

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 28 AUGUST 2024**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
<b>1.</b>	Apologies	<b><i>Alderman Hunter, Alderman Callan<sup>1</sup></i></b>
<b>2.</b>	Declarations of Interest	<b><i>Alderman S McKillop, Councillor C Archibald, McMullan,<sup>2</sup> Peacock, Storey</i></b>
<b>3.</b>	Order of Items and Confirmation of Registered Speakers	
<b>3.1</b>	LA01/2020/1388/F, Objection, Lands approx 80m west of 21 Wheatsheaf Road Coleraine	<b><i>Deferred for Site Visit</i></b>
<b>3.2</b>	LA01/2021/0403/F, Referral, Lands approximately 30m South East of 328 Foreglen Road, Dungiven	<b><i>Deferred for Site Visit</i></b>
<b>3.3</b>	LA01/2023/0270/O, Referral, Land between 100A & 102 Finvoy Road, Ballymoney	<b><i>Deferred for Site Visit</i></b>
<b>4.</b>	Schedule of applications	
<b>4.1</b>	LA01/2016/1328/F, Major, North West Hotel and Spa Complex land south of 120 Ballyreagh Road, Portstewart	<b><i>Agree and Approved</i></b>
<b>4.2</b>	LA01/2024/0527/S54, Major, Unit 17 and adjoining vacant land, Riverside Regional Centre, Riverside Park North, Coleraine and existing Lidl store, No. 2 Riverside Park North, Coleraine	<b><i>Agree and Approved</i></b>
<b>4.3</b>	LA01/2023/1044/F, Major, Lands between 13-39 Quay Road, Ballycastle	<b><i>Agree and Approved</i></b>
<b>4.4</b>	LA01/2023/1072/F, Major, Hilltop Holiday Park, 60 Loguestown Road, Portrush	<b><i>Agree and Approved</i></b>
<b>4.5</b>	LA01/2023/1155/F, Major, Undeveloped lands West of Burn Road and bounded by Ballygallin Park, St Andrews Church of Ireland, Hazeldene Drive & Mulberry Gardens, Coleraine	<b><i>Agree and Approved</i></b>

<sup>1</sup> Alderman Callan later joined the meeting.

<sup>2</sup> Councillor McMullan later withdrew his declarations of interest.

<b>4.6</b>	LA01/2024/0193/F, Council Interest, Site 100m North East of amenity block, West Bay Car Park, Portrush	<b><i>Disagree and Approved</i></b>
<b>4.7</b>	LA01/2024/0194/F, Council Interest, Site in Portaneevy Car Park adjacent to B15 Whitepark Road, Ballintoy, Ballycastle	<b><i>Deferred, pending amendment of description to remove static element or provide rationale why the description should remain unchanged</i></b>
<b>4.8</b>	LA01/2024/0199/F, Council Interest, Site 120m North East of amenity block, West Bay Car Park, Portrush	<b><i>Deferred pending amendment of description to remove static element or provide rationale why the description should remain unchanged.</i></b>
<b>4.9</b>	LA01/2022/0969/F, Council Interest, Lansdowne Shelter, Lower Lansdowne Road Portrush	<b><i>Agree and Approved</i></b>
<b>4.10</b>	LA01/2022/0967/LBC, Council Interest, Lansdowne Shelter, Lower Lansdowne Road Portrush	<b><i>Grant Listed Building Consent</i></b>
<b>4.11</b>	LA01/2024/0247/F, Council Interest, Parks Store The Bowl, 138 Causeway Street Portrush	<b><i>Agree and Approved</i></b>
<b>4.12</b>	LA01/2024/0367/F, Objection, 48 Lever Park, Portstewart	<b><i>Agree and Approved</i></b>
<b>4.13</b>	LA01/2024/0005/F, Referral, Sweeneys Wine Bar/Cove Bistro, 6 Seaport Avenue Bushmills	<b><i>Disagree and Approved</i></b>
<b>4.14</b>	LA01/2022/1582/O, Referral, Approximately 65m South of 3a Heagles Road, Ballybogey	<b><i>Agree and Refused</i></b>
<b>4.15</b>	LA01/2023/0627/O, Referral, 30m South of 34-38 Ballymadigan Road, Castlerock	<b><i>Withdrawn</i></b>
<b>5.</b>	Local Development Plan (LDP)	
<b>5.1</b>	Dfl – Revised LDP Timetable	<b><i>That Planning Department respond to Dfl taking on board the next item on the agenda and circulate correspondence to Planning Committee</i></b>
<b>5.2</b>	LDP – Housing Research Tender	<b><i>That a Working Group be set up to discuss timelines and consider approaching Universities for undertaking research</i></b>
<b>6.</b>	Correspondence	

<b>6.1</b>	NIW – NI Water Constraints	<b>Noted</b>
<b>6.2</b>	DfI – Regional Planning IT System Closure of project	<b>Noted</b>
<b>6.3</b>	M&EA – LDP 2030 – Draft Local Plan Policies Plan - Call for Sites	<b>Noted</b>
<b>7.</b>	Conferences	
	RTNI NI Annual Planning Conference - Positive about Planning	<b>Noted</b>
<b>8.</b>	Reports	
<b>8.1</b>	Business Plan 2024/25	<b>Agreed that Planning Committee Approve the Planning Department Business Plan 2024/25 and Note the Planning Department Risk Register 2024/25;</b>  <b>Agreed that Planning Committee explore having a sub-committee to look at Business Plan performance, to ensure delivering objectives of Business Plan in detail. The Head of Planning to bring a paper to the next Planning Committee</b>
<b>8.2</b>	Annual Report on Planning Performance 2023/24	<b>Noted</b>
<b>8.3</b>	Terms of Reference	<b>Agreed that Planning Committee approves the Terms of Reference as set out in this report</b>
<b>8.4</b>	Finance Report – Period 1-3 2024/25 Update	<b>Noted</b>
<b>8.5</b>	DMIN 06 – Discharge of Conditions	<b>Agreed that Planning Committee considers the attached Information Note and agrees to its publication on the Planning Section of Council's website</b>
<b>8.6</b>	DfC – Advance notice of Listings: Moyarget Lodge, 98 Moyarget Road, Ballycastle Carey House, 142 Cushendall Road, Ballyvoy	<b>Approve Option 1 - Resolve to support the proposed listings</b>

<b>8.7</b>	DfC – District Council Heritage Development Support Scheme	<b><i>Noted</i></b>
<b>8.8</b>	Co Donegal Development Plan 2024-2030 – Ministerial Notice of Intention to Issue a Direction	<b><i>Noted</i></b>
<b>8.9</b>	DfI – Notice of Opinion – LA01/2023/1043/DCA – Quarry Road, Ballycastle	<b><i>Agreed that Planning Committee considers the attached Notice of Opinion and covering letter from DfI and agrees to the Head of Planning advising DfI that in this regard, the Council does not wish to request an opportunity to appear before and be heard by the Planning Appeals Commission (PAC) or a person appointed by the Department for the purpose of a hearing</i></b>
<b>8.10</b>	TPO Confirmation – Land at and adj to 39, 41 & 43 Semicock Road, Ballymoney	<b><i>Approve Option 1 - Resolve to confirm the TPO with modifications as detailed above</i></b>
	<b>FOR CONFIDENTIAL CONSIDERATION</b> (Items 9-9.1 inclusive)	
<b>9.</b>	Confidential Items	
<b>9.1</b>	Update on Legal Issues	<b><i>Information</i></b>
<b>10.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<b><i>None</i></b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND  
VIA VIDEO CONFERENCE  
ON WEDNESDAY 28 AUGUST 2024 AT 10.38AM**

**Chair:** Councillor Watton, Vice Chair (C)

**Committee Members:** Alderman Boyle (C), Coyle (C), S McKillop (C), Scott (C), Stewart (C)  
Councillors Anderson (C), C Archibald (C), Kennedy (C), McGurk (R), McMullan (C), Peacock (R), Nicholl (R), Storey (C)

**Non Committee Members Present:** Councillor McCully (Items 1 - 8.10) (R)

**Officers Present:** D Dickson, Head of Planning (C)  
S Mulhern, Development Plan Manager (C)  
S Mathers, Principal Planning Officer (C)  
M Jones, Council Solicitor, Corporate, Planning and Regulatory (C)  
E Hudson, Senior Planning Officer (C)  
J Lundy, Senior Planning Officer (C)  
M Wilson, Senior Planning Officer (C)  
J McMath, Senior Planning Officer (C)  
R McGrath, Senior Planning Officer (R)  
S O'Neill, Senior Planning Officer (R)  
J McIntyre, Planning Officer (C)  
L McCaw, Planning Officer(C)  
J Keen, Committee & Member Services Officer (C/R)  
I Owens, Committee & Member Services Officer (R/C)

**In Attendance:** T Vauls, Car Parks Manager (Items 1 - 8.10) (R)  
A Lennox, ICT Officer (C)

Public 20no. (C), 18no. (R)  
Press 3no. (R)

**Key:** R = Remote C = Chamber

**Registered Speakers in Attendance**

Item No.	Name
LA01/2016/1328/F	J Allister T Ferguson B Wilson K Blair

	G Campbell A Gillan N Dickson
LA01/2024/0527/S54	D Monaghan
LA01/2023/1072/F	D Dalzell C Mayrs
LA01/2023/1155/F	G Rolston
LA01/2024/0193/F	J Allister
LA01/2024/0367/F	G Montgomery
LA01/2024/0005/F	D Donaldson S Sweeney
LA01/2022/1582/O	J Martin

The Chair reminded Planning Committee of their obligations under the Local Government Code of Conduct.

## 1. APOLOGIES

Apologies were recorded for Alderman Hunter and Alderman Callan. Alderman Callan later joined the meeting.

## 2. DECLARATIONS OF INTEREST

Alderman S McKillop declared an interest in Item 4.6 - LA01/2024/0193/F, Council Interest, Site 100m North East of amenity block, West Bay Car Park, Portrush and Item 4.8 LA01/2024/0199/F, Council Interest, Site 120m North East of amenity block, West Bay Car Park, Portrush.

Later in the meeting, Alderman S McKillop declared an interest in Item 4.7 LA01/2024/0194/F, Council Interest, Site in Portaneevy Car Park adjacent to B15 Whitepark Road, Ballintoy, Ballycastle

Alderman S McKillop left the Chamber during consideration of these items.

Councillor C Archibald declared an interest in Item 4.6 - LA01/2024/0193/F, Council Interest, Site 100m North East of amenity block, West Bay Car Park, Portrush, Item 4.7 LA01/2024/0194/F, Council Interest, Site in Portaneevy Car Park adjacent to B15 Whitepark Road, Ballintoy, Ballycastle and Item 4.8 LA01/2024/0199/F, Council Interest, Site 120m North East of amenity block, West Bay Car Park, Portrush.

Councillor McMullan declared an interest in Item 4.6 - LA01/2024/0193/F, Council Interest, Site 100m North East of amenity block, West Bay Car Park, Portrush, Item 4.7 LA01/2024/0194/F, Council Interest, Site in Portaneevy Car Park adjacent to B15 Whitepark Road, Ballintoy, Ballycastle and Item 4.8

LA01/2024/0199/F, Council Interest, Site 120m North East of amenity block, West Bay Car Park, Portrush.

Councillor McMullan later withdrew his declarations of interests for 4.6 LA01/2024/0193/F, 4.7 LA01/2024/0194/F and 4.8 LA01/2024/0199/F.

Councillor Peacock declared an interest in Item 4.6 - LA01/2024/0193/F, Council Interest, Site 100m North East of amenity block, West Bay Car Park, Portrush, Item 4.7 LA01/2024/0194/F, Council Interest, Site in Portaneevy Car Park adjacent to B15 Whitepark Road, Ballintoy, Ballycastle and Item 4.8 LA01/2024/0199/F, Council Interest, Site 120m North East of amenity block, West Bay Car Park, Portrush.

Councillor Peacock was not in attendance at the meeting during consideration of these items.

Councillor Storey declared an interest in LA01/2023/1072/F, Major, Hilltop Holiday Park, 60 Loguestown Road, Portrush. Councillor Storey left the Chamber during consideration of this item.

### **3. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS**

The Chair enquired whether there were any requests for site visits.

#### **3.1 LA01/2020/1388/F, Objection, Lands approx 80m west of 21 Wheatsheaf Road Coleraine**

Proposed by Councillor Anderson

Seconded by Councillor Watton

- That application LA01/2020/1388/F, Objection, Lands approx 80m west of 21 Wheatsheaf Road Coleraine is deferred for a site visit in order to look at safety at the site.

The Chair put the motion to the Committee to vote.

14 Members voted For, 0 Members Against, 0 Members Abstained.

The Chair declared the motion carried and application deferred for a Site Visit.

**RESOLVED** – That application LA01/2020/1388/F, Objection, Lands approx 80m west of 21 Wheatsheaf Road Coleraine is deferred for a site visit in order to look at safety at the site.

### **3.2 LA01/2021/0403/F, Referral, Lands approximately 30m South East of 328 Foreglen Road, Dungiven**

Proposed by Councillor McGurk

Seconded by Councillor C Archibald

-That application LA01/2021/0403/F, Referral, Lands approximately 30m South East of 328 Foreglen Road, Dungiven is deferred for a site visit in order to view the topography of the site.

The Chair put the motion to the Committee to vote.

14 Members voted For, 0 Members Against, 0 Members Abstained.

The Chair declared the motion carried and application deferred for a Site Visit.

**RESOLVED** – That application LA01/2021/0403/F, Referral, Lands approximately 30m South East of 328 Foreglen Road, Dungiven is deferred for a site visit in order to view the topography of the site.

### **3.3 LA01/2023/0270/O, Referral, Land between 100A & 102 Finvoy Road, Ballymoney**

Proposed by Councillor Storey

Seconded by Councillor Kennedy

-That application LA01/2023/0270/O, Referral, Land between 100A & 102 Finvoy Road, Ballymoney is deferred for a sit visit in order to view the site in relation to other properties.

The Chair put the motion to the Committee to vote.

14 Members voted For, 0 Members Against, 0 Members Abstained.

The Chair declared the motion carried and application deferred for a Site Visit.

**RESOLVED** – That application LA01/2023/0270/O, Referral, Land between 100A & 102 Finvoy Road, Ballymoney is deferred for a sit visit in order to view the site in relation to other properties.

## **4. SCHEDULE OF APPLICATIONS**

### **4.1 LA01/2016/1328/F, Major, North West Hotel and Spa Complex land south of 120 Ballyreagh Road, Portstewart**

Report, Addendum, Erratum, Site Visit reports, Letters of Objection and Speaking Rights for J Allister, M Bradley and T Ferguson, previously circulated, were presented by the Principal Planning Officer.

**Major Application to be determined by Planning Committee**

**App Type:** Full Planning



**Proposal:** Full application for a Hotel and Spa Complex (including conference and banqueting facilities, holiday cottages, North West 200 visitor attraction including exhibition space, tourist retail unit (c.150 sq m) and office space, demonstration restaurant, car/coach parking, access/junction alterations, landscaping and associated infrastructure works) on land south of 120 Ballyreagh Road, Portstewart.

**Recommendation**

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 Section 7 & 8 and resolves to APPROVE full planning permission subject to the conditions set out in Section 10.

**Addendum Recommendation**

That the Committee notes the content of this addendum and agrees with the recommendation to approve as set out in Section 9 of the Planning Committee Report.

**Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve full planning permission subject to the conditions set out in Section 5.0 of this Addendum.

**Addendum 3 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve full planning permission subject to the conditions set out in Section 5.0 of Addendum 2 and paragraph 1.11 of Addendum 3.

**Addendum 4 Recommendation**

That the Committee note the contents of this Addendum and agree to defer the application pending being satisfied on the position regarding the challenge to the Planning Application Certificate. This recommendation supersedes the recommendations provided in the Planning Committee Report and subsequent addenda.

**Addendum 5 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve full planning permission subject to the conditions set out in Section 5.0 of Addendum 2, paragraph 1.11 of Addendum 3 and paragraph 1.9 of Addendum 4.

**Erratum Recommendation**

That the Committee agrees with the recommendation to approve as provided in the Committee Report.

The Principal Planning Officer provided a verbal Addendum as follows:

- Two further representations of objection have been submitted. These have been uploaded to Public Access and circulated to members. This takes the total number of representation to: 143 letters of objection, 190 letters of support, one petition of support, one petition of objection and two non-committals.
  
- A further representation from Mr Allister focuses on paragraph 7.14 of Policy TSM3 of PPS16 Tourism, specifically the requirement for sufficient evidence to be provided to indicate how firm or realistic the proposal is and what sources of finance are available (including any grant aid) to sustain the project. The representation questions the following main issues:
  1. The cost of the project and speculates that it will be higher than the £15 million put forward in 2015/16, citing other projects and the increased cost of borrowing.
  2. The position of the Planning Department in considering the information put forward by ASM Accountants.
  3. The relationship between ASM Accountants and Don Hotels Ltd.
  4. The financial status of C&V Developments (the applicant) and the potential for insolvency.
  5. The impact of the development on local business.
  
- Consideration  
The Planning Department's consideration of this requirement of Policy TSM3 is set out at paragraphs 3.56- 3.70 of Addendum 2. The Planning Department was advised on 11 March 2024 by the Agent that the cost of the project was now approximately £20 million. This is higher than the figure provided previously. As set out in Addendum 2, ASM Accountants, a chartered firm, advise that the sources of finance available to the project include private equity, primary bank finance and mezzanine debt. Each source of funding will carry related conditions which will be assessed by the developer and its advisors when drawing final conclusions as to the most appropriate funding structure for the scheme. Unlike previously, grant funding is not identified as a course of finance. The Planning Department considers that further scrutiny of the position set out by ASM Accountants is not required as to do so would be to go beyond the requirements of Policy TSM3. Likewise, scrutiny of any relationship (existing or former) between ASM Accountants and Don Hotels would be beyond the requirements of Policy TSM3. As set out in Addendum 2, on

08 September 2023, a representative of the Applicant advised the Planning Department should not enquire into the role of Don Hotels as the hotel is to be run by Interstate. The Planning Department considers querying the financial status of the Applicant C & V Developments would be beyond the requirements of Policy TSM3.

- The Applicants are registered speakers at today's meeting and are available to answer questions posed by members.
- The impact of the proposal on a local business in Portstewart Town Centre is considered at Paragraph 2.7 of Addendum 5.
- The other representation raises concern with the provision of a sewerage treatment plant and boreholes for a water supply. Specific issues raised include: desludging and maintenance operations; discharge of grey water to the sea; the potential for the treatment plant to break down and the borehole to run dry. The objection stated that the site is unsuitable until such times as mains infrastructure is available. The objector queried where details of these elements of the proposal were available.
- Yesterday, the Planning Department referred the objector to Public Access and provided details of the relevant drawings and documents which set out the arrangements.
- Through the provision of a revised odour and noise reports and consultation with relevant consultees, the Planning Department is content with the arrangements. This position is set out at Paragraphs 3.8- 3.20 of Addendum 2. Discharge from the sewerage treatment plant will be subject to Discharge Consent being obtained from NIEA Water Management Unit, a matter subject to Condition 21 of Addendum 2. Regarding the borehole, a report was provided by Causeway Geotech to indicate the availability of water supply. NIEA Drinking Water Inspectorate, as the relevant consultee, was consulted and is content with same.
- While failure of the sewerage treatment plant is unlikely subject to good maintenance, contingency measures could be put in place in that eventuality to avoid a pollution incident.

The Principal Planning Officer presented the application as follows:

- This full application proposes a hotel development with car parking just outside Portstewart, with the site separated from the settlement

development limit by part of Portstewart Golf Course. The hotel building includes 119 bedrooms, conference centre and spa complex including swimming pool. In addition, the hotel building accommodates a small exhibition area with shop and modest office accommodation all relating to the NW 200 event. Other key elements of the proposal are 9 detached holiday cottages and a detached demonstration restaurant (all to the rear of the site) and car parking.

- This application was last considered at the meeting of the Planning Committee on 22 November 2023 when it was deferred. Consistent with what is set out in Part 13 of the Protocol for the Operation of the Planning Committee, the focus of this presentation is generally restricted to the new information received. However, the slides remain the same as previously.
- Challenge to the Planning Application Certificate- Further to the application being deferred, the Planning Department progressed the challenge to the planning application certificate (set out in Addendum 4) by contacting the Agent for the application. Additionally, the Planning Department advised that further to investigation of land ownership within the red line of the application site, a small portion of unregistered land was identified. The Agent responded to the matter by notifying Mrs Jean Wallace, the owner of Folio 12451 Co. Londonderry and by completing Certificate D. Certificate D is the applicable certificate where after enquiries, the Applicant/ Agent is unable to issue a Certificate A, B or C to address all parts of the application site. Certificate D is considered the correct certificate given the circumstances of the application. The detail of how this matter was progressed is set out in Addendum 5.
- Further Representations- The content of further representations is addressed in Addendum 5.
- Conclusion- The proposal is considered acceptable and the recommendation is to approve, subject to the conditions set out in Addendum 2, 3 and 4.

\* **The Chair declared a recess at 11.09am to resolve ICT issues.**

\* **The meeting resumed at 11.14am**

The Principal Planning Officer presented via powerpoint presentation showing slides of photographs taken by the Planning Department and photomontages provided by the Agent.

\* **The Chair declared a recess at 11.17am to resolve ICT issues.**

\* **The meeting resumed at 11.23am**

The Principal Planning Officer restarted the presentation from the beginning.

There were no questions for the Officer.

The Chair invited J Allister to speak in objection to the application.

J Allister stated he was speaking on behalf of the residents in Ballygelagh Village. J Allister stated that Planning Officers have twice led the Planning Committee into unlawful approval, the High Court quashed these approvals. At the last Judicial Review Lord Justice McCloskey stated that the current access must be used according to policy, the Planning Committee are being asked to approve to relocate and enhance the access. J Allister stated that in November the land easement did not include folio 12451, the applicant does not control these lands and there is no proposed condition requiring the applicant to demonstrate legal control. J Allister stated concerns regarding the financial viability of the project. Planning Committee have been told they should not look at the financial viability of the business. J Allister stated that the applicant does not control the car park, this is Council land and there is no licence or lease in place.

In relation to the environment, J Allister stated that this is a massive hotel project in the countryside, it breaks the skyline, destroys the last remaining green wedge between Portrush and Portstewart and that this application is urbanisation of a green field site.

There were no questions for the speaker.

The Chair invited T Ferguson in support of the application.

T Ferguson stated that the legal team confirmed that folio 12451, which is the strip of land at the access, remained with Department of Infrastructure (Roads) and all registered owners were contacted. T Ferguson stated that Lord Justice McCloskey raised concerns with how Planning Officers dealt with access. The Department for Infrastructure (Roads) have no objections in relation to the enlarging of the existing access. T Ferguson stated that M White has no objections with the paddock being used and has put his support in writing. T Ferguson stated that the applicant has provided information in relation to viability, they are a partner of C&V Developments and they are working with Interstate. Policy TSM3 focuses on the application itself. T Ferguson stated that in relation to the wider objections there is no significant impact on the landscape and amenity. The landscape impact was assessed in detail. There will be a positive economic impact on the area including the employment of local people. Local enterprises including the North West 200, the Chamber of Commerce, Ulster University and Taste Causeway support the development of this hotel.

There were no questions for the speaker.

The Chair invited G Campbell to speak in support of the application.

G Campbell stated this is a long running application. The last time The Open Golf Championship was held in Portrush there was one quarter of a million people in attendance with publicity across the globe and The Open Golf Championship is due to return next year. One comment that came from the Open last time was that there is a need for good quality accommodation which is not in good supply on the North Coast. G Campbell stated that the employment offered should be taken into consideration. G Campbell stated that there are legitimate objections and political objections, if the development was proposed for Bushmills or Ballycastle there would not be the same political objections. G Campbell stated that every avenue has been explored in relation to the objections. G Campbell stated the tourism industry should be developed to go from strength to strength.

There were no questions for the speaker.

The Chair invited questions for the Officer.

In response to questions from Elected Members, the Principal Planning Officer advised that paragraphs 3.5 – 3.7 of Addendum 2 addressed concerns regarding the access onto a protected route being in breach of policy. The Principal Planning Officer advised that the access is not in accordance with the exact terms of the policy, but rather it is replacing the existing access with a new access which is in accordance with policy, as there is not an additional access. The Department for Infrastructure (Roads) has not raised objections.

In response to questions regarding concerns raised by J Allister, the Principal Planning Officer advised that paragraph 8.105 addresses the issue of the skyline, the development is visible from the edge of Portstewart and does sit above the skyline from this perspective. The land levels are utilised, it sits back off the road and the design is acceptable. The Principal Planning Officer advised that urbanisation was a point of objection and this was addressed on paragraph 5.2 and 8.114 of the main report, policy CTY15 of PPS21 also applies. The Principal Planning Officer cited from the main report to provide the required information.

Proposed by Alderman Stewart  
Seconded by Alderman S McKillop

- 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 Section 7 & 8 and resolves to APPROVE full planning permission subject to the conditions set out in Section 10.

The Chair put the motion to the Committee to vote.  
13 Members voted For, 0 Members voted Against, 1 Member Abstained.  
The Chair declared the motion carried and application approved.

**RESOLVED** – 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 Section 7 & 8 and resolves to APPROVE full planning permission subject to the conditions set out in Section 10.

The Head of Planning reminded Committee Members of notification direction from the Department for Infrastructure to be advised of the decision of the Planning Committee for consideration of a Call In.

#### **4.2 LA01/2024/0527/S54, Major, Unit 17 and adjoining vacant land, Riverside Regional Centre, Riverside Park North, Coleraine and existing Lidl store, No. 2 Riverside Park North, Coleraine**

Report and Speaking Rights for D Monaghan, previously circulated, were presented by the Principal Planning Officer.

##### **Major Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Variation of Condition 2 (Retail Floorspace – net sales) of LA01/2022/0841/F.

##### **Recommendation**

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 Approve planning permission subject to the conditions set out in section 10.

The Principal Planning Officer presented via powerpoint presentation as follows:

- Proposal comprises a small enlargement to the 2475 sqm gross foodstore at Unit 17 adjacent the units where Dunelm and Poundstretcher are located which was approved in November last year.

- While a major application, no PAN was required as this is a variation of condition application. However, it was accompanied by a Design and Access Statement.
- In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Coleraine but outside the town centre boundary. The Northern Area Plan states that the future development of Riverside Regional Centre is to be complementary to, rather than competing with, the town centres and does not adversely affect the vitality and viability of the latter. In terms of retail site classification, the site of the proposal is out of centre.
- Planning History- The existing Lidl store adjacent Dunhill Road was approved in 2005. The planning approval from November last year allowed this store to relocate to this site with repurposing of the existing store for retail bulky goods and storage.
- The Non-Material Change Application- Further to the approval from November last year, a non-material change application was submitted to increase the width of the store by 1.2m to improve customer circulation space. In that application, the increase in customer or “net” floorspace was offset by an increase in back of house floorspace so that there was no overall increase in customer or “net” floorspace. The Non-Material Change application was approved in March this year.
- Change To “Net” Or Customer Floorspace- This proposal seeks to retain the size of the building approved by the non-material change application but reconfigure the internal layout to provide more customer or “net” floorspace (with a corresponding reduction in back of house floorspace). This increase is to allow for wider aisles to facilitate the fitment of hinged fridge doors which open outwards. The Agent has advised that the change will not accommodate the selling of a greater range of goods. The increase in net floorspace is small at 76 sqm which will have no retail impact of concern on Coleraine Town Centre.
- Representations- None received.
- Conclusion- The proposal is considered acceptable and the recommendation is to approve subject to the specific conditions.

The Chair invited questions for the Officer.



In response to questions regarding traffic control on site, the Principal Planning Officer advised that for the previous application the Department for Infrastructure (Roads) were content. The public roads are Dunhill Road and Castleroe Road, the management of internal roads is a matter for the owner of the site. The Principal Planning Officer advised this application is for a small increase in floor space.

The Chair invited D Monaghan to speak in support of the application.

D Monaghan advised planning permission has already been provided, this application is to provide wider aisle areas for opening fridge doors. D Monaghan stated there will be 18 new jobs created which will be a total of 40 jobs within the store. D Monaghan respectfully asked that planning permission be granted.

The Chair invited questions for the speaker.

In response to questions regarding traffic management, D Monaghan advised there will not be an increase in traffic as a result of this application, there will be no increase on goods displayed or sold. D Monaghan confirmed that he would pass on concerns regarding traffic management to the landlord.

Proposed by Councillor Kennedy  
Seconded by Councillor C Archibald

- 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 Approve planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.  
14 Members voted For, 0 Members voted Against, 0 Members Abstained  
The Chair declared the motion carried and application approved.

**RESOLVED** - 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 Approve planning permission subject to the conditions set out in section 10.

\* **Councillor Peacock left the meeting remotely and did not return.**

#### **4.3 LA01/2023/1044/F, Major, Lands between 13-39 Quay Road, Ballycastle**

Report and Addendum, previously circulated, were presented by the Principal Planning Officer.

## **Major Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** New Leisure facilities to Quay Road sports grounds to include new Leisure Centre with swimming pool, gym, studios and associated accommodation, along with new accessible Play Park, BMX Pump Track along with alteration to site access and additional car/coach parking and landscape features.

## **Recommendation**

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 APPROVE full planning permission subject to the conditions set out in section 10.

## **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

The Principal Planning Officer presented via powerpoint presentation as follows:

- Proposal comprises several main elements: a leisure centre; children's play park; BMX pump track and; parking. This is to be located at the Council's existing recreation grounds at Quay Road. The scheme retains two football pitches, the GAA pitch (albeit slightly reduced in size) and the changing pavilion building.
- As a major application, it was preceded by a PAN and accompanied by a Design and Access Statement.
- In terms of the Northern Area Plan 2016, the site is located mostly within the settlement development limit of Ballycastle. Most of the site is either identified or zoned as open space. Other than such zoning, the Northern Area Plan 2016 does not provide specific policy on open space, sport and outdoor recreation. Rather, it directs to the regional policies in PPS 8. Policy OS4 is the lead policy to assess the proposal. Additionally, the site is located within Ballycastle Conservation Area and Tow Valley Lower LLPA.
- Loss of Open Space- The proposal entails the loss of the existing synthetic pitch and a portion of the GAA pitch. The extent of loss is calculated at 10.8% of the overall site. While PPS 8 Policy OS 1 has a presumption against the loss of open space, an exception is provided

where the proposal would bring about substantial community benefits that decisively outweigh that loss. In this case, the provision of a state-of-the-art leisure centre meets that test. Additionally, the loss of the synthetic pitch is offset by the provision of new playing field facilities at the Shared Education Campus site.

- Conservation Area- While contemporary, the proposal is of appropriate massing and scale for a new civic styled building. Sited 120m back from Quay Road, given the changing levels and low profile design, it will sit comfortably within the Conservation Area. The proposal is enhanced through use of quality hard surface materials and landscaping.
- Local Landscape Policy Area- The proposal is respectful of the landscape features on the site that contribute to the LLPA.
- Access & Parking- The existing access point to Quay Road is to be upgraded by setting back of the existing stone wall to improve visibility and the provision of a right turn lane. DfI Roads is content with the arrangements. A total of 104 parking spaces are provided with its appearance made acceptable through use of block paving and screen hedging. All of this is to be regulated by planning conditions.
- Amenity- The proposal was accompanied by noise and lighting assessments. These have been considered by the Environmental Health Department and have been found acceptable.
- Sewerage- While NI Water initially recommended refusal due to network capacity issues, a Waste Water Impact Assessment (WWIA) was provided. This identified a solution which is acceptable to NI Water. Accordingly, the development can proceed subject to condition.
- Representations- The detail of a single objection is considered in the report.
- Demolition In Conservation Area- DfI has considered their application for the setting back of the stone wall and have formed a Notice of Opinion to approve. A separate report on this appears at item 8.9 on today's Agenda.
- Conclusion- The proposal is considered acceptable and the recommendation is to approve subject to the specific conditions.

The Chair invited questions for the Officer.

In response to questions from Elected Members, the Principal Planning Officer confirmed NI Water did raise concerns regarding network capacity to deal with sewage to the treatment plant. A waste water impact assessment was submitted and agreed by NI Water. The Principal Planning Officer clarified that paragraph 8.10 in the report sets out the content of policy OS1 of PPS8. There are 3 exceptions for the loss of open space outlined in the policy, only 1 applies to this application; the other 2 are not engaged in this case.

Proposed by Councillor McMullan  
Seconded by Councillor Kennedy

- 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 APPROVE full planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.  
13 Members voted For, 0 Members voted Against, 0 Members Abstained  
The Chair declared the motion carried and application approved.

**RESOLVED** - 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 APPROVE full planning permission subject to the conditions set out in section 10.

\* **Councillor Storey declared an interest in the following and left the Chamber at 12.26pm.**

**4.4 LA01/2023/1072/F, Major, Hilltop Holiday Park, 60 Loguestown Road, Portrush**

Report and Speaking Rights for D Dalzell and C Mayrs, previously circulated, were presented by the Principal Planning Officer.

**Major Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Retention of design amendments to previously approved extension of existing caravan park (approved under planning permission LA01/2018/0109/F), including 89no. caravan pitches suitable for static caravans (in lieu of 61no. approved static caravan pitches), with Laundry Building, 3no. Services Kiosks, mobile-type Cleaner's Cabins and reconfiguration of open space area. Associated access, external lighting and landscaping.

## **Recommendation**

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 Approve planning permission subject to the conditions set out in section 10.

The Principal Planning Officer presented via powerpoint presentation as follows:

- The proposal seek retention of 89 caravan pitches in lieu of the 61 approved in 2019 i.e. an additional 28 caravan pitches. Relative to the approved scheme, the additional caravans are accommodated by extending the footprint of the site occupied by pitches and by adding additional pitches into the layout. The extension is to the long-established site.
- This is a major application given the size of the site. The proposal had a PAN and a Community Consultation Report was submitted with the application.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside, outside any designated settlement. The Northern Area Plan 2016 does not provide specific policy on tourism development. Rather, it directs to regional policy in PPS 16 Tourism. Policy TSM 6 is the lead policy to assess the proposal.

### Main Issues

- Principle of Development- Provision is made in PPS 16 for extensions to existing holiday parks. The site can absorb the development without adverse impact on visual amenity or landscape character. This is achieved by the use of natural land levels on site and additional planting which will soften the visual impact of the development. Given the levels, intervening buildings and vegetation, critical views are limited from the public roads adjacent the site.
- Layout- The layout takes the form of informal groupings or clusters of units, separated through appropriate tree and shrub planting. The requirement for 15% of the site to be communal open space is exceeded with approximately 33% of the site made up of communal open space. While there is some diminished quality in the layout with the infilling of two landscaped “islands”, it is nonetheless acceptable.

- Access- Access is through the established entrance at Glenmanus Road and then through the existing internal road network. DfI Roads have been consulted and are satisfied with the proposed arrangements.
- Amenity- The separation distance of approximately 150m to the closest dwelling is sufficient so that there will not be unacceptable effects on amenity in terms of noise or odour.
- Flooding- A flood risk assessment submitted with the application shows that a portion of the site is with the floodplain of the adjacent watercourse. This area is not to be used for the stationing of caravans, instead it is to be used for the open space provision.
- Sewerage- Consultation with NI Water has identified that the sewerage infrastructure does not have capacity for an additional load of 28 caravans. Accordingly, a cesspool is to be used as an interim measure. Its provision is regulated by planning conditions.
- Representations- None received.
- Conclusion- The proposal is considered acceptable and the recommendation is to approve subject to conditions.

There were no questions for the Officer.

The Chair invited D Dalzell and C Mayrs to speak in support of the application.

D Dalzell stated he supported the Officers recommendation to approve the application and was happy to answer any questions.

In response to a question, D Dalzell confirmed there are now a total of 89 sites at Hilltop Caravan Park, this has risen from 61.

Proposed by Councillor Kennedy  
Seconded by Alderman S McKillop

- 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 Approve planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.

10 Members voted For, 0 Members voted Against, 2 members Abstained

The Chair declared the motion carried and application approved.

**RESOLVED** - 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 Approve planning permission subject to the conditions set out in section 10.

- \* **Councillor Storey returned to the Chamber.**
- \* **Alderman S McKillop left the Chamber.**

**4.5 LA01/2023/1155/F, Major, Undeveloped lands West of Burn Road and bounded by Ballygallin Park, St Andrews Church of Ireland, Hazeldene Drive & Mulberry Gardens, Coleraine**

Report and Speaking Rights for G Rolston, previously circulated, were presented by the Principal Planning Officer.

**Major Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Proposed housing development comprising 82 residential units (including 16 social housing units), associated internal road network, public open space, landscaping, parking, access and ancillary site works (amended description and plans).

**Recommendation**

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 APPROVE planning permission subject to the conditions set out in section 10.

The Principal Planning Officer presented via powerpoint presentation as follows:

- This application proposes a total of 82 dwelling units on this suburban site in Coleraine in the Ballysally area adjacent Burn Road. Other than the pre-application notice application, and a PAD application, there is no planning history on the site.
- As a major application, it was preceded by a PAN and was accompanied by a Design and Access Statement.
- The scheme provides for a mix of house types comprising 14 detached, 35 semi-detached, 21 terraced and 12 apartment units. All units are 2 storey. The scheme provides 2 main areas of open space.
- In terms of the Northern Area Plan 2016, the site is within the settlement development limit of Coleraine. The site is within housing zoning CEH 38 Ballysally East. The proposal has regard to the key site requirements.

Therefore, the principle of housing is acceptable.

#### Main Issues

- **Context & Character-** The proposed density averages 25 units per hectare. This density is reflective of the character of the area and complies with the key site requirement. Likewise, the use of two storey units is conducive to the character of existing development in the area and complies with the key site requirements. While detached units are not a feature of established development in this area, they are distributed throughout the site so that they do not dominate the street scene.
- **Social Housing-** Policy HOU 2 in the Northern Area Plan 2016 requires 20% social housing in proposals over 25 units. NIHE has confirmed the need for social housing at this location. A total of 16 social housing units are proposed, representing 20% of the scheme. These are located in the northern portion of the site. Provision of these is regulated by condition.
- **Landscape Features-** The proposal has been designed to take account of the existing landscape features and proposes to retain the trees fronting Burn Road.
- **Open Space-** 20% of the site is identified as open space. This exceeds the required 10% standard. The principal open space area takes the form of a linear park which forms the focus for the frontage of a significant portion of the scheme. This feature of the layout was negotiated further to the PAD process. As less than 100 dwellings are proposed, an equipped children's playground is not required. All plots provide adequate private amenity space.
- **Access & Parking-** The site is accessed from two separate accesses off Hazeldene Drive and Ballygallin Park, both of which in turn access off Burn Road. In curtilage car parking is provided for most of the dwelling units. DFI Roads is content with the overall layout which is to be adopted. The appearance of shared private drives is enhanced by the use of pavements.
- **Relationship with other Properties-** By reason of the specific design and separation distances, the relationship with proposed and existing dwellings on the site boundaries is acceptable. The specific design features include the careful location of windows. Given noise from the adjacent Ring Road, properties are subject to noise attenuation measures in the form of walls and ventilation system specification.
- **Sewage Connection-** The developer has entered into the Waste Water Impact Assessment process with NI Water. NI Water has agreed a



downstream engineering solution. Adequate means of sewerage disposal is subject to conditions.

- Representations- The detail of these is provided in the report.
- Conclusion- The proposal is considered acceptable and the recommendation is to approve.

The Principal Planning Officer provided a verbal erratum to advise Committee Members that condition 7 in the Planning Committee Report should refer to condition 13.

The Chair invited questions for the Officer.

In response to questions from Elected Members, the Principal Planning Officer advised there is no proposal to widen Hazeldene Road, the Department for Infrastructure (Roads) had been consulted and have no objection to the layout. There will be some on street parking on the road across from the cottages on Hazeldene Road. The Principal Planning Officer confirmed the area is zoned for housing in the Northern Area Plan. There was community consultation in the Youth and Community Centre, there were 9 attendees at this.

The Chair invited G Rolston to speak in support of the application.

G Rolston stated he was happy to answer questions.

In response to questions from Elected Members, G Rolston advised he has not received information from the developer regarding the cost of each unit. There was a need to increase the social housing units from 8 to 16 which the developer consented to. The remaining units will be sold at market value. The developer is already in discussions with the housing association.

\* **Alderman S McKillop returned to The Chamber.**

Proposed by Councillor Anderson

Seconded by Alderman Boyle

- 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 APPROVE planning permission subject to the conditions set out in section 10

The Chair put the motion to the Committee to vote.

12 Members voted For, 0 Members voted Against, 1 Member Abstained

The Chair declared the motion carried and application approved.

**RESOLVED** - 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 APPROVE planning permission subject to the conditions set out in section 10

\* **Having declared an interest, Alderman S McKillop left the Chamber during consideration of the following item**

**4.6 LA01/2024/0193/F, Council Interest, Site 100m North East of amenity block, West Bay Car Park, Portrush**

Report and Speaking Rights for J Allister, previously circulated, were presented by Senior Planning Officer, J McMath.

**Council Interest Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Site for concessionary trading vehicle / trailer / static unit - for sale of hot drinks, flour-based baked goods and tray bakes.

**Recommendation**

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.

Senior Planning Officer presented via powerpoint presentation as follows:

- Site is 100m NE of the amenity block within west strand public car park Portrush, accessed off Portstewart Road. The site is located within the Settlement Development Limit of Portrush and is identified as a Major Area of Existing Open Space, within West Bay Local Landscape Policy Area (LLPA) and is adjacent to West Strand ASSI.
- Site currently comprises hardstanding and is used for 5 car park spaces. Site is open to the car park and is an elevated position above the surrounding amenity space.
- The original submission sought Full planning permission for a site for a concessionary trading vehicle or trailer. An amended description was later submitted adding the static unit element of the proposal. The vehicle/trailer or static unit is for the sale of hot drinks, flour-based baked goods and tray bakes. The application is submitted in conjunction with item 8 on the agenda.

- By way of background Planning advised the agent that the static unit was unacceptable but advised that one mobile vehicle or trailer element which would be removed off site at the end of each day would be acceptable. However, as the agent confirmed that no amendments would be made refusal is recommended.
- Regarding the vehicle / trailer element. The vehicle / trailer element is a modest facility on account of scale and temporary nature which would be moved off site at the end of the day this would be appropriate and not be out of character with the surrounding car park and would not adversely affect the beach, open slopes namely the features which contribute to the environmental quality, integrity or character of the LLPA. Weight is also given to the temporary nature of the vehicle trailer which can be instantly restored upon removal at the end of the day. Therefore the vehicle / trailer would not result in the permanent loss of open space and could reasonably be deemed to comply with the exception set out in the policy.
- The vehicle / trailer element of the proposal could adequately serve tourists and support the tourism economy without having an adverse impact on this highly sensitive location.

Regarding the static unit element.

- The static unit is a 20ft shipping container converted to a kiosk, this is inappropriate to the area by reason of inappropriate design, scale and perceived permanent and static nature which would adversely affect this high amenity coastal area and the visual amenity of the slopes behind West Strand which make up the amenity open space which contribute to the environmental quality, integrity and character of the LLPA. The LLPA policy within the NAP seeks to maintain the integrity of the open area by protecting it from any development other than refurbishment or modest extensions to the existing amenity building. The static element of the proposal by its nature as a shipping container used as a static free standing kiosk is contrary to the NAP. In addition, the static nature of the shipping container would result in the loss of open space and no substantial community benefits have been forthcoming to warrant an exception to policy. The static element of the proposal is contrary to policies TSM1, ENV1, DES2, TSM7, SPPS, OS1.
- I refer to the committee report and advise that when considering a previous application for the retention of a smaller portable container used as a coffee Kiosk in 2022, the Planning Committee were mindful of policy and concluded that temporary permission could be granted as the development was not suitable for the long term as it would cause harm to

the identified area of open space and the environmental quality, integrity and character of the LLPA.

- The static unit fails to comply with the exceptions of development permissible within the LLPA and open space designation. The static unit by reason of its perceived permanence akin to a shipping container would fail at this high amenity coastal area to be sensitive to the character of the area.
- This application is recommended for Refusal.

The Chair invited questions for the Officer.

In response to questions from Elected Members, the Senior Planning Officer advised that in 2022 temporary planning permission was granted for the static structure, this expired in March 2024. Senior Planning Officer advised that she was unaware of the exact location of the lifeguard hut. In April 2024 planning application was updated and a container was added as a static structure. Senior Planning Officer advised that, the previous temporary planning application was recommended for refusal but the Planning Committee approved planning permission. Senior Planning Officer advised that this proposed container subject to this application has different dimensions and is in a high amenity area. The Planning Department operates for the public good rather than private interest. This is a tourist amenity which could be accommodated through a moveable vehicle. Senior Planning Officer advised that the applicant is the Council and is not aware of who the user is. Senior Planning Officer advised that Council has applied for full planning permission.

The Chair invited J Allister to speak in support of the application.

J Allister stated that D Shirley applied for temporary planning permission previously and Council has not yet auctioned this trading site, D Shirley like anyone else will bid for this site. J Allister stated this is a money making operation for the rate payer and there are no objections apart from those from the Planners. J Allister stated the irony of the Planning Committee approving a hotel in the countryside and blocking a coffee kiosk in an urban environment. J Allister stated that if there are concerns, temporary planning permission can be granted for 3 years, or restrict the size of the kiosk.

The Chair invited questions for the speaker.

In response to questions from Elected Members, J Allister stated that permanent approval does not impinge on the auction process, that this kiosk increases the attractiveness and stated that ice cream has been sold at the

West Strand for over 40 years. J Allister questioned if the RNLI structure had planning permission and stated it had a degree of permanency. In response to further questions, J Allister stated he was not aware if the relevant policy stated if the kiosk had to be mobile or static, he stated the fundamental question was does it cause demonstrable harm? J Allister stated there is a demonstrable need for the coffee kiosk.

In response to questions, Senior Planning Officer stated that the application is for either a trading vehicle, trailer or static unit. This is an area of car parking, to see another vehicle there is not out of character. Senior Planning Officer advised there is a precedent issue if Planning Committee agree to a static structure and that Committee Members need to be mindful of designations. Senior Planning Officer advised that the tourist offering can be addressed by a van or mobile unit.

Proposed by Councillor Storey  
Seconded by Councillor Anderson

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in Section 9 and the policies and guidance in Sections 7 and 8 and resolves to Approve planning permission for the following reasons
  - The proposal does not adversely affect features as designated in the LLPA. There is already an amenity block, a lifeguard hut and other temporary trading stands. The proposal brings substantial benefit and complies with policy OS1 of PPS8.
  - It is not insensitive in design, scale and material.
  - It is an enhancement of what has been previously approved.
  - There are no objections from the Department for Infrastructure or Environmental Health.
  - In relation to it being perceived as permanent, it can be removed as it does not have a concrete base.
  - It can provide a service during winter and summer which aids with the tourism sector.

The Chair put the motion to the Committee to vote.  
8 Members voted For, 0 Members voted Against, 4 Members Abstained.  
The Chair declared the motion carried and application approved.

**RESOLVED** - That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in Section 9 and the policies and guidance in Sections 7 and 8 and resolves to Approve planning permission subject for the following reasons

- The proposal does not adversely affect features as designated in the LLPA. There is already an amenity block, a lifeguard hut and other temporary

trading stands. The proposal brings substantial benefit and complies with policy OS1 of PPS8.

- It is not insensitive in design, scale and material.
- It is an enhancement of what has been previously approved.
- There are no objections from the Department for Infrastructure or Environmental Health.
- In relation to it being perceived as permanent, it can be removed as it does not have a concrete base.
- It can provide a service during winter and summer which aids with the tourism sector.

- \* **The Chair declared a recess for lunch at 1.31pm.**
- \* **Committee and Member Services Officer, J Keen, left the Chamber at 1.31pm.**
- \* **The meeting reconvened at 2.20pm.**
- \* **Committee & Member Services Officer, I Owens, joined the meeting.**
- \* **Alderman Stewart did not rejoin the meeting.**

Councillor C Archibald stated that he now wished to withdraw his previously stated Declaration of Interest.

Alderman S McKillop advised that she wished to Declare an Interest for 4.7 - LA01/2024/0194/F, Council Interest, Site in Portaneevy Car Park adjacent to B15 Whitepark Road, Ballintoy, Ballycastle.

- \* **Having Declared an Interest Alderman S McKillop left the Chamber during consideration of this Item.**

#### **4.7 LA01/2024/0194/F, Council Interest, Site in Portaneevy Car Park adjacent to B15 Whitepark Road, Ballintoy, Ballycastle**

Report and Speaking Rights, previously circulated, were presented by the Senior Planning Officer, J McMath.

#### **Council Interest Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Site for concessionary trading vehicle / trailer / static unit - for sale of hot food, hot and cold drinks

#### **Recommendation**

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.

The Senior Planning Officer presented via powerpoint as follows:

- The site is located in the open countryside, outside of any settlement development limit and within the Causeway Coast AONB and 35m from the Carrickarede ASSI;
- The site is located on car park spaces within the Portaneevy public car park and viewing point, off Whitepark Road, 2km east of Ballintoy;
- The application seeks full planning permission for a site for a concessionary trading vehicle or trailer or static unit for the sale of hot food and hot and cold drinks;
- The proposed van trailer (3.1m x 1.9m x 2.3m);
- The static unit measures 2.6m x 6.2m x 2.4m;
- The original application submitted in February 2024 proposed a vehicle or trailer only but amended plans were submitted in April to add the static unit. Planning advised that the static unit was unacceptable but that the mobile vehicle or trailer element which would be removed off site at the end of each day would be acceptable. However, as the agent confirmed that no amendments would be made refusal is recommended;
- Regarding the trading vehicle or trailer by virtue of its modest scale and temporary nature being mobile and being moved off site at the end of each day, weight can be given to its temporary nature and on balance the siting and design would be acceptable in this countryside AONB location. The temporary nature reduces the impact on the openness, setting and character of the site. The vehicle and van element of the proposal is considered to comply with policy;
- The vehicle / trailer element of the proposal could adequately serve tourists and support the tourism economy without having an adverse impact on the AONB location;
- However, the static unit which is a converted 20ft shipping container by virtue of its perceived permanence and appearance fails to comply with policy TSM2 as there is no requirement for the proposal to be permanently sited in this open countryside location, 2km east of Ballintoy settlement development limit. The appearance fails to be sensitive to the surrounding landscape quality and character of the AONB and countryside location and is contrary to policies TSM7 and NH6. The static element would be a prominent and highly visible feature considering the openness of the site

and the location along the western boundary of the car park which is closest to the public road. The static element would fail to integrate into the setting and character of this coastal site. As no overriding reasons have been forthcoming to demonstrate that the static unit is necessary the static element of the proposal is contrary to policy CTY1;

- Refusal is recommended on the basis that the static element of the proposal is contrary to policy.

The Chair invited questions for the Officer.

At the request of an Elected Member, the Senior Planning Officer advised that there was no Planning history for a static unit provision at this site and the reason for refusal is due to the sensitivity of the location being part of the AONB (Area of Natural Beauty).

At the request of an Elected Member, the Senior Planning Officer provided clarity on policy in relation to the type of vehicle/container on site. The Senior Planning Officer outlined the policy context of development contained in the Planning Committee Report and the AONB open countryside aspect which has not been complied with. Senior Planning Officer said that it would not be out of the ordinary to have a trailer or van in situ and that a static shipping container would not be expected to be present on a scenic location and is contrary to Tourism Policy. Senior Planning Officer referred to policy TSM7 of Tourism Policy stating that development should not detract from landscape character and referred also to reference within Policy to design and scale.

The Senior Planning Officer, at the request of an Elected Member, advised that the application was for permanent planning permission and referred to slides on the presentation.

When asked by an Elected Member the context of which applications are considered, The Head of Planning advised that Officers had requested, through the agent, the removal of the static element included in the application which was rejected by the applicant. The Head of Planning advised that every planning application is considered on its own merit against Planning Policy.

The Head of Planning said that decisions taken at Planning Committee are subject to a 5-day Call In period, which would be considered, if applicable.

An Elected Member advised that Council wished to proceed with an auction process in relation to this site and erred caution in delaying a decision.



Elected Members spoke of the fundamental issues between two elements of Council with the emphasis of this application on the location being included in AONB (Area of Natural Beauty); Council Policy needs to consider aligning with Planning Policy given the scenario which has arisen and may continue to arise.

Senior Planning Officer confirmed that there was no planning history for any van or trailer and none on site at the time of the site visit by Planning Officer.

There were no Speakers for this application.

Proposed by Alderman Scott

Seconded by Councillor Storey

- that decision on LA01/2024/0194/F, Council Interest, Site in Portaneevy Car Park adjacent to B15 Whitepark Road, Ballintoy, Ballycastle be deferred pending amendment of description to remove static element or provide rationale why the description should remain unchanged.

The Chair put the motion to the Committee to vote.

9 Members voted For; 1 Member voted Against; 1 Member Abstained.

The Chair declared the motion Carried and the application deferred.

**RESOLVED** -that decision on LA01/2024/0194/F, Council Interest, Site in Portaneevy Car Park adjacent to B15 Whitepark Road, Ballintoy, Ballycastle be deferred pending amendment of description to remove static element or provide rationale why the description should remain unchanged.

\* **Having Declared an Interest Alderman S McKillop left the Chamber during consideration of this Item.**

#### **4.8 LA01/2024/0199/F, Council Interest, Site 120m North East of amenity block, West Bay Car Park, Portrush**

Report and Speaking Rights, previously circulated, were presented by the Senior Planning Officer, J McMath.

#### **Council Interest Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Site for concessionary trading vehicle / trailer / static unit - for sale of ice cream, confectionary and cold drinks.

#### **Recommendation**

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.

The Senior Planning Officer presented via powerpoint as follows:

- Site is 120m NE of the amenity block within west strand public car park Portrush, accessed off Portstewart Road.
- The site is located within the Settlement Development Limit of Portrush and is identified as a Major Area of Existing Open Space, within West Bay Local Landscape Policy Area (LLPA) and is adjacent to West Strand ASSI;
- Site currently comprises hardstanding and is used for 5 car park spaces. Site is open to the car park and is an elevated position above the surrounding amenity space;
- The original submission sought Full planning permission for a site for a concessionary trading vehicle or trailer. An amended description was later submitted adding the static unit element of the proposal. The vehicle/trailer or static unit is for the sale of hot drinks, flour-based baked goods and tray bakes. The application is submitted in conjunction with item 8 on the agenda;
- By way of background Planning advised the agent that the static unit was unacceptable but advised that one mobile vehicle or trailer element which would be removed off site at the end of each day would be acceptable. However, as the agent confirmed that no amendments would be made refusal is recommended;
- Regarding the vehicle / trailer element the vehicle / trailer element is a modest facility on account of scale and temporary nature which would be moved off site at the end of the day. This would be appropriate and not be out of character with the surrounding car park and would not adversely affect the beach, open slopes namely the features which contribute to the environmental quality, integrity or character of the LLPA. Weight is also given to the temporary nature of the vehicle trailer which can be instantly restored upon removal at the end of the day. Therefore the vehicle / trailer would not result in the permanent loss of open space and could reasonably be deemed an exception within policy and therefore comply with policy;
- The vehicle / trailer element of the proposal could adequately serve tourists and support the tourism economy without having an adverse impact on this highly sensitive location;

- Regarding the static unit element;  
 The static unit is a 20ft shipping container converted to a kiosk, this is inappropriate to the area by reason of inappropriate design, scale and perceived permanent and static nature which would adversely affect this high amenity coastal area and the visual amenity of the slopes behind West Strand which make up the amenity open space which contribute to the environmental quality, integrity and character of the LLPA. The LLPA policy within the NAP seeks to maintain the integrity of the open area by protecting it from any development other than refurbishment or modest extensions to the existing amenity building. The static element of the proposal by its nature as a shipping container used as a static free standing kiosk is contrary to the NAP. In addition, the static nature of the shipping container would result in the loss of open space and no substantial community benefits have been forthcoming to warrant an exception to policy. The static element of the proposal is contrary to policies TSM1, ENV1, DES2, TSM7, SPPS, OS1;
- I refer to the committee report and advise that when considering a previous application for the retention of a smaller portable container used as a coffee Kiosk in 2022, the Planning Committee were mindful of policy and concluded that temporary permission could be granted as the development was not suitable for the long term as it would cause harm to the identified area of open space and the environmental quality, integrity and character of the LLPA;
- The static unit fails to comply with the exceptions of development permissible within the LLPA and open space designation. The static unit by reason of its perceived permanence akin to a shipping container would fail at this high amenity coastal area to be sensitive to the character of the area. This application is recommended for Refusal

The Chair invited questions for the Officer.

At the request of Elected Members, Senior Planning Officer confirmed that through the agent, the applicant had declined the offer to amend the description and remove the static element for this application and that was the reason for 3 such applications being considered at this meeting with a recommendation from Planning Officers to refuse.

Elected Members spoke of setting a precedent and of the confusing and frustrating nature of these types of applications involving input from two different elements of the same Council.

At the request of Elected Members, Senior Planning Officer advised that she was unaware of who provided the shipping container involved with this application and associated cost, but confirmed that a fee was payable to Council.

Proposed by Councillor McMullan

Seconded by Alderman Coyle

-that decision be deferred on LA01/2024/0199/F, Council Interest, Site 120m North East of amenity block, West Bay Car Park, Portrush, pending amendment of description to remove static element or provide rationale why the description should remain unchanged.

The Chair put the motion to the Committee to vote.

7 Members voted For; 1 Members voted Against; 3 Members Abstained.

The Chair declared the motion Carried and the Application Deferred.

**RESOLVED** - that decision be deferred on LA01/2024/0199/F, Council Interest, Site 120m North East of amenity block, West Bay Car Park, Portrush, pending amendment of description to remove static element or provide rationale why the description should remain unchanged.

- \* **Alderman S McKillop re-joined the meeting after consideration of this item.**
- \* **Councillor McGurk re-joined the meeting at 3.05pm.**

#### **4.9 LA01/2022/0969/F, Council Interest, Lansdowne Shelter, Lower Lansdowne Road Portrush**

Report and Speaking Rights previously circulated, were presented by the Senior Planning Officer, J Lundy.

#### **Council Interest Application to be determined by Planning Committee**

**App Type:** Full Planning

**Proposal:** Application to regularise works that are variations of the current planning approvals for a Change of Use to Licensed Restaurant - LA01/2018/1193/F and LA01/2018/1184/LBC. The proposed variations include retention of the existing Public WC external structure, repositioning and extension of the kitchen block and roof terrace (addition of staff facilities), external fire escape staircase from roof terrace. Ground floor terrace form to be amended to reflect the shape of the original slipway and adjacent access walkway (south east) extended to provide means of escape route. Approved stainless steel horizontal balustrade to be replaced by 1.5m high frameless glass balustrade/guarding and addition of lightweight retractable awning structure. Provision of enclosed timber clad external amenity space

incorporating reflective mirror polished stainless panels to house storage units and covered bin storage area. Provision of visual screening to external extraction flue and air-conditioning units. Retention of existing internal first floor structure and staircase, reinstatement of previously demolished floor area and addition of 3 no. flat roof windows. Provision of internal glazed to provide views of circulation/first floor spaces. Retention of existing internal window frames, details, fixtures and fittings.

### **Recommendation**

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 GRANT planning permission subject to the conditions set out in section 10.

Senior Planning Officer presented via powerpoint as follows:

- LA01/2022/0969/F is a Council interest application at the Lansdowne Shelter Portrush;
- It is an application to regularise works that are variations of the current planning approvals for a Change of Use to Licensed Restaurant - LA01/2018/1193/F and LA01/2018/1184/LBC. The proposed variations include retention of the existing Public WC external structure, repositioning and extension of the kitchen block and roof terrace (addition of staff facilities), external fire escape staircase from roof terrace. Ground floor terrace form to be amended to reflect the shape of the original slipway and adjacent access walkway (south east) extended to provide means of escape route. Approved stainless steel horizontal balustrade to be replaced by 1.5m high frameless glass balustrade/guarding and addition of lightweight retractable awning structure. Provision of enclosed timber clad external amenity space incorporating reflective mirror polished stainless panels to house storage units and covered bin storage area. Provision of visual screening to external extraction flue and air-conditioning units. Retention of existing internal first floor structure and staircase, reinstatement of previously demolished floor area and addition of 3 no. flat roof windows. Provision of internal glazed to provide views of circulation/first floor spaces. Retention of existing internal window frames, details, fixtures and fittings;
- Lansdowne boat shelter is a grade B2 listed building and this full application is accompanied with a LBC;
- The principle for the change of use to a restaurant was granted at a previous Planning Committee in August 2020 which involved a modest

extension and some internal alterations and terrace to the rear;

- Four objections to the application have been received and the points set out in section 5 of the Planning Committee Report relate to the impact on the Listed Building, the works not reflecting what's on the ground, contrary to policy, encroaching onto the open space and the sensitive sites of the Ramore Head and Skerries ASSI and the Skerries and the Causeway Marine Special Area of Conservation, and impact on views;
- The site outlined in red is outside the settlement development limits of Portrush. As mentioned above the site is located adjacent and within an ASSI and close to a SAC and within the Ramore Head LLPA;
- The block plans showing the existing public viewing platform to the north which remains unchanged, the building footprint, the terrace above the slipway and the extensions to the south providing ancillary kitchen space and facilities with a roof top terrace. Policy states that development involving the change of use and or works of extensions and alteration maybe permitted particularly where it will secure the ongoing viability and upkeep of the building. It also states that such development respects the essential character and architectural / historic interest;
- The footprint remains as existing, the changes are mainly to the materials, elevational treatments and form. The revisions in the drawings have undergone thorough multiple consultations with HED to ensure that the proposal does not detract from the Listed Building. The works to be carried out relate mainly to the external flues covers, the detailing of the elevation work to the extension, the roof terrace, and the materials and height to screen the ancillary stores and areas.;
- The existing elevations requiring changes to improve the visual appearance and screen the roofs of the sheds and the impact on the Listed Building;
- The rear of the building and terrace;
- The internal storage staff area and the 1<sup>st</sup> floor internal area;
- DAERA Marine Team have raised concern in relation to climate change and on coastal flooding that the development would be vulnerable to future flooding events and increased storm waves due to its close proximity to the climate change sea flood plain boundaries. DFI Rivers were consulted on the proposal and advised under Policy FLD 1 that the

Strategic Flood Map (NI) indicates that the site lies on the periphery of the 1 in 200 year coastal flood plain. NIWater have recommended approval;

- As set out in para 8.52 of the Planning Committee Report the position in relation to the comments raised by Marine and Fisheries Division is acknowledged. Weight is given to: the building as a listed building and the policy remit under PPS 6 seeks the securing of the upkeep and survival of listed buildings; planning history on the site under which the change of use of the building was deemed to be acceptable; the location of the building outside the coastal flood plain. These matters are given significant weight in the consideration of the application as set out in the Planning Committee Report;
- Consultees have also raised concern with the impact on the coastal landscape. This has been addressed in the Planning Committee Report and weight given to the location and the relatively minor development, planning history, up keep of a listed building and the existing extensive views;
- All other consultees were content with the proposal and raised no objection;
- The proposal has been assessed on the submitted plans and recommended for approval;
- There are no speakers registered.

The Chair invited questions for the Officer from Elected Members.

At the request of an Elected Member, the Senior Planning Officer advised that the public toilets would remain open but would be within the footprint of the applicants property and that there was no requirement for retention of the public toilet.

There were no Speakers for this application.

Proposed by Councillor C Archibald

Seconded by Councillor Kennedy

- 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 GRANT planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.  
Committee voted unanimously in favour.  
The Chair declared the motion carried and application granted.

**RESOLVED** - 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 GRANT planning permission subject to the conditions set out in section 10.

#### **4.10 LA01/2022/0967/LBC, Council Interest, Lansdowne Shelter, Lower Lansdowne Road Portrush**

Report and Speaking Rights previously circulated, were presented by the Senior Planning Officer, J Lundy.

##### **Council Interest Application to be determined by Planning Committee**

**App Type:** Listed Building Consent

**Proposal:** Application to regularise works that are variations of the current planning approvals for a Change of Use to Licensed Restaurant - LA01/2018/1193/F and LA01/2018/1184/LBC. The proposed variations include retention of the existing Public WC external structure, repositioning and extension of the kitchen block and roof terrace (addition of staff facilities), external fire escape staircase from roof terrace. Ground floor terrace form to be amended to reflect the shape of the original slipway and adjacent access walkway (south east) extended to provide means of escape route. Approved stainless steel horizontal balustrade to be replaced by 1.5m high frameless glass balustrade/guarding and addition of lightweight retractable awning structure. Provision of enclosed timber clad external amenity space incorporating reflective mirror polished stainless panels to house storage units and covered bin storage area. Provision of visual screening to external extraction flue and air-conditioning units. Retention of existing internal first floor structure and staircase, reinstatement of previously demolished floor area and addition of 3 no. flat roof windows. Provision of internal glazed to provide views of circulation/first floor spaces. Retention of existing internal window frames, details, fixtures and fittings.

##### **Recommendation**

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 GRANT Listed Building Consent subject to the Conditions set out in section 10.

\* **Alderman Scott left The Chamber at 3.10pm.**

Senior Planning Officer presented via powerpoint as follows:-



- Related to the previous full application;
- The existing building is a grade B2 listing. HED Built Heritage have been consulted throughout the process and have meet on site to discuss the proposals and needs of the restaurant;
- There are 5 objections to the LBC as set out in section 5 of the Planning Committee Report, these are assessed throughout the Planning Committee Report;
- HED historic buildings are content that the proposal meets with policies BH7 and BH 8 of PPS 6.

The Chair invited questions for the Officer.

At the request of an Elected Member, the Senior Planning Officer confirmed details of objections received in respect of this application and confirmed that after consulting widely Officers were content to recommend approval of application.

Proposed by Alderman S McKillop  
Seconded by Alderman Boyle

-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 GRANT Listed Building Consent subject to the Conditions set out in section 10.

**RESOLVED** - 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 GRANT Listed Building Consent subject to the Conditions set out in section 10.

\* **Councillor Storey left the Chamber at 3.15 pm**

The Chair put the motion to the Committee to vote.  
10 Members voted For; 0 Members voted Against; 1 Member Abstained  
The Chair declared the motion carried and application approved.

\* **Alderman Scott and Councillor Storey rejoined the meeting in the Chamber at 3.20pm.**

\* **The Chair declared a recess at 3.20pm.**

\* **The meeting reconvened at 3.30pm.**

#### **4.11 LA01/2024/0247/F, Council Interest, Parks Store The Bowl, 138 Causeway Street Portrush**

Report and Speaking Rights, previously circulated, were presented by Senior Planning Officer, J Lundy.

#### **Council Interest Application to be determined by Planning Committee**

**App Type:** Full

**Proposal:** Erection of a steel portal frame storage shed. This is a renewal of application LA01/2018/0888/F

#### **Recommendation**

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 APPROVE planning permission subject to the conditions set out in Section 10.

The Senior Planning Officer presented via powerpoint as follows:-

- Full permission for a steel portal frame storage shed, renewal of LA01/2018/088/F at the Parks Store the Bowl, Causeway Street Portrush;
- The site is located in the settlement development limit of Portrush, zoned an area of existing open space and LLPA;
- No objections have been received to the proposal;
- The proposal includes the minor alteration of a path, a new 2.4m high palisade fence and storage shed;
- Consultees have been serviced notice and no objections;
- The assessment recommends approval

The Chair invited questions for the Officer.

There were no questions for the Officer.

There were no speakers for this application.

Proposed by Alderman Scott

Seconded by Alderman S McKillop

-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 APPROVE planning permission subject to the conditions set out in Section 10.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried and application approved.

**RESOLVED** - 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 APPROVE planning permission subject to the conditions set out in Section 10.

#### **4.12 LA01/2024/0367/F, Objection, 48 Lever Park, Portstewart**

Report and Speaking Rights, previously circulated, were presented by the Senior Planning Officer, J McMath.

##### **Objection Application to be determined by Planning Committee**

**App Type:** Full

**Proposal:** Retrospective application for a new access driveway to ground floor flat.

##### **Recommendation**

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 Section 7 and 8 and resolve to APPROVE planning permission subject to the conditions set out in Section 10.

Senior Planning Officer presented via powerpoint as follows:-

- The application site is located within the settlement development limit of Portstewart;
- The site is at no 48 Lever Park, a ground floor flat in a 2 storey block.
- Surrounding area is predominantly residential;
- The application is retrospective and seeks full planning permission for the retention of works which include, the part removal of the front boundary wall, installation of a dropped kerb to allow vehicular access over and retention of a new access driveway and an incurtilage car parking space for the ground floor flat. The driveway is finished in gravel (4.25 x 4.60);
- This application is an objection item, one petition was received which was signed by seven signatures from 7 separate addresses. The points raised by the petition have been considered in detail in the Planning Committee Report;
- The petition raised concern with the location of a gas pipeline in proximity to the access and driveway, that the driveway restricts parking and on road safety grounds;
- The gas pipeline referred to by the petition is domestic and is a civil matter and the introduction of a dropped kerb and replacement of grass with a

gravel surface will not fundamentally impact on the integrity of a domestic gas pipeline;

- The petition objects that the development will restrict parking. The access will remove one on street parking space but will facilitate one in curtilage parking space and therefore does not significantly restrict parking;
- On roads safety grounds the petition states that the driveway would be unsafe as there would not be visibility entering and exiting the driveway.
- Consultation was carried out with DfI Roads including in consideration of the points raised in the petition. The competent authority on roads matters, confirmed that the access had previously been subject of a Roads Order application which had been approved and subsequently constructed. Roads noted the content of the petition and advised that the access and parking have been provided to Roads standards and confirm that the visibility splays and parking size are satisfactory;
- The proposal was considered under PPS3, PPS7 addendum and DCAN15 (vehicular access standards) and the Parking standards. As confirmed by Roads, the proposal is considered acceptable under policy AMP2 as it will not prejudice road safety or significantly inconvenience the flow of traffic. The proposal complies with Policy AMP9 as it respects the character of the townscape and will not adversely affect visual amenity of the area. Five other properties have implemented similar in curtilage parking arrangements in the same cul-de-sac which have established a precedent for this type of arrangement. The proposal provides safe access with appropriate splays onto Lever Park as confirmed by DfI Roads. DfI Roads have confirmed that the size of the parking space is satisfactory and as seen in the photograph a car was parked in the driveway on the day of the case officers site visit and there was no overhang onto the public footpath;
- Determining weight is given to the precedent for similar developments in the immediate area and the fact that DfI Roads have already permitted the access under the Roads Order and are content that the access and visibility splays are satisfactory. Approval is recommended.

The Chair invited questions for the Officer.

There were no questions for the Officer.

The registered speaker, G Montgomery had indicated that he no longer wished to speak.

Proposed by Alderman Scott  
Seconded by Alderman Callan

-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 Section 7 and 8 and resolve to APPROVE planning permission subject to the conditions set out in Section 10.

The Chair put the motion to the Committee to vote.  
Committee voted unanimously in favour.

The Chair declared the motion carried and application approved.

**RESOLVED** - 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 Section 7 and 8 and resolve to APPROVE planning permission subject to the conditions set out in Section 10.

#### **4.13 LA01/2024/0005/F, Referral, Sweeneys Wine Bar/Cove Bistro, 6 Seaport Avenue Bushmills**

\* **Councillor McGurk rejoined the meeting at 15.45 pm**

Report and Speaking Rights previously circulated, were presented by Senior Planning Officer, J Lundy.

#### **Referral Application to be determined by Planning Committee**

**App Type:** Full

**Proposal:** Removal of Condition 2 (shall be used as holiday accommodation & not as private residences and be permanently retained as such) -  
C/2013/0437/F

#### **Recommendation**

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.

Senior Planning Officer presented via powerpoint as follows:-

- The proposal seeks permission to remove condition 2 of application C/2013/0437/F. the reason for Condition 2 states that insufficient amenity space has been provided to permit use as a private residence;
- (Slide) The application site falls within the settlement development limit of Portballintrae. To the north is a restaurant, the east the car park for the

restaurant and the west residential housing. No letters of objection have been received in relation to this application. No objections have been raised by statutory consultees in relation to this proposal;

- (Slide) The previous planning history granted approval for 6 holiday mews cottages, shown in a terrace with communal car parking and bin storage;
- A Certificate for Lawful Development determined that the application has been commenced and is extant;
- As set out in Paragraphs 8.11 to 8.19 of the Planning Committee Report, the level of private amenity space is well underneath the very minimum standards set for amenity space to ensure a quality residential environment. Creating Places advocates a range of garden sizes in development but clearly states that for individual houses an area of around 40m<sup>2</sup> will generally be unacceptable. Four units have from 24.19 to 30.54m<sup>2</sup>.
- (Slide) The holiday cottages as approved provide accommodation over 2 stories. These units of accommodation have a living and kitchen area on the first floor and a bathroom, 1 bedroom with ensuite and 2 additional bedrooms at ground floor level. The plans note that bedroom 3 could also be used as a study;
- It is considered that this application comprising 6 units would not provide a quality residential development as the amenity space is below the minimum requirement for 4 of the units. These units would not have adequate amenity space for domestic needs;
- Approval of this application would set an undesirable precedent for new houses to have amenity spaces less than the minimum requirement;
- In terms of parking 9 spaces are proposed. The parking requirement is "Parking for 3 bed terrace is 11 spaces 12 if assigned spaces". The agent has submitted the case that the 3<sup>rd</sup> bedroom will be used as a study. Enforcement of the 3<sup>rd</sup> room as a study/office is not possible therefore inadequate car parking is provided.
- (Slide) - The site shown and you can see the foundations of the commenced development;
- (Slide) the site from the road and restaurant to the rear;

- (Slide) The site itself;
- (Slide) Longer range views;
- The proposal has been recommended for refusal as the removal of the condition would permit substandard residential accommodation that fails to meet even the minimum standards for private amenity from 4 of the 6 properties. Car parking provision is also below the standards and the proposals would not provide much needed suitable quality residential accommodation.

The Chair invited questions for the Officer.

At the request of an Elected Member, Senior Planning Officer advised of the required amenity space for this application ie 70m<sup>2</sup> with absolute minimum of 40m<sup>2</sup>.

The Chair invited D Donaldson to speak in support of the application.

D Donaldson referred to Condition 2 which suggested that amenity space was insufficient and spoke of the considerable planning history in 2003 and 2007 with no need for holiday restriction. The Northern Area Plan in 2015 recognised and zoned as residential. He stated the Planning application was acceptable given previous permission with no significant change in planning policy.

D Donaldson stated PPS7 does not specify amenity space requirement. The proposal allows easy access to amenity in the surrounding area. Creating Places is general guidance and not mandatory and residents were offered a choice of gardens which average 60m<sup>2</sup>. Planning provision of 1.5 spaces per unit was accepted in 2003 and 2007. In 2013, DfI Roads deemed the application acceptable and remain content with the application. There is no issue of precedent as application is in a small development in the heart of a settlement with no privacy concerns. Request is for Condition 2 be removed as there is no rationale for it and the application is not in conflict with policy and guidance.

The Chair invited questions from Elected Members for the Speaker.

At the request of an Elected Member, D Donaldson advised in relation to average amenity space that under PP7 4.31 developers should make adequate provision depending on characteristics of development proposed and surrounding context ie close to seaside and other facilities; Creating Places guidance applies flexibly. The average for this development is 70m<sup>2</sup> as a whole with this particular application being 60m<sup>2</sup>. These applications are 2 bedroom

accommodation plus a study/bedroom so this application is entirely appropriate in this location.

At the request of an Elected Member regarding the reference in Planning Committee Report to Northern Area Plan, D Donaldson said that the sites were zoned as residential development and referred to Planning Appeals Commission in 1998/A0298 where it was doubted the wisdom of Planners telling developers what was best for them. D Donaldson said that there were no objections to this application and referring to the Northern Area Plan 2016 material consideration and clear committed to housing site. D Donaldson said that consideration needed to be given to the context, policy and guidance all of which were entirely appropriate.

An Elected Member referred to a similar application in Cushendall and the Head of Planning advised this was not the same scenario.

An Elected Member suggested that an outcome may be to amend the numbers from 6 to 4 homes and D Donaldson said that the detailed layout was considered under reserved matters scheme and efforts were being made to ensure planning permission was live and referred to a recession during the initial phase of the application process. D Donaldson said that smaller units are more manageable with larger units being less appropriate.

An Elected Member stated that today's buyers were looking for more manageable amenity/garden space provision.

Proposed by Councillor Storey  
Seconded by Alderman S McKillop

-That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE planning permission for the following reasons:-

- Reference to case officers report in 2013;
- PPS7 states that amenity space is adequate for the proposed units;
- Conditions not imposed earlier in 2003 or 2007;
- Agent says no material change in policy or guidance;
- This is a small unit at the seaside with easy access to open space and opportunity to enjoy the outdoors;
- Flexibility of Creating Places guidance advocated choice;
- Reference to appeal in 1998 quote '*question the wisdom of Planning authority telling applicants what is best for them*'.

The Chair put the motion to the Committee to Vote.



6 Members voted For; 3 Members voted Against; 3 Members Abstained.  
The Chair declared the motion Carried and the Application Approved.

**RESOLVED** -That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE planning permission for the following reasons:-

- Reference to case officers report in 2013;
- PPS7 states that amenity space is adequate for the proposed units;
- Conditions not imposed earlier in 2003 or 2007;
- Agent says no material change in policy or guidance;
- This is a small unit at the seaside with easy access to open space and opportunity to enjoy the outdoors;
- Flexibility of Creating Places guidance advocated choice;
- Reference to appeal in 1998 quote '*question the wisdom of Planning authority telling applicants what is best for them*'.

**The Chair declared a recess at 4.15pm.**

**The meeting reconvened at 4.20pm.**

#### **4.14 LA01/2022/1582/O, Referral, Approximately 65m South of 3a Heagles Road, Ballybogey**

Report, Speaking Rights and Site Visit Report were previously circulated, presented by the Senior Planning Officer, M Wilson.

**Referral Application to be determined by Planning Committee**

**App Type:** Outline

**Proposal:** Infill Dwelling and Garage

#### **Recommendation**

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 outline planning permission for the reasons set out in section 10.

Senior Planning Officer presented via powerpoint as follows:-

- Outline planning permission is being sought for an infill dwelling and garage;
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. This application was previously presented to the May meeting of the Planning Committee and

deferred for a site visit. That site visit took place on Thursday last week (22<sup>nd</sup> August 2024) and the site visit note and the Planning Committee report are included within your packs;

- (Slide) This shows the red line of the site, and you can see the relationship of the site to the surrounding development with the settlement limit of Ballybogey to the North;
- (Slide) This slide is an extract from the Northern Area Plan and shows the site is not located within any settlement development limit as defined in the Northern Area Plan 2016 as the site is located south of where the map ends but you can see where exactly the settlement development limit is, and its relationship with no.3 Heagles Road, and the 2 buildings closer to the application site that lie within the settlement limit;
- (Slide) This is a satellite image of the site. Again you can see that relationship between the settlement and the rural area, with the site identified as a star. This image illustrates the visual break that the application site and the remainder of the agricultural field provide along this stretch of Heagles Road, just outside the settlement limit. You will also appreciate the existing frontages along Heagles Road and the frontage length of this site, and the residual land within the agricultural field;
- The application has been submitted as an infill dwelling and been assessed as such with the consideration set out in Paras 8.4-8.10 of the Committee Report, And then just moving to the next slide, [SLIDE] you will see some photos of the site and its surroundings;
- This photo shows the site looking south along Heagles Road with Ballybogey behind. You can see the site to the right of the picture, west of Heagles Road, and the trees along the site frontage;
- (Slide) This next slide shows the trees along the site frontage and then just moving to the south of the site;
- (Slide) – this slide shows the view looking north and you can see No.5 off the left (west of Heagles Road) and the site in the background with the trees along the frontage;
- (Slide) Having regard to Policy CTY 8 it is considered that there is not a continuous and built up frontage for the purposes of policy CTY 8 and therefore, in principle is unacceptable and is not considered to be an

exception and adds to ribbon development along Heagles Road. Notwithstanding that it is considered there is not a continuous and built up frontage for the purpose of policy CTY 8, the overall length of the field where development would occur results in frontage lengths larger than those surrounding the development site and create a ribbon of development which is also contrary to policy CTY14;

- A dwelling on the site will be a prominent feature on the landscape due to the lack of integration, as tree removal will be required to provide access which will be more prominent and is contrary to Policy CTY13 of PPS 21;
- You will recall from the aerial slide the important visual break in the countryside that this land provides and development of this land would mar the distinction between town and country and would undermine the settlement limit of Ballybogey and is contrary to Policy CTY 15 of PPS 21;
- DfI Roads, DfI Rivers, NI Water, NIEA and Environmental Health were consulted on the application and raise no objection;
- There are no letters of support or objection to the proposal;
- Refusal is recommended.

The Chair invited questions for the Officer.

Senior Planning Officer provided clarification to a number of Elected Members via powerpoint slides as they disputed aspects of frontage. Senior Planning Officer confirmed that access could not be considered as frontage, nor could a field in front of a property be considered a garden.

The Head of Planning concurred with the Senior Planning Officer's remarks saying that the piece of land in front of the applicants property was considered an agricultural field.

At the request of an Elected Member, Senior Planning Officer said that there would be an element of tree removal to facilitate the access to the site and there was concern that as a result this would open the views of the site up extensively.

The Chair invited J Martin to speak in support of the application.

J Martin stated the principle of ribbon development. No 3 front portion of site is within the development limit. Building has frontage to road. No 3 should be included within development curtilage and should not be discounted as should the large sheds even though set back. The garage at no 5 should be included. There is no strict mathematical exercise and the distinction between urban and rural areas is already marred. Lack of vegetation on one side not fatal. DfI Roads requires pruning not removal of trees and 10 trees to be removed for access.

An Elected Member referred to a 'dog leg' in relation to the settlement limit. An Elected Member referred to 4 properties south of the application which they sourced from google earth.

The Head of Planning reminded Elected Members of Justice Scofield's Judgment on East Road Drumsum and Glassdrumman Road and interpretation of policy CTY8 – material facts. The Head of Planning cited from the policy for Elected Members.

Senior Planning Officer said there was no demarcation of settlement limit.

Proposed by Councillor Watton

Seconded by Councillor Anderson

-That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE outline planning permission for the following reasons:

- There at least 2 frontages, possibly more, including two dwellings set back and garage set back with an agricultural field as frontage;
- Bounded on two sides by trees at front and a hedge at side;
- Sites would be integrated into locality;
- Planners had suggested that there was enough space for two properties to be built on the site;
- This application would not make a difference to settlement or urban sprawl.

The Head of Planning advised the application was contrary to policies CTY1 and CTY 8 and that there were 5 refusal reasons cited and clearly explained the material fact of no frontage as agricultural field is not frontage for these properties; that dwelling to south has frontage and dwelling further south has frontage.

At the request of an Elected Member, the Head of Planning advised that the boundary in terms of rural and urban area has remained unchanged since 2016.

The Chair put the motion to the Committee to Vote.  
2 Members voted For; 6 Members voted Against; 5 Members Abstained.  
The Chair declared the motion lost and application refused.

**RESOLVED** – 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 outline planning permission for the reasons set out in section 10.

#### **4.15 LA01/2023/0627/O, Referral, 30m South of 34-38 Ballymadigan Road, Castlerock**

Report, Site Visit Report and Speaking Rights were previously circulated.

##### **Referral Application to be determined by Planning Committee**

**App Type:** Outline

**Proposal:** Proposed site for dwelling & detached garage

##### **Recommendation**

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.

The Head of Planning advised that this application had been withdrawn from the planning system.

## **5. LOCAL DEVELOPMENT PLAN (LDP)**

### **5.1 Dfl – Revised LDP Timetable**

Report, previously circulated, was presented by The Development Plan Manager.

#### **Purpose of Report**

To present correspondence received on 30<sup>th</sup> July 2024 from Dfl regarding the Council's revised Local Development Plan (LDP) Timetable.

#### **Background**

Members will be aware that a revised LDP Timetable, agreed at the 27<sup>th</sup> March 2024 Planning Committee is currently with the Department for Infrastructure (Dfi) for agreement.

The Council has received correspondence from Dfl seeking clarification on the matter (see Appendix 1 (circulated)).

### **Recommendation**

**It is recommended** that Members note the contents of the attached correspondence and agree to the Head of Planning providing a response on behalf of the Council.

Dfl is also seeking clarification on:

- the 3 year extension to the Plan end date (from 2035 to 2038); and
- further detail on the further work, research & evidence gathering being undertaken, to understand if the Council is commissioning studies for matters such as housing growth.

**IT IS RECOMMENDED** that Members note the contents of the attached correspondence and agree to the Head of Planning providing a response on behalf of the Council.

Proposed by Alderman Callan  
Seconded by Alderman Boyle and

**AGREED** - that Planning Department respond to Dfl taking on board the next item on the agenda and circulate correspondence to Planning Committee.

The Head of Planning said she was aware of Elected Member's concern and will be highlight housing situation and countryside policies, reflecting on where Elected Members want to be at this time.

- \* **Councillor McMullan left the Chamber at 5.17pm during consideration of this item.**

## **5.2 LDP – Housing Research Tender**

Report, previously circulated, presented by the Development Plan Manager

### **Purpose of Report**

To update Members on the outcome of the procurement exercise to appoint consultant(s) to undertake independent research on the new dwelling requirement for the Borough, to inform the preparation of the Local Development Plan (LDP).

### **Background**

Members will be aware of the ongoing work by planning officers in the preparation of the Council's draft Plan Strategy (dPS). A chronology of events relating to this is set out at Table 1, below:

**Table 1: Chronology of events relating to dPS Preparation**

Date	Event
<b>24th August 2022</b>	<p>dPS publication document presented at Planning Committee.</p> <p>Members resolved to proceed to Full Council for dPS ratification prior to publication and public consultation.</p>
<b>1st November 2022</b>	<p>dPS publication presented at Full Council Meeting.</p> <p>Council resolved to defer for further consideration and discussion with Party Groups.</p>
<b>November/December 2022</b>	<p>Series of Party Group Meetings held.</p> <p>This resulted in some further evidence gathering and consequential updates to the Council's evidence base were also carried out.</p>
<b>August/September 2023</b>	<p>Further series of Party Group Meetings held following Local Government Elections.</p> <p>This resulted in some further evidence gathering and consequential updates to the Council's evidence base were also carried out.</p>
<b>7th December 2023</b>	<p>All-Member Workshop held.</p> <p>Agreed that an LDP Working Group should be set up and requested a paper on this to be brought before the Planning Committee for agreement.</p>
<b>24th January 2024</b>	<p>Paper presented to Planning Committee seeking agreement to set up a LDP Working Group.</p> <p>Members resolved to proceed to setting up a working group.</p>
<b>19th March 2024</b>	<p>LDP Working Group Meeting held.</p> <p>Members agreed to officers preparing a paper for CP&amp;R Committee to procure independent research to inform the LDP preparation.</p>
<b>24th March 2024</b>	<p>Paper presented to Planning Committee seeking agreement on revised LDP Timetable.</p>

	Members resolved to agree revised timetable.
<b>4<sup>th</sup> April 2024</b>	Planning Appeals Commission (PAC) consulted on revised LDP timetable.
<b>10<sup>th</sup> April 2024</b>	Response received from PAC on revised LDP Timetable.
<b>11<sup>th</sup> April 2024</b>	Member comment was sought on the procurement Terms of Reference (see Appendix 1) prior to presentation of the proposal at the 23 <sup>rd</sup> April 2024 Corporate Policy and Resources (CP&R) Committee.
<b>23<sup>rd</sup> April 2024</b>	CP&R Committee resolved to accept the procurement to seek to appoint consultant/s.
<b>24<sup>th</sup> May 2024</b>	Tender advert issued.
<b>2<sup>nd</sup> July 2024</b>	Revised LDP Timetable sent to the Department for Infrastructure (Dfi) for agreement.
<b>10<sup>th</sup> July 2024</b>	Tender process closed.

The most recent piece of work undertaken, at Members' request, was a procurement exercise to appoint consultant/s to carry out independent research on the new dwelling requirement for the Borough, to inform the LDP preparation.

The tender advert issued on 24<sup>th</sup> May 2024 and closed on 10<sup>th</sup> July 2024. The Council received no submissions in response to the advert.

### **Implications**

#### **Draft Plan Strategy Preparation**

Members requested the independent research to inform the preparation of the draft Plan Strategy Housing allocation and distribution. However, given that no submissions were received in response to the advertisement, we are now in a position where this research will not be forthcoming.

As such, officers now require direction from Members on how to proceed with the preparation of the draft Plan Strategy.

### **Recommendation**

**It is recommended** that Members note the contents of the Report and agree to a workshop to discuss the way forward for the preparation of the draft Plan Strategy.



The Development Plan Manager advised the most recent piece of work undertaken, at Members' request, was a procurement exercise to appoint consultant/s to carry out independent research on the new dwelling requirement for the Borough, to inform the LDP preparation. The tender advert issued on 24<sup>th</sup> May 2024 and closed on 10<sup>th</sup> July 2024. However, the Council received no submissions in response to the advert. Council are now in a position where this research will not be forthcoming. As such, officers now seek direction from Members on how to proceed with the preparation of the draft Plan Strategy.

Proposed by Alderman Callan  
Seconded by Councillor Storey and

**RESOLVED** – that a Working Group be set up to discuss timelines and consider approaching Universities for undertaking research.

The Head of Planning suggested a Working Group could reconvene to discuss results of tender process and confirmed that further research by officers will be discussed and that she will contact the universities to establish whether they can assist in the research set out in the tender.

\* **Councillor Storey left the Chamber at 5.30 pm**

## **6. CORRESPONDENCE**

### **6.1 NIW – NI Water Constraints**

Copy correspondence previously circulated presented by The Head of Planning.

Re: NI Water Economic Constraints

\* **Councillor Storey returned to the Chamber at 5.35pm.**

### **6.2 Dfl – Regional Planning IT System – Closure of project**

Copy correspondence previously circulated presented by The Head of Planning.

RE: Regional Planning IT System – Closure of project

### **6.3 M&EA – LDP 2030 – Draft Local Plan Policies Plan – Call for Sites**

Copy correspondence previously circulated presented by The Head of Planning.

RE: Mid and East Antrim Local Development Plan 2030, Draft Local Policies Plan, Call for Sites

Planning Committee NOTED Correspondence Items 6.1-6.3 inclusive.

## 7. CONFERENCES

Report, previously circulated, presented by the Head of Planning.

### **Purpose of report**

The purpose of the report is to inform Elected Members of conferences and courses they may wish to attend.

### **RTNI NI Annual Planning Conference - Positive about Planning**

**Date:** 4 September 2024 at 9:00 AM - 4:00 PM

**Venue:** Europa Hotel, Great Victoria Street, Belfast BT2 7AP

**Cost:** Councillor rate - £50.00 + VAT £10.00

**Website:** <https://www.rtpi.org.uk/find-your-rtpi/rtpi-nations/rtpi-northern-ireland/northern-ireland-events/ni-planning-conference/>

*Closing date for Booking is 26 August 2024.*

Elected Members should register their interest with Democratic Services.

### **Recommendation**

**It is recommended** that Planning Committee consider the Conference report.

Planning Committee NOTED the Conference.

## 8. REPORTS

\* **Councillor McMullan returned to the Chamber at 5.40pm.**

### **8.1 Business Plan 2024/25**

Report, previously circulated was presented by the Head of Planning.

#### **Purpose**

The purpose of the Planning Service Business Plan is to set out the key business focus for Planning over the next business year for consideration and agreement by Members.

#### **Details**

The Planning Department Business Plan 2024/25 sets out the key objectives for the business over the next business year. It takes account of the current

position at end of 2023/24 and builds on this performance for the incoming year.

The key functions of the Planning service area are:

Local Development Planning – creating a plan which will set out a clear vision of how the council area should look in the future by deciding what type and scale of development should be encouraged and where it should be located to create a sustainable environment; designation of conservation areas; issuing Building Preservation Notices and Tree Preservation Orders.

Development Management – determining the vast majority of planning applications and other planning consents, including waste and minerals applications, conservation area consents, advertisement consents, certificates of lawful development, non-material changes, and discharge of conditions.  
Planning Enforcement – investigating alleged breaches of planning control and taking action where it is considered expedient to do so, issuing of Urgent Works Notices.

The business plan objectives are:

- To improve performance in relation to processing of planning applications
- Preparation of Council's draft Plan Strategy
- To manage finance, staff, information and other resources effectively within the corporate governance framework

The Planning Department financial budget for 2024/25 has been agreed at £1.87m supported by predicted income of £1.36m bringing the total expenditure to £3.23m. The Planning Department staff structure comprises of 51.44 FTE staff which accounts for 93% of the overall expenditure.

The Planning Service Business Plan is attached at Appendix 1 and the Planning Department Risk Register attached at Appendix 2, previously circulated.

An Elected Members spoke of the importance of the Planning Committee having a clear understanding of performance against the Business Plan.

### **Recommendation**

**It is recommended** that the Planning Committee APPROVE the Planning Department Business Plan 2024/25 and NOTE the Planning Department Risk Register 2024/25.

Proposed by Alderman Callan  
Seconded by Councillor Watton and

**RESOLVED** – that the Planning Committee Approve the Planning Department Business Plan 2024/25 and NOTE the Planning Department Risk Register 2024/25.

Proposed by Alderman Callan  
Seconded by Alderman S McKillop and

**RESOLVED** - that Planning Committee explore having a sub-committee to a look at Business Plan performance to ensure delivering objectives of Business Plan in detail. The Head of Planning to bring a paper to next Planning Committee.

## 8.2 Annual Report on Planning Performance 2023/24

Report, previously circulated presented by the Head of Planning.

### Background

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases. The Planning Department Business Plan 2023-24 sets out the key performance indicators to progress towards improving Planning performance against these targets,

The statutory targets are:

- Major applications processed from date valid to decision or withdrawal within an average of 30 weeks
- Local applications processed from date valid to decision or withdrawal within an average of 15 weeks
- 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.

The Planning Department Business Plan KPIs are:

- Objective 1: Improve performance in relation to processing planning applications
  - Local applications average processing time of
    - Q1 - 30 weeks
    - Q2 – 25 weeks
    - Q3 – 20 weeks
    - Q4 – 17 weeks
  - Major applications average processing time of 40 weeks
  - Reduce the number of live enforcement cases by 15%
  - Reduce the number of planning applications in the system over 12 months by 10%
  - Stable staff resource
  - Reduction in staff caseloads
  - Commencement of roll out of training identified in Training Plan

- Objective 2: Publish Council's draft Plan Strategy
  - Workshops concluded in accordance with amended work programme
  - Policies agreed through Planning Steering Group for draft Plan Strategy
  - Present draft Plan Strategy to Council for ratification
  - Agreed LDP Timetable published
  - Draft Plan Strategy published in accordance with published timetable
  - Stable staff resources
  - Commencement of roll out of training identified in Training Plan
  
- Objective 3: to manage finance, staff, information and other resources effectively and efficiently within the corporate governance framework
  - Reduction in number of vacant posts
  - Number of cases where Ombudsman determines maladministration is less than 0.4% of all decisions made.

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team, Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis.

#### **Details**

Website link 1 <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2023-march-2024> provides the link to the published bulletin.

#### Development Management Planning Applications

Table 1 below (circulated) provides a summary of performance in relation to the statutory targets for major development applications and local development applications for the 2023-24 business year and provides a comparison of performance against all 11 Councils and against Business Plan KPIs.

#### *Objective 1: Improve performance in relation to processing planning applications*

##### *KPI1: Local Applications*

Over the business year, 1,034 local category applications were decided or withdrawn (91 withdrawn), exceeding the number of applications received and reducing the total number of live applications by 5.4% from the position at the end of the 2022/23 business year. The Business Plan targets for local applications were met in Q1 and Q2, however, focus moved to processing as many over 12 month applications as possible in Q3 and Q4. This had a negative impact on processing times with the average processing time increasing significantly over this 6 month period and as a result, business plan targets nor statutory targets for local applications were met.

##### *KPI2: Major Applications*

Over the same period, 11 major category applications were decided or withdrawn (1 withdrawn). Of the 10 major planning applications decided, 5

were processed within the 30 week statutory target and 5 outside the target. In addition, 1 major application for agriculture was withdrawn that had been in the system for over 7 years and awaiting further environmental information resulting in an average processing time of 54.2 weeks. Unfortunately, this resulted in neither the Statutory nor Business Plan targets being met for major planning applications. Excluding this withdrawn application from the statistics would have resulted in an average processing time of 41.9 weeks which would have just missed the business plan target by 1.9 weeks. Nevertheless, this was the fourth fastest processing time out of all 11 councils over the business year.

*KPI4: Over 12 month applications*

Over the year 285 local applications and 6 major applications in the system over 12 months were issued/withdrawn, of which 81 local applications were in the system over 24 months and 3 major applications. This is an increase in decisions issued/withdrawn of 6.5% when compared to the previous business year. However, although an increase in the number of older applications in the system concluding, this resulted in an increase of 1 application in the system over 12 months when compared to the previous business year. Therefore, this KPI was not met.

In addition, 347 local applications and 1 major application in the 6-12 month category were also issued/withdrawn. This focus on issuing older application in the system had a negative impact on the average processing times for local category of planning applications.

*KPI3: Reduce the number of live enforcement cases by 15%*

Table 2 below shows statistics in relation to enforcement for the 2023/24 business year. Progress continues in terms of increasing the number of cases concluded. Although the number of live cases have reduced by 1%, the Business Plan target has not been met. Work continues to focus on a reduction of the number of live enforcement cases.

Of the cases closed, 25.8% were remedied/resolved, 22.7% retrospective planning permission; 14.8% were closed as not expedient; 30.5% had no breach identified; and 5.8% were immune from enforcement action, 0.4% appeal allowed/notice quashed.

*KPI5: Stable Staff Resource*

With staff vacancies fluid throughout the year through resignations, long-term sickness and maternity leave, Agency staff were employed to fill the vacant temporary posts and recruitment campaigns commenced to fill vacant permanent Senior Planner post. The Business Case for an additional PPTO and make permanent the fixed term contract posts in the Single Rural Dwellings Team of 1 x SPTO and 2 x Planning Officers was agreed at CP&R Committee in January and full Council in February. This Business Plan target was met.

*KPI6: Reduction in staff caseloads*

The case loads of staff at the beginning of the year was extremely high across Development Management and Enforcement sections. The agreement of the business case referred to above was agreed to assist with reducing caseloads and maintaining a stable workforce. Throughout the year, caseloads slowly reduced with the number of decisions issuing outnumbering the number of applications received and likewise within the enforcement section the number of live cases reduced by 1%. The filling of these additional posts will further assist in the reduction of caseloads for staff. This Business Plan target was met.

*KPI7: Commencement of roll out of training identified in Training Plan*

In additional to mandatory training for all staff, throughout the year the following training was attended by staff:

- Planning Portal training
- RTPI NI Annual Law Update 2023
- RTPI NI Annual Planning Conference
- Cyber Security training
- Local Council Housing Information seminar
- Validation training
- Planning for Minerals,
- Planning Development Air Quality Impacts;
- Wind Farms,
- Rural Expressions of 20-minute neighbourhoods
- Enforcement Statement taking
- Neighbour Notification
- NI Active Travel Plan
- Planning for Biodiversity in post Brexit NI

*Objective 2: Publish Council's draft Plan Strategy*

*KPI8: Workshops concluded in accordance with amended work programme*

Workshops with Party Groups were held in August, September and December 2023. A full member workshop held in January 2024. A working group was established to consider the way forward in relation to the topics of housing allocation and development in the countryside. This workshop was held in March 2024 and requested that independent research be tendered for. Other KPIs in relation to the draft Plan Strategy will follow the completion of these workshops with Members. This KPI has been met.

*KPI9: Policies agreed through Planning Steering Group for draft Plan Strategy*

This KPI has not been met as the way forward with housing allocation and development in the countryside has not yet been agreed with Members.

*PI10: Present draft Plan Strategy to Council for ratification*

This KPI has not been met as the way forward with housing allocation and development in the countryside has not yet been agreed with Members.

*KPI11: Agreed LDP Timetable published*

The amended LDP Timetable has been agreed through Planning Committee and is awaiting agreement through Dfl.

*KPI11: Draft Plan Strategy published in accordance with published timetable*  
This KPI has not been met as the way forward with housing allocation and development in the countryside has not yet been agreed with Members.

*KPI12: Stable staff resources*  
This KPI has been met – refer to KPI5 above.

*KPI13: Commencement of roll out of training identified in Training Plan*  
This KPI has been met – refer to KPI7 above.

*Objective 3: to manage finance, staff, information and other resources effectively and efficiently within the corporate governance framework*

*KPI14: Reduction in number of vacant posts*  
This KPI has been met – refer to KPI5 above.

*KPI15: Number of cases where Ombudsman determines maladministration is less than 0.4% of all decisions made*

There have been no cases in the 2023/24 business year of cases where the NIPSO has determined maladministration on planning decisions made.

### **Recommendation**

**It is recommended** that the Planning Committee consider the content of the Planning Departments Annual Report.

At the request of an Elected Member the Head of Planning provided an update on the impact of the newly appointed Senior Planning Officer in respect of workloads. The Head of Planning invited Elected Members to visit her in person should they wish to have a lower level breakdown of caseloads activity and progress.

Planning Committee NOTED the Report.

## **8.3 Terms of Reference**

Report, previously circulated, was presented by the Head of Planning.

### **Purpose**

This Report is to provide Members with a review of the Terms of Reference for the Planning Committee.

### **Details**

Causeway Coast and Glens Borough Council decided to utilise the traditional committee system as its preferred form of governance and, as a result, it has



created a number of committees to progress the work of the new Council from 01 April 2015.

The Planning Committee (“the Committee”) will have full delegated powers for taking key decisions and actions required to be taken specifically in relation to the work of the Planning Department. This will include:

- Taking decisions on planning applications and other planning related decisions as set out in the Scheme of Delegation
- Recommending to Council the LDP for public consultation and adoption
- Approving and overseeing the delivery of any relevant service strategies for the Planning Department
- Approving relevant policies and procedures to improve performance of the Planning Department
- Monitoring and reviewing business and service delivery plans for the Planning Department
- Approving the establishment of external partnerships relevant to the role of the Planning Department
- Approving the resolution of any associated issues
- Considering resource implications of any recommendations

Approval of future changes to the organisational structure of the Planning Department and associated budget implications will fall within the remit of the Corporate Policy and Resources Committee.

### **Membership**

The Committee is comprised of sixteen Elected Members appointed to the Committee at the Annual General Meeting of Council on 30 May 2023 with no substitutions permitted unless there are exceptional circumstances and agreed with the Chair. A quorum of 4 Committee Members (as set out in Council’s Standing Orders) is required for the Planning Committee to convene. Business shall not be transacted unless a quorum of the Committee are present.

Members are required to attend mandatory training prior to taking their seat on the Planning Committee and attend other mandatory training as necessary. Members may be required to represent the Committee and Council at pertinent consultation and capacity building events. The membership list for the Committee is provided at Appendix 1 (circulated).

### **Chair**

The Committee will be chaired in 2024/25 by Alderman Sandra Hunter (UUP). In the absence of the Chairperson, the Committee will be chaired by the Deputy

Chairperson, Councillor Russell Watton (PUP). In the absence of the Deputy Chairperson, a chair for the meeting will be agreed by the Members present.

### **Meetings**

The first meeting of the Committee of the newly elected Council will be held on Wednesday 26 June 2024. The Planning Committee will normally meet on the fourth Wednesday of the month at 10.30am except in the months of July and December when there will be no meeting held as agreed by Council. A schedule of meetings for the Committee for the 2024/25 year is attached at Appendix 2. All meetings of the Committee will be governed by the Council's Standing Orders, The Protocol for the Operation of the Planning Committee, the Scheme of Delegation for the Planning Department and the Local Government Code of Conduct for Councillors.

### **Sub-Committees and Working Groups**

The Committee has the facility, if it so wishes, to establish and appoint any number of Sub-Committees and Working Groups it deems necessary to consider in more detail the work of the Committee concerning specific issues related to the Planning Department.

### **Communication and Reporting**

The minutes of the Committee will be ratified by the Committee and reported for noting at the monthly Full Council meeting. The minutes will be published on Councils website.

### **Review**

The Terms of Reference are to be reviewed on an annual basis, prior to the Annual Meeting each year.

### **Recommendation**

**It is recommended** that the Committee approves the Terms of Reference as set out in this report.

Proposed by Alderman Callan  
Seconded by Alderman Coyle and

**AGREED** – that the Committee approves the Terms of Reference as set out in this report.

## **8.4 Finance Report – Period 1-3 2024/25 Update**

Report, previously circulated, was presented by the Head of Planning.

## **Purpose**

This Report is to provide Members with an update on the financial position of the Planning Department for the Period 1-3 of 2024/25 business year.

## **Details**

Planning is showing a variance of over £18k favourable position at end of Period 3 based on draft Management Accounts.

The favourable position at the end of Period 3 is due to favourable position in relation to wages and salaries expenditure of over £71k whilst recruitment continues to fill vacant posts. This is balanced by a reduction in income of under £54k and a reduction of over £61K when compared to the same period last year. Although the number of planning applications received over this period has increased when compared to the same period last year, they are of a lesser fee category.

There are no other areas of concern at this time in relation to other expenditure codes.

## **Recommendation**

**It is recommended** that the Planning Committee considers the content of this report for the Period 1-13 of 2024/25 financial year.

Planning Committee NOTED the Report.

## **8.5 DMIN 06 – Discharge of Conditions**

Report, previously circulated, presented by the Head of Planning

### **Purpose of Report**

This Report is to advise Members of the introduction of a further Development Management Information Note about Discharge of Conditions.

### **Background**

Planning legislation, specifically Section 45 of the Planning Act (Northern Ireland) 2011 allows planning permissions to be granted either unconditionally or subject to conditions. Most planning conditions, while specifying a particular action, do not require specific verification by the Planning Department. However, other planning conditions require some matter to be undertaken that requires specific verification by the Planning Department. This process of verification is referred to as “discharge of conditions”.

There are two main types of condition that need to be discharged. Most common, is the type that requires a matter to be verified before development starts. Such a condition is referred to as a “negative condition”. Often this requires the submission of specific information or a report. Use of “negative

conditions” is helpful as they allow the processing time on the planning application to be shorter than would be the case if the report or details were provided before the application was decided. Examples of this type of condition are provided in the Information Note.

Other conditions which require some matter to be undertaken that requires specific verification by the Planning Department have the purpose of ensuring ongoing regulation of the development. Such conditions apply to the operational stage of the approved development and are often associated with applications subject to Environmental Impact Assessment (EIA). Examples of this type of condition are provided in the Information Note.

### **Content of the Information Note**

The Information Note provides information on the following:

- Purpose of using conditions on a planning permission which require discharge.
- What the process of discharge of conditions entails.
- Types of discharge of condition applications.
- Disagreement on a condition.
- Non-compliance with a condition.
- How to make an application to have a condition discharged.
- How discharge of condition applications are processed.
- Public consultation arrangements on discharge of condition applications.
- Discharge of condition application processing time.
- Clarification on discharge of condition applications not attracting a fee.
- The appeal process for discharge of condition applications.

### **Proposals**

To publish a Development Management Information Note on Discharge of Conditions (See Appendix 1).

### **Recommendation**

**It is recommended** that the Committee considers the attached Information Note and agrees to its publication on the Planning Section of Council’s website.

Proposed by Alderman Callan  
Seconded by Councillor C Archibald and

**RESOLVED** - that the Committee considers the attached Information Note and agrees to its publication on the Planning Section of Council’s website.

**8.6 DfC – Advance notice of Listings:  
Moyarget Lodge, 98 Moyarget Road, Ballycastle  
Carey House, 142 Cushendall Road, Ballyvoy**

Report, previously circulated, presented by the Development Plan Manager.

**Purpose of Report**

To present the Department for Communities (DfC) advance notice of listings.

**Background**

DfC wrote to the Council on 24th June 2024 seeking comment on two proposed listings within the Borough under Section 80 (1) of The Planning Act (Northern Ireland) 2011.

The proposed listings are as follows:

Reference	Address
<b>HB05/11/010</b> (See Appendix 1)	Moyarget Lodge, 98 Moyarget Road, Ballycastle, Co Antrim, BT54 6HL
<b>HB05/04/038</b> (See Appendix 2)	Carey House, 142 Cushendall Road, Ballyvoy, Ballycastle, Co Antrim, BT54 6RN

**Options**

Option 1: Agree to support the proposed listings: or

Option 2: Agree to oppose the proposed listings.

**Recommendation**

**It is recommended** that the Planning Committee agree to either Option 1 or Option 2 and agree to the Head of Planning responding to DfC on behalf of the Council.

Proposed by Alderman S McKillop  
Seconded by Councillor C Archibald and

**RESOLVED** - Option 1 - Agree to support the proposed listings and agree to the Head of Planning responding to DfC on behalf of the Council.

**8.7 DfC – District Council Heritage Development Support Scheme**

Report, previously circulated, presented by the Development Plan Manager.

### **Purpose of Report**

To present the Department for Communities (DfC) correspondence (see Appendix 1 (circulated)) to the Council relating to their District Council Heritage Development Support Scheme (see Appendix 2 (circulated)).

### **Background**

DfC has opened a “District Council Heritage Development Support Scheme”, the aim of which is to help communities to enjoy and realise the value of our historic environment.

The Fund has been set up to stimulate action across the historic environment in support of this aim. It is divided into four streams:

- Heritage Repair;
- Heritage Research;
- Heritage Regeneration; and
- Heritage Revival.

The extent of the work that can be supported is deliberately wide.

### **Financial Implications**

Up to £10,000 is available (per council) to carry out heritage development work. Only one application can be processed from each council, but more than one proposal can be submitted, up to the £10k cap.

### **Recommendation**

**It is recommended** that the Planning Committee note the content of this report and advise the Head of Planning of any proposals that may be eligible for this scheme.

Planning Committee NOTED the Report

At the request of an Elected Member the Development Plan Manager advised that funding was not for repair but for research purposes.

## **8.8 Co Donegal Development Plan 2024-2030 – Ministerial Notice of Intention to Issue a Direction**

Report, previously circulated, presented by the Development Plan Manager.

### **Purpose of Report**

To present correspondence from Donegal County Council (DCC) regarding two key statutory developments in respect of its County Development Plan (CDP) 2024-2030.

## **Background**

DCC wrote to the Council on 10<sup>th</sup> July 2024 (see Appendix 1) advising of the following:

- The CDP was adopted by Members on 16th May 2024, taking effect from 26th June 2024.
- Also on 26th June 2024, DCC received a notice from the Minister of State for Local Government and Planning pursuant to Section 31 of the Planning and Development Act 2000 (As Amended) advising of his 'Intention to Issue a Direction to DCC regarding the CDP'.

So, on the 26th of June 2024 the County Development Plan 2024-2030 came into effect except those parts of the plan affected by the Draft Ministerial Direction.

The key documents relating to these can be viewed at:

<https://donegalcountycouncil.sharefile.eu/share/view/sf65c2ebd081b46b4abe4b98a4ec4a377>

## **Summary of Ministerial Direction Notice**

The Minister has formed the opinion that:

- DCC in making the Development Plan, failed to implement recommendations made to it, as planning authority, by the Office under section 31 of the Act;
- The Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;
- The Plan is inconsistent with national and regional policy objectives specified in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Southern Regions (RSES); and
- The Plan, as made, is not in compliance with the requirements of the Act.

## **Consultation Response**

The closing date for comments on the Minister's Intention to Issue the Direction was 18th July 2024. The Council's response is attached at Appendix 2 (circulated).

## **Recommendation**

**It is recommended** that the Planning Committee note the content of this report and the response issued by the Head of Planning on behalf of the Council.

Planning Committee NOTED the Report.

## **8.9 Dfl – Notice of Opinion – LA01/2023/1043/DCA – Quay Road, Ballycastle**

Report, previously circulated, presented by the Head of Planning.

### **Purpose of Report**

This Report is to provide Members with details on the Notice of Opinion provided by the Department for Infrastructure (DfI) on an application for “Careful removal, storage and rebuilding of existing sections of stone wall and piers either side of the existing vehicular site entrance from Quay into the development site, to accommodate a new wider site access road and visibility splays. The sections of wall are to be carefully relocated on the site and rebuilt as existing” at Lands between 13-39 Quay Road, Ballycastle (Ref: LA01/2023/1043/DCA).

### **Background**

This application, for demolition in the Ballycastle Conservation Area, accompanies the application for “New Leisure facilities to Quay Road sports grounds to include new Leisure Centre with swimming pool, gym, studios and associated accommodation, along with new accessible Play Park, BMX Pump Track along with alteration to site access and additional car/coach parking and landscape features” at Lands between 13-39 Quay Road, Ballycastle (Ref: LA01/2023/1044/F). The Council is the applicant on both applications.

Details of the applications are available to view on Public Access at <http://planningregister.planningsystemni.gov.uk>

The work subject of the demolition consent application is to improve the site access from Quay Road given the intensification arising from the proposal. The works, collectively, will allow the provision of a wider access, visibility splays and a right turn lane.

Section 105 of the Planning Act (Northern Ireland) 2011 specifies that the appropriate authority to consider an application for consent for demolition in a Conservation Area where the Council is the applicant, is the Department (DfI). Accordingly, application Ref: LA01/2023/1043/DCA was considered by DfI. This provision in legislation does not preclude the Council from considering the associated application for the new leisure facilities (Ref: LA01/2023/1044/F).

Section 105 applies Section 88(7), both of the Planning Act (Northern Ireland) 2011. This requires the Department (DfI) to serve notice on the applicant and the appropriate council indicating the decision which it proposes to make on the application. In turn, this allows the Council to request an opportunity to appear



before and be heard by the Planning Appeals Commission or a person appointment by the Department for the purpose of a hearing.

On 19 August 2024 the Department (DfI) issued a Notice of Opinion stating that the application should, in its opinion, be granted subject to compliance with conditions. These require commencement within five years of the consent and that the consent is granted subject to implementation of the scheme as approved by Ref: LA01/2023/1044/F (the new leisure facilities). The covering letter provides a timeframe of 6 weeks i.e. by 30 September 2024, for the Council to reply to the Department (DfI) if it requests the opportunity to appear before and be heard by the Planning Appeals Commission, or a person appointed by the Department for the purpose of a hearing.

The works subject to the demolition consent application (Ref: LA01/2023/1043/DCA) are necessary to allow the associated application for the new leisure facilities (Ref: LA01/2023/1044/F) to proceed.

### **Recommendation**

**It is recommended** that the Committee considers the attached Notice of Opinion and covering letter from DfI and agrees to the Head of Planning advising DfI that in this regard, the Council does not wish to request an opportunity to appear before and be heard by the Planning Appeals Commission (PAC) or a person appointed by the Department for the purpose of a hearing.

Proposed by Alderman Scott  
Seconded by Councillor Storey and

**RESOLVED** - that Planning Committee considers the attached Notice of Opinion and covering letter from DfI and agrees to the Head of Planning advising DfI that in this regard, the Council does not wish to request an opportunity to appear before and be heard by the Planning Appeals Commission (PAC) or a person appointed by the Department for the purpose of a hearing.

### **8.10 TPO Confirmation – Land at and adj to 39, 41 & 43 Semicock Road, Ballymoney**

Report, previously circulated, presented by the Development Plan Manager.

#### **Purpose of Report**

To present the TPO Confirmation for site at lands at and adjacent to 39, 41 & 43 Semicock Road, Ballymoney.

## **Background**

### *TPO Request*

On 19th March 2024 a member of the public requested that the Council serve a TPO on this site to prevent trees being removed as part of any potential development scheme.

### Tree Preservation Orders

Under Sections 122 and 123 of the Planning Act (NI) 2011 and the provisions of the Planning (Trees) Regulations (Northern Ireland) 2015 the Council may make Tree Preservation Orders (TPOs) to afford statutory protection to selected trees or woodlands if their removal is likely to have a significant impact on the local environment and its enjoyment by the public.

Trees can have a high amenity value and can make an important contribution to the environment, creating a varied, interesting, and attractive landscape. They can help define the character of an area and create a sense of place acting as landmark features in urban and rural areas. They also have nature conservation, historic and recreational value. Trees in the Northern Ireland landscape are limited, therefore, where they do exist their contribution is valued.

The Council may make a TPO for the purpose of protecting trees if they are considered to be of special value in terms of amenity, history, or rarity, which may or may not be under threat. Therefore, to be considered for a TPO, trees must be of high amenity value and in reasonable condition. The following criteria are used when assessing the merits of a potential TPO:

- *Potential Threat:* Priority will be given to the protection of those trees deemed to be at immediate risk from active felling or damage from development on site. All other requests will be assessed and prioritised accordingly.
  
- *Visibility:* The extent to which the trees or woodlands can be seen by the general public will inform the assessment of whether the impact on the local environment is significant.
  
- *Individual Impact:* The mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The tree's particular importance will be assessed by reference to its size and form. Its future potential as an amenity should also be assessed, taking into account any special factors such as its screening value or contribution to the character or appearance of an area. In relation to a group of trees or woodland, an assessment will be made of the collective impact.

· *Wider Impact*: The significance of the trees in their local surroundings will also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.

-*Historical Importance*: Certain trees, because of their age, association with the setting of listed buildings, or the contribution they make to the special character of a Conservation Area, may require consideration for TPO protection.

- *Rarity*: There may be occasions where a tree(s) may be considered for TPO protection solely on the grounds of its rarity. The priority of the consideration will reflect the rarity of the species.

All types of tree can be protected. The Order can cover anything from a single tree to woodlands. Normally, unless a Woodland TPO is proposed, only trees over 3.5m in height are considered for a TPO. Hedges, bushes, and shrubs will not be protected.

### **Provisional Tree Preservation Order**

In terms of the process and timescales, a Provisional TPO is normally served first, with the final confirmation within six months, or it can be allowed to lapse if it is considered, as a result of detailed assessment, that the trees are not considered worthy of protection.

The Council served a Provisional TPO on this site on 25th March 2024 (see Appendix 1 (circulated))

### **Site Context**

The site includes three residential properties, No's 39, 41 & 43 Semicock Road. A laneway between N's.39 &41 allows access to undeveloped land that is currently zoned for housing in the Northern Area Plan 2016 (NAP). Trees at No's 39 & 41 include Rowan, mature Ash and a mature linear group of Leylandii which extend along the northern boundary with No.43, with a number of ornamental broadleaf and coniferous trees including Copper Beech, Cherry, Whitebeam, Lawson cypress, Sawara cypress and smaller ornamental Lawson cypress cultivars within these properties. The trees at No.43 include a small group of whitebeam, a copse comprising Sycamore, Beech, Lawson cypress, Horse Chestnut, Silver Birch and Rowan. The trees along the access lane include mature Sycamore, Birch and Ash from hawthorn hedges, and the trees in the field behind No.41 include self-sown groups comprising Leylandii, Pines, Firs, Beech, Ash, Horse Chestnut and Apple.

The NAP currently defines part of the southern section of the site as Housing Zoning BYH26, with the remainder of the site considered 'Whiteland' all within the Settlement Development Limits of Ballymoney.  
Maps circulated.

### Reason for TPO Protection

On 19th March 2024 a member of the public requested that the Council serve a TPO on this site to prevent the trees being removed as part of any potential development scheme with the southern section of the site on Housing zoning BYH26 subject to current planning application LA01/2023/0431/F for a housing Development scheme of 126 no. dwellings.

Planning Section considered that a level of protection was required for these trees, which are considered to make a valued contribution to the local environment and character of the area, creating an attractive landscape feature within the local setting of Semicock Road.

A Provisional TPO was served on site on 25<sup>th</sup> March 2024 (see Appendix 1). This notice took effect immediately and provided protection for all trees on the site for a period of six months - until 25<sup>th</sup> September 2024. In line with legislation a copy of the Provisional TPO documentation was also posted, on 25<sup>th</sup> March 2024, to inform interested parties and adjoining neighbours. Copies of the Order were also attached to protected trees in obvious locations within the site on 25<sup>th</sup> March 2024.

The consultation process sought comments/representations to be submitted within 28 days from the date of notice of the Provisional TPO (up to 22<sup>nd</sup> April 2024). Two representations were received within this period, one on 9<sup>th</sup> April and the other on 19<sup>th</sup> April 2024 (see Appendix 2). The concerns from a neighbour at No.44 relate to the trees at No.39 and the impact on light and TV reception on their property and wishes that the TPO is not finalised. The other representation received relates to trees at No.41 and objects to the retention of all of the trees on site by a 'blanket TPO' which will prevent necessary trimming and lopping. Concerns also refer to the limited amenity value of these garden trees which were planted in the 1970's with many considered to be conifers that do not merit to be included in the TPO.

Within this period a detailed assessment was carried out by a qualified Arboriculturist (see Appendices 3-5). This has resulted in a detailed survey of all trees on site which helps identify the physical condition of each individual tree, allowing for consideration of the level of protection required.

### Detailed Assessment of Trees

John Morris Arboricultural Consultancy surveyed the site on 28<sup>th</sup> June 2024 (see Appendices 3-5). A total of 88 trees and tree groups were identified. Of these, 79 have been identified as suitable for TPO protection. The exceptions are tree no's. 1 (Ash), 10 (Leylandii), 13 (Silver Birch), 29 (Leylandii), 39 (Rowan), 46 (Ash), 50 (Weeping Willow), 76 (Ash) & 77 (Ash). These are

reported to be unsuitable for retention either due to their physical condition and/or potential impacts on public safety, with tree no's 1, 50, 76 & 77 recommended to fell.

Of the 79 trees identified as suitable for TPO, Planning Section recommends 56 trees are worthy of TPO Protection. All of these trees are of fair and moderate quality, value, and condition, in appropriate locations and are therefore considered suitable for confirmation within the TPO.

Tree no's 12, 15, Tree Group 21 (Leylandii), tree no's 30-38 (Cypress), 40-45 (inc Cherry/ Birch/ Lawson Cypress), 56-58 (Willow/Cypress), 66 (Cypress) and 68 (Leylandii), are all considered to be unsuitable for protection within the TPO due to their limited amenity value and site-specific locations. This addresses the issue raised in the representation of trees within the immediate vicinity of No.41 with many conifers at this location lacking amenity value and quality and are therefore considered unsuitable for inclusion within the TPO. It is noted that the report also refers to the mature Linear Group of Leylandii (21), with many of this grouping suffering from multiple limb and stem failures, with storm damage, cracked limbs and root disturbance to the tarmac driveways evident with significant works required and as such this Leylandii grouping is also not suitable for inclusion within the TPO.

### Summary

In summary, the majority of the Trees and Tree Groups are considered worthy of TPO protection. These trees have high public amenity value, being located in a prominent location along Semicock Road. The trees provide an important and valued contribution to the local environment and character of the area, creating an attractive landscape within the urban setting of Ballymoney and are considered worthy of TPO protection.

### **Financial Implications**

No financial implications for the Council.

### **Options**

**Option 1:** Resolve to confirm the TPO with modifications as detailed above.

**Option 2:** Resolve not to confirm the TPO.

### **Recommendation**

**It is recommended** that Members agree to either Option 1 or 2 above.

An Elected Member raised the matter of the excessive height of trees on Semicock Road.

Proposed by Councillor McMullan

Seconded by Councillor Watton

- That Planning Committee approve Option 1 - Resolve to confirm the TPO with modifications as detailed above.

The Chair put the motion to the Committee to Vote.

7 Members voted For; 3 Members voted Against; 0 Members Abstained.

The Chair declared the motion Carried.

**RESOLVED** – The Planning Committee approve Option 1 – Resolve to confirm the TPO with modifications as detailed above.

**MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Councillor Storey

Seconded by Alderman Callan and

**AGREED** – that Planning Committee move ‘*In Committee*’.

\* **Press and Public were disconnected from the meeting at 6.15pm.**

**9. Confidential Items:**

**9.1 Update on Legal Issues**

Council Solicitor provided an update to Members on a Pre-Action Protocol Letter received. She advised that Senior Counsel advice was received and updated Elected Members on the outcome of that advice. A response to the PAPL has issued.

**MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Councillor Watton

Seconded by Councillor Storey and

**AGREED** – that Planning Committee move ‘*In Public*’.

\* **Public re-joined the meeting at 6.25pm.**

**10. Any Other Relevant Business in Accordance with Standing Order 12 (O))**

**There were no items of AORB.**

This being all the business the meeting closed at 6.25pm.

---

Chair