

Title of Report:	Planning Committee Report – LA01/2023/1247/RM
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th November 2024
For Decision or For Information	For Decision – Major Item

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	Principal 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:

App No: LA01/2023/1247/RM Ward: Portrush and Dunluce

App Type: Reserved Matters

Address: Lands adjacent to Dunluce House, 87 Dunluce Road, Bushmills.

Proposal: Demolition of existing agricultural, storage and cafe/dining/retail buildings, erection of tourist/recreational/educational/hot food/retail/conference and office facilities to include a visitor centre building incorporating tourism, recreational, educational hot food, retail; conference and office uses and the creation of a new and amendment of an existing access onto Dunluce Road and ancillary development related to the proposal.

Con Area: N/A Valid Date: 13th December 2023

Listed Building Grade: N/A

Applicant: Sean McKinley, Dunluce House, 87 Dunluce Road, Bushmills

Agent: Pragma Planning and Development Consultants Ltd, Scottish Provident Building, 7 Donegall Square West, Belfast

Objections: 0 Petitions of Objection: 0

Support: 0 Petitions of Support: 0

Executive Summary

- The proposal is located outside the settlement development limit for Portrush and Bushmills. The site is located within an Area of Outstanding Natural Beauty and is located in proximity to several Archaeological Sites and Monuments. The site is located within Dunluce Area of Significant Archaeological Interest and is in proximity to a Historic Park, Garden and Demesne. The site is located within a Local Landscape Policy Area Designation PEL 03 Dunluce in the Northern Area Plan 2016.
- Outline planning permission was granted under LA01/2020/0834/O on 16th December 2020 and this application seeks approval of reserved matters.
- The proposal seeks demolition of existing agricultural, storage and cafe/dining/retail buildings, erection of tourist/recreational/educational/hot food/retail/conference and office facilities to include a visitor centre building incorporating tourism, recreational, educational hot food, retail; conference and office uses and the creation of a new and amendment of an existing access onto Dunluce Road and ancillary development related to the proposal.
- No letters of objection have been received in relation to this application.
- Concerns have been raised by Historic Environment Division, DAERA NED and DFI Roads in relation to this proposal.
- Additional information has been requested by DFI Roads and DAERA Natural Environment Division while requested has not been submitted.
- The proposal is contrary to Policy AMP 2 of PPS 3, Policy NH 2 of PPS 2 and Policy TSM 7 of PPS 16.
- Refusal is recommended.

Drawings and additional information are available to view on the Planning Portal-

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

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 **REFUSE** planning permission subject to the reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at a prominent coastal location just off Dunluce Road Bushmills. The site is located directly to the South east of Dunluce Castle which is a scheduled monument and a tourist attraction. The site consists of two agricultural fields to which the land rises from the eastern boundary with Dunluce Road toward the buildings located within the site. The site includes a grouping of buildings to include agricultural barns and sheds, a two storey dwelling house with dashed finish at 87 Dunluce Road and a one storey cottage like building with a render finish used as a café. There is a car park located partially on site and between Dunluce Castle and the application site. The site is accessed at two points at the north and south side of the site. There is also another vehicular access which runs through the middle of the site.
- 2.2 To the north the site is bounded by an existing stone wall and to the south the site is bounded by a stone wall and post and wire fence. To the east the site is bounded by a post and wire fence and wooden fence. To the west the site is bounded by a stone wall. There is limited vegetation located along the boundaries of the site. Lands surrounding this area are predominantly agricultural in nature but there is a dwelling located close to the site.

3.0 Relevant History

- 3.1 LA01/2020/0834/O, Lands adjacent to Dunluce House 87 Dunluce Road Bushmills. Demolition of existing agricultural, Storage and cafe/dining/retail buildings, erection of

tourist/recreational/educational/hot food/retail/conference and office facilities to include a visitor centre building incorporating tourism, recreational, educational hot food, retail, conference and office uses and the creation of a new and amendment of an existing access onto Dunluce Road and ancillary development related to the proposal
Permission Granted 16.12.2020.

LA01/2017/1598/RM, Lands adjacent to Dunluce House 87 Dunluce Road Bushmills. Demolition of existing agricultural, storage and cafe/dining/retail buildings, erection of tourist/recreational/educational/hot food/retail/conference and office facilities to include a visitor centre building incorporating tourism, recreational, educational, hot food, retail, conference and offices uses and the creation of a new and amendment of an existing excess onto Dunluce Road and any ancillary development related to the proposal.
Permission Granted 19.12.2018.

C/2014/0109/O, Lands adjacent to Dunluce House, 87 Dunluce Road, Bushmills, Co Antrim, Demolition of existing agricultural, storage and cafe/dining/retail buildings, erection of tourist/recreational/educational/hot food/ retail/conference and office facilities to include a visitor centre building incorporating tourism, recreational, educational, hot food, retail, conference and office uses and the creation of a new and amendment of an existing access onto Dunluce Road and any ancillary development related to the proposal.
Approved on Appeal 06.08.2015

C/2012/0158/F, Lands Adjacent to Dunluce House, 87 Dunluce Road, Bushmills, Co Antrim, Demolition of Existing Agricultural Sheds and Replacement with Single Storey Visitor Centre in Courtyard Form, including Cafe/Offices/Exhibition/Retail/Meeting Room/Conference Room/Storage/Toilets; Associated Access from A2 to car parking area and bus drop-off point/parking and retention of existing private access as pedestrian footway.
Permission Refused 28.01.2015

The principle of development at the site was established under application C/2014/0109/O which was allowed on appeal subject to conditions which related to drawings that were provided at the

appeal. These conditions related to the design, appearance of buildings, hard and soft landscaping, layout of proposed buildings, their height, the footprint of the buildings, the floor space and uses and car parking. Further conditions related to provisions of existing and proposed ground levels, a programme of archaeological works, restrictions on demolition periods to reduce impacts on birds, proposed visibility splays and time restrictions. This proposal is a Reserved Matters application associated with application LA01/2020/0834/O which was a renewal of C/2014/0109/O.

4.0 THE APPLICATION

- 4.1 Demolition of existing agricultural, storage and cafe/dining/retail buildings, erection of tourist/recreational/educational/hot food/retail/conference and office facilities to include a visitor centre building incorporating tourism, recreational, educational hot food, retail; conference and office uses and the creation of a new and amendment of an existing access onto Dunluce Road and ancillary development related to the proposal.

Proposal of Application Notice

- 4.2 As this application is considered a major application it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.
- 4.3 A Proposal of Application Notice was submitted on 2nd March 2020 under application LA01/2020/0291/PAN. A community consultation report (CCR) was submitted as part of the outline planning application, received on 28th July 2020 which was more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation. The CCR demonstrated that adequate community consultation had taken place and the key issues of concern have been considered prior to the submission of the application. A separate Pre-Application Community Consultation Report is not required for a reserved matters proposal.

Design & Access Statement

- 4.4 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is a major application.
- 4.5 The design and access statement provides details of the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with.
- 4.6 The report date stamped December 2023 demonstrates that the applicant undertook detailed consideration of the proposal in terms of the design principles and concepts and the impact on the character of the immediate context.

Environmental Impact Assessment

- 4.7 This associated Outline Planning Permission was subject to an Environmental Impact Assessment screening as highlighted by, The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
- 4.8 The application was considered to fall within Schedule 2: Category 12(C) of the Regulations- The carrying out of development to provide for holiday villages & hotel complexes outside urban areas & associated developments. The area exceeds this threshold and is 2.4 hectares.
- 4.9 As a subsequent application to outline application LA01/2020/0834/O the proposal is required to be re-screened under Regulation 14.
- 4.10 Having considered the Regulations and the guidance set out in Development Management Practice Note 9B, the development proposal was determined on 18th November 2024 to not have any likely impacts of such a significance to require an environmental statement.

Habitats Regulations Assessment

- 4.11 The application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural

Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by the Council.

4.12 The site is located approximately 0.2km south of the Skerries and Causeway SAC. Shared Environmental Services is responsible for carrying out the Habitats Regulation Assessment on behalf of the Council. SES were consulted in regard to the proposed development and raised no concern with the proposed development in regard to impacts on the designated site.

4.13 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation 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 of any European site.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: There has been no objections raised.

5.2 Internal:

DAERA Water Management Unit: No objection.

DAERA Natural Environment Division: Objects.

DAERA Marine and Fisheries Division: No objection.

Environmental Health: No objection subject to informatives.

NI Water: No objection.

Historic Environment Division: Objects.

DFI Roads: Objects.

Shared Environmental Services: No objection.

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

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 – Natural Heritage

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

Planning Policy Statement 6 (PPS 6) - Planning Archaeology and the Built Heritage

Planning Policy Statement 16 (PPS 16) - Tourism

Planning Policy Statement 21- (PPS 21) Sustainable Development in the Countryside

Supplementary Planning Guidance

Building on Tradition – A Sustainable Design Guide for the NI Countryside

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: Principle of Development, Integration and Rural Character, Impact on the AONB and World Heritage Site, Natural Heritage, Residential Amenity, Impacts on the Coast and Marine Area, Sewerage, Impacts on Archaeology and Access and Parking.
- 8.2 The proposal is located outside the settlement development limit for Portrush and Bushmills. The site is located within an Area of Outstanding Natural Beauty and is located in proximity to a number of Archaeological Sites and Monuments. The site is located within Dunluce Area of Significant Archaeological Interest and is in proximity to a Historic Park, Garden and Demesne. The site is located within a Local Landscape Policy Area Designation PEL 03 Dunluce in the Northern Area Plan.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above
- 8.4 The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment. The SPPS aims to; facilitate sustainable tourism development in an environmentally sensitive, contribute to the growth of the regional economy by facilitating tourism growth, sustain a vibrant rural community by supporting tourism development of an appropriate nature, location and scale in rural areas; and ensure a high standard of quality and design for all tourism development. The SPPS should be read in conjunction with Planning Policy Statement 16 (PPS 16): Tourism.

Principle of Development

- 8.5 This application seeks approval of reserved matters following the grant of outline planning permission under LA01/2020/0834/O.
- 8.6 Under application LA01/2020/0834/O the principle of development was considered under Policy TSM 2 of PPS 16 Tourism relating to Tourist Amenities in the Countryside.
- 8.7 This policy states all proposals that include buildings must make provision in existing or replacement buildings, where possible. It is also stated that where a proposed tourist amenity is of regional importance it must demonstrate substantial benefits to the locality.
- 8.8 It was found under LA01/2020/0834/O that the principle of development was acceptable given the proposed site is located close to a particular tourist attraction (Dunluce Castle) and requires a countryside location in order to be in proximity to the tourist attraction. The proposal makes use of existing buildings and provides replacement buildings which are in keeping with the character of the area and replicate the features of the existing buildings on site. A new glazed building is proposed which again has a similar form to the existing agricultural buildings located on site and effectively integrates with existing buildings. The proposed car park is to be situated within an agricultural yard and will extend to a small extent into an existing agricultural field. The visual impact of this was considered to be minimal.
- 8.9 Given this, the visual impact of the proposal is similar to the existing buildings and yard located on site. Given the scale and nature of the proposal, it is not considered to be of regional importance. Within paragraph 7.6 of PPS 16 it is stated that a visitor centre may have a specific functional need to be located in close proximity to the particular countryside attraction it is intended to serve. This is the case for this proposal. The proposed development therefore complies with Policy TSM 2 and the principle of development is acceptable.
- 8.10 All tourism developments must also comply with the 15 criteria set out in TSM 7 of PPS 16. These criteria relate to design, layout, boundary treatment, drainage, crime, impact on character and neighbouring residents, access arrangements, sewage disposal and impacts on features of natural or built heritage.

Design, Integration and Rural Character

- 8.11 Under application LA01/2020/0834/O existing and proposed elevations were provided. Assessment under LA01/2020/0834/O found that the proposal was compliant with the design requirements of Policy TSM 7 of PPS 16 and both Policies CTY 13 and 14 of PPS 21. Conditions were applied to ensure that the proposed development was in broad conformity to the elevations provided.
- 8.12 Condition 3 of LA01/2020/0834/O requires that the proposed design and layout of the buildings on the site, car parking and access layout are in broad conformity with approved Drawings 03, 04, 05 and 06.
- 8.13 Condition 4 of LA01/2020/0834/O outlines that the height of buildings 5, 6 & 7 shall not exceed the maximum height of the buildings as shown by Drawings 04, 05 and 06. Condition 5 requires the submission of a plan showing existing and proposed levels relative to a fixed datum point. Condition 6 requires the footprint of buildings 5, 6 & 7 to not exceed that shown in approved Drawing 03.
- 8.14 Condition 7 requires the floor space of the uses approved to not exceed that specified in the usage table set out in approved Drawing no. 03.
- 8.15 The proposed elevations under this application are in broad conformity with that previously approved. Supporting plans have been submitted to indicate the proposed elevations and site layouts in context of the outline approval. These plans indicate that the proposed buildings do not exceed the heights previously agreed and that the building design and footprint and site layout is in broad conformity with that previously approved. There is detail including elevations of buildings which were not submitted under the outline application for which permission is sought under reserved matters. The outline permission does not include southern elevations for buildings.
- 8.16 The levels annotated on the elevations are erroneous when compared when the plans are measured using the annotated scales. The floorspace of the uses annotated on the ground and first floor plans are also not in conformity with that outlined on Drawing No. 3. This application relates to a renewal of planning

permission and reserved matters were previously approved under LA01/2017/1598/RM for the same scheme as permission is now sought. This reserved matters permission included the same drawings as that now under consideration with regard to the elevational, floor plan, site layout and landscaping detail. Consequently, the site layout and building floorspace, landscaping, footprint and design has previously been approved.

8.17 On their own merits, the proposal is heavily restricted through conditions in relation to its design. The design is in conformity with previously approved detail under LA01/2020/0834/O. Visual impact is considered to be limited due to the re-use of existing buildings and the heights and footprint of the buildings proposed. The proposal would not be of detriment to rural character and would integrate appropriately. There has been no change to policy since the previous reserved matters approval under LA01/2017/1598/RM and significant weight is given to the previous position on the details of the drawings in respect to the design and layout merits of the proposal.

8.18 The site is largely devoid of vegetation given the coastal location and are made up predominately of stone walls and post and wire fencing. The site is surrounded by roads on both sides resulting in extensive public views of the site. The site layout includes an enclosed yard surrounding the buildings which could be utilised for storage outside public view. The floor plans also indicate some ancillary space which could be utilised for storage.

8.19 The proposal is considered to be compliant with Policies CTY 13 and 14 of PPS 21 and the design criteria of Policy TSM 7 of PPS 16 in this respect.

Safeguarding Tourism Assets

8.20 Given the proposed site is located in proximity to Dunluce Castle which is a tourist asset, TSM 8 Safeguarding Tourism Assets must also be considered as part of this proposal. Planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset such as to significantly compromise its tourism value. In regard to this, the design of the proposed development has been carefully considered to ensure it effectively integrates into the landscape. The proposal will have a similar visual impact to the buildings and yard already located on site. Given this, the

proposed development will not have a detrimental impact on Dunluce Castle.

Local Landscape Policy Area

- 8.21 The application site is located with Local Landscape Policy Area Designation PEL 03 Dunluce.
- 8.22 Those features or combination of features that contribute to the environmental quality, integrity or character of this area are listed below.
1. This is a visually prominent and critical area of coastline between Portballintrae and Dunluce Castle within the Causeway Coast AONB.
 2. This LLPA also incorporates the Dunluce / Ballintrae SLNCI.
 3. There are a series of exceptional vistas both eastward and westward along the coast.
- 8.23 Having considered the above Local Landscape Policy Area policy it is considered that given the scale and form of the proposed buildings and the attempts to replicate the existing agricultural buildings that the proposal integrates effectively within the landscape. The proposed development will not have a detrimental impact on this Local Landscape Policy Area.

Impact on AONB and World Heritage Site

- 8.24 Within Planning Policy Statement 2 - Natural Heritage, Policy NH 6 - Areas of Outstanding Natural Beauty states Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and additional criteria must be met. This includes the siting and scale of the proposal which must be sympathetic to the character of the area. The proposal must respect or conserve features of importance to the character, appearance or heritage of the landscape. The proposal must also respect local architectural styles, retain natural boundary features and local materials, design and colour.

- 8.25 From the elevation drawings submitted, the visual impact of the proposed development will be similar to the buildings already existing on site. An existing yard will be used to provide parking. The parking area will extend into an existing agricultural field. This is considered acceptable in terms of visual impact. The proposal will replicate the form of the existing agricultural buildings located on site. The proposal also proposes to retain the existing open nature of the site.
- 8.26 Under the outline application, NIEA Protected Landscapes Team were consulted with a Landscape and Visual Impact Assessment, Landscape Proof of Evidence Document and photomontages submitted with the previous application C/2014/0109/O. Having considered the documentation provided NIEA Protected Landscapes Team advised they had no objection to the proposal.
- 8.27 Through the conditions applied under LA01/2020/0834/O, the proposal is in broad conformity with the previously approved drawings with similar visual impact to that previously approved.
- 8.28 Having regard to the above consideration, the proposed development is acceptable having regard to Policy NH 6 of PPS 2 and will also not have a significant detrimental impact on the World Heritage Site or AONB.

Residential Amenity

- 8.29 The nearest residential receptor to the proposal is the applicant's property at No. 87 Dunluce Road and is located within the application site.
- 8.30 Environmental Health was consulted on the proposal and deemed that its comments made in response to the outline application (Ref: LA01/2020/0834/O) for this site remain appropriate.
- 8.31 Comments under LA01/2020/0834/O considered historical comments pertaining to this development raised by Legacy Coleraine Borough Council who raised no objection in principle to the outline application Reference: C/2014/0109/O. Planning history was acknowledged that the principle of development had been agreed under the outline application and that permission was granted under Application: LA01/2017/1598/RM. Updated comments were provided in the form of informatives on water

supply, foul sewage disposal, food hygiene & health and safety, toilet provision, refuse collection, noise from plant & equipment, construction advice and advice on dust control, asbestos, radon, lighting and contamination.

8.32 The proposal is not considered to harm the amenities of nearby residents in this respect.

Natural Heritage

8.33 With regard to Policy NH2 and NH 5 of PPS 2 Natural Heritage, planning permission will only be granted for a development proposal that is not likely to harm a European protected species. Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

8.34 Under the accompanying outline application, an Ecological Survey for Birds and an Ecological Survey for bats was provided as part of the application submission. DAERA Natural Environment Division (NED) was consulted with regard to these reports. NED noted that several different bird species are using the site to breed. Given this, NED advised that the buildings to be removed not be demolished during the bird breeding season unless a competent ecologist has identified that there are no breeding birds present. This matter was conditioned under Condition 10 of the Outline Planning Permission and should be brought forward in the instance of the approval of reserved matters.

8.35 With regard to bats, the ecological information provided under the Outline Planning Permission advised that Bat mitigation measures would be implemented. In regard to this NED advised that a Bat Mitigation plan must be submitted at the Reserved Matters stage and the location of the bat bricks, bat access panels or bat access roof tiles must be clearly shown on plans. This matter was conditioned under Condition 12 of the Outline Planning Permission.

8.36 Condition 12 outlines the requirements of the Bat Mitigation Plan at reserved matters stage. This requests details of provision of alternative roosting locations for bats including number, model, specifications and location of bat boxes, details of the timing of works and implementation of mitigation

measures, details of any external lighting proposed, details of updated bat surveys prior to any demolition works commencing. In addition, development of additional mitigation measures are required should bats be found and details of the appointment of a suitably qualified and experienced bat ecologist to oversee all works and implementation of mitigation measures.

- 8.37A Bat Mitigation Plan was submitted under this application to comply with Condition 12 and DAERA NED was consulted on this document.
- 8.38 DAERA NED has advised that they have serious concerns with the Bat Mitigation Plan given that the document is based on three year old survey information. They advise that survey information is only valid for a maximum of 2 years. NED raise that the document only provides findings for two buildings instead of four buildings identified in the Bat Roost Potential Survey and that there are other buildings which were not surveyed. Concerns have also been raised in relation to the impact of lighting on bats.
- 8.39 These concerns raised by NIEA were raised to the agent on 23rd February 2024. The agent responded on 26th March 2024 advising that they were of the view that NIEA would seek further bat information and that work would commence on this. On 15th April 2024, the agent advised that they continued to address the bat survey requirements. On 2nd August 2024, the requirements of NED regarding bats and lighting were reiterated. The agent responded on 20th September 2024 advising that RPS are completing the bat mitigation work at the moment, all the surveys are finished, and that they are preparing the report. The agent outlined that they expected to have a draft by the following Friday (27th September 2024) and subject to any review, they would like to be able to issue it to the Planning Department by the following week. No such information has been forthcoming.
- 8.40 Having regard to this response and the issues with the Bat Mitigation Plan the requirements of Condition 12 have not been complied with and the proposal is contrary to the requirements of Policy NH 2 of PPS 2 and Policy TSM 7 of PPS 16 as it has not been demonstrated that the proposal will not harm bats, an European Protected Species.

- 8.41 DAERA NED outline in relation to other species that a Biodiversity Checklist or Preliminary Ecological Appraisal should be submitted.
- 8.42 DAERA NED refer to the Ecological Survey for Birds uploaded under the previous Outline Planning Application and advise that eight species of house sparrow, starling and swallow are likely to be impacted by the proposal. NED highlight that swallows return to their nests year on year and destruction of these nests will require mitigation measures such as nest boxes suitable for hirundine birds.
- 8.43 DAERA NED was consulted on the Ecological Survey for Birds under LA01/2020/0834/O and advised that buildings are not to be removed during the bird breeding season unless a competent ecologist has identified that there are no breeding birds present within the buildings. This was translated into Condition 10 of the Outline permission.
- 8.44 As this application relates to Reserved Matters the matter of the principle of development cannot be revisited and this includes assessment of impact on any other protected species where the principle of development would not be acceptable if protected species were harmed. Condition 2 of LA01/2020/0834/O requires the consideration of the siting, design, external appearance of the buildings, the means of access thereto and the landscaping which are the reserved matters. The content of the Ecological Survey for Birds can also not be revisited for the same reasons. These matters are required to be considered under an application for Outline Planning Permission where the principle of development is considered. No objection is raised on the proposal in relation to the requirements of Policy NH 5.

Impacts on the Coast and Marine Area

- 8.45 Due to the coastal location, Marine and Fisheries Division were consulted.
- 8.46 Monitoring and Assessment Team responded referring to standing advice.
- 8.47 Marine Conservation Branch advised that after assessing the information provided, that they are unlikely to have concerns regarding the impact of climate change, coastal flooding and coastal erosion.

- 8.48 Marine Conservation Branch advise that the site is in close proximity to Skerries and Causeway SAC (~0.2km), which is designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and White Rocks ASSI (~0.12km), which is declared under the Environment Order (Northern Ireland) 2002.
- 8.49 Marine Conservation Branch advise that given the nature of this application (a redevelopment) and its location in proximity to the marine environment, there is unlikely to be any significant concerns to these Marine Protected areas or their features (including marine habitats and species).
- 8.50 Marine Conservation Branch advise that the application site is located within the Skerries & Dunluce Coast Regional Seascape Character Area (RSCA). In accordance with the UK Marine Policy Statement 2.6.5.3 and 4, in considering the impact of an activity or development on seascape, the authority should take into account existing character and quality, how highly it is valued and its capacity to accommodate change specific to any development. Landscape Character Assessment methodology may be an aid to this process. For any development proposed within or relatively close to nationally designated areas, the authority should have regard to the specific statutory purposes of the designated areas. The design of a development should be taken into account as an aid to mitigation.
- 8.51 The requirements of paragraph 6.48 of the SPPS are referred to ‘Where development is permitted in sensitive locations, particularly in the undeveloped coast, it will be incumbent upon the planning authority to mitigate any adverse impacts through the use of appropriate conditions. In particular, conditions should be used to minimise adverse visual impact through careful siting, design and landscaping of the proposal while ensuring that building design is of high quality and appropriate to the coastal setting. Conditions should also be employed to ensure that development proposals retain or enhance existing public access to the coast and significant public views of the coast.’
- 8.52 Conditions were previously applied under LA01/2020/0834/O in relation to the site layout and design. This was informed by the submission of a Landscape and Visual Impact Assessment, Landscape Proof of Evidence Document and photomontages.

8.53 The proposed development will be modest in nature, existing buildings will be converted and there will be no significant increase in the hardstanding proposed. The proposed site is located approximately 215 metres from the coast and is elevated above the existing coastline. Given the separation distance, the elevated nature of the site and the limited nature of the construction works, this proposal is considered acceptable in regard to potential impacts on the coast and marine area. The proposal is considered to be acceptable with regard to the requirements of the SPPS.

Impacts on Archaeology

8.54 The proposed site is located within an Area of Significant Archaeological Interest, and is in proximity to a Historic Park, Garden and Demesne. The site is located in proximity to several Archaeological Sites and Monuments. Policy BH 1 of PPS 6 operates a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. Dunluce Castle is a state monument and is of regional importance. Policy BH 2 of PPS 6 states that development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

8.55 Historic Environment Division was consulted in regard to this proposal. HED advised that they have assessed the Reserved Matters details and considers that there are issues with compliance with the requirements of Condition 8 of outline approval LA01/2020/0834/O.

8.56 Two conditions have been applied under LA01/2020/0834/O in relation to archaeology.

8.57 Condition 8 outlines that no site works of any nature or development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme submitted to and approved by the Planning Authority. The programme works is outlined to provide for the identification and evaluation of archaeological remains within the site and for mitigation of the impacts of development through preservation of remains in situ.

- 8.58 Condition 9 requires access to be afforded to the site at all reasonable times to any Archaeologist nominated by the Planning Authority to observe the operations and to monitor the implementation of archaeological requirements.
- 8.59 The principle of development was established by PAC decision 2014/A0141. HED: Historic Monuments highlight that there are specific archaeological conditions requiring archaeological mitigation of the impacts of development through the preservation of remains in situ.
- 8.60 HED highlight that this condition under 2014/A0141 is reflected in Condition 8 of LA01/2020/0834/O and must apply in the case of this reserved matters application.
- 8.61 HED advise that pursuant to Condition 7 of C/2014/0109/O and Condition 5 of LA01/2016/1598/RM that discharge of these conditions was sought under LA01/2020/0982/DC. These outline and reserved matters applications were the previous applications on the site for which LA01/2020/0834/O and this current application seek renewal.
- 8.62 HED advise that under the provisions of the agreed archaeological programme of works under LA01/2020/0982/DC that the developer's archaeological consultant commenced initial archaeological site investigations in spring/summer 2023, involving archaeological evaluation trenching of the area of the proposed visibility splay adjacent and to the east of the Dunluce Road junction/entrance which revealed archaeological remains surviving immediately beneath the sod/topsoil level. HED advise that they are not aware of any report of these works being submitted by the developer's archaeological consultant and a report is not included with this application.
- 8.63 HED query that given the results of these initial archaeological works specifically how the proposed road details concerning the visibility splay requirements may be implemented while providing for preservation in-situ of archaeological remains within the visibility splay areas as required by planning condition and avoiding adverse impacts upon the scheduled monument located immediately west of the existing road junction. HED advise that intrusion of works into this area would appear to require Scheduled Monument consent and agreement from DfC as landowner.

- 8.64 In conclusion, HED advise that the Reserved Matter details do not meet with the requirements of Condition 8 of LA01/2020/0834/O and do not provide for the preservation in situ of archaeological remains. They advise further that the archaeological programme of works agreed under LA01/2020/0982/DC relate to C/2014/0109/O and LA01/2017/1598/RM and not the present applications. They advise that an update to the agreed archaeological mitigation strategy, along with supporting detail drawings is required to demonstrate how these reserved matters details may comply with the requirements of Condition 8 of LA01/2020/0834/O.
- 8.65 HED further note that the issue concerning preservation in-situ of archaeological remains within the area of the visibility splays will also be an issue within the entire footprint of the proposed development where archaeological remains are present. The area outside the red line relating to the area for consent to discharge depicts works which occur in a highly sensitive archaeological location and are likely to involve archaeological impacts not covered by the current archaeological mitigation strategy for this application.
- 8.66 The matters raised by HED: Historic Monuments identify the impact on archaeological remains which would be in conflict with the requirements of Policy BH 1 and BH 2 of PPS 6. The consideration of an updated archaeological mitigation strategy and supporting drawings is highlighted to be required. However, this matter cannot be revisited under this application as this application can only consider reserved matters.
- 8.67 Reserved matters are defined under Section 2(1) of The Planning (General Development Procedure) Order (NI) 2015 as "...any of the following matters in respect of which details have not been given in the application namely (a) siting (b) design (c) external appearance (d) means of access (e) the landscaping of the site.
- 8.68 The matter of archaeology was considered under LA01/2020/0834/O/ HED were advised that an approval would be conditional on the same archaeological condition under C/2014/0129/O. The implementation of the programme of works as agreed by HED under LA01/2020/0982/DC and identification of these remains occurred post-decision on LA01/2020/0834/O.

- 8.69 Condition 8 applied under LA01/2020/0834/O is a pre-commencement condition and cannot be discharged at this stage. Implementation of development granted under an outline planning application requires a reserved matters approval. In the instance of the granting of reserved matters this condition would be required to be discharged as a subsequent consent. At that stage, a programme of archaeological works would be required to be agreed.
- 8.70 Condition 8 and 9 of LA01/2020/0834/O should be carried forward in the event of an approval.
- 8.71 Marine Historic Environment has advised that the conditions applied under LA01/2020/0834/O would be appropriate.
- 8.72 The area indicated as the location of the wastewater treatment works is outside the application site and in lands within the ownership of the applicant. Separate planning permission would be required for the development of this land.
- 8.73 The proposal is considered to be compliant with the requirements of PPS 6 and Policy TSM 7 of PPS 16 in this respect.

Sewerage

- 8.74 In terms of sewerage, DAERA Water Management Unit and NI Water were consulted on the proposal. NI Water has recommended approval and DAERA Water Management Unit advising that they were content subject to conditions, the applicant noting the caveat and advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained.
- 8.75 In terms of sewage disposal it is stated in the P1 form under LA01/2020/0834/O that foul sewage be disposed with by mains.
- 8.76 DAERA Water Management Unit (WMU) under LA01/2020/0834/O noted that the site is not located in proximity to the public sewer. DAERA WMU also stated from the information available that there is an existing consent in place for this address for the discharge of Foul Sewage effluent. Water Management Unit advised that if this proposal is to connect to an existing system/septic tank, the applicant should note that this may need to be reviewed if any aspect of the existing consent is

altered i.e. if the septic tank/soakaway is moved to accommodate the new development, there is an increase in the volume of effluent discharged, a structural change or to reflect a change in the ownership of the consented premises. The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the Aquatic Environment and may be required for Site Drainage during both the construction and operational stages of the development.

- 8.77 Under the current application sewage disposal is indicated on the P1 form to be via a package treatment plant.
- 8.78 Further to the response from DAERA Water Management Unit under this application, the agent submitted further information to indicate the package treatment plant to be located beyond the application site in blue lands. The location of the WWTW is on lands located to the southeast of the proposal.
- 8.79 Accompanying this information was a letter from DAERA Water Regulation Unit team who advise that consent with respect to discharge of sewage effluent arising from a 'Visitor Centre' situated on lands adjacent to Dunluce House, 87 Dunluce Road, Bushmills, Co. Antrim, BT57 8UY has been granted.
- 8.80 Under LA01/2020/0834/O the consideration of using an existing system/septic tank for sewage disposal on the site was provided in detail within a NIEA consultation response dated 12th November 2020.
- 8.81 Consideration within the Planning Committee report for LA01/2020/0834/O highlighted that under the in situ requirement of the HED condition that given the potential to use an existing system/septic tank which may be altered or repositioned that the onus is on the applicant to find suitable ground which is not of archaeological sensitivity to provide for this alteration or repositioning.
- 8.82 As highlighted by Historic Environment Division, the area outside the red line relating to the area for consent to discharge depicts works which occur in a highly sensitive archaeological location and are likely to involve archaeological impacts not covered by the current archaeological mitigation strategy for this application.

- 8.83 Condition 14 of LA01/2020/0843/O requires that no development shall take place on-site until the method of sewage disposal has been granted in writing with NIW or a Consent to discharge has been granted.
- 8.84 This condition should be applied in the event of an approval so as to ensure an appropriate method of sewage disposal to serve the proposal. With adherence to this condition the proposal will be able to deal with emission or effluent in accordance with legislative requirements and would comply with Policy TSM 7 of PPS 16.

Access and Parking

- 8.85 Access to the public road is proposed via Dunluce Road. DFI Roads was consulted under LA01/2020/0834/O and raised no objection requesting a condition for a scale plan and accurate site survey to be submitted at reserved matters showing access to be constructed and other requirements in accordance with an attached RS1 form. Several conditions have been applied under LA01/2020/0834/O which relate to the access and car parking areas.
- 8.86 Condition 2 of LA01/2020/0834/O requires assessment of the means of access as a reserved matter. Condition 3 of LA01/2020/0834/O outlines that the design and layout of the car parking and access layout should be in broad conformity with approved Drawing Numbers 03, 04, 05 and 06. Condition 11 of LA01/2020/0834/O requires that no development or building operations shall commence on site until visibility splays of 4.5 metres by 120 metres to the north west and 4.5 metres by 160 metres to the south west are laid out at the point of the existing access with the public road and thereafter permanently retained. Condition 14 requires that a scale plan and accurate site survey at 1:500 (minimum) is submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with attached form RS1.
- 8.87 DFI Roads was consulted in regard to this proposal and requested further information including an amended site plan, road details plan and signage schedule. Amended detail required includes signage required for circulation of traffic within the site and amended access gradient and radii detail. Amendments to address the concerns raised by DFI Roads was

requested from the planning agent on 2nd August 2024. A further update was requested on 18th September 2024 on the status of these submissions. The agent advised on 20th September 2024 that they would check the position outlined in the DFI Roads response and respond the following week. No response has been forthcoming.

- 8.88 The principle of the access arrangements was established previously. Consideration previously outlined it being onto a protected route. However, the proposal is not located on a protected route. The level of traffic generation has been established through the assessment of the principle of the previous application.
- 8.89 Given the outstanding information in relation access gradient and radii detail and signage, it has not been demonstrated that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic and that the access arrangements are in accordance with the Department's published guidance.
- 8.90 The proposal is contrary to Policies AMP 2 of PPS 3 and TSM 7 of PPS 16 in this respect.
- 8.91 The movement pattern was previously considered in establishing the principle of development on the site. The site is served by footpaths and has bus linkages. The site meets the needs of those mobility is impaired and respects existing public rights of way.
- 8.92 Consideration under LA01/2020/0834/O outlined that the number of car parking spaces provided is 31 with two bus drop off points provided. DFI Roads raised no concern in regard to this.
- 8.93 The number of car parking spaces proposed under this application remains at 31. Under the current application DFI Roads advised that they will accept the level of car parking being offered given the site history. The car parking provision is therefore adequate to facilitate the proposal.

Flood Risk

8.94 The site is not located within a coastal floodplain, fluvial flood plain or surface water flood plain. In regard to Policy FLD 3 in PPS 15 it is stated that development sites over 1 hectare require a Drainage Assessment. In regard to this scheme, the site area is 2.4 hectares and includes a large area where no development is proposed. The area of development is less than one hectare and the proposal will be constructed on lands where existing buildings and areas of hardstanding is already provided. Any new area of hardstanding of buildings does not exceed 1000 square metres in area. Given this a Drainage Assessment was not required.

Other Matters

8.95 The proposal includes interpretative landscaping which was previously approved on plans submitted under LA01/2020/0834/O. No other public art is proposed under the scheme.

8.96 The site layout is in broad conformity with the layout previously approved and is designed to deter crime and promote personal safety in this respect.

9.0 CONCLUSION

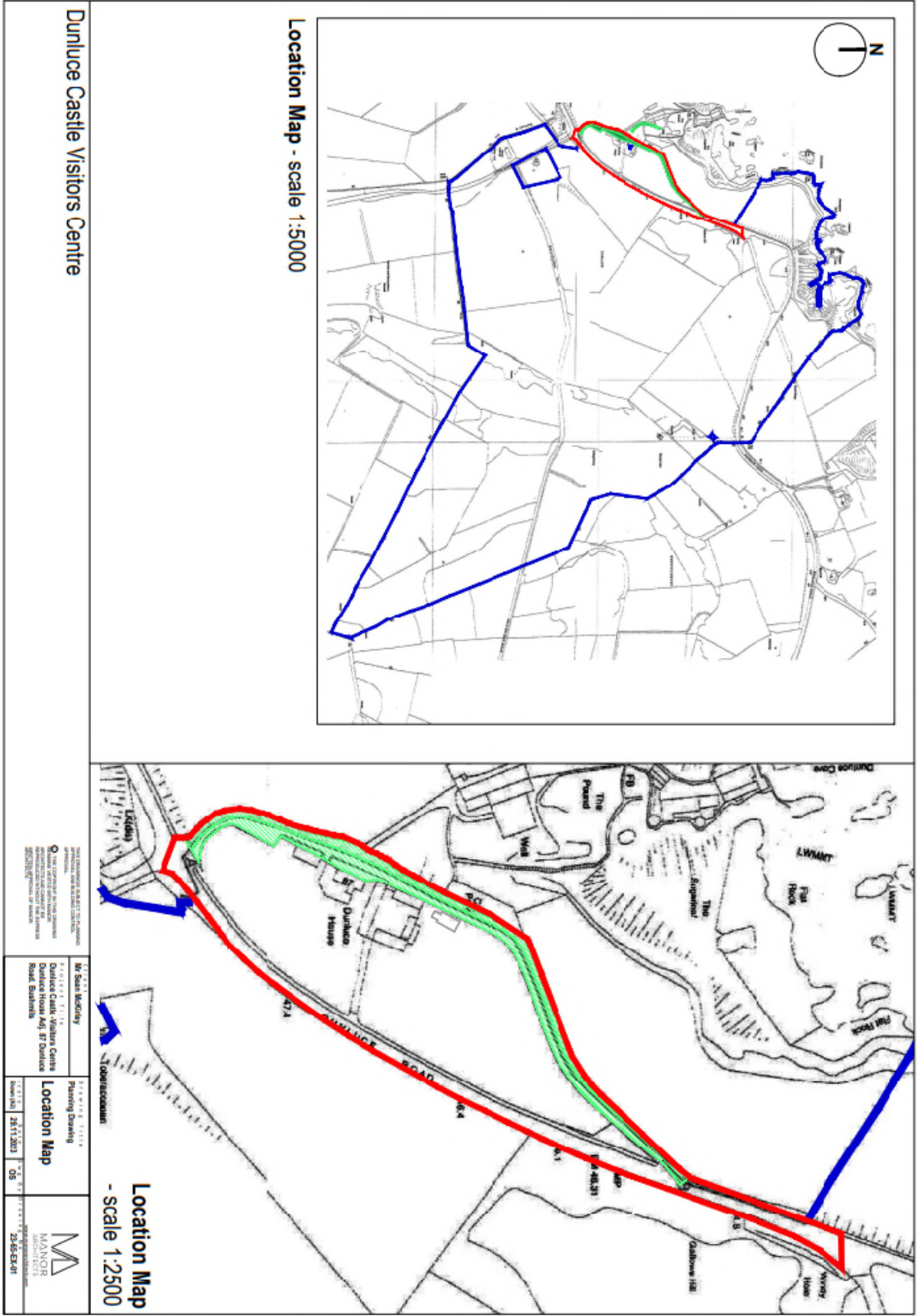
9.1 The proposed development is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. Further information to demonstrate that there would not be harm to bats, a European protected species and that the proposed access arrangements would meet Department's published guidance and would not prejudice road safety or significantly inconvenience the flow of traffic has not been submitted. Consequently, the proposal is contrary to the requirements of Policy NH 2 of PPS 2, Policy AMP 2 of PPS 3 and Policy TSM 7 of PPS 16. Refusal is recommended.

10.0 Reasons for Refusal

1. The proposal is contrary to Paragraph 6.180 of the Strategic Planning Policy Statement for Northern Ireland, Policy NH 2 of Planning Policy Statement 2: Natural Heritage and criterion (i) of Policy TSM 7 of Planning Policy Statement 16: Tourism in that it has not been demonstrated that the proposal would not be likely to harm bats, a European protected species.

2. The proposal is contrary to Paragraphs 6.266 of the Strategic Planning Policy Statement for Northern Ireland, Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking and criterion (k) and criterion (l) of Policy TSM 7 of Planning Policy Statement 16: Tourism in that the proposed access arrangements are not in accordance with the Department's published guidance and it has not been demonstrated that the proposed access to the public road would not prejudice road safety or significantly inconvenience the flow of traffic.

Site Location Map



Site Layout Plan

