

Title of Report:	Planning Committee Report – LA01/2022/0969/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th 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 Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.
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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 Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2022/0969/F **Ward:** PORTRUSH AND DUNLUCE

App Type: Full Planning

Address: Lansdowne Shelter, Lower Lansdowne Road, Portrush

Proposal: 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 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.

Con Area: No **Valid Date:** 09.09.2022

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

- Full planning permission 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 proposal relates to a Grade B2 listed building. Designations on the site include Ramore Head Skerries ASSI and Ramore Head Local Landscape Policy Area.
- Consultations have been carried out with DFI Roads, DFI Rivers, Environmental Health, Historic Environment Division, Shared Environmental Services and DAERA. Concerns have been raised by DAERA Marine and Fisheries Division in relation to climate change, flooding and seascape. No concerns have been raised by any other consultees.
- Four objections have been received.
- The proposal is considered to comply with all relevant policies and guidance including the Northern Area Plan 2016, SPPS, PPS 2, PPS 3, PPS 6, PPS 15, PPS 21 and DCAN 4.

- The application is recommended for approval.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.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 **GRANT** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at Lansdowne 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).
- 2.4 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

LA01/2022/0967/LBC – Lansdowne Shelter, Lower Lansdowne Road, Portrush– Application to regularise works that are variations of the current planning approvals for a Change of use to Licenced 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 extended to provide access. 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 external amenity space, storage units and covered bin storage area. Retention of existing internal first floor structure and staircase, reinstatement of previously demolished floor area and addition of 3 no. flat roof windows – Under Consideration

3 THE APPLICATION

- 3.1 This is a full 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 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.

4 PUBLICITY & CONSULTATIONS

5.1 External:

No neighbours notified.

Four objections received. The following matters are raised:

- Retrospective works adversely impact on listed building.
- Plans don't reflect the work done.
- Design and materials not acceptable in normal situation nevermind on listed building.
- Works in breach of previous approval.
- Works breach planning guidelines.
- 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.
- Encroaches on Ramore Head & the Skerries ASSI, Skerries and Causeway Marine Special Area of Conservation and Portrush nature reserve.

- Creates an eyesore on Portrush's beautiful shoreline views. Industrial look and nature is not compatible in any way with its surroundings and will lead to unsavoury smells, noise, accumulations of rubbish and attraction of vermin.
- 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.
- Expectation to take immediate and affirmative action to prevent further work being undertaken at the site.
- 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.

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.

5.2 Internal:

DFI Roads: No objections

Environmental Health: No objections.

Historic Environment Division: No objections

Shared Environmental Services: No objections

DAERA Natural Environment Division: No objections

DAERA Water Management Unit: No objections

DAERA Marine and Fisheries Division: Objections

DFI Rivers: 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 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

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

Planning Policy Statement 15: Planning and Flood Risk

Planning Policy Statement 21: Sustainable Development in the Countryside

DCAN 4: Restaurants, Cafes and Fast Food Outlets

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, conversion and extension of a listed building, environmental and amenity considerations, climate change, natural heritage, Ramore Head LLPA, integration and rural character and other matters.

Principle of Development

8.2 The principle of development must be considered having regard to the SPPS, PPS and other policy documents before mentioned.

8.3 As the proposal is located outside the Portrush Settlement Development it falls to be considered under the rural policy provisions of the SPPS and PPS 21.

8.4 The principle of development of a restaurant within the building was previously considered under application LA01/2018/1193/F having regard to the SPPS paragraph 6.73, part 12, the conversion and re-use of existing buildings for non-residential use.

8.5 The SPPS paragraph 6.73, part 12 outlines that provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest for a variety of alternative uses where this would secure its upkeep and retention, and

where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.

- 8.6 The building is a former lifeboat shelter and is a Grade B2 listed building. Previous assessment considered the building to be a suitable locally important building.
- 8.7 Consideration of the restaurant use under LA01/2018/1193/F had regard to the footnote (58) of paragraph 6.271 of the SPPS that main town centre uses are considered to be cultural and community facilities, retail, leisure, entertainment and businesses. The conclusion reached was that a restaurant is not considered to fall within the definition of a main town centre use and that the sequential approach outlined by the SPPS does not apply to this development. The use was consequently considered under other relevant policies.
- 8.8 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 set out below.
- 8.9 The proposal is part retrospective with additional works proposed.

Conversion and extension of a listed building

- 8.10 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.
- 8.11 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.
- 8.12 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.
- 8.13 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.

- 8.14 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.
- 8.15 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.
- 8.16 The previous application considered these policies and further consideration is required due to changes in the design of the proposal.
- 8.17 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.
- 8.18 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.
- 8.19 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.
- 8.20 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.
- 8.21 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.
- 8.22 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 air-conditioning units on the roof, and provision of external access from the roof terrace as required by Building Control.
- 8.23 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.

- 8.24 Further internal changes have been made from that previously approved included a larger first floor area and new stairwell.
- 8.25 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.
- 8.26 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.
- 8.27 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.
- 8.28 Following re-consultation with Historic Environment Division they advised that they were content the proposal as presented satisfies the policy requirements.
- 8.29 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.
- 8.30 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 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.

8.31 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.

8.32 The proposal is considered to satisfy the requirements of PPS 6 and the Built Heritage policy provisions of the SPPS.

Amenity

- 8.33 The SPSS outlines that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.
- 8.34 Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing can also include sewerage, drainage, waster management and water quality.
- 8.35 DCAN 4: Restaurants, Cafes and Fast Food Outlets also provides guidance in regard to cafes and fast food outlets. It advises that the applications outside of settlements will be considered also on all other relevant planning policies and impact on amenity by the way of noise disturbance, smells and fumes and refuse and litter.
- 8.36 Given the nature of the use as a restaurant, the proposal has the potential to give rise to impacts to receptors and the surrounding area.
- 8.37 The principle of a restaurant use in the shelter was previously deemed to be acceptable under application LA01/2018/1193/F. This proposal includes further development at the site including a larger external terrace and an extension to the western side of the building which includes external chilled storage of food and refuse storage.
- 8.38 Objectors have raised concerns with the proposal leading to unsavoury smells, noise, accumulations of rubbish and attraction of vermin.
- 8.39 Environmental Health were consulted on the proposal and advised that they have no adverse comments subject to informatives.
- 8.40 The proposal is the sole building in this location with the closest sensitive receptors located further to the south/south-west and separated by Lansdowne car park. The extension includes bin storage in-curtilage and out of public view. Given the distances involved to receptors, the previous approved use in the building and the position of Environmental Health there are no concerns in relation to noise disturbance, any smells and fumes or refuse, attraction of vermin and litter arising from the proposal.

Climate Change, Flood Risk and Drainage

- 8.41 In their response of 19th December 2022, DAERA Marine and Fisheries Division advise that their primary concerns regarding coastal flooding have not been addressed. They advise that they have significant concerns regarding the impacts of climate change and coastal flooding on the site and find the proposal to be contrary to Section 3.13 of the SPPS which states that: The planning system should therefore help to mitigate and adapt to climate change by....avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas with increase vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from impacts of storms.
- 8.42 In their response of 19th December 2022 they continue to advise that on the basis of the information provided that they do not consider this to be a viable long-term option at this specific location and to be advised that M&FD may not grant approval for future measures to protect this proposal from the sea for example, rock armouring sea walls etc.
- 8.43 Further to these responses the agent was asked to provide comment on the matters raised by Marine and Fisheries Division.
- 8.44 In a further response of 3rd July 2023, DAERA Marine and Fisheries Division advise that their concerns on coastal flooding still stand and that the development would be vulnerable to future flooding events and increased storm waves due to its close proximity to the climate change seafood plain boundaries.
- 8.45 In their response of 3rd July 2023 they continue that the surface/sub-surface islets raised in the 2019 Flood Risk Assessment may provide some shelter to larger off-shore waves but they are not continuous and larger off-shore waves may penetrate through. They advise that significant wave heights may strike the shore at this site and that the islets may not prevent all large off-shore waves from reaching the shore. They advise they still have concerns from storm waves under climate change and sea level rise scenarios may still impact upon this development.
- 8.46 DFI Rivers were consulted on the proposal and advised under Policy FLD 1 that the Strategic Flood Map (NI) indicates that the site lies on the periphery of the 1 in 200 year coastal flood plain. The T200

coastal level at this location is 3.17m OD Belfast. This figure does not take into account climate change or wave action.

- 8.47 DFI Rivers advise that the current proposals are outside the 1 in 200 year coastal flood plain. The applicant should consider resilient construction methods for the proposed alternations and extensions especially in relation to wind and wave action.
- 8.48 DFI Rivers advises that Policies FLD 2, 3, 4 and 5 are not applicable to the development.
- 8.49 Policy FLD 1 of PPS 15 does not include the consideration of climate change. The proposal is indicated by DFI Rivers to lie outside the current 1 in 200 year coastal floodplain. Consequently, there are no concerns in relation to flooding and Policy FLD 1 of PPS 15 is deemed to be satisfied.
- 8.50 DAERA Water Management Unit have advised that they are content with the pollution prevention precepts outlined in the document provided they are adhered to as a requirement.
- 8.51 The proposal seeks to utilise mains water supply and sewerage. NI Water have recommended approval.
- 8.52 The position, planning and marine policy and guidance raised by Marine and Fisheries Division is acknowledged. Weight is given to: the building is a listed building and the policy remit under PPS 6 seeks the securing the upkeep and survival of listed buildings; planning history on the site under which the change of use of the building was deemed to be acceptable. These matters are considered to outweigh the matters raised on climate change and future flooding in this instance.
- 8.53 Objection has raised flooding and public payment for repairs and non-compliance with paragraph 6.107 of the SPPS. DFI Rivers have advised that the proposal is currently outside the 1 in 200 year coastal floodplain. Flooding arising from Climate Change is not a consideration under the policy remit of paragraph 6.107 of the SPPS and PPS 15. Refusal of the application on flooding would result in use of the building being abandoned which conflicts with PPS 6. The public payment for repairs is not a planning matter.
- 8.54 It has been highlighted to the agent that DAERA M&FD have disputed their supporting statement submitted advising concerns that development may not be viable in this location in the long term due to climate change and sea level rise and that they may not grant approval for future measures to protect this proposal from the sea.

Natural Heritage

- 8.55 DAERA Natural Environment Division were consulted due to the location of the proposal on the coastline. DAERA NED advised that they have considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.
- 8.56 DAERA NED advise that a small part of the proposed new area of paving and proposed extension encroaches approximately 21sqm into Ramore Head Skerries ASSI. NED advise that they consider the works unlikely to result in significant damage to the earth science features due to the absence of critical exposures within the applicant site.
- 8.57 Skerries and Causeway SAC is outlined to be approximately 27 metres to the north of the north-eastern boundary of the application site. NED advised that they assessed the CEMP submitted and are content that providing the CEMP is implemented in full and all works comply with the CEMP that the proposed development is unlikely to have a significant impact on any designated sites or natural heritage interests.
- 8.58 It is highlighted that the CEMP referred is the Detailed CMS.
- 8.59 NED advise to consider the Marine and Fisheries Division comments regarding any future need for sea defence structures and marine mammal features. Consideration of the requirement for sea defences has previously been considered in this report.
- 8.60 Other natural heritage interests have been considered by NED having regard to details provided within the Construction Method Statement. The Construction Method Statement outlines no evidence of roosting bats were recorded on site. However, should evidence be discovered before or during the construction phase, all works should cease immediately and advice be sought from NIEA. NED advise they are content that the proposal is unlikely to be a significant impact on protected and/or priority species and habitats with reference to informatives.
- 8.61 Following submissions to clarify the extent of works to be carried out, Shared Environmental Services have advised that on the basis of the information provided the proposal as described is for retention of variations to the previous approval LA01/2018/1193/F. These variations were completed in accordance with the final CEMP which has submitted to discharge condition 5 of LA01/2018/1193/F. Any

remaining small-scale work will not have a significant effect on the features of Skerries and Causeway SAC.

- 8.62 The response from SES raises the discharge of condition 5 of LA01/2018/1193/F. This condition required the submission of a final Construction Method Statement. This condition was never sought to be formally discharged through an application. However, the Construction Method Statement was submitted initially with this application.
- 8.63 Having regard to the response from SES it is considered that the proposal would not be likely to have a significant effect on any European Site.
- 8.64 Objections have raised the encroachment on designated sites. DAERA were re-consulted and advised that their previous response remains the same which considered Ramore Head Skerries ASSI and Skerries and Causeway SAC.
- 8.65 No comment was provided by DAERA on the impact on Portrush Nature Reserve. However, it is noted that this is located a distance greater than both Ramore Head Skerries ASSI and Skerries and Causeway SAC for which there was no concerns raised.
- 8.66 There are no concerns in relation to the impact on natural heritage interests including designated site and priority habitats and species. The proposal is considered to be compliant with the requirements of PPS 2.

Integration, Rural Character and Coastal Development

- 8.67 The SPPS advises in paragraph 6.70 that all development in the countryside must integrate into its setting, respect rural character and be appropriately designed. Due to the location of the proposal it also falls to be considered under Policies CTY 1, 13 and 14 of PPS 21 which outline similar requirements.
- 8.68 Marine and Fisheries Division carried out a site visit on the proposal and outline that they consider the works to have adversely affected the Skerries and Dunluce Coast Regional Seascape Character Area due to the increased development size and the blocking of the view. In a further consultation response they reiterate that the proposed service space blocks alters the sea view.
- 8.69 Marine and Fisheries Division find the development to be contrary to Paragraph 6.48 of the SPPS which relates to development in sensitive

locations particularly the undeveloped coast where there is a requirement for the planning authority to mitigate any adverse impacts through appropriate conditions to minimise adverse visual impact through careful siting, design and landscaping while ensuring that building design is of high quality and appropriate to the coastal setting.

- 8.70 Objectors have also raised paragraphs 6.37 – 6.42 of the SPPS, finding the proposal to be contrary to these provisions.
- 8.71 The Skerries and Dunluce Coast Regional Seascape Character Area covers the area of coast from Portstewart to east of Portballintrae and includes a number of key characteristics which define it. Of those relevant to the site include the exposed dolerite sill of Ramore Head at Portrush which is a prominent landmark that juts out to sea. Extensive and panoramic views across wild, open sea backed by distant views towards, Jura and Islay and the hills of Inishowen and historic harbours and settlements at Portrush and Portballintrae are also highlighted.
- 8.72 The proposal has been revised since Marine and Fisheries Division's original response with further works required to be carried out to both the original building and the extension.
- 8.73 Works were previously approved to the original building under LA01/2018/1193. These included alterations to the building and the development of a side extension and rear decking area. These works are present under the current proposal albeit with alterations in terms of scale, design and materials and finishes and other minor works. These works now proposed and being regularised are not a significant departure from that previously approved.
- 8.74 It is highlighted that Paragraph 6.48 of the SPPS outlines that conditions should be used to minimise adverse visual impact. This indicates that visual impact can occur and that it can be adverse.
- 8.75 It is agreed that the storage area to the side of the building causes visual impact. However, the extent of this impact needs to be weighed up in context of the views available in this area of this element and the effect it has on views within the area. This impact should then be sought to be minimised.
- 8.76 There are works proposed to the storage area to include opaque painted fencing and reflective polished stainless steel clad panels to reduce the visual impact from this element of the proposal. The storage units/bin store are indicated to be clad in profiled metal cladding with a black finish. These design elements has been

considered by Historic Environment Division in relation to impact on the listed building itself and no objection has been raised. With these alterations this element of the proposal is considered to reduce the visual impact from the proposal itself. The proposal is not considered to be an eyesore having regard to this consideration.

- 8.77 It is acknowledged that the development of the storage area itself introduces further development which reduces the number of viewpoints along the coast. The coastline in this location is developed with development present including the former lifeboat building, a car park, paths and other street furniture. Views remain mostly unaffected by the proposal. The storage area adjoins the existing building. Views southeast towards the proposal shows this storage area in context of the existing building with limited impact on views. Views north towards the proposal indicates the storage area to be mostly screened out by the existing building. The main impact in terms of loss of views is standing directly in front of the building. This area of view loss is minor in context of the views of the coast. Refusal under Paragraph 6.48 is not sustained on the extent of the impact of the storage area of the proposal. The prominent headland at Ramore Head is retained, the extensive and panoramic views are principally retained and the storage area is required in terms of the use of the listed building which was previously approved and for which secures the former lifeboat shelters upkeep which was a coastline development.
- 8.78 In terms of the countryside location, there is no requirement for landscaping deemed to be required as this would appear incongruous in this location. It is considered that the size and design of the development is acceptable in context of the views available, its nature and extent. The proposal relates to alteration of an existing building. These works integrate given the location on the existing building. The further extension for the storage area is considered to integrate given the extent of views and these views in context of the existing building given its siting. The proposal overall helps maintain an existing listed building which is an important historical local building within the local context. Weight is given to this on considering integration and impact on character.
- 8.79 Paragraph 6.37 of the SPPS cited by objectors outlines that few types of development require a coastal location and the undeveloped coast will rarely be an appropriate location for new development and new development must normally be directed into coastal settlements and other parts of the developed coast.

- 8.80 Paragraph 6.38 of the SPPS outlines the requirement for proposals in a coastal location to be assessed in terms of need, its benefits for local or regional economy and potential impacts on the environment. Development is outlined to only be permitted on the undeveloped coast where the proposal is of such national or regional importance to outweigh any potential detrimental impact on the coastal environment and where there is no feasible alternative site within an existing urban area in the locality.
- 8.81 This proposal relates to development associated with an existing listed building located on the coast and associated with a former use associated with a coastal location. Consequently, the proposal cannot be directed elsewhere. The use has already been established through LA01/2018/1193/F as being an acceptable re-use for the building. As previously outlined, the coastline in this area is developed.
- 8.82 Paragraph 6.39 outlines that 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.
- 8.83 This proposal directly relates to a feature of built heritage on the coast being the listed former lifeboat shelter. The proposal has support under PPS 6 and by Historic Environment Division with amendments.
- 8.84 Paragraph 6.40 of the SPPS outlines a presumption in favour of development that promotes the enhancement and regeneration of urban waterfronts. The proposal is not located in this area.
- 8.85 Paragraph 6.41 of the SPPS outlines that development proposals on the coast must pay attention to retention of existing public accesses and coastal walkways. Development that would result in the closure of existing access points or the severing of routes will normally only be acceptable where a suitable alternative is provided.
- 8.86 The proposal relates to an existing building which does not affect existing public access and coastal walkways. The storage area extends onto a grass area to the side of the building and developed a section of the rocky coast associated with the ASSI. However, the paths adjoining remain unaffected.
- 8.87 Paragraph 6.41 continues to outline circumstances relating to extension of access to the coastline or associated facilities such as pathways or picnic areas which is not relevant to the proposal.

- 8.88 Paragraph 6.42 of the SPPS outlines that development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion or land stability.
- 8.89 The impact in terms of flooding has previously been considered in this report. There is potential for coastal erosion and land stability given the location. However, the proposal relates to re-use of an existing listed building with further development facilitating the use. Refusal of permission would result in the abandonment and loss of a listed building.

Local Landscape Policy Area

- 8.90 The site is also located within Local Landscape Policy Area Designation PHL 01– Ramore Head LLPA. The features or combination of features that contribute to the environmental quality, integrity or character of this area are:
1. This prominent dolerite headland is one of the outstanding natural features of the North Coast.
 2. It is an area of great geological and landscape interest as well as being in the Ramore Head and the Skerries ASSI.
 3. The area is almost entirely in public ownership, with most of the headland used for passive recreation with a network of paths. It includes an area of recreation grounds provided by the Borough Council and the NIEA Portrush Countryside Centre.

The Department will give favourable consideration to appropriate sited buildings for uses ancillary to the enjoyment of open space and existing recreational facilities.

- 8.91 Policy ENV 1 outlines that permission will not be granted for development proposals that would be liable to affect adversely these features or combination of features that contribute to the environmental quality, integrity or character of a designated LLPA.
- 8.92 The proposal comprises two elements. The existing building and the extension works of the building. The works to the existing listed building do not impact on any of the features of the LLPA designation as they are contained to the building itself.
- 8.93 The proposed extension works involve development to the western side of the building which have replaced an existing grassed area to the side of the building. Works on the eastern side involve the

development of a path extending from the side to the rear. The works at the rear terrace project out from the building over a former slipway.

- 8.94 NIEA Natural Environment Division advise that they consider the proposed works to be unlikely to result in significant damage to the earth science features due to the absence of critical exposures within the application site.
- 8.95 As the side extension replaces an area of existing grass, there are no concerns in relation to impact on the natural features of the dolerite headland or the geological or landscape interests of Ramore Head and Skerries ASSI.
- 8.96 The path to the eastern side is held by supports which connect to the base for which the shelter is constructed upon and not the rocks. Consequently, there is no impact on the geological or landscape features.
- 8.97 Impact on recreation from the proposal is considered to be limited through the loss of the grass area given the extent of land available for recreational purposes.
- 8.98 The slipway over which the terrace is constructed is associated with the shelter and for which there is limited public access except for through the building and the adjoining rocks.
- 8.99 A terrace was previously accepted in this location and having regard to the response from NED, any impact is not significant.
- 8.100 The proposal is not considered to have an adverse affect on the features of LLPA Designation PHL 01.

Access and Car Parking

- 8.101 The proposal is accessed off Lower Lansdowne Road with no vehicular access associated with the proposal.
- 8.102 DFI Roads were consulted on the proposal and advised that they have no objection to the proposal.
- 8.103 The application site has no in-curtilage car parking and is reliant on car parking off-site.
- 8.104 The proposal directly adjoins Lansdowne public car park with car parking available on the road directly in front of the site and along the road to the north and south of the site. Consequently, there are no concerns in relation to parking availability to serve the proposal and

the proposal is considered compliant with PPS 3.

Loss of Open Space

- 8.105 PPS 8 and paragraph 6.205 of the SPPS have been cited by objectors and the loss of open space from the proposal. Paragraph 6.205 of the SPPS relates to the loss of open space. This is also outlined in the policy remit of Policy OS 1 of PPS 8. The other policy tests under PPS 8 are not of relevance to this proposal.
- 8.106 The proposal is located outside the Portrush Settlement Development Limit. PPS 8 outlines the requirement for the identification of major areas of existing open space within development plans. However, these areas are not identified outside settlement development limits. Areas adjoining settlements as landscape wedges which provide a strategic function are highlighted under Annex A of PPS 8 which defines open space.
- 8.107 The proposal relates to an existing building with development to the side as an extension to the development. Considering the location of this side extension as open space results in the consideration of the proposal with respect to Policy OS 1 of PPS 8.
- 8.108 Policy OS 1 of PPS 8 and paragraph 6.205 outline that the development which would result in the loss of existing open space will not be permitted irrespective of its physical condition and appearance. There are two exceptions outlined. The proposal provides a substantial community benefit and secondly that no alternative provision for open space is being made and that the proposal does not relate to playing fields or sports pitches.
- 8.109 It is agreed with objectors that the proposal does not fully satisfy Policy OS 1 of PPS 8 and paragraph 6.205 of the SPPS.
- 8.110 However, there are other material considerations to be weighed up in this instance. Significantly, that the proposal relates to a listed building and that the extension to the side is facilitating the re-use of that listed building that retains it as part of the heritage of the area. The proposal involves the loss of 142sqm of open space which is a small area in context of the vast open space within context of the site. Exceptionally the re-use of a listed building and the community benefit of this reuse and upkeep is considered to outweigh the small area of open space lost and the requirements of Policy OS 1 and paragraph 6.205.

Other Matters

- 8.111 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.
- 8.112 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.
- 8.113 Inaccurate plans have been raised which has been agreed on by Marine and Fisheries Division. Comment was requested from the agent on the matters raised by Marine and Fisheries Division and amended plans have been received.
- 8.114 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.
- 8.115 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 planning permission and this application is remedial. Assessment of guidelines are outlined throughout this report.
- 8.116 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.
- 8.117 PPS 16 and paragraph 6.262 of the SPPS has been raised under objection with consideration of the site as a tourism asset. A tourism asset is defined under PPS 16 as any feature associated with the built or natural environment which is of intrinsic interest to tourists. Policy

TSM 8 outlines that proposals should not have an adverse impact on a tourism asset such as to significantly comprise its tourism value.

8.118 The proposal has also been highlighted to be non-compliant with Policies CO 1, CO 2 and CO 3 of a Planning Strategy for Rural Northern Ireland. These policies have been superseded by PPS 16 Tourism (insofar as it relates to tourism development or the protection of tourism assets from inappropriate development).

8.119 The impact of the proposal in terms of views and visual impact has been previously considered. It is considered that with the proposed works that the proposal would not significantly comprise the tourism value of this area.

8.120 Policy DES 2 of APSRNI has been cited by objectors. However, Policy DES 2 relates to townscape and the proposal is located outside the settlement development.

8.121 Objectors have raised the impact on views from a bin store and wooden seats which is outside the application site. DAERA Marine and Fisheries have commented on the bin enclosure assuming it is not a part of the application site.

9.0 CONCLUSION

9.1 The proposal seeks 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 proposal is considered to be acceptable having regard to the Northern Area Plan, SPPS, PPS 2, PPS 3, PPS 6 and PPS 15 and all other material considerations and is recommended for approval.

10 Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 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.

3. All works shall be carried out in accordance with Doc 02B Detailed Construction Method Statement dated February 2024.

Reason: To safeguard the natural environment.

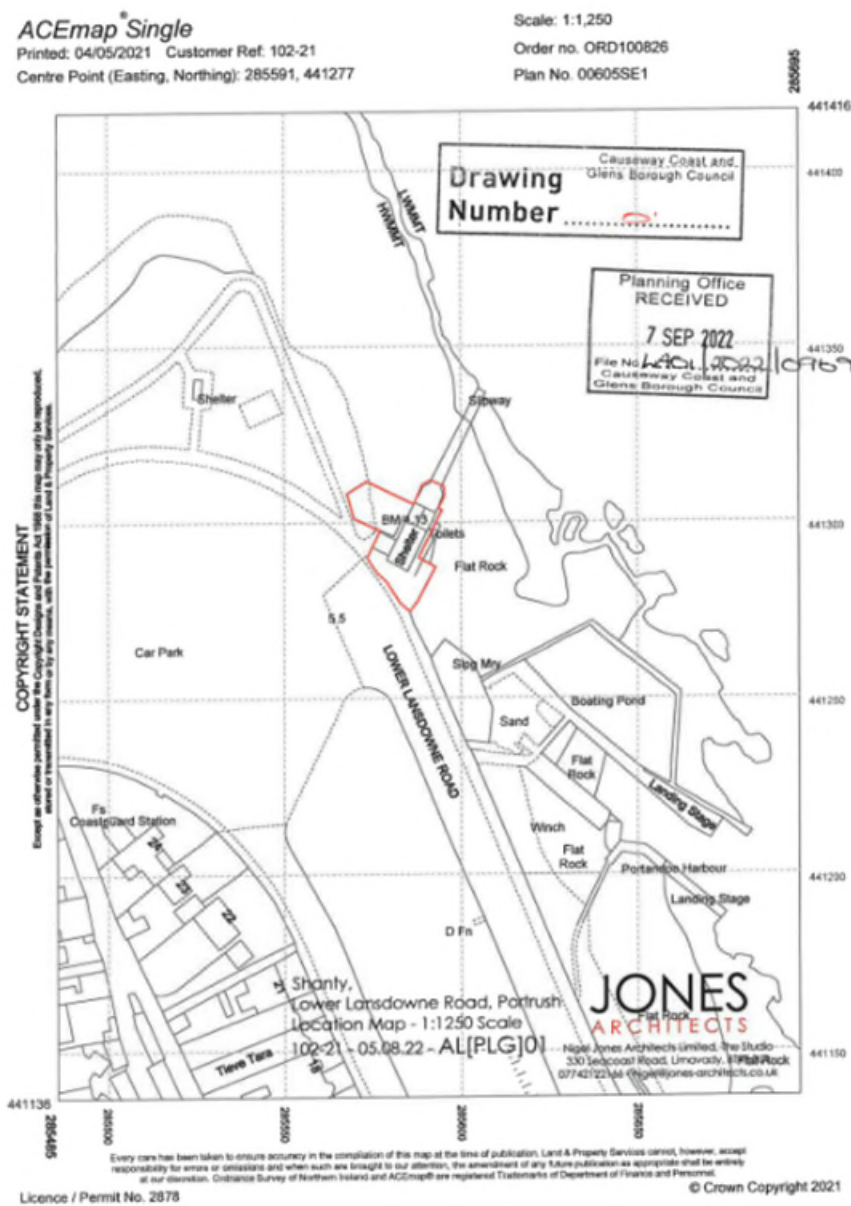
11 INFORMATIVES

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

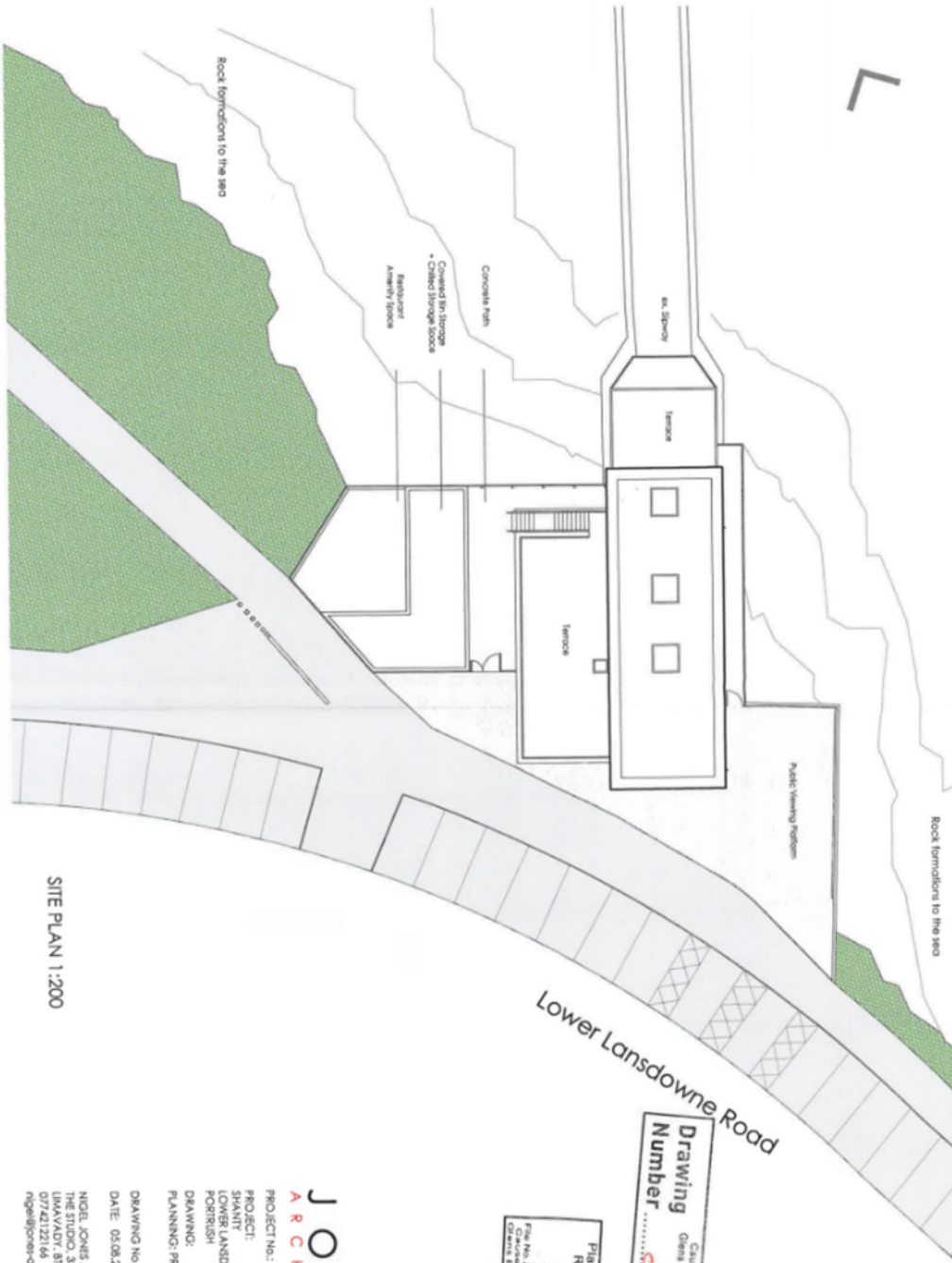
authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

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.planningssystemni.gov.uk/simple-search>

Site Location Plan:



Site Plan



SITE PLAN 1:200

Drawing Number
 Customer Care and
 Open Borough Council

Planning Office
 RECEIVED
 7 SEP 2022

File No: 1421/2022
 1421/2022
 OPEN BOROUGHS

JONES ARCHITECTS

PROJECT: SHANTY LOWER LANSDOWNE ROAD, PORTFOLIO

DATE: 05.08.22 SCALE: 1:200

DRAWING: PLANNING-PROPOSED SITE PLAN

DRAWING NO.: **AP16103**

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