



Planning Committee Report LA01/2017/0135/F	25th October 2017
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Principal Planning Officer/Development Management Manager
Cost: (If applicable)	N/a

**Portballintrae Harbour
Beach Road Portballintrae
Bushmills**

LA01/2017/0135/F

25 October 2017

<u>No:</u>	LA01/2017/0135/F	<u>Ward:</u>	Portrush and Dunluce
<u>App Type:</u>	Full Application		
<u>Address:</u>	Portballintrae Harbour, Beach Road Portballintrae, Bushmills		
<u>Proposal:</u>	The proposal involves replacement of the existing dilapidated sheet pile harbour wall and a section of the reinforced concrete decking. Minor repairs are also to be carried out to the slipway and quay walls. It is also proposed to install external lighting to the harbour area.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	06.02.2017
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	WYG, Locksley Business Park, Montgomery Road, Belfast, BT6 9UP		
<u>Applicant:</u>	Causeway Coast and Glens Borough Council, Cloonavin 66 Portstewart Road, Coleraine BT52 1EY		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.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** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site encapsulates Portballintrae Harbour which is situated on the eastern side of Portballintrae bay. It is a Scheduled Monument (MRA006:030). The Department for Communities, Historic Environment Division describe the monument as:

a fine example of a C18th stone-built harbour and is well-preserved. It is formed by 2 stone-built quays with a stone slipway between them. The W. quay is 36.9m long and 5-7.9m wide & the E quay is c.40m long and 12.6m wide. The stonework is visible in the sides & seaward end, but much of the surface has been tarred to create a car & boat park.

- 2.2 The harbour is a working harbour managed by Causeway Coast and Glens Borough Council.
- 2.3 The boat house to the north of the harbour is a Grade B2 listed building. Consequently the harbour and nearby dwellings fall within the curtilage of the Listed Building.
- 2.4 The majority of the site falls within Portballintrae settlement limit with the exception of the western and south western parts of the quay. The site is also within the Bay (PEL 02) Local Landscape Policy Area which incorporates Dunluce Ballintrae SLINCI and is within the Causeway Coast AONB.
- 2.5 The site is within Skerries and Causeway Special Area of Conservation. The features of the SAC are reefs, sandbanks which are slightly covered by sea water all the time and Harbour porpoise.
- 2.6 It is also within proximity to Portballintrae ASSI which is on the western side of the harbour bay (320m from the site). Portballintrae ASSI is designated for its series of important late-glacial sediments, which occur as natural exposure in the cliffs.

3 RELEVANT HISTORY

- 3.1 LA01/2016/0408/LBC Refurbishment and repair of roof, walls, windows, doors and rainwater goods Approved 11.07.2016.

4 THE APPLICATION

- 4.1 The proposal seeks planning permission to replace a section of sheet pile harbour wall measuring 45m in length. It would involve the closing up of steps at the western corner of the existing harbour and replacing the existing concrete deck and steps in the middle section of the harbour wall.

- 4.2 The proposal also includes repair work in particular repointing the southern wall of the harbour slipway and removing two areas of concrete on the existing slipway. The concrete areas are to be replaced with stonework to match the rest of the slipway. It also extends the slipway into the sea with a reinforced concrete slab foundation and toe beam.
- 4.3 The proposal also includes new lighting columns, two 8m high columns would be located in the car park and three 6m high columns would be located on the western area of the harbour. Each lighting column would host three LED flood lights.
- 4.4 The proposal mainly involves repair work as opposed to extensions or new development.

HABITAT REGULATIONS ASSESSMENT

- 4.5 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 Shared Environmental Services on behalf of Causeway Coast and Glens Borough Planning Authority.
- 4.6 Having considered the nature, scale, timing, duration and location of the project Shared Environmental Services concluded that subject to the imposition of conditions requiring suitable mitigation, the proposal would not have an adverse effect on the site integrity of any European site. The selection features of the Special Area of Conservation (SAC) which have been identified include sandbanks, reefs, sea caves, and harbour porpoise.
- 4.7 The impact on the sandbanks (slightly covered by sea water all the time), reefs and sea caves (submerged and partially submerged by sea water) was considered. These features are not present in the general vicinity of the seawall being repaired. Subject to the implementation of the Construction Environmental Management Plan no likely significant impact on the sandbanks, reefs and submerged or partially submerged sea caves is predicted.

- 4.8 The impact on the harbour porpoise was considered and considered potentially significant due to pollution discharges during the construction phase. The impacts on harbour porpoise could be mitigated through the implementation of the Construction Environmental Management Plan and imposition of conditions. Conditions would require a marine mammal observer to oversee the proposed works and alert the contractors if mammals are in the immediate area to the proposed works. Another condition would require a 'soft start' approach to piling which would stop any revving of machinery for the first 30mins each time a machine is turned on. Another condition would prevent any works during adverse weather conditions if marine mammals are spotted in the harbour.
- 4.9 Natural Environment Division has considered the impact of the proposal and is content with it subject to the imposition of the same conditions and informatives suggested by Shared Environmental Services.
- 4.10 The proposed development is also subject to a Marine Construction License under the Marine and Coastal Access Act 2009. A license was issued with conditions by DAERA on 27.07.2017.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: No representations have been made to the proposal

5.2 Internal

Environmental Health Department: No objection

DAERA Natural Environment Division: No objection

DFI Roads: No objection

Shared Environmental Services: No objection

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

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application include the principle of the development, its impact on road safety, visual and residential amenity, built heritage and natural heritage.
- 8.2 The site falls within the settlement limit of Portballintrae where there is a presumption in favour of development that is sensitive to the settlements size and character.

Principle of Development

- 8.3 The principle of development must be considered having regard to the SPPS and PPS policy documents aforementioned. The SPPS has five core planning principles set out in paragraph 4.1. One is to 'support sustainable economic growth'. Paragraph 6.35 of the SPPS sets out the regional strategic objectives for coastal development which are to:

- conserve the natural character and landscape of the undeveloped coast and to protect it from excessive, inappropriate or obtrusive development; and
- facilitate appropriate development in coastal settlements and other parts of the developed coastline (subject to all other relevant planning policies) that contributes to a sustainable economy and which is sensitive to its coastal location.

- 8.4 The proposal involves repair and maintenance of an existing harbour to facilitate the ongoing workings of the harbour. Such development is supported in principle by the SPPS subject to it not having an adverse impact on the nature conservation, archaeological / built heritage, geological or landscape value of the area.

Road Safety

- 8.5 This proposal does not involve any alteration to the access road. However, DFI Roads were consulted to assess the impact of the construction and proposed lights on road users. DFI Roads raised no objection and recommended imposition of standard informatives.

Visual amenity and residential amenity

- 8.6 Paragraphs 4.12 and 4.27 of the SPPS detail considerations regarding design, visual amenity and the character of existing areas in general. The closest residents to the proposed development are located on the approach road down to the harbour.
- 8.7 The proposal includes new lighting surrounding the harbour. Environmental Health (EH) were consulted on the application and requested a light impact assessment. Upon submission, EH were further consulted and raised no objection subject to the imposition of conditions in order to minimise light, dust and noise and recommends compliance with standards in relation to vibration mitigation.

Built Heritage

- 8.8 The harbour is a scheduled monument and it is within the curtilage of the boat house which is a Grade B2 listed building. Historic Environment Division was consulted on the application and advised that any intrusive works within the scheduled area of the monument would require Scheduled Monument Consent.
- 8.9 During the course of this planning application the applicant has received Scheduled Monument Consent for the proposed works including: plant access for sheet piling, removal of existing concrete covering slipway, insertion of re-enforced concrete slab with toe beam to extend existing slipway, repointing of west quay wall, replacement of timber buffer on west quay wall and replacement of existing lighting provisions. The Department of Communities granted Scheduled Monument Consent subject to 34 conditions on 14.09.2017. Following recent consultation, HED Historic Monuments is content that the proposal is satisfactory to SPPS and PPS6 archaeological policy requirements.
- 8.10 Historic Buildings at HED raised no objection with respect the impact on the Listed Building as it is not considered to be significantly different in terms of the existing setting of the building. As such it is considered to satisfy the requirements of the paragraph 6.12 of the SPPS and Policy BH11 of PPS6.

Natural Heritage

- 8.11 The European Sites potentially connected by environmental pathways are: Skerries and Causeway SAC directly and The Maidens SAC, Red Bay SAC, Murlough SAC, Strangford Lough SAC and East Coast Marine proposed SPA indirectly. The site is within Skerries and Causeway SAC. The Maidens SAC is 70km away but there is a risk of indirect marine noise impact to migrating mobile seal features. The other features associated with The Maidens SAC are unlikely to be impacted by the proposal due to the distance from the site. Shared Environmental Services advised that any assessment and mitigation measure considered for the Skerries and Causeway and The Maidens SAC would also cover potential marine impacts to any of the features on the other SACs (Red Bay, Murlough, Strangford Lough) and East Coast Marine proposed SPA.
- 8.12 Natural Environment Division also considered the impacts of the proposal on Portballintrae ASSI and on the basis of the Construction Environmental Management Plan, NED is content the proposal would not have any adverse impact on the designated ASSI.

Local Landscape Policy Area

- 8.13 Policy ENV 1 of the Northern Area Plan protects Local Landscape Policy Areas and advises that planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. The Bay LLPA permits modest scale infrastructure between the road and the sea where it is required in exceptional circumstances. This proposal constitutes some minor alterations and improvements to the existing harbour. Such development is modest in scale and is not considered to further detract from the environmental quality, integrity or character of the LLPA.

9 CONCLUSION

- 9.1 The proposal which comprises essentially repair work is considered acceptable in principle. Regard has been had to road safety, visual amenity and residential amenity and no significant issues have arisen. In addition the Council has considered built heritage, natural heritage and issues regarding the LLPA and is considered acceptable. Approval is recommended.

10 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. A Marine Mammal Observer (MMO) must be onsite to oversee the proposed works and alert the contractors if mammals are in the immediate area of the proposed works. The MMO will undertake a survey 30 minutes before the proposed works are due to start. Should any marine mammals be seen within 500m of the mouth of the harbour, the MMO will inform the contractors to delay works by 20 minutes after the animal has been last seen. Once the works have begun, the contractors can continue to work without interruption by the MMO, in line with JNCC MMO guidelines (JNCC, 2010)

Reason: To ensure no marine mammals are near the works, reducing to a minimum any disturbance impacts.

3. The contractor will adopt a 'soft start' approach to piling which will involve not revving machinery up during the first 30 minutes each time it is turned on, to allow marine mammals to disperse from the area. This will allow any mammals to disperse before the machinery is fully engaged.

Reason: To minimise disturbance on marine mammals during construction works.

4. During adverse weather conditions, if a marine mammal is observed inside the harbour, works shall be delayed until

conditions improve to avoid disturbance of animals using the harbour for shelter.

Reason: To minimise disturbance on marine mammals during construction works.

5. The lighting scheme for the development hereby approved shall be designed, installed, operated and maintained to achieve the Lighting Standards stipulated within Figure 4 "Obtrusive Light Limitations for Exterior Lighting Installation (Environmental Zone E2) as prescribed within the Lighting Impact Assessment Document 1, dated 28th July 2017".

Reason: In the interests of residential amenity.

6. Dust mitigation measures in accordance with the Outline Construction Environmental Management Plan, (dated July 2017) shall be implemented to minimise the generation, movement and adverse impacts of airborne particulate matter emissions from the development hereby approved to sensitive receptors.

Reason: In the interests of residential amenity.

7. Site preparation, construction and piling works shall be implemented in accordance with the Outline Construction Environmental Management Plan, (Document 1, 28th July 2017). Noise and vibration impacts shall be Minimised/ controlled by employment of best practice and mitigation measures in accordance with BS 5228, Parts 1 and 2, 2009, "Code of Practice for Noise and Vibration Control on Construction and Open Sites". Such works shall not take place outside of the following hours, without the prior approval of the Planning Department:
 - 08:30 - 18:00 hours Monday – Friday (Noise levels shall not exceed 65dB, when measured 1 metre from the nearest boundary of a noise sensitive property)

Reason: In the interests of residential amenity.

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 permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This 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 Planning Authority or other statutory authority.

DFI Roads

4. Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is TransportNI, Northern Division, Causeway Coast and Glens (West), County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.
5. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
6. All construction plant and materials shall be stored within the curtilage of the site.
7. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or

footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site

Environmental Health

Vibration

8. The impacts of any vibration impacts must be controlled in accordance with the relevant British Standard BS 5228 (Part 2, 2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites").
9. The applicant is advised to consider the guidance on likely effects as a consequence of vibration levels as per: Table B.1 of Annex B BS5228:2009. The following provides a summary of the vibration level and effects:
 - 0.14 mm/s - Vibration might just be perceptible in the most sensitive situations for most vibration frequencies associated with construction. At lower frequencies, people are less sensitive to vibration.
 - 0.3 mm/s - Vibration might just be perceptible in residential environments
 - mm/s - It is likely that vibration of this level in residential environments will cause complaint, but can be tolerated if prior warning and explanation given to residents.
 - 10 mm/s - Vibration is likely to be intolerable for any more than very brief exposure to this level. (Reference Table 9.12: Guidance on effects of vibration levels)
10. This Department notes the incorporation of community/complaint response within the OCEMP, the applicant is advised to ensure that where vibration generating activities are proposed and in advance of any piling operation there is appropriate prior engagement with sensitive receptors.

Construction Noise Impact

11. BS 5228: 1997 in relation to construction activities states, "Noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health." Therefore, Causeway Coast and Glens Borough Council's Environmental Health Department would request that the following informative be attached to any Planning Permission granted:

“Noise from construction activities should –

- not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and
- not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and
- not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”

Noise from Plant & Equipment

12. The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

Site location plan

