenity.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Erratum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.