

Planning Committee Report LA01/2019/0474/F	28th August 2019
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>	LA01/2019/0474/F	<u>Ward:</u>	Portstewart
<u>App Type:</u>	Full		
<u>Address:</u>	Council space at the playpark, the Crescent, Portstewart. Approx. 110m West of Portstewart Town Hall.		
<u>Proposal:</u>	Temporary siting and operation of a panoramic viewing wheel from 24/06/2019 to 04/09/2019. Operational from 28/06/2019 to 01/09/2019. The wheel has illumination.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	3rd May 2019
<u>Listed Building Grade:</u>	N/A		
Agent:	N/A		
Applicant:	The Panoramic Wheel Company		
Objections:	143	Petitions of Objection:	0
Support:	142	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 **APPROVE** permission for the full application subject to the condition set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located along the north western walled boundary of the Crescent Playpark.
- 2.2 The site comprises of flat, paved land, which is clear of any form of development. The immediate surrounding area contains public toilets, playground areas, paved amenity areas and an area identified as a pond.
- 2.3 This northern and western boundaries of this immediate surrounding area are defined by an approximately 1.3m high cement wall. The southern and eastern boundaries are unidentified due to the space comprised of public open space to accommodate the Playpark.
- 2.4 The surrounding area is characterised by mixed use buildings that vary in style and scale, these uses include residential dwellings, a church, a town hall, retail, commercial, restaurants, licensed premises and takeaways.
- 2.5 The site is located within the settlement development limits of Portstewart, zoned as an area of archaeological potential.

3 RELEVANT HISTORY

- 3.1 There is no relevant site history in relation to this application.

4 THE APPLICATION

- 4.1 Temporary full permission is sought for a panoramic viewing wheel. The proposed panoramic viewing wheel, subject of this application, is finished in steel framing with aluminium caging to the passenger carts and fiberglass panelling, and canopy coverings. The panoramic viewing wheel measures approximately 30m in width, 2.1m in depth and 34m in height. The integrated transporter measures approximately 20.4m in width and 16.8 in depth. The passenger carts measure approximately 1.8m in width, 2.1m in depth and 2.2m in height.
- 4.2 The application seeks permission to erect the panoramic viewing wheel from 24/06/2019 to 04/09/2019 which will be operational from 28/06/2019 to 01/09/2019.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

A total of 64 neighbour notifications were issued.

The application received a total of 143 objection letters and 142 letters of support.

Summary of Objection Letters:

- Objection to the principle of development at this location.
- Contrary to Planning Policy
- Size and scale of development excessive
- Health and Safety Concerns
- Damage to Visual Amenity
- Traffic Congestion, Parking Access and Movement
- Impact on Star of the Sea Church daily operations.
- Loss of Public Space/ Eroding Amenity space of Playpark
- Plans incorrect regarding red line.
- Noise disturbance.
- Light Pollution
- Flooding issues
- Harm to Marine Life.

Summary of Letters of Support:

- Tourism Attraction
- Economic Benefits
- Positive benefit to the public facilities available.

5.2 Internal

Environmental Health- has no objections to the above proposed development.

Causeway Coast and Glens Borough Council (Development Plan)
- No comment

DFI Roads – No objection to the proposal

Northern Ireland Tourist Board – No comment

NI Water – No comment (Proposal does not require formal water connection and temporary moveable structure so surface runoff not a concern)

Rivers Agency – Flood Risk Impact Assessment.

Shared Environmental Services – Content.

Health and Safety Executive- No comment.

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 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 (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)

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 8- Open Space, Sport and Outdoor Recreation

Revised Planning Policy Statement 15 ‘Planning and Flood Risk

Planning Policy Statement 16 – Tourism

Planning Strategy for Rural Northern Ireland

Regional Planning Policies: Policy DES 2 Townscape

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are: the principle of the development; townscape; amenity; access and parking; natural heritage; built heritage; flooding and; open space.

Principle of Development

- 8.2 The site is located to the northwest of Portstewart, within the settlement development limit, and is identified as a major area of open space within Portstewart Settlement Development Limit in close proximity to the Town Centre along The Promenade. The site also lies within an area of Archaeological Potential. The Northern Area Plan (2016) specifies the use of Planning Policy Statement 6, Policy BH3. It is concluded that no further information is required, so an archaeological assessment or an archaeological evaluation are not necessary.
- 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 surrounding area is characterised by mixed use buildings that vary in style and scale, these uses include residential dwellings, a church, a town hall, retail, commercial, restaurants, licensed premises and takeaways.

PPS 16 – Tourism TSM1

- 8.5 The RDS promotes a sustainable approach to the provision of tourism infrastructure. The principle of development proposed must be considered having regard to the Northern Area Plan (NAP), the SPPS, and relevant Planning Policy Statements specified above.
- 8.6 NAP 2016 does not have any specific policy on Tourism. However, it states on page 17 that “Tourism related development consistent with the principles of sustainable development and the protection of the Northern Plan Area’s finest landscapes will be provided in line with regional planning policies”.
- 8.7 Paragraph 6.255 states that the aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.

- 8.8 An amenity as defined by PPS 16 is a facility or service provided primarily for tourists, but does not include tourist accommodation. The panoramic viewing wheel is considered to be a tourist amenity.
- 8.9 Policy TSM 1 of PPS 16 Tourism provides policy for the tourism development in settlements. The nature of the proposal is compatible with Portstewart being a seaside resort. While in the longer term the proposal would not respect the site context in terms of scale, size and design, it is acceptable for the limited duration sought.

Townscape

- 8.10 The Planning Strategy for Rural Northern Ireland has Regional Planning Policies in place and Policy DES 2 Townscape is applicable in this instance.
- 8.11 Development proposals in towns and villages are required to be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.
- 8.12 The SPPS also reinforces Policy DES 2 from the Rural Strategy. The sea front location with other recreation uses adjacent is considered to make the development suitable for the site for the temporary period sought. While the design and scale of the panoramic viewing wheel is not be considered sensitive to the character of the area surrounding the site for permanent development, it is considered acceptable for this temporary basis.
- 8.13 The area of open space at The Crescent, Portstewart, provides the panoramic viewing wheel with the space (height, width and depth) to allow for it to be erected and operated safely.
- 8.14 Within the developed coast, areas of amenity value (such as parks, outdoor sports / play areas and coastal walkways) and areas or features designated for their importance to the archaeological, built or natural heritage, should be protected from inappropriate development. Due to the temporary nature of the application, there will be no detrimental permanent impacts the public amenity.

- 8.15 The proposal will be able to benefit from the public toilets and public car parking which are located within close proximity to the site.
- 8.16 In relation to the design criteria, the proposed panoramic viewing wheel is situated in a location which would allow for the free, unobstructed movement of people. The means of enclosure will come in the form of herace fencing, during the non-operational hours the proposal will be fully enclosed via the herace fencing and during operational hours the herace fencing will be to the sides and rear only.
- 8.17 The site's location in close proximity to the town centre, an existing mixed use area, means the proposal, for its limited duration, is considered to be compatible with the surrounding land uses and would not detract from the landscape quality and character of the area. Therefore the proposal is acceptable with regard to PPS 16 Policy TSM 7 criteria (a), (b) and (g).

Amenity

- 8.18 Paragraph 4.12 of the SPPS sets out amenity considerations arising from development proposals. This sets out that 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.
- 8.19 The application site is located approximately 90-100 metres in distance from the neighbouring residential properties along The Crescent. The Wheel measures a height of 34 metres erected on an integrated transporter.
- 8.20 Environmental Health have been consulted and offer no objections to the proposal having considered the location, design, hours of operation, noise, impact upon visual and residential amenity.
- 8.21 Therefore in amenity terms the proposal is considered acceptable having regard to both the SPPS and criterion (h) of PPS 16 Policy TSM 7.

Planning Policy Statement 3: Access, Movement and Parking

- 8.22 The application will be sited in the Crescent Playground and is in close proximity to the Crescent where there are existing constraints regarding parking and movement in this area. The development will not impact on the convenient movements along path ways and there will be no hindered pedestrian routes as a result of the development in its particular location. The ease of access to parking facilities and public transport facilities will remain as existing.
- 8.23 DFI Roads was consulted in relation to this proposal and offered no objection. Therefore, the proposal satisfies the policy requirements of PPS 3 Policy AMP 2 and criteria (l) and (m) of PPS 16 Policy TSM 7.

Planning Policy Statement 2 – Natural Heritage

- 8.24 The application site is adjacent to the sea and lies between two European designations, Skerries and Causeway SCI and Bann Estuary SAC. Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans, is not likely to have a significant effect on a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or a listed or proposed Ramsar Site.
- 8.25 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.
- 8.26 The application therefore meets the policy requirements of PPS 2 and PPS 16 Policy TSM criterion (i).

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

- 8.27 HED Historic Buildings considers that if erected on a temporary basis, the proposal would have no greater demonstrable harm on the setting of the nearby Listed Buildings, when considered against the policy requirements of paragraph 6.12 of Strategic Planning Policy Statement (SPPS) and Policy BH11 Development affecting the Setting of a Listed Building of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, subject to a temporary time limit condition. These listed buildings are St Mary's Star of the Sea Church and the Town Hall.
- 8.28 HED Historic Monuments: This application is located within the Area of Archaeological Potential for Portstewart as defined in the Northern Area Plan 2016. However, Historic Environment Division: Historic Monuments has assessed the application and on the basis of the information provided and the nature and scale of the proposal is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. The proposal complies with PPS 16 Policy TSM 7 criterion (i).

Flooding

- 8.29 Rivers Agency have assessed the application against PPS 15, FLD 1, which states that the Department will not permit development within flood plains unless it meets the 'Exceptions Test'.
- 8.30 Rivers Agency advise that if The Planning Authority deems this to be an exception under FLD 1 DfI Rivers would request that the applicant carries out a Flood Risk Assessment to assess the flood risk that may affect the development, or result elsewhere because of it. The Ferris Wheel is due to be deconstructed on the 1st September 2019 and it would not be expedient to request a Flood Risk Impact Assessment for such a short period of time.
- 8.31 The application does not include any work which would affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc.

Open Space

8.32 The site is located on an area of open space identified by the Northern Area Plan 2016. The proposal is considered compatible with the open space. Given the short term duration of the proposal, it is not considered to result in the loss of open space. Therefore the proposal is compatible with Policy OS1 Open Space, Sport and Outdoor Recreation PPS 8.

Consideration of Objections

- Objection to the principle of development at this location- The specific use is considered acceptable for the limited period for which permission is sought.
- Contrary to Planning Policy- In the longer term the proposal would be contrary to policy. However, a relevant material consideration in this case is the limited period for which permission is sought.
- Size and scale of development excessive- For the limited period the size and scale is acceptable.
- Nature/ Age of Patrons- This is not considered to be a material consideration afforded significant weight.
- Health and Safety Concerns- The development is regulated by the Health and Safety Executive, out-with the planning process. The Health and Safety Executive was consulted. Their reply stated that they had no comment to make.
- Damage to Visual Amenity- For the limited period sought, the development is acceptable in terms of visual amenity.
- Traffic Congestion, Parking Access and Movement- DfI Roads as the competent authority has been consulted and are satisfied.
- Impact on Star of the Sea Church daily operations- For the short time period sought, any impact is not considered to be sufficient to warrant refusal of planning permission.
- Loss of Public Space/ Hampered access for people with disabilities- The use is considered compatible with the public open space for the limited period sought.
- Plans incorrect regarding red line/ incorrect details submitted- This issue has been resolved through amended plans.
- Noise disturbance- Environmental Health as the competent authority is satisfied.

- Anti-social behaviour and security- Environmental Health as the competent authority is satisfied. Security is a matter for the operator.
- Light Pollution- Environmental Health as the competent authority is satisfied.
- Physical Space Required- This is a matter between the operator and the Land and Property section of the Council.
- Advertising & Notification- This was carried out in accordance with legislative requirements.
- Flooding issues- It is not considered expedient to request a flood risk assessment for the short time period sought.
- Harm to Marine Life- Shared Environmental Services has considered the development with regard to the Skerries and Causeway SCI and Bann Estuary SAC and are satisfied.

HABITAT REGULATIONS ASSESSMENT

8.33 The application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Planning Authority.

9.0 CONCLUSION

9.1 While in the longer term the proposal would unlikely comply with relevant policies regarding land use and design, substantial weight is given to the temporary period sought as a material consideration. On that basis the temporary siting of the panoramic viewing wheel at this location is considered to be acceptable. Therefore given the short term duration of the application at this location, there are no unacceptable effects on amenity, access arrangements, open space, built or natural heritage. Approval is recommended.

10.0 Condition:

10.1 The permission hereby granted shall be for a limited period from 24/06/2019 to 04/09/2019 only and shall expire on 04/09/2019.

Reason: To enable The Council to consider the development in the light of circumstances then prevailing.

Site Location Plan

