

Title of Report:	Planning Committee Report - LA01/2023/0539/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th March 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:

App No: LA01/2023/0539/F Ward: Castlerock

App Type: Full Planning

Address: Site located beside public toilets on corner of Promenade & Sea Road. Located approximately 13m opposite 33 The Promenade, Castlerock, Coleraine.

Proposal: Site for concessionary trading & ancillary works within existing picnic area to include the sale of hot food & beverages.

Con Area: N/A Valid Date: 26.05.2023

Listed Building Grade: N/A Target Date: 08.09.2023

Agent: Hall Black Douglas, 152 Albertbridge Road, Belfast. BT5 4GS

Applicant: Concessionary Trading, Causeway Coast and Glens BC, Riada House, 14 Charles Street, Ballymoney. BT53 6DZ

Objections: 75 Petitions of Objection: 0

Support: 0 Petitions of Support: 0

Executive Summary

- Full planning permission is being sought for a concessionary trading site within an existing picnic area to include the sale of hot food and beverages together with ancillary works.
- The site is located within the Settlement Development Limit of Castlerock and is within the Binevenagh Area of Outstanding Beauty. In addition, the site is adjacent to a Local Landscape Policy Area - CKL 02, Castlerock Dunes LLPA and the Bann Estuary ASSI.
- The principle of development 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 land use, amenity and design.
- 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.
- Seventy-Five objections have been received in relation to this application.
- DfI Roads and Environmental Health Department have been consulted and have raised no issues.
- This application is recommended for Refusal.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

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 **Refuse** planning permission subject to the reasons set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site consists of an existing resin bonded gravel amenity area adjacent to the public toilet facilities on the Promenade, Castlerock. The site as delineated by the red line contains four sets of timber picnic tables and benches, a litter bin and a low-level granite wall which provides definition between the open space and perimeter footpath. The boundaries of the plot are defined by a low-level wall on the northern and western sides with the addition of metal railings to the latter, while the eastern and southern boundaries are established by concrete kerbs where the site adjoins the public road. The topography of the site is relatively with a slight fall in ground levels of approximately 650mm towards the northwestern corner.
- 2.2 The proposed concessionary trading site is located to the northern most section of the site. The surrounding area is urban and characterised by residential development to the south, with public amenity areas and Castlerock Beach to the north.
- 2.3 The site is designated as being within the Settlement Development Limit of Castlerock and is within the Binevenagh Area of Outstanding Beauty as indicated by Map No 3/07 of the Northern Area Plan. In addition, the site is adjacent to a Local Landscape Policy Area - CKL 02, Castlerock Dunes LLPA and the Bann Estuary ASSI.

3.0 RELEVANT HISTORY

- 3.1 C/2012/0267/F - Promenade, Castlerock. Reconfiguration of Existing Promenade, Construction of Additional Car Parking and the Creation of Additional Beach Access Points. Permission granted - 19.03.2013.
- 3.2 C/1998/0685 - The Promenade, Castlerock. Proposed alterations and extensions to public lavatories. Permission granted – 10.12.1998.

4.0 THE APPLICATION

- 4.1 The application seeks full planning permission for a concessionary trading site to include the sale of hot food & beverages within the existing picnic area including ancillary works to control access to the pitch.

5.0 PUBLICITY & CONSULTATIONS

External:

Seventy-five objections have been received in relation to this application. Most of the objections come from local residents and the issues raised are as follows.

- No community consultation carried out.
- Health and safety concerns over the proposed access point.
- No requirement for additional trading in the locality.
- Increased traffic congestion.
- Potential for restricted access to the public toilets particularly disabled facilities.
- Loss of civic amenity and picnic area.
- Potential risk to investment in the local area.
- Concessionary trading unit currently exists on an adjacent site.
- Exacerbation or existing car parking issues.
- Increase in litter and potential for adverse waste and pollution.

- Existing concessionary trader denied permission to sell hot drinks.
- Lack of consultation with local businesses.
- Detrimental impact on local area.
- Threat to existing trading concessions.

Internal:

- Environmental Health Department: No objection
- DfI Roads: 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
- 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, Amenity, Townscape and Open space.
- 8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents mentioned 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 a site for concessionary trading unit within an existing public amenity park. The main policy considerations are within paragraphs 4.27 and 6.205 of the SPPS, Policy OS 1 of PPS 8, and Policy DES 2 within a Planning Strategy for Rural Northern Ireland.

Amenity

- 8.4 The site is located within the settlement development limits of Castlerock and lies within the Binevenagh Area of Outstanding Beauty.
- 8.5 The site consists of an existing picnic area adjacent to the public toilet facilities serving the Castlerock Promenade and Beach area. The site is considered as an area of high amenity value

and provides facilities for visitors. The existing site will be altered to allow access with dropped kerbs being proposed to create a vehicular access from Sea Road. In addition, removable oak bollards will be installed to manage the access from the road onto the amenity space. A section of the low-level granite wall approximately 5.3m in length will also be removed to permit the northern section of the overall site to be used in accommodating the concessionary trading unit. The proposed location of the trading site will also require the relocation of the picnic tables towards the southeastern area of the site.

- 8.6 The northern area of the site proposed to accommodate the concessionary unit is close to the disabled toilet facilities and has the potential to obstruct access. Overall, the proposal would adversely affect the existing amenity of the site and is considered unacceptable.

Townscape

- 8.7 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 proposal does not include any details of the type of concessionary trading unit and as a result it assumed that a mobile vehicle type or trailer type of trading unit will occupy the site. It is considered that by reason of its appearance this type of unit fails to be sensitive to the character of this high amenity coastal area. Any mobile trading facility would appear as a highly incongruous feature, compounded by the open nature of the site which occupies a prominent location on the promenade and at the vehicular entrance point onto the beach. The proposed siting allows for extensive critical views when either entering or exiting what is a very popular destination. Accordingly, the proposal does not comply with Policy DES 2. Paragraph 4.27 of the Strategic Planning Policy Statement underlines this policy approach, stating that poor designs, particularly proposals that are inappropriate to their context and incompatible with their surroundings, are unacceptable.

Open Space

- 8.8 Policy OS 1 of PPS 8 Open Space, Sport and Outdoor Recreation exists to protect open space and sets out that open

space, for the purposes of the statement, is defined as all open space of public value. 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.” A speculative venture, such as this proposal, does not bring about substantial community benefits that decisively outweighs the loss of open space, and the proposal is not considered an exception to Policy OS 1 and therefore does not comply with the Policy. Paragraph 6.205 of the Strategic Planning Policy Statement underlines this policy approach.

Permitted Development

- 8.9 Planning legislation, specifically the Planning (General Permitted Development) Order (Northern Ireland) 2011, makes provision for use of land for street trading not exceeding the period of time specified in a street trading licence. Accordingly, use of the site for concessionary trading may not require planning permission. Notwithstanding that, on assessment of the application, greater weight is afforded to the specific policy issues.

Habitats Regulations Assessment

- 8.10 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.

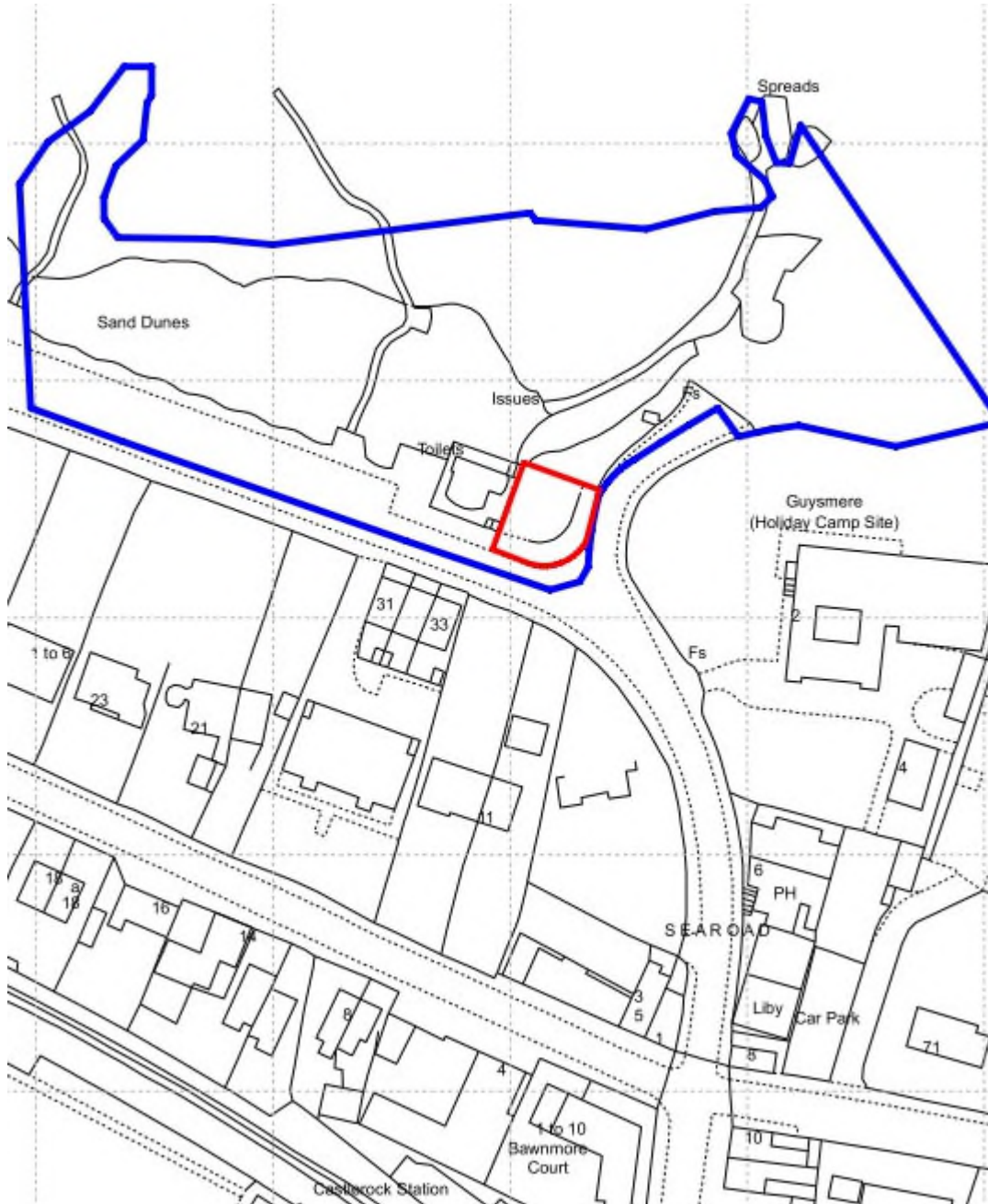
9.0 CONCLUSION

- 9.1 The proposal fails to comply with the exceptions of development permissible within an area of open space. By reason of its appearance, it would fail, at this high amenity coastal location, to be sensitive to the character of the area surrounding the site in terms of land use, amenity and design. It would simply appear out of place. Refusal is recommended.

10.0 Reasons for Refusal

1. The proposal is contrary to Policy OS1 of PPS 8 Open Space, Sport and Outdoor Recreation and Paragraph 6.205 of the Strategic Planning Policy Statement in that it would, if permitted, result in the loss of existing open space of public value and no exceptional circumstances have been demonstrated.
2. The proposal is contrary to Policy DES 2 of A Planning Strategy for Rural Northern Ireland and Paragraph 4.27 of the Strategic Planning Policy Statement in that it would, if permitted, fail to be sensitive to the character of the area surrounding the site in terms of the land use and design.

Site Location Map



Site Plan

