

Title of Report:	Planning Committee Report – LA01/2022/0967/LBC
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28 th August 2024
For Decision or For Information	For Decision – Council Interest Item
To be discussed In Committee YES/NO	NO

Linkage to Council Strategy (2021-25)			
Strategic Theme	Cohesive Leadership		
Outcome	Council has agreed policies and procedures and decision making is consistent with them		
Lead Officer	Development Management and Enforcement Manager		

Budgetary Considerations				
Cost of Proposal	Nil			
Included in Current Year Estimates	N/A			
Capital/Revenue	N/A			
Code	N/A			
Staffing Costs	N/A			

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening	Required for new or revised Policies, Plans, Strategies or Service Delivery
Requirements	Proposals.

Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact	Screening Completed:	N/A	Date:
Assessment (DPIA)	DPIA Required and Completed:	N/A	Date:

LA01/2022/0967/LBC Ward: PORTRUSH AND DUNLUCE No: App Type: Listed Building Consent Address: Lansdowne Shelter, Lower Lansdowne Road, Portrush Application to regularise works that are variations of the **Proposal:** current planning approvals for a Change of Use to Licensed Restaurant - LA01/2018/1193/F and LA01/2018/1184/LBC. The proposed variations include retention of the existing Public WC external structure, repositioning and extension of the kitchen block and roof terrace (addition of staff facilities), external fire escape staircase from roof terrace. Ground floor terrace form to be amended to reflect the shape of the original slipway and adjacent access walkway (south east) extended to provide means of escape route. Approved stainless steel horizontal balustrade to be replaced by 1.5m high frameless glass balustrade/guarding and addition of lightweight retractable awning structure. Provision of enclosed timber clad external amenity space incorporating reflective mirror polished stainless panels to house storage units and covered bin storage area. Provision of visual screening to external extraction flue and air-conditioning units. Retention of existing internal first floor structure and staircase, reinstatement of previously demolished floor area and addition of 3 no. flat roof windows. Provision of internal glazed to provide views of circulation/first floor spaces. Retention of existing internal window frames, details, fixtures and fittings. Valid Date: 09.09.2022 Con Area: No

Listed Building Grade: B2 Agent: Nigel Jones Architect Ltd, The Studio, 330 Seacoast Road, Limavady, BT49 0LA

Applicant: Lisderg Holdings Ltd, 10 Lisderg Gardens, Portstewart, BT55 7UG

Executive Summary

- Listed Building Consent is sought to regularise works that are variations of the current planning approvals for a Change of Use to Licensed Restaurant - LA01/2018/1193/F and LA01/2018/1184/LBC. The proposed variations include retention of the existing Public WC external structure, repositioning and extension of the kitchen block and roof terrace (addition of staff facilities), external fire escape staircase from roof terrace. Ground floor terrace form to be amended to reflect the shape of the original slipway and adjacent access walkway (south east) extended to provide means of escape route. Approved stainless steel horizontal balustrade to be replaced by 1.5m high frameless glass balustrade/guarding and addition of lightweight retractable awning structure. Provision of enclosed timber clad external amenity space incorporating reflective mirror polished stainless panels to house storage units and covered bin storage area. Provision of visual screening to external extraction flue and air-conditioning units. Retention of existing internal first floor structure and staircase, reinstatement of previously demolished floor area and addition of 3 no. flat roof windows. Provision of internal glazed to provide views of circulation/first floor spaces. Retention of existing internal window frames, details, fixtures and fittings.
- The site is located outside the Portrush Settlement Development Limit as designated within the Northern Area Plan 2016. The site is located within Ramore Head Local Landscape Policy Area, Ramore Head and Skerries ASSI and in close proximity to Skerries and Causeway SAC.
- No concerns have been raised by Historic Environment Division.
- The proposal is considered to comply with the provisions of the Northern Area Plan 2016, SPPS and PPS 6.
- The granting of consent is recommended.

Drawings and additional information are available to view on the Planning Portal- <u>https://planningregister.planningsystemni.gov.uk/</u>

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 **GRANT** Listed Building Consent subject to the Conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at Landsdowne Shelter, Lower Lansdowne Road, Portrush. The application site comprises an existing listed building and former lifeboat shelter. The building is currently operating as a restaurant with external areas associated with the restaurant use.
- 2.2 The proposal is located at the Old Life Boat Shelter, Ramore Avenue, Portrush. On the site is a Grade B2 listed building which was used formerly as a RNLI lifeboat shelter. The building is currently in use as a restaurant. The building has a white rendered finish with red rendered detailing at base and eaves level. Below the red rendered detailing at base level is an existing stone base. The building has a flat roof with the walls providing a parapet style effect. On the roof is plant which is associated with the restaurant use. There is an entrance door on the south elevation. To the rear is a terrace developed on a former slipway which is surrounded by glass balustrade. An awning is located over this terrace. A side extension is present on the building which contains kitchen facilities and an existing toilet block. On the roof of this terrace is a dining area used for seating. To the side of the building is a storage area containing containers. This storage area is bound by a wooden close board fence.
- 2.3 The site is located just outside the settlement development limit of Portrush and in close proximity to the Skerries and Causeway SAC and is within the Ramore Head Skerries ASSI. The site falls within the Ramore Head Local Landscape Policy Area (LLPA).

The immediate surroundings are undeveloped. However, there are residential, commercial and recreational uses in close proximity to the site.

RELEVANT HISTORY

C/2011/0591/F – Lansdowne Shelter, Lower Lansdowne Road, Portrush, BT56 8AY – Restoration and Refurbishment of Existing Shelter Building. Demolition of Existing Internal Toilets. Re-roofing. Re-rendering. Construction of New Public WC facilities and entrance lobby linked to Shelter – Permission Granted – 7th February 2012

LA01/2018/1184/LBC – Old Life Boat Shelter, Ramore Avenue, Portrush – Provision of a single storey side extension to an existing vacant building, including internal refurbishment for the change of use to a licensed restaurant – Consent Granted - 27th August 2020

LA01/2018/1193/F – Old Life Boat Shelter, Ramore Avenue, Portrush, BT56 8AY– Provision of a Single Storey Side Extension to an existing vacant building, including internal refurbishment for the change of use to a licensed restaurant – Permission Granted – 27th August 2020

LA01/2022/0969/F- Lansdowne Shelter, Lower Lansdowne Road, Portrush– Application to regularise works that are variations of the current planning approvals for a Change of Use to Licensed Restaurant - LA01/2018/1193/F and LA01/2018/1184/LBC. The proposed variations include retention of the existing Public WC external structure, repositioning and extension of the kitchen block and roof terrace (addition of staff facilities), external fire escape staircase from roof terrace. Ground floor terrace form to be amended to reflect the shape of the original slipway and adjacent access walkway (south east) extended to provide means of escape route. Approved stainless steel horizontal balustrade to be replaced by 1.5m high frameless glass balustrade/guarding and addition of lightweight retractable awning structure. Provision of enclosed timber clad external amenity space incorporating reflective mirror polished stainless panels to house storage units and covered bin storage area. Provision of visual screening to external extraction flue and airconditioning units. Retention of existing internal first floor structure and staircase, reinstatement of previously demolished floor area and addition of 3 no. flat roof windows. Provision of internal glazed to provide views of circulation/first floor spaces. Retention of existing internal window frames, details, fixtures and fittings. - Under Consideration

3 THE APPLICATION

3.1 This is a Listed Building Consent to regularise works that are variations of the current planning approvals for a Change of Use to Licensed Restaurant - LA01/2018/1193/F and LA01/2018/1184/LBC. The proposed variations include retention of the existing Public WC external structure, repositioning and extension of the kitchen block and roof terrace (addition of staff facilities), external fire escape staircase from roof terrace. Ground floor terrace form to be amended to reflect the shape of the original slipway and adjacent access walkway (south east) extended to provide means of escape route. Approved stainless steel horizontal balustrade to be replaced by 1.5m high frameless glass balustrade/guarding and addition of lightweight retractable awning structure. Provision of enclosed timber clad external amenity space incorporating reflective mirror polished stainless panels to house storage units and covered bin storage area. Provision of visual screening to external extraction flue and airconditioning units. Retention of existing internal first floor structure and staircase, reinstatement of previously demolished floor area and addition of 3 no. flat roof windows. Provision of internal glazed to provide views of circulation/first floor spaces. Retention of existing internal window frames, details, fixtures and fittings.

4 PUBLICITY & CONSULTATIONS

5.1 External:

Five objections received. The following matters are raised:

- Retrospective works adversely impact on listed building and creates an eyesore on one of Portrush's beautiful shoreline views.
- Works in breach of previous approval.
- Works breach planning guidelines.

Adverse impact on historic listed building by:

- Materials not in keeping with the original building.
- Inappropriate external light fittings.
- Stainless steel ducting and air handling units.
- Retention of unsightly earlier extension for public toilet.
- Enclosure of area of public land with unsightly fence of vertical wooden planks.
- Laying an area of concrete adjacent to the original building.

- Construction of reinforced concrete retaining wall adjacent to original building and slipway.
- Construction of projecting terrace deck over part of the original slipway.
- Installation of a retractable canopy over the projecting terrace.
- Replacement of traditional folding wooden doors leading to the slipway with a glazed screen and door.
- Land ownership of public footpath and viewing area and should be refused as out of applicants control.
- Site within Ramore Head & the Skerries ASSI and Skerries and Causeway Marine SAC and may impinge upon Portrush Nature Reserve and impact on these areas.
- Eyesore and visual blot on landscape created and will continue by approval.
- Industrial look and nature of the enclosed amenity space not compatible with surroundings.
- Unsavoury smells, noise, accumulations of rubbish and attraction of vermin from enclosed amenity space.
- Detraction from important views in the Lansdowne area for which there are tourist interest.
- Expectation to take immediate and affirmative action to prevent further work being undertaken at the site in contravention of the approved planning application and which may have adversely impacted upon the adjacent SCA and ASSI.
- Expectation to take action for removal of all unapproved works from the site.
- Expectation to require developer to remedy all unapproved finishes etc.
- Expectation to ensure full compliance with previously approved applications and drawings.
- Works are in breach of the site environmental designations.
- Plans don't reflect the work done.
- Design and materials not acceptable in normal situation nevermind on listed building.
- Breaches planning guidelines and contrary to PPS 6, PPS 8, PPS 15 and PPS 16, paragraphs 6.12 – 6.14, 6.37 – 6.42, 6.107, 6.205 and 6.262 of the SPPS, DES 2, CO1, CO2 and CO3 of The Planning Strategy for Rural NI.
- Concerns about flooding and public payment for repairs for flooding.

- Extension and outdoor seating area have taken valuable open space.
- Seating area is shown on plans as public viewing platform.
- Work has destroyed the view along with Council's bin enclosure and giant wooden seats.
- Character of building and surroundings.
- Enclosed amenity space, storage units and covered in storage area is public land not available to the occupier and should be refused on that basis alone.

5.2 Internal:

Historic Environment Division: No objections

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
 - Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

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

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The proposal is located within the rural area just outside the Portrush Development Limit.

The main considerations in the determination of this application relate to: principle of development and conversion and extension of a listed building

Principle of Development

- 8.2 This application relates to Listed Building Consent and the principle of development is considered under the accompanying Full Planning Application LA01/2022/0969/F. The restaurant use was considered to be acceptable and the proposal to be a locally important building for which the re-use was accepted.
- 8.3 The proposal under consideration relates to the alterations of the building for the same use and its extension. Consequently, the proposal falls to be considered under the other relevant planning policies which are set out in the assessment of LA01/2022/0969/F.
- 8.4 The proposal is part retrospective with additional works proposed.

Conversion and extension of a listed building

- 8.5 Sustainable development is at the heart of the SPPS including the promotion of sustainable patterns of development which include the re-use of historic buildings where appropriate.
- 8.6 The SPPS advises that development involving a change of use and or works of extensions and alteration may be permitted particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural/historic interest and that the features of special

interest remain. It also states that the best viable use is that compatible with the fabric, setting and character of the building.

- 8.7 The location of this building is a unique countryside location and is located just outside the development limit of Portrush in the northern part of the peninsula near the coastline.
- 8.8 The principle of this use was previously established within this building under LA01/2018/1193/F and the building is currently being utilised as a restaurant.
- 8.9 As works were carried out to the building which are not in accordance with the approved plans under LA01/2018/1193/F this permission has not been implemented.
- 8.10 Policy BH 7 'Change of Use of a Listed Building' and Policy BH 8 'Extension or Alteration of a Listed Building' are applicable to this development.
- 8.11 The previous application considered these policies and further consideration is required due to changes in the design of the proposal.
- 8.12 Policy BH 7 states that permission will normally be granted for a change of use of a listed building where this secures its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced.
- 8.13 The building is currently being utilised for a restaurant use. This use was previously deemed to be acceptable within the building and this particular use will secure the upkeep of the building.
- 8.14 The justification and amplification of Policy BH 7 advises that new compatible uses should be found for historic buildings where they can no longer reasonably be expected to serve their original use and where the integrity of their built fabric is under threat.
- 8.15 It is likely that the survival of such buildings will only be achieved through sympathetic schemes for their appropriate re-use. In most cases this will mean a use which is economically viable and may necessitate some degree of adaptation to the building.
- 8.16 In this instance, the Design and Access Statement outlines that there are constraints from the previous applications and technical and physical requirements necessary for the building to operate as a restaurant.

- 8.17 This includes the development of the storage area for food and refuse by the way of an extension to the side of the building which is enclosed by fencing, the erection of kitchen extract vents and airconditioning units on the roof, and provision of external access from the roof terrace as required by Building Control.
- 8.18 Alterations have been made to the shape of the previously approved rear terrace for it to fit the dimensions of the existing slipway. Access has been added to the side of the building to this terrace and a retractable awning has been added over it. The first floor terrace has been enlarged with additional floorspace.
- 8.19 Further internal changes have been made from that previously approved included a larger first floor area and new stairwell.
- 8.20 The approved plans indicated dining areas and a kitchen area as a part of the approval. It is considered on the basis of the approved drawings that a restaurant could operate within the approved premises.
- 8.21 However, given the larger floorspace internally and externally for which permission is now sought it would appear that the size and operational requirements of the restaurant was not envisaged at the planning stage by the applicant at that time. It is accepted that the alterations for which permission is now sought would be required for the proposal now to operate.
- 8.22 Historic Environment Division were consulted on the initial proposal and requested additional information. Following a site visit between the applicant and Historic Environment Division an amended scheme was submitted with additional works proposed.
- 8.23 Following re-consultation with Historic Environment Division they advised that they were content the proposal as presented satisfies the policy requirements.
- 8.24 Objections have raised that retrospective works have adversely impacted on the listed building listing the elements impacted and that the design and materials are not acceptable normally, nevermind on a listed building.
- 8.25 Policy BH 8 states that permission will only be normally granted for an extension or alteration of a listed building where all the following criteria are met:
 - (a) The essential character of the building and its setting are retained

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and its features of special interest remain intact and unimpaired

Alterations and extensions have been made to the building which are not considered to be in character with the building. These include the air conditioning units and kitchen extract vent which are visually intrusive and out of keeping with the building. The side extension introduces views of additional development which impacts on the setting of the building given the views of the storage units in the foreground of the building when viewed from the side (west) and front. This fenced area is a larger footprint than the building and is considered to be a competing element. Lanterns have been proposed along the elevation of the building which are not in keeping with its former function.

Amendments and additional works have been proposed under this application which seeks to remedy these matters. Views of the air conditioning units and kitchen extraction vents are to be removed by the provision of aluminium screens in Grey RAL 7038. The fencing around the extension is to be replaced with higher profiled vertical board clad fencing with an opaque painted finish in Grey RAL 7037 and reflective polished stainless steel clad panels. The entrance gates in timber cladding to the storage area is to be replaced with reflective polished stainless steel clad access gates and side panel. The lantern fittings are to be replaced with marine bulkhead lighting fittings which are more in keeping with the former use of the building. Existing sand and cement render, plinth course, string course, corbel and coping are to be retained and repaired as necessary.

Other works have been carried out including the development of a first floor instead of the retention of the former first floor area, enlargement of the side terrace with provision of external stairwell and development of a retaining wall, extension of the path around the side of the building and laying of concrete surfacing, alteration of the size of the rear terrace with new proprietary retractable awning over.

Historic Environment Division have not raised any objection to the plans following the additional works proposed. It is considered that the proposed works in relation to the screening of the air conditioning units and extraction vents and replacement of the lanterns with more sympathetic lighting fittings is an improvement to the current site conditions and would address both the visual impact and impact on the character of the building. The increased height of the proposed fencing to the extension and its painting will assist in integrating the side extension with the building by screening views of the storage units and the finishes being more compatible with the building. It is considered that the extent of the extension is still detrimental to the setting of the building but refusal could not be sustained on this element of the proposal with the proposed alterations and views in context.

The other works are considered to have limited impact on the character and setting of the building given the limited views and the nature of the works. The proposed rear terrace is more sympathetic to the building than that previously approved in terms of the design and layout. There are limited views of the side path, internal works and the rear retractable awning. The toilet block is to be retained and there is no requirement in policy for it to be removed given that it is an existing element on the building.

(b) 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

The design elements including painted cladding, glazing and aluminium framing were previously approved on the building and its extension. The proposal expands upon this with aluminium screening around the kitchen extraction vents and air conditioning units, cladding on the toilet block and side terrace element and timber board clad fencing surrounding the external areas. Historic Environment Division were consulted on the proposal and have advised the proposal is compliant with policy. The building materials and techniques proposed are contemporary in nature and are considered to be in keeping with those found on the building and would not detract from its character.

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

The windows and doors proposed on the side extension have a similar vertical emphasis as that present on the existing building. There are limited public views of these elements given the proposed fencing surrounding the external area.

The listed building has limited architectural detailing and the proposed works are similarly not overly detailed with cladding and aluminium finishes. The proposed architectural details are in keeping with the building.

- 8.26 The current building is a Grade B2 listed building. As with the previous application the proposed development will maintain the existing building on site. With the alterations proposed being implemented the architectural features and design of the building will remain intact. With these alterations it is considered on balance that refusal could not be sustained on the extension with regard to impact on the character of the area.
- 8.27 The proposal is considered to satisfy the requirements of PPS 6 and the Built Heritage policy provisions of the SPPS.

Other Matters

- 8.28 An objector has raised that an enclosed amenity space, storage units and bin storage area have been constructed on land owned by the Council which is not available to the occupier and should be refused on those grounds.
- 8.29 Notwithstanding that land ownership is not grounds for refusal of the application, the Design and Access Statement outlines that the retention of the toilet block and inclusion of the storage areas are a requirement of the Council's lease of the premises. It outlines that the lease agreement allocated ground for approved restaurant function, servicing and storage functions which includes storage for LPG gas, bin storage space, food and drink chilled storage units and that this land was outside the previous application.
- 8.30 Objections have been raised on impacts on designated sites and environmental designations, amenity by the way of odour and noise, vermin, rubbish, flooding, seascape/views, loss of open space and policy tests under The Planning Strategy for Rural Northern Ireland including DES 2, CO1, CO2 and CO3, PPS 15, PPS 8 and PPS 16 and Paragraphs 6.37 – 6.42, 6.107, 6.205 and 6.262 of the SPPS.
- 8.31 This application relates to Listed Building Consent and these grounds of objection cannot be considered under this application. They are considered under the accompanying Full Planning Application LA01/2022/0969/F.
- 8.32 Objectors have raised the impact on views from a bin store and wooden seats which is outside the application site.
- 8.33 Inaccurate plans have been raised and amended plans have been received which address this matter.

- 8.34 Expectations have been outlined to prevent further work occurring on the site, removal of unapproved works, remedying of finishes and seek compliance with previously approved applications and drawings. The plans are indicated to not reflect the work done and be a breach of the previous approval.
- 8.35 This proposal includes additional works which have been proposed further to consultation with Historic Environment Division. These works are required to remedy the proposal and for it to satisfy the requirements of PPS 6. The works carried out do not have listed building consent and this application is remedial. Assessment of guidelines are outlined throughout this report.
- 8.36 Reference has been made to a public viewing platform on the block plan being used as a seating area. This area is not proposed to be used for seating/dining under this application. An application (LA01/2022/0575/F) for the usage of this area for a temporary food kiosk and seating area was withdrawn.

9.0 CONCLUSION

9.1 The proposal relates to the regularisation of works that are variations of the current planning approvals for a Change of Use to Licensed Restaurant - LA01/2018/1193/F and LA01/2018/1184/LBC. The proposed variations include retention of the existing Public WC external structure, repositioning and extension of the kitchen block and roof terrace (addition of staff facilities), external fire escape staircase from roof terrace. Ground floor terrace form to be amended to reflect the shape of the original slipway and adjacent access walkway (south east) extended to provide means of escape route. Approved stainless steel horizontal balustrade to be replaced by 1.5m high frameless glass balustrade/guarding and addition of lightweight retractable awning structure. Provision of enclosed timber clad external amenity space incorporating reflective mirror polished stainless panels to house storage units and covered bin storage area. Provision of visual screening to external extraction flue and airconditioning units. Retention of existing internal first floor structure and staircase, reinstatement of previously demolished floor area and addition of 3 no. flat roof windows. Provision of internal glazed to provide views of circulation/first floor spaces. Retention of existing internal window frames, details, fixtures and fittings.

9.2 The proposal is considered to be acceptable having regard to the Northern Area Plan, SPPS and PPS 6 and is recommended for approval.

10 Conditions

1. The works hereby granted must be begun within five years from the date of this consent.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

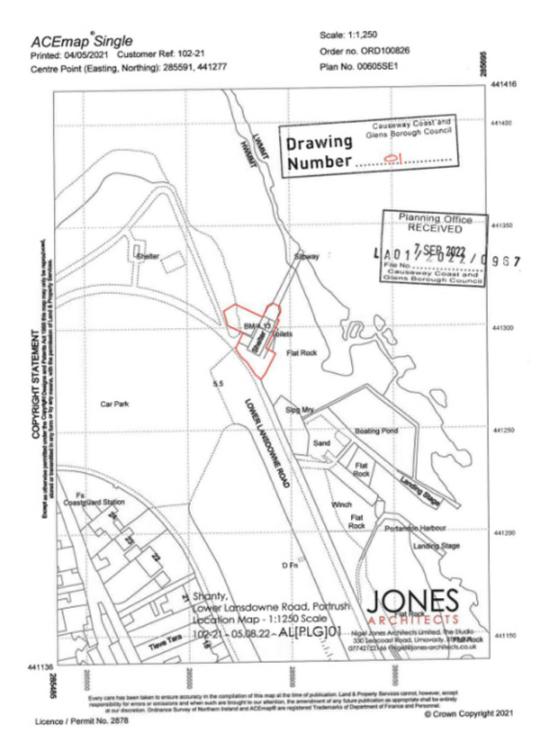
2. The works as indicated on Drawing No. 03A shall be carried out within six months of the date of this permission.

Reason: In the interests of the character of the listed building.

11 INFORMATIVES

- 1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- 2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- 3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
- 4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
- 5. 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 https://planningregister.planningsystemni.gov.uk/simple-search

Site Location Plan:



Site Plan

