

ITEM D

Royal National Lifeboat Institution

**Land adjacent to the Promenade,
West Strand, Portrush**

LA01/2015/0213/F

Full Planning

28 October 2015

<u>No:</u>	LA01/2015/0213/F	<u>Ward:</u>	Portrush & Dunluce
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land adjacent to the Promenade, West Strand, Portrush		
<u>Proposal:</u>	Proposed erection of Beach Lifeguard Unit (to be used wholly for purposes of beach lifeguard service) incorporating steps to promenade and alteration to promenade dwarf wall		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	28.07.15
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	13.11.15
<u>Agent:</u>	Alan Sayle, Paris Smith LLP, Number 1 London Road, Southampton, Hampshire, SO15 2AE		
<u>Applicant:</u>	Royal National Lifeboat Institution, West Quay Road, Poole, Dorset, BH15 1HZ		
<u>Objections:</u>	0	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information are available to view on the Planning Portal- 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 8 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site contains a small area of open space upon a grassy embankment located along the Promenade, West Strand, Portrush. The site is located approximately 30m to the southwest of Little Haven, Castle Erin Road and is directly beside the pedestrian footpath, upon the grassy bank along the promenade. There is a small wall which separates the promenade and the embankment.

- 2.2 The area is characterised by a mix of public amenity space and commercial uses. There is a pedestrian promenade to the west which drops off to the beach. There is a footpath linking the promenade with Castle Erin Road located 40m to the south of the proposed site. There are two existing Beach Lifeguard Units on West Strand, approved under application C/2011/0140/F which are seasonally placed between May-September. One is located to the north of the proposal beside Portrush Harbour and the other located to the south of the Strand.
- 2.3 The site is located within Designation PHL 02 West Bay Local Landscape Policy Area.

3.0 RELEVANT HISTORY

C/2011/0140/F Seasonal Placement (May - September) of two temporary mobile Lifeguard Units and storage container. Portrush West - West Strand, Portrush, Co. Antrim. Approved: 01/06/2011

C/2013/0227/F Environmental Improvement Works to the existing promenade and beach access points. Works include new handrails and guardrails, lighting, surfacing, street furniture. The low wall to the rear of the promenade will be improved including seating. A new DDA compliant ramp will be introduced at the north end of the promenade in lieu of existing. West Bay Promenade, between Portrush Harbour and West Strand Road, Portrush, BT56 8DX. Approved 29/04/2013

4.0 THE APPLICATION

- 4.1 The application proposes the erection of a Beach Lifeguard Unit (to be wholly used for purposes of beach lifeguard service) incorporating steps to promenade and alteration to promenade dwarf wall.
- 4.2 During the processing of the application, the handrails and frame of the building were amended from a steel type structure to timber which is a more sympathetic material in this coastal location.

- 4.3 It is advised that this unit, if approved, would replace the existing unit at the northern section of the promenade beside the harbour wall which was approved under C/2011/0140/F.
- 4.4 On 12th October 2015 the planning 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 Council. Having considered the nature, scale, timing, duration and location of the project, it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Advertising: No objections received.

5.2 Internal

NIEA Natural Environment Division: has no objection to the proposal.

NIEA Marine Division: has no objection subject to the proposal subject to informatives.

Rivers Agency: has no objection to the proposal.

Environmental Health: has no objection to the proposal.

6.0 MATERIAL CONSIDERATIONS

6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- The Northern Area Plan 2016

- 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 both a new local plan strategy and local policies plan are adopted, and found to be sound, 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 8 – Open Space, Sport and Outdoor Recreation

Planning Policy Statement 15 – Planning and Flood Risk

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to design and impact on the LLPA, impact on an area of open space, flood risk, and impact on Causeway Coast & Skerries Special Area of Conservation (SAC).

Planning Policy

- 8.2 The site is located within the settlement development limit for Portrush as defined by the Northern Area Plan 2016. It is situated within designation PHL 02 West Bay LLPA.
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

Design and Impact on the LLPA

- 8.4 The initial submission showed a proposed lifeguard unit which had a steel frame and handrail. It was considered that this material was harsh for the existing landscape and this was amended to timber. The use of timber is more sympathetic to the coastal location and is considered acceptable.
- 8.5 The proposed unit measures 2.5m x 2.8m and would sit on a raised platform measuring 3.7m x 5.5m. The height of the unit would be 2.7m. The unit would be finished with clean white facing panels and a mono pitch roof with curved edges with a timber frame and hand railings.
- 8.6 The proposed lifeguard unit is situated within West Bay LLPA (PHL 02) and must be considered under Policy ENV1 of the Northern Area Plan and the supporting text of PHL 02.
- 8.7 ENV 1 does not all for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. Given the scale and nature of this proposal it does adversely affect the features of this PHL 02.
- 8.8 Where development is permitted, it will be required to comply with the requirements set out in PHL 02. Although the requirements of PHL 02 are strict and restrictive, an RNLI lifeguard unit must be located near the beach. Relocating the unit from the existing location beside the harbour provides a more central location on this part of West Strand. Given the function and use of the unit, and its limited size, the proposed unit would not significantly impact the vistas across West Bay.

Impact on an area of open space

- 8.9 Policy OS1 Protection of Open Space states that the development will not be permitted that would result in the loss of existing open space. The presumption against the loss of existing open space applies irrespective of its physical condition and appearance. However, an exception is permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. As the size of the proposal is small, this results in a negligible loss of open space. Furthermore, as a beach lifeguard unit for the RNLI is considered to provide a community benefit, this would also outweigh the loss of a small area of open space.

Flood Risk

8.10 Rivers Agency has been consulted as the competent authority on planning and flood risk matters. Rivers Agency advised that any Finished Floor Level should be above 3.77 mOD (mean sea level). The agent provided a letter dated 18th August to confirm that the proposal would exceed this requirement as the promenade is 4.128m above mean sea level.

Impact on Causeway Coast & Skerries Special Area of Conservaton (SAC).

8.11 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 or conservation objectives of Skerries and Causeway SAC or any other European site.

9.0 CONCLUSION

9.1 This proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. In accordance with the SPSS the proposal would not result in any demonstrable harm being caused to any interests of acknowledged importance. Approval is recommended.

10.0 CONDITIONS

10.1 Regulatory Conditions:

1. As required by Section 61 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.

10.2 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 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.

3. Schedule 5 Species – Wildlife Order:

Article 11 of the Wildlife (Northern Ireland) Order 1985 (as amended) provides that a person shall not be guilty of an offence under Article 10 (killing or injuring a species listed in schedule 5 (as amended)) of the act was incidental to a lawful operation (i.e. activity permitted by a Marine Licence or Planning Permission) and could not reasonably be avoided. A separate marine Wildlife Licence is therefore not required for national marine protected species if a Marine Licence/Planning Permission has been granted, since adherence to the conditions of the Marine Licence should reduce the likelihood of harm to national marine protected species.

AND

Under Article 10 it is an offence to intentionally or recklessly disturb; common seals, grey seals or basking sharks.

It is also an offence under Article 10 to intentionally or recklessly damage or destroy, or obstruct access to, any structure or place which these animals (Schedule 5) use for shelter or protection; damage or destroy anything which conceals or protects any such structure; or disturb any such

animal while it is occupying a structure or place which it uses for shelter or protection.

Under Article 13 of the Wildlife (Northern Ireland) Order 1985 (as amended) it is an offence to sell or transport any Schedule 7 animal dead or alive at any time.

Any person who knowingly causes or permits an act which is made unlawful under Article 10 or Article 13 shall also be guilty of an offence.

If there is evidence of Schedule 5 animals listed above at the site, all works must cease immediately and further advice must be sought from DoE Marine Environment Division Klondyke Building, Cromac Avenue, Belfast BT7 2JA.

Under the Wildlife (Northern Ireland) Order 1985 (as amended) a licence may be required for any operations which might impact on protected species.

European Protected Species:

The applicant's attention is drawn to regulation 34 of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule 2 to these Regulations. This includes all species of dolphins, porpoises and whales and the marine turtle species: *Caretta caretta*, *Chelonia mydas*, *Lepidochelys kempii*, *Eretmochelys imbricata* and *Dermochelys coriacea*.

(1) It is also an offence to;

(a) deliberately disturb such an animal while it is occupying a structure or place which

it uses for shelter or protection;

(b) deliberately to disturb such an animal in such a way as to be likely to;

(i) affect the local distribution or abundance of the species to which it belongs;

(ii) impair its ability to survive, breed or reproduce, or rear or care for its young; or

(iii) impair its ability to hibernate or migrate;

(c) deliberately take or destroy the eggs of such an animal;

(d) deliberately obstruct access to a breeding site or resting place of such an animal; or

(e) damage or destroy a breeding site or resting place of such an animal.

(2) It is an offence for any person;

(a) to have in his possession or control,

(b) to transport,

(c) to sell or exchange, or

(d) to offer for sale or exchange, any live or dead animal which is taken from the wild and is of a species listed in Annex IV(a) to the Habitats Directive, or any part of, or anything derived from, such an animal.

If there is evidence of Schedule 2 animals listed above at the site, all works must cease immediately and further advice must be sought from DoE Marine Environment Division Klondyke Building, Cromac Avenue, Belfast, BT7 2JA.

Under this legislation a licence may be required for any operations which might impact on protected species.

Marine Licensing

The applicant should be made aware that all construction or deposition works below the

Mean High Water Spring Tide (MHWST) mark are subject to licensing under the Marine and

Coastal Access Act 2009. If any elements of the construction in this proposal, for example the construction of steps/alterations to walls etc may cross the intertidal area below the MHWST mark, contact must be made with the Marine Licensing Team, DoE Marine Environment Division, 2nd Floor, Klondyke Building, Cromac Avenue, Gasworks

Business Park, Belfast BT7 2JA, Tel: 028 9056 9247 to apply for a Marine Construction Licence.

The applicant should be aware that it is an offence under the Marine and Coastal Access Act

2009 to carry out a licensable marine activity except in accordance with a marine licence granted by the DoE Marine Environment Division. Conviction of such an offence may incur a fine of up to £50,000 and/or two years imprisonment.

ANNEX	
Date Valid	27th May 2015
Date First Advertised	10th June 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, E.Barry's Amushments (Portrush) Ltd, 16 Eglinton Street,Portrush,Antrim,BT56 8DX, The Owner/Occupier, Portrush Railway Station Eglinton Street Port Rush	
Date of Last Neighbour Notification	25th September 2015
Date of EIA Determination	N/A