



<b>Title of Report:</b>	<b>Planning Committee Report - LA01/2022/0869/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>21st December 2022</b>
<b>For Decision or For Information</b>	<b>For Decision – Council Interest Item</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: LA01/2022/0869/F      Ward: Ballymoney South**

**App Type: Full Planning**

**Address: Riverside Park, Armour Avenue, Ballymoney.**

**Proposal: Site for single concessionary trading trailer for multiple catering and other trading activities including the sale of hot food, beverages and snacks.**

**Con Area: N/A      Valid Date: 11.08.2022**

**Listed Building Grade: N/A      Target Date: 24.11.2022**

**Agent: GM Design Associates, 22 Lodge Road, Coleraine. BT52 1NB**

**Applicant: Causeway Coast and Glens BC, Cloonavin, 66 Portstewart Road Coleraine.**

**Objections: 0      Petitions of Objection: 0**

**Support: 0      Petitions of Support: 0**

## Executive Summary

- Full planning permission is sought for a site to operate a single concessionary trading trailer for multiple catering and other trading activities including the sale of hot food, beverages, and snacks.
- The site is located within the Settlement Development Limit of Ballymoney and is zoned as a Major Area of Existing Open Space as well as being included in a Local Landscape Policy Area - BYL 03, Ballymoney River Upper LLPA.
- The proposal has been assessed against the relevant policy, mainly the SPPS and A Planning Strategy for Rural Northern Ireland and has been found acceptable in terms of the principle of development, Local Landscape Policy Area (LLPA), Townscape, open space, and amenity.
- This proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- No objections have been received in relation to the application.
- Approval is recommended subject to the proposed conditions.

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

## **1 RECOMMENDATION**

- 1.0 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 reasons set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The application site is located within the Riverside Park public car park, Ballymoney, which is accessed from Armour Avenue. The site as delineated by the red line is irregular in shape and contains the access road, car park area, pavilion building and pedestrian access. The majority of site boundaries are existing and defined by established vegetation together with walls and fencing, while the north-western and south-western boundaries are undefined and open to the remainder of the park. The site lies below the road level of Armour Avenue while the topography of the site is relatively flat with no significant changes in ground level.
- 2.2 The car park is located on the western side of Armour Avenue in close proximity to its junction with Ballymena Road and approximately 1.1km east of Ballymoney Town Centre. The surrounding area is characterised by open space comprising of public amenity areas, playing fields with residential housing to the south.
- 2.3 The site is designated as being within the Settlement Development Limit of Ballymoney and is zoned as a Major Area of Existing Open Space as well as being included in a Local Landscape Policy Area - BYL 03, Ballymoney River Upper LLPA as indicated by Map No 2/01A of the Northern Area Plan 2016.

## **3.0 RELEVANT HISTORY**

- 3.1 There is no relevant planning history relating to this application site

## **4.0 THE APPLICATION**

- 4.1 The application seeks full planning permission for a site to accommodate a single concessionary trading trailer for multiple catering and other trading activities including the sale of hot food, beverages and snacks. The application is for the site to set a trailer only, and details of the trailer as depicted in Drawing No. 03, dated 23<sup>rd</sup> June 2022, are for information purposes only.

## **5.0 PUBLICITY & CONSULTATIONS**

### **External:**

Advertising: 24.08.2022.

No neighbours were identified for notification within the terms of the legislation and no letters of objection have been received in relation to this application.

### **Internal:**

No consultations were issued given the nature of the proposed development.

## **6.0 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.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

A Planning Strategy for Rural Northern Ireland – Policy DES 2

## **8.0 CONSIDERATIONS & ASSESSMENT**

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

### **Planning Policy**

- 8.2 The proposal must be considered having regard to the Northern Area Plan 2016, SPPS and PPS policy documents specified above.

### **Principle of Development**

- 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). The proposal is in relation to an existing area of hardstanding within the public car park to accommodate a single concessionary trading trailer for multiple catering and other trading activities. The main policy considerations are within paragraphs 4.27 and 6.205 of the SPPS, Policy ENV 1 of the NAP and Policy DES 2 within a Planning Strategy for Rural Northern Ireland.

### **Local Landscape Policy Area (LLPA)**

- 8.4 The site is located within the settlement development limits of Ballymoney and lies within the Ballymoney River Upper LLPA, Designation BYL 03.
- 8.5 The features that contribute to the environmental quality, integrity or character of this area are listed below:
- This LLPA adjoins the Ballymoney River through the town as far as the bypass and extends to include the nearby landscaped grounds of Ballymoney High School, the Robinson Hospital, an area around Rodeing Foot and the Methodist Church.
  - Ballymoney Council has created a landscaped linear park with ancillary facilities including a large pond, which has become a major asset to the town.

Any development proposals in this LLPA shall be fully compatible with retaining its character and shall require minimal tree removal.

- 8.6 Policy ENV 1 of NAP 2016 applies to this development. 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.
- 8.7 The proposal involves an existing area of hardstanding to the north-eastern side of the Pavilion and adjacent to the car park which will be used to accommodate a single catering trailer for concessionary trading purposes. The trailer will be parked within

a small area demarcated with security/parking posts, existing on site, and scales approximately 3.7m in length x 2.5m in width.

- 8.8 The Plan policy supporting BYL 03 states that any development proposals in this LLPA shall be fully compatible with retaining its character and shall require minimal tree removal. The proposed siting of a concessionary trading trailer is considered to be a modest facility on account of its scale and temporary use which is anticipated to be limited by operating hours and restricted to those utilising the surrounding amenity of Riverside Park. The nature of the proposal allows for moveable trailers, further reducing any impact on the site and wider area. The proposed trailer is compatible with its surroundings and does not require any invasive development works. It will therefore not adversely affect the features which contribute to the environmental quality, integrity, or character of the designated LLPA and is in compliance with Policy ENV 1.

### **Townscape**

- 8.9 Policy DES 2 requires development proposals in towns and villages to be sensitive to the character of the area surrounding the site in terms of design, scale, and use of materials. The proposed trailer is not a permanent form of development and can easily be removed from the site when not in use. The proposed siting visually links the proposal with the existing built form of the adjacent Pavilion and the site is well screened by intervening established vegetation. As a result, the trailer can sympathetically integrate into its surroundings without impacting on the character of the area and the proposal complies with Policy DES 2.

### **Open Space**

- 8.10 As set out at 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. 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.” While this proposal does not bring about substantial community benefits, the fact that the area of hardstanding being occupied by the mobile catering unit is very modest and is instantly restored upon removal of the trailer has been given weight in this case. The temporary nature of the proposal does not result in the permanent loss of open space and can be reasonably deemed as an exception to Policy OS 1.

### **Amenity**

- 8.11 The proposal is located in an urban environment within an existing public park with the closest 3<sup>rd</sup> party residential receptors being approximately 38m away to the south-eastern side of Armour Avenue. Given the existing established use of the public car park and amenities it is considered that the proposed works will not exacerbate any existing impact on residential amenity. The P1 form states that the expected average number of persons attending the premises daily will increase by 5 to 10, while there is no expected increase in vehicle numbers. This is considered to be a minimal increase given the wider use of the area and therefore impact on amenity will be minimal.
- 8.12 Environmental Health Department have no adverse comment regarding this application and have provided a number of informatives relating to Food Safety, Health and Safety legislative requirements, Refuse Collection, LPG Installation, Noise from Plant & Equipment and Lighting.

### **Habitats Regulations Assessment**

- 8.13 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.

## **9.0 CONCLUSION**

- 9.1 The proposal is considered acceptable having regard to the Northern Area Plan 2016 and other material considerations. The

proposal is minor in scale and relates to the provision of a site for a single concessionary trading trailer. When in use a single trailer can successfully integrate into the surroundings and will not detract from the existing open space and adjacent amenities. The scheme is compliant with current planning policy as highlighted above and approval is recommended.

## **10.0 CONDITIONS AND INFORMATIVES**

### **Conditions**

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

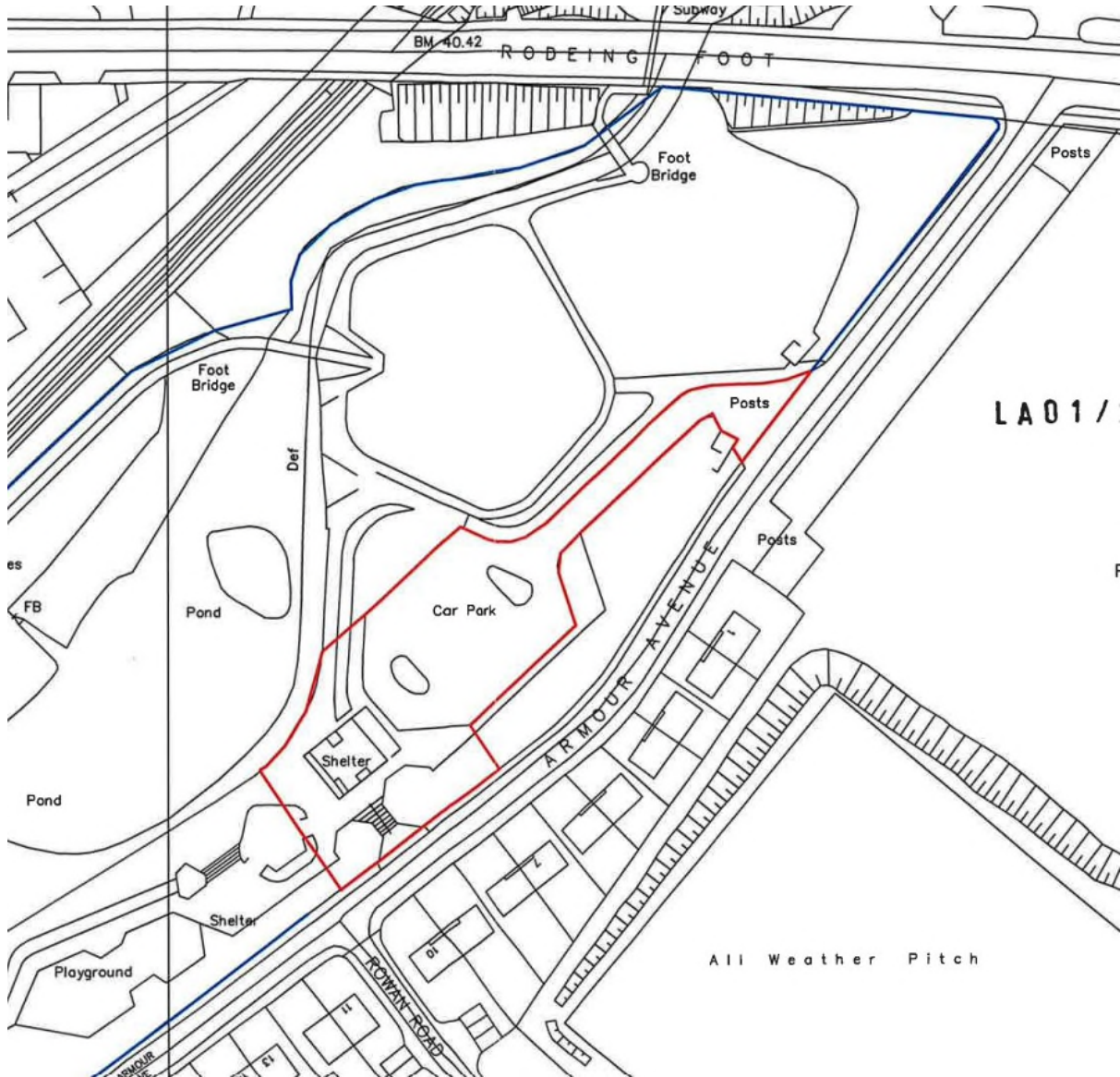
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

### **Informatives**

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent sites for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This 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.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at:

<https://planningregister.planningsystemni.gov.uk>

# Site Location Map



# Site Plan

