

Title of Report:	Planning Committee Report - LA01/2024/0199/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	28th August 2024
For Decision or For Information	For Decision

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	Senior Planning Officer

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

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>App No:</u> LA01/2024/0199/F	<u>Ward:</u> Portrush and Dunluce
<u>App Type:</u> Full Planning	
<u>Address:</u> Site 120m North East of amenity block, West Bay Car Park, Portrush	
<u>Proposal:</u> Site for concessionary trading vehicle / trailer / static unit - for sale of ice cream, confectionary and cold drinks.	
<u>Con Area:</u> N/A	<u>Valid Date:</u> 21/02/2024
<u>Listed Building Grade:</u> N/A	<u>Target Date:</u> 05/06/2024
Agent: Fleming Mounstephen Planning	
Applicant: Causeway Coast and Glens Borough Council	
Objections: 0	Petitions of Objection: 0
Support: 0	Petitions of Support: 0

Executive Summary

- Full planning permission is sought for a site for a concessionary trading vehicle / trailer / static unit for the sale of ice cream, confectionary and cold drinks.
- The site is located within the Settlement Development Limit of Portrush and is zoned as a Major Area of Existing Open Space as well as being included in a Local Landscape Policy Area - PHL 02, West Bay Local Landscape Policy Area (LLPA). The site sits adjacent to the West Strand ASSI.
- Planning contacted the Agent to outline that the current proposal specifically the static unit was unacceptable and contrary to Planning Policy. However, the agent confirmed that no amendments were to be made to the proposal in light of the Planning Department's comments.
- The proposed development fails to comply with the Plan policy supporting PHL 02, Policy ENV 1 and TSM1 of PPS16 as it is deemed to adversely affect those features or combination of features, that contribute to the environmental quality, integrity or character of the designated LLPA.
- The proposal is not considered to bring substantial benefit that decisively outweighs the loss of open space and therefore this application does not comply with Policy OS 1 of PPS 8.
- The principle of development is deemed unacceptable and contrary to Policy DES 2 – Townscape and policy TSM7 of PPS16, as it is not sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.
- No letters of support and no letters of objection have been received in relation to this application.
- Department for Infrastructure (DFI) Roads and Environmental Health Department have been consulted and no objections have been raised in relation to this application.
- This application is recommended for Refusal.

Drawings and additional information are available to view on the Planning Portal:

<https://planningregister.planningssystemni.gov.uk/simple-search>

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 **REFUSE** planning permission subject to the reasons set out in Section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located 120 North East of the amenity block within West Strand public car park, Portrush, which is accessed from Portstewart Road. The site as delineated by the red line, is rectangular in shape and comprises an area of hardstanding currently used for 5 car parking spaces. The site is located north of an emergency access path leading to West Strand Beach.
- 2.2 The boundaries of the plot are undefined and open to the car park, except for the western boundary which is established by the kerb line separating the adjoining grassed area from the tarmac hardstanding. The plot occupies a somewhat elevated position in relation to the surrounding amenity area, with the topography of the car park itself falling gently downwards from north to south. The surrounding area is characterised by open space comprising of public grass amenity areas, together with West Strand Beach and promenade.
- 2.3 The site is designated as being within the Settlement Development Limit of Portrush and is zoned as a Major Area of Existing Open Space as well as being included in a Local Landscape Policy Area - PHL 02, West Bay LLPA as indicated by Map No 3/04A of the Northern Area Plan (NAP). The site sits adjacent to the West Strand ASSI and is in close proximity to the Skerries and Causeway SAC.

3 RELEVANT SITE HISTORY

- 3.1 LA01/2020/0235/F - West Bay, Portrush. Widening the South Pier vehicular access ramp. Demolition of the existing, noncompliant, pedestrian access ramp at the southern end of West Bay. Construction of a new pedestrian access ramp at the Southern end of West Bay, with provision of stepped access. Temporary vehicular access ramp at Western end and temporary working platform from access ramp-Westwards. Permission granted - 11.12.2020.
- 3.2 LA01/2022/0735/F - West Bay Car Park, Eglinton Street, Portrush. The retention of a converted portable container being used for a coffee kiosk in West Strand Carpark Portrush. Planning permission was granted via the Planning Committee on 3rd November 2022 on a temporary basis until 24th March 2024.

4 THE APPLICATION

- 4.1 The application is a full planning application seeking a site for a concessionary trading vehicle/ trailer/ static unit for the sale of ice cream, confectionary and cold drinks. The application is accompanied by indicative plans showing details of a van, a trailer measuring 3.1m x 1.9m x 2.3m and a static unit which takes the form of a shipping container measuring 2.6m x 6.2m x 2.4m.

5 PUBLICITY & CONSULTATIONS

External:

Advertising: The application was advertised on the 6th March 2024 and 29th May 2024.

Neighbours: There are no objections to the proposal.

Internal:

DFI Roads – DfI Roads advised that responsibility for West Strand car park lies with Causeway Coast and Glens Borough

Council. Therefore, DfI Roads had no comment to offer on this proposal.

Environmental Health – The EH Department had no objections in principle to the proposed development.

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

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 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 8: Open Space, Sport and Outdoor Recreation

Planning Policy Statement 16: Tourism

A Planning Strategy for Rural Northern Ireland – Policy Statement (Policy DES 2)

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the Principle of Development, Local Landscape Policy Area (LLPA), Open Space, Townscape and HRA.

Principle of Development

8.2 The proposal is located within the existing area of hardstanding within West Strand public car park and is to accommodate a single concessionary trading vehicle/ trailer/ static unit for the sale of ice cream, confectionary and cold drinks.

8.3 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements (PPSs). In particular paragraphs 4.27 and 6.205 of the SPPS, Policy ENV 1 of the NAP, Policy OS 1 of PPS 8 Policy DES 2 within a Planning Strategy for Rural Northern Ireland and Policies TSM2 and 7 of PPS16.

8.4 The SPPS sets out commentary on Coastal Development and the Regional Strategic Policy for development in such a location. The SPPS states that there are few types of development which require a coastal location and the undeveloped coast will rarely be an appropriate location for new development. It goes on to say that in dealing with proposals that require a coastal location, planning authorities must carefully assess the need for such development, its benefits for the local or regional economy and potential impacts on the environment.

- 8.5 It is noted that this application was submitted in conjunction with LA01/2024/0193/F for a proposed concessionary trading site 100m North East of amenity block, West Bay Car Park, Portrush. The agent was advised that only one concessionary trading vehicle / trailer would be acceptable.
- 8.6 It is noted that the original application submitted in February 2024 proposed a trading vehicle or trailer. Additional plans and an updated P1 form were submitted in April 2024 adding a static unit to the description of development. During the processing of the application, Planning contacted the Agent to outline the Planning Department's position in relation to the proposal. Planning stated that the current proposal, specifically the static unit was unacceptable and contrary to Planning Policy PHL 02, Policy ENV 1 of NAP, Policy OS 1 of PPS8, Policies TSM1 and 7 of PPS16 and Policy DES 2 of PSRNI. Furthermore, it was stated that one mobile concessionary trading vehicle/ trailer (either LA01/2024/0193/F or LA01/2024/0199/F) which would be removed off-site at the end of each working day would be acceptable and would comply with the aforementioned planning policies. However, the agent confirmed that no amendments were to be made to the proposal in light of the Planning Department's comments. Therefore, all three design options will be assessed against the relevant planning policy.
- 8.7 TSM1 of PPS16 supports tourist development within settlement development limits provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size, design and has regard to the specific provisions of the development plan. The proposal is contrary to TSM1 in that the static element is inappropriate to the location within the LLPA by reason of inappropriate permanent nature and design.

Local Landscape Policy Area (LLPA)

- 8.8 The site is located within the settlement development limit of Portrush and lies within the West Bay LLPA, Designation PHL 02.
- 8.9 The features that contribute to the environmental quality, integrity or character of this area are listed below:

- This LLPA includes Mill Strand, also known as West Strand and the related slopes behind the beach including the railway embankment.
- The area is mostly in public ownership and is dominated by the natural environment and amenity open space.
- The area lies within the West Strand ASSI.

8.10 The Plan will seek to maintain the integrity of this open area, by protecting it from any development other than refurbishment or modest extensions to the two existing buildings, and thereby maintain the outstanding vista of the Peninsula, across West Bay from the western approaches to Portrush.

8.11 Policy ENV 1 of NAP 2016 applies to this development and states that planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. Where development is permitted, it will be required to comply with any requirements set out for individual LLPAs in the District Proposals.

8.12 The proposal involves three design options for the concessionary trading site. These include a vehicle, a trailer, or static unit for the sale of ice cream, confectionary and cold drinks. Each of the design options will be situated on 5 existing car parking spaces currently demarcated with removable security/parking posts. The plans provided for the vehicle/ trailer design options indicate that they will be mobile and removed off-site at the end of each working day. It is considered that a concessionary trading vehicle/ trailer is a modest facility on account of its scale and temporary nature and mobile use which is anticipated to be limited by operating hours and restricted to those utilising the surrounding West Strand Beach. The temporary nature of the vehicle/ trailer is considered to not adversely affect the features which contribute to the environmental quality, integrity, or character of the designated LLPA and can comply with Policy ENV 1.

8.13 The plans provided for the static unit design option involves a converted 20-ft shipping container which has been adapted to operate as a kiosk. The static unit will scale 6.3m in length x 2.6m in width x 2.4m in height and will feature a single pedestrian door to the rear elevation and serving hatch on the principal side elevation. The kiosk is designed to be securely closed, enabling it to remain in situ outside its hours of operation. The Plan policy supporting PHL 02 states that the policy will seek to maintain the integrity of this open area, by protecting it from any development other than refurbishment or modest extensions to the existing buildings. The proposal, by its nature as a static, free-standing kiosk, is contrary to this policy.

8.14 Policy ENV 1 states that planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. It goes on to state that where development is permitted, it will be required to comply with any requirements set out for individual LLPA, which has been identified above. Accordingly, the proposed static concessionary trading unit is likewise contrary to Policy ENV 1 as the nature, scale and static nature would be inappropriate to the area and would adversely affect the visual amenity of the slopes behind West Strand which make up the amenity open space which contribute to the environmental quality, integrity and character of the LLPA and is contrary to TSM1 of PPS16.

Open Space

8.15 As set out in paragraph 2.3, the proposal is located within an area identified as a major area of existing open space. Planning Policy OS 1 of PPS 8 Open Space, Sport and Outdoor Recreation exists to protect open space. The policy states that development will not be permitted where it would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. The policy continues by outlining exceptions to this restrictive test. It states, "An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space."

- 8.16 The application site uses up 5 existing car parking spaces which currently are part of the Open space zoning and service the wider amenity lands. No substantial community benefits have been demonstrated for this proposal in line with policy. Dealing solely with the vehicle / trailer element of the proposal, weight can be given to the temporary nature which can be instantly restored upon removal of the vehicle/ trailer at the end of the day. The temporary nature of the mobile trading vehicle /trailer would not result in the permanent loss of open space and can be reasonably deemed as an exception to Policy OS1.
- 8.17 However, the proposed static unit, by reason of its static nature, is distinguishable from mobile trading vehicles/ trailers which, as they are moved on and off the site, are not considered to offend Policy OS1. The proposed static unit due to its size, scale, appearance and permanence is contrary to Policy OS1 of PPS8.
- 8.18 It should be noted that when the Planning Committee considered Application LA01/2022/0735/F, the Committee was mindful of Policy considerations and concluded that temporary permission could be granted as the development is not suitable for the long term as it would cause harm to the identified area of open space and the environmental quality, integrity, and character of the designated LLPA.
- 8.19 It is considered that the proposal of a static concessionary trading unit is contrary to Policy OS1 and exceptions are not engaged as a result of the static design option. Paragraph 6.205 of the SPPS underlines this policy approach.

Townscape

- 8.20 Policy DES 2 of a Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to be sensitive to the character of the area surrounding the site in terms of use, design, scale and use of materials.

8.21 The proposed concessionary trading vehicle/ trailer is not a permanent form of development and can easily be removed from the site when not in use. Therefore, it is considered a concessionary trading vehicle/ trailer will not adversely impact the character of the area and complies with Policy DES 2 by reason of its temporary mobile nature.

8.22 The proposed static unit by reason of its appearance as a steel shipping container (2.6m x 6.2m x 2.4m), fails to be sensitive to the character of this high amenity coastal area. It appears as a highly incongruous feature, compounded by the open nature of the site which allows for extensive critical views from the car park and adjacent grass amenity area. Accordingly, the proposal is contrary to Policy DES 2. Furthermore, Paragraph 4.27 of the SPPS underlines this policy approach, stating that poor designs, particularly proposals that are inappropriate to their context and incompatible with their surroundings, are unacceptable. Policy TSM7 of PPS16 reinforces the need for high quality design proposals that do not detract from landscape quality or character. The proposal is contrary to the SPPS and policy TSM7 of PPS16.

8.23 As stated above the site sits directly adjacent to the West Strand ASSI. Policy NH 3 of PPS 2 states that planning permission will only be granted for a development that is not likely to have an adverse impact on the integrity and value of the habitat network or special interests of a designation. It is not considered that the proposed concessionary trading vehicle / trailer / static unit will adversely impact the West Strand ASSI, therefore, the proposal can comply with Policy NH3 of PPS 2.

Habitats Regulations Assessment

8.24 A HRA screening checklist has been completed and no further consultation is required due to the nature of the proposal. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the conservation (Natural habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

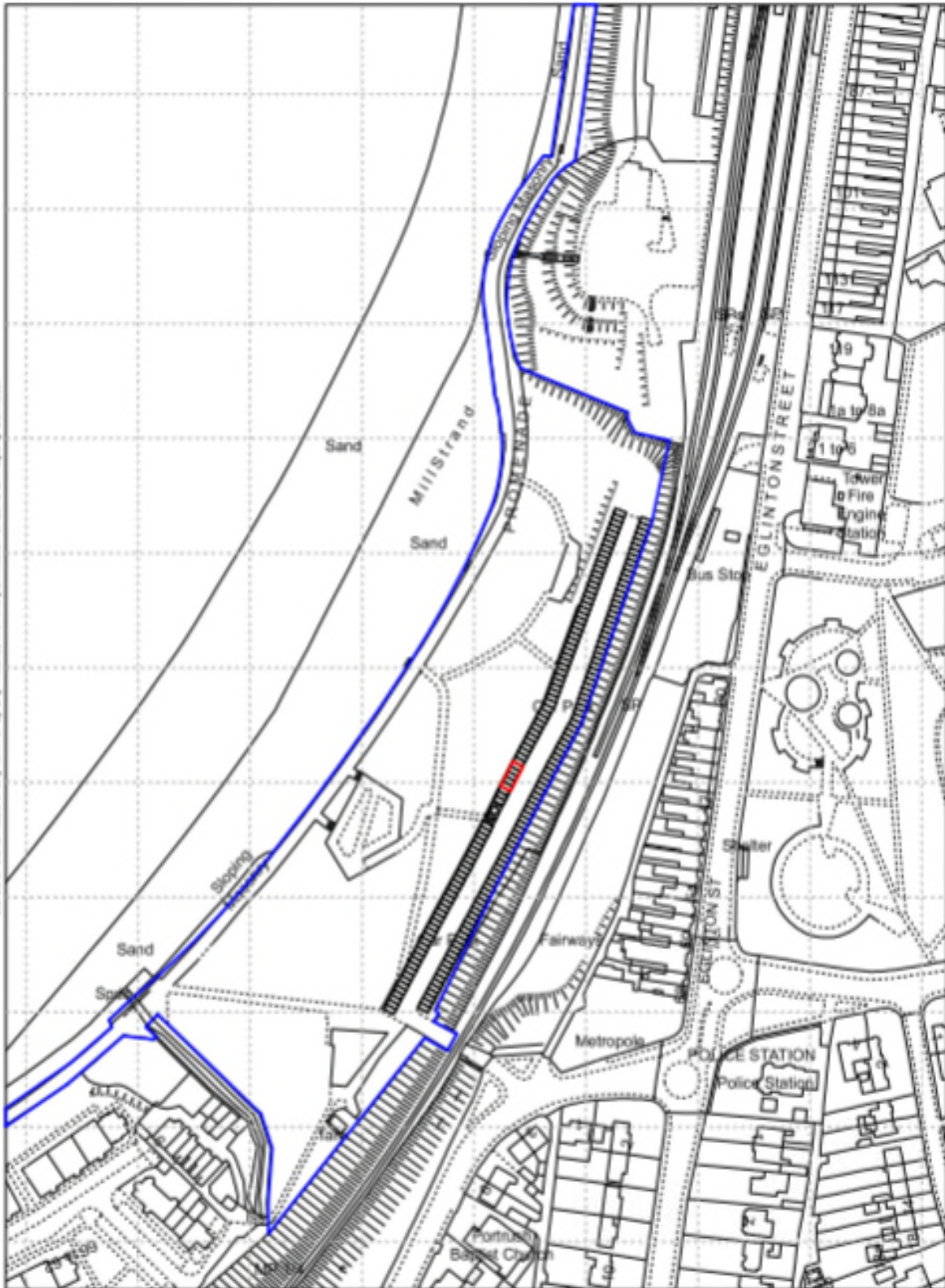
9 CONCLUSION

- 9.1 The proposed site for a concessionary trading vehicle / trailer / static unit for the sale of ice cream, confectionary and cold drinks fails to comply with the exceptions of development permissible within the LLPA designation and within an area of open space. The proposed static unit by reason of its perceived permanent nature and appearance akin to a small shipping container would fail at this high amenity costal location to be sensitive to the character of the area surrounding the site in terms of design and use of materials. Refusal is recommended.

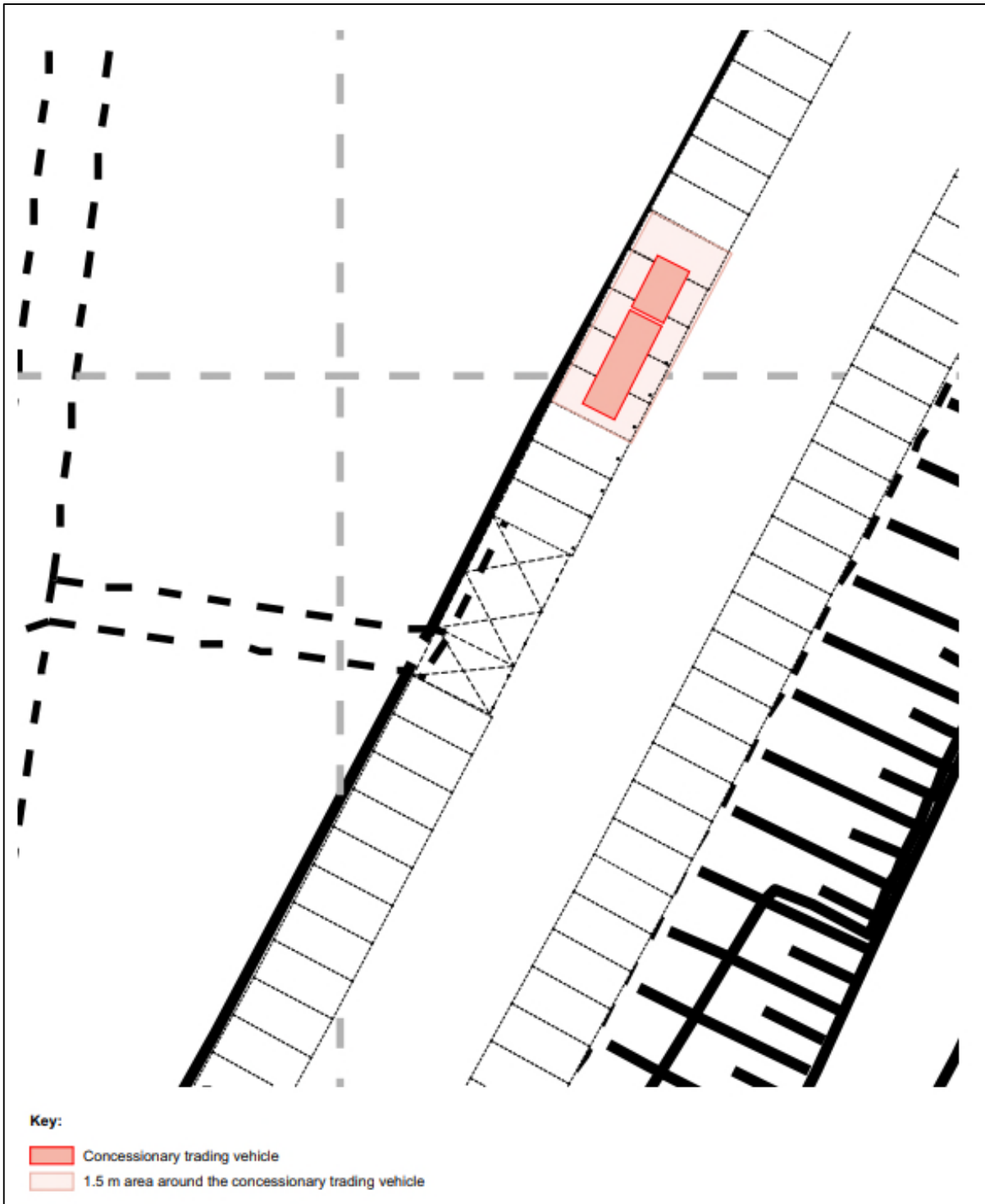
10 Reasons for Refusal

1. The proposal is contrary to Policies ENV 1 and PHL 02 of the Northern Area Plan 2016 and TSM1 of PPS16 as it would, if permitted, adversely affect those features that contribute to the environmental quality, integrity and character of the West Strand Local Landscape Policy Area.
2. The proposal is contrary to Policy DES 2 of A Planning Strategy for Rural Northern Ireland and Paragraph 4.27 of the SPPS and policy TSM7 of PPS16 in that it would, if permitted, fail to be sensitive to the character of the area surrounding the site in terms of design and materials.
3. The proposal is contrary to Policy OS1 of PPS 8 Open Space, Sport and Outdoor Recreation and Paragraph 6.205 of the SPPS in that it would, if permitted, result in the loss of existing open space of public value and no exceptional circumstances have been demonstrated.

Site Location Plan



Site Block Plan



Addendum

LA01/2024/0199/F

1.0 Update

- 1.1 The above application was presented to the Planning Committee on 28th August 2024 with the recommendation to Refuse planning permission. In considering the application, the Planning Committee voted to defer the application pending an amendment of the description to remove the static element of the proposal or provide a rationale as to why the description should remain unchanged.
- 1.2 Officials notified the agent acting on behalf of the applicant (Causeway Coast and Glens Borough Council) of the outcome of the Planning Committee. In response, the agent outlined that the application was submitted at the direction of the Environmental Services (ES) Committee therefore, a paper needs to be submitted to the ES Committee for their instructions on the matter before a definitive response could be provided.
- 1.3 A paper was submitted to the ES Committee held on the 8th October 2024. The purpose of the paper was to provide members with the requested information as to why planning permission was sought for static trading receptacles and to request members consider and decide which trading unit type is acceptable. The Paper outlined that a trading working group was convened on the 5th March 2024 with each trading site and trader unit type discussed at the meeting. Members at the trading working group and subsequently the ES Committee in March 2024, approved that the static unit type “C” be submitted for planning permission. In light of the above, the ES Committee agreed to recommend that the item be deferred for decision at a meeting of the full Council.
- 1.4 The item was presented to the full Council on the 3rd December 2024 for consideration. Full Council resolved to continue with

the planning application, as submitted. The Council voted in favour of the motion 13 (For) 11 (Against) and therefore the motion passed with a majority of 2.

- 1.5 Considering the decision taken by full Council the agent notified Planning Officials and instructed that the application progress seeking permission for a site for a concessionary trading vehicle / trailer / static unit for the sale of ice cream, confectionary and cold drinks as per the applicant's original instruction.

2.0 Consideration

- 2.1 It is noted that the Causeway Coast and Glens Borough Council have agreed at full Council to proceed with the original application and not remove the static trading unit of the proposal.
- 2.2 The Director of Environmental Services advised that the trading sites were discussed at the Councillor's Trading Working Group on 13/2/24 and 5/03/24 where the view from Members was that they wished for the sites to avail of all 3 trading unit options where possible to allow everyone the opportunity to bid for the site and have the flexibility to install a unit which best suited their business needs. The decisions taken at the Working Group were then taken to the Environmental Services Committee and ratified at full Council.
- 2.3 As no amendments have been made to the application, the Planning Department has considered the views of the Councillor's trading Working Group, Environmental Services Committee and the Full Council against the provisions of the Northern Area Plan and current planning policy and remain of the opinion to refuse. In this case, determining weight is given to the fact that the proposed static unit by reason of its nature and appearance would fail at this high amenity coastal location to be sensitive to the character of the area surrounding the site in terms of design and use of materials. Officials would reiterate that a mobile concessionary vehicle or trailer which would be removed off-site at the end of each working day could meet tourist need and would be acceptable and would comply with planning policy.

- 2.4 The proposal fails to comply with the Plan policy supporting the Local Landscape Policy Area (LLPA) PHL 02 and Policy ENV 1 as it is deemed to adversely affect the visual amenity of the slopes behind West Strand which make up the amenity open space which contribute to the environmental quality, integrity or character of the designated LLPA.
- 2.5 The proposed static unit due to its size, scale, appearance and permanence is contrary to Policy OS1 of PPS8. Furthermore, the proposal is not considered to bring substantial benefit that decisively outweighs the loss of open space and therefore the application does not comply with Policy OS 1 of PPS 8.
- 2.6 The proposed static unit by reason of its appearance as a steel shipping container (2.6m x 6.2m x 2.4m), fails to be sensitive to the character of this high amenity coastal area. It appears as a highly incongruous feature, compounded by the open nature of the site which allows for extensive critical views from the car park and adjacent grass amenity area. Therefore, the proposal is deemed unacceptable and contrary to Policy DES 2 - Townscape, as it is not sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse planning permission for the proposed site for a concessionary trading vehicle / trailer / static unit for the sale of ice cream, confectionary and cold drinks at West Bay Car Park, Portrush. The proposal fails to comply with the exceptions of development permissible within the LLPA designation and within an area of open space. The proposed static unit by reason of its in-situ nature and appearance would fail at this high amenity coastal location to be sensitive to the character of the area surrounding the site in terms of design and use of materials.