

**PLANNING COMMITTEE MEETING HELD
WEDNESDAY 26 MARCH 2025**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Alderman Callan¹, Hunter, Councillor Kennedy</i>
2.	Declarations of Interest	<i>Councillor Peacock</i>
3.	Minutes of Previous Planning Committee Meetings	
3.1	Minutes of Planning Committee Meeting held Wednesday 26 February 2025	<i>Confirmed, as amended</i>
3.2	Minutes of Pre Determination Hearing Meeting held Wednesday 19 March 2025	<i>Confirmed as a correct record</i>
4.	Order of Items and Confirmation of Registered Speakers	
4.1	LA01/2024/0060/O, Referral, 228m South East of 39 Drones Road, Armoy	<i>Deferred for a Site Visit</i>
4.2	LA01/2024/0525/O, Referral, Site Adjacent to 67 Killylane Road, Eglinton	<i>Deferred for a Site Visit</i>
5.	Schedule of applications	
5.1	LA01/2016/1328/F, Major, North West Hotel and Spa Complex land south of 120 Ballyreagh Road, Portstewart	<i>Agree and Approved</i>
5.2	LA01/2021/0772/O, Council Interest, Land 25m South West of 29 Roe Mill Road Limavady	<i>Disagree and Approved</i>
5.3	LA01/2024/1187/F, Council Interest, Craigahullier Landfill Site, Ballymacrea Road, Portrush	<i>Deferred for 1 month</i>
5.4	LA01/2023/1164/F, Referral, Lands adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin	<i>Refused</i>

¹ Alderman Callan later joined the meeting

5.5	LA01/2023/0667/F, Referral, Approximately 220m NE of 148 Torr Road, Cushendun	<i>Disagree and Approved</i>
5.6	LA01/2022/0954/F, Referral, 244 Islandmore Crescent, Portrush	<i>Disagree and Approved</i>
5.7	LA01/2023/0935/F, Referral, 39m South West of 21 Ballymagarry Road Portrush	<i>Disagree and Approved</i>
5.8	LA01/2022/1531/F, Referral, 54 Causeway Road, Bushmills	<i>Agree and Approved</i>
5.9	LA01/2024/0895/O, Referral, Site 10m East of 5 Ballygelagh Village, Portstewart (access of Ballyreagh road)	<i>Deferred for a Site Visit</i>
5.10	LA01/2023/0615/F, Referral, 40 Strand Road, Portstewart	<i>Deferred for 1 month</i>
5.11	LA01/2024/0718/F, Referral, Lands 70m West of No. 47 Newmills Road, Coleraine	<i>Deferred for a Site Visit</i>
5.12	LA01/2023/1214/O, Referral, East of 22 & 24 Cashel Road, Macosquin Coleraine	<i>Agree and Refused</i>
6.	Local Development Plan	
6.1	Verbal LDP Update	<i>Received</i>
7.	Correspondence	
7.1	DfI – Agreement to Council’s SCI	<i>Noted</i>
7.2	Correspondence to DfI – Active Travel Delivery Plan	<i>Noted</i>
7.3	DfI – Response to the issues raised at the Council meeting 04.02.25	<i>Noted</i>
7.4	Donegal Co Council – Variation No1 to CDP 2024-2030 and Council’s response	<i>Noted</i>
7.5	DAERA – Consultation on SEA of Ammonia Strategy	<i>Noted</i>
7.6	DfE – Off Shore Renewable Energy Action Plan (OREAP) Consultation	<i>Noted</i>
7.7	DC&S DC – Consultation re: LDP PS Adoption Documents	<i>Noted</i>
7.8	DfI – Update Request: re: Second Homes and Short Term Lets	<i>Noted</i>
7.9	Letter to Chief Executives re Planning Fees	<i>Noted</i>
8	Reports for Decision	
8.1	Planning Portal SLA	<i>That the Planning Committee considers and agrees the proposed revised SLA as set out at Appendix 1 of this report.</i>

8.2	Planning Committee Report Template	<i>To defer to the Special Planning Committee in May to give further consideration to the Planning Committee report template including screening and comparing templates from other Councils.</i>
9.	Reports for Noting	
9.1	Finance Report – Period 1-10	<i>Noted</i>
9.2	NI Water Conditions	<i>Noted</i>
10.	Confidential Items	
10.1	Update on Legal Issues – Verbal Update	<i>Received</i>
11.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<i>Information</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND
VIA VIDEO CONFERENCE
ON WEDNESDAY 26 MARCH 2025 AT 10.30AM**

Chair: Councillor Watton (C)

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

Officers Present: D Dickson, Head of Planning (C)
S Mulhern, Development Plan Manager (C)
S Mathers, Development Management & Enforcement Manager (C)
J Lundy, Development Management Manager (R)
M Jones, Council Solicitor, Corporate, Planning and Regulatory (C)
A McPeake, Director of Environmental Services (R)
J McMath, Senior Planning Officer (C)
M McErlain, Senior Planning Officer (R)
M Wilson, Senior Planning Officer (C)
R McGrath, Senior Planning Officer (C)
E Hudson, Senior Planning Officer (C)
R Heaney, Planning Officer (R)
S McKinley, Planning Assistant (R)
A Gamble, Environmental Health Manager (R)
V Mooney, Environmental Health Officer (R)
J Keen, Committee & Member Services Officer (R/C)
I Owens, Committee & Member Services Officer (C/R)

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

Press 2 no. (R)
Public 20 no. including Speakers

Key: R = Remote in attendance C= Chamber in attendance

Registered Speakers

Item No	Name
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LA01/2016/1328/F	S Scholefield T Ferguson B Wilson P Neary S Terry J Banks B Martyn P Bolan M Bradley G Campbell
LA01/2021/0772/O	M Bell
LA01/2024/1187/F	D Dalzell Colin Mayrs C Parkhill D Alexander A Thompson
LA01/2023/1164/F	J Muldoon J Wilson A Bradley
LA01/2023/0667/F	T Cassidy P Heron
LA01/2022/0954/F	R Moore
LA01/2023/0935/F	J Simpson
LA01/2022/1531/F	M Duff
LA01/2024/0895/O	M Williams
LA01/2023/0615/F	M Bell
LA01/2024/0718/F	M Kennedy M O'Neill M Bradley

The Head of Planning undertook a roll call.

The Chair reminded Planning Committee of their obligations under the Local Government Code of Conduct and Remote Meetings Protocol.

The Chair extended condolences to Alderman Sharon McKillop on the recent passing of her mother. Alderman S McKillop thanked the Chair for the kind words.

1. APOLOGIES

Apologies were recorded for Alderman Callan², Hunter and Councillor Kennedy.

2. DECLARATIONS OF INTEREST

Councillor Peacock declared an interest in Item LA01/2023/1164/F, Referral, Lands adjacent to No's 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin. Having declared an interest Councillor Peacock left the meeting remotely and did not vote on the Item.

3. MINUTES OF PREVIOUS PLANNING COMMITTEE MEETINGS

3.1 Minutes of Planning Committee Meeting held Wednesday 26 February 2025

Copy previously circulated.

Point of accuracy

Alderman S McKillop stated that it was important that the minutes were accurate for future reference. Alderman S McKillop asked for her contribution at the 26/02/2025 Planning Committee meeting to reflect what she had said and reported in the context of the item being discussed: Reference the NI Audit Office and NI assembly (PAC) published reports in February and March 2022 respectively on how the planning system has operated since April 2015 and reference the conclusion that it was not working effectively and not providing certainty and the impact that this has on applicants, developers and the economy, communities or the environment. Alderman S McKillop stated that in relation to training on past decisions 2/8/2023 – Elected Members and not just herself, did not feel they had sufficient input to understand the impacts of decisions made into real world outcomes. They, as members need more support in addition to Council's Independent Legal Advisor Cleaver Fulton Rankin to determine application into real world outcomes. Alderman S McKillop advised that Training requirements would be added as an agenda item at a Special Planning meeting was proposed by Alderman Callan and seconded by Alderman Sharon McKillop.

² Alderman Callan later joined the meeting.

Proposed by Councillor Storey

Seconded by Councillor Anderson

- That the Minutes of the Planning Committee meeting held Wednesday 26 February 2025, as amended, are confirmed as a correct record.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

RESOLVED - That the Minutes of the Planning Committee meeting held Wednesday 26 February 2025, as amended are confirmed as a correct record.

* **Alderman S McKillop left the Chamber at 10.43am and did not return.**

3.2 Minutes of Pre-Determination Committee Meeting held Wednesday 19 March 2025

Copy previously circulated.

Proposed by Councillor Storey

Seconded by Councillor Archibald

- That the Minutes of the Pre-Determination meeting held Wednesday 19 March 2025 are signed as a correct record.

The Chair put the motion to the Committee to vote.

9 Members voted For, 0 Members voted Against, 1 Member Abstained.

The Chair declared the motion carried.

RESOLVED - That the Minutes of the Pre Determination Hearing meeting held Wednesday 19 March 2025 are signed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair invited requests for site visits.

4.1 LA01/2024/0060/O, Referral, 228m South East of 39 Drones Road, Armoy

Proposed by Councillor Storey

Seconded by Councillor Anderson

-That Planning Committee defer LA01/2024/0060/O, Referral, 228m South East of 39 Drones Road, Armoy for a site visit to better understand the location.

The Chair put the proposal to the Committee to vote.

10 Members voted For; 0 Members voted Against; 0 Members Abstained.
The Chair declared the Motion Carried.

RESOLVED - that Planning Committee defer LA01/2024/0060/O, Referral, 228m South East of 39 Drones Road, Armoy for a site visit to better understand the location.

4.2 LA01/2024/0525/O, Referral, Site Adjacent to 67 Killylane Road, Eglinton

Proposed by Councillor Nicholl

Seconded by Councillor Archibald

-That Planning Committee defer LA01/2024/0525/O, Referral, Site Adjacent to 67 Killylane Road, Eglinton for a site visit to see where site is in conjunction with farm buildings and holding.

RESOLVED - That Planning Committee defer LA01/2024/0525/O, Referral, Site Adjacent to 67 Killylane Road, Eglinton for a site visit to see where site is in conjunction with farm buildings and holding.

The Chair pointed to poor attendance at the last site visit meetings with only himself in attendance and implored Elected Members to attend these visits which had been requested by Planning Committee members.

* **Councillor Peacock joined the meeting remotely at 10.50 am**

5. SCHEDULE OF APPLICATIONS

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

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

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.

Erratum Recommendation

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

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

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
- Site Visit Report- 24 March 2025

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.
- 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 Development Manager and Enforcement Manager advised that a representative from DfI Roads and the Head of Health and Built Environment were in attendance remotely.

The Chair invited questions from Elected Members for the Officer.

At the request of an Elected Member the Development Manager and Enforcement Manager confirmed that given previous legal proceedings, he was satisfied that all issues previously raised had been fully addressed and referred members to the Addenda contained within the Planning report.

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

J Scholefield was not present in the Chamber, nor online.

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

T Ferguson referred to the comments made by S Terry at the Pre-Determination Hearing held last Wednesday 19th March 2025 confirming the clear need for what was being proposed and evidence of support from local businesses. In response to comments made at the Pre-Determination meeting advised Council were never asked to *look the other way* and these comments are refuted. All relevant information was provided for Planning Department to interpret. Accounts were provided along with viability documents, however in respect of policy TSM3 focus should be on policy not individuals and in respect of policy AMP3 Lord Justice McCloskey's ruling, the issue of access is now addressed with no objections from DfI Roads. Mervyn Whyte on behalf of NW200 has provided written support. Light assessment impacts showing no negative impact. This development will create a hundred jobs and millions of pounds of investment. Thanks to those who have supported the project.

The Chair invited questions from Elected Members for Speaker.

There were no questions put to the Speaker.

The Chair invited M Bradley MLA to speak in support of the application.

M Bradley MLA stated that he hoped there would be a resolution today for the hotel, holiday cottages and demonstration kitchen. There were 75 objections, 85 supporters and the principal under policies TSM 3, 5, 7 of PPS16 has been met.

M Bradley stated benefit to the area include investment creation of 100 jobs on completion and a design which will enhance the setting resulting in low impact on coastal zones.

DfI Roads and Rivers Agency are content. This development will be a major boost to NW200 race, will attract more tourists to area who will avail of local producers and enhance tourism offering. Having lost 2 hotels in the region this development is very timely and well received application and will have lasting benefits to tourism and economy in this region.

The Chair invited questions from Elected Members for the Speaker.
There were no questions put to the Speaker.

At the request of an Elected Member the Head of Planning advised that those who did not attend the Pre-Determination Hearing had access to the Minutes and it was a matter for them whether or not they wished to partake in the vote.

Proposed by Councillor Archibald

Seconded by Councillor Nicholl

-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

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.

RESOLVED - 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

5.2 LA01/2021/0772/O, Council Interest, Land 25m South West of 29 Roe Mill Road Limavady

Report, addendum, site visit reports speaking rights and presentation were previously circulated and presented by the Development Management and Enforcement Manager, S Mathers.

Council Interest Application to be determined by Planning Committee

App Type: Outline Planning

Proposal: Proposed site for 3 No. detached two storey dwellings with garages, installation of septic tanks and soakaways and all associated works. (on land previously approved for 5 No. dwellings under B/2000/0338/O).

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 subject to the reasons set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with this amended recommendation that the Committee has taken into consideration and agrees for the recommendation set out in section 9 and the policies and guidance.

Development Management and Enforcement Manager presented via powerpoint presentation as follows:

- Proposal comprises 3 detached dwellings.
- This is presented to the Committee as a Council interest item.
- In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Limavady on land zoned Local Landscape Policy Area. The specific designation is LYL02 Roe Park.
- Planning History- Outline permission was granted for 5 dwellings at this location in 2002. No follow-up reserved matters application was submitted to have enabled the development to take place.
- Principle Of Development - Policy ENV 1 Local Landscape Policy Areas in the Northern Area Plan states that where development is permitted, it will be required to comply with any requirements set out for individual LLPAs in the District Proposals. The Plan states that LYL02 Roe Park shall have no further development other than modest extensions to the hotel, sensitively integrated into the landscape, or modest facilities associated with existing recreational areas. The proposal does not meet these typologies of development. Accordingly, the proposal is contrary to Policy ENV 1 and the principle of development is unacceptable.
- Other Issues - Regarding other issues, the proposal is acceptable in terms of access, parking, amenity provision, flood risk and natural heritage.
- Representations - None received.

- Conclusion- The proposal fails to comply with the principle of development within a specific Local Landscape Policy Area. The recommendation is to refuse.

The Chair invited questions from Elected Members for the Officer.

At the request of an Elected Member the Development Manager and Enforcement Officer advised of the sequencing and timeline being outline approval in March 2002 prior to the drafting of the Northern Area Plan; LLPA came after planning approval.

The Chair invited M Bell to speak in support of the application.

M Bell stated that the proposal was scaled down, reducing the development from 5 to 3 dwellings. Substantial weight should be given to the previous application approved. Within development limit and principle of development should be acceptable and there were no objections to proposal. Settlement development limits allowed for development in reasonable terms. Roe Park is far south of applicant's site. The proposal is modest in height with materials or design not degrading landscape. The Plan is a guide not reasonable constraint and evidently previous permission allowed flexibility. Housing in urgent need in Causeway Coast and Glens Borough Council. There is lack of evidence demonstrating harm. Approval of this application is encouraged.

The Chair invited questions from Elected Members for Speaker.

At the request of an Elected Member in relation to the comparison of the current Northern Area Plan and a the previous Limavady Plan, M Bell said he was not in a position to speculate and did not recall mapping of previous area plan.

The Development Manager and Enforcement referred to the Limavady Area Plan dated 1984-1999 and explained the comparison in zoning.

The Development Manager and Enforcement Manager pointed out that the proposal was within the development limit and advised that modest developments were allowed just not the type of development proposed.

Proposed by Councillor Storey

Seconded by Councillor Nicholl

-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 the application for the following reasons:-

- Clear from correspondence HED have no issues leaving just one reason based on LYL02;
- Scaled down proposal from which was originally approved;
- Substantial weight should be given to previous approval, within settlement development limit and Roe Park is a distance from this proposal;
- Proposal would not threaten Roe Park setting or development of Limavady Town;
- Proposal is modest with a reduction from 5 homes to 3.
- Clear intent of LYL02 is to protect landscape in context of Roe Park and this proposal in no way challenges or undermines that.

The Head of Planning restated the reasons for approval.

The Chair put the motion to the Committee to vote.

8 Members voted For, 1 Members voted Against, 2 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 the application

RESOLVED– That Conditions and Informatives are delegated to Officers.

5.3 LA01/2024/1187/F, Council Interest, Craigahullier Landfill Site, Ballymacrea Road, Portrush

Report, Addendums, Erratums, speaking rights template and Presentation were previously circulated and presented by Senior Planning Officer, M Wilson

Council Interest Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Use of existing waste transfer station to allow for storage and transfer of dry recyclables and mixed municipal wastes due to closure of existing landfill site. (Amendment to planning permission (C/2002/1040/F – Shed for the storage and transfer of dry recyclables.)

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.

Senior Planning Officer presented via powerpoint presentation as follows:

Addendum and Erratum Recommendation

That the Committee note the contents of this Erratum & Addendum and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee Report.

Addendum and Erratum 2 Recommendation

That the Committee note the contents of this Erratum & Addendum, and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

Addendum 3

That the Committee note the contents of this Addendum and agree with this amended 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.

The Senior Planning Officer advised that the Director of Environmental Services was in attendance to answer questions.

- Use of existing waste transfer station to allow for storage and transfer of dry recyclables and mixed municipal wastes due to closure of existing landfill site. Amendment to planning permission C/2002/1040/F – Shed for the storage and transfer of dry recyclables.
- This is a Local application and is being presented to the Planning Committee on the basis that the Council is the applicant. This application was presented to the Planning Committee at the February meeting and deferred due to the hyperlink to the Planning Committee Report being incorrect and to allow the Director of Environmental Services to attend for Members to ask any questions or queries.
- There are 2 erratum and addendum and a further addendum which considers a letter of objection received before 10am on Monday. The first erratum and addendum corrects a comment made in the Planning Committee Report about DfI Roads raising no objection and considers a further objection.
- The second erratum and addendum clarifies it is the Waste Management Licence that requires modification with NIEA, not the PPC Permit and includes a further condition which is Condition 8 and relates to the site working plan.
- The most recent addendum circulated yesterday relates to a further objection received on Monday morning and recommends the inclusion of 3 further conditions should planning permission be granted – conditions 9, 10 and 11 as set out in Para. 2.7 of the third Addendum.

Slides:

- The site is located to the southeast of the settlement of Portrush, in the open countryside. You can see the holiday park just to the top left of this image.
- This is the red line of the application site and you can see the building identified as the Waste Transfer Station.
- Planning approval C/2002/1040/F was granted permission on 14 January 2004 for a building for the storage and transfer of dry recyclables and this application seeks planning permission to vary that approval and to add mixed municipal waste (black bin waste) to the types of waste which can be stored and transferred from the shed.
- Following consultation and consideration of the various reports submitted, including a Planning Modification Statement, Odour management Plan and Transport Assessment Form, this proposal is acceptable taking into consideration the planning history on the site (the principle of a building used for the storage and transfer of waste has been established) and no objections from relevant consultees. The site is regulated by a PPC and Waste Management Licence and given the change of waste to be treated at the Waste Transfer Station, a variation to the waste Management Licence is required and is pending subject to planning approval. It should be noted as set out in the Addenda that a Waste Management Licence cannot be granted/issued in the absence of planning permission.
- Photographs of the site and its location – this is showing the entrance from Ballymacrea Road driving west on the left hand photo and east on the right.
- This next photo shows the access road up past the holiday park which is on the right of the road.
- An overhead satellite view showing the waste Transfer Station.

Approval is recommended. Since the last meeting the Agent has subsequently registered to speak and the Director of Environmental Services is available as requested by Members.

The Chair invites questions from Elected Members for the Officer.

There were no questions put to the Officer.

The Chair invited D Alexander to present in objection to the application.

D Alexander stated that he owned farm land beside the proposed site and said that proposal is on land not in ownership of the applicant as confirmed by LPS on 5th March 2025. Notification of application has not been received by myself as land owner. If shared boundary and land in question has no postal address a description is acceptable in accordance with the Planning Act 2011.

There has been no assessment of impact on adjacent businesses. Application is contrary to Council commitment to conservation and protection of wildlife is a risk.

The Chair invited D Dalzell to present in objection to the application.

D Dalzell stated that he welcomed the planned closure of Craigahuliar which had been active since 2018 saying there had been no issues but that this proposal is for black bin waste which also contains food waste of up to 22% of content and will have a resultant odour. The percentage of food processed through blue bins is less than 4.4%. Additional conditions put forward which include no odour permitted outside site boundary; waste in covered vehicles; operational movement plan for purpose of odour suppression are all welcomed. PPS11 should assume sufficient regime in place. Also welcomed are conditions including weekly cleansing. When Letterloan comes onstream this will be no longer required and should be conditioned to be closed as surplus to requirements.

The Chair invited questions from Elected Members for the speakers.

At the request of an Elected Member regarding D Alexander not receiving notification, the Head of Planning explained the legislative requirements for neighbour notification and that land owned by D Alexander rather than occupied building and notification was not required under legislation.

The Chair invited A Thompson to speak in support of the application.

A Thompson stated that he was the Agent for the applicant. As the cells 1-5 have reached capacity Council have to decide to build cell 6 or transfer black bin waste to WTS. Benefits of WTS is to avoid waste going into landfill site for 100's of years. WTS is an enclosed building with waste being transferred to private company. This is in compliance with Council's Waste Management Scheme. Continuing to infill has greater impact. Site will be permitted under waste management legislation a condition that cannot have odour outside site boundary. If Councils have WTS they avoid being tied to a single contractor therefore ensuring value for money and minimising traffic and longer lorry journeys. The benefits of this application will improve carbon emissions and will allow other site to close and become surplus to requirement. The application is of similar in design to other Councils.

The Chair invited questions from Elected Members for the speaker.

The Chair sought clarification that due process had been followed in terms of notification. The Head of Planning advised of the legislative requirement for

neighbour notification and certificate of ownership. The land owned by D Alexander fell into the blue line area indicated in the application and outside of the application site and thus did not amendment to the certificate of ownership; neighbour notification was also not required as no occupied buildings on his land within 90m of the application site and adjacent to the application site.

At the request of an Elected Member the Director of Environmental Services confirmed that the current lighting has been in existence since initial operation, there had been some technical issues caused by a change in type of lighting which had now been rectified.

At the request of an Elected Member the Director of Environmental Services advised that use for the site, including strategic direction, after closure will be subject to consideration of a report which will be tabled at the Environmental Services Committee.

Proposed by Councillor Watton

Seconded by Councillor Storey

-That the application be deferred for one month to allow consideration and clarification of blue and a red line defining property ownership and relevant neighbourhood notification.

Councillor McMullan made a proposal to accept the recommendation of the Planning Officer which he subsequently withdrew.

The Chair put the motion to the Committee to vote.

10 Members voted For, 1 Member voted Against, 0 Member Abstained.

The Chair declared the motion carried.

RESOLVED - That the application be deferred for one month to allow consideration and clarification of blue and a red line defining property ownership and relevant neighbourhood notification.

- * **Having declared an interest Councillor Peacock left the meeting remotely for consideration of this Item at 12.40 pm.**

5.4 LA01/2023/1164/F, Referral, Lands adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin

- * **Alderman Boyle joined the meeting in the Chamber at 12.50 pm.**

Report, addendum, site visit reports, Speaking Rights Template and presentation were previously circulated, and presented by the Senior Planning Officer, R McGrath.

Referral Application to be determined by Planning Committee

App Type: Outline

Proposal: Realignment and extension of existing laneway

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 full planning permission subject to the reasons set out in section 10

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report

The Senior Planning Officer advised of a typographical error within the report stating that *"8.14 paragraph 5.60 of PPS21 should read paragraph 5.72"*

Senior Planning Officer presented powerpoint presentation

- Lands adjacent to Nos 1, 2, 3, 4 & 5 Drumack Hollow, approximately 183m West of 372 Craigs Road, Rasharkin;
- Full planning sought for the realignment and extension of existing laneway;
- The application was presented to Planning Committee in February and deferred for a site visit which took place on Monday;
- There is a 2nd addendum to the report which is included in the packs following receipt of an amended plan and clarification on the justification for the development;
- By way of a verbal erratum, it has been highlighted, that at the last Planning Committee meeting I referred to the laneway as an adopted road, I would like to clarify that the laneway is not adopted and it is a private laneway;
- Drumack Hollow is located in the open countryside as defined in the Northern Area Plan 2016 and is situated to the south of Rasharkin;
- The application is for the realignment of the laneway, you can see the existing laneway follows existing field boundaries between no 1 and no 4 Drumack Hollow. The proposed realignment is the sweeping curve which takes the lane around to the front of no 3 where it rejoins the laneway and then a new section of laneway is proposed running on down past No.5;

- The access arrangement crash barriers and laneway are retrospective whereas the sweeping lane and extension of the laneway are proposed;
- Some of the site photos;
- Under policy CTY 1 of PPS21 development will only be permitted where there are overriding reasons why that development is essential. The existing properties and agricultural land are adequately served by the existing laneway, and it has not been demonstrated that there are overriding reason why the development is essential in this rural location;
- This application puts forward a justification based on Agriculture Consolidation/Health and Safety;
- Tree Planting of 0.5ha through Woodland Trust - However, the arguments put forward do not provide adequate justification. The proposed tree planting through the Woodland Trust is not within the red line of this application and does not form part of the planning application being considered today;
- There was also an office meeting which took place where the agent confirmed that the application was in part to meet the requirements of policy CTY 8 of PPS21, with a view to securing infill development;
- The applicant has previously submitted 2 applications for infill development, both have been withdrawn following recommendations to refuse and this application seeks to engineer the site to address policy CTY 8. This is evident from the amended plan provided by the agent;
- Planning policy exists to protect the rural environment, and the council should not permit development which seeks to manipulate the exceptions afforded through planning policy;
- As you can see from the photos the development is suburban in character and appearance. No soft landscaping is proposed or has been carried out, and the use of roadside crash barriers in a rural setting detracts from the character and appearance of the area;
- As such the proposal is also contrary to Policies CTY 13 and 14 of Planning Policy Statement 21, in that the proposed ancillary works do not integrate with their surroundings. The construction of the access arrangement and the associated crash barriers detract from the character of the rural;

- Refusal is recommended.

The Chair invited questions from Elected Members for the Senior Planning Officer.

At the request of an Elected Member the Senior Planning Officer advised that the sweeping laneway was only permitted under policy CTY1 where overriding reasons were evident of development being essential and justification of agricultural consolidation not demonstrated. Stated area to be planted with trees to screen site and to amalgamate fields. Area in excess of this and area of land already exceeds 0.5 hectare. Woodland Trust state no need for consolidated piece of land only that 500 trees planted. Justification not sufficient. Agent confirmed that application in part was to approve infill under policy CTY8. No soft landscaping provided and crash barriers detract from rural area.

At the request of an Elected Member regarding why infills were not previously approved the Senior Planning Officer referred to applications LA01/2022/0960/F issue of no frontage onto laneway for no.3 and LA01/2024/0840/O in field where applications is and there was no substantial build-up of development.

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

J Muldoon stated that this application had been deferred for a site visit. They had a number of concerns from the last Planning Committee meeting which led to submission of complaint.

Assessment of previous or future applications – this application cannot be based on these and must stand on its own under policy. Presentation gives a false impression as we have liaised and discussed with the Woodland Trust. Significant planting moves towards greater carbon saving and there is no need to apply for planting of trees. Scale of proposal is minor with visual impact no greater than existing lane. Under policy CTY13 there is a requirement to integrate appropriately. No.s 3, 4 and 5 access connected to unadopted lane and existing access is 329 m with proposed access 345 m with the difference of 16 m. In keeping with character as surrounding land for housing and agriculture character will be enhanced. Under policy CTY13 the proposal cannot be located elsewhere and sweeping driveway is similar to numerous areas. Scale is minor in nature and proposed realignment of lane will improve drainage.

The Chair invited questions from Elected Members for the Speaker.

There were no questions put to the Speaker.

The Senior Planning Officer wished to provide clarity stating that proposed planting cannot be delivered as part of application as outside of the red line of the application site and planting does not require planning permission.

Proposed by Alderman Stewart

Seconded by Councillor Anderson

-That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.

The Chair put the motion to the Committee to vote.

5 Members voted For, 1 Members voted Against, 4 Member Abstained.

The Chair declared the motion and application Refused.

RESOLVED - That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report

The Chair declared a recess for lunch for 40 minutes at 1.00 pm.

* **The meeting resumed at 1.52pm**

* **Committee & Member Services Officer, J Keen, joined the meeting in The Chamber at 1.52pm.**

The Head of Planning undertook a roll call.

5.5 LA01/2023/0667/F, Referral, Approximately 220m NE of 148 Torr Road, Cushendun

Report, Speaking Rights Template for Theresa Cassidy & Paul Heron and presentation were previously circulated, and presented by Senior Planning Officer E Hudson.

Referral Application to be determined by Planning Committee

App Type: Full

Proposal: Proposed tourism amenity facility comprising of a viewing point with associated parking, seating areas and ancillary 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 REFUSE planning permission as set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 9.1 of the Planning Committee report

Senior Planning Officer presented powerpoint presentation:

- (Slide) Planning Application LA01/2023/0667F is a full application for a Proposed tourism amenity facility comprising of a viewing point with associated parking, seating areas and ancillary features. Sited at Approximately 220m NE of 148 Torr Road, Cushendun.
- Addendum to report referring to letters of support received.
- A site visit was carried out on Monday.
- (Slide) This is the red line boundary of the site. The site is located in the open countryside as defined in the Northern Area Plan 2016 and within the Antrim Coast and Glens AONB. The map also includes land in blue in the ownership of the applicant. The applicant is an active and established farmer and the proposal has been assessed under farm diversification as well as relevant policies within tourism and transport policies.
- (Slide) This is the site layout drawing. The site is currently part of an open agricultural field which is part of the applicant's farm holding. It is a roadside field with the topography falling steeply in a southerly direction – the site has an elevated position in the landscape. The northern boundary runs along the roadside, the eastern boundary is defined by a laneway and the remaining boundaries are undefined. A new access is proposed off Torr Road leading to the site which comprises parking for up to 10 car park spaces, 3 mini bus/van spaces and seating areas. The site is sloping in nature. In order to create a flat platform levels will be dropped on the site and then raised along the southern boundary to create the parking/seating areas. The proposal requires the removal of roadside vegetation and boundaries in order to put required visibility plays in place.
- (Slide) These are a number of sections through the site and an image of the proposal taken from the back of the site looking towards the road.

The proposal will require a retaining wall to be constructed along the entire length of the visibility splays, below the road level, and above this will be a vehicle containment barrier or crash barrier along the roadside for approximately 93 metre. The proposal also includes stone pillars and a vehicular barrier along the entrance point. It is not clear how the barrier would operate or how the site would be managed long term. The agent advised this was still to be finalised.

- In terms of the principle of development the proposal has been considered under PPS 16 in relation to tourism and PPS 21 in relation to farm diversification. Looking at PPS 16 firstly the relevant policies are policy TSM 2 tourist amenities in the countryside, policy TSM 7 criteria for tourism development and policy TSM 8 safeguarding of tourism assets. The proposal does not meet policy TSM 2 as it is not in association with a particular tourism attraction and does not require a countryside location. The AONB is defined as a tourism asset and Policy TSM 8 seeks to protect and safeguard tourism assets. The proposed development would have an adverse impact on the scenic value of the AONB, would damage its character and in turn could diminish its effectiveness of attracting tourists. The proposal is also contrary to policy TSM 7 as it is not considered compatible with the surrounding landscape and will detract from the landscape quality. In relation to farm diversification the applicant is an active and established farmer however as previously advised it is considered the proposal will have an adverse impact on the character and natural heritage, and as such fails to meet all the criteria under policy CTY 11.
- The proposal has also been assessed against policies AMP 9 and 10 in PPS 3 in relation to the provision and design of car parks. It is also considered contrary to these policies as the design is inappropriate to the area and a specific need has not been identified. Also contrary to PPS 2 Policy NH 6 due to the adverse impact on the AONB.
- (Slide) A number of photomontages were submitted by the agent during processing of the application. This first montage is taken along the site frontage looking in an easterly direction. You can see the removal of roadside boundary to provide the necessary splays and the containment barrier.
- (Slide) This is taken looking the opposite direction along Torr Road towards the eastern boundary.

- (Slide) This is a longer distance view of the site. The site has an elevated prominent position on Torr Road. As the land slopes steeply towards this part of Torr Road there would be a perception of cars and vehicles parked on the site and there is little intervening vegetation or topography to help screen it. The photo montage shows the site enclosed by vegetation however due to the difference of around 4 metres between the viewing point platform and the southern boundary a hedgerow along this boundary will have little effect of screening the site. Also it is unlikely that a substantial boundary would be provided along this boundary as it would block views out.
- A car park feasibility study was submitted with the application. The study included details of a survey undertaken on 28th August 2021 which identified that 8 cars stopped in informal laybys along the road every hour for approximately 3 minutes. This survey was only carried out on 1 day over 3 years ago so does not demonstrate a robust analysis of findings. DFI Roads have not indicated any issues of congestion/accidents at this location or a need for a facility at this location. Torr Road is part of the Causeway Coastal Route. Car parking and associated facilities are located in Cushendun approx. 2 km south of the site. Parking provision is also located at Torr Head further north. The route is characterized by areas and locations of formal and informal parking which have minimal impact on the landscape and are long standing.
- (Slide) A photograph along the immediate site frontage. Concerns relate to the impact on the character and integration of the proposal. The local landscape character assessment of the area identifies that large scale development would be inappropriate to this scenic and sensitive landscape. The character assessment states that the location of campsites and car parks where they are visually prominent should be resisted. The immediate frontage of the site is defined by a post and rail fence, an informal arrangement characteristic of the area, and this is to be replaced by the vehicle containment barrier along the frontage. This type of roadside boundary together with views of parked vehicles and this highly engineered development will appear out of place along this scenic route.
- (Slide) This photo is a further view of the site frontage. Access into the site includes a wide tarmac entrance road which will be raised around 2 metres from existing ground level to create an acceptable gradient into the site. You can see the wider landscape is characterised by open countryside with small clusters of development comprising single dwellings and farmsteads.

- (Slide) Due to the elevated and prominent nature of the site views of the site will be achieved when travelling north along Torr Road towards the site.
- (Slide) Due to the sloping nature of the site you will be able to see cars/vans parked with no natural topography or intervening vegetation to aid screening and integration. This part of the glens area is very unspoilt with only small clusters of farm dwellings and buildings a development such as this would be completely out of place in this location.
- (Slide) The proposal is considered unacceptable and refusal is recommended in line with Part 9 and 10 of the Committee report.

In response to questions regarding carparking the Senior Planning Officer showed slides to illustrate views along the boundary and to show levels altered across the site.

In response to questions the Senior Planning Officer stated that the Executive Summary in the Planning report is a summary, that further information is detailed within the report. Senior Planning Officer stated that this site is unacceptable due to the location of the AONB and will harm the character of the AONB. The Senior Planning Officer stated there was very minor development in this particular part of the AONB and that this engineered development will look out of place at this location and that it will be predominant on approach.

In response to further questions regarding similar facilities within the Borough Senior Planning Officer advised these facilities were long established and not directly comparable. The Senior Planning Officer cited from PPS2 and stated that a tourist amenity should be located close to a tourist attraction. The Senior Planning Officer stated this site is located within the countryside and there are carparks available in close proximity to the site for example in Cushendun, she referred to PPS16 and gave examples of activities including mountain bike trails and visitor centres that require carparking to illustrate what facilities require carparking adjoining a facility.

Further discussion ensued regarding the availability of carparking in the area with consideration given to those with mobility problems. Tourist attractions in the area were also discussed.

The Senior Planning Officer advised these were not ancillary to this site and that consideration needs to be given to the integration and impact on the AONB and Planning consider the plans unacceptable.

The Chair invited T Cassidy and P Heron to present in support of the application.

T Cassidy stated that letters of support from neighbouring properties have been submitted for the application. The applicant remains of the opinion that the proposal is an acceptable form of development in the countryside and the design and scale are sympathetic to the AONB.

The traffic survey that accompanied the application along with the applicant's own experiences demonstrate the proposal is a much-needed tourism amenity facility for those visiting the area.

The proposal is not dissimilar to existing viewing points that the Council has developed along the Causeway Coastal Route and at roadsides. The application site is located along a scenic route of the Causeway Coastal Route and will provide access to the nearby heritage site.

T Cassidy referred to the Tourism section of the Council website relating to the Causeway Coastal Route and coastal viewpoints and stated that this application site is providing one additional amenity facility to stop and fully experience the natural beauty available at this location along the 120-mile road network. It will give visitors a further chance to enjoy the spectacular sea, coastal and landscape views on offer as well as exploring the heritage feature located nearby to the northwest.

T Cassidy stated the site will remain within the applicant's ownership and farm holding, that a tourism information board and associated map will be included on site which will identify the local villages and towns encouraging tourists to visit these places, therefore there will be economic benefits from the proposal as well as return visitors.

T Cassidy stated that Torr Head is located 6km away, however, this is not accessible for everyone. The current application is designed to ensure everyone has the same opportunity to appreciate the scenery.

T Cassidy stated that there are occasions when there is tension between planning policies, but in this case the tourist amenity facility and parking provision go together. As the land use is associated with PPS16, it outweighs PPS3. The traffic survey does show that the parking provision is needed at this

location so there is justification for the proposal within PPS3.

T Cassidy stated the applicant has no intention of constructing an incongruous or unsightly development and that a detailed topographical survey of the site and adjoining land was completed. This survey then furnished the architect with the necessary tools to create a diligent design scheme that is wholly sympathetic to the AONB and landscape by respecting the surrounding landform and contours and incorporating local materials and native vegetation where appropriate. By respecting the existing landform, the architect has designed the proposal so that it nestles seamlessly into the landscape as demonstrated by the photomontages submitted for the application.

In response to questions, T Cassidy stated that sightseeing is a tourism activity bringing people to this location. Other locations like this location have been borne out of need, this is an attraction on a coastal route in an AONB with spectacular views and that Council endorse people stopping along this route and providing a carpark is a road safety measure.

In response to questions, P Heron stated that yellow gorse bushes will be planted, and a stone wall will be erected using existing stone along the boundary at the road. P Heron stated that a crash barrier has to be provided.

Senior Planning Officer stated that in relation to policy TSM2 the criteria for a tourism amenity has to be met and this application does not meet this criteria. Other tourist amenities considered under policy TSM2 have been granted an extension because they are established, this application is a new proposal.

Proposed by Councillor McMullan

Seconded by Councillor McGurk

- 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 as set out in section 10 for the following reasons

- This is a tourist area and a tourist attraction in itself
- This is a viewpoint with associated carparking rather than a carpark
- The new car park in Cushendall constructed on the coast road is a busy carpark which is used extensively. This will be used to look across to Scotland and only be used for short term parking.
- It is compatible with adjoining land uses as per policy AMP3.
- Torr is a very scenic route and this will be a welcome addition.
- Carpark in Cushendun does not cater for those with mobility issues to access this viewpoint.

- This is a viewpoint with spectacular views which are not available in any other location to local tourists.
- Viewpoints are common features in Causeway Coast and Glens.
- There are no objections from consultees.
- This is an important tourist attraction, it is not a large scale development, it is not a building and it is in line with the surrounding land uses and can be appropriately located within its environment.
- The visual impact will not be big, it will not be seen from the seaward side. The field slopes towards the sea with at least 2 other fields in between. When the vegetation grows this site will not be noticed until you are at the site.
- Other crash barriers have been along this road for a number of years.

The Head of Planning restated the reasons for approval.

The Chair put the motion to the Committee to vote.

9 Members voted For, 1 Member voted Against, 2 Member Abstained.

The Chair declared the motion 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 as set out in section 10 for the following reasons

- This is a tourist area and a tourist attraction in itself
- This is a viewpoint with associated carparking rather than a carpark
- The new car park in Cushendall constructed on the coast road is a busy carpark which is used extensively. This will be used to look across to Scotland and only be used for short term parking.
- It is compatible with adjoining land uses as per policy AMP3.
- Torr is a very scenic route and this will be a welcome addition.
- Carpark in Cushendun does not cater for those with mobility issues to access this viewpoint.
- This is a viewpoint with spectacular views which are not available in any other location to local tourists.
- Viewpoints are common features in Causeway Coast and Glens.
- There are no objections from consultees.
- This is an important tourist attraction, it is not a large scale development, it is not a building and it is in line with the surrounding land uses and be can be appropriately located within its environment.
- The visual impact will not be big, it will not be seen from the seaward side. The field slopes towards the sea with at least 2 other fields in between. When the vegetation grows this site will not be noticed until you are at the site.
- Other crash barriers have been along this road for a number of years.

RESOLVED – That Conditions and Informatives are delegated to Officers.

- * **Councillor McGurk left the meeting remotely at 2:50pm**
- * **Alderman Stewart left the meeting at 2:50pm**
- * **Alderman Callan joined the meeting in the Chamber at 3:06pm**

5.6 LA01/2022/0954/F, Referral, 244 Islandmore Crescent, Portrush

Report, Site Visit Report, Speaking Rights for Richard Moore and Presentation, were previously circulated, and presented by Development Management Manager.

Council Interest Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Proposed ground floor store and first floor balcony with associated wing walls

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 conditions set out in Section 10

Development Management Manager presented via powerpoint presentation as follows:

- (Slide) The site is located at 244 Islandmore Crescent, within the countryside outside any defined settlement development limits and is not subject to any notable designations or zonings in the Northern Area Plan 2016.
- (Slide) Full planning permission is sought for the construction of a first floor balcony to the rear of the dwelling incorporating an external staircase providing access to the rear garden, together with a small store and a retaining wall at ground level.
- (Slide) The site has been subject of a previous approval (LA01/2020/1143/F) for an attic conversion and two storey extension to provide additional living accommodation with internal alterations to include a first floor Juliet balcony.
- (Slide) The proposed balcony extends out a further 4.4m from the previously approved extension for the entirety of the rear elevation

(9.1m). the western rear elevation is finished in frameless glazed balustrade and 1.8m high solid screen panels are proposed to each side to limit overlooking. The solid panels are proposed at first floor level which is approximately at the eaves height of 243.

- The proposal fails to comply Paragraph 4.27 of the Strategic Planning Policy Statement and criteria (a) and (b) of Policy EXT1 of the Addendum to PPS 7.
- (Slide) Firstly, the site is located at a group of rural dwellings. No 90 Gateside Road screens views of some of the recently constructed 2 storey extension but public views are still available. As the proposed balcony extends out 4.4m further from the previous extension for the entirety of the rear elevation, and accommodates up to 28 sqm, the size, scale and massing will detrimentally increase the visual impact of the existing built form (modest bungalow) to the rear and result in unsympathetic form of development that will detract from the appearance and character of the rural area. (incongruous design)
- (Slide) Secondly, to address overlooking the applicant proposes to construct a 1.8m solid panel to either side elevation of the balcony, the panels are to be installed at first floor level of the balcony which is a similar level to the eaves of no 243. The solid side panel to the balcony coupled with the wall of the ground floor store will result in a side wall 4.9m high installed along the boundary of the other half of the semi which projects out 4.4m further than the existing 2 storey extension.
- (Slide) The scale, mass and finish adjacent to the party boundary creates a dominant form of development which is detrimental to the residential amenity of 243 (and greatly exacerbates the existing situation.)
- (Slide) The extension has the potential to detrimentally affect the privacy and amenity of no 90 Gateside Road as the balcony is situated below 3m from the shared boundary and 4.4m from the actual dwelling. The balcony is generous in proportions at 28.7 sqm and due to direct access from primary living space and the garden, overlooking and noise nuisance arising from use of the balcony would have a detrimental impact on residential amenity.
- The applicant/agent advised that the balcony with the wing walls will improve privacy for the adjoining dwellings. While the inclusion of solid screens can sometimes be a reasonable solution to overcome privacy concerns, this needs to be balanced with the dominant impact that their

scale and position would have. Looking at the particular details of this case, the solid screen combined with the ground floor store will result in a large blank wall 4.9m high which projects out 4.4 further than the existing extension which is approximately 8m from the rear elevation of the adjoining property. This would result in a dominant form of development which would give a sense of being hemmed in (243) and which would unduly affect the residential amenity of neighbouring dwellings.

- It is apparent that an alternative proposal which would propose a reduced balcony set back sensitively from the adjoining properties could address policy concerns.
- The proposal fails to comply Paragraph 4.27 of the Strategic Planning Policy Statement and criteria (a) and (b) of Policy EXT1 of the Addendum to PPS 7.
- Two letters of support have been received from adjoining neighbours but planning operates in the public interest and encompasses the present as well as future needs therefore Council, must safeguard neighbouring privacy and amenity in perpetuity.
- This application is recommended for Refusal.

In response to questions, the Development Management Manager stated the applicant was asked to reduce the depth of the first floor balcony to reduce the impact on 243 Islandmore Crescent. The Development Management Manager stated with the current plans it is also possible to see into the back yard of 90 Gateside Road.

The Chair invited R Moore to speak in support of the application.

R Moore stated that the planning permission for the balcony has been lodged on the back of previous planning application for an extension and there will be screening on the balcony.

R Moore stated that the 2 reasons for refusal are similar. R Moore stated there are 2 letters of support and the wing walls will provide greater screening. R Moore stated there were drawings presented at a meeting with Planning Officers to show the current viewing and of the proposed reducing overlooking. R Moore stated that No 243 Islandmore Road has had 20 years of extension of 2-6metres beyond the property and although the balcony is protruding it is only 3 metres in depth. R Moore stated that a reduction in the windows would

reduce light into the living areas, that the balcony would reduce blinkering light and that permitted development is still in place.

In response to questions R Moore stated that it is still possible to build another 3 metres under permitted development, the same depth as the balcony.

The Chair stated he was at the site visit and this looked unintrusive, that it did not overlook neighbouring properties, there were no objections from neighbours and the balcony cannot be seen from the road.

The Development Management Manager clarified permitted development regulations, that if the building is more than 1 storey an extension can be 3 metres from the original dwelling. Development Management Manager stated that permitted development would be from the original dwelling and not from the approved extension and therefore is not available for the balcony or the raised terrace. She stated that the impact on the window to the rear of no 243 is of most concern.

The Chair read the recommendation from the report.

Proposed by Councillor Watton

Seconded by Councillor Storey

- 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 to the conditions set out in Section 10 for the following reasons

- There are no objections
- It is not adversely affecting neighbours
- The balcony will improve privacy for the neighbours
- It will not be seen from the public road
- The Agent has given information regarding the path of the sun, the balcony faces west so there will be no impact on no 243 Islandmore Crescent from overshadowing, and the overlooking issues are addressed.

The Head of Planning restated the reasons provided by Members for approval.

The Chair put the motion to the Committee to vote.

7 Members voted For, 3 Members Against, 0 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 to the conditions set out in Section 10 for the following reasons

- There are no objections
- It is not adversely affecting neighbours
- The balcony will improve privacy for the neighbours
- It will not be seen from the public road
- The Agent has given information regarding the path of the sun, the balcony faces west so there will be no impact on no 243 Islandmore Crescent from overshadowing, and the overlooking issues are addressed.

RESOLVED – That Conditions and Informatives are delegated to Officers.

- * **The Chair declared a recess at 3.50pm**
- * **The meeting reconvened at 4.02pm**

The Head of Planning undertook a roll call.

5.7 LA01/2023/0935/F, Referral, 39m South West of 21 Ballymagarry Road Portrush

Report, Presentation, Speaking Rights Template for John Simpson, were previously circulated, and was presented by Senior Planning Officer M Wilson.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Dwelling and Garage on a Farm

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 reasons set out in section 10

Senior Planning Officer presented via powerpoint presentation:

- Full planning permission is sought for a dwelling and garage on a farm. This is a local application and is being presented to Committee as it has been referred to the Committee for decision. Planning Committee Report has been circulated.
- SLIDE - This is the red line of the application site, and the site is not located within any settlement development limit as defined in the Northern Area Plan 2016. The application site is located within the rural area.
- SLIDE - This is a satellite image showing the site in relation to Ballymagarry Road. The application has been submitted as a potential

dwelling on a farm and therefore falls to be considered under Policy CTY 10 of PPS 21.

- DAERA was consulted and confirmed that the applicant has a registered farm business ID which has been in existence for more than six years. This business ID has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years. The application site is on land for which payments are currently being claimed by the farm business ID. Considering this consultation response, the proposal has a farm business which is active and established for at least 6 years so this criterion is met. Furthermore, as there have been no sell offs and the proposal visually links with a group of buildings on the farm, policy CTY 10 is met.
- SLIDE - this next slide shows the dwelling and its relationship to the existing arrangement. Notwithstanding the proposal complies with policy CTY 10, it must also meet the requirements of policy CTY 8 – ribboning, and policies CTY 13 and 14 – integration and rural character. Consideration of this is set out in Paras 8.09 – Paras 8.18 of the Planning Committee Report.
- The proposed dwelling and garage are located on a prominent, open site with limited enclosure. Public critical views of the site are gained when travelling both directions along the Ballymagarry Road and the Leeke Road. The site lacks long established natural boundaries and does not provide adequate enclosure to facilitate integration of the proposal into the landscape. The size and scale of the dwelling and garage are substantial and would add to a ribbon of development at this point. The proposal is contrary to policies CTY8, 13 and 14.
- SLIDE – this is a photo coming from Leeke Road towards the site and you can see how open the site is from this view, while there is some relief by the built form to the rear.
- SLIDE - these next 2 photos show the site from the access off Ballymagarry Road – again this demonstrates how open and exposed the site is, and how the proposal will extend development west and adding to the ribbon of development which is exacerbated by the size and scale of the garage and dwelling and lack of boundaries.
- SLIDE – this next slide just shows a closer photo of the site and you will note the similar ground level of the land beside the existing dwelling and the field in which the dwelling and garage are proposed. The reason to note this is important with regards to the next slide.

- SLIDE - This next slide shows a cross section of the site and the relationship between the existing and proposed dwellings. However, the site plan shows an existing ground level of 102.34 and a finished ground level of 100.2. There is also a note stating finished floor level of new dwelling must not exceed 450mm above existing ground level. However, this section shows a finished floor level of 100.5 metres – almost 2 metres lower than the existing ground level. The section illustrates that part of the land will need to be reduced by almost 2 metres to accommodate the dwelling, and in an attempt to lessen the impact of the dwelling a reduction in ground levels may require engineering around the site, and is at odds with working with the existing levels, and will look out of place on this rural site. What this section does illustrate is just how it extenuates the ribbon of development at this exposed location. The inclusion of vegetation in front of the dwelling is purely indicative as this does not currently exist.
- SLIDE - Now to move onto the floor plans and elevations of the actual dwelling which show its size and scale. This is the floor plan of both the garage and the dwelling and you will note the illustrated car in the garage.
- SLIDE - and then moving onto the elevations you will see the size of the garage and the mix of materials within the dwelling and garage on this exposed site.
- There is a compromise and solution for this site with a reduced scheme, and the Planning Department reached out by email on 17th October 2024 to the agent outlining the concerns and a suggested way forward and providing a platform to submit potential revisions for consideration. This was further to an initial email in January 2024 setting out concerns and a phone call in September reiterating these.
- There were follow up phone calls with a representative for the applicant and the agent who said they would discuss a revised scheme and a further email was sent on 15th and 16th January 2025 from the case officer to the agent asking how they wish to proceed and advising that a decision would be taken on the submitted information if nothing further submitted given the amount of time that had lapsed. No revisions were received.
- SLIDE - This final slide shows the site plan and has indicated the existing dwelling in orange, the proposed garage in purple and proposed dwelling in red – this illustrates the size of the dwelling and garage when assessed

against the existing 2 storey dwelling on site and just the scale of the built form proposed on an exposed site.

- There are no third-party representations on the proposal.
- Given the proposed prominence of the site and the lack of integration, the ribbon development and impact on rural character, the unacceptable design the proposal is contrary to policies CTY8, 13 and 14 and is recommended for refusal as set out in the Planning Committee Report.

There were no questions for the Officer.

The Chair invited J Simpson to present in support of the application.

J Simpson stated that existing levels at the front of the dwelling are 102.22m and are 99.9m in the field and that there are no objections to the planning application from statutory bodies or the public. J Simpson stated that DAERA has confirmed there is a farm business ID number and the farm is active and established. J Simpson stated this application complies with 6.17 of policy CTY1 and will integrate into the landscape as it is lower than the existing dwelling and it will not break the skyline. J Simpson stated that there is a need for modern day living, that the design, scale and mass is similar to other farm dwellings and the dwelling clusters and visually links with the farm buildings. J Simpson stated the application complies with SPPS and policy CTY8 as it does not add to ribbon development.

There were no questions for the speaker.

The Chair read the recommendation.

Proposed by Alderman Boyle

Seconded by Councillor Nicholl

- 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 reasons set out in section 10

The Chair put the motion to the Committee to vote.

2 Members voted For; 4 Members voted Against; 5 Members Abstained.

The Chair declared the motion carried and application approved

The Head of Planning sought reasons from Members who voted against the proposal.

Reasons for Approval from Members are as follows:

- Nature of the application is rural. It is a farm dwelling application and it will integrate with the farm.
- It can integrate with the farm buildings the design, scale, massing and materials are acceptable.
- Planting vegetation can help hide the application with the planting of mature trees and hedging.
- It will not be in the ribbon development. There a buildings scattered on the farm and this application will be clustered as close as possible to the farm buildings.
- The proposed dwelling is located 14metres to the side of the existing dwelling and will not add to the ribbon development.
- The proposed dwelling is lower than the current building and will integrate and not be prominent on the landscape.

The Head of Planning restated the reasons provided by Members for approval.

RESOLVED – That the Committee has taken into consideration and disagrees with the reasons for 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 reasons set out in section 10 for the following reasons

- Nature of the application is rural. It is a farm dwelling application and it will integrate with the farm.
- It can integrate with the farm buildings the design, scale, massing and materials are acceptable.
- Planting vegetation can help hide the application with the planting of mature trees and hedging.
- It will not be in the ribbon development. There a buildings scattered on the farm and this application will be clustered as close as possible to the farm buildings.
- The proposed dwelling is located 14metres to the side of the existing dwelling and will not add to the ribbon development.
- The proposed dwelling is lower than the current building and will integrate and not be prominent on the landscape.

RESOLVED – That Conditions and Informatives are delegated to Officers.

- * **Alderman Scott left the meeting remotely at 3:57pm**
- * **Councillor Anderson left the meeting at 3:57pm**
- * **Councillor MA McKillop left the meeting remotely at 3:59pm**

5.8 LA01/2022/1531/F, Referral, 54 Causeway Road, Bushmills

Report, Addendum, Correspondence from Agent, Speaking Rights Template for Michael Duff and Presentation, presented by Development Management Manager.

Referral Application to be determined by Planning Committee

App Type: Full

Proposal: Conversion of the existing barn to the rear of an existing dwelling into 3No. one bed short stay accommodation units

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

Addendum Recommendation

That the proposal is recommended for APPROVAL.

Development Management Manager presented via powerpoint presentation as follows:

- An addendum has been circulated considering the clarification and further information received in the speaking notes by the agent and applicant. Please note a typo in the application reference of the addendum it should read LA01/2022/1431/F. The addendum proposes a change of recommendation to Approve the proposal, and I will run through the reasons for the change of recommendation.
- The site is located in the distinctive landscape setting of the World Heritage Site as designated in the Northern Area Plan 2016 and Policy COU4 of the NAP2016 applies. As set out in the Planning Committee Report in Para 8.5 development is only permitted in this designation in 3 circumstances. The proposal fails to meet any of the 3 exceptions of the plan policy in that it is not necessary to meet the direct needs of the visitors to the World Heritage Site, is not an Extensions to existing buildings or thirdly it is not a replacement of an existing occupied dwellings with not more than a 20% increase in cubic content.
- Section 45 (1) of the Planning Act (NI) 2011 requires that all applications must have regard to the local plans so far as material to the application and all other material considerations. Furthermore section 6 states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- (Slide) The site is adjacent to the Giants Causeway and you can see the car park to the west of the site.
- (Slide) The building is to the rear of an existing dwelling 3 one bedroom short stay visitor accommodation is proposed in the existing building
- (Slide) The building for conversion is the stone building to the rear of the dwelling
- (Slide) The front of the existing dwelling
- (Slide) The stone building for conversion. As set out in in the addendum further information was provided stating the previous commercial uses that the building has been used for which is a material consideration. It is a material consideration that the stone building is in good condition and would meet the definition of a locally important building suitable for conversion. The proposal requires no extensions or significant external modifications, the intensification of use has also been considered in light of the buildings current condition, previous commercial uses and modest accommodation to be provided, significant weight has been given to this and it is considered that no demonstrable harm would be caused to the world heritage site. The plan justification of the World Heritage Site policy states that the policy is to ensure that that a proposal has no impact on the character or the historic context of the World Heritage Site setting and AONB. It would be our recommendation that this proposed change of use would not have a detrimental on the historic context of the World Heritage Site or AONB.
- (Slide) An internal photo of the existing building showing its good condition
- The proposal meets all other policies and no objections have been raised by consultees.
- As set out in the Addendum the proposal is considered as an exception under policy BH 5 of PPS 6 for the reasons highlighted and the application is recommended as an Approval.

There were no questions for the Officer.

The Speaker withdrew their speaking rights because the recommendation was changed to approve the planning application.

Proposed by Alderman Callan

Seconded by Alderman Boyle

- That the proposal is recommended for Approval

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved

RESOLVED – That the proposal is Approved.

5.9 LA01/2024/0895/O, Referral, Site 10m East of 5 Ballygelagh Village, Portstewart

Report, Presentation and Speaking Rights Template for Michael Williams, were previously circulated and presented by Senior Planning Officer R McGrath.

Referral Application to be determined by Planning Committee

App Type: Outline

Proposal: Proposed site for new dwelling

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 reasons set out in section 10

Senior Planning Officer presented via powerpoint presentation as follows:

- Outline planning permission is sought for new dwelling under Planning Policy Statement 21: Sustainable Development in the Countryside.
- Ballygelagh Village is located off the Ballyreagh Road between Portrush and Portstewart. The site is located outside of any settlement development limits as identified in the Northern Area Plan (NAP) 2016 and is not subject to any specific environmental designations.

Planning history

- A previous application on the site, C/2013/0397/O for an infill dwelling under policy CTY 8 was withdrawn following a recommendation to refuse. The Case Officer Report recommended refusal on grounds that the proposal was contrary to policies CTY 1 and 8 of PPS 21 and Policy OS 1 of PPS 8 in relation to the protection of open space.

- A second application C/2012/0034/O for infill development within Ballygelagh Village was refused as contrary to CTY 8 of PPS 21 and OS1 of PPS 8. A subsequent appeal to the PAC was dismissed with the Commissioner agreeing that the site was not infill development and that the loss of open space would detract from the character and environmental quality of the area.
- The current application is to be considered against policy CTY 2a of PPS 21 for New dwellings in existing clusters and Policy OS 1 of PPS8 for the protection of open space.
- The proposal is considered contrary to the third and sixth criterion of policy CTY 2a, as the cluster is not associated with a focal point or located at a crossroads and development at this location would adversely impact on residential amenity.
- The application argues that the junction within the development constitutes a cross roads but it is not accepted that this satisfies the requirements of the policy. A cross roads in the context of policy CTY2a is a meeting point of two public roads which have seen a natural coalescence of development over the years. This is a modern purpose-built holiday development served by a private laneway and as such does not meet the criteria of policy CTY 2a.
- Policy OS 1 of PPS 8 sets out a presumption against the loss of open space irrespective of condition or appearance.
- Development of the site would also result in the loss of an important area of open space which acts as a buffer between properties.
- The proposal if developed would adversely affect the environmental quality of the area and is therefore contrary to Policy OS1 of Planning Policy Statement 8.

Slides

- DFI Roads, Environmental Health and NI Water were consulted in relation to the application. NI Water recommended refusal for the application.
- The application is recommended for refusal.

- NIW Response: The catchment is constrained by one or more downstream Unsatisfactory Intermittent Discharges (UID's) which are causing a negative impact on the environment.
- The applicant submitted an application to NI Water for a Wastewater Impact Assessment on 12/09/2024 but no payment has been made. Applicant is required to pay the application fee before the Assessment can proceed.
- NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed. Subject to successful outcome and re-consultation, NI Water may reconsider its recommendation. Until a solution has been agreed upon, NIW's response will remain the same: Refusal. Subject to the applicant engaging with NI Water as outlined in this response below, NI Water may reconsider its Recommendation.

There were no questions for the Officer.

The Chair invited M Williams to speak in support of the application.

M Williams stated that the proposal is in accordance with policy CTY2a as there is a clear crossroads at the site which all the houses cluster around. M Williams stated that the site has been fenced off and maintained by the owner, this is farmland that has been passed through the generations who has kept and maintained the site as private land. M Williams stated that the size of the dwelling is nearly identical to other dwellings in the development and that the design can be addressed at the reserved matters stage. This site is north of No 7 so will not overshadow and the balcony is far enough away. M Williams stated that parking will be a buffer. M Williams stated the Waste Water Impact Assessment was submitted to NI Water and needs to come to a conclusion before a recommendation is finalised. M Williams stated there are no objections to the site nor is there loss of open space.

In response to questions M Williams stated that No 7 had previously used the site as a compound to build their house, the applicant fenced the site off 10 years ago once the building work at No 7 has been completed and has maintained it as private since. M Williams stated there are no other lands adjacent to the current site.

The Head of Planning advised that the issue with NI Water can be dealt with by a negative Condition.

The Chair stated that he was at the location at another site visit and stated that this was a very small area and would benefit from a site visit.

Proposed by Councillor Watton

Seconded by Alderman Callan

- That Planning Committee defer LA01/2024/0895/O, Referral, Site 10m East of 5 Ballygelagh Village, Portstewart for a site visit as the site is very small.

The Chair put the motion to the Committee to vote.

7 Members voted For, 0 Members voted against, 0 Members Abstained.

The Chair declared the motion carried and application deferred for a site visit.

RESOLVED – That Planning Committee defer LA01/2024/0895/O, Referral, Site 10m East of 5 Ballygelagh Village, Portstewart for a site visit as the site is very small.

5.10 LA01/2023/0615/F, Referral, 40 Strand Road, Portstewart

Report, Speaking Rights Template for Murray Bell and Presentation, were previously circulated, presented by Senior Planning Officer M Wilson.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Erection of proposed 2 storey replacement dwelling, including attic rooms, integral garage and detached artists studio as ancillary to dwelling, including extension to curtilage and all associated works/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 Refuse planning permission for the reasons set out in section 10

Senior Planning Officer presented via powerpoint presentation as follows:

- Full planning permission is sought for erection of proposed 2 storey replacement dwelling, including attic rooms, integral garage and detached artist's studio as ancillary to dwelling, including extension to curtilage and all associated works/landscaping.
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. Planning Committee Report has been circulated.

- SLIDE - This is the red line of the application site, and the application site is located within the settlement limit of Portstewart as defined in the Northern Area Plan 2016 at 40 Strand Road, Portstewart.
- SLIDE - The site is within Northern Area Plan 2016 (NAP) designation PTL 06, Dominican Walk, a Local Landscape Policy Area and is subject to the policy requirements of this LLPA and Policy ENV 01 of the NAP. This is a satellite image showing the site in relation to the Strand Road and cliff path and the neighbouring development. It should be noted that the dwelling sits below Strand Road. This slide also shows the site within the LLPA designation.
- SLIDE - This next slide shows the site plan of the existing dwelling on site.
- SLIDE - The proposed site plan and the footprint of the proposal on the site. You will note it is proposed to move the dwelling slightly further forward on the site than the existing.
- SLIDE – A photograph of the existing dwelling on site, this shows the existing single storey bungalow which has a long frontage when considering the integral garage and conservatory but displays typical width & height associated with a single storey dwelling. Notwithstanding there is a dwelling on the site, the site lies within the settlement of Portstewart so the principle of developing the site is acceptable. However, as this site lies within the LLPA PTL 06 it is subject to the policy constraint that:

No further development is appropriate, other than the replacement of existing buildings of comparable footprint and height.”

- Therefore, any proposal will need to be of a comparable footprint and height to meet this principle requirement.
- SLIDE – The proposed dwelling which is substantially larger, spread over 3 floors and a larger footprint to the existing. You can see the proposed elevations are not comparable to the existing single storey dwelling.
- SLIDE – these next 3 slides illustrate the proposed floor plans of the dwelling; this is the ground floor plan with day to day living accommodation and integral double garage.
- SLIDE - The first floor plan which is mainly bed accommodation with balconies.

- SLIDE – The third floor plan which has further living and bed accommodation. As you can see this proposal to replace a single storey dwelling is spread across 3 floors and cannot be considered comparable to the existing as required by policy.
- SLIDE – This shows the site in its context for the access which is taken from Strand Road and you can see the dwellings sit below the level of Strand Road.
- SLIDE - A view from the north of the site looking back towards the Strand Road, illustrating how the existing dwelling sits comfortably within the site and the surrounding context.
- SLIDE - Onto the Cliff Path where the main critical views are. This shows the existing dwelling when looking north, towards Dominican College, and you will note the wall surrounding Rock Castle which was originally a listed building and now has apartments.
- SLIDE – This is now a view from the path looking south and again you will see the site at No.40 with the surrounding development and how this sits within its environment.
- SLIDE – As the policy requires the *replacement of existing buildings to be of a comparable footprint and height*, this illustrates the existing dwelling which has been indicated in black so you can see the comparison with the roof on these elevations coloured grey as the roof slopes away and the massing and dominance of this is less than a solid wall but you will note that the proposed eaves will sit slightly higher than the ridge height of the existing pitched roof. The overall increase in development is considered to be @45-48% in percentage terms.
- SLIDE – this final slide just illustrates the existing dwelling to the proposed with the existing dwelling again being shown in black when shown against the proposed. As the proposal is not comparable, it is contrary to the designation PTL06 and Policy ENV1 of the Northern Area Plan.
- As the proposal is within the settlement limit it is required to meet the requirements of PPS7 and its addendum – this assessment is set out in Para.s 8.12-8.33 of the Planning Committee Report and it is concluded that the proposal fails to meet the relevant criteria due to the size and scale of the proposal and its impact on the neighbouring dwellings, particularly no.38 which is just to the North.

- There have been 4 objectors to the proposal and the issues raised are set out in Para 5.1 of your Report and then considered within the report and under the section OTHER MATTERS paras 8.38-8.45.
- As the proposal fails to provide a quality residential environment and if approved would be contrary to criterion (b) of Policy LC1 of Planning Policy Statement 7 Addendum and Policy QD 1 of Planning Policy Statement 7 criteria (a), (g) and (h)
- There are no objections from consultees. While the agent has submitted what are considered to be comparable replacement dwellings these are not within the LLPA designation PTL06 and therefore cannot be compared and are distinguishable from the subject application.
- Refusal is recommended.

In response to questions the Senior Planning Officer stated the policy is about comparing the proposed plans with what they are replacing rather than the street scene, that LLPA policy requires it to be comparable to what is being replaced. The property adjacent to this site received planning permission prior to this policy in the early 2000's. Senior Planning Officer stated that Rockcastle was listed but may have been damaged by fire and replaced, this has a narrow frontage and other apartments are to the rear and views are not as prominent as this site.

In response to questions Senior Planning Officer confirmed that the proposed increase in the size of the dwelling was 45%, the agent was contacted and revisions were made to reduce the dwelling slightly. Senior Planning Officer referred to paragraph 8.10 in the report and to planning application LA01/1999/0908/O – this was approved for 3 dwellings, a ridge height restriction and was prior to LLPA designation.

In response to further questions, Senior Planning Officer advised that Rockcastle as not subject to LLPA, that previously there was a substantial building on this site. Senior Planning Officer stated that PTL06 sets out why this is designated, the features listed are to protect the coastal path and setting. Senior Planning Officer stated that no further development is appropriate with the exception to replace existing buildings of comparable design and height, what is proposed is not comparable in footprint and height, it will be demonstrable and harmful.

The Chair invited M Bell to speak in support of the application.

M Bell stated that the key document provided to the Planning Department was not shown to the Committee, at the time he was not told the replacement had to be like for like, he questioned what the context is for comparison. M Bell referred to policy PTL06 and stated there is no grass here or low cliffs, this site is on the edge of policy control and not in the core. M Bell stated that the footprint is comparable with the buildings on either side of the site, one block of apartments has been built and the other 2 are still to be built. M Bell stated that the dwelling is respectful, there is separation between the other buildings, the proposal will not adversely affect the neighbouring properties and access will be safe.

In response to questions M Bell stated that looking at drawing 12D the dwelling does not look out of place, that the footprint and mass is a comfortable comparable. M Bell stated that the portion of cliff path referenced is not a priority zone and there is no harm to this protective setting, it is not setting a precedent and is allowed under Policy PTL06. M Bell stated that this proposal stands on the basis of PPS7 and that he understands the concerns of the neighbours to the north and these concerns can be met when construction is underway.

The Chair read the recommendation.

In response to questions the Senior Planning Officer stated that planning applications are assessed against a number of policies. In this instance PPS7 refers to the context and character, Section 6(4) refers to the plan led system and PTL06 applies to anything in the designation and this is a matter of fact. The Senior Planning Officer stated that policy states that no development is acceptable, the only exception to this the replacement of a building comparable in footprint and height, this proposal is not considered to be comparable in size and height.

Proposed by Councillor Storey

Seconded by Alderman Callan

- That Planning Committee defer application LA01/2023/0615/F, Referral, 40 Strand Road, Portstewart for 1 month due to concern about losing the principle of development and to look again at PTL06 and to communicate with the agent.

Alderman Callan requested that the legal advisor provide legal advice on interpretation of PTL06.

The Chair put the motion to the Committee to vote.

7 Members voted For, 0 Members voted against, 0 Members Abstained.

The Chair declared the motion carried and applications deferred for 1 month

RESOLVED – That Planning Committee defer application LA01/2023/0615/F, Referral, 40 Strand Road, Portstewart for 1 month due to concern about losing the principle of development and to look again at PTL06 and to communicate with the agent.

- * **The Chair declared a recess at 5.24pm.**
- * **The meeting reconvened at 5.37pm.**

5.11 LA01/2024/0718/F, Referral, Lands 70m West of No. 47 Newmills Road, Coleraine

Report, Speaking Rights Template Richard Moore Presentation, were previously circulated.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Retention of change of use and reuse of former poultry shed site to storage facility for touring caravans and boats, and self-storage; provision of site office, security fence/wall, modifications to entrance and proposed landscaping measures

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 full planning permission subject to the reasons set out in section 10

Proposed by Councillor Storey

Seconded by Councillor Watton

- That application LA01/2024/0718/F is deferred for a site visit to see the site and the history on the site.

The Chair put the motion to the Committee to vote.

7 Members voted For, 0 Members voted against, 0 Members Abstained.

The Chair declared the motion carried and application deferred for a site visit.

RESOLVED – That application LA01/2024/0718/F is deferred for a site visit to see the site and the history on the site.

5.12 LA01/2023/1214/O, Referral, East of 22 & 24 Cashel Road, Macosquin Coleraine

Report and Presentation, were previously circulated and presented by Senior Planning Officer M McErlain.

Referral Application to be determined by Planning Committee

App Type: Outline

Proposal: Proposed site for dwelling

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 subject to the reasons set out in section 10

Senior Planning Officer presented via powerpoint presentation as follows:

- LA01/2023/1214/O is an outline application for a dwelling sited at Lands East of 22 & 24 Cashel Road, Macosquin, Coleraine.
- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning Permission
- One letter of objection has been received in regard to the application. The key issues of concern relate to rural character, loss of residential amenity and drainage issues.
- The application site is located outside of any settlement development limits as identified in The Northern Area Plan (NAP) 2016 and is not subject to any specific environmental designations.
- This site is situated in the north western corner of an existing field accessed from Killeague Road. Access to the site is via a proposed lane which follows the northern boundary of the field. The site is bounded by hedges with occasional trees to the north and west boundaries with the southern and eastern boundaries undefined.
- As this application has been submitted as a dwelling in an existing cluster it falls to be determined under policy CTY2a of PPS21.
- Policy CTY2a allows for a new dwelling at an existing cluster where the proposal meets all 6 specified criteria.

- Planning Officials are content that the proposal meets the first two criteria in regard to the number of qualifying buildings and that the group of buildings appear as a visual entity in the landscape.
- The cluster however, is not located at a crossroads and there is no community building/ facility at this location. The road junction of Cashel Road and Killeague Road to the north of the site is not a crossroads. The car garage (McKeary Motors) and the camper van sales at (Causeway Campers) are commercial businesses and are not a community building/ facility which provide a focal point.
- This assessment is consistent with the Planning Appeals Commission's consideration of businesses forming focal points within Appeal 2024/A0021 (Appendix 2) of the Planning Committee Report in which it was determined that "a focal point should be a focus for community interaction and that a specialist business is not such a focal point, regardless of the number of people it may employ. The businesses referred to by the appellant would potentially attract tourists or customers from a wide area, but I have been given no evidence that they are a focus for the community itself"
- The application fails to meet the third criteria.
- The site is not bound by development on at least two sides. Only the western boundary is bound by development. There is a field to the north of the site. To the south and east is the remainder of the field in which the site is situated. The bungalow (No. 8) on the opposite side of the Killeague Road from the proposed access does not bound the site. The application fails to meet the fourth criteria.
- As the site is not bounded on at least two sides by development and given the separation distances between the site and surrounding development the site is not absorbed into the grouping through rounding off or consolidation. A dwelling on the site would alter the character and visually intrude into the open countryside. The application fails to meet the fifth criteria.
- The letter of objection raised concern regarding a loss of privacy from the proposed development. Planning officials are satisfied that any potential overlooking concerns could be mitigated through appropriate design, which would be subject to review at reserved matters stage. The application meets the sixth criteria.

- The application site has established natural boundaries to the northern and western boundaries comprising a mix of hedgerow and trees. Critical views of the site are primarily along the Killeague Road when travelling in both directions.
- Notwithstanding the principle of development being unacceptable, a dwelling on the site appropriately sited and restricted in scale, with additional landscaping along the new and existing boundaries would allow for satisfactory integration.
- When viewed from the Killeague Road on both approaches, the proposed dwelling would be read/intervisible with the immediately adjacent built development which, would further add to the suburban character of the area adding to suburban style build-up contrary to Policy CTY14, criteria (b).
- Additionally, the application site would extend development in a linear form to the south of the dwellings at Nos. 5 and 7 Killeague Road, resulting in the formation of ribbon development and is consequently contrary to Policies CTY and CTY 14, criteria (d) of PPS21.
- Photo of the agricultural field between the application site and dwellings at Nos. 5 + 7 to the north of the site

In Conclusion

- The proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY2a, CTY8, and CTY14 of PPS21 in that the cluster is not associated with a focal point or located at a crossroads, the site is not bound by development on at least two sides, is not absorbed into the cluster and does not round off or consolidate. The proposal would result in suburban style build up and result in ribbon development which will erode rural character
- In addition, no overriding reasons have been forthcoming as to why the development is essential therefore the proposal is contrary to policy CTY1.

In response to questions Senior Planning Officer advised that a dwelling should be in a cluster to meet the requirements of policy CTY2a, the car sales and campervan sales are a commercial business not a community facility or focal point.

In response to questions the Head of Planning advised that the applicant can withdraw their application up to 5 days, before the application is issued.

Proposed by Councillor Storey

Seconded by Alderman Callan

- 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 subject to the reasons set out in section 10

The Chair put the motion to the Committee to vote.

7 Members voted For, 0 Members voted against, 0 Members Abstained.

The Chair declared the motion carried and the 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 subject to the reasons set out in section 10

6. LOCAL DEVELOPMENT PLAN (LDP)

6.1 Verbal LDP Update

Verbal update was provided by Development Plan Manager as follows:

Members will be aware of the work of the Council's Development Plan team that brought us to the current stage of draft Plan Strategy preparation.

Two verbal update items today:

1.Revised Statement of Community Involvement

Following agreement on a Revised SCI at the 26th February 2025 Planning Committee, the SCI was submitted for agreement to Dfl, as required. Dfl's agreement was received on 7th March 2025.

As required a public notice has been placed in "The Chronicle" w/c 24th & 31st March and on the Council's website and Facebook page advising of the formal publication of the SCI on 24th March 2025.

2.Independent Housing Research

As requested by Members, Ulster University is currently undertaking independent research on the new dwelling requirements in the Borough. Work continues on this project.

Some party groups have already met, or are scheduled to meet with, the University. Other parties wishing to meet can contact the University directly to arrange a meeting.

The final report, scheduled for completion by September 2025, will inform the Plan preparation.

In response to questions the Development Plan Manager confirmed that Dfl has agreed to Council's Statement of Community Involvement. DfC Response to the issues raised at the Council meeting 04 February 25 and Dfl – Update Request: re: Second Homes and Short Term Lets could be shared with the Ulster University Team completing the Independent Research.

In response to questions the Head of Planning confirmed that Ulster University will present to Planning Committee as it is in the contract to do this.

Committee NOTED the verbal update.

7. CORRESPONDENCE

7.1 Dfl – Agreement to Council's SCI

Copy, previously circulated, presented by The Head of Planning.

Correspondence from the Department for Infrastructure, dated 7 March 2025, regarding CC&GBC Statement of Community Involvement in Planning (Revised February 2025).

Planning Committee NOTED the correspondence.

7.2 Correspondence to Dfl – Active Travel Delivery Plan

Copy, previously circulated, presented by The Head of Planning.

Correspondence to the Department for Infrastructure, dated 27 February 2025, regarding Active Travel Delivery Plan: Public Consultation

Planning Committee NOTED the correspondence.

7.3 Dfl – Response to the issues raised at the Council meeting 04.02.25

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department for Infrastructure, dated 4 March 2025, regarding: Response to the Issues raised at the Council Meeting on 4 February 2025

Councillor Storey expressed disappointment in the response from the Department for Infrastructure.

Planning Committee NOTED the correspondence.

7.4 Donegal Co Council – Variation No1 to CDP 2024-2030 and Council's response

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Donegal County Council, dated 20 February 2025, regarding: Pre-Draft Public Consultation regarding the Proposed Variation to the County Donegal Development Plan 2024-2030

Planning Committee NOTED the correspondence.

7.5 DAERA – Consultation on SEA of Ammonia Strategy

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department of Agriculture, Environment and Rural Affairs, published 27 February 2025, regarding: Consultation commenced on Strategic Environmental Assessment of the Ammonia Strategy and Operational Protocol.

Planning Committee NOTED the correspondence.

7.6 DfE – Off Shore Renewable Energy Action Plan (OREAP) Consultation

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department for the Economy, dated 18 March 2025, regarding: Offshore Renewable Energy Action Plan (OREAP): Consultation on the Strategic Environmental Assessment (SEA) Environmental Report and Report to Inform Appropriate Assessment (RIAA)

Planning Committee NOTED the correspondence.

7.7 DC&S DC – Consultation re: LDP PS Adoption Documents

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Derry City and Strabane district Council, dated 19 March 2025, regarding: Notification of Consultation on Assessment

Documents in advance of Adoption of the Derry City & Strabane District Council Local Development Plan (LDP) Plan Strategy.

Planning Committee NOTED the correspondence.

7.8 DfI – Update Request: re: Second Homes and Short Term Lets

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department for Infrastructure, dated 18 March 2025, regarding: Update Request: Letter to Angus Kerr re Second Homes and short term lets Nov 2022.

In response to questions the Head of Planning advised she will be writing to the Department for Infrastructure on a quarterly basis for an update.

Planning Committee NOTED the correspondence.

7.9 Letter to Chief Executives re Planning Fees

Copy, previously circulated, presented by The Head of Planning.

Correspondence from Department for Infrastructure, dated 13 March 2025, regarding: Planning Fees

Planning Committee NOTED the correspondence.

8. REPORTS FOR DECISION

8.1 Planning Portal SLA

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

Purpose

This Report is to seek members agreement to the update Planning Portal SLA between the ICF and Planning Authorities.

Details

In January 2022, the Planning Portal Governance Board agreed the Service Level Agreement (SLA) between the Intelligent Client Function (ICF) and 11 partner Planning Authorities. The ICF manages the contract for the NI Planning Portal as a shared regional service operated by Belfast City Council.

The SLA is required to be reviewed after 3 years and the ICF is currently consulting on a revised SLA. The ICF met with the Heads of Planning on 20th

February to present the proposed changes and discuss feedback from councils.

The proposed revised SLA is largely similar to the original SLA. The principal changes include:

- Update of the % contribution by each council to the revenue costs.
- Further detail around governance structures and stakeholder responsibilities.
- Clarification of the ICF's Second Line Service Desk role (role not envisaged in the original SLA), including performance metrics around service delivery.
- Requirement for the ICF to develop a contract Exit Strategy (if triggered).
- Additional role for the ICF in promoting best practice use of the NI Planning Portal to partner Planning Authorities and stakeholders.

The principal changes to the SLA relate to the review of the % contribution by each council to the revenue costs and further detail around governance arrangements.

Updated distribution of revenue costs amongst the 10 councils

In April 2019, SoLACE and the Planning Portal Governance Board agreed that the capital costs of the project will be split equally between the 11 partner Planning Authorities but that the revenue costs will be shared between the between Central and Local Government on a 61:39 split (i.e. the Department for Infrastructure contributing 61% of capital costs and councils 39%). This division of the capital and revenue costs formed part of the Business Case for the project and is not changing.

Councils' division of the 39% revenue costs was calculated according to fee income by each council over the previous four years. This methodology is not proposed to change but the figures are proposed to be updated as part of the review of the SLA, based on fee income by each council over the previous four years (i.e. 2020/21, 2021/22, 2022/23 and 2023/24).

The proposed revised contribution for this council is 10.4% of total costs equating to £73,913 per annum; an increase of £7,425 per annum.

Governance arrangements

The revised SLA proposes retention of the existing Governance arrangements. To recap, the ICF is overseen by a Service Management Board (SMB). Membership of the SMB comprises the Head of Planning at Belfast City Council (chair), Heads of Planning (or their representatives) from two other councils (but not Belfast), and Head of Planning (or their representative) from the Department. The SMB meets monthly and oversees supplier performance,

enhancements, roadmap development of the system, finance, risk management and stakeholder engagement.

Any issues that require escalation are directed to SoLACE and the Department for Infrastructure Permanent Secretary.

No changes are proposed to this governance model, although further detail is proposed to be added such as the requirement for the ICF to provide an annual operational report to SoLACE and Department (in addition to the current annual financial report).

The ICF is also consulting the Department on the proposed revised SLA.

Recommendation

It is recommended that the Planning Committee considers and agrees the proposed revised SLA as set out at **Appendix 1** of this report.

In response to questions the Head of Planning advised that the costs for system improvements and upgrades are included as part of the costs. The Head of Planning confirmed that the PAD's process is confidential so is not publicly available. The Head of Planning confirmed that the list of improvements is being worked through.

Proposed by Councillor Storey

Seconded by Alderman Callan

- that the Planning Committee considers and agrees the proposed revised SLA as set out at Appendix 1 of this report.

RESOLVED - that the Planning Committee considers and agrees the proposed revised SLA as set out at Appendix 1 of this report.

8.2 Planning Committee Report Template

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

Purpose

This Report is to seek Members agreement to the Planning Committee Report Template for circulation to Members and publication on Planning Portal and Council's website for members of the public to view.

Detail

At the special Planning Committee meeting held on 13 February 2025 it was resolved *"That a report is brought back to the next available Planning Committee to look at the Planning Committee Report template to agree and take forward"*.

The Planning Committee Report is the key document that sets out the Council's Planning Department's assessment and recommendation of planning applications to be brought to the Planning Committee for determination.

Recommendation

It is recommended that the Planning Committee considers and agrees the Planning Committee Report Template as set out at **Appendix 1** of this report.

Discussion ensued regarding what should be contained within the Planning Committee reports and how it should be presented.

Alderman Callan gave consideration to deferring the decision to the Special Planning Committee meeting in May for further discussion.

Alderman Boyle stated she was content to make a decision today.

Proposed by Alderman Callan

Seconded by Councillor Storey

- That Planning Committee defer to the Special Planning Committee in May to give further consideration to the Planning Committee report template including screening and comparing templates from other Councils.

The Chair put the motion to the vote.

6 Members voted For, 1 Member voted Against, 0 Members Abstained.

The Chair declared the motion carried.

RESOLVED – That Planning Committee defer to the Special Planning Committee in May to give further consideration to the Planning Committee report template including screening and comparing templates from other Councils.

9. REPORTS FOR NOTING

9.1 Finance Report – Period 1-10

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 1-10 of 2024/25 business year.

Details

Planning is showing a variance of just under £214k favourable position at end of Period 10 based on draft Management Accounts.

The favourable position at the end of Period 10 is due to favourable position in relation to wages and salaries expenditure of just under £228k whilst pre-employment procedures continue to fill vacant posts and the number of agency staff continues to be reduced.

This favourable position in relation to wages and salaries is supported by a favourable position in income of over £1,200, an improvement from almost £10k deficit in Period 1-9 and assisted by the increase in income from Property Certificates.

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 and notes the content of this report for the Period 1-10 of 2024/25 financial year.

Committee Noted the report.

9.2 NI Water Conditions

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

Purpose

This Report is to provide Members with an update on the position regarding the NI Water infrastructure issues and its impact on progressing planning applications.

Details

Members will be aware of the issues in relation to the NI Water wastewater infrastructure from correspondence from NI Water of 30 September 2024 and discussions with agents at special Planning Committee meeting held on 13 February 2025.

The Head of Planning and Development Management Manager met with NI Water on 03 March 2025 to further discuss this issue. During these discussions it was clear that, in relation to the wastewater infrastructure constraint, there were no areas identified within this Council area where a solution could not be identified that would resolve the issue.

A meeting will be held with NI Water and all heads of Planning in April 2025 to further discuss this issue.

Way Forward

It was clear from discussions that a solution could be identified to resolve the wastewater infrastructure constraint in this Council area.

As such, it is proposed going forward that where the consultation response from NI Water states *“Refusal: Subject to the applicant engaging with NI Water as outlined in the response below, NI Water may reconsider its recommendation.”* Council’s Planning Department will proceed to process the application subject to the following negative conditions:

- No development shall progress beyond the foundation of buildings stage until it has been demonstrated to the satisfaction of the Council and agreed in writing that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewage from the development.

Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment.

- No development shall be occupied until connection has been made to the public sewer and the Article 161 Agreement authorised.

Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment.

The onus will rest with the developer to ensure they have all permissions in place to commence the development.

Recommendation

It is recommended that the Planning Committee considers and notes the way forward with the imposition of negative conditions to address the NI Water wastewater infrastructure constraints issue.

In response to questions the Head of Planning advised that this applies to all planning applications in the system and that an approximate number can be provided.

Committee Noted the report.

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 6:23pm

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

10. CONFIDENTIAL ITEMS

10.1 Update on Legal Issues – Verbal Update

Council Solicitor confirmed that legal advice from Council's barrister has been circulated to Elected Members and requested that any concerns are raised with her before the next meeting so they can be addressed.

In response to questions the Council Solicitor confirmed that she can meet with Members to discuss the issues raised.

At the request of the Head of Planning the Planning Committee confirmed that infill applications are to still be held from the Planning Committee meeting in April.

11. ANY OTHER RELEVANT BUSINESS (IN ACCORDANCE WITH STANDING ORDER 12 (O))

Discussion ensued regarding attendance at Site Visits and possible changes to the current arrangements were considered.

The Head of Planning expressed concern regarding the low attendance at Site Visits and suggested that she discuss this with the new Chair of Planning in June.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Storey
Seconded by Alderman Callan and

AGREED – that Planning Committee move '*In Committee*'.

This being all the business the meeting closed at 6:38pm

Chair