



**Causeway
Coast & Glens
Borough Council**

Planning Committee Report Item J	25th May 2016
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	Shane Mathers
Cost: (If applicable)	N/a

ITEM J

**Sportsland Amusement Arcade
28-34 Main Street Portrush.**

LA01/2016/0106/A

25th May 2016

<u>No:</u>	LA01/2016/0106/A	<u>Ward:</u>	PORTRUSH and DUNLUCE
<u>App Type:</u>	Advertisement Consent		
<u>Address:</u>	Sportsland Amusement Arcade 28-34 Main Street Portrush.		
<u>Proposal:</u>	Statically Operated Electronic Sign.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	22.12.2015
<u>Listed Building Grade:</u>	N/A		
Agent:	W J Watters 39 Glenstall Road Ballymoney BT53 7QN		
Applicant:	Portrush Sportsland Ltd 28-34 Main Street Portrush		
Objections:	1	Petitions of Objection:	0
Support:	0	Petitions of Support:	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 **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at Sportsland Amusement Arcade on Main Street, Portrush. On the site is an existing two-storey building which is currently being used as an amusement arcade. The building has a flat roof and has a red painted finish. There is existing signage on the building in the form of fascia signage and window graphics. The sign exists on the side elevation and

screens an existing window on the gable elevation. It is a static electronic sign and is fitted to the building via steel fixings.

- 2.2 The area is town centre, with a mix of uses which is characterised by amusement arcades, retail units, restaurants, public houses and apartment developments.
- 2.3 The site is located within Portrush Town Centre as defined within the Northern Area Plan 2016.

3 RELEVANT HISTORY

There is no relevant history.

4 THE APPLICATION

- 4.1 Advertisement consent is sought for a statically operated electronic sign. This consent is sought retrospectively.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

There is 1 objector to the application and the concerns are summarised below:

- Contrary to Planning Policy; namely SPPS/PPS 17 (AD1), PH03 of Northern Area Plan
- Unacceptable impact on the streetscape
- Impact on Listed Buildings
- Unacceptable Precedent
- Detrimental impact of the moving display/illumination on amenity, particular in dusk/dark conditions;
- Previous appeal decision 2014/A0164. (Annex 1 of this report)

5.2 Internal

Transport NI: No objection.

NIEA Historic Environment Division: No objection.

MATERIAL CONSIDERATIONS

- 6.1 Article 3 (1) of the The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 requires a Council to exercise its powers under these Regulations only in the interests of amenity and public safety, taking into account the provisions of the local development plan, so far as they are material; and any other relevant factors. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, archaeological, architectural or cultural interest, disregarding, if it thinks fit, any advertisements being displayed there. Factors relevant to public safety include the safety of any person who may use any road, railway, waterway (including coastal waters), docks, harbour or airfield; whether any display of advertisements is likely to obscure, or hinder the ready interpretation of any road traffic sign, railway sign, or aid to navigation by water or air.
- 6.2 The development plan is:
- 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 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)

PPS 17: Control of Outdoor Advertisements

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the impact on amenity and design, impact on public safety and; impact on archaeology and listed buildings.

Principle of development

- 8.2 The site is located within the town centre boundary for Portrush as defined by Northern Area Plan. Policy PH03 of the Northern Area Plan relates to new amusement arcades and extension/refurbishments of existing amusements and is not material in determining this application.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) (Paragraphs 6.52-6.60) applies to this application. The policy states that all advertisements affect the character and appearance of the building or location where they will be displayed. Any proposed signage should enhance the character and appearance of existing towns. The SPPS states that the main considerations with considering a scheme for signage is visual amenity, public safety and road safety.
- 8.5 The character of the area is mainly commercial premises comprising a mix of traditional and modern buildings within a town centre environment. While existing, established signage on the existing amusement arcade is more dominant than signage on other commercial premises in the locality, it nonetheless is subservient in terms of its location, form and size relative to its host building.

Impact on Amenity and Design

- 8.6 Policy AD1 of PPS 17 states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality. This is complemented by the SPPS which says that visual amenity is a main consideration.

- 8.7 The sign is already on the building and measures 2.9metres wide by 1.9 metres high. It is attached to a steel frame that measures 4.2 metres wide by 3.7 metres high. It is at first floor level and is attached to the gable of the building with a bulky steel frame. By extending well beyond the size of the sign, the frame is a dominant element in the streetscape that further draws attention to the incongruous form, nature, size and location of the proposed sign. This frame contributes to the overall visual impact of the sign on the streetscape. Given this and the type of sign, which is an electronic sign with a highly visible screen, it fails to enhance the character or appearance of Portrush. This is particularly critical when walking in a northerly direction along Main Street from Causeway Street/ Eglinton Street. The sign is also visible from the East Strand and its promenade. There are no views when travelling south along Main Street.
- 8.8 There are also distant views of the sign, when travelling north along the Gateside/ Ballywillan Road and Coleraine Road. This is more prominent when it is dusk/dark (winter time/ or later in summer evenings), when the bright illumination contrasts with the dark sky and is easily visible.
- 8.9 Annex A of PPS 17 provides further guidance in relation to the various types of advertisements. Paragraph 12 of Annex A relates to Gable Mounted Advertisement Displays. This guidance applies to large electronic screen displays. The guidance accepts that large scale poster panels located on gables are a common feature in the predominantly commercial parts of our towns and cities and may offer benefits, such as screening an untidy gable. However, it goes on to recognise that care needs to be taken with such proposals to ensure they are not over dominant, and relate well to the building on which they are proposed to be positioned.
- 8.10The Annex provides Design Guidelines for considering such proposals. Where reference is made to panels, this also includes large electronic screen displays as confirmed in paragraph 14 of Annex A.

- *the form, design, size, proportions and siting of a wall mounted poster panel should be sympathetic to the building to which it is to be attached;*

The sign fails to be sympathetic to the existing building by reason of the exposed, bulky steel frame and its location which appears imposed.

- *the panel should generally be above ground floor level on the gable and be symmetrical with the wall on which it is to be positioned;*

The display is above ground floor level. However, it is not symmetrical with the wall.

- *interesting features, for example architectural details, should not be obscured or destroyed; and*

There are no interesting features obscured or destroyed by this display.

- *windows should not be covered and the normal functioning of the building should not be adversely affected.*

The sign does cover an existing window, albeit that this is not a primary window required for light or for an outlook. The display does not adversely affect the normal functioning of Sportsland as an amusement arcade.

8.11 Having regard to the planning policy and guidance it is considered that the existing sign/display has an unacceptable impact on the amenity of this area.

Impact on public safety

8.12 TransportNI has been consulted as the competent authority in relation to road safety. TNI has no objection to the proposal and there is no unacceptable impact on public safety in this regard. There is no other aspect of public safety that is unacceptably impacted by this sign.

Impact on archaeology and listed buildings

8.13 NIEA Historic Environment Division has been consulted in relation to the application as the site falls within an archaeological site and monument, and is located in proximity to several listed buildings - Portrush Presbyterian Church (HB03 10 025 A), 3 Main Street and the Presbyterian Manse (HB03 10 025 B), Main Street, Portrush. These are Grade B2 listed buildings of special architectural and historic interest.

NIEA has considered this as the competent authority on these matters and has no objection to the proposal.

9.0 CONCLUSION

9.1 This proposal is contrary to PPS 17 and the SPPS. Given the size and scale of the display, and its illuminated screen which has a dominant effect, it has an unacceptable impact on the streetscape of Portrush and impacts on the general amenity of the surrounding area. As this proposal fails to meet the relevant policy, refusal is recommended.

10 Refusal Reasons:

10.1 1. The signage is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1 and paragraphs 6.52, 6.57 and 6.59 of the Strategic Planning Policy Statement for Northern Ireland in that, the proposed signage would be detrimental to the visual amenity of the existing building and the surrounding area by creating a prominent feature in the street-scene. The proposed signage does not respect the building on which it will be displayed as it will be obscuring an existing gable window and does not contribute to a quality environment.

2. The signage is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1 in that the proposed scale, design and illumination of the signage is inappropriate in this locality and would set an undesirable precedent for this form of unacceptable signage within the immediate area.

ANNEX 1
PAC Decision 2014/A0164

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ANNEX ONE



Appeal Decision

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Appeal Reference:	2014/A0164
Appeal by:	Knox Cantley
Subject of appeal	Refusal of advertisement consent.
Proposed Development:	Electronic sign and window vinyls.
Location:	39 Eglinton Street Portrush.
Planning Authority	Department
Application Reference:	C/2014/0308/A
Procedure:	Written Representations and Commissioners site visit on 29 May 2015.
Decision by:	Commissioner Pauline Boomer, dated 7 July 2015.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are the effect of the signs on the appearance and character of the area and their impact on the Listed Buildings and Listed Structures within the Area of Townscape Character (ATC).
3. From the 1 April 2015, The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 is the relevant statutory rule for the control of advertisements, made under the provisions of Section 130 of the Planning Act (Northern Ireland) 2011. This allows the exercise of control in the interests of amenity and public safety, taking into account the Development Plan, so far as it is material, and any other relevant factors.
4. The appeal site is located within Portrush Town Centre as designated by the Northern Area Plan (NAP) 2016. The plan does not have a specific policy to deal with the control of advertisements. The relevant policies therefore to be considered are set out in Planning Policy Statement 17 (PPS17) Control of Outdoor Advertisements and Planning Policy Statement 6 (PPS6): Planning, Archaeology and Built Heritage.
5. PPS17 provides the planning context for each of the appeal signs. Policy AD1 states that consent will be given for the display of an advertisement where it respects amenity when assessed in the context of the general characteristics of the locality and does not prejudice public safety. There is no issue in respect of public safety in regard of any of the signs. The policy states that the guidance

set out in Annex A for different categories of outdoor advertisement will be taken into account in assessing proposals. Paragraph 4.7 of Policy AD1 sets out the matters to be taken into account when assessing the impact of an advertisement or sign on amenity which include the position, scale, size, design and materials of the advertisement in relation to the building and its surrounding area.

6. The appeal site is situated in a key position in Portrush Town Centre fronting onto Station Square, which provides a valuable public space and visual amenity which attracts many visitors. No. 39 is a 3-storey mid terrace property currently operating as a local supermarket at ground floor level. The electronic sign has been erected between the 1st and 2nd floor windows with three vinyls added to cover all of the first floor windows. The appellant seeks the retention of all of these signs.
7. The appellant chose to submit two different types of signage within a single planning application for consent which is now the subject of this appeal. Whilst I note that both reasons for refusal refer only to the electronic sign, the Local Planning Authority (LPA) in its Statement of Case referred to the unacceptability of the three vinyls which the appellant had an opportunity to respond to and must therefore form part of my consideration.
8. The appeal premises has an externally illuminated fascia sign across its entire frontage and a canopy which reflects the size and nature of other advertisements and signs in this terrace. None of the other commercial properties in this terrace have any upper floor signs or adverts and there are no other electronic signs in the immediate vicinity.
9. The electronic sign extending 5m in width x 1m x 0.1m depth, is positioned approximately 6.0m above the ground level. Constructed in a brown aluminium frame, it displays red luminous lettering of varying sizes. The electronic sign appears disproportionately large when considered relative to the scale of the terraced buildings, interrupting the spacing of the fenestration along Eglinton Street. By introducing a 2nd tier of advertising in a frontage dominated by only ground floor fascia signs, it alters the appearance and character of these buildings and introduces visual clutter in the street scene which Policy AD1 seeks to prevent. Its dominance in the streetscene is increased by the different sized red lettering which it displays and the ever changing nature of that display. In my assessment on the date of my site visit, it displayed 17 messages recurring every 35 seconds. Whilst the appellant refers to it being used to show public safety messages and community information, most of the advertisements appear to relate to the products sold in the supermarket below. I agree with the objector that community notices could be displayed in a more sympathetic manner and conclude that community benefit does not mitigate against the harm imposed on the character of the area.
10. The appellant also seeks to retain the advertising vinyls applied to the back of the three first floor windows, two of which extend 1.25m x 1.25m with the other 0.9m x 1.25m in dimension. Whilst Annex A allows for the installation of internal window blinds and panels mounted behind the glass which display

advertisements, these are distinguishable from the vinyls under consideration as they do not obscure windows on a permanent basis. When added to the existing fascia sign and electronic sign, they result in visual clutter which detracts from the townscape in this locality.

11. NAP 2016 seeks to promote a vibrant town centre but does not support the use of illuminated and inappropriately placed signage as a means of promoting and improving businesses within it. I agree with the objector that in damaging the character and appearance of the town centre, the retention of these signs may reduce the attractiveness of this important entry point as a place to visit and shop.
12. The appellant has referred to two other examples in Portrush where large illuminated signs have been installed. I concur with the LPA's assessment that these have been installed on much less sensitive sites, located outside the town centre in a local centre where there are no adjoining listed buildings and in close proximity to a petrol filling station and are not therefore directly comparable to the appeal site.
13. The appellant argues that given the proximity to the prominent lighting and signs at Barry's and Kiddiland on the opposite side of Sstation Square, the signs the subject of this appeal are of very little consequence. I note that the lighting and signage associated with amusement parks within Portrush were considered in the context of the design and function of these particular buildings and structures and have been in place for many years. The proximity of the appeal site to these tourist facilities does not justify the retention of a visually obtrusive sign on the upper floor of a terraced property which offends policy.
14. I have concluded above that the retention of the electronic sign and vinyls would detract from the appeal building, appearing overly dominant and unduly prominent in the streetscape when viewed on all approaches and from within Station Square. Given the scale, form and design of these advertisements, they would result in unacceptable visual clutter when read with the existing fascia sign, so damaging the visual amenity and character of the area. The LPA's first reason for refusal is sustained, as are the objector's concerns.
15. Policy BH11 of PPS 6 states that development which would adversely affect the setting of a Listed Building will not normally be permitted. In paragraph 6.28 it goes on to say that the setting of a Listed Building may include a number of other properties or even the whole street whilst Paragraph 6.31 clarifies that account has to be taken of the extent to which the proposed development and the Listed building will be seen in juxtaposition.
16. Station Square is enclosed by three listed buildings/structures, the Town Hall and war memorial to the north and the former Railway Station building to the south. As the appeal site also lies within 50m of the Area of Townscape Character which includes the Town Hall and war memorial, it represents a particularly prominent and sensitive site. The electronic sign is intervisible with all three listed buildings/structures, given its size and elevated position in the

streetscene. It visually detracts from this townscape setting in such close proximity to these listed buildings/structures and the ATC. The harm is intensified by the open views available from Station Square, a key focal point within the Town Centre. On the approach from the south along Eglinton Street, the electronic sign is intervisible with the memorial, the Townhall and other buildings within the ATC. Travelling southwards along Eglinton Street, your eye is drawn to the constantly changing illuminous red lettering, read against the backdrop of the former Train Station. From within the ATC, travelling along Mark Street, it is visually linked with the memorial and the former train station.

17. Given the incongruous and dominant nature of the electronic sign, it has an adverse effect on the setting of the listed buildings/ structures and on the ATC, detracting from the character of Station Square and conflicts with Policy BH11 of PPS6. The LPA's 2nd Reason for Refusal and the objector's concerns are therefore sustained.
18. As both reasons for refusal are sustained, along with the objector's concerns, the appeal must fail.

This decision related to Drg. SL – 001 - 1:1000 site location plan and unscaled front elevation drawing date stamped received by the Department on 5 August 2014.

COMMISSIONER PAULINE BOOMER

2014/A0164

List of Documents

- LPA 1: Council's Statement of Case
- LPA 2: Council's Rebuttal
- OBJ 1: Objector's Statement of Case
- APP 1: Appellant's Statement of Case