

<b>Planning Committee Report LA01/2018/1116/F</b>	<b>27<sup>th</sup> February 2019.</b>
<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>App No:</u></b>	<b>LA01/2018/1116/F</b>	<b><u>Ward:</u></b>	<b>PORTRUSH and DUNLUCE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>48-50 Main Street, Portrush.</b>		
<b><u>Proposal:</u></b>	<b>Environmental improvements including erection of boundary fencing, ground resurfacing, installation of associated street furniture and associated site works creating a temporary area of open space.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>07.09.2018</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Applicant:</b>	<b>Causeway Coast and Glens Borough Council</b>		
<b>Agent:</b>	<b>N/A</b>		
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 1</b>	<b>Petitions of Support: 0</b>		

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

## **1.0 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 reasons set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located at 48-50 Main Street, Portrush. The existing site is presently vacant and there is no existing building on site. The site is secured by metal fencing, approximately 2m in height. It is presently untidy as there are demolition waste and weeds visible. To the west of the site are various commercial and retail premises. To the north is an access way to the rear of properties and buildings at 28-50 Main Street and Bath Terrace. At the east of the site is an existing two-storey building and to the south is a 4 storey commercial building and the Golden Sands Apartment block. The topography of the site is flat in nature.
- 2.2 The area is of a mixed use and is characterised by residential elements consisting of apartments and dwellings. There are a number of commercial and retail properties in the immediate context such as fast food outlets, amusement arcades, coffee shops, cafes and public houses.
- 2.3 The site falls within the defined development limit of Portrush and falls within the town centre of Portrush as defined under the Northern Area Plan (NAP) 2016. The site falls with the Portrush town centre area of archaeological potential and is in close proximity to an archaeological site and monument. The site does not fall within any other protected designations.

## **3.0 RELEVANT HISTORY**

C/2008/0917/F- 48-50 Main Street, Portrush- Mixed use development comprising of ground floor retail unit, first floor offices, and 10 residential units- Approval granted- 12.11.2009.

LA01/2016/0129/F- 48-50 Main Street, Portrush- Proposed demolition of existing building at 48-50 Main Street, Portrush and to be replaced with proposed new building/leisure development. (Indoor adventure golf)- Approval granted- 23.08.2016.

#### **4.0 THE APPLICATION**

- 4.1 The application is for environmental improvements including erection of boundary fencing, ground resurfacing, installation of associated street furniture and associated site works creating a temporary area of open space. The scheme is for temporary permission for 18 months as an area of open/public amenity space. The scheme will comprise an asphalt footpath, close boarded timber fencing at 1.8m in height, artificial grass, PC Pin Kerb, 2 reused timber benches with galvanised steel frames and a domed hood Durapol litter bin with a 110 litre capacity.
- 4.2 The concept of the scheme is to enhance the visual appearance of a derelict site, having regard to Portrush hosting the British Open in July 2019. This will create an open/public space which visually improve the site subject to any future redevelopment.

#### **4.3 Habitats Regulations Assessment**

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, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

#### **5.0 PUBLICITY & CONSULTATIONS**

##### **5.1 External:**

One letter of support has been received with this application.

The letter of support suggested that the proposed scheme was a good idea and would make the site more slightly in the local context.

There have been no external objections.

## 5.2 **Internal:**

DFI Roads: No objections subject to informatives

NI Water: No objections subject to informatives.

Environmental Health: No objections subject to informatives.

Historic Environment Division- Protecting Historic Monuments and Buildings: No objections subject to conditions.

## 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 (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.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Regional Development Strategy 2035

Strategic Planning Policy Statement (SPPS) 2015

A Planning Strategy for Rural Northern Ireland

PPS 3: Access, Movement and Parking

PPS 6 Planning, Archaeology and The Built Heritage

PPS 8: Open Space, Sport and Outdoor Recreation

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main issues in the assessment of this proposal are the principle of development & visual impact, open space provision, traffic matters and; archaeology and the built heritage.

### **Planning Policy**

- 8.2 The application site is located within the Portrush town centre within the development limit and falls within an area of archaeological potential.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

## **Principle of Development & Visual Impact**

- 8.4 Policy DES2 of the Planning Strategy for Rural Northern Ireland requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. It states that development is necessary to adapt the fabric of settlements to present and future needs and to ensure the economic well-being of the community. It will affect townscape quality and character. The character and interest of townscape depends on street patterns, open space and the scale, architectural quality, detailing and materials of individual buildings. This proposal seeks to deliver an area of open space for the use of the public for a temporary period.
- 8.5 Permission will be granted where the proposal can be visually integrated into the surrounding context and will not have a negative impact on the visual amenity of the area. Paragraph 4.12 of the SPPS states that amenity considerations in terms visual intrusion is of prime importance. The proposed scheme will enhance the existing site which is presently in an untidy state. As the proposal is only seeking permission on a temporary basis, it complies with this policy and will enhance the character of the site. As this is a town centre site, and having large empty frontages within the town centre detract from the overall streetscape, by creating dead and vacant frontages, it is unlikely this proposal would be acceptable on a permanent basis.
- 8.6 Paragraph 4.13-4.17 of the SPPS relates to creating and enhancing shared space. The policy states that regeneration initiatives should aim to address environmental issues by improving areas characterised by substandard living environments. The existing site is derelict and is visually unsightly given its town centre location and prominent frontage. This scheme will create a shared public amenity area for existing residents and potential tourists to Portrush. The visual amenity is acceptable given it's for a temporary period of time.
- 8.7 The design of the scheme is simple, and proposes changes to tidy the surface finishes and introduce street furniture. This enhances the current state of the site. No buildings or permanent structures have been proposed. The timber benches, bin storage area and fencing, combined with the artificial grass

will create a tranquil public amenity area which is acceptable. The scheme is in compliance with Paragraph 4.27 of the SPPS in terms of design. As permission will only be granted for a temporary period of time, the proposal is also acceptable having regard to DES 2.

### **Open Space Provision**

- 8.8 There is no defined policy provision for the delivery of open space outside of residential developments. The proposed scheme seeks temporary permission to be utilised as open space pending any future redevelopment. PPS8- Open Space, Sport and Outdoor Recreation, is the relevant policy when assessing such proposals, however, there is a policy void on such schemes when looking to deliver open space. That said, the general policy seeks to protect all open space, irrespective of its physical condition. The policy states that open space can serve different needs depending on its size, location, accessibility, landscape design and facilities. The RDS (2035) highlights the need to provide adequate provision for green infrastructure in towns.
- 8.9 Open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban regeneration. The key themes are urban regeneration, enhancement and attraction of tourists. This scheme is of a temporary nature and will add to the visual enhancement of the area for a temporary basis. This scheme seeks to improve the visual appearance of an existing construction site, and provide an area for public use. Given the spirit and intent of PPS 8, the proposal delivers a satisfactory use that would not conflict with any of the policies within PPS 8.

### **Traffic Matters**

- 8.10 The proposed scheme will not result in the loss of car parking and will not create a road safety or pedestrian safety issues. Dfl

Roads has raised no concerns regarding road safety, access matters or parking. The proposed scheme complies with PPS3.

### **Archaeology and the Built Heritage**

- 8.11 The long term use of the site requires a new build development to provide a coherent street frontage to protect the setting of the nearby listed buildings. The site is currently empty and in an unkempt state. This proposal seeks temporary permission of the now vacant site as an area of open/public amenity space to provide general environmental improvements, subject to any redevelopment in the future.
- 8.12 There are 4 listed buildings located in proximity to the site consisting of: Seabank Residential Home; 23-25 Main Street; the former Northern Bank, and R & J Hillis. HED Historic Buildings has been consulted as the competent authority on built heritage matters and raises no objection on the basis permission is only being sought on a temporary period.
- 8.13 HED- Protecting Historic Monuments is the competent authority on archaeological matters and has stated that due to previous archaeological investigations at this location, (Licence No. AE/17/119), raises no objection with the proposal.
- 8.14 As there will be no significant adverse impacts on the built heritage or archaeology, the proposed scheme is considered to comply with the policy criteria outlined in PPS6.

## **9.0 CONCLUSION**

- 9.1 The proposal for temporary permission is considered acceptable at this location, having regard to the Northern Area Plan 2016 and other material considerations. The scheme proposes a subtle and simple design solution which enhances the site and improves the visual context of the area. The scheme is a material planning gain and will add to the tourism capacity of Portrush town. All consultees have no objections to the development subject to informatives. The scheme complies with current planning policy. Temporary approval is recommended.



## **10. 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.

## **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 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.
4. 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.
5. 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 Roads 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 DFI Roads, Section Engineer whose address is Causeway Coast and Glens (East), 37-45 John St, Ballymoney BT53 6DT. A monetary deposit will be required to cover works on the public road.

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.

All construction plant and materials shall be stored within the curtilage of the site.

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 roadside drainage is preserved and does not allow water from the road to enter the site.

6. Noise from construction activities should:

(a) 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

(b) 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

(c) 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.

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.

There is a need to ensure that residents and businesses are protected from noise disturbance during construction/site preparation works. This advice note has been prepared to help developers and their contractors ensure that they undertake

their works in the most considerate manner, in order to reduce the impact of the work on local communities.

Some construction/site preparation work is unavoidably noisy but many complaints can be avoided by carrying out work in a considerate manner. The time of day when noisy work is carried out and the methods used can make a big difference.

There are many general measures that can reduce noise levels at source such as:

- 1.Noisy plant or equipment should be situated as far as possible from noise sensitive buildings. Barriers (e.g. Site huts, acoustic sheds or partitions) to reduce noise reaching noise sensitive buildings should be employed where practicable;
- 2.Avoid unnecessary revving of engines and switch off equipment when not required;
- 3.Keep internal haul routes well maintained and avoid steep gradients;
- 4.Minimize drop height of materials;
- 5.Start up plant and vehicles sequentially rather than altogether;
- 6.Use alternative reversing warning systems (white noise broadband reversing alarms); when reversing, mobile plant and vehicles should travel away from noise sensitive premises;
- 7.Choose quietest available plant and equipment (Refer to BS 5228 noise data information);
- 8.Vehicles and mechanical plant used for the purpose of the works should be fitted with effective exhaust silencers, maintained in good and efficient working order and operated in such a manner as to minimize noise emissions;
- 9.Compressors should be fitted with properly lined and sealed acoustic covers which should be kept closed whenever in use. Pneumatic percussive tools should be fitted with mufflers or silencers of the type recommended by the manufacturers;
- 10.Where practicable, equipment powered by mains electricity shall be used in preference to use of generators;
- 11.Generators shall be suitably positioned (furthest from sensitive receptors), and specified to ensure the quietest plant is employed and where required, to ensure no adverse impacts, acoustically screened/fully enclosed.
- 12.Plant shall be maintained in good working order so that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum;

13.Noise emitting plant / machinery which is required to run continuously should be housed in acoustic enclosure wherever practicable.

14.Vibration levels shall not exceed the guidelines as prescribed within BS 5228: Part 2/Annex B

Good Practice Guidance in accordance with BS 5228: 2009 Parts 1 & 2 should be adhered to. The hours of working as specified should not be deviated without prior approval from the relevant regulator. The law requires you to use the Best Practical Means (BPM) to minimise noise. This means that noise should be taken into account when deciding the method of work and the machinery which is to be used. Guidance on BPM can be found in British Standard 5228 (2009) “Noise and Vibration Control on Construction and Open Sites”.

Care should be taken to ensure that use of non-construction equipment (e.g. radios) does not disturb people in the vicinity.

Noise complaints can be minimized by employing the necessary noise mitigation measures, adherence to hours of working restrictions and compliance with noise/vibration limits.

A Complaints Procedure should be developed and employed, communication and liaison with nearby residents/receptors where noisy operations may be for prolonged periods is advisable.

Ensure that there is a clear point of contact and deal with complaints in a reasonable and transparent manner.

If a complaint is received by the Council about noise from a construction site. Officers will visit the complainant and the site to investigate and assess the severity of the problem. If the noise is causing a significant disturbance to anyone living or working in the area further action may be taken.

Dust mitigation measures shall be employed during the course of site works at all stages in order to ensure that off-site dust emissions are restricted.

Due regard shall be made to the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction sites (2014).

On a precautionary basis, where site works may entail demolition/clearance of building materials/rubble and/or brownfield land the potential presence of asbestos should be fully considered.

Further advice and guidance concerning waste management and health and safety legislative requirements concerning asbestos may be obtained from DAERA NI and HSE NI.

The crushing, grinding or other size reduction of designated mineral materials in addition to the crushing, grinding or other size reduction of bricks tiles and concrete is subject to Air Pollution Control Legislation (Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013, the operator of any such plant/equipment is required to have all necessary permits/waste exemptions in place prior to commencement of activities on site.

A formal water connection application must be made for all developments, including those where it is proposed to re-use existing connections. Connection to public water supply is not required. There is no foul sewage discharge from this proposed development.

7. Surface water sewer within 20m of your proposal, the Developer is required to consult with NIW by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal. Application to NIW is required to obtain approval to connect.

The applicant is advised to contact NIW Waterline on 03457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

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.

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage

Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

# Site Location Map

