



Title of Report:	Planning Committee Report - LA01/2022/0735/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	26th October 2022
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: LA01/2022/0735/F Ward: Portrush and Dunluce

App Type: Full Planning

Address: West Bay Car Park, Eglinton Street, Portrush.

Proposal: The retention of converted portable container being used for a coffee kiosk in West Strand Carpark Portrush.

Con Area: N/A Valid Date: 30.06.2022

Listed Building Grade: N/A Target Date: 13.10.2022

Agent: As applicant

Applicant: Debbie Shirley, 6 Mountview Crescent, Ballybogey. BT53 6TR

Objections: 1 Petitions of Objection: 0

Support: 1 Petitions of Support: 0

Executive Summary

- Full planning permission is sought until 31st March 2024 for the retention of an existing steel container being used for a coffee kiosk within West Strand Car Park.
- The site is located within the Settlement Development Limit of Portrush and is zoned as a Major Area of Existing Open Space as well as being included in a Local Landscape Policy Area - PHL 02, West Bay LLPA. The area also lies within the West Strand 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 design, scale and use of materials.
- The existing development fails to comply with the Plan policy supporting PHL 02 and Policy ENV 1 since it is deemed to adversely affect those features or combination of features, that contribute to the environmental quality, integrity or character of the designated LLPA.
- 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.
- One letter of support and one letter of objection has been received in relation to this application.
- DfI Roads and 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- <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 is located within the West Strand public car park, Portrush, which is accessed from Portstewart Road. The site as delineated by the red line is irregular in shape and contains the access road, under the Dry Arch, together with a section of the car park itself which hosts the plot occupied by the kiosk. 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 tarmac hardstanding. The plot occupies a somewhat elevated position in relation to the surrounding amenity area, with the topography of the car park itself falling gently downwards from north to south.
- 2.2 The kiosk is located on the western side of the existing public car park approximately one third of the way along its length and approximately 800m south of Portrush Town Centre. The surrounding area is characterised by open space comprising of public grass amenity areas, together with West Strand Beach and promenade.
- 2.3 The site is designated as being within the Settlement Development Limit of Portrush and is zoned as a Major Area of Existing Open Space as well as being included in a Local Landscape Policy Area - PHL 02, West Bay LLPA as indicated by Map No 3/04A of the Northern Area Plan. The area also lies within the West Strand ASSI and is close to the Skerries and Causeway SAC.

3.0 RELEVANT HISTORY

- 3.1 LA01/2020/0235/F - West Bay, Portrush. Widening the South Pier vehicular access ramp. Demolition of the existing, non-compliant, pedestrian access ramp at southern end of West Bay. Construction of new pedestrian access ramp at the Southern end of West bay, with provision of stepped access. Temporary vehicular access ramp at Western end and temporary working platform from access ramp-Westwards. Permission granted - 11.12.2020
- 3.2 LA01/2019/0073/PAD - West Strand Car Park / Grass Area, Portrush. 40 foot container (or two 20 foot containers) in the locations specified. PAD concluded

4.0 THE APPLICATION

- 4.1 The application seeks to retain an existing steel container being used as a coffee kiosk within West Strand Car Park.

5.0 PUBLICITY & CONSULTATIONS

External:

One letter of support has been received in relation to this application.

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, Local Landscape Policy Area (LLPA), Townscape and Open space.

8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents mentioned above.

- 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 the retention of a steel container adapted to function as a coffee kiosk within the West Strand public car park. The main policy considerations are within paragraphs 4.27 and 6.205 of the SPPS, Policy OS 1 of PPS 8, Policy ENV 1 of the NAP and Policy DES 2 within a Planning Strategy for Rural Northern Ireland.
- 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 which 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.

Local Landscape Policy Area (LLPA)

- 8.5 The site is located within the settlement development limits of Portrush and lies within the West Bay LLPA, Designation PHL 02.
- 8.6 The features that contribute to the environmental quality, integrity or character of this area are listed below:
- This LLPA includes Mill Strand, also known as West Strand and the related slopes behind the beach including the railway embankment.
 - The area is mostly in public ownership and is dominated by the natural environment and amenity open space.
 - The area lies within the West Strand ASSI.

The Plan will seek to maintain the integrity of this open area, by protecting it from any development other than refurbishment or modest extensions to the two existing buildings, and thereby maintain the outstanding vista of the Peninsula, across West Bay from the western approaches to Portrush.

- 8.7 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.
- 8.8 The proposal involves a converted steel container which has been adapted to operate as a coffee kiosk set directly onto hardstanding adjacent to the parking spaces within West Strand public car park. The kiosk is situated inside a small area demarcated with removable security/parking posts and scales approximately 4m in length x 2.4m in width x 2.8m in height featuring double access doors to the southern end elevation together with an up and over door and serving hatch on the principal western elevation.
- 8.9 The kiosk is designed to be securely closed, enabling it to remain in situ outside its hours of operation. The Plan policy supporting PHL 02 states that policy will seek to maintain the integrity of this open area, by protecting it from any development other than refurbishment or modest extensions to the existing building. The proposal, by its nature as a free-standing coffee kiosk, is contrary to this policy.
- 8.10 Policy ENV 1 states that 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. It goes on to state that where development is permitted, it will be required to comply with any requirements set out for individual LLPA, which has been identified above. Accordingly, the proposal is likewise contrary to Policy ENV 1.

Townscape

- 8.11 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, by reason of its appearance as a small steel 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 from with the car park and adjacent grass amenity area. 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

8.12 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.” A private venture, such as this proposal, does not bring about substantial community benefits that decisively outweighs the loss of open space. The proposal, by reason of its in-situ nature, is distinguishable from catering vans or wagons which, as they are moved on and off the site, are not considered to offend Policy OS1. While the Policy provides other exceptions regarding alternative provision of open space and enhancement of open space, these are not engaged by the proposal. Accordingly, the proposal is not an exception to Policy OS 1 and does not comply with the Policy. Paragraph 6.205 of the Strategic Planning Policy Statement underlines this policy approach.

Representations

8.13 The representation of support states that the proposal meets a public demand in addition to commenting that the proposal is discrete and aesthetically consistent. It adds that the proposal is for the duration of the applicant’s licence from the Council. Any demand for the facility is not considered to outweigh the harm caused by the proposal offending the policies set out above.

The proposal is visible and incongruous in its setting. The proposal would cause demonstrable harm over the duration of the licence period warranting the refusal of planning permission.

- 8.14 The representation of objection refers to financial matters regarding that the fixed unit was not available at auction (by the Council) and has put the trader at an economic advantage relative to other traders. Given that Paragraph 2.3 of the SPPS states that financial loss from a particular development is not a “basic question” relevant to assessment of a planning application, this matter is given little weight. The representation additionally states that the proposal has potential to impact upon the Council to run events held in the car park and general West Bay grassed area. However, as the Council owns the car park, they can regulate whether or not they are prepared to lease the site to the operator. Accordingly, this specific matter can be regulated outside the planning process. The issue of precedent is relevant if other sites and proposals were similar.

Habitats Regulations Assessment

- 8.15 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.

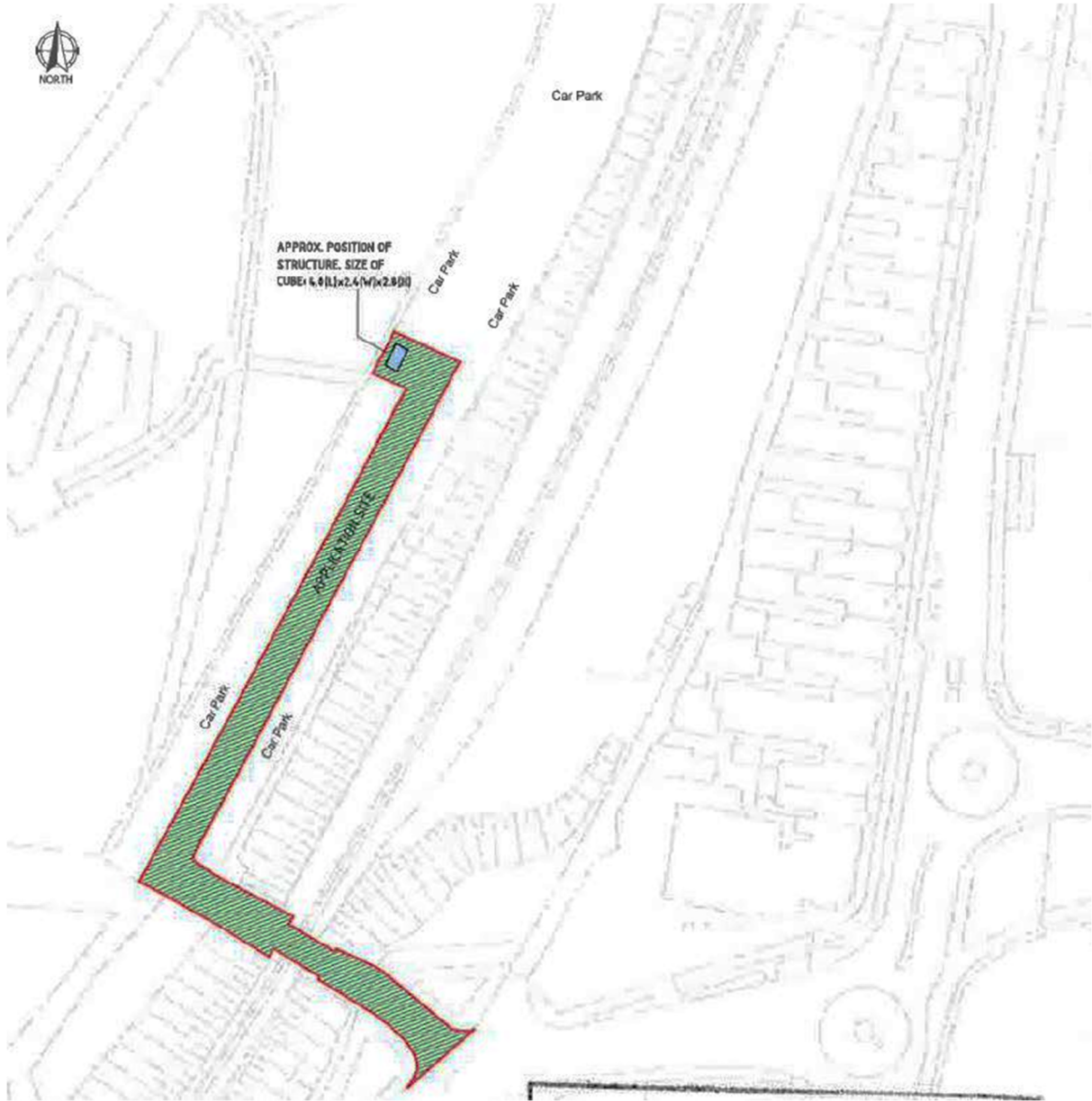
9.0 CONCLUSION

- 9.1 The retention of the kiosk fails to comply with the exceptions of development permissible within the Local Landscape Policy Area designation and within an area of open space. By reason of its appearance akin to a small shipping container, it 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. Refusal is recommended.

10.0 Reasons for Refusal

1. The proposal is contrary to Policies ENV 1 and PHL 02 of the Northern Area Plan 2016 as it would, if permitted, affect adversely those features that contribute to the environmental quality, integrity and character of the West Strand Local Landscape Policy Area.
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 design and materials.
3. 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.

Site Location Map



Floor Plan Layout & Elevations

FLOOR PLAN & ELEVATIONS (SHEET 1)
SCALE 1:50

Causeway Coast and Glens Borough Council
Drawing Number 02

Planning Office
RECEIVED
29 JUN 2022
File No.
Causeway Coast and
Glens Borough Council

