

Building Preservation Notice (BPN): Barry's Amusements, Portrush	26th February 2020
Planning Committee	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Outcome
Leadership and Champion	<ul style="list-style-type: none"> Our Elected Members will provide civic leadership to our citizens working to promote the Borough as an attractive place to live, work invest and visit.
Protect the Environment in Which We Live	<ul style="list-style-type: none"> All environments in the area will benefit from pro-active decision making which protects the natural features, characteristics and integrity of the Borough.
Lead Officer	Principal Planning Officer
Cost:	See Section 3 of report

For Decision

1.0 Background

1.1 Members will be aware of the recent news (15th November 2019) that Barry's Amusements, Portrush, has been put up for sale as an ongoing concern. It is understood that the business employs 11 full time staff. This has generated much debate regarding the serving of a Building Preservation Notice (BPN) or the potential listing of the building.

2.0 Building Preservation Notice (BPN)

2.1 Council has a responsibility under the Planning Act (NI) 2011, the "Act", to protect and conserve the historic environment for the benefit of our present and future generations.

2.2 Council has powers (under S.81 & 82 of "the Act") to serve a BPN on the owner and occupier of a building if it appears that the building is of special architectural or historic interest and is in danger of demolition or significant alteration.

2.3 A BPN is a form of temporary listing. It provides statutory protection to an unlisted building for a 6 month period, within which time any works to the building will require listed building consent (see link):
https://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/practice_guide_-_building_preservation_notice_complete-2.pdf

- 2.4 The Council may (if it considers that the building merits listing) consult the Department for Communities: Historic Environment Division (DfC:HED) asking them to consider permanently listing the building.
- 2.5 The building **must** meet the following test to be considered for a BPN;
- It is of **special** architectural or historic interest; and
 - It is in danger of demolition or alteration in such a way as to affect its character as a building of such interest.
- 2.6 In considering the listing DfC:HED will:
- Take into account any information forwarded to them by Council. This is usually Council's Conservation Area Officers completed "Listing Query Report Form" (see Appendix 1);
 - record the structure;
 - consider the building against DfC:HED Criteria for listing (published May 2019 – see link: <https://www.communities-ni.gov.uk/publications/criteria-scheduling-historic-monuments-and-listing-buildings-special-architectural-or-historic>);
 - undertake statutory and non-statutory consultations; and
 - make a final decision.
- 2.7 The BPN test is one of **initial assessment**. Detailed research and assessment can be carried out later, if required. This lower test allows for swift action, should it be required.
- 2.8 If it appears to Council that an emergency BPN should come into force, it may, instead of serving the notice on the owner and occupier of the building, affix the notice conspicuously to some object on the building.

3.0 Compensation Payable

- 3.1 It is important to have due regard to the potential for compensation claims when considering serving a BPN. The guidance states that there are two circumstances in which it may occur, as follows:

Upon revocation of an existing planning permission

- 3.2 A BPN can be served on a building even if there is an existing planning permission for its demolition or alteration. However, if the building is subsequently listed, Listed Building Consent (LBC) will then be required for any proposed works in relation to the existing permission.
- 3.3 If LBC is not granted for such works the current planning permission may have to be revoked and the applicants may seek compensation from Council for losses.
- 3.4 To avoid this scenario a building will not normally be considered for listing once planning permission, which will affect its special architectural or historic interest, has been granted and is still valid, or while works which have received such planning permission are under way.

- 3.5 It should be noted that if Council is actively considering serving a BPN in this circumstance, then the exceptional nature of the case should be highlighted in the request for listing submitted to DfC:HED.

Should the building fail to merit statutory listing.

- 3.6 Compensation may also be payable for losses incurred due to the service of a BPN if, after consideration, the structure is not listed, i.e. any loss or damage directly attributable to the effect of the notice.

4.0 The Site

- 4.1 This unzoned (whitelands) site lies within the settlement development limits of Portrush, outside the Town Centre Boundary; Area of Townscape Character; Area of Archaeological Potential and Local Landscape Policy Area, as defined in the Northern Area Plan (NAP) 2016.

- 4.2 Given the public press release that this site is being sold as an ongoing concern, it is assumed that if purchased, it will be on the basis of the continuation of the existing amusement business.

- 4.3 Whilst this issue is not listed as a circumstance in which compensation may be payable, it is however, important to keep this in mind when deciding whether or not to serve a BPN on this building. If served, the new owner may attempt to seek compensation for the losses arising as a result of the inability to fully develop the site.

5.0 The Building

- 5.1 The Listing Query Report Form (see Appendix 1), details the Council's Conservation Officer comment on the building.

6.0 Expert advice

- 6.1 Councils may seek initial expert advice on BPNs from DfC:HED. As such, planning officials have had preliminary discussions in relation to this building. DfC:HED has advised that they have recently evaluated the building and determined that it had insufficient interest to merit a full survey. It is therefore not being considered for listing.

- 6.2 They have highlighted that, in preparing its LDP, the Council may bring forward local policies for the protection of non-designated heritage assets (commonly known as 'local listings'). However, this issue will be considered in more detail during the LDP preparation.

7.0 Recommendation

- 8.1 IT IS RECOMMENDED that Members agree with the recommendation not to serve a BPN on this building.

Appendix 1:- Listing Query Report Form

**Appendix 1
Listing Query Report Form**

Building Name:	Barry's Amusement Complex, Castle Erin Road, Portrush.		
OS Map No:	-	IG Ref:	285755, 440478
Apparent Current Use:	Amusement Complex		

The Barry's amusement building is situated in a prominent location within the seaside tourist resort of Portrush Town. The building is located on the western side of the peninsula adjacent to the landmark listed buildings of the Portrush Railway Station structures (Reference HB03/10/003) and Victorian Portrush Town Hall (reference HB03/10/001).

Evaluation

Key criteria for listing are 'Architectural Interest' or 'Historic Interest' and the overall test is that this interest must be considered 'special'.

Architectural Interest

Whilst to some, the frontage, particularly the large splayed glazed panel entrance feature, may be considered positive architectural features, the building is not considered a prime or good example of a building of its period. There is little quality in the external detailing and finishes, and it lacks the necessary architectural interest, quality and character required for listing.

On this basis, it is considered that the building does not provide significant architectural interest and therefore cannot be considered 'special' in this regard.

Historic Interest

The building was constructed in the early 1920's. The Trufelli family have owned and operated the complex since 1926. Whilst it is acknowledged that Barry's Amusements does have a certain degree of local community and social history, being synonymous with the tourist resort of Portrush, the building itself is not known to be the work of an important architect. Nor is it of definitive quality and character that would be described as outstanding for its time period.

On this basis, it is considered that the building does not provide significant historic interest and therefore cannot be considered 'special' when considered in term of the listing criteria.

Department for Communities: Historic Environment Division (DFC:HED)

DFC:HED has advised that they have recently evaluated the building and determined that it had insufficient interest to merit a full survey. It is therefore not being considered for listing.

DFC:HED has highlighted that, in preparing its LDP, the Council may bring forward local policies for the protection of non-designated heritage assets (commonly known as

'local listings'). However, this issue will be considered in more detail during the Council's LDP preparation.

Recommendation

In light of the above information, it is considered that the building does not exhibit the necessary 'special' architectural quality or historic interest to satisfy the listing criteria.

Considered by council planning authority on : 11/02/2020

Checklist	Yes	No
Building appears to satisfy the listing criteria		x
Building has permission to demolish or significantly alter the building		X

Decision

Do not serve a BPN on this building.

Signed: *S. Mulhern*

Position: *Local Development Plan Manager*

Date: *11/2/2020* .