

Planning Committee Report LA01/2016/1070/F	25th April 2018
PLANNING COMMITTEE	

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

<u>App No:</u>	LA01/2016/1070/F	<u>Ward:</u>	Castlerock
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Exorna Filling Station, 170 Mussenden Road, Castlerock		
<u>Proposal:</u>	Provision of mobile hot food trailer on forecourt of existing filling station		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	09.09.2016
<u>Listed Building Grade:</u>	N/A		
Applicant:	Jason & Lynn Maguire, Exorna Filling Station, 170 Mussenden Road, Castlerock		
Agent:	Johnston Stirling Partnership Quaygate Office Box 16 Scrabo Street, Belfast		
Objections:	1	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- 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 **REFUSE** planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site submitted incorporates an existing established petrol filling station with forecourt, parking and an existing hot food trailer. The hot food trailer is the subject of the application. It is positioned on the corner of the site with the junction of Mussenden Road and Exorna Lane. It is a purpose built trailer called the 'Meat Box'. The premises is a commercial property within the countryside area.

3 RELEVANT HISTORY

- 3.1 No relevant history.

4 THE APPLICATION

- 4.1 Provision of mobile hot food trailer on forecourt of existing filling station

5.0 PUBLICITY & CONSULTATIONS

- 5.1 One (1) letter of objection has been received.

Issues relate to road safety.

5.2 Internal

DFI Roads: Recommend refusal

Environmental Health: No objection

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 (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 both 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)

PPS 3: Access, Movement and Parking

A Planning Strategy for Rural Northern Ireland

Advice and guidance

DCAN 4: Hot food

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the principle of development; and, access and parking.

Planning Policy

- 8.2 The site is located within an existing petrol filling station forecourt. The site is not subjected to any specific environmental designations.
- 8.3 The principle of the type and scale of development proposed must be considered having regard to the SPPS and PPS policy documents specified above.
- 8.4 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.

Principle of development

- 8.5 This is a full application for a mobile hot food trailer. Commercial uses are encouraged to be located within commercial centres in local villages and towns. However, occasionally there are hot food vehicles sporadically located within the countryside and at existing commercial rural premises.
- 8.6 The regular parking of the vehicle for long periods of time creates a material change in the land. Therefore, if parked more than 28 days in the year it ceases to be regarded as temporary and planning permission is required.
- 8.7 In this instance the mobile hot food vehicle is parked in the south west corner of the site. However the block plan has been amended since the initial site inspection. The position on plan has changed to the northern roadside position. This is a flat roadside area of hard standing in front of the main shop premises gable end which fronts the main Mussenden Road. It is positioned just north of the exit for customers' vehicles.

- 8.8 The main issues in this application is the visual appearance of the proposal, smell, noise and odour, litter and nuisance to any neighbours, parking and traffic issues.
- 8.9 From a visual aspect, the trailer will not have a detrimental impact on the visual amenity of the countryside as it is positioned on a long established commercial premises within the countryside and will fit in with the commercial character of the property.
- 8.10 Officials have considered the proposal and find it acceptable in this location subject to all other prevailing planning policies.

Access and parking

- 8.11 DFI Roads has sought amendments to the parking and signs to direct the traffic within the site. In the absence of these amendments, the proposal is unacceptable as it could compromise road safety. These amendments have been requested on numerous occasions and 6 further consultations carried out with DFI Roads, following a meeting with the agent and DFI Roads, 25th May 2017. The agent has been unable to provide the detailed drawing required. The application cannot be held indefinitely for relevant amendments to be submitted.

9.0 CONCLUSION

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan and all other material considerations. The development fails to meet Policy AMP 2 of Planning Policy Statement 3 in that it has not been demonstrated that a safe and convenient access with satisfactory movement of traffic can be provided. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to vehicles parked on the highway at the entrance to the filling station and shop thus interfering with the free flow of traffic on the main road and the visibility of traffic entering or leaving the filling station and shop.

Site Location

