

Planning Committee Report LA01/2018/0298/F	22 <sup>nd</sup> January 2020
<b>PLANNING COMMITTEE</b>	

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

<b><u>No:</u></b>	LA01/2018/0298/F	<b><u>Ward:</u></b> PORTRUSH and DUNLUCE
<b><u>App Type:</u></b>	Full Planning	
<b><u>Address:</u></b>	4-10 Main Street, Portrush.	
<b><u>Proposal:</u></b>	Demolition of 2 no. restaurants, ice-cream parlour and opticians. Erection of new restaurant and 4 no apartments with associated siteworks.	
<b><u>Con Area:</u></b> N/A		<b><u>Valid Date:</u></b> 01.03.2018
<b><u>Listed Building Grade:</u></b> N/A		
<b><u>AONB:</u></b> N/A		
<b>Agent:</b> Lavery Architecture		
<b>Applicant:</b> T & V Watson		
<b>Objections:</b> 0	<b>Petitions of Objection:</b> 0	
<b>Support:</b> 1	<b>Petitions of Support:</b> 0	

## **Executive summary**

- The proposal is located in the Portrush Town Centre as designated in the Northern Area Plan 2016.
- The development comprises the redevelopment of an existing building. Demolition of 2 no. restaurants, ice-cream parlour and opticians. Erection of new restaurant and 4 no apartments with associated siteworks.
- The development complies with policy provisions within the SPPS, PPS7, Policy DES2 and all other relevant policy consideration.
- The development has the capacity to provide job creation within Portrush town centre.
- This type of use is expected within Portrush Town centre.
- Part of the proposed development is on Council land, shaded green on the site plan at the rear of the site.

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 RECOMMENDATION**

- 1.0 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

### **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located at 4-10 Main Street, Portrush. On the site is a two-storey building which has a white rendered finish and a flat roof. Part of the site contains a two-storey building with a pitched roof finished with a white render. The building was previously used as a restaurant and ice-cream parlour. The lower ground floor (basement) and an area to the rear of the ground floor of the building was used for storage and food preparation. The two-storey building with a pitched roof adjacent to the Mr Chips fast food outlet is currently used as an opticians which has a ground floor reception area and treatment facility a first floor level.
- 2.2 Ground levels across the site slope to the east towards the coast. At the rear of the site is an existing public open space area and existing vegetation which is under the ownership of the Council. There is an existing electrical substation at the rear of the site.
- 2.3 The site falls within the town centre area of Portrush and within an area of archaeological potential as designated in the NAP 2016 and is located adjacent to the Ramore Head LLPA and a major area of open space. To the north, south and west of the site are commercial properties. To the east is an existing access path, car park area and the East Strand Beach.

### **3.0 RELEVANT HISTORY**

C/1987/0536- 10 Main Street, Portrush- Change of use of first floor store to opticians- Approval granted: 19.10.1987.

LA01/2017/0299/PAD- 4-10 Main Street, Portrush BT56 8SL- Demolition of retail unit and 3No.restaurants with restaurant, retail unit and apartments- PAD Concluded: 08.06.2017.

### **4.0 THE APPLICATION**

- 4.1 The proposal is the demolition of 2 no. restaurants, ice-cream parlour and opticians. Erection of new restaurant and 4 no apartments with associated siteworks.

#### **Habitat Regulations Assessment**

- 4.2 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**

#### **External:**

1 letter of support was received.

#### **Internal:**

**DFI Roads:** No objections.

**Historic Environment Division- HED Historic Monuments:** No objections.

**Historic Environment Division- HED Protecting Historic Buildings:** No objections.

**Environmental Health:** No objections.

**NI Water:** No objections.

**DAERA NIEA-** No objections.

**SES-** has no objections.

## **6.0 MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

A Planning Strategy for Rural Northern Ireland

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 6 Planning, Archaeology and The Built Heritage

Planning Policy Statement 7: Quality Residential Environments

Guidance

DCAN 4: Restaurants, Cafes and Fast Food Outlets

Guidance: Creating Places- Achieving Quality in Residential Developments

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main issues relevant to the assessment of this application are: principle of development; design; assessment of the restaurant; access, movement and parking; and quality in residential design.

### **Principle of Development**

- 8.2 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. Paragraphs 6.133- 6.137, Housing in Settlements and paragraphs 6.267- 6.292, Town Centres and Retailing apply to this proposal. The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres. The key in terms of the town centre policy is to secure a town centres first approach for the location of future retailing and other town centre uses. However this policy defines a main town centre use as being made up of cultural and community facilities, retail, leisure, entertainment and businesses.
- 8.3 The use as a restaurant would be considered an acceptable town centre use.

### **Design**

- 8.4 Policy DES 2 of a Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area in terms of design, scale and use of materials. The proposed development involves the construction

of a new building which will reflect the surrounding built form and retain the uniform ridge and eaves heights located along Portrush Main Street.

- 8.5 The proposal will be finished with smooth white render and glazing which is appropriate having regard to the character of the area. The front facade has traditional stallrisers and signage at ground floor level with pilasters and glazing. Traditional hardwood windows has been proposed at first and second floor level and a roof terrace at second floor level. Part of the second floor level will be finished with larch cladding and a stainless steel handrail has been proposed at roof level. The proposed finishes in the front facade are deemed to be acceptable and the development will make a positive contribution to the visual townscape at this location.
- 8.6 The rear elevation has more of a contemporary finish and will have views towards the coast. A balcony has been proposed at ground and first floor level which will have views directly towards the coastline. The rear facade will be finished with a white render and a grey render at basement level. A 2m high stone wall has been proposed at the rear which will screen the proposed bin area and amenity area. The proposed rear facade is acceptable in terms of materials and will make a positive contribution to the townscape at this location. The proposed scheme complies with policy DES 2.
- 8.7 The rear elevation has more of a contemporary finish and will have views towards the coast. A balcony has been proposed at ground and first floor level which will have views directly towards the coastline. The rear facade will be finished with a white render and a grey render at basement level. A 2m high stone wall has been proposed at the rear which will screen the proposed bin area and amenity area. The proposed rear facade is acceptable in terms of materials and will make a positive contribution to the townscape at this location. The proposed scheme complies with policy DES 2.

### **Restaurants, Cafes and Fast Food Outlets**

- 8.8 The restaurant use has previously been established on site and the building was previously sub-divided into two restaurants and

was used as an ice-cream parlour. Part of the building is currently used as an opticians. The Retailing and Town Centres section of the SPPS is relevant in this consideration. The key in terms of this policy is to secure a town centres first approach for the location of future retailing and other town centre uses. The use as a restaurant would be considered an acceptable town centre use.

- 8.9 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. In regard to these impacts the relevant consultees to include Environmental Health, NIEA- Water Management and NI Water were consulted. No significant concern was raised in regard to these issues subject to conditions which include potential land contamination measures. The applicant did provide a noise impact assessment and odour impact assessment. A condition has been placed on the permission which will ensure that the mitigation strategies as detailed within the noise and odour assessments (DOC1 & DOC2) are implemented to protect amenity and human health.
- 8.10 This development is a material planning gain to what exists on the site and will improve the overall visual appearance of Portrush Main Street at this location. The scheme will provide a restaurant with residential accommodation on the upper floors and one apartment at basement level. This proposal will lead to the creation of a new unit within the town centre and the proposed use is considered acceptable in this location. The redevelopment of this site will provide occupancy upon this site and will help in the regeneration of Portrush at this location. Within this area there are a mix of town centre uses to include amusements arcades, fast food outlets, B&Bs, bars, restaurants, churches and apartment developments. Given the wide range of uses it is considered that there would not be a clustering of non-retail units at this site.
- 8.11 In terms of floor area the proposed development will provide a restaurant at ground and basement level. The restaurant will have a total gross floor space of approximately 347.85 square



metres. Given the size of the site which contains an existing building with similar floor space the proposed floor space is considered acceptable. The proposed design is considered acceptable in regards to form and scale and consideration has been given to existing development surrounding the site.

- 8.12 As this proposal includes the restaurant use it will have the potential to create noise disturbance, smells and fumes and litter which could have an impact on the amenity of the shopping area and neighbouring properties. A Noise Impact Assessment and Odour Assessment has been submitted with this application. Environmental Health was consulted in regard to this and was content with the proposal subject to conditions. The proposed balcony area to the rear of the restaurant could act as a smoking area, however this is not stipulated on the plans. If the applicant adheres to the mitigation measures within the noise and odour assessments the Planning Authority is content and would have no concerns regarding noise and odour concerns.

### **Access, Movement and Parking**

- 8.13 DFI Roads was consulted and initially had concerns with the detailing provided on the proposed plans. Amendments have since been provided and the scheme is now considered acceptable. The proposed development will provide adequate access for people with disabilities. DFI Roads no concerns in regard to the proposed development from an access, road safety or parking aspects. Given this, the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. The development complies with PPS3.

### **Quality Residential Environments**

- 8.14 Policy QD 1 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The following elements of Policy QD1 must be complied with:

8.15 *Part (a): 'the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas'.*

8.16 The proposal involves the new building of a development incorporating 4 apartments over 3 floors replicating the frontage that already exists. This is acceptable from a visual aspect as it keeps the existing character, scale, massing and appearance of the existing building on site. Therefore the visual impact in the front facade remains the same. The proposed layout is respectful of the area in terms of layout, scale, proportions and appearance and complies with the Creating Places guidance and the tests of current policy.

8.17 *Part (b): 'features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development'.*

8.18 The application site is within the Portrush Area of Archaeological Potential (AAP) as designated in the Northern Area Plan 2016. The AAP defines an area within which we would expect to find below ground archaeological remains relating to the origins and early development of the settlement. This area is also recognised as being the historic settlement area of Portrush (ANT002:014) which includes the site of Portrush Castle (ANT002:001) and Church (ANT002:002).

8.19 A consultation was sent to the Historic Environment Division-Historic Monuments Unit who considered that the proposal was acceptable having regard to the policy requirements of the SPPS and Policy BH4 o PPS6. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

- 8.20 The site is located in close proximity to listed buildings and the Portrush Presbyterian Church located at 3 Main Street Portrush directly faces the site and the Portrush Methodist Church is located in close proximity to the site. Policy BH 11 of Planning Policy Statement 6 is a key policy in relation to this proposal. The Planning Authority will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered acceptable if the detailed design respects surrounding listed building in terms of scale, height, massing and alignment.
- 8.21 The works proposed make use of sympathetic building materials and techniques which respect those found in the surrounding context. The proposed development respects the character of the surrounding listed buildings. A consultation was sent to the Historic Environment Division- Protecting Historic Buildings Unit, who considered that the proposal was acceptable having regard to the policy requirements of the SPPS and Policy BH 11 of PPS 6. HED has no objections to the development.
- 8.22 *Part (c): 'adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area'.*
- 8.23 Within the guidance it states that each apartment should have access to or have as a minimum of 10 sq. metres of amenity space. All four proposed apartments have access to a rear shared amenity area at basement level which provides an area of 43.13sq metres of amenity space. Apartment 2 has access to a rear balcony which provides 12.92sq metres of amenity space and apartment 3 has access to a balcony which provides amenity space of 7.93sq metres. The penthouse apartment (No. 4) has access to a roof terrace with an amenity area of 52.02sq metres. The proposed development therefore, provides sufficient amenity space provision for the proposed apartments and is in line with Creating Places guidance.

- 8.24 *(d): 'adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development'*.
- 8.25 The development is within Portrush town centre. Furthermore, the scale of the proposal does not require facilities to be provided within the site.
- 8.26 *Part (e): 'a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures'*
- 8.27 The scheme is an urban site within the town with satisfactory movement pattern to allow pedestrian, vehicle and cycle access and therefore complies with this test of policy.
- 8.28 *Part (f): 'adequate and appropriate provision is made for parking'*.
- 8.29 DFI Roads have been consulted as the competent authority in reference to parking and traffic matters and they have no objections as the site is located within the town centre and has access to existing transport links to the site. Therefore, the scheme complies with this policy test.
- 8.30 *Part (g): 'the design of the development draws upon the best local traditions of form, materials and detailing'*
- 8.31 The front facade is proposed to replicate the existing frontage in parts. Part of the development will now be three-storey in the front facade which is acceptable. Within the detail of the finishes, the roof will be flat in places and finished with a larch cladding and front walls a smooth white render. The rear walls are a combination of grey render at basement level and white render at the upper floor level. The windows will be hardwood and painted copper green. Rainwater goods will have black painted down pipes. A glass balustrade has been proposed to the rear balconies and a stainless steel handrail has been proposed at roof level for the proposed roof terrace. The plaster

cornice will be painted copper green. High quality materials are proposed throughout, therefore, the design is acceptable and complies with this policy test.

8.32 *Part (h): 'the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance'.*

8.33 The proposal will not impact on the amenity of existing dwellings by way of overlooking. However, approval was granted for the redevelopment of the adjacent property No 2 Main Street. The approved development LA01/2017/0924/F projects further forward from the back of the building line of the proposed development. As such there will be no overlooking from the application site into the approved development. There is a further application currently under consideration at No 2 Main Street. This application is still under consideration.

8.34 *Part (i): 'the development is designed to deter crime and promote personal safety'.*

The layout is designed in such a way as to promote personal privacy and safety.

8.35 The proposed development complies with all the policy provisions within Policy QD1 of PPS7.

## **9.0 CONCLUSION**

9.1 The proposed development will be a mixed use development within the town centre of Portrush. A development of this nature is appropriate within a town centre location. The scale, design and materials of the scheme complement the surrounding land uses and the development is far enough removed to not impact residential amenity. Approval is recommended.

## **10.0 Conditions**

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The development hereby permitted shall not be commenced until the retaining wall requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

3. A final Construction Environmental Management Plan (CEMP) must be submitted and agreed in writing to the Council and DAERA Water Management Unit Division by the appointed contractor at least 8 weeks prior to works commencing. This plan should reflect all effective avoidance and mitigation methodologies which have been planned for the protection of the aquatic environment. Details of mitigating measures to address the environmental impacts on the aquatic environment should be presented in the contractors CEMP as defined by the Water (NI) Order 1999.

The CEMP shall:

a) Identify the perceived risks to the aquatic environment e.g. from cement, concrete, grout, fuels/ oil/ hydrocarbons and suspended solids,

b) Identify potential pollution pathways,

c) Identify the mitigation measures employed to minimise the risk of pollution to any waterway (as defined by the Water (NI) Order 1999).

Development shall be carried out in accordance with the agreed CEMP.

Reason: To ensure that the appointed contractor undertaking the works is well informed of all the risks associated with the proposal and is aware of all the proposed mitigation and avoidance measures to ensure that there are no significant effects on the water environment.

4. If during the development works, contamination is encountered which has not previously been identified, works

shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, in agreement with DAERA and Environmental Health, and subsequently implemented and verified to the Planning Authorities satisfaction.

Reason: Protection of health and environmental receptors to ensure the site is suitable for use.

5. If within a period of 5 years from the date of the planting of any shrub, that shrub is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another shrub of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

6. Details of the maintenance and management of the communal amenity space areas by a Management Company supported by a charitable trust or properly constituted residents association with associated management arrangements, or other such arrangements agreeable to the Planning Authority, including a signed copy of the Memorandum and Articles of Association in accordance with a Management Plan shall be submitted to and agreed with the Planning Authority before the residential units are occupied.

Reason: To ensure the establishment and continuity of the approved amenity areas through the long term maintenance to achieve a quality residential development.

7. 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 and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by

preservation of remains, and for preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

8. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

9. The applicant shall implement the noise and odour mitigation strategies as detailed within the noise impact assessment by KRM Acoustics (DOC 1) date stamped 24/10/18 and the Odour Impact Assessment by Redmore Environmental (DOC 2) date stamped 25/10/18.

Reason: In the interests of residential and public amenity and the protection of human health.

## **11.0 Informatives**

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent sites for the removal of or building on the party wall or boundary whether or not defined.

2. The applicant's attention is drawn to:

i. the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and

ii. the Code of Practice for Access for the Disabled to buildings.

3. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note "Access for People with Disabilities", available from [www.planningni.gov.uk](http://www.planningni.gov.uk).



4. 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.
5. 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.
6. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
7. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.
8. Signs may require separate approval under The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015. Their size, construction, content and siting should be approved by the Council before any such signs are erected.
9. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

# Site Location Plan



# Basement Floor

