

From: Patrick Clerkin [REDACTED]
Sent: 25 February 2024 13:47
To: Planning; Zoe Allen
Subject: Material inaccuracies with Planning Report LA01/2020/1390/F; For attention of Denise Dickson, Zoe Allen and Planning Office

Denise, Zoe and the Planning Office of Causeway Coast & Glens Borough Council,

I refer to the Planning Committee Report LA01/2020/1390/F for consideration by the Planning Committee on 28-February-2024.

I note the report contains a number of material inaccuracies and unrealistic conditions.

To permit the Planning Committee to rely upon this report for guidance, given the inaccurate content of this report, will expose the Planning Office to potential litigation on the grounds of negligence.

I therefore request the report is withdrawn and Planning Committee asked not to rely upon it, and the inaccuracies are corrected before resubmission to the Planning Committee.

At first glance, I outline a number of inaccuracies below which the Planning Office have used to reach their recommendation:

1. Height of Proposed Distillery

8.17 of the Planning Report states that the building is 2-storey with a ridge height of 9.5m.

8.20 of the Planning Report states that the proposed ridge level will be approximately 1.3m above the ridge level of No 61 Coast Road. A reduction in height of 1m of the section of buildings closest to this dwelling was also requested to ensure the scale and design is appropriate to the setting.

No such reduction has been included in the plans at any stage and this 1 metre reduction is not in the conditions listed with the Planning Report.

The Planning Office should insist this reduction is incorporated into the site plans immediately and this request by the Planning Office is not ignored.

2. Use of First floor function space.

8.26 of the Planning Report states that 'It is advised that the first floor function space will not be used for entertainment purposes. A condition is recommended in line with this (Condition no. 23).'

Condition 23 only addresses Hours of Use and there are no conditions on Purpose of Use.

This should be corrected in the report.

3. Use of bar and function space

8.40 states that 'The bar/function space is to be used for corporate events which will promote the distillery.'

There is no restriction on use within the conditions outlined in the report thus making use of function space unrestricted.

4. Insufficient Parking

3. 8.43 of the Planning Report states that parking has been provided on site with 23 car parking spaces and space for 1 coach. 'Parking Standards' require a total parking requirement of 58 spaces, a shortfall of 35 spaces. The report states that overspill car parking is provided at the GAA Club on an unrestricted basis. Letters have been provided from the GAA Club confirming full access during opening hours.

Condition 8 states that The development shall not be occupied or operated until additional parking provision is made available at Ruairi Og CLG, in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.

The Planning Report contains plans that are grossly out of date. Page 35 of the report contains reference to a 'Bowling Green'. The bowling green was discontinued 23 years ago and used as a car park. More recently a gym has been built on the former site of the bowling green.

An assurance should be sought from the GAA Club in advance of Planning Permission granted to confirm that 'such areas shall not be used for any purpose other than parking and such areas shall remain free of obstruction for use at all times.' As the GAA club recently constructed a gym in the site where previously cars were parked and car access to the ground is restricted when gates are locked and when some matches are being played. The letter from Chairperson of the GAA club, dated 15 Oct 2021, pre-dates the construction of the gym and the new gates introduced.

5. Hazardous Substances

Condition 30 states that the maximum aggregate quantity of hazardous substances (Alcohol) that may be present at the site at any one time shall not exceed 40 tonnes. This is in relation to the assertion by the agent that the total tonnage of alcohol to be held on site at any one time will be 36.15 tonnes.

The assertion by the agent directly contradicts the information from the distillery website confirming that 300 founders' casks will be displayed in the Founders' Cask Room. The tonnage of alcohol alone within Founders' Casks is conservatively calculated at 53.58 tonnes (300 casks x 190 litres x 0.94 kg/litre density).

Additional tonnage would arise from alcohol held within the bar and gift shop as well as alcohol produced by distillation.

It is remiss, and possibly negligent, of the Planning Office to not adequately consider safety matters controlled by the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993, and simply take the agent's unqualified word when clearly the agent is conflicted in making assertions.

6. Cooling Tower operation

I note the Planning Office's restriction that the Cooling Tower must not operate outside of daytime hours.

RSK observed is an earlier submission to the Planning Office that, in their experience, cooling towers do run 24/7.

I therefore request that Condition 25, requiring a noise verification report being submitted, within one month of operations commencing, also confirms that the Cooling Tower and the Oil Fired Steam Boiler are not operational outside of the restricted hours covered in Condition 15

7. External lighting

I request as with Conditions 27 and 28, relating to investigating noise and odour breaches, that a suitable condition covering the investigation of light breaches is included, particularly in relation to satisfaction of Condition 5 on external lighting.

8. Balcony Usage

8.20 of the Planning Report states that the use of the balconies will be limited and controlled by way of condition.

Condition 21 refers to 'The Balcony Area' There are two separate balconies and the condition should refer to balcony areas to avoid any confusion and abuse.

Many thanks for your consideration,

Patrick Clerkin