

Title of Report:	Planning Committee Report – LA01/2021/0969/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th October 2021
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:

No: LA01/2021/0969/F Ward: Ballymoney

App Type: Full

Address: Robert Dunlop Memorial Gardens, Castle Street, Ballymoney

Proposal: Proposed new statue and associated paving.

Con Area: N/A Valid Date: 16.08.2021

Listed Building Grade: N/A

**Agent: R Robinson & Sons Ltd Albany Villas 59 High Street Ballymoney
BT53 6BG**

**Applicant: Causeway Coast & Glens Borough Council, 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 proposed new statue and associated paving in Robert Dunlop Memorial Gardens, Castle Street, Ballymoney.
- In the Northern Area Plan 2016, the site is located within the settlement development limits of Ballymoney. The site is just outside the Town Centre limit and lies within an Area of Archaeological Potential, and an LLPA.
- The proposal is a statue of William Dunlop which will sit on a black granite plinth. There will also be new paving.
- When assessed against policy DES 2, the paving and scale of the statue are considered acceptable, and will not detract from the existing character and respects the immediate and wider area, providing a positive contribution to it.
- DfI Roads and Historic Environment Division have been consulted and raise no objection.
- There are no third party representations to the proposal.
- Approval is recommended.

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

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, guidance and consideration in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The proposal is located within the Robert Dunlop Memorial Garden which is located on the corner of Castle Street & Seymour Street. The site lies just outside the limit of the Town Centre. The site is located near a cross roads, opposite the entrance to a car park, and the immediate vicinity contains retailing and commercial premises.
- 2.2 The site is located within the Settlement Development and just outside the Town Centre limits for Ballymoney, is within an Area of Archaeological Potential, and an LLPA (BYL03), as designated within the Northern Area Plan 2016.

3 RELEVANT HISTORY

There is no relevant planning history.

4 THE APPLICATION

- 4.1 Planning permission is sought for a new statue and associated paving.

Habitats Regulation Assessment

- 4.2 The potential impact 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

No letters of objection or letters of support were received on this application.

5.2 Internal

DfC Historic Environment Division – has no objection to the proposal

DfI Roads – has no objection to the proposal

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:

- The 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 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

The Strategic Planning Policy Statement (SPPS)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, visual impact, traffic matters, LLPA, Archaeology, and Listed Buildings.

Planning Policy

- 8.2 The site is located within the settlement development limits of Ballymoney as defined in the Northern Area Plan 2016. The site lies just outside the Town Centre boundary near the corner of Castle Street and Seymour Street opposite the entrance to a car park. The proposed site lies within an Area of Archaeological Potential and LLPA BYL03.
- 8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.

Principle of Development

- 8.4 Paragraphs 4.1 – 4.40 of the SPPS outline the general principles for planning with paragraphs 4.23 – 4.30 identifying the need for good design and positive place-making.
- 8.5 The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.6 The proposal is to for new paving and the erection of a statue of William Dunlop near to his father Robert's. The proposed statue is to be located on top of a black granite plinth between Robert's column and Robert's statue. The plinth will have the Ulster Grand Prix Circuit outlined with the names of the various corners.

- 8.7 Policy DES 2 of *A Planning Strategy for Northern Ireland* sets out the assessment for considering this type of proposal within a town centre. It states that proposals should make a positive contribution to townscape and be sensitive to the character of the area surrounding the site. Therefore, the principle of constructing a statue within the memorial garden is acceptable, as it is sensitive to its character and makes a positive contribution in the townscape. As these 2 tests are satisfied, the proposal meets the spirit of the good planning and design principles as identified within the SPPS.

Visual impact

- 8.8 The proposed sculpture is sited within the Robert Dunlop Memorial Garden, next to Joey Dunlop's. The proposal is for new paving and a statue of William Dunlop. It is considered that the proposed statue will not detract from the existing character and respects the immediate and wider area, including the town centre. The proposal has the potential to provide a further point of interest near to the town centre and is considered to make a positive contribution to townscape. The scale of the paving and statue, design and the materials are considered to be acceptable and sensitive to the area.

Traffic Matters

- 8.9 DfI Roads was consulted as the competent authority on road matters and it raises no objections to the proposal.

LLPA

- 8.10 The site lies within a Local Landscape Policy Area, Designation BYL 03, Ballymoney River Upper LLPA. It states that "*Any development proposals in this LLPA shall be fully compatible with retaining its character and shall require minimal tree removal*". This proposal seeks to develop a statue of William Dunlop, on a plinth, in an area of new paving. It is also to be located within the Robert Dunlop Memorial Gardens with existing statues. The proposal will not undermine any of the features or reasons for designating the LLPA, and will meet the policy requirement.

Archaeology

- 8.11 The site lies within an Area of Archaeological Potential. Policy BH 3 of PPS 6, Planning, Archaeology and the Built Heritage, relates to Archaeological Assessment and Evaluation. It states that where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Department will normally require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation.
- 8.12 DfC Historic Environment Division: Historic Monuments Unit, has been consulted as the competent authority on archaeological matters and it raises no objection to the proposal. Given the nature of the proposed development and the response from HMU, the proposal does not conflict with Policies BH3 & BH 4 of PPS6.

Listed Buildings

- 8.13 Given the proximity of the proposal to a number of listed buildings, DfC Historic Environment Division: Historic Buildings Unit was consulted as the competent authority on listed buildings. The proposal is assessed against the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) para(s) 6.12 and of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6) Policy BH11 (Development affecting the Setting of a Listed Building). HED:HBU raises no objection to the proposal as there will be no unacceptable impact on the listed buildings.
- 8.14 It is considered proposal is in-keeping with the current statues and sculptures within the Memorial Garden. The proposal will not significantly affect the understanding or experience of the essential character of the setting of the listed buildings and meets the policy requirements as set out above.

9 CONCLUSION

- 9.1 The proposal is considered to be acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS and Policy DES 2 of A Planning Strategy for Rural Northern Ireland and PPS 6. The proposal is

considered to be sensitive and in-keeping with the current statues and sculptures within the Memorial Garden and to the character of the area. Approval is recommended.

10 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 dwellings 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 <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site location Map

