

<b>Title of Report:</b>	<b>Planning Committee Report - LA01/2024/0194/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>28<sup>th</sup> August 2024</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

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

<b>Screening Requirements</b>	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:

**App No:** LA01/2024/0194/F

**Ward:** Kinbane

**App Type:** Full Planning

**Address:** Site in Portaneevy Car Park, adjacent to B15, Whitepark Road, Ballintoy, Ballycastle

**Proposal:** Site for concessionary trading vehicle / trailer / static unit - for sale of hot food, hot and cold drinks

**Con Area:** N/A

**Valid Date:** 21/02/2024

**Listed Building Grade:** N/A

**Target Date:** 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 hot food, hot and cold drinks.
- The site is located approximately 2km East of Ballintoy and falls within the open countryside as defined in Northern Area Plan (NAP) 2016. The site is located within the Causeway Coast Area of Outstanding Beauty (AONB). The site is located within 35 metres of the Carrickarede 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.
- In principle the proposed static trading unit fails to comply with Policy CTY 1 of PPS 21 as it would not integrate into the surrounding setting and character of the rural coastal site.
- It is considered that the proposed static trading unit fails to comply with Policy TSM 2 as there is no requirement for the proposal to be permanently sited in a countryside location. Furthermore, the static unit fails to be sensitive to the surrounding landscape quality and character of the area and therefore is contrary to Policy TSM 7.
- The proposal fails to be sensitive to the distinctive special character of the Causeway Coast ANOB and is considered an inappropriate design in this coastal location and therefore contrary to Policy NH6 of PPS 2.
- No letters of support and no letters of objection have been received in relation to this application.
- The Department for Infrastructure (DFI) Roads and the 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.planningsystemni.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 site is located within the Portaneevy public car park and viewing point situated at White Park Road, Ballintoy. The Portaneevy public car park is located 2km East of Ballintoy and is situated on the eastern side of WhitePark Road and extends towards the coastline, comprising an existing car parking area, grass picnic and open space amenity areas, together with circuitous pathways and viewing points.
- 2.2 The site as delineated by the red line boundary comprises an existing car park space located along the western boundary of the existing car park and is rectangular in shape. 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 distinguishing the adjoining grass open space and the hardstanding car parking spaces.
- 2.3 The application site is located within the open countryside as designated by the NAP 2016. The site falls within the Causeway Coast Area of Outstanding Beauty (AONB). The surrounding area is rural in character, comprising predominantly of agricultural land.

## **3 RELEVANT SITE HISTORY**

- 3.1 LA01/2019/0787/F. Portaveevy Car Park, Whitepark Road, Ballintoy. Proposed viewing points and landscape works to include surface and boundary treatment, provision of bins and picnic tables and associated access works. Permission was granted via Committee on the 24<sup>th</sup> of June 2020.

## 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 hot food, hot 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 6<sup>th</sup> March 2024 and 29<sup>th</sup> May 2024.

Neighbours: There are no objections to the proposal.

### **Internal:**

**DFI Roads** – DFI Roads advised that responsibility for Portaveevy 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 16: Tourism](#)

[Planning Policy Statement 21: Sustainable Development in the Countryside](#)

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: Principle of Development, Integration and Design, Natural Heritage, Access and Parking and Habitats Regulations Assessment.
- 8.2 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements (PPSs). The proposal is in relation to an existing area of hardstanding within Portaneevy public car park to accommodate a single concessionary trading vehicle/ trailer/ static unit for the sale of hot food, hot and cold drinks.
- 8.3 The main policy considerations are within Paragraphs 4.27, 6.70, and 6.205 of the SPPS, Policy CTY 1 of PPS 21, Policy NH 6 of PPS 2, 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 that 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 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.
- 8.6 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. Furthermore, it was stated that a mobile concessionary trading vehicle/ trailer which would be removed off-site at the end of each working day would be acceptable and would comply with 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.

### **Principle of Development**

- 8.7 Policy CTY1 of PPS21 sets out a range of development which is acceptable in the countryside, in terms of tourism development, policy CTY1 refers to the tourism policies, which are currently provided for in PPS16.
- 8.8 Policy TSM 2 of PPS 16 relates to tourist amenities in the countryside and states that a tourist amenity will only be granted if the proposal is in association with and requires a site at or close to a particular tourism attraction located in the countryside or the type of tourist activity in itself requires a countryside location.

- 8.9 It is considered that the proposed trading vehicle/ trailer design options will be mobile and removed off-site at the end of each working day. Therefore, weight is given to the temporary nature and on balance a temporary proposal is considered acceptable. However, the proposed static trading unit, due to its perceived permanence fails to comply with Policy TSM 2 as there is no requirement for the proposal to be permanently sited in a countryside location
- 8.10 Policy TSM 7 of PP16 sets out a design and general criteria for proposals for tourism use. The policy states that tourist amenities should be of high quality and compatible with the surrounding land use and not detract from the landscape quality and character of the area.
- 8.11 The proposed trading vehicle/ trailer design options will be mobile and removed off-site at the end of each working day. Therefore, weight is given to the temporary nature which is considered acceptable and can comply with Policy TSM 7.
- 8.12 The static unit design option involves a converted 20-ft shipping container which has been adapted to operate as a kiosk. The proposal by nature of its appearance and perceived permanence fails to be sensitive to the surrounding landscape quality and character of the area and therefore is contrary to Policy TSM 7. As no overriding reasons have been forthcoming to demonstrate why the static unit is necessary the proposal is also contrary to CTY1 of PPS21.

### **Integration and Design**

- 8.13 Policy CTY 1 of PPS 21 and Paragraph 6.70 of the SPPS state that all proposals must be sited and designed to integrate into its setting, respect rural character, and be appropriately designed.
- 8.14 The proposed siting of a concessionary trading vehicle / trailer is considered to be a modest facility on account of its scale and temporary nature which is limited by operating hours and removal off site. The temporary nature of the vehicle / trailer further reduces the proposal's impact on the openness, setting and character of the site. Therefore, on balance, a temporary proposal that is removed off-site at the end of each working day is considered to comply with the SPPS and Policy CTY 1 of PPS 21 in integration terms.



8.15 However, it is considered that the proposed static trading unit would be a prominent feature in the landscape considering the openness of the site and the proposed location along the western boundary of the site nearest to the Road (B15) would be a highly visible feature when passing. Therefore, it is considered that the proposed static unit would not integrate into the surrounding setting and character of the rural coastal site. The proposal is contrary to Policy CTY 1 of PPS 21 which is further underlined by Paragraph 6.70 of the SPPS and TSM7, for the reasons outlined in paragraphs 8.10 – 8.12.

## **Natural Heritage**

8.16 Policy NH6 of PPS 2 states that new development within an ANOB will only be granted where it is an appropriate design, size and scale for the locality and where it is sympathetic to the special character of an area. Proposals should be sensitive to the distinctive special character of the area and the quality of its landscape, heritage and wildlife. The proposal should respect local architectural styles and patterns as well as local materials, designs and colour.

8.17 The proposal involves three design options for the concessionary trading site. These include a vehicle/ trailer/ or static unit for the sale of hot food, hot and cold drinks. Each of the design options will be situated inside a small area of hardstanding along the western boundary of the site. The vehicle/ trailer design options will be mobile and removed off-site at the end of each working day. It is considered that a mobile vehicle/ trailer is a modest proposal on account of its scale and temporary nature which is anticipated to be limited by operating hours and restricted to those utilising the Portaneevy viewing point. The temporary nature of the vehicle/ trailer is considered to not adversely affect the distinctive special character of the area and the quality of its landscape, heritage and wildlife and can comply with Policy NH 6.

- 8.18 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 a 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. It is noted that the static unit will be finished with timber cladding.
- 8.19 The proposed design option of the static unit by reason of its appearance as a small shipping container, 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 of the North Antrim Coastline.
- 8.20 The proposal, by its nature as a free-standing kiosk and perceived permanence is contrary to this Policy NH6. 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.

### **Access and Parking**

- 8.21 The proposed siting of the concessionary trading vehicle / trailer / static unit will result in the loss of existing parking spaces within the car park. Consultation was carried out with DfI Roads who advised that the responsibility for Portaneevy car park lies with Causeway Coast and Glens Borough Council. Therefore, DfI Roads had no comment to offer on this proposal. It is considered that the temporary nature of the mobile catering vehicle / does not result in the permanent loss of parking spaces in contrast to the proposed static catering unit which will result in the permanent loss of parking spaces. However, the proposal will not prejudice public or road safety.

## **Habitats Regulations Assessment**

8.22 A HRA screening checklist has been completed and no further consultation is required due to the minor 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 hot food, hot and cold drinks fails to comply with Policy NH 6 of PPS 2, TSM 2 and 7 of PPS16 and Policy CTY 1 of PPS 21 and Paragraphs 4.27, 6.70, and 6.205 of the SPPS. 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 and no overriding reasons have been forthcoming to demonstrate that it is essential at this location. Refusal is recommended.

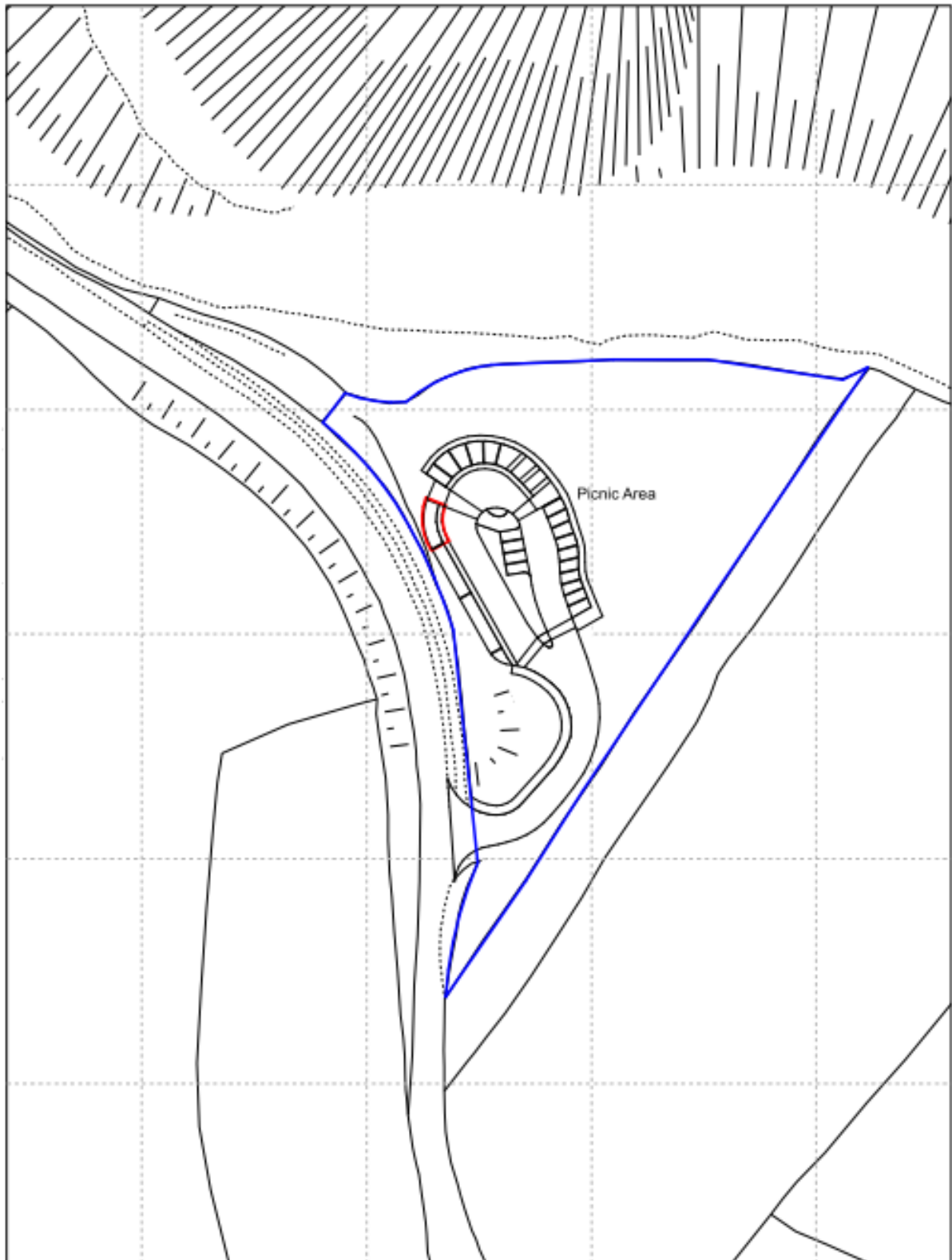
## **10 Reasons for Refusal**

10.1 The proposal is contrary to Policy CTY1 of PPS21 and Policy TSM 2 of PPS 16 as there is no specific requirement for a static trading unit to be permanently sited in a countryside location.

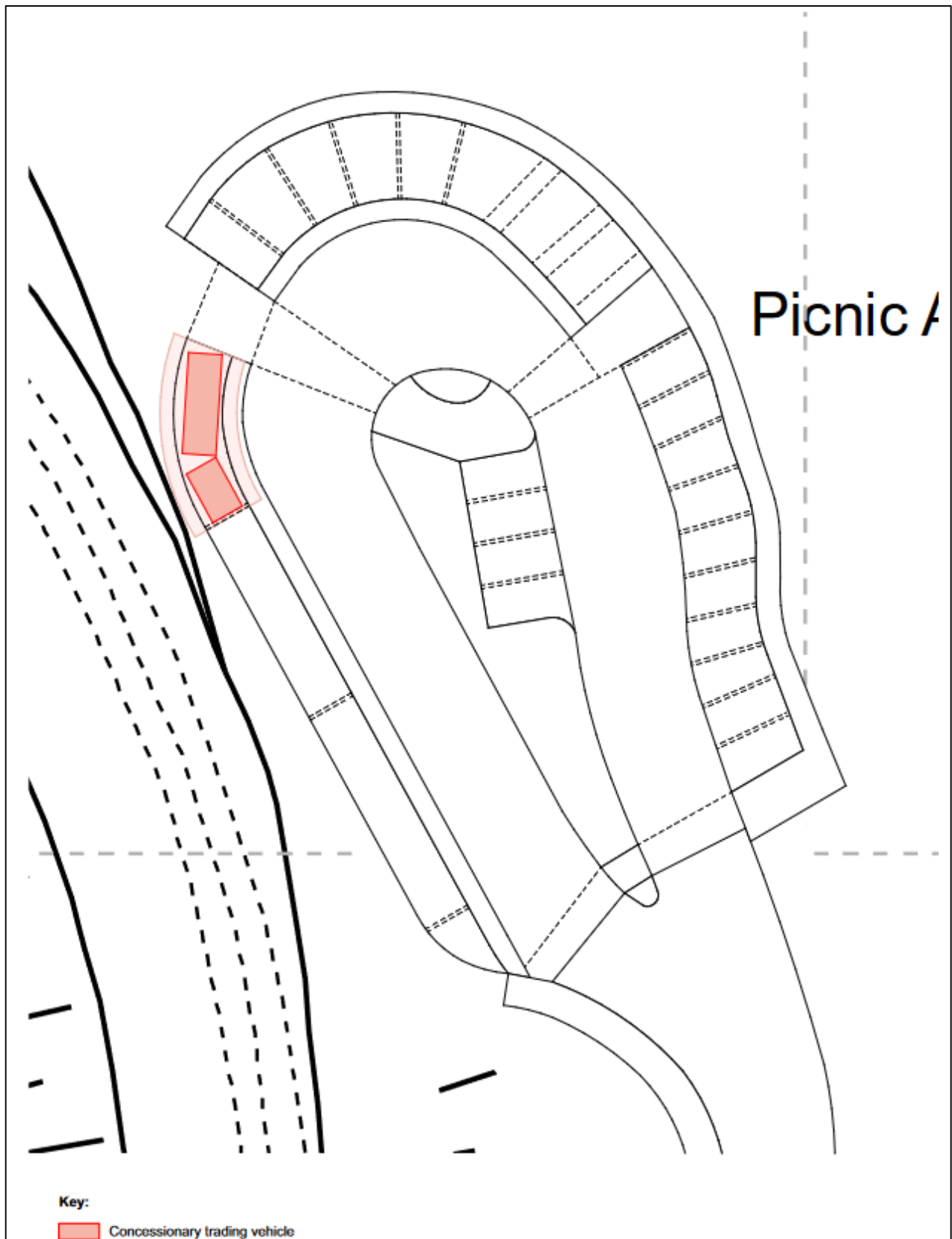
10.2 The proposal is contrary to Policy CTY 1 of PPS 21 and Paragraph 6.70 of the SPPS and Policy TSM 7 of PPS16 as it would be a prominent feature in the landscape, would not integrate into the surrounding setting and character of the rural coastal site and the design and appearance of the static unit fails to be sensitive to the surrounding landscape quality and character.

10.3 The proposal is contrary to Policy NH6 of PPS2 in that it fails to be sensitive to the character of this high amenity coastal area and is considered to be of inappropriate design that does not reflect the local architectural styles and patterns of the distinctive special character of the Causeway Coast ANOB.

## Site Location Plan



## Site Block Plan



# Addendum

## LA01/2024/0194/F

### 1.0 Update

- 1.1 The above application was presented to the Planning Committee on 28<sup>th</sup> 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 seek 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 needed 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 on the 8<sup>th</sup> 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 5<sup>th</sup> 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 3<sup>rd</sup> 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 hot food, hot and cold drinks as per the applicant's original instruction.

## **2.0 Consideration**

- 2.1 It is noted that 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 tourism need and would be acceptable and would comply with planning policy.



- 2.4 In principle the proposed static trading unit fails to comply with Policy CTY 1 of PPS 21 as it would not integrate into the surrounding setting and character of the rural coastal site.
- 2.5 It is considered that the proposed static trading unit fails to comply with Policy TSM 2 as there is no requirement for the proposal to be permanently sited in a countryside location. Furthermore, the static unit fails to be sensitive to the surrounding landscape quality and character of the area and therefore is contrary to Policy TSM 7.
- 2.6 The proposal fails to be sensitive to the distinctive special character of the Causeway Coast ANOB and is considered an inappropriate design in this coastal location and therefore contrary to Policy NH6 of PPS 2.

### **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 hot food, hot and cold drinks. As the proposal fails to comply with Policy NH 6 of PPS 2, TSM 2 and 7 of PPS16 and Policy CTY 1 of PPS 21 and Paragraphs 4.27, 6.70, and 6.205 of the SPPS.

# **Addendum 2**

## **LA01/2024/0194/F**

### **1.0 Update**

- 1.1 The above application was presented to the Planning Committee on 22nd January 2025 with the recommendation to Refuse planning permission. In considering the application, the Planning Committee voted to defer the application for further discussions between Officers to find a resolution and an agreed outcome for the application.
- 1.2 A paper was submitted to the Environmental Services (ES) Committee on 8<sup>th</sup> April 2025. The purpose of the paper was to request members' direction as to which type of trading receptacle they wish to pursue via the planning process to secure permission at Portaneevy & West Bay trading sites. Members at the ES Committee agreed to recommend that the Council submit trading receptacles for Type A - Trading unit with van and trailer and Type B - Trailer on its own with wheels and a tow hitch. The Environmental Services Committee agreed to remove the static trading unit (Type C) from the application.
- 1.3 The agent notified Planning Officials on the 29<sup>th</sup> May 2025 and instructed that the application progress seeking permission for a site for a concessionary trading vehicle / trailer for the sale of hot food, hot and cold drinks only. The agent confirmed that the static trading unit (Type C) was removed from the application.
- 1.4 The agent submitted an amended P1 Application Form with a revised description and omitted Drawing No. 5 (static trading unit) from the application. The application did not require to be re-neighbour notified or re-advertised as the original application submitted in February 2024 proposed only a trading vehicle or trailer and was advertised on 21/02/2024.

## 2.0 Consideration

- 2.1 It is noted that Causeway Coast and Glens Borough Council have agreed to submit via an agent a revised proposal for a site for a concessionary trading vehicle / trailer for the sale of hot food, hot and cold drinks. It is noted that the static trading unit has been removed from the application, which was contrary to planning policy as outlined in the original Planning Committee Report and previous Addendum for the application.
- 2.2 The Planning Department has considered the views of the Planning Committee and ES Committee against the provisions of the Northern Area Plan (2016) and current planning policy and is now of the opinion to Approve planning permission for the amended proposal.
- 2.3 It is considered that the proposed trading vehicle/ trailer design options will be mobile and removed off-site at the end of each working day. Therefore, weight is given to the temporary nature and on balance a temporary proposal is considered acceptable in this location and can comply with Policy TSM 2.
- 2.4 The proposed siting of a concessionary trading vehicle / trailer is considered to be a modest facility on account of its scale and temporary nature which is limited by operating hours and removal off-site. The temporary nature of the vehicle / trailer further reduces the proposal's impact on the openness, setting and character of the site. Therefore, on balance, a temporary proposal that is removed off-site at the end of each working day is considered to comply with the Strategic Planning Policy Statement Policy TSM7 of PPS16 and Policy CTY 1 of PPS 21 in integration and character terms.
- 2.5 It is considered that a mobile vehicle/ trailer is a modest proposal on account of its scale and temporary nature which is anticipated to be limited by operating hours and restricted to those utilising the Portaneevy viewing point. The temporary nature of the vehicle/ trailer is considered not to adversely affect the distinctive special character of the area and the

quality of its landscape, heritage and wildlife and can comply with Policy NH 6 of PPS2 and Policy TSM7 of PPS16.

### **3.0 Recommendation**

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to Approve planning permission for the proposed site for a concessionary trading vehicle / trailer for the sale of hot food, hot and cold drinks. Overall, the proposal by virtue of its temporary nature can comply with Policy NH 6 of PPS 2, TSM 2 and 7 of PPS16 and Policy CTY 1 of PPS 21 and Paragraphs 4.27, 6.70, and 6.205 of the SPPS.

### **4.0 Conditions**

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

Reason: Time Limit.

2. The hours of operation and deliveries for the development shall be restricted to between 08:00 hours to 20:00 hours only.

Reason: To respect the sensitive character of the area.

3. The concessionary trading vehicle/trailer hereby approved shall be removed from the site at the end of each working day.

Reason: To respect the sensitive character of the area.