

**PLANNING COMMITTEE PRE-DETERMINATION HEARING MEETING HELD
WEDNESDAY 19 MARCH 2025**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Alderman Callan</i>
2.	Declarations of Interest	<i>Nil</i>
3.	LA01/2016/1328/F – 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, private sewerage treatment plant and water bore holes together with associated apparatus/infrastructure works on land south of 120 Ballyreagh Road, Portstewart BT55 7PT	<i>That a Site Visit is held for those Elected Members who did not have the opportunity to visit the site previously</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE PRE-DETERMINATION HEARING HELD IN THE COUNCIL
CHAMBER, CIVIC HEADQUARTERS AND VIA VIDEO CONFERENCE
ON WEDNESDAY 19 MARCH 2025 AT 10.30AM**

Chair: Alderman Hunter, Chair (C)

Committee Members: Alderman Boyle (C), S McKillop (C), Scott (C), Stewart (C);
Councillors, C Archibald (C), Kennedy (C), MA McKillop (R),
McGurk (R), McMullan (C), Nicholl (R), Storey (C), Watton
(C)

Officers Present: D Dickson, Head of Planning (C)
S Mathers, Development Management and Enforcement
Manager (C)
M Wilson, Senior Planning Officer (C)
J Lundy, Senior Planning Officer (R)
E Hudson, Senior Planning Officer (R)
S McAfee, Head of Health and Built Environment (R)
A Gamble, Environmental Health Officer (R)
A McGarry, Business Support and Administration Manager (R)
I Owens, Committee & Member Services Officer (C)

In Attendance: M Kennedy, ICT Officer (C)
A Lennox, ICT Officer (C)

Public 10 no. (C) and 1 no. (R)
Press 1 no. (R)

Key: R = Remote C = Chamber

Registered Speakers

LA01/2016/1328/F	S Scholefield (Deputising for J Allister MLA, Objector) (C) T Ferguson, Support (C) S Terry, Support (R) P Neary, Support (R) B Martyn (R) Dr Bolan (C) R Gardiner (C) D Topping (R) A Miniham – Dfl Roads (R) C Ellison – NED (R)
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The Head of Planning undertook a roll call of Committee Members in attendance.

The Chair read extracts in relation to the Remote Meetings Protocol and reminded the Planning Committee of their obligations under the Local Government Code of Conduct.

The Chair read an extract in relation to the format for the Pre Determination Hearing.

The Chair advised of the passing of the Mayor of Mid and East Antrim Borough Council, Councillor Beth Adger and extended sympathy to her family and colleagues.

1. APOLOGIES

Apologies were received for Alderman Callan.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LA01/2016/1328/F – 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, PRIVATE SEWERAGE TREATMENT PLANT AND WATER BORE HOLES TOGETHER WITH ASSOCIATED APPARATUS/INFRASTRUCTURE WORKS ON LAND SOUTH OF 120 BALLYREAGH ROAD, PORTSTEWART BT55 7PT

Report, addenda, erratum, site visit reports and speaking rights, were previously circulated. The application was presented by the Development Management and Enforcement Manager, S Mathers.

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.

Addendum 6 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.

Addendum 7 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 Development Management and Enforcement Manager provided a synopsis of previous reporting including details of site visits as undernoted listing.

- Main report
- Addendum and Erratum- 28/07/17
- Addendum- 24/01/18
- Erratum- 24/01/18
- Addendum 2- 22/11/23
- Addendum 3- 22/11/23
- Addendum 4- 22/11/23
- Addendum 5- 28/08/24
- Addendum 6- 28/08/24
- Addendum 7- 26/03/25
- Site Visit Report- June 2017
- Site Visit Report- November 2023

The Development Manager and Enforcement Manager advised that a further site visit was at the discretion of the Committee.

The Development Management and Enforcement Manager presented via powerpoint 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 NW200 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.

As a major application, the application was preceded by a PAN and was accompanied by a Community Consultation Report and Design and Access Statement.

Planning permission was granted on two previous occasions by the Council- on 29 June 2017 and 05 March 2018. On both occasions, the planning permissions were quashed by the High Court, most recently on 09 August 2019. Accordingly, processing of the application resumed and the application has since been presented to the Planning Committee. The application was last considered by the Planning Committee at its meeting on 28 August 2024 where it was resolved to approve the application. Consistent with a Direction from DfI, the Planning Department notified the Department of this position on 03 September 2024. On 18 February 2025, DfI replied to the Planning Department to advise the application is not being "called in" to the Department for determination. Accordingly, the Council can continue to process the application.

In terms of the Northern Area Plan 2016, the site is located in the countryside outside the settlement limit of Portstewart. The Northern Area Plan does not provide specific policy on tourism development, rather directing that regional policies apply. Policy TSM 3 from PPS 16 Tourism is the lead policy to assess the proposal. This was confirmed by the High Court Judgement having regard to this specific proposal.

Main Issues

Alternative sites within a settlement - Policy TSM 3 directs that a site in the countryside is dependent on demonstrating that there is no suitable site within the settlement or other nearby settlement. The application was accompanied by an updated submission which identified that there are no sites available to accommodate the development either in Portstewart or the nearby settlement of Portrush. The detail of why sites were discounted is provided in Addendum 2.

The most frequent reasons were that sites were too small to accommodate the proposal and were not available.

Conversion and Replacement Opportunities - Policy TSM 3 directs that a site in the countryside is dependent on demonstrating that there is no suitable opportunity in the locality to provide a hotel through conversion or replacement opportunities. In this case, through consideration of updated information, no such opportunities were identified near Portstewart or Portrush.

Alternative Sites on Edge of Settlement- Policy TSM 3 requires, broadly, an appropriate site at the edge of a settlement. Alternative sites have been considered through updated information and discounted. The detail of the consideration is provided in Addendum 2.

Delivery of Project- Policy TSM 3 requires demonstration that the proposal is firm or realistic. To this end, information has been provided, in July and September 2023. This includes an assessment of other hotel provision in the area to demonstrate that the proposal will provide a specific offering, distinguishable from that available currently. The up to date information included correspondence from WH Stephens (Project Management-Construction Consultancy), ASM Accountants and Interstate Hotels/ Aimbridge (Hotel Operators). Collectively, this states the project can be viable, is in a position to progress to construction stage once planning has been granted and that Interstate as hotel operator, remain committed to the project. Accordingly, this requirement of the policy is met.

Integration and Rural Character- A detailed Landscape and Visual Impact Appraisal was provided. This considered how the proposal will be viewed from 11 viewpoints. Photomontages were provided for 4 of the views. Overall, the proposal is considered acceptable regarding integration/ rural character for the reasons set out in the report. While there will be a visual impact on the landscape, this is not unacceptable. The proposal includes a landscaping scheme.

Design- The main hotel building has a “T” plan and is three storey. It is of modern design and its main finishes are dark grey stonework, white cladding panels, significant areas of glazing and a sedum roof. The demonstration restaurant is single storey while the holiday cottages are single storey and of split-level design. Overall, the design and materials are considered acceptable given the edge of settlement location.

Amenity- The amenity of nearby receptors (mainly dwellings and holiday units) was considered having regard to issues including noise, odour and lighting. Through consultation with the Environmental Health Department, the proposal is considered not to harm the amenities of nearby residents, a requirement of Policy TSM 7 of PPS 16 Tourism.

Economic Consideration- Details accompanying the application state that the proposal will comprise a significant capital investment, will encourage visitor stays in the Borough and when operating will provide close to 100 full time jobs.

Access and Parking- The proposal was accompanied by a Transport Assessment. A single access point is proposed off Ballyreagh Road, a Protected Route, with a right turn lane. This access will replace an existing access at this location. The new access is located slightly to the west (to Portstewart side) of the existing access and is wider than the existing access. While Policy AMP 3 of PPS 3 does not make provision for a new access in lieu of an existing access, the access arrangements are considered acceptable on the basis the overall objective of the Policy is met in that no additional access is being created. The proposal includes 318 car park spaces. A proposed condition requires these to be provided and broadly, be solely used for the hotel.

Sewerage and Water Supply- Given lack of current network capacity identified in consultation with NI Water, the proposal was amended to include a sewerage treatment plant and boreholes for a water supply. Further to carrying out consultations, these arrangements are considered acceptable.

Representations The detail of the representations, both in objection and in support of the application, are set out in the report.

Conclusion - The recommendation is now to approve the application as set out in the most recent Addendum, Addendum 7.

The Chair invited S Scholefield (representing J Allister), to speak in objection of the application.

S Scholefield stated that the High Court intervened not once but twice to quash the application and when quashed in 2018 the quashing order was not publicised on the Council portal.

This came at a cost to rate payers, there were procedural irregularities and a wholly fresh appraisal, as requested, should have been undertaken. There was no new planning report with a reliance placed on the original report which is before us with added addenda of what was a flawed planning report which lacked objective consideration with no scope for variations.

Council are invited to defy J McCloskey on access ruling in terms of policy AMP3 in relation to protecting and restricting traffic onto protected routes which does not permit enlarging of access. No mention was made of reassessing, the process was bound by policy and invites a return visit as Council did not appeal judgement. Issue still stands that shows applicant has not full control over folio of lands. Car park and servicing area owned by Causeway Coast and Glens Borough Council with the applicant having no lease or rights to the area and ultimately no control. Consideration of access did not take into account usage of all relevant lands.

Policy TSM3, para.7.14 of PPS16 – Insufficient evidence of realistic capital including grant aid with no lender in place and as at 8th September 2023 there were no lending offers in place so who is building the hotel as financial viability is not satisfactory?

Developer is a small ranking company with no accounts registered at Companies House has no hotel experience, is of a micro identity and claiming to build multi-million pound hotel.

Don Holdings Ltd who are jointly involved in the venture are a dormant company and also have no accounts registered at Companies House.

There is the matter of unsuitability of site which is outside of development limits. It is the last green wedge and urban sprawl of worst type. This huge complex is not just a hotel and this proposal would result in maximum destructive impact to Ballygelagh Village. There would also be noise pollution, obnoxious odours and environmental impact will be far reaching for wildlife and the potential for rodent issue. There will also be a negative impact on light pollution spoiling night skies. For much of the carpark and service areas they have no lease or rights and therefore have no control over these lands.

The Chair invited questions for the speaker from Elected Members.

At the request of an Elected Members regarding changes to site access the Chair ruled that this was a question for the Development Management and Enforcement Manager not the objector.

This was addressed after all the speakers were complete. *

At the request of an Elected Member S Scholefield said that Council were being ask to 'turn a blind eye' in respect of the role of Don Hotels and look the other way. S Scholefield further confirmed at the request of an Elected Member that the planning reasons for concerns in relation to Justice McCloskey's judgment were in relation to policy TSM3 and the reliability of investment.

As further requested by an Elected Member, S Scholefield advised that in relation to the McCloskey judgment there was concern that financial viability of the development was not apparent.

The Chair invited T Ferguson to speak in support of the application.

T Ferguson stated the application was duly considered by Dfl who reviewed, considered and responded saying they have no issues regionally or sub regionally. There were no requirements for call-in and all objectors have been heard. Many matters raised are not material planning matters. Required licences will be completed after due planning process.

There has been no change in circumstances since last presentation. Planning Officers have presented the case clearly, have recommended approval and the application should be granted. All statutory consultees have no objections, Dfl Roads assessed and considered it adequate and sufficient to accommodate traffic.

Desire is to bring this major proposal to a close as visitor accommodation demand continuing to rise for 4* hotel accommodation which this will provide by way of a mid-marketing hotel and spa seeking to deliver value to local residents and business customers.

S Terry spoke remotely in support of the application.

S Terry stated that Global Hotel operator has been in existence since 1995 and has worked in Northern Ireland for 10 years and on this application since 2016. From independent marketing information, since 2016, hotel occupancy rates have stayed the same with an average rate of £76 - £126. Since Covid in 2021 occupancy stayed same and the average rate increased. Work has been done with the team to ensure as minimal cost as possible. Market is strong as it has ever been and I fully support this application.

Dr P Bolan spoke in support of the application.

Dr P Bolan said he publishes and lectures on Tourism matters and said he reinforced a definite need for more hotel accommodation at 4*/5* as visitors to the North Coast are not taking overnight stays. Golf tourists are not staying locally and not capturing tourism in Portrush and Portstewart. The presence of

upscale hotels helps prevent leakage of tourism spend which is not being fully captured in this region at the minute. More of this is needed to sustain the tourism product in the region and avoid leakage to Belfast.

The Chair invited questions for the speakers from Elected Members.

At the request of an Elected Member D Topping referring to the Judicial Review said that procedural matters (ie issues of planning policy and planning judgment), courts have made it very clear it is not the role of court to interfere in planning judgment. A huge amount of information has been put before Members including financial viability of product. It is a wider package than just the construction of a hotel. Referring to the suggestion of looking the other way it is in fact the opposite with a huge amount of information put before members including in relation to financial viability which was sufficiently addressed this morning.

* At the request of earlier query from a Member, The Development Manager and Enforcement Manager advised the Committee that a change to access was an increase of 1 metre from 5 to 6 metres with a slight relocation to the Portstewart direction. The Development Manager and Enforcement Manager further advised as requested that he was content with the adjustment and was acceptable. The Development Manager and Enforcement Manager read out paragraph 3.5 – 3.7 of Addendum 2 (8.1.25) of the Planning Committee Report by way of confirmation in response to queries from Elected Members which clarified that although the proposal does not comply with policy AMP3 it is considered acceptable.

Proposed by Alderman Hunter

Seconded by Alderman S McKillop and

- That a Site Visit is held for those Elected Members who did not have the opportunity to visit the site previously.

Agreed unanimously.

RESOLVED - That a Site Visit is held for those Elected Members who did not have the opportunity to visit the site previously.

At the request of an Elected Member the Development Management and Enforcement Manager advised that the latest court judgement would be placed on the Causeway Coast and Glens Borough Council planning portal.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 12.16pm.

Chair