

<b>Planning Committee Report – C/2013/0497/F No's 2, 4 and 6 Bath Road, Portrush</b>	<b>22<sup>nd</sup> November 2017</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Principal Planning Officer
<b>Cost: (If applicable)</b>	N/a

**Nos. 2, 4 and 6 Bath Road  
Portrush  
C/2013/0497/F  
Full Planning**

**22<sup>nd</sup> November 2017**

<b><u>App No:</u></b>	C/2013/0497/F	<b><u>Ward:</u></b>	Royal Portrush
<b><u>App Type:</u></b>	Full Planning		
<b><u>Address:</u></b>	Nos. 2, 4 and 6 Bath Road Portrush Co. Antrim		
<b><u>Proposal:</u></b>	Design Amendments from Previous Application C/2006/0682/F for Residential Development comprising of 24 Apartments and Associated Basement Parking.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	22nd March 2013
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	G M Design Associates Ltd, 22 Lodge Road, Coleraine, BT52 1NB		
<b>Agent:</b>	PRH Construction c/o the Agent.		
<b>Objections:</b>	123	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site has been cleared of development and is grassed. The site is rectangular in plan and slopes from south to north with a drop in levels across the site. The road side boundary is undefined while the north east and south east boundaries are defined by a rock outcrop which rises above the existing site level. To the south of the site, the road level of Bath Terrace sits higher than Bath Road. The north west boundary is undefined and is directly adjacent to the Coastal Zone building.

- 2.2 The site is located within Portrush, in proximity to the town centre. The buildings to the south and west of the site are predominantly residential, with the adjacent land to the north occupied by a single storey building which serves as an office space and educational facility. The site commands a prominent position within the townscape with several critical viewpoints along main arterial routes and pedestrian pathways. The surrounding built form is largely three and four storey residential, with a 5 storey apartment development on the corner of Bath Road.
- 2.3 The site is located within the settlement limit as defined in the Northern Area Plan 2016. Part of the site lies within the Ramore Head LLPA. The site is adjacent to the Ramore and Skerries ASSI. The north east corner of the site abuts the Portrush National Nature Reserve. The site is in proximity to the Causeway and Skerries SAC.

### **3 RELEVANT HISTORY**

C/2006/0682/F - Demolition of existing buildings to create site for residential development comprising 27 apartments at No 2, 4, 6 Bath Road, Portrush. Approved 16.12.2008

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for Design Amendments from Previous Application C/2006/0682/F for Residential Development comprising of 24 Apartments and Associated Basement Parking.
- 4.2 The application was presented to Coleraine Borough Council's Planning Committee on 16<sup>th</sup> December 2014 with a recommendation to refuse, and it was agreed to defer the application for an office meeting. This office meeting took place on Friday 16<sup>th</sup> January 2014.
- 4.3 Through the processing of the application the proposal has been revised several times and neighbours notified as necessary. These revisions have included a reduction in the overall height of the building, and a change to the external materials and fenestration of the proposed building. The number of 24

apartments has remained consistent since the original submission.

## **HABITAT REGULATIONS ASSESSMENT**

- 4.4 The site is in proximity to the Causeway and Skerries SAC. This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Causeway Coast and Glens Borough Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.
- 4.5 Having considered the nature, scale, timing, duration and location of the project it is concluded that it is unlikely to have a significant effect on the selection features, conservation objectives or status of Skerries and Causeway SAC provided the mitigation outlined in the Methodology document dated 10th September 2015 is adhered to.
- 4.6 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

## **5.0 PUBLICITY & CONSULTATIONS**

### **External**

- 5.1 There have been 123 (one hundred and twenty three) letters of objection.
- 5.2 The matters of concern raised by the objectors are summarised as follows:
- Contrary to Planning Policy
  - Should be an Article 31 application

- Requires an Environmental Impact Assessment
- Public Right of Way across the site
- No neighbour notification
- Scale/massing/bulk/height/prominence
- Inappropriate development
- Possibility of Bath Road and Bath Terraced being linked
- Impact on Amenity
- Impact on coastal / sea views
- Impact on Character
- Currently high vacancy rate/empty apartment developments
- Impact on light/views
- Contrary to Portrush Regeneration Strategy
- Overlooking / Overshadowing (inc. Blue Pool/Countryside Centre)
- Construction/technical difficulties
- Economy/financial
- Parking provision & parking standards inadequate / traffic
- Impact on designated sites/foreshore
- Overnight campers/parking
- Impact on tourism
- Loss of privacy
- Impact on surrounding properties
- Impact on Coastal Zone
- Impact on geology
- Second Home occupation
- Portrush Regeneration Strategy/Landsdowne Masterplan
- Precedent

- Impact on Tourism
- Impact on sewerage system

#### 5.4 Internal

**Consultation has been carried out with the following departments:**

**DfI Roads:** Has no objection to the proposal subject to conditions.

**Environmental Health:** Has no objection to the proposal.

**Rivers Agency:** Has accepted the methodology used to produce the Flood Risk Assessment and has no objection to the proposal.

**Geological Survey of Northern Ireland:** Has no comment to make on the proposal.

**NIHE:** Has recommended a need for social housing and that the developer discuss the layout, design, finance and timing of social housing units in consultation with a Housing Association.

**Northern Ireland Water:** Has no objection to this proposal.

**Shared Environmental Services:** Has no objection to the proposal.

**Historic Environment Division (formerly NIEA HMU & HBU):** Has no objection to this proposal.

**NIEA Marine Environment Division:** Has no objection to this proposal.

**NIEA Natural Environment Division:** Has no objection to this proposal.

### **MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making

any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Regional Development Strategy (RDS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3 (PPS3): Access Movement and Parking

Planning Policy Statement 6 (PPS 6): Planning Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas



Revised Planning Policy Statement 15 (PPS 15): Planning and Flood Risk

Supplementary Planning Guidance

Parking Standards

Northern Ireland Regional Landscape Character Assessment

Northern Ireland Landscape Character Assessment

DCAN 8: Housing in Existing Urban Areas

DCAN 15: Vehicular Access Standards

Creating Places

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to principle of development and planning history; design; amenity provisions; impact on amenity and adjacent properties; traffic/road issues; right of way; social housing; flooding and land drainage; impact on designated sites; Northern Ireland character assessments and other matters.

### **Planning Policy**

8.2 The RDS has an emphasis on managing housing growth in a sustainable manner to ensure that there continues to be a focus on developing more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.

8.3 The Northern Area Plan identifies Portrush as a popular visitor destination although, day-trippers, caravanners and the occupiers of second homes now dominate the local tourist market. While the policy text within Portrush talks about tourism

and sets out housing zonings, there is no operational policy on housing within the Northern Area Plan.

8.4 The site is located within the settlement limit of Portrush as designated in the Northern Area Plan. Part of the northern part of the site lies within a Local Landscape Policy Area (LLPA). The site is adjacent to an Area of Special Scientific Interest (ASSI), a Nature Reserve, Special Area of Conservation (SAC), and an Area of Archaeological Potential. The site is not zoned for any specific use.

8.5 Paragraph 6.137 of the Strategic Planning Policy Statement (SPPS) states that planning authorities must increase housing density without town cramming. It goes on to say that higher density housing developments should be promoted in town centres and in other locations that benefit from high accessibility to public transport facilities. Within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. It also seeks to deliver good design and balanced communities.

8.6 Annex E of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, provides a definition of an “Established Residential Area” which states: *“For the purposes of this Addendum and in order to clarify the existing application of the term, established residential areas are normally taken to mean residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens”*. This Annex also states that Policy LC1 does not apply to designated town centres within large towns (including previously developed land / brownfield land). This site is on the edge of the designated town centre, is a brownfield site (as defined in Annex C), and having regard to the definition of the term provided, this is not an “Established Residential Area” for the purposes of applying the Addendum to PPS 7.

8.7 The principle of development proposed must be considered having regard to the Northern Area Plan (NAP), the SPPS and relevant Planning Policy Statements specified above.

## **Principle of Development and Planning History**

- 8.8 Formerly the site contained 3 buildings, including a 3 and a half storey building which was a B&B known as Leander House. The adjoining two buildings were single storey, with the building nearest to Leander House providing some additional height to the rear. These properties have now been demolished and the land is now an area of grass. More recently there has been the erection of fencing around the perimeter of the site.
- 8.9 As the site is located within the settlement limits of Portrush, and located close to the town centre, the principle of development on this site is acceptable. In December 2008, the planning authority at that time (Planning Service), approved a residential development comprising 27 apartments on this site under C/2006/0682/F. Although the SPPS, Northern Area Plan have been adopted in the intervening period, there has been no significant change in operational planning policy in regards to residential development. Where policies have been updated or revised, such as PPS 15 or the Addendum to PPS 7, this proposal has been assessed against current policy provision.
- 8.10 Having regard to the previous approval and that there has been no significant change to operational policy, the principle of developing this site is acceptable. Furthermore, as this proposal is not significantly different to what was previously approved, and when considering any changes to the context of operational policy, significant weight is given to the planning history.

## **Design**

- 8.11 The site is located outside any designation or zoning and is on a juncture where Bath Road sits below Bath Terrace. Bath Road gradually rises to a dead end. There is pedestrian access by steps providing access between these two roads. The site is in proximity to Portrush town centre.
- 8.12 The proposal consists of 7 storeys from Bath Road. The bottom storey (lower ground floor) will be mostly subterranean and not immediately obvious to any passer-by. The level of Bath Road rises from approximately 5.590 almost parallel to the most northerly elevation, to a maximum height of approximately 8.200 parallel to the southern elevation; a change in level of 2.610.

The level of the bottom storey will be 4.750; over 3 metres below the highest point of Bath Road. This bottom storey consists of an access road, accessed from Bath Road, which drops into the subterranean parking area. The area also includes stores, bins and other general facilities.

8.13 On the ground floor, which is at a level of 7.600, there is further parking with direct access off Bath Road. This external area also includes an area for bin storage. The Ground Floor level proposes 3 apartments which are accessed through the main access door from Bath Road. There is a further entrance access from the car parking, and internal access from the lower ground floor.

8.14 The level of the first floor is 10.525, second floor is 13.450 and third floor is 16.375. Each of these levels has 5 apartments. The fourth floor has a level of 19.300 and has 4 apartments while the fifth floor (top storey) is at a level of 22.225 and has 2 apartments. The overall height of this building sits lower than the development on the corner of Bath Terrace. It is considered that there is sufficient separation distance to other properties, including the Coastal Zone, and therefore the proposal is considered acceptable.

8.15 There are several materials used within the building to help break down the overall massing of the building. These include fibre cement cladding panels (stone tones), coursed random rubble stone walling (basalt), and a white render. This is also broken down and articulated further with the use of glass and balconies.

8.16 The previous approval is of a similar size, scale and form to this proposal. However, the approved materials were much heavier and more prominent, as these included a blue/grey coloured cladding and render on the lower and ground floor, next to Bath Road. The proposed materials are more subtle and less dominant which reduce the overall impact. The proposal has also reduced elements on the top 2 floors which helps remove some of the bulk and massing at this level.

8.17 In May 2014, the then Planning Authority (DOE) consulted internally with its Design Unit which was based in Planning Headquarters. These comments related to a previous revision

of the scheme and are not on the scheme currently under consideration. Notwithstanding that point, the latest revision has resulted in fenestration and material changes without fundamentally changing the overall proposal and therefore these comments still hold merit. While Design Unit acknowledged that there has been a previous approval on site, it was still concerned with the design and in particular being visually disruptive and over-dominant. However, as the latest proposal is considered to be a less dominant design than the previous approval due to the choice of materials, colours and articulation, greater weight is given to this than the comments of the former Design Unit.

8.18 Having regard to the planning history on the site and planning policy, it is considered, on balance, that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance and is consistent with criteria (a) and (g) of Policy QD 1 in PPS 7.

### **Amenity Provision**

8.19 Each apartment has access to a balcony or terrace providing each unit with an area of external amenity space. There are also external storage lockers provided in the lower ground floor. Furthermore, the site is located in proximity to the rocks and coastline, with promenade access to East Strand. The site is also located on the opposite of the road from a large public area of open space. On balance, it is considered that this proposal is consistent with policy QD 1 of PPS 7 and provides adequate amenity.

8.20 There are areas of storage for bins on the lower and ground level which provide sufficient bin storage. This is located away from any sensitive receptors and is considered acceptable. Environmental Health has been consulted as the competent authority and raises no objection in this regard. In providing adequate amenity, the proposal is acceptable in terms of Policy QD1 criterion (c).

### **Impact on amenity and adjacent properties**

8.21 Paragraph 3.8 of the SPPS sets out the guiding principle for planning authorities in determining planning applications. It

states that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Criterion (h) of QD 1 requires *the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.*

8.22 There was an existing 3 and a half storey property located closest to the Coastal Zone centre. Having regard to this and the increase in height associated with the proposal development, it is considered that this is unlikely to have an unacceptable impact on this building, when considering its layout and orientation to the north, and its use as a public building.

8.23 The other surrounding properties at Antrim Gardens and Bath Terrace sit at a higher level, relative to Bath Road. Public roads separate the site from these properties. Having regard to this arrangement, it is considered unlikely that the proposal will have an unacceptable adverse effect on these properties as the proposed building is no higher than these properties.

8.24 The proximity of the site to the rocks, including the Blue Pool area, is considered acceptable in regards to having any detrimental impact in terms of overlooking, loss of light, overshadowing or noise, given that this area is already in the public domain and other apartment developments in the immediate area.

8.25 In considering criterion (h) of QD 1, this proposal is consistent with this and is therefore acceptable.

8.26 Criterion (d) of QD 1 requires the delivery of neighbourhood facilities. However, having regard to the scale, nature and location of the proposal, it is considered that it is not necessary to deliver neighbourhood facilities.

8.27 Criterion (i) seeks to ensure that all proposals are designed to deter crime and promote personal safety. Having regard to paragraphs 4.39 and 4.40 of PPS 7, and that the entrance to all

apartments accesses onto the public road, or from the designated parking areas, the proposal is acceptable.

### **Traffic/road issues**

8.28 The scheme proposes 2 access points to parking; both from Bath Road. The first access point when travelling south along Bath Road accesses a subterranean car park of 16no. car parking spaces. The second access point access an area of parking at street level which has 9no. car parking spaces with 6no. on street parking spaces identified. The proposal illustrates visibility splays of 2.4metres x 33 metres which are achievable.

8.29 DfI Roads (formerly Transport NI) has been consulted as the competent authority on road and traffic matters and it raises no objection in this regard.

8.30 Given the location of the proposal near the town centre, the proposal supports walking and cycling with public transport links within reasonable walking distance. Therefore this proposal is consistent with criteria (e) and (f) of Policy QD 1.

### **Right of Way**

8.31 There has been much objection to a possible public right of way along the route of an alleyway, beside the former Leander House and neighbouring property, through to the Blue Pool. At present this is not an asserted right of way and is given limited weight in the context of this planning application. However, there is currently a request with Council seeking that a right of way is asserted across the land. At this time no decision has been made by Council in this regard.

8.32 That said, planning permission does not confer title. It is the responsibility of the developer to ensure that they control all the lands necessary to carry out the proposed development. Should planning permission be granted this does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.



## **Social Housing**

- 8.33 Under Allocation HOU 3 *Social Housing Allocation* of the Northern Area Plan, this land has been identified as a site where planning permission has lapsed and social housing will be required. The Northern Ireland Housing Executive has been consulted in this regard and is seeking the 5 social housing units. Allocation HOU 3 must be considered in accordance with Policy HOU 2 *Social and Supported Housing*.
- 8.34 When the previous application was approved, the proposal sought 27 units, which exceeded the threshold of 25 residential units as fixed under Policy HOU 2, triggering the requirement to consider social housing. However, this application is for 24 units which doesn't trigger the 25 residential unit threshold.
- 8.35 For schemes involving more than 25 residential units, or on a site exceeding one hectare, the policy requires developers to make provision of such housing where there is an established need for social or specialist housing, as established by the Housing Needs Assessment. While there may be an established need identified by NIHE, this scheme falls below the more than 25 residential unit threshold, and therefore there is no requirement to deliver such provision. To insist on the requirement of delivering 5 units on this site for a housing association would not be consistent with policy.

## **Flooding and land drainage**

- 8.36 A Flood Risk Assessment was received on 11<sup>th</sup> October 2015. The site lies outside the indicative 1:100 fluvial floodplain and is on the periphery of the 1:200 coastal floodplain. There has been no record of any flooding on the site, and the lowest ground level is higher than the 1:200 flood level. Rivers Agency has been consulted as the competent authority on flooding and land drainage matters and raises no objection on these grounds. The proposal is therefore consistent with Policies FLD1 and FLD3 of PPS 15.

## **Designated Sites**

- 8.37 PPS 2 Natural Heritage explains how planning authorities must be aware of their role in enhancing and conserving our natural



heritage, recognising it as an asset to society and in promoting sustainable development and wellbeing. This is explored further through policies NH 1 and NH 3. Criterion (b) of QD 1 requires *environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout.*

### **Special Area of Conservation (SAC)**

- 8.38 The development is directly adjacent to the Causeway and Skerries SAC boundary of which one of the site selection features are Harbour Porpoise. Marine mammals can be affected by noise and vibrations. There may be potential impact from noise generated during the excavation and construction of the underground car parking area. However, a detailed methodology of the excavation of the underground car parking and the construction phase for the whole development has been submitted.
- 8.39 NIEA: Natural Environment Division and Shared Environmental Services have been consulted as the competent authorities on SACs and raise no objection in this regard.

### **Ramore Head and Skerries ASSI**

- 8.40 The site is adjacent to Ramore Head and Skerries ASSI There is commentary within LCA 54 regarding Ramore Head and Skerries ASSI recognising that the site is an intrusion of Tertiary dolerite has pushed into shales of Jurassic (Lower Lias) age, producing a fine grained, dark rock known as hornfels, which contains abundant fossils. This is the site of an historic geological argument about the origin of basaltic rocks.
- 8.41 The adjacent ASSI has no designated marine features. The nearest marine ASSI features are 8km away at Giant's Causeway & Dunseverick ASSI. No marine ASSI features are likely to be impacted by this development.
- 8.42 NIEA has been consulted as the competent authority on ASSIs and it raises no objection in this regard.

## National Nature Reserve

- 8.43 The north east corner of the site abuts the Portursh Nature Reserve. The rock exposed on the seashore at Portush looks like basalt but it contains fossils. While thought to be sedimentary rock, later it was shown that Portrush rock was not basalt at all but was instead a sedimentary shale which had been baked hard by molten lava. In order to safeguard this nature reserve, visitors are asked not to remove specimens.
- 8.44 NIEA has been consulted as the competent authority on this matter and raises no objection.

## Ramore Head LLPA

- 8.45 The northern section of this site (@20%) lies within the Ramore Head LLPA (PHL 01) designation. The features that contribute to the environmental quality, integrity or character of this designation 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 Coastal Zone.
- 8.46 Policy ENV 1 of NAP ensures that *planning permission will not be granted for development proposals that would be liable to affect adversely those features that contribute to the environmental quality, integrity or character of a designated LLPA*. Most of this site lies outside the LLPA and it is an area, between the former Leander House B&B and the Coastal Zone, that lies within this designation. Having regard to the sites overall position in relation to the features that contribute to this designation, including the most prominent, less developed part of Ramore Head, the ASSI, which is considered in Paragraphs 8.40-8.42, the area of land in public ownership, and the planning history of the site, it is considered that this proposal will not be liable to affect adversely those features.

- 8.47 ENV 1 goes on to state that where proposals are in or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA. Having regard to this coastal LLPA and the features identified for its designation, which includes the dolerite headland and the ASSI, it is considered that a landscape buffer is not required.
- 8.48 PHL 01 states that favourable consideration will be given to appropriately sited buildings for uses ancillary to the enjoyment of open space and existing recreational facilities. While this application is not within these typologies of development, the designation only covers a part of the site and it is considered, on balance, having regard to the planning history that this proposal is acceptable. Furthermore, given the small area of the LLPA which this part of the site lies within, it is considered unlikely that this proposal will undermine the LLPA and its recognition in NAP.

### **Archaeology**

- 8.49 This application site is located on the edge of the Area of Archaeological Potential within the settlement of Portrush. Portrush has been developing as an urban centre since at least the medieval period.
- 8.50 The Historic Environment Division (formerly NIEA: HMU) has been consulted as the competent authority on archaeological matters and raises no objection to the proposal. It recommends that a condition be imposed on the agreement and implementation of a developer-funded programme of archaeological works, to identify and record any archaeological remains in advance of new construction, or to provide for their preservation *in situ*, as per Policy BH 4 of PPS 6. The proposal is consistent with Policy BH 4.
- 8.51 While the HED response makes reference to “including controlled demolition”, the buildings were removed, and the area grassed, as part of the then DOE initiative to aesthetically improve the image of Portrush prior to its hosting of the 2012 Irish Open.

## **Portrush Areas of Townscape Character**

- 8.52 The proposed site lies outside any Area of Townscape Character. As all policies within the Addendum to PPS 6 “Areas of Townscape Character” relate to development within Areas of Townscape Character, there is no need to consider these policy tests further.
- 8.53 The proposal is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of any of the above sites. Having regard to the designated sites, it is considered that the proposal is unlikely to have any significant impact upon these and require the withholding of planning permission as the proposal is consistent with Policies NH 1 or NH 3 of PPS 2 Natural Heritage, having consulted with the relevant authorities. The proposal also complies with criterion (b) of PPS 7.

## **Northern Ireland Character Assessments**

- 8.54 The site is located within Northern Ireland Regional Landscape Character Assessment area 16 – North Coast and Bush Valley. In the Northern Ireland Landscape Character Assessment 2000, the site is located within LCA 54 Coleraine Farmland.
- 8.56 Having regard to the commentary in Northern Ireland Regional Landscape Character Assessment Area 16 and Landscape Character Assessment 54, and the previous built form on the site, it is considered that the proposal is unlikely to have any unacceptable adverse impact these areas.

## **Other matters**

- 8.57 Notwithstanding that many of the matters raised by objectors have been considered under the subject headings within this report, further consideration is given below to address any outstanding objections:
- Should be an Article 31 application – Section 26 of The Planning Act (2011) sets out the Department's jurisdiction in relation to developments of regional significance (formerly Article 31). This is further prescribed within The

Planning (Development Management) Regulations (Northern Ireland) 2015 and a proposal for 24 houses is in the category of local development as set out in Regulation 2. Therefore the proposal is not a development of regional significance.

- Requires an Environmental Impact Assessment – As this proposal is not located within a sensitive area and does not meet of the applicable thresholds and criteria set out in Schedule 2 of the The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, an EIA is not necessary.
- No neighbour notification – Neighbour notification is not sent out as prescribed on the applicants planning form. Rather planning officials consider this and all necessary neighbours have been notified in accordance with Article 8 of the The Planning (General Development Procedure) Order (Northern Ireland) 2015.
- Possibility of Bath Road and Bath Terrace being linked – the potential to link Bath Road and Bath Terrace is outside the scope of this planning application.
- Currently high vacancy rate/empty apartment developments – The current vacancy rate or empty apartments is not a planning matter that is given significant weight.
- Contrary to Portrush Regeneration Strategy / Landsdowne Masterplan – the site is not identified in the Coleraine Borough Council Portrush Regeneration Masterplan. However it does fall within the study area for the Landsdowne Masterplan. While this site is within the study area, the study area looks much wider, including the Ramore headland. This is not a statutory planning document and therefore is afforded limited weight in the context of this application.
- Construction/technical difficulties – the applicant has submitted a Methodology of the Construction Phase which was received 14<sup>th</sup> September 2015. NIEA has been consulted as the competent authority in regards to potential impact on any designated sites and raises no objection in this regard.

- Economy/financial times – The current economy or financial matters are not a planning matter that is given significant weight. Any financial decision in regards to a development is a matter for any developer.
- Overnight campers/parking – There is no planning reason to protect this site or area for overnight campers/parking.
- Impact on tourism – there has been no evidence submitted to demonstrate that this proposal will have an unacceptable impact on tourism.
- Impact on geology – The Geology Survey for Northern Ireland and NIEA have been consulted on this application. Neither authority raises any objection in this regard.
- Second Home occupation - The Northern Area Plan recognises that growth of second homes has been contentious along the North Coast including Portrush and there is a particular concern at the physical and social impact of apartment developments. While planning cannot restrict any potential purchaser or future occupant, the Plan does seek to ensure that the needs of the local community are met by zoning specific sites for social housing. Although this site has been identified, the proposal does not trigger the social housing policy as explained under Paragraphs 8.33 – 8.35.
- Precedent - When assessing the issue of precedent, there is a need to consider the context and character of the specific immediate area. Furthermore, all applications must be considered on their own merits having regard to the particular circumstances. It is legitimate for decision makers to give weight to the possibility of creating an undesirable precedent when considering whether to grant permission. However, this will generally be on proposals which are contrary to planning policy, as there is a statutory duty to determine each application in accordance with the development plan unless material considerations indicate otherwise. As this proposal is considered to accord with the development plan and other considerations, granting planning permission would not create a precedent in this instance.

- Impact on sewerage system – Northern Ireland Water has been consulted as the competent authority on this matter and it raises no objection to the proposal. Its response states that there is a foul sewer within 20m of the proposal and consultation with NIW is required to determine how the proposal can be served. In addition, NIW has stated that there is available capacity at the receiving Waste Water Treatment Works / Sewer Network.

## **9.0 CONCLUSION**

- 9.1 The proposed development is considered acceptable in this location having regard to the Northern Area Plan and other material considerations, including the planning history and the SPPS. The proposal has been considered against the policy tests set out in Policy QD1 of PPS 7, PPS 2, and PPS 15, and it is considered to meet these. The proposal complies with planning policy and is acceptable in terms of its layout and appearance. In accordance with paragraph 3.8 of the SPPS, no significant harm would be caused to neighbouring amenity and there would be no demonstrable harm. In reaching this assessment, weight has been attached to the planning history. Approval is recommended.



## 10 CONDITIONS

### 10.1 Regulatory Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. No development shall commence until the vehicular access, including visibility splays and any forward sight distance, is provided in accordance with Drawing No's 03C, 04C and DfI Roads FCD 1 form bearing the date stamp 10<sup>th</sup> February 2016. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The development hereby permitted shall not be occupied until the car parking layout has been provided and permanently retained in accordance with Drawing No's 03C and 04C bearing date stamp 10<sup>th</sup> February 2016

Reason: To ensure that adequate provision has been made for car parking within the site curtilage.

4. The gradient of the accesses to the proposed car parking hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by The Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:



- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

6. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 5.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

7. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 6. These measures shall be implemented and an archaeological report shall be submitted to The Council within 6 months of the completion of archaeological site works, or as otherwise agreed in writing with The Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

8. Site preparation, enabling and construction works, including associated deliveries, shall be undertaken in accordance with Sections 5 and 6 of the Methodology of the Development Construction Phase to Prevent and mitigate Pollution Risk and Impact on the designated Area (Document 01) date stamped 14 September 2015.

Reason: To prevent any injury or disturbance to sensitive

receptors such as European protected species Harbour porpoise or nationally protected species such as seals.

### **Informatives**

1. 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.
2. 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.

#### Marine Licensing

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

Mean High Water Spring Tide (MHWST) mark are subject to licensing under the Marine and Coastal Access Act 2009. If any elements of the construction in this proposal, for example the construction of jetties, slipways or outfall pipes, may cross the intertidal area below the MHWST mark, contact must be made with the Marine Licensing Team, DoE Marine Environment Division, 2nd Floor, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA, Tel: 028 9056 9247 to apply for a Marine Construction Licence.

The applicant should be aware that it is an offence under the Marine and Coastal Access Act 2009 to carry out a licensable marine activity except in accordance with a marine licence granted by the DoE Marine Environment Division. Conviction of such an offence may incur a fine of up to £50,000 and/or two years imprisonment.

#### Natural Environment Division

4. The applicant should refer and adhere to the precepts contained in DOE Standing advice Note 4. Pollution Prevention Guidance, 5. Sustainable Drainage Systems, 11. Discharges to the Water Environment Standing advice notes are available at:  
[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice.htm](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm)

## Rivers Agency

5. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

## DfI Roads

6. Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is County Hall, Castlerock Road, Coleraine, BT51 3HS. A monetary deposit will be required to cover works on the public road.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the

construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site

Historic Environment Division

7. The archaeological report required to discharge condition 5 should, prior to submission to The Council, be classified as a Final report by Historic Environment Division, Department for Communities, as per the requirements of the archaeological excavation licence issued under Article 41 of the Historic Monuments and Archaeological Objects (NI) Order 1995.

Application for the excavation licence, required under the Historic Monuments and Archaeological Objects(NI) Order 1995, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to Department for Communities – Historic Environment Division, Causeway Exchange, 1-7 Bedford Street, Belfast BT2 7EG

Northern Ireland Water

8. Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served.

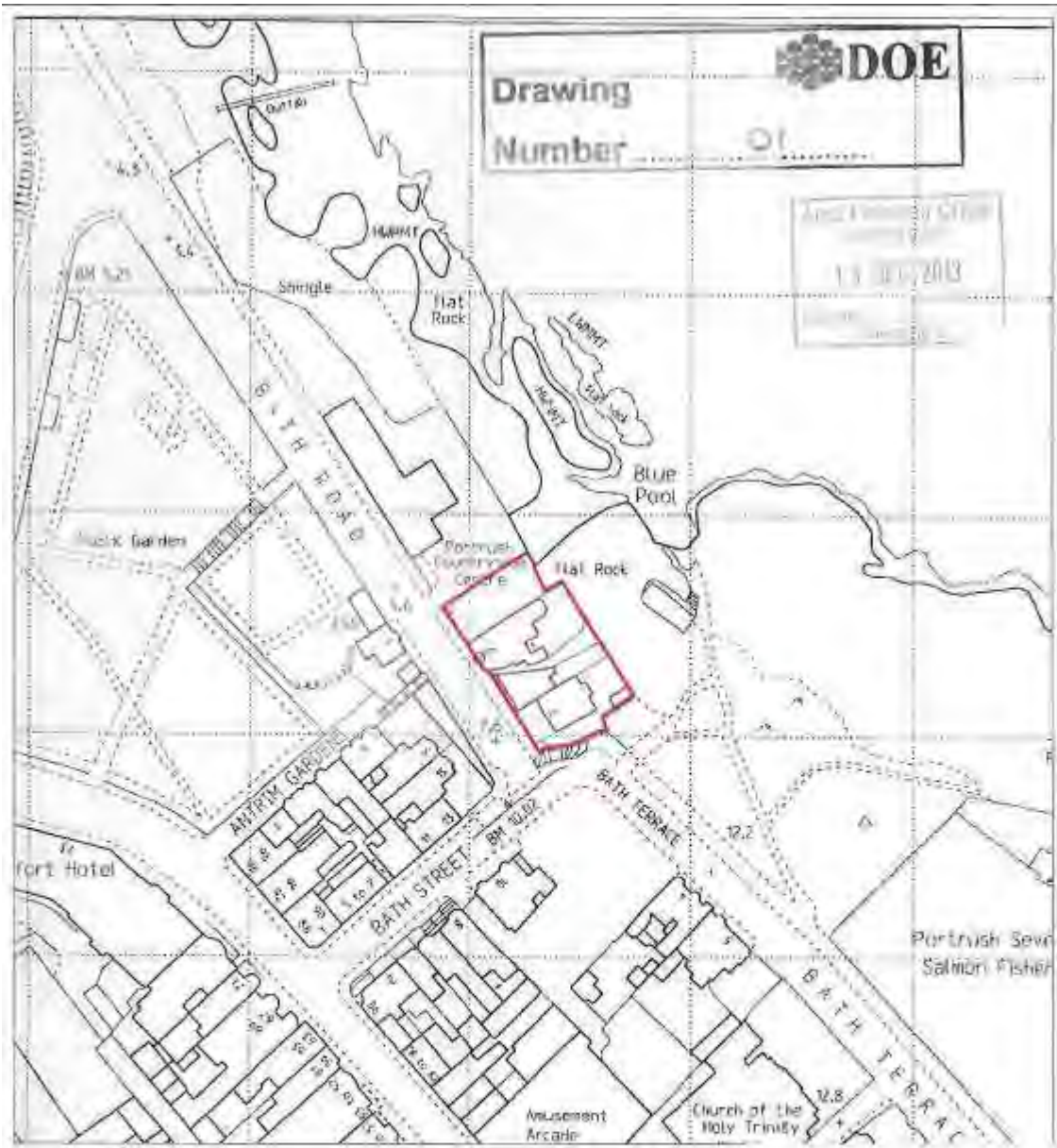
Surface water sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served. Application to NIW is required to obtain approval to connect.

The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or

waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to determine how your proposal may be served. The proposer to consult with NIW due to an existing sewer crossing the proposed site.

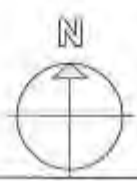


**DOE**  
 Drawing Number 01

13 07 2013

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 OSNI SHEET 6

Revision	Amendment	Date
<b>PROPOSED REDEVELOPMENT BATH ROAD, PORTRUSH</b>		
<b>LOCATION PLAN</b>		
JOB No.	2003-084	DRG No.
TEAM	DEC-13	DATE
<b>GM DESIGN ASSOCIATES</b>		
<small>21 LINDA ROAD, OMBAYNE, F10 2HJ, NI    TEL: 028 25 2527 FAX: 028 25 2528</small>		



**location plan**

