

<b>Planning Committee Report</b>  LA01/2018/0446/LBC	<b>19<sup>th</sup> December 2018</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>	LA01/2018/0446/LBC	<b><u>Ward:</u></b>	Causeway
<b><u>App Type:</u></b>	Listed Building Consent		
<b><u>Address:</u></b>	39-41 Main Street and 2 Atlantic Avenue, Portrush		
<b><u>Proposal:</u></b>	Retention and Part refurbishment/restoration of the structural walls, shop fronts and roofs of both No 39 and 41 Main Street and demolition of the residual elements of the listed building within the full extent of the site at 39-41 Main Street and 2 Atlantic Avenue Portrush, so as to erect a three to five storey, 87 bedroom hotel with a restaurant, bar and all associated ancillary services		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	30.05.2017
<b><u>Listed Building Grade:</u></b>	B1		
<b><u>Agent:</u></b>	Consarc Design Group, 4 Cromac Quay, The Gas Works, Ormeau Road, Belfast, BT7 2JD		
<b><u>Applicant:</u></b>	Andras Hotels, 60 Great Victoria Street, Belfast, BT2 7BB		
<b><u>Objections:</u></b>	252	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	9	<b><u>Petitions of Support:</u></b>	<b>0</b>

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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** Listed Building Consent for the reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located at 39-41 Main Street and 2 Atlantic Avenue, Portrush. It is a corner site within the central area of Portrush town centre. The principal elevation faces onto Main Street, albeit the Atlantic Bar, which forms part of the buildings has its access off Atlantic Avenue. The site is surrounded predominately by commercial properties on Main Street to the north and south, residential properties to the west and a church directly opposite on Main Street.
- 2.2 The existing building is three storey with a basement and was previously used as a hotel and public house. The hotel is no longer in operation while the public house to the rear along Atlantic Avenue continues to trade, with a music venue operating on, predominately, weekends. The front of the building has an art nouveau projecting shopfront which forms part of a terrace of three similar building comprising 39, 41 and 43 Main Street. This frontage, which is onto Main Street, is more elaborate than the side elevation fronting Atlantic Avenue. The front of the building is articulated with six dormers (three on each building), decorative timber barge boards and finials with uPVC rainwater goods, rendered walls and rendered quoins to the corners. The rear of the building fronting Atlantic Avenue was built at a later point in 1914. The Atlantic Bar also has a decorative shopfront. Although the building is all interlinked internally, it is still readable as several units externally with the art Nouveau decorative ground floor shops, hotel and bar front, clearly defining the division.
- 2.3 The building was listed by the Department for Communities on 9.06.2017. The Listing includes the public house, former shop,

former hotel, mosaic paving to the entrance to the bar, mosaic paving to the entrance the former shop and mosaic paving to the entrance of the former hotel.

- 2.4 There is a mix of architectural styles found in the vicinity of the site. Attached to the north western boundary of the site is the Trocadero at no. 43 Main Street which is a B1 Listed Building and is currently occupied by a toy store. Diagonally opposite the site is the old bank building which is a B+ Listed Building and currently lies vacant. To the north east at no. 62 Main Street is the Holy Trinity church which is a B1 Listed Building.
- 2.5 The site is bound by Atlantic Road to the south and Main Street to the north east. The land to the south lay vacant as open space for some time but is now being developed to create a mixed use development with retail on the ground floor and residential use on the upper floors. The land to the north east on the opposite side of Main Street hosts a Church hall which is gable ended to the road and further back of the road is the church of the Holy Trinity. The site is bound to the west by an alleyway (Mark Street Lane) accessing the rear of both premises fronting Main street and the rear of properties on Mark Street.
- 2.6 The site is located in the urban area within the settlement limit of Portrush. The site lies within Portrush Town Centre and an Area of Archaeological Potential as designated in the Northern Area Pan 2016.

### **3.0 RELEVANT HISTORY**

C/2007/0330/F Erection of 92 bedroom hotel with ancillary areas at Londonderry Hotel, including redevelopment of existing adjacent public house (at junction with No. 2 Atlantic Avenue) in order to also provide new public house/lounge bar. Approved 12.06.2008

C/2000/0532/F Proposed 62 No bedroom hotel with ancillary areas and redevelopment of existing public bar adjacent at Londonderry Hotel in order to provide new public house/lounge bar Approved 18.01.2001

LA01/2017/0422/PAD Construction of a 100 Bed Hotel with ancillary accommodation on existing Londonderry Hotel site. The proposed building footprint fills the site and will replace the existing building within the current footprint. The proposed hotel will include ground plus four upper stories. PAD Concluded

LA01/2018/0446/LBC: Retention and part refurbishment/restoration of the structural walls, shop fronts and roofs of both No. 39 and 41 Main Street and demolition of the residual elements of the listed building within the full extent of the site at 39-41 Main Street and 2 Atlantic Avenue, Portrush, so as to erect a three to five storey, 87 bedroom hotel with a restaurant, a bar and all associated ancillary services. Under Consideration.

LA01/2018/1241/LBC Refurbishment, restoration, alteration and small rear ground floor extension to the Grade B+ listed former bank building to facilitate a change of use to an aparthotel type development with 6 serviced apartments, a ground floor café bar and all associated ancillary facilities. Under Consideration.

LA01/2018/1247/F Refurbishment, restoration, alteration and small rear ground floor extension to the Grade B+ listed former bank building to facilitate a change of use to an aparthotel type development with 6 serviced apartments, a ground floor café bar and all associated ancillary facilities. Under Consideration.

## **4.0 THE APPLICATION**

- 4.1 Listed Building Consent is sought to retain and partly refurbish/restore the structural walls, shop fronts and roofs of both 39 and 41 Main Street while seeking consent to demolish the rear of the Listed Building in order to create a three to five storey hotel providing 87 bedrooms with a restaurant, a bar and ancillary services.
- 4.2 The applicant has applied for planning permission for the demolition and redevelopment of the site which is also under consideration (LA01/2017/0689/F).

## 5.0 PUBLICITY & CONSULTATIONS

### 5.1 External

**Neighbours:** There have been 252 letters of objection and 9 letters of support.

### 5.2 OBJECTIONS

The objections raised matters of concern in relation to:

#### Appearance

- Height of proposal would be out of place with other buildings on the street.
- The scale is inappropriate for the site.
- The scale, massing and elevational treatment and roof profile of the proposal bears no relation to the adjacent and surround buildings and streetscape nor the townscape character of Portrush.
- A 5 storey development is out of scale in relation to the 2 storey residential properties on Atlantic Avenue and the 2 storey residential properties and garages on the junction of Atlantic Avenue/Mark Street Lane.

#### Historic Buildings

- It is out of scale and overbearing towards the adjoining 2.5 storey Listed Building of the Whitehouse department store, the Listed Buildings of Holy Trinity Parish Church & hall and Northern Bank building

#### Parking

- No provision of parking for guest or staff.
- There is no space for an additional 130 car parking spaces.
- The Car Parking Statement submitted alongside the application highlights that 151no. Parking spaces would be the maximum requirement for hotel development of this size when fully occupied. The proposal has not demonstrated how it will promote the use of alternative modes of transport beyond the private car and also makes reference to the use of on-street parking on Kerr Street, Mark Street and Main Street which already operate at capacity during peak times of the year, when the hotel is likely to be fully occupied.

- There is no vehicular access, accessible parking and/or drop-off, general drop-off or goods delivery within the curtilage of the application site. The current proposals do not address where hotel guests arriving by taxi etc. will be dropped off without impeding the flow of traffic on Main Street or blocking traffic completely on Atlantic Avenue. The current proposal allows for deliveries to be made via a door opening onto Mark Street Lane. Mark Street Lane is not a public highway and current owners/occupiers of properties on Mark Street and Main Street have a right of way along it to access their properties, garages, car parking etc. The proposed application outlines that the average number of goods vehicles attending the premises will increase from 1no. to 5no. per day. As Mark Street Lane is a narrow, single lane carriageway deliveries will not be possible without blocking access to the lane completely. There is also an issue with the size of goods vehicle capable of making the reversing turn from Atlantic Avenue onto Mark Street Lane.
- Atlantic Avenue is also a main pedestrian thoroughfare from the East Strand and Town Centre to Kerr Street and West Strand pedestrian movement and safety also needs to be addressed. The current application fails to address any of these issues.

#### Amenity

- Goods in and bin stores would be on Mark Street Lane which is narrow and continuously in use giving access to apartments and businesses. Deliveries would block access. Could cause noise nuisance.
- Will overlook properties on Mark Street and result in a loss of privacy
- Increased noise and odour from deliveries, restaurant/bar and ancillary services.
- Will restrict access to private garages and gardens on St Marks Lane

#### Other

- The existing building should be retained and utilised
- The proposed new jobs would not outweigh the number of jobs lost at the current premises: bar staff, door staff, management staff, DJ's, musicians etc.
- There are other sites more suitable for building a hotel. ~IT would be better to utilise a derelict site.
- A hotel or restaurant of a smaller scale would be better on this site.

### Arguments as to why Atlantic Bar should be retained

- The building should not be lost to accommodate a one off event.
- It has been a place of community spirit.
- A long established and treasure music venue
- A reputable place for young rising music to play gigs
- One of the only music venues in the area
- Detrimental impact on cultural heritage
- Popular venue for locals and tourists
- Unique in character and status within the town.
- We should be promoting and encouraging the arts and small businesses in the town and investing in the community
- There is no demand for this hotel.
- Council should consider long term future of the Portrush community, instead of accepting all tourism development.
- Its status as a non-sectarian live band venue during The Troubles, with a significantly international clientele, gives it a degree of cultural status, not to mention the predominantly local spirit in its shows.
- It is a landmark building with historical value
- There is a greater need for a music venue than a hotel.
- It provides live entertainment for tourists. There is nowhere else for tourists to see local talent.
- Its loss would force creative people to move to Belfast in order to develop.
- It is a unique venue which welcomes all members of the community as it promotes equality and diversity. It is paramount to the social cohesion of Portrush.
- It should be restored to its former glory.
- The existing business is successful and an asset in the town.
- The Derry Hotel frontage and Atlantic side bar Windows have character and I thought was actually listed. Portrush is losing so much of its character with new builds, to lose more will be to the detriment of the town.
- If the Council wish for an update then give it some funding, invest in the local businesses that we have and love and don't waste your time trying/hoping that your next bar venture might work. Look at the Playhouse.
- The Atlantic Bar/Dockers represents one of the few original music venues and supporters on the north coast, eliminating it will

eliminate yet another element of true culture from the area, further homogenising it.

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## **SUPPORT**

5.3 The representation made in support of the application has raised the following matters:

- Applicant is well respected and has a proven track record/history of delivering hotel development
- Providing additional bedroom accommodation
- High quality design, sensitive to context and Portrush, reduced/revised scheme retains character/important components, existing Main Street frontage remains (retains 39/41 Main Street)
- Reflects history of Portrush
- Appeals to tourists/increase tourists
- Not branded hotel but boutique
- Job creation, economic opportunities and supports existing businesses
- Helps regeneration, further economic growth and investment, and economic driver
- £7 million investment and increase tourist spending by £1.4/1.5 million
- Supports the Government Investment in Portrush
- TSM 3 seeks to resist change of use from hotels to non-tourism use
- Will cater for the coach tour market which is an untapped market.

## **5.4 Internal**

**Historic Environment Division: Historic Buildings OBJECTS**  
to the proposal

## **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 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) Planning, Archaeology and The Built Heritage

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to: the demolition and impacts on the listed building.

### **Planning Policy**

8.2 The site is located within the designated town centre and Settlement Development Limit of Portrush, as defined in the Northern Area Plan 2016. It is also within an Area of Archaeological Potential.

- 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) 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.
- 8.5 Historic Environment Division: Historic Buildings (HED:HB) has considered the impacts of the proposal on the listed building and on the basis of the information provided advises that the proposal has a significant adverse impact on the listed building and fails to satisfy the policy requirements of the Strategic Planning Policy Statement (Para 6.12,6.13 & 6.15) and Policies BH8, BH10 & BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.
- 8.6 A full consideration of the proposal can be found under application reference LA01/2017/0689/F.

### **Demolition**

- 8.7 Policy BH 10 of PPS 6 relates to Demolition of a Listed Building. The policy requirements are similarly reflected within the SPPS. Policy BH10 states that:

*“There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form. Where, exceptionally, listed building consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.”*

- 8.8 Where a proposal would result in the demolition of a significant part of a listed building, paragraph 6.25 of Policy BH 10 requires consideration of the following factors:

(a) the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use.

(b) the adequacy of efforts made to retain the building in use. The Council must be satisfied that genuine efforts have been made without success to continue the present use or to find compatible alternative uses for the building.

(c) the merits of alternative proposals for the site. Whilst these are a material consideration, the Council's view is that subjective claims for the architectural merits of proposed replacement buildings will not in themselves be held to justify the demolition of any listed building.

8.9 The proposals seek to demolish the listed terrace, No.2 Atlantic Avenue and the buildings along Mark Street Lane (as identified within the application site). The historic fabric to be retained, as noted on the accompanying drawings, is limited to the front and side facades, the main internal cross wall and nib returns to the rear walls of Nos 39-41 Main Street; the external shell of the building. Para 6.15 of the SPPS requires that ...'demolition of a listed building or any significant part of it must not be permitted unless there are exceptional reasons why it cannot be retained in its original or reasonably modified form.' This aligns with the policy requirements of BH10 of PPS6. This policy also sets out in para 6.4 ... 'consent will not be given simply because redevelopment is economically more attractive to the developer rather than repair and reuse of the building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the building'.

8.10 HED raises concerns with the proposal, as the proposed demolition involves the removal of over two thirds of the listed building. If permitted, the works will result in the loss of the historical understanding of the development of the site and facilitate the further erosion of the remaining historic streetscape character within the heart of Portrush town centre. The loss of the Atlantic Bar shop front in particular, will also considerably compromise the essential character of the listed grouping and the historic context in which the surrounding listed buildings are understood, appreciated and experienced.

- 8.11 In considering the assessment of Paragraph 6.25, (a) looks at the costs involved. A Viability Assessment of the proposed development options has been submitted, along with an Economic Impact Statement. Having regard to these matters, including the consultation responses from HED, it is considered that the economic arguments made are not significant enough to set aside policy to allow the current proposed redevelopment, when assessing the loss of part of the listed building, the impact of the new works on the remaining parts of the buildings and the listed buildings in the immediate area. It is considered, on balance, that the proposal does not meet this factor.
- 8.12 The next 2 factors, (b) and (c) relate to alternative uses/alternative proposals. The applicant has explored a number of options regarding to a hotel development/ tourist accommodation. An apartment scheme of 11 apartments has also been considered. This is a town centre site and no further alternatives have been considered. Of the 7 options explored, 4 have been fully costed within a Viability Assessment, with the other 3 being discounted as they fail to generate the profit or valuations required to make any investment realistic. Factor B also sets out that in exploring alternatives, the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition is explored. No evidence has been presented in this regard and therefore this part of BH10 has not been satisfied.
- 8.13 Notwithstanding this, and taking advice from the competent authority on matters relating to Listed Buildings, the proposal fails to satisfy the policy requirements of Para 6.15 of the SPPS and Policy BH10 of PPS6, in that exceptional reasons to justify the partial demolition of the building have not been sufficiently provided, and there is no persuasive evidence why the proposed redevelopment, in the modified form, is reason to set aside this policy. It is considered, on balance, that the proposal fails to meet this policy requirement.

### **Impact on the Listed Building**

- 8.14 Policy BH 08 sets out the policy context for assessing alterations and extensions to listed buildings. Paragraphs 6.12

and 6.13 are the relevant sections of the SPPS. BH 08 states that:

*“The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:*

*the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;*

*the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and*

*the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.”*

- 8.15 The proposed drawings accompanying the application however fail to provide adequate reassurances that the existing historic structure and remaining detailing will be retained, repaired or reinstated.
- 8.16 Drawing No.14 Existing Elevations Restoration Work, notes the repair and reinstatement works to the historic shop fronts, windows, doors, rainwater goods, render and barge boards/finials. HED supports this aspect of the proposal and welcomes the opportunity to reinstate the historical detailing either lost or in poor repair. Reinstatement of the detailed iron railings to the balconies is encouraged.
- 8.17 The proposed demolition plans indicate the entire removal of the 1st and 2nd floors, including internal walls, doors, ceilings, cornices and beams. Details of works to the roof have not been included. Upon review of the Structural inspection report dated 9th October 2017, however, it is noted that the plans included in Appendix D, conclude that the first and second floors can be ‘repaired and supplemented, subject to a detailed survey.’ The extent of the proposed removal of historic fabric required by this application therefore appears excessive and fails to demonstrate a conservation led approach. This change would significantly compromise the essential character of the listed building and its setting, and result in the loss of features of special interest. Proposals for the reinstatement works to the

interior of the listed building have not accompanied the application. HED, as the competent authority, has therefore not provided comment on this aspect of the application.

- 8.18 Having regard to the comments from HED, it is considered the proposed development fails to satisfy the policy requirements of Policy BH8 of PPS6.
- 8.19 It is considered, on balance, the proposal fails to meet the policy requirements of Policies BH8 & BH 10 of PPS 6.

### **Economic Assessment**

- 8.20 The SPPS has five core planning principles which are set out in para 4.1. One is to 'improve health and well-being' and another is to 'support sustainable economic growth'. The SPSS requires Planning Authorities to support provision of jobs, services and economic growth to contribute positively to health and well-being. This is a need to take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities.
- 8.21 The application is supported by an Economic Impact Statement which sets out the expected economic impacts generated by the construction and operation of the proposed development both locally and regionally, and the costing for 4 alternative options in the Viability Assessment. The Viability Assessment has been published in redacted format, due to commercial sensitivities, and is available on both the file and the Portal. A copy of the Viability Assessment in an un-redacted format can be made available to Committee Members, on request, due to the private and confidential nature of this document.
- 8.22 The Economic Impact Statement concludes with the following statistics in relation to economic benefits:
- Investment of £6.56m in construction of the proposal
  - 32 Full time temporary jobs created during estimated 18 month construction period.
  - Creation of 31 additional full time employment opportunities, inclusive of 30 for residents of Causeway Coast and Glens
  - Circa £1.4m in visitor expenditure annually generation through the accommodation of additional trips.

- Payment of £65,000 in business rates each year.

8.23 It is self-evident that the size and scale of any development will have an impact on the level of investment, but any construction jobs are short term. A smaller hotel would also create employment opportunities and rates will also be applicable depending on the use and size of any building. These considerations that do not carry significant weight, and would not be persuasive enough to allow the partial demolition and redevelopment as proposed on this site, contrary to policy.

8.24 There has also been a Viability Assessment looking at the costs associated with 4 potential options. While there is no reason to doubt these figures at face value, there appears to be an anomaly when it comes to the valuation figures of Options 1 & 2. Option 1 is the applicant's preferred option, and when fully costed and having regard to a future valuation figure, comes out at the most financially attractive option. However when assessed against Option 2 in the paper (which was feasibility option (G)), the valuation of Option 1 comes in at approx. 36% higher than Option 2, despite option 2 only having 13 less bedrooms which equates to @11% less bedroom accommodation.

8.25 The difference in the financial viability of the 2 options is largely dependent on this future valuation figure. There is a lack of evidence to support and substantiate these valuation figures, the weight attributed to these figures is not so significant as to allow the proposed demolition and redevelopment at the expense of built heritage and the listed building.

8.26 Therefore, having regard to the economic considerations, it is considered that these are not so significant, when balanced against other alternative uses and options, to carry determining weight on this occasion.

## **9 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. It fails to meet Policy BH 8, BH 10 of PPS 6. The proposal would have an unacceptable



adverse impact on the subject listed building. Overall the proposal does not respect the character of the area or the listed building given the scale, size and design of the proposal. Refusal is recommended.

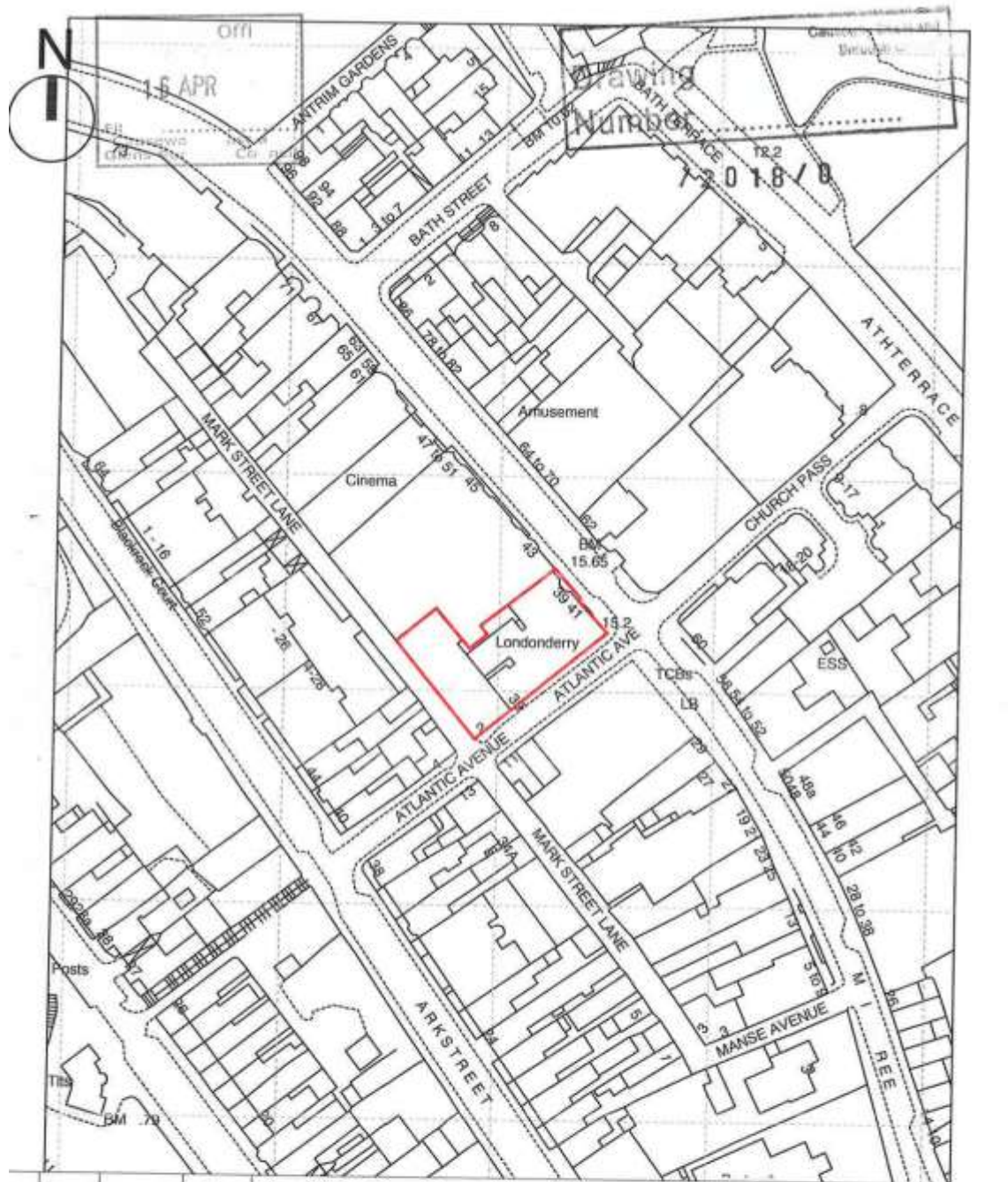
## **10 REASONS FOR REFUSAL**

### **10.1 Reasons:**

1. The proposal is contrary to Paragraph 6.12 & 6.13 of the Strategic Planning Policy Statement for Northern Ireland and Policy BH 8 of Planning Policy Statement 6, in that the essential character of the building and its setting have not been retained, the works proposed fail to make use of sympathetic building materials and techniques which match or are in keeping with those found on the building; and the architectural details are not in keeping with the building.

2. The proposal is contrary to Paragraph 6.13 & 6.15 of the Strategic Planning Policy Statement for Northern Ireland and Policy BH 10 of Planning Policy Statement 6, in that exceptional reasons to justify the demolition of the building have not been sufficiently provided, evidence of market testing has not accompanied the application and the development proposals, as submitted would, if permitted, significantly detract from the character and the setting of the listed buildings.

Site Location Plan



AR CTU

Figural dimensions to be taken in preference to be checked prior to commencement of all dimensions. All dimensions

of dimensions. Site dimensions are dimensions issued immediately. Smith & Carter Design Group Ltd