

Planning Committee Report LA01/2020/0143/F	28th October 2020
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>	LA01/2020/0143/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, Portstewart.	
<u>Proposal:</u>	Temporary siting & operation of a Panoramic Viewing wheel to site and operate for an approved period between June 2021 & mid-September 2021. The wheel has illumination.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 4th February 2020
<u>Listed Building Grade:</u>	N/A	
<u>Agent:</u>	N/A	
<u>Applicant:</u>	The Panoramic Wheel Company Ltd.	
<u>Objections:</u>	19	<u>Petitions of Objection:</u> 0
<u>Support:</u>	1	<u>Petitions of Support:</u> 0

EXECUTIVE SUMMARY

- Full planning permission is sought for a panoramic viewing wheel for a temporary period of time (June 2021-Mid September 2021) at the Crescent Portstewart.
- The site is within the Settlement Development Limit of Portstewart and is designated as a major area of open space within the Northern Area Plan 2016 (NAP). It adjoins the Town Centre boundary and sits adjacent to The Promenade. The site also lies within an Area of Archaeological Potential, and is located within the Portstewart Point LLPA.
- The proposal is assessed as a tourist amenity and is considered acceptable having regard to townscape; amenity; traffic matters; impact on the coast; listed buildings; archaeology; flooding; open space and the LLPA.
- It should be noted that in carrying out this assessment, and the proposal's acceptability, significant weight has been given to its temporary nature.
- A similar application was granted planning permission in 2019.
- There were 6 consultees consulted on this application. DfI Rivers requested a Flood Risk Assessment but weight has been given to the temporary nature of the proposal and it is considered to not be expedient to seek this.
- There are 19 objections and 1 letter of support.
- Approval is recommended.

- 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 conditions 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 and a local landscape policy area.

3 RELEVANT HISTORY

- 3.1 LA01/2019/0474/F - Council space at the playpark, the Crescent, Portstewart. Approx. 110m West of Portstewart Town Hall - 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 –
Permission Granted

4 THE APPLICATION

- 4.1 Temporary 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 This application was submitted in January 2020. While the dates for permission initially sought were from June to September 2020, the applicant then sought to revise these dates to 2021. The application now seeks permission to erect the panoramic viewing wheel from June 2021 to mid-September 2021. This revised proposal has been advertised and notified in accordance with Article 8 of the General Development Procedure Order (2015).
- 4.3 The potential impact 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

1. The application received a total of 19 objection letters. A summary of concerns raised include:

- Impact on traffic and car parking
- Health and safety concerns.
- Light, air, noise, litter and smell pollution.

- Loss of Public Space/ Eroding Amenity space of Playpark.
- No dates of operation provided.
- Objection to the principle of development at this location.
- Agreed hours last year were not adhered to.
- A smaller wheel was used last year.
- Proximity of proposal to existing surrounding dwellings.
- Lack of Neighbour notification.
- Unacceptable scale and design.
- Distance of proposal from No.7 The Crescent.
- Video of the panoramic viewing wheel from last year (2019) were also provided.
- Anti-Social Behaviour.

2. Letter of Support

There has been one letter of support which considers the benefits the wheel brought to Portstewart in 2019, including footfall and trade, and it is a welcome attraction to the town. It states the proposal will help sustain the town.

5.2 Internal

NIEA – No objection.

DfI Roads – No objection.

SES – No objection.

Environmental Health – No objection, suggests conditions

DFI Rivers – Flood Risk Assessment requested.

HED – No objection, suggests conditions.

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:
- The 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

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

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are: the principle of the development; townscape; amenity; traffic matters; impact on the coast; listed buildings; archaeology; flooding; open space and; other matters.

Planning Policy

- 8.2 The site is within the Settlement Development Limit of Portstewart and is designated as a major area of open space within the Northern Area Plan 2016 (NAP). It adjoins the Town Centre boundary and sits adjacent to The Promenade. The site also lies within an Area of Archaeological Potential, and is located within the Portstewart Point LLPA.
- 8.3 The RDS promotes a sustainable approach to the provision of tourism infrastructure. 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 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”.
- 8.5 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.

Principle of development

- 8.6 PPS 16: Tourism is the relevant planning policy for assessing tourism proposals. PPS 16 provides a definition of relevant terms which are set out in Appendix 1 – Glossary of Terms.
- 8.7 Within Appendix 1 a *tourist amenity* is defined by PPS 16 “as 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.

- 8.8 Policy TSM 1 of PPS 16 Tourism provides policy for the tourism development in settlements. Portstewart is a seaside resort and provides a role and offering for tourists. The proposal is for a temporary period, extending to a maximum time of less than 4 months, which includes the construction and deconstruction periods, while it will be operating during the summer season when the town is busiest with tourists. Weight is given to its limited duration and removal from the site when no longer in operation.
- 8.9 The proposal introduces a substantial structure in terms of its height and design and while the proposal sits on lower ground to the road level at the Crescent and Promenade, it is sited on an exposed location and given the overall scale there is little to disrupt views. Therefore, it may be considered that a permanent structure the proposal would fail to respect the site context in terms of scale, size and design. However, giving weight to the temporary nature, the principle of the proposal is considered acceptable and compatible with the surrounding uses subject to consideration against other relevant policies.

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 a permanent structure may not be entirely sensitive to the character of the area surrounding the site, this proposal is considered acceptable due to its 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 unacceptable detrimental permanent impacts the public amenity.
- 8.15 The proposal will be able to benefit from public car parking which is located within proximity of 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 wheel will be sited within a fenced enclosure and will not be accessible outside of operating hours.
- 8.17 The site's location close 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. Amenity considerations include potential health and well-being implications, 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 is a competent authority on such matters and it raises no objections to the proposal having considered the location, design, hours of operation, noise, impact upon visual and residential amenity. The potential need for the imposition of conditions has been included in its response, and these are set out in Section 10 of this Report.
- 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.

Traffic Matters

- 8.22 The application will be sited in the Crescent in proximity to the town centre. There is currently parking within the Promenade and Crescent areas. The number of visitors who will visit Portstewart to solely use the Wheel and then leave immediately is likely to be very low. It is more likely those visiting, staying, or coming on day trips, will link a visit to the Wheel within this trip.
- 8.23 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.
- 8.24 DfI Roads was consulted as the competent authority on traffic matters and it raises no objection. Therefore, it is considered that the proposal satisfies the policy requirements of PPS 3 Policy AMP 2, and criteria (l) and (m) of PPS 16 Policy TSM 7.

Impact on the Coast

- 8.25 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. NIEA and SES have been consulted as the competent

authorities on these matters and raise no objection.

- 8.26 The application therefore meets the policy requirements of PPS 2 and PPS 16 Policy TSM criterion (i).

Listed Buildings

- 8.27 The proposal is in proximity to listed buildings; St Mary's Star of the Sea Church and, Portstewart Town Hall. HED Historic Buildings Unit has been consulted as the competent authority on listed buildings. HBU advises that on the basis of the information provided, it considers that due to the temporary nature of the proposal, the panoramic viewing wheel is acceptable under policy. HBU goes on to seek the inclusion of 2 conditions relating to construction and the period of operation of the wheel to ensure the use respects the character of the listed buildings. However, the period of time requested in the condition is the same period in which planning permission is being sought. For this reason, should planning permission be forthcoming, the applicant would not have permission to erect or operate the wheel outside of the time period sought. It is considered that this condition is unnecessary.
- 8.28 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, the proposal is considered acceptable having regard to its temporary nature.

Archaeology

- 8.29 This application is located within the Area of Archaeological Potential for Portstewart as defined in the Northern Area Plan 2016. Historic Environment Division: Historic Monuments Unit was consulted as the competent authority on archaeological matters. HED: HMU 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 satisfies the SPPS and PPS 6 archaeological policy requirements.
- 8.30 The proposal complies with PPS 16 Policy TSM 7 criterion (i).

Flooding

- 8.31 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'.
- 8.32 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. The wheel is proposed to be on site for a maximum of period of 1st June to 15th September, and will be removed by Mid-September 2021 at the latest. Given the foregoing, it is considered that it would not be expedient to request a Flood Risk Assessment giving greater weight to the proposal being there for a short period of time, its temporary nature during the summer season and that it will be removed, in its entirety, when operating ceases.

Open Space

- 8.33 The site is located on an area of open space as identified by the Northern Area Plan 2016. The proposal is considered a compatible use within an area of open space. Given the short term duration of the proposal, and the recreational nature of it, the development will not result in the unacceptable loss of open space over the proposed period. As the proposal does not conflict with Policy OS1, it is considered acceptable having regard to the proposed use and its duration.

Other Matters

- 8.34 The site is located within the Portstewart Point LLPA. When considering the temporary nature, and the requirements under Policy ENV 1 of NAP, it is considered that the proposal will not undermine the LLPA or any of its features identified over this short time period.
- 8.35 Health and Safety Concerns- The development is regulated by the Health and Safety Executive, out-with the planning process. The Health and Safety Executive were consulted on the previous application for submitted at this site (LA01/2019/0474/F). Its reply stated that it had no comment to make as the site did not

fall within the consultation zone of any major hazard. Further consultation was not pursued in the processing of this application giving weight to the proposal not being within the necessary consultation zone.

- 8.36 Light, air, noise, litter and smell pollution - Environmental Health has been consulted as the competent authority on such matters and it raises no objection subject to the suggestion to include specific conditions should planning permission be granted. Concern regarding litter is given limited weight in the context of this proposal.
- 8.37 Loss of Public Space/ Eroding Amenity space of Playpark – Given the proposed use is considered compatible with the public open space for the limited period sought, and limited weight is given to this objection.
- 8.38 No dates of operation provided – Dates were submitted in the description included on the P1 form and a condition will be included limiting use to these dates.
- 8.39 Objection to the principle of development at this location- The specific use is considered acceptable for the limited period for which permission is sought.
- 8.40 Agreed hours last year were not adhered to – This will be a matter for Planning Enforcement should such an issue arise and is given limited weight in the context of this consideration.
- 8.41 A smaller wheel was used last year – The size of the wheel on the submitted application can only be considered, and given its temporary nature is acceptable.
- 8.42 Advertising & Notification - This was carried out in accordance with legislative requirements as set out in Article 8 of the General Development Procedure Order (NI) 2015.
- 8.43 Distance of proposal from No.7 The Crescent – Article 8 requires the Council to serve notice of the application to any identified occupier on neighbouring land. As no.7 The Crescent does not fulfil this requirement, it does not qualify as a neighbour to be notified.

8.44 Videos of the panoramic viewing wheel from last year (2019) showing illumination – Several objectors submitted videos showing the wheel operating in 2019. Environmental Health was consulted on this application and it seeks a condition to limit the hours of operation so it is not in operation during sensitive night time hours. The months of June, July, August and early September also experience greater day light which reduces the impact of any illumination.

8.45 Anti-Social Behaviour- this is not a planning matter and is a matter for the PSNI.

9.0 CONCLUSION

9.1 While a proposal for a permanent structure may not comply with relevant policies regarding land use and design, substantial weight is given to the temporary period sought. On that basis, the temporary siting of the panoramic viewing wheel at this location is considered to be acceptable. Having regard to this, there are no unacceptable effects on amenity, access arrangements, open space, and built or natural heritage. Approval is recommended.

10. CONDITIONS

1. The permission hereby granted shall be for a limited period from 01st June 2021 to 15th September 2021 only, and shall expire on 15th September 2021.

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

2. No development hereby approved shall commence on site before 1st June 2021, and all development shall be removed from the site, in its entirety, no later than 15th September 2021.

Reason: To protect the character and quality of the area, the setting of the listed buildings, and in the interests of residential amenity.

3. The development hereby permitted shall only operate within the following times:

Sunday – Thursday: 12pm – 9pm
Friday and Saturday: 12pm – 10pm

Reason: In the interests of residential amenity and to restrict any encroachment into sensitive night-time hours.

4. There shall be no illumination of the development hereby approved outside of the hours of operation i.e 10pm-12pm.

Reason: To negate any unnecessary potential light pollution, particularly during sensitive night time hours.

5. There shall be no playing of amplified music, utilisation of sound boxes or the use of a Public Address system.

Reason: To restrict potential noise pollutants.

6. The applicant shall ensure that the NRMM /diesel powered generator in use is operated, serviced and maintained to conform with relevant EU emissions standards for air pollutant (Particulate Matter and NO_x) emissions.

Reason: To prevent any unacceptable impact on air pollution.

7. Any generator used in association with the development hereby approved, shall be positioned and operated to minimise adverse noise impacts.

Reason: To prevent any unacceptable noise pollution impacts.

8. The emission of dark or black smoke is prohibited. The height and position of any stack associated with the relevant abatement technology shall ensure there is effective pollutant dispersal.

Reason: To prevent any unacceptable impact on air pollution.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

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 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.

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. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site Location Plan

