



Planning Committee Report LA01/2018/0380/F	22nd August 2018
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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u> LA01/2018/0380/F	<u>Ward:</u> PORTRUSH and DUNLUCE
<u>App Type:</u> Full Planning	
<u>Address:</u> Public Realm Improvement Scheme including Ramore Avenue, Lansdowne Road, Bath Road, Bath Terrace, Bath Street Church Pass, Atlantic Avenue, Main Street, Eglinton Street (from Causeway Street to Train Station), Dunluce Avenue (Eglinton Street to Dunluce Car Park), Causeway Street (Main Street to Library)	
<u>Proposal:</u> Variation of Condition No. 5 (Archaeological Programme of Work) on Planning Decision LA01/2017/0379/F (Public Realm Improvement)	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 04.04.2018
<u>Listed Building Grade:</u>	n/a
<u>Agent:</u> AECOM, Beechill House, Beechill Road, Belfast, BT8 7RP	
<u>Applicant:</u> Causeway Coast & Glens Borough Council, 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

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 is largely located within the Portrush settlement development limits as defined in the Northern Area Plan 2016 and covers most of the pedestrian and road network within the peninsula. The north of the site covering Lower Lansdowne Road is located outside of the development limit and includes the area of open space on the seaward side of Lansdowne Road.
- 2.2 The site covers a wide area and includes the main commercial centre of the town, a number of residential streets and the coastal fringe where the character is less formal.

3 RELEVANT HISTORY

LA01/2017/0379/F

Public Realm Scheme including resurfacing footways in granite and exposed aggregate concrete, decorative street lighting, feature seating areas along the promenade, new street furniture, re-arrangement of car parking at Bath Road and outside the Coastal Zone, new controlled pedestrian crossing on Causeway Street, improved pedestrian access between Bath Terrace and Bath Road, improved stepped access and wall at War Memorial. Lands including Ramore Avenue, Lansdowne Road, Bath Road, Bath Terrace, Bath Street, Church Pass, Atlantic Avenue, Main Street, Eglinton Street (from Causeway Street to Train Station), Dunluce Avenue (Eglinton Street to Dunluce Car Park), Causeway Street (Main Street to Library),
Permission Granted 03.07.2017

LA01/2017/1519/DC

Discharge of Condition 5 of Planning Approval
LA01/2017/0379/F. Public Realm Improvement Scheme

including Ramore Avenue, Lansdowne Road, Bath Road, Bath Terrace, Bath Street, Church Pass, Atlantic Avenue, Main Street, Eglinton Street (from Causeway Street to Train Station), Dunluce Avenue (Eglinton Street to Dunluce Car Park), Causeway Street (Main Street to Library)Portrush.
Application Withdrawn 13.03.2018

4 THE APPLICATION

- 4.1 Variation of Condition No. 5 (Archaeological Programme of Work) on Planning Decision LA01/2017/0379/F (Public Realm Improvement).

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** No objections received.

Internal

- 5.2 **Historic Environment Division:** Has raised no objection to the proposal.

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 development 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 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 6 (PPS 6)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relate to the principle of development and archaeological impacts.

Planning Policy

- 8.2 The principle of the development proposed must be considered having regard to the Northern Area Plan and PPS policy documents specified above and the supplementary guidance.

Northern Area Plan

- 8.3 Given the extensiveness of the of the site area which includes almost all the road network for the Portrush peninsula, the site falls within a number of designations to include, an Area of Archaeological Potential, Area of Townscape Character and Local Landscape Policy Area.

Principle of Development

- 8.4 Under the initial application reference LA01/2017/0379/F permission was granted for a public realm improvement scheme which included almost all the road network within the Portrush

peninsula. These works included resurfacing footpaths, providing decorative street lighting, provisions for seating and street furniture, rearrangement of car parking, improvement of an existing pedestrian access and provisions for a new pedestrian crossing. As the proposed site fell within an Area of Archaeological Potential a consideration was made in regard to Planning Policy PPS 6. A consultation was sent to Historic Environment Division to consider the implications of this proposal on the Area of Archaeological Potential and they were content with the scheme subject to a condition to provide a developer-funded programme of archaeological works. This application seeks to vary Condition 5 of the previous approval which relates to this condition to provide a developer-funded programme of archaeological works.

8.5 Currently condition 5 states;

“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.

The application seeks consent to amend Condition 5 of planning approval LA01/2017/0379/F to read,

“Any works carried out in the area of Main Street, adjacent to Antrim Gardens (as identified in Figure 1 of the Modern Disturbance Assessment (MDA)(AECOM; 15/02/2017) should be carried out in full compliance with the archaeological mitigation methodology established in the Archaeological Programme of Works (Gahan and Long; 01/11/2017).”

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

Archaeological Impacts

- 8.6 As the proposed site falls within an Area of Archaeological Potential a consideration was made in regard to Planning Policy Statement 6. Policy BH 02 of Planning Policy Statement 6 relates to this application and includes provisions to preserve and protect Archaeological Remains of Local Importance and their Settings.
- 8.7 In regard to this the application Historic Environment Division (HED) was consulted. Within the initial consultation response it was stated that HED do not agree with the archaeological evaluation strategy proposed and are not content for this to proceed to archaeological licensing. Concerns were also raised in regard to the area of Antrim Gardens which does not include the area in the vicinity of Portrush Presbyterian Church and Manse. This area is mentioned in section 6 of Form RVC1 dated 28th March 2018 and is shown on Figure 1 – Archaeological Assets, as an area of archaeological monitoring during ground works. In regard to this, an email was sent to the agent to clarify and address these concerns.
- 8.8 Through further email correspondence the applicant was able to confirm that there would be no intrusive works at the Presbyterian Church. Given this, HED are now content with this variation of condition application and are content with the programme of works submitted in respect of LA01/2018/0380/F. Given this the proposed development is considered to be in keeping with Policy BH 02 of Planning Policy Statement 6.

Habitats Regulations Assessment Screening

- 8.9 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 as the proposal does not have a hydrological link as a pathway for pollution to a European Site. The proposal would not be likely to have a

significant effect on the features, conservation objectives or status or any of these sites.

9 CONCLUSION

9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. Having considered the impact of this variation of condition application on the Area of Archaeological Potential, it has been found in consultation with Historic Environment Division that the proposed works would not have a significant detrimental impact this designation. Approval is recommended.

10 CONDITIONS

10.1 Regulatory Conditions:

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before 28 June 2022.

Reason: Time Limit.

10.2 Any works carried out in the area of Main Street, adjacent to Antrim Gardens (as identified in Figure 1 of the Modern Disturbance Assessment (MDA)(AECOM; 15/02/2017) should be carried out in full compliance with the archaeological mitigation methodology established in the Archaeological Programme of Works (Gahan and Long; 01/11/2017).

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

10.3 Access shall 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.

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.

- 10.4 All construction activity shall be confined within site boundaries, and the boundary of the designated areas shall not be disturbed in any way without written consent from the Planning Authority.

Reason: To protect the integrity of Ramore Head and the Skerries ASSI and Skerries and Causeway SCI and to avoid it being damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any Coastal Development works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended).

Informatives

1. Effective mitigation measures must be in place to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

2. A suitable buffer of at least 10m must be maintained between the location of all construction works, including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, and the boundary of Ramore Head and Skerries ASSI, Skerries and Causeway SAC.

All surface water run-off during the construction phase shall be directed away from Ramore Head and Skerries ASSI, Skerries and Causeway SAC.

Storm drainage of the site, during construction and operational phases, must be designed to the principles of the Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on aquatic environments. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C697.

No development, demolition, earth moving shall take place, or material or machinery brought onto the site, until protective fencing has been erected along the length of the work area to prevent the egress of surface water into the Ramore Head and Skerries ASSI, Skerries and Causeway SAC. All protective fencing must be maintained during the construction period in accordance with the approved details.

Any works occurring outside the red line planning application boundary are subject to the Environment (Northern Ireland) Order 2002, which makes it an offence to carry out operations likely to damage an ASSI without prior permission from the Northern Ireland Environment Agency (NIEA) Conservation Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA. The maximum penalty for offences is £20,000. In addition to a fine, offenders may be liable for the costs of restoring the damaged area to its original condition.

The applicant should refer and adhere to the precepts contained in Standing Advice Note No. 4. Pollution Prevention Guidance, 5. Sustainable Drainage Systems and 11. Discharges to the Water Environment.

3. The applicant is advised to contact NIW Waterline on 03457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means. Water Supply Requirements Foul and Surface Water sewerage requirements NIW Infrastructure crossing the site (if stated in box to right)

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.

4. For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact: Historic Environment Division – Historic Monuments Causeway Exchange 1–7 Bedford St, Belfast, BT2 7EG Tel: 02890 823100

