

Title of Report:	Planning Committee Report – LA01/2022/0927/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th March 2026
For Decision or For Information	For Decision – Referred Application by Ald John McAuley

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	Development Management and Enforcement Manager

Estimated Timescale for Completion	
Date to be Completed	

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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:

<u>No:</u>	LA01/2022/0927/O	<u>Ward:</u> Ballymoney North
<u>App Type:</u>	Outline	
<u>Address:</u>	Approximately 25m South East of 219 Seacon Road, Ballymoney	
<u>Proposal:</u>	Proposed dwelling keeping within the neighbouring ridge height.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 30/10/2022
<u>Listed Building Grade:</u>	N/A	
Agent:	2020 Architects, 49 Main Street, Ballymoney, BT53 6AN	
Applicant:	Mr and Mrs Craig, 219 Seacon Road, Ballymoney	
Objections: 0	Petitions of Objection: 0	
Support: 0	Petitions of Support: 0	

EXECUTIVE SUMMARY

- Outline planning permission is sought for a proposed dwelling, keeping within the neighbouring ridge height.
- The application site is located within the Settlement Development Limit of Ballymoney as identified in the Northern Area Plan (NAP) 2016. The site is not subject to any specific environmental designations.
- The application site fails to meet with the principle planning policies. The proposal would result in the loss of a number of trees along the Newbridge Rd which contribute to the character of the area and setting of the settlement as they form a strong natural boundary to the settlement limit along this side of the road. The loss of trees, proximity to both road frontages and shoehorned nature of the proposal will result in an adverse visual impact. The proposal is subsequently contrary to Policy ENV 3 of NAP, and Policy QD 1, criteria 'a' and 'b', of PPS 7.
- NI Water, DFI Roads, and CCG Environmental Health were consulted on the application and raise no objection.
- Neighbour notifications were issued and no representations have been received.
- The application is recommended for Refusal.
- Reasons for Referral by elected member are attached as an annex to this report.

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

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located approximately 25m South East of 219 Seacon Road Ballymoney.
- 2.2 The proposed site is an area of garden to the side of number 219 Seacon Road, Ballymoney. The site itself is a corner site which borders the Seacon Road and the Newbridge Road.
- 2.3 The site is flat, with the southern, eastern and northern boundary defined by a row of mature trees. The western boundary is undefined. No. 219 is a day care nursery for children. The area is residential with a number of housing styles and sizes. No. 219 is a one and a half storey building.
- 2.4 The application site is located within the settlement limit of Ballymoney, as defined by the Northern Area Plan 2016, and is not subject to any specific designations. The surrounding area is residential.

3 RELEVANT HISTORY

- Application Number: D/2002/0668/F
- Decision: Permission Granted Decision Date: 01 August 2003
- Proposal: Change of use from dwelling to daycare facility and alterations / extensions to same.

4 THE APPLICATION

- 4.1 Outline Planning Permission is sought for a proposed dwelling keeping within the neighbouring ridge height. The proposed site is an area of garden to the side of number 219 Seacon Road, Ballymoney. The site itself is a corner site which borders the Seacon Road and the Newbridge Road. An indicative block plan has been submitted which shows the proposed siting; however, details relating to design and finish are not available at this outline stage.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: Neighbour notifications were sent out and no representations have been received.

5.2 Internal

DFI Roads: No objection

CCG Environmental Health: No objection

NI Water: No objection

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:
- 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 RELEVANT POLICIES & GUIDANCE

The application has been assessed against the following planning policy and guidance:

[Regional Development Strategy 2035.](#)

[Northern Area Plan 2016.](#)

[Strategic Planning Policy Statement.](#)

[PPS 3: Access, Movement and Parking.](#)

[PPS 7: Quality Residential Environments.](#)

[PPS 7 \(Addendum\): Safeguarding the Character of Established Residential Areas.](#)

Supplementary Planning Guidance

[Building on Tradition: A Sustainable Design guide for Northern Ireland.](#)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration in the determination of this application relate to the Principle of Development, HRA, Sewerage Disposal and Access Movement and Parking.

Principle of Development

- 8.2 Criteria (a) of Policy QD 1 - PPS 7 states that development must respect the surrounding context and be appropriate to the

character and topography of the site in terms of layout, scale, proportions, massing and appearance of building, structures and landscaped and hard surfaced areas.

- 8.3 The criteria outlined in ENV 3 of NAP states that development which would result in the loss of trees, hedges or other features that contribute to the character of the landscape, or are of nature conservation value, will not be permitted unless provision is made for appropriate replacement planting and the creation of new features.
- 8.4 This is an outline application. This is an established residential area of the settlement. The site is within the grounds of No. 219. There are mature screenings along the Newbridge Road boundary and also, just outwith the proposed site, there are mature bushes and trees at the corner where the Newbridge Road meets the Seacon Road. There is a ranch style fence along the Seacon Road boundary.
- 8.5 There are a range of dwellings (single, one storey and a half and two storey dwellings) with extensive front gardens and driveways, and rear gardens. The area is also typified with mature trees which have a positive impact on the character and environmental quality of the area. The proposed site is to be accessed off the Seacon Road. The concept layout shows total private amenity space of approx. 371sq m, with most of this amenity space to either side and to the rear of the proposed dwelling. It has a narrow rear depth of 5m to the rear boundary, which would be of concern given the locality of the mature trees, as illustrated from the tree survey received on the 16/05/2024.
- 8.6 The Tree Survey Report from M Large Tree Services Ltd. recommends the removal of a significant number of trees to facilitate development of the site along the critical Newbridge Road frontage. The trees at this location make a positive contribution to the environmental quality of this area of Ballymoney around the Coleraine Road/ Newbridge Road/Seacon Road junction. If the site was developed in this manner, a conspicuous gap would be left in the treed frontage. Removal of the trees to facilitate the development would be contrary to Policy ENV 3 of the Northern Area Plan 2016.

- 8.7 The removal of the trees would make the development conspicuous. This would serve to draw attention to the incongruous, shoehorned siting arrangement which does not respect the character of the area- Policy QD1 of PPS 7 Quality Residential Environments refers.
- 8.8 The dwelling will be sited in the side garden (eastern) to No. 219, however No. 219 still retains a large rear private amenity garden, front garden and driveway.
- 8.9 The proposed building line is stepped back from that of No. 219. Due to the site location, forming a building line with No. 219 is not possible. There is no typical building line along this stretch of the road. The proposed concept shows the building to fall in line with a large rear garage to property No. 213. It is considered that the step back from No. 219 is not too far removed from the established building line and is satisfactory.
- 8.10 Criteria (b) of Policy QD 1 - PPS 7 states that where features of the archaeological and built heritage, and landscape features are identified, should protected and integrated in a suitable manner into the overall design and layout of the development where appropriate.
- 8.11 The site is not within an archaeological consultation zone and there are no listed buildings nearby. In terms of landscape features, as stated above, the removal of the trees would make the development conspicuous. This would serve to draw attention to its incongruous, shoehorned siting arrangement which does not respect the existing landscape features - Policy QD1 of PPS 7 Quality Residential Environments refers.
- 8.12 The proposal fails to meet the criteria within Policy ENV 3 of NAP as the development would result in the loss of trees which make a positive contribution to the environmental quality and character of the landscape. The proposal also fails to meet criterion 'a' and 'b' of Policy QD 1 of PPS 7, as it does not respect the surrounding character in terms of the proposed siting and layout of the development and fails to protect and integrate existing landscape features which positively contribute

to the environmental quality and character of the landscape, resulting in the proposed development appearing incongruous.

- 8.13 Criteria (c) of Policy QD 1 - PPS 7 states that adequate provision should be made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discreet groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area. There will be side, front and rear gardens. There will be approx. 5m of rear garden depth to the closest rear boundary, from the concept plan provided. The concept layout shows total private amenity space of some 371 sqm, with most of this amenity space to either side and to the rear of the proposed dwelling. This complies with Creating Places Guidance. There will be large gardens to either side of the dwelling and driveway to the front. This is satisfactory. The proposal complies with criteria 'c'.
- 8.14 Criteria (d) of Policy QD 1 - PPS 7 states that adequate provision should be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development. The development is considered to be close to all amenities as it is located on a main road within the settlement development limit. Therefore, the proposal complies with criteria 'd' of this policy.
- 8.15 Criteria (e) of Policy QD 1 - PPS 7 states that a movement pattern should be provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures. The applicant has submitted a block plan showing a new access onto the Seacon Road where there is a passing footpath. DFI Roads have been consulted and are content. There is a footpath at the front of the property and in-curtilage parking available. The proposal complies with criteria 'e' of this policy.
- 8.16 Criteria (f) of Policy QD 1 - PPS 7 states that adequate and appropriate provision should be made for parking. DFI Roads have been consulted and are content. As the proposal is in the

established residential area and the block plan shows in curtilage parking, it is considered the proposal complies with criteria 'f' of this policy.

- 8.17 Criteria (g) of Policy QD 1 - PPS 7 states that the design of the development should draw upon the best local traditions of form, materials and detailing. This is an outline application. The design of the development in terms of form, materials and detailing would be considered at Reserved Matters stage. The proposal complies with criteria 'g'.
- 8.18 Criteria (h) of Policy QD 1 - PPS 7 states that the design and layout should not create conflict with adjacent land uses and there should be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The concept layout shows a detached house with garden areas to the rear and sides of the dwelling. The rear backs onto Newbridge Road and therefore will not be back-to-back with other properties. From the concept plan there is a good separation distance between the proposed dwelling and the existing building no. 219. I am satisfied that the position of the new dwelling will not have a detrimental impact on neighbouring houses through overlooking and overshadowing. The proposal complies with criteria 'h'.
- 8.19 Criteria (g) of Policy QD 1 - PPS 7 states that the development should be designed to deter crime and promote personal safety. The site has a private driveway and private amenity. The proposal complies with criteria 'i'.
- 8.20 The addendum to PPS 7: Safeguarding the Character of Established Residential Areas applies and Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity states in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7, and all the additional criteria within the Addendum are met.
- 8.21 The area has a fairly low density and the site proposes one dwelling which reflects this. The site follows the existing pattern of development and fits in with the character of the area with a

detached dwelling with driveway and front, side and rear garden. The proposal has sufficient amenity space to respect the character of the existing area. The application is outline so the exact details are not provided at this stage. However, given the footprint size shown on the block plan, coupled with the site it is clear that the dwelling size will be acceptable. The proposal complies with Policy LC 1 of PPS 7 Addendum.

Habitat Regulations Assessment

- 8.22 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.

Sewerage Disposal

- 8.23 NI Water have stated in the consultation response that the Ballymoney WWTW has available capacity. On this basis the proposal would comply with this paragraph 4.12 of the SPPS.

Access Movement and Parking

- 8.24 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Policy AMP2 Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.25 A new in-curtilage driveway is proposed. DfI Roads were consulted as part of this planning application and have no objection to the scheme. The proposal meets Policy AMP 2 of PPS 3.

9 CONCLUSION

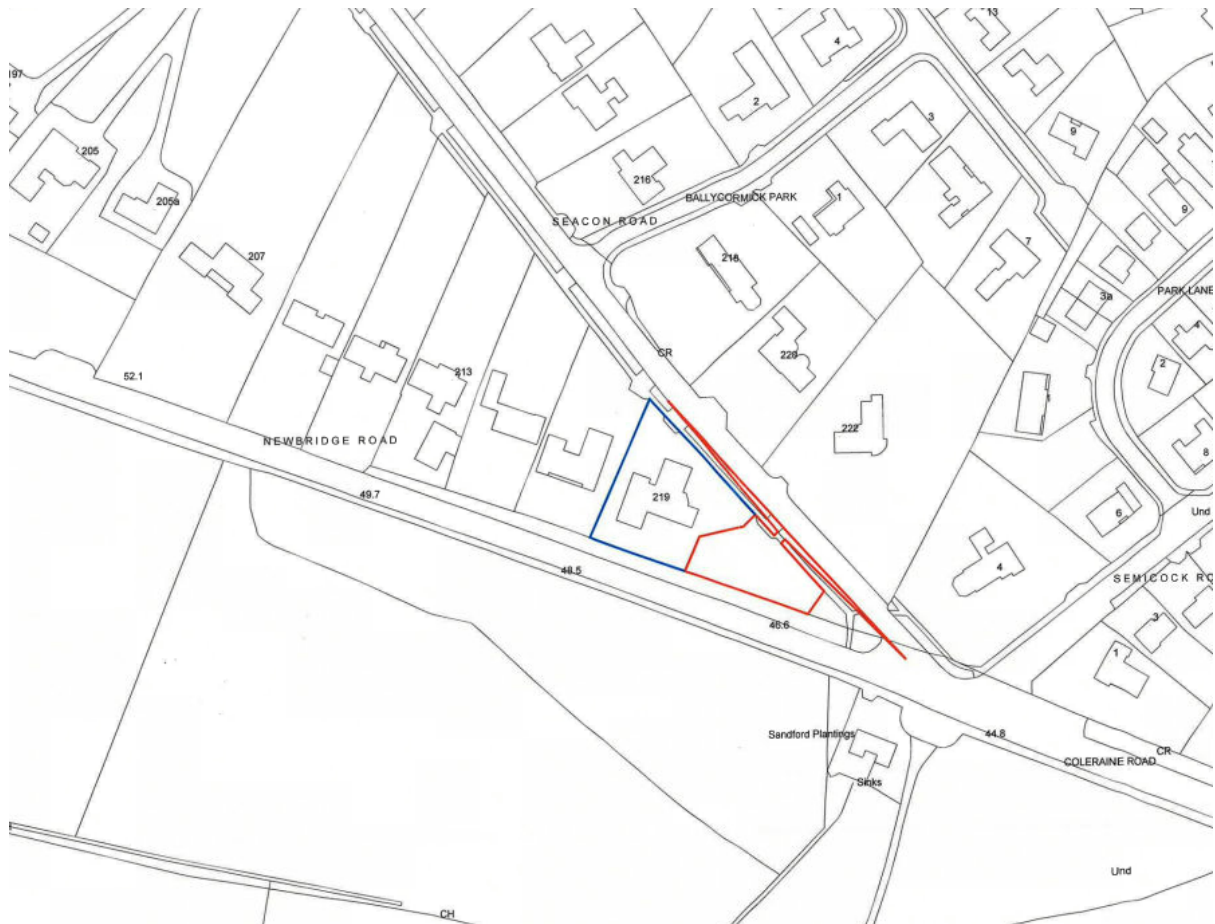
9.1 The application site fails to meet with the principle planning policies. The proposal would result in the loss of a number of trees along the Newbridge Rd which contribute to the character of the area and setting of the settlement as they form a strong natural boundary to the settlement limit along this side of the road. The loss of trees, proximity to both road frontages and shoehorned nature of the proposal will result in an adverse visual impact. The proposal is subsequently contrary to Policy ENV 3 of NAP, and Policy QD 1, criteria 'a' and 'b', of PPS 7.

9.2 Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to the Northern Area Plan; Policy ENV 3 in that the development would result in the loss of trees which make a positive contribution to the environmental quality and character of the landscape.
2. The proposal is contrary to Planning Policy Statement 7 – Quality Residential Environments; Policy QD 1, criteria 'a' and 'b', in that the proposed development fails to respect the surrounding character in terms of the proposed siting and layout of the development and fails to protect and integrate existing landscape features which positively contribute to the environmental quality and character of the landscape, resulting in the proposed development appearing incongruous.

Site Location Plan



Referral Request

Planning Reference: LA01/2022/0927/O
Elected Member Name: John McAuley
Email:

Good Morning

Please see attached Planning Call In form for above application.

Regards

John



Development Management
Information Note 07
January 2024

Annex 1

Template for Requesting Referral of a Contentious Delegated Decision to Issue' List Planning Application to Planning Committee for Determination

The Protocol for the Operation of the Planning Committee provides for an Elected Member to request a planning application listed on the weekly list of 'contentious delegated decisions ready' to be referred to Planning Committee for determination. This request must be received by the Planning Department no later than 10am on the Monday following the issuing of the contentious list and submitted via email to planning@causewaycoastandglens.gov.uk.

Planning Reference	LA01/2022/0927/O
Elected Member Name	Alderman John McAuley
Contact Details	Tel: 07736474848 Email:john.mcauley.dup@gmail.com
Refusal Reasons	1. The proposal is contrary to the Northern Area Plan; Policy ENV3 in that the development would result in the loss of trees which make a positive contribution to the environmental quality and character of the landscape. 2. The proposal is contrary to Planning Policy Statement 7 – Quality Residential Environments; Policy QD1, criteria 'a' and 'b', in that the proposed development fails to respect the surrounding character in terms of the proposed siting and layout of the development and fails to protect and integrate existing landscape features which positively contribute to the environmental quality and character of the landscape, resulting in the proposed development appearing incongruous.

Additional Supporting Information:

- The first refusal reason relates to the loss of tree's on the site. The tree report states there are 25 tree's on site, with 7 to be removed for the development & 3 for safety, which still leaves 60% of the tree's on site. As the proposal is only outline there is scope to reduce the amount of tree removal further. Policy ENV3 states that development will not be permitted unless provision is made for appropriate replacement planting and the creation of new features, it does not state that no tree removal is allowed. I feel that the minimum retention of 60% of the tree's and with additional planting on a full application the proposal will meet the policy.
- I would be of the opinion that the proposal does meet parts a and b of Policy QD1. The surrounding area, particularly the southern side of the Seacon Road, does not have complete uniformity, but a staggered building line, and the proposal would not be shoehorned into the corner. The dwellings along seacon road wouldn't be read full in conjunction with the development, meaning it would not appear out of character. The dwellings at this section to provide an open feel, which the proposal could keep whilst also providing innovative private amenity space, which would not be incongruous. Part b relates to the tree's again and with the majority of them being retained, especially when approaching from the newbridge road, it would not be out of character and is clearly going to respect the existing landscape features.
- I believe the proposal is within the provisions of the SPPS, NAP 2016 and PPS7 and would request that the application is deferred to the planning committee due to the irreconcilable differences in policy interpretation between the agents and the planning department.

Addendum

LA01/2022/0927/O

1.0 Update

- 1.1 Following receipt of an amended plan on Monday afternoon a consultation has been sent to DfI Roads and an office meeting has been arranged for Tuesday 28th April to discuss the amendments.

2.0 Recommendation

- 2.1 That the Committee note the contents of this Addendum and agree with the recommendation to defer the application to allow for an office meeting to discuss the amended application.

Addendum

LA01/2022/0927/O

1.0 Update

- 1.1 The application was presented to Planning Committee in March where it was deferred to allow for a meeting between Planning Officers and the Agent to consider a resolution.
- 1.2 A meeting took place on 28th April and amended plans were received on 15th June. A site inspection was undertaken on 27th July, where it was apparent that a number of trees had been removed from the site and there was evidence that a nesting site was destroyed as a result of the work, which is an offence under Article 4 of the Wildlife (NI) Order 1985.
- 1.3 The tree works have altered the appearance of the site and require the application to be reassessed in light of the new characteristics.

2.0 Assessment

- 2.1 An amended block plan (02b) was received on 29th June 2026. The plan outlines an indicative siting which would necessitate the removal of 3 trees, identified on the plan as 183, 196 and 197. A further 3 trees are to be removed for safety, these are identified as 184, 186 and 190. The leylandii hedge to the north west boundary of the site was also to be removed as was agreed at the office meeting.
- 2.2 However, tree works were carried out over the July holiday when the Nursery was closed which are contrary to the proposed plan. This involved the removal of 6 tree within the site, which include 176, 177, 178, 183, 188 and 196. A further 4 trees were removed from the roadside verge onto Newbridge Road, these are not within the application site and not within the applicant's control. These trees are not identified on the plan.
- 2.3 Of the trees which have been removed, only 183, and 196 were scheduled to be removed as part of the development. Therefore,

to facilitate the development a further 4 trees are still to be removed (184, 186, 190 and 197), this will take the total number of trees removed from within the site to 10 from a total of 23.

- 2.4 Hedging has also been removed from the boundary and some of the retained trees have had a crown lift, where lower branches are removed, which contributes to the open nature of the site. The once secluded site is now exposed, with clear views into the site from both directions along Newbridge Road, affording clear views of the site, the nursery building and associated play equipment clearly.
- 2.5 The removal of trees and works to retained trees have altered the character of the site, resulting in a conspicuous gap within the bank of mature vegetation which makes a positive contribution to this leafy suburb of Ballymoney. The application requires the removal of another 4 trees which would further erode the character and environmental quality of the area.
- 2.6 Policy QD1 of PPS 7 allows for development where it respects the surrounding context and is appropriate to the character of the area; and where landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design.
- 2.7 The physical constraints of the site are such that the site has no development potential when framed in the context of the policy criteria. It is not possible to deliver the proposed scheme on the site without significant harm to the character and environmental quality of the area.

3.0 Recommendation

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to **Refuse** the planning application as set out in Section 9 and 10 of the Planning Committee Report.