

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 25 JUNE 2025**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
<b>1.</b>	Apologies	<b><i>Alderman S McKillop and Scott</i></b>
<b>2.</b>	Declarations of Interest	<b><i>Alderman Callan, Hunter; Councillors C Archibald, Kane, Kennedy,</i></b>
<b>3.</b>	Minutes of Previous Planning Committee Meetings	
<b>3.1</b>	Minutes of Special Planning Committee Meeting held Wednesday 21 May 2025	<b><i>Confirmed as a correct record</i></b>
<b>3.2</b>	Minutes of Planning Committee Meeting held Wednesday 28 May 2025	<b><i>Confirmed as a correct record</i></b>
<b>4.</b>	Order of Items and Confirmation of Registered Speakers	
<b>4.1</b>	LA01/2022/0206/F, Major, Ballymully Cottage Farm and surrounding fields, 61 Ballyavelin Road with access to Edenmore Road Ballyavelin Road and Drumsum Road Limavady 5.1	<b><i>Agree and Deferred</i></b>
<b>4.2</b>	LA01/2022/1512/F, Referral, 90 metres South East of 205a Legavallon Road, Dungiven 5.15	<b><i>Agree and Deferred</i></b>
<b>4.3</b>	LA01/2023/0582/O, Referral, Land 25m East of 62 Ballywoodock Road, Castlerock and LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock	<b><i>Deferred to see if the Agent wishes to speak at Planning Committee</i></b>
<b>5.</b>	Schedule of applications	
<b>5.1</b>	LA01/2024/1430/F, Major, Lands approximately 6km North East of Limavady accessed of the	<b><i>Agree and Approved</i></b>

	Broad Road in the townland of Gortcorbies Co Derry/Londonderry (5.2)	
<b>5.2</b>	LA01/2024/0194/F, Council, Site in Portaneevy Car Park, adjacent to B15, Whitepark Road, Ballintoy, Ballycastle (5.3)	<b><i>Agree and Approved</i></b>
<b>5.3</b>	LA01/2024/0199/F, Council, Site 120m North East of amenity block, West Bay Car Par, Portrush (5.4)	<b><i>Agree and Approved</i></b>
<b>5.4</b>	LA01/2024/0599/F, Council, 144 Knockaholet Road, Dunloy (5.5)	<b><i>Agree and Approved</i></b>
<b>5.5</b>	LA01/2023/0954/F, Referral, Land South of & Opposite 2-14 Circular Road & North of The Mall car park, Coleraine (5.6)	<b><i>That Planning Committee has considered the contents of the new objection received and reaffirms its determination from the May 2025 Planning Committee meeting and APPROVE planning permission.</i></b>
<b>5.6</b>	LA01/2024/1004/F, Referral, Lands 85m North of 91 Killyvally Road, Garvagh (5.7)	<b><i>Agree and Refused</i></b>
<b>5.7</b>	LA01/2023/0692/O, Referral, Between 88 & 90 Haw Road, Bushmills (5.10)	<b><i>Agree and Refused</i></b>
<b>5.8</b>	LA01/2024/0170/O, Referral, Approximately 35m South West of 344 Craigs Road Rasharkin	<b><i>Agree and Refused</i></b>
<b>5.9</b>	LA01/2024/0172/O, Referral, Approx. 75m South West of 344 Craigs Road Rasharkin	<b><i>Agree and Refused</i></b>
<b>5.10</b>	LA01/2022/0779/O, Referral, Land at 200metres Northwest of no. 293 Drumsurn Road, Drumsurn, Limavady	<b><i>Disagree and Approved</i></b>
<b>5.11</b>	LA01/2024/0666/S54, Referral, 16 Moneybrannon Road and Land to the rear of 18 and 20 Moneybrannon Road, Aghadowey, Coleraine	<b><i>Agree and Refused</i></b>
<b>5.12</b>	LA01/2024/0060/O, Referral, 228m South East of 39 Drones Road, Armooy	<b><i>Agree and Refused</i></b>
<b>6.</b>	Correspondence	

<b>6.1</b>	Council letter to BT re retention of red kiosks	<b>Noted</b>
<b>6.2</b>	Council letter to HED re listing red Kiosks	<b>Noted</b>
<b>6.3</b>	Review of the Planning (Development Management) Regulations (NI) 2015 - Update letter to HoPs and invite to workshop	<b>Noted</b>
<b>6.4</b>	DAERA – Launch of the Consultation on the Draft remediation Strategy for Mobuoy Site	<b>Noted</b>
<b>7.</b>	Reports for Decision	
<b>7.1</b>	Housing Research Study - Possible Workshop Dates	<b><i>That the Planning Committee note the content of this Report and hold a hybrid workshop in the Council Chamber, Civic Headquarters, Cloonavin on Thursday 28<sup>th</sup> August at 1 pm to discuss the interim findings</i></b>
<b>8.</b>	Reports for Noting	
<b>8.1</b>	Quarterly LDP Update June 2025	<b>Noted</b>
<b>8.2</b>	ICF 2024/25 Annual Report	<b>Noted</b>
	<b><i>'In Committee' (Item 9-9.1 inclusive)</i></b>	
<b>9.</b>	Confidential Items	
<b>9.1</b>	Verbal Update on Legal Issues	<b>Information</b>
<b>10.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<b>None</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND  
VIA VIDEO CONFERENCE  
ON WEDNESDAY 25 JUNE 2025 AT 10.32AM**

**Chair:** Councillor Kane (C) (Items 1-5.1 and 5.4-10)  
Alderman Coyle (C) (Vice Chair) (Items 5.2-5.3)

**Committee Members:** Alderman Boyle (C), Callan (R), Hunter (R),  
Councillors Anderson (C), C Archibald (C), Kennedy (C), McGurk  
(R), McMullan (C), McQuillan (R), Nicholl (R), Storey (C),  
Watton (C)

**Officers Present:** D Dickson, Head of Planning (C)  
S Mathers, Development Management and Enforcement  
Manager (C)  
S Mulhern, Development Management Manager (R/C)  
E Hudson, Senior Planning Officer (C)  
M McErlain, Senior Planning Officer (C)  
J McMath, Senior Planning Officer (C)  
R Beringer, Senior Planning Officer (C)  
E Olphert, Higher Professional and Technical Officer (C)  
S McKinley, Planning Assistant (R)  
S Duggan, Civic Support and Committee & Member  
Services Officer (C/R)  
I Owens, Committee & Member Services Officer (R/C)

**In Attendance:** C Ballentine, ICT Officer (C/R)  
L Boyd, ICT Officer (C/R)  
M Kennedy, ICT Officer (C/R)

Press 3 no. (R)  
Public 13 no. including Speakers

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

**Registered Speakers**

Application No	Name
LA01/2022/0206/F	M Kennedy (R)
LA01/2023/0954/F	M Hanvey (R) C Cowan (R) O Pankhurst

LA01/2024/1004/F	Councillor R Holmes (R) H Armstrong (R) M Bell (C)
LA01/2023/0692/O	J Simpson (R)
LA01/2024/0170/O	J Martin (R)
LA01/2022/0172/O	J Martin (R)
LA01/2022/0779/O	N Lamb (R)
LA01/2024/0666/S54	J Simpson (R)
LA01/2022/1512/F	C Gourley (R)
LA01/2024/0060/O	J Simpson (R)

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.

## 1. APOLOGIES

Apologies were recorded for Alderman S McKillop and Scott. It was advised that Councillor McMullan, Councillor Nicholl would be late to the meeting.

Councillor Storey stated he would be leaving the meeting after lunch time.

## 2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for Alderman Callan in LA01/2022/0206/F, Major Application, Ballymully Cottage Farm and surrounding fields, 61 Ballyavelin Road with access to Edenmore Road Ballyavelin Road and Drumsurn Road Limavady (Item 5.1). Having declared an Interest, Alderman Callan left the meeting during consideration of this Item and did not vote.

Declarations of Interest were recorded for Alderman Callan in LA01/2023/0954/F, Referral Application, Land South of & Opposite 2-14 Circular Road & North of The Mall Car Park, Coleraine (Item 5.6). Having declared an Interest, Alderman Callan left the meeting during consideration of this Item and did not vote.

Declarations of Interest were recorded for Councillor Alderman Hunter in LA01/2023/0692/O, Referral Application, Between 88 & 90 Haw Road, Bushmills (Item 5.10). Having declared an Interest, Alderman Hunter left the meeting during consideration of this Item and did not vote.

Declarations of Interest were recorded for Councillor Kane in LA01/2024/0194/F, Council Application, Site in Portaneevy Car Park, adjacent to B15, Whitepark Road, Ballintoy, Ballycastle (Item 5.3). Having declared an Interest, Councillor Kane vacated The Chair and left the meeting during consideration of this Item and did not vote.

Declarations of Interest were recorded for Councillor Kane in LA01/2024/0199/F, Council Application, Site 120m North East of amenity block, West Bay Car Par, Portrush (Item 5.4). Having declared an Interest, Councillor Kane vacated the Chair and left the meeting during consideration of this Item and did not vote.

Declarations of Interest were recorded for Councillor Kennedy in LA01/2024/0599/F, Council Application, 144 Knockaholet Road, Dunloy (Item 5.5). Having declared an Interest, Councillor Kennedy left the meeting during consideration of this Item and did not vote.

Declarations of Interest were recorded for Councillor C Archibald in LA01/2024/0194/F, Council Application, Site in Portaneevy Car Park, adjacent to B15, Whitepark Road, Ballintoy, Ballycastle (Item 5.3). Having declared an Interest, Councillor C Archibald left the meeting during consideration of this Item and did not vote.

Declarations of Interest were recorded for Councillor C Archibald in LA01/2022/0779/O, Referral Application, Land at 200metres Northwest of no. 293 Drumsurn Road, Drumsurn, Limavady (Item 5.13). Having declared an Interest, Councillor C Archibald left the meeting during consideration of this Item and did not vote.

### **3. MINUTES OF PREVIOUS PLANNING COMMITTEE MEETINGS**

#### **3.1 Minutes of Special Planning Committee Meeting held Wednesday 21 May 2025**

Proposed by Councillor Storey

Seconded by C Archibald

– That the Minutes of the Special Planning Committee Meeting held Wednesday 21 May 2025 are signed as a correct record.

The Chair put the motion to the vote.

12 Members voted For; 0 Members voted Against; 0 Members Abstained.

The Chair declared the motion carried.

**RESOLVED** – That the Minutes of the Special Planning Committee Meeting held Wednesday 21 May 2025 are signed as a correct record.

### **3.2 Minutes of Planning Committee Meeting held Wednesday 28 May 2025**

Proposed by Councillor Storey

Seconded by Councillor C Archibald

– That the Minutes of the Planning Committee Meeting held Wednesday 28 May 2025 are signed as a correct record.

The Chair put the motion to the Committee 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 28 May 2025 are signed as a correct record.

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

### **4.1 LA01/2022/0206/F, Major, Ballymully Cottage Farm and surrounding fields, 61 Ballyavelin Road with access to Edenmore Road Ballyavelin Road and Drumsurn Road Limavady (5.1)**

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree to defer the application. This recommendation supersedes the recommendation provided in the Planning Committee Report.

Proposed by Alderman Boyle

Seconded by Councillor Kennedy

- That the Committee note the contents of this Addendum and agree to defer the application. This recommendation supersedes the recommendation provided in the Planning Committee Report.

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 and application deferred.

### **4.2 LA01/2022/1512/F, Referral, 90 metres South East of 205a Legavallon Road, Dungiven (5.15)**

The Head of Planning advised that due to the submission of new information, that Elected Members may want to defer the application for officers to consider any should the reconsidered recommendation be to approve the decision be delegated to officers to issue the approval decision notice without returning to Planning Committee.

Proposed by Councillor C Archibald

Seconded by Alderman Hunter

- That Planning Committee defer LA01/2022/1512/F, Referral, 90 metres South East of 205a Legavallon Road, Dungiven due to the submission of new information,
- should the reconsidered recommendation be to approve the decision be delegated to officers to issue the approval decision notice without returning to Planning Committee.

The Chair put the motion to the Committee to vote.

12 Members voted For; 0 Members voted Against; 0 Members Abstained.

The Chair declared the motion carried and application deferred.

**4.3 LA01/2023/0582/O, Referral, Land 25m East of 62 Ballywoodock Road, Castlerock (5.8) and LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock (5.9)**

Councillor Storey stated there were a number on the list regarding infills, no representation had been made by the Agent in this and that Committee should defer consideration to see if the Agent wishes to speak at Planning Committee.

Proposed by Councillor Storey

Seconded by Councillor Anderson

- That Planning Committee defer LA01/2023/0582/O, Referral, Land 25m East of 62 Ballywoodock Road, Castlerock and LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock to see if the Agent wishes to speak at Planning Committee.

The Head of Planning advised no-one had been registered to speak, it was a matter for the Applicant and Agent whether they wished to speak at Planning Committee.

The Chair put the motion to the Committee to vote.

11 Members voted For; 0 Members voted Against; 1 Member Abstained.

The Chair declared the motion carried and applications deferred.

**RESOLVED** - That Planning Committee defer LA01/2023/0582/O, Referral, Land 25m East of 62 Ballywoodock Road, Castlerock and LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock to see if the Agent wishes to speak at Planning Committee.



## 5. SCHEDULE OF APPLICATIONS

### 5.1 LA01/2024/1430/F, Major, Lands approximately 6km North East of Limavady accessed off the Broad Road in the townland of Gortcorbies Co Derry/Londonderry

Report, presentation and addendum were previously circulated, presented by the Development Management and Enforcement Manager.

#### **Major Application to be considered by the Planning Committee.**

**App Type:** Full Planning

**Proposal:-** Variation of Condition 14 (Noise Limit) of Planning Approval LA01/2022/0981/F (Wind Farm)

#### **Recommendation**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

The Development Management and Enforcement Manager presented as follows:

- This proposal relates to Dunbeg South Wind Farm. This scheme was approved initially in December 2020 with a subsequent revised turbine design scheme approved in February 2024. Both schemes approved a total of 9 wind turbines with a tip height of 149.9 metres. The location is to the south side of the A37 Broad Road on the opposite side from the Dunmore/ Dunbeg windfarm which was erected in 2013.
- This application seeks to revise the noise limit condition only- Condition 14.
- As indicated in the Northern Area Plan 2016, the site is located inside the Binevenagh AONB. The Northern Area Plan 2016 is silent on the matter of wind farm development. Therefore, regional policies apply.
- While a major planning application, as a variation of condition application, pre-application community consultation and a design and access statement are not required.
- As this proposal is EIA development, it was accompanied by an Environmental Statement.

#### Main Issues

- The original condition- The existing noise condition, at the time of planning approval, considered extension applications for a total of 11 additional turbines to the Dunmore and Dunbeg windfarms. However, these permissions, which had 5 year commencement conditions, have lapsed. The application seeks to vary the noise limits to reflect the current cumulative wind farm noise scenario in the area taking advantage of the current “headroom” and to maximise the energy production from the site. Different noise limits, specific to identified dwellings, are proposed for day and night. A new acoustic chapter has been provided in the Environmental Statement and the Environmental Health Department has been consulted. It is content subject to conditions.
- Representations- None received.
- Conclusion-. Having regard to the relevant issues, the amended noise limit condition is acceptable. Therefore, approval is recommended.

The Chair invited questions for the Senior Planning Officer, there were no questions put.

Proposed by Councillor Kennedy  
Seconded by Alderman Boyle

- That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.

12 Members voted For; 0 Members voted Against; 0 Members Abstained.

The Chair declared the motion carried and application approved.

- \* **Having declared an interest, the Chair vacated the Chair and left the Chamber at 10.56am.**

Alderman Coyle, Vice Chair, assumed the Chair.

- \* **Having declared an interest, Councillor C Archibald left the Chamber at 11.00am.**

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

Report, presentation and addenda were previously circulated, presented by Senior Planning Officer, J McMath.

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

**App Type:** Full Planning

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

### **Recommendation**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Section 9 and the policies and guidance in Sections 7 and 8 and resolves to **Refuse** planning permission subject to the reasons set out in Section 10.

### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to refuse planning permission for the proposed site for a concessionary trading vehicle / trailer / static unit for the sale of hot food, hot and cold drinks. As the proposal fails to comply with Policy NH 6 of PPS 2, TSM 2 and 7 of PPS16 and Policy CTY 1 of PPS 21 and Paragraphs 4.27, 6.70, and 6.205 of the SPPS.

### **Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to Approve planning permission for the proposed site for a concessionary trading vehicle / trailer for the sale of hot food, hot and cold drinks. Overall, the proposal by virtue of its temporary nature can comply with Policy NH 6 of PPS 2, Policies TSM 2 and 7 of PPS16 and Policy CTY 1 of PPS 21 and Paragraphs 4.27, 6.70, and 6.205 of the SPPS.

Senior Planning Officer presented via powerpoint as follows:

- Item 5.3 was presented to the Planning Committee in August 2024 and January 2025 with a recommendation to refuse because the proposal included a static element. In January 25, the Planning Committee voted to defer the application to allow for further discussions between Officers to find a resolution and an agreed outcome.
- A paper was submitted to the Environmental Services Committee on 8 April 25, the paper was to request members' direction as to which type of trading receptacle they wished to pursue at the Portaneevy site. The Environmental Services Committee agreed to remove the static trading unit from the application and proceed with an application for a concessionary trading vehicle or trailer for the sale of hot food, hot and cold drinks only. The agent submitted an amended application form with the description amended accordingly.
- Planning Officials have considered the views of the Environmental Services Committee and have considered the amended proposal, which has omitted the static element, with the provisions of the Northern Area

Plan 2016 and planning policy and recommend approval. Determining weight is given to the fact that a mobile concessionary vehicle or trailer would be removed off site at the end of each day. Weight is given to the modest facility on account of its scale and temporary nature, which would meet a tourism need and would be visually acceptable and comply with policy at this high amenity coastal location. The amended proposal is considered to comply with policies TSM2, TSM7 of PPS16, policy CTY1 of PPS21 and policy NH6 of PPS2.

- The site is located in the open countryside, outside of any settlement development limit and within the Causeway Coast AONB and 35m from the Carrickarede ASSI.
- The site is located on car park spaces within the Portaneevy public car park and viewing point, off Whitepark Road, 2km east of Ballintoy.
- Approval is recommended subject to conditions.

The Chair invited questions for the Senior Planning Officer.

In response to question from Members, Senior Planning Officer confirmed the static element had been removed.

Proposed by Councillor Watton

Seconded by Alderman Hunter

- That the Committee note the contents of this Addendum and agree with the recommendation to Approve planning permission for the proposed site for a concessionary trading vehicle / trailer for the sale of hot food, hot and cold drinks. Overall, the proposal by virtue of its temporary nature can comply with Policy NH 6 of PPS 2, Policies TSM 2 and 7 of PPS16 and Policy CTY 1 of PPS 21 and Paragraphs 4.27, 6.70, and 6.205 of the SPPS.

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 deferred.

**RESOLVED** - That the Committee note the contents of this Addendum and agree with the recommendation to Approve planning permission for the proposed site for a concessionary trading vehicle / trailer for the sale of hot food, hot and cold drinks. Overall, the proposal by virtue of its temporary nature can comply with Policy NH 6 of PPS 2, Policies TSM 2 and 7 of PPS16 and Policy CTY 1 of PPS 21 and Paragraphs 4.27, 6.70, and 6.205 of the SPPS.

- \* **Councillor Nicholl arrived at the meeting at 10.59am during consideration of the Item and abstained from the vote.**

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

Report, presentation and addendums and were previously circulated and presented by Senior Planning Officer, J McMath.

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

**App Type:** Full Planning

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

#### **Recommendation**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Section 9 and the policies and guidance in Sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in Section 10.

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to refuse planning permission for the proposed site for a concessionary trading vehicle / trailer / static unit for the sale of ice cream, confectionary and cold drinks at West Bay Car Park, Portrush. The proposal fails to comply with the exceptions of development permissible within the LLPA designation and within an area of open space. The proposed static unit by reason of its in-situ nature and appearance would fail at this high amenity coastal location to be sensitive to the character of the area surrounding the site in terms of design and use of materials.

#### **Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to Approve planning permission for the proposed site for a concessionary trading vehicle/ trailer for the sale of ice cream, confectionary and cold drinks at West Bay Car Park, Portrush. Overall, the proposal by virtue of its temporary nature can comply with Paragraphs 4.27 and 6.205 of the SPPS, Policy ENV 1 of the Northern Area Plan 2016, Policy OS 1 of PPS 8 Policy DES 2 within a Planning Strategy for Rural Northern Ireland and Policies TSM2 and 7 of PPS16.

Senior Planning Officer presented via powerpoint as follows:-

- Item 5.4 was presented to the Planning Committee in August 24 and January 2025 with a recommendation to refuse because the proposal included a static element. Planning Committee voted to defer the

application for further discussions between officers to find a resolution and come to an agreed outcome on the application.

- A paper was submitted to the Environmental Services Committee on 8 April. The paper requested members' direction as to which type of trading receptacle they wished to pursue at West Bay. The Environmental Services Committee voted to omit the static unit from the proposal and proceed with an application for a concessionary trading vehicle / trailer for the sale of ice cream, confectionary and cold drinks. The agent submitted an amended application form accordingly.
- Planning Officials have considered the views of the environmental services committee, the amended proposal, which omits the static unit, along with the provisions of the Northern Area Plan 2016 and planning policy and is of an opinion that the amended scheme is acceptable. In this case a mobile concessionary vehicle or trailer which would be removed off site at the end of each day could meet the tourism need and would be visually acceptable and comply with policy.
- Site is 120m NE of the amenity block within West Strand public car park Portrush, accessed off Portstewart Road.
- The site is located within the Settlement Development Limit of Portrush and is identified as a Major Area of Existing Open Space, within West Bay Local Landscape Policy Area (LLPA) and is adjacent to West Strand ASSI.
- Site currently comprises hardstanding and is used for 5 car park spaces. Site is open to the car park and is an elevated position above the surrounding amenity space.
- The vehicle/trailer is for the sale of ice cream, confectionary and cold drinks.
- A vehicle or trailer complies with policies TSM1, ENV1, DES2, TSM7, OS1 and the SPPS.
- The amended proposal for a concessionary vehicle or trailer is recommended with approval.

The Chair invited questions for the Senior Planning Officer.

Alderman Boyle commented it had taken over a year to get a resolution, processes involved talking to different parts of Council to be resolved.

Alderman Callan echoed the comments.

Proposed by Alderman Boyle  
Seconded by Alderman Callan

- That the Committee note the contents of this Addendum and agree with the recommendation to Approve planning permission for the proposed site for a concessionary trading vehicle/ trailer for the sale of ice cream, confectionary and cold drinks at West Bay Car Park, Portrush. Overall, the proposal by virtue of its temporary nature can comply with Paragraphs 4.27 and 6.205 of the SPPS, Policy ENV 1 of the NAP, Policy OS 1 of PPS 8 Policy DES 2 within a Planning Strategy for Rural Northern Ireland and Policies TSM2 and 7 of PPS16.

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 and application approved.

**RESOLVED** - That the Committee note the contents of this Addendum and agree with the recommendation to Approve planning permission for the proposed site for a concessionary trading vehicle/ trailer for the sale of ice cream, confectionary and cold drinks at West Bay Car Park, Portrush. Overall, the proposal by virtue of its temporary nature can comply with Paragraphs 4.27 and 6.205 of the SPPS, Policy ENV 1 of the NAP, Policy OS 1 of PPS 8 Policy DES 2 within a Planning Strategy for Rural Northern Ireland and Policies TSM2 and 7 of PPS16.

- \* **Chair, Councillor Kane returned to The Chamber and assumed the Chair at 11.11am.**

Vice Chair, Alderman Coyle vacated the Chair.

- \* **Councillor Kennedy, having declared an interest, left The Chamber at 11.11am.**

#### **5.4 LA01/2024/0599/F, Council Interest, 144 Knockaholet Road, Dunloy**

Report and presentation, were previously circulated and presented by Senior Planning Officer E Hudson.

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

**App Type:** Full Planning

**Proposal:** Extension to house to provide single storey accommodation for bed & breakfast

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

Senior Planning Officer presented via power point presentation:

- Planning Application LA01/2024/0599/F is a full application for Extension to house to provide single storey accommodation for bed & breakfast and that is at 144 Knockaholet Rd, Dunloy.
- (Slide) This is the red line boundary of the site. The site is located in the open countryside at the junction of Knockaholet Road and the Frosses Road.
- (Slide) The proposed block plan. The extension is located on the southern gable of the dwelling. Access is maintained off the Knockaholet Road with additional car parking provided to the northern portion of the site. There is an existing commercial business, operated by the applicant, on the other side of the NE boundary.
- (Slide) Floor plans for the development. The extension is single storey providing 4 en-suite bedrooms. The existing dwelling has 4 bedrooms so the proposal does not represent any more than 50% of the existing accommodation of the dwelling and as such meets the requirements for a Bed and Breakfast accommodation. The accommodation is linked to the existing dwelling and a communal breakfast room is provided in the footprint of the existing dwelling.
- (Slide) Elevations of the proposal. Originally the application was submitted as a 2 storey self-catering unit. It was considered that this design was unacceptable and the scheme was amended to that currently proposed. This amended design and scale is considered more acceptable as it appears more subordinate to the existing dwelling. The materials reflect those of the existing dwelling and the double barrel shaped roof helps to break up the expanse of the gable. The barrel roof is reflective of the design of the commercial building to the rear.
- In terms of policy the application has been considered under PPS 16 as it is for tourist development. PPS 16 does not provide specific policies on B&B accommodation however the addendum to PPS 7 advises it is useful in assessing applications for holiday accommodation. As such it has been assessed against Policy EXT 1 of this document as well as the general criteria for tourism contained within PPS 16. The proposal is considered to meet all the requirements of these policies.



- (Slide) View from the corner of Frosses Road and Knockaholet Road. The site is quite open and the existing hedgerow has been conditioned to be retained and required to grow up to aid integration.
- (Slide) A view of the rear of the site from the Knockaholet Road. You can see the site sits at a lower level than the road and the commercial business frames this view.
- (Slide) A view from the front and where additional parking will be provided. The building associated with the commercial business provides a backdrop to this area of the site.
- (Slide) Another view of the parking area.
- There are no 3<sup>rd</sup> party objectors or consultee objections.
- Our recommendation is to approve planning permission as outlined in Part 10 of the Committee report.

The Chair invited questions for the Senior Planning Officer, there were no questions put.

Proposed by Alderman Coyle  
Seconded by Alderman Hunter

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

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

**RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the conditions set out in section 10.

\* **Having declared an Interest, Alderman Callan left the meeting at 11.17am.**

## **5.5 LA01/2023/0954/F, Referral, Land South of & Opposite 2-14 Circular Road & North of The Mall car park, Coleraine**

Report, presentation, addendum, erratum and speaking rights template were previously circulated and presented by Senior Planning Officer Rachel Berringer.

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

**App Type:** Full Planning

**Proposal:** 26no. apartments (including 2no. wheelchair accessible), scooter store, cycle store & bin store. Communal open space & 6no. car parking spaces.

### **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.

### **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.

### **Erratum Recommendation**

That the Committee agrees with the recommendation to refuse as outlined in paragraph 1.0 of the Planning Committee Report.

Senior Planning Officer presented via powerpoint as follows:

- The application was presented previously at the May Committee Meeting with a recommendation to refuse, in that the proposal is considered contrary to criteria (a), (c), (f), (g) and (h) of Policy QD 1 of PPS 7, and Policy AMP 7 of PPS 3. The second reason for refusal, in relation to Policy AMP 7 of PPS 3 was withdrawn. The recommendation was overturned and the Planning Committee approved the application with conditions and informatives delegated to officers as set out in the minutes of that meeting.
- Prior to a decision being issued, an objection was received from No. 6 Circular Road which is a new material consideration. The application has been returned to the Committee to allow for the consideration of the content of the objection, as set out in the Addendum.
- The points of objection set out in para 1.4 of the addendum relate to loss of natural light, loss of on-street parking spaces, rise in electricity bills and house price plummeting.
  - Slide – Proposal
  - Slide – Proposed Elevations
  - Slide – Contextual Elevations
  - Slide – Site Layout – Western End
  - Slide – Site Layout – Eastern End
  - Slide 8-12 – Views of the site from surrounding streets

- The loss of natural light is considered within para 8.36 of the Planning Committee report and the proposal was found to be acceptable in respect of overlooking and overshadowing to the residential properties on Circular Road given the relationship between the application site and the existing residential properties.
- The issue in relation to the loss of on-street car parking was addressed through the submitted parking survey which accompanied the application. This demonstrated that availability of on-street parking and parking within the Mall Carpark. The second refusal reason in relation to parking was withdrawn at the May Committee Meeting.
- Issues in relation to rise in electricity bills and impact on house prices are not material considerations which would carry significant weight in the assessment of a planning application.
- That concludes the presentation of the new material considerations following the May Planning Committee meeting. There is no change in the officer recommendation as previously set out in section 10 of the Planning Committee Report. The Planning Committee resolved to approve the application at the May Committee meeting as per the minutes.

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

In response to questions from Members, Senior Planning Officer clarified the addendum covered the issues raised and did not materially carry significant weight.

The Chair invited M Hanvey and C Cowan to present in support of the application.

M Hanvey highlighted there had been no new material planning matters raised. Overshadowing and car parking had previously been considered and presented to Planning Committee on 28 May. Days later the objection letter was received, there was nothing different to what had been received previously and considered by Committee. M Hanvey stated concern from the housing association of further time delay, they needed the decision notice issued as a matter of urgency as it was dependant on funding and ready to be delivered.

C Cowan advised they represented Radius and was advocating for those on the waiting list for Coleraine for 26 apartments. NI Housing Executive fully supported the application, 2100 people were on the waiting list, 163 elderly, 94 in housing stress. Radius purchased the site in 2021, the social housing

development had been presented for 2 years, NI Water capacity was significantly constrained and delivered a new build engineering solution funded by Radius, for high quality safe, affordable homes.

The Chair invited questions from Elected Members.

Councillor Watton stated he had supported the application, he questioned the objection receipted a week later and due to the time limit, was that allowed?

The Head of Planning confirmed it was within legislation that all material considerations must be considered up until the decision notice issued, the new objection is in close proximity to the application site and therefore the application was required to come back before the Planning Committee for further consideration of this information. It was a matter for Planning Committee whether the detail within the objection letter altered the previous decision on the application.

Proposed by Councillor Watton

Seconded by Councillor Anderson

- That Planning Committee has considered the contents of the new objection received and reaffirms its determination from the May 2025 Planning Committee meeting and **APPROVE** planning permission
- The issues raised in the letter of objection had already been considered at the last meeting

Councillor Storey concurred with the proposer and seconder. He raised the issue of a level playing field, that Planning Committee work within the time restraints of the Scheme of Delegation and the perceived inequality that one can object up until the point of the approval or refusal being issued. Councillor Storey stated the Department needed to look at this, in light of fairness for both the applicant and objector.

The Head of Planning confirmed the matter had been raised with the Department through the Planning Improvement Process, a late objection/submission of new information did add delay to the process.

The Head of Planning sought any further comment with regards to the objection letter and contents received.

Alderman Boyle stated she was not at the last meeting and asked the Head of Planning to check that the reasons for approval noted then, would stand now.

The Head of Planning confirmed the Planning Committee Minutes from the May 2025 meeting, the objection letter has now been considered and proposal from Members remains to approve.

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

**RESOLVED** - That Planning Committee has considered the contents of the new objection received and reaffirms its determination from the May 2025 Planning Committee meeting and **APPROVE** planning permission

\* **Alderman Callan rejoined the meeting at 11.35am.**

**5.6 LA01/2024/1004/F, Referral, Lands 85m North of 91 Killyvally Road, Garvagh**

Report, presentation, addendums, correspondence, speaking rights templates and objections were previously circulated and presented by Senior Planning Officer M McErlain.

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

**App Type:** Full Planning

**Proposal:** Erection of dwelling & garage and all associated works (change of house type from that approved under C/2010/0029/F - based on material start made to the site and as per visible orthophotography)

**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 Committee note the contents of this Addendum and agree with the recommendation to defer the application to allow the completion of the neighbour notification and assessment of the additional information.

**Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree to Refuse planning permission as set out in Section 1 of the Planning Committee report.

**Addendum 3 Recommendation**

That the Committee note the contents of this Addendum and agree to Refuse planning permission as set out in Section 1 of the Planning Committee report.

Senior Planning Officer presented via power point presentation as follows:

- LA01/2024/1004/F is a full application for Erection of dwelling & garage and all associated works (change of house type from that approved under C/2010/0029/F - based on material start made to the site and as per visible orthophotography) at lands 85m North of 91 Killyvally Road, Garvagh
- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning Permission
- Three letters of objection have been received in relation to the application which asserts that a material start did not occur on the previous planning approval C/2010/0029/F and consequently there is no fallback position upon which to base the current application upon as the current application fails to meet with Policy CTY1 of PPS21.
- This application was deferred from the April Committee Meeting to further consider the evidence submitted in relation to the alleged material start and was further deferred from the May Committee Meetings to allow consideration of new evidence submitted in support of the application.
- The consideration of the new evidence has been set out in the addenda accompanying the Planning Committee Report and I will now provide a verbal addendum to address the content of the submission received yesterday afternoon from the agent.
- The application site is located within the rural area outside of any settlement limit as defined by the Northern Area Plan 2016.
- The site comprises a triangular portion of a wider agricultural field and is accessed via a dirt laneway. The southeastern and southwestern boundaries are defined by mature vegetation while the northern boundary is defined by a post and wire fence. The topography of the site is relatively flat.
- There is previous planning history on the application site, notably.
  - Planning ref: C/2003/1318/O
  - Planning ref: C/2007/1042/RM
  - Planning ref: C/2010/0029/F

All of which related to a proposed dwelling and garage

- Planning ref: LA01/2024/0231/F - Proposal: Erection of dwelling & garage and all associated works (change of house type from that approved under C/2010/0029/F - based on material start made to the site and as per

visible orthophotography). Decision: Application withdrawn following notification of a refusal. This application is identical to the application presented to members today.

- As the application site is located within the rural area the proposal therefore falls to be considered against the rural housing policies contained within the SPPS and Planning Policy Statement 21 (PPS21).
- Crucially, it is important to note that the previous planning history on the site was assessed against the policies within the Planning Strategy for Rural Northern Ireland. These policies are no longer relevant having been replaced by the policies within the SPPS and PPS21.
- Both the SPPS and Policy CTY1 of PPS21 outline the range of types of development which in principle are considered to be acceptable in the countryside.
- As outlined at Paragraphs 8.4 and 8.5 of the Planning Committee Report the proposal fails to meet with the requirements of the SPPS and Policy CTY1 of PPS21 and consequently the principle of development is considered unacceptable.
- The applicant contends that the principle of development is established on the lands through the commencement of the planning permission granted under applications C/2010/0029/F.
- The requirements for the commencement of development are set out in legislation, formerly under Article 36(1) of the Planning (Northern Ireland) Order 1991 and currently under Section 63(2) of the Planning Act (Northern Ireland) 2011. For clarification there is no difference between both pieces of legislation in defining commencement of development.
- Both pieces of legislation state that “development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out—
  - (a) where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building;”
- As set out at the April Planning Committee, the Agent advised that works had taken place to provide access to the site to meet DFI Roads specifications, asserting that these works proved the commencement of development in relation to a dwelling.

- It is noted that the aerial imagery relied upon by the agent to demonstrate the commencement of the access works is dated June 2010, which is approximately 6 months prior to the application C/2010/0029/F being approved. Consequently, little weight can be attributed to works carried out prior to the granting of planning approval C/2010/0029/F.
- Additional Aerial imagery dated April 2011, which the agent advises “Indicates further works carried out to access and visibility splays following the Approval of C/2010/0029/F” does not appear to show any additional works when compared to Aerial image 1 and as such it cannot be established that any additional access works to the application site occurred after the approval of C/2010/0029/F .
- Conditions 3, 4 and 5 of Planning Approval C/2010/0029/F relate to the provision of access arrangements to the application site.
- These conditions required the access arrangements to be put in place prior to commencement of the approved development (Dwelling and Garage), commonly referred to as pre-commencement conditions. Consequently, any works carried out in relation to the provision of the access while, potentially addressing the pre-commencement conditions of approval C/2010/0029/F, are not works of construction in the course of the erection of a building. This assessment is consistent with the PAC determination of appeal 2017/E0010 (Appendix 2 of Committee Report) which clarifies at Paragraph 5.7 that works carried out to meet pre-commencement conditions do not amount to works of construction in the course of the erection of a building. This appeal was subsequently dismissed.
- As the previous planning permission on the site was for the erection of buildings (dwelling and garage), commencement of planning approval C/2010/0029/F can only be taken from the date upon which works of construction commenced on one of the approved buildings.
- Subsequent to the April Committee Meeting additional information was submitted by the agent outlining that built elements had been discovered on site by the applicant, consisting of a 250mm pile on the placement of the previously approved dwelling and a 500mm diameter pipe that is located on the NW (northwest) portion of the site, which the agent advises were likely to be installed in connection with the approved development.
- This assertion is contrary to the objections received which outline that no works were carried out in the five year period following the grant of planning permission.



- In respect of the structures identified no evidence has been submitted to verify the date they were installed, who was responsible for their installation or ultimately that they are in connection with the development approved under application C/2010/0029/F.
- The agent acknowledges in their submission dated 24.06.2025 that any opinion on the age of the pile would be speculation.
- A review of aerial photography (Google Earth) does not identify either of the two structures on site within the required time period.
- Additionally, The Council's Building Control Department have advised that they have not had an application for this site. Therefore, there is no record of a foundation inspection having been carried out to determine ground conditions to inform the type of foundation required, and no inspection of the installation of any foundation structure on site.
- The agent has advised that ground conditions require the installation of a pile foundation however, again no evidence has been submitted to verify the assessment of ground conditions and piling requirements which would normally be undertaken by a structural engineer or piling contractor.
- Based on the limited information provided it cannot be reasonably determined that the structures identified represent a material start of application C/2010/0029/F.
- A statutory process exists for the determination of lawful use or development. The mechanism for this is via the submission of a Certificate of Lawful Development or Use which, in this instance, is required to establish that a lawful commencement of development approved under applications C/2010/0029/F has occurred.
- This position has been set out in case law in *Saxby v Secretary of State for the Environment, Transport and the Regions* 1998, and is also the "settled position" of the Planning Appeals Commission (PAC) on such matters as evidenced in appeals, 2015/A0129 (Appendix 1, notably paragraphs 5 & 6).
- The Planning Department requested the submission of a CLUD (email 28.10.2024) however to date none has been submitted. In the absence of a CLUD application it cannot be demonstrated that a lawful commencement of application C/2010/0029/F. The Planning Department advise that this application is not the appropriate mechanism to confer the lawfulness of a material start on C/2010/0029/F.

- This application is directly comparable to application LA01/2022/1203/F which was refused permission by the Planning Committee in October 2024. In this case members considered that the provision of a short stretch of access road and other preparatory works did not constitute a lawful commencement of development.
- The agent refers to application LA01/2020/0744/F which was approved by Planning Committee which they advise is comparable to this application. However, it is noted from the Planning Committee Meeting Minutes that the principle of development was accepted under policy CTY8 and did not rely upon, or was approved on the basis of works previously carried out to form an access.
- The proposed dwelling and garage will be located in a similar location, and both are of a similar design to the previously approved dwelling.
- The south-eastern boundary of the site is defined by mature vegetation, some 6+metres in height. Views of a dwelling will be achievable when travelling from the north-west towards the site however will have a backdrop of the mature vegetation. On approach from the opposite direction, views will be screened by the mature vegetation.
- While this proposed dwelling is somewhat larger than the previously approved dwelling, it is well screened and set back from the public road.
- Overall, it is considered a dwelling on this site would visually integrate into the surrounding landscape and would not be out of character for this rural area nor will it be a prominent feature in the landscape. The proposal complies with policies CTY13 and 14 of PPS21.
- DFI Road, NI Water, Environmental Health and DFI Rivers were consulted on the application – No concerns Raised
- In the absence of a Certificate of Lawful Development it has not been demonstrated that a lawful commencement of Planning Approval C/2010/0029/F has occurred. Consequently, the Planning Department cannot give determining weight to the previous planning history of the site or to the unverified structures present on site.
- The proposal must be considered against the prevailing regional planning policies.
- Consequently, the proposal fails to comply with Paragraph 6.73 of the SPPS and PPS21 (Policy CTY1) in that it does not meet with one of the permitted types of development in the countryside it has not been

demonstrated that there are exceptional or overriding reasons as to why the development is essential in this location and could not be located in a settlement.

- Refusal is recommended.

Senior Planning Officer presented a verbal addendum:

- Further correspondence was received 24.06.2025 from the agent which are in response to the comments made by Mr Harry Armstrong and MBA Planning within the objection, received 19.06.2025. The content of the objection letter have been addressed in Addendum 3 of member's packs
- The agent advises that the site was affected by the failure of the Presbyterian Mutual Society and that the previous applicant had no contact with the site some time after January 2010, and it is therefore irrelevant to state that the previous applicant had any knowledge of further works from 2010/2011 as others were in charge of the site, and who could have carried out works to ensure a material start up until January 2016, when application C/2010/0229/F expired.
- The agent states that any opinion on the exact age of the pile would be speculation and seeks reliance upon the principle of approval being based on reasonableness as it is believed the pile is in the correct location and was driven at some point due to poor ground conditions, in which a traditional strip foundation would not be viable.
- The letter makes further comments in respect of application LA01/2020/0744/F which was granted planning permission at the February 2023 Planning Committee, re-affirming the position that the decision to approve planning permission was in part due to works carried out on the site and was not solely accepted under Policy CTY8.

The Chair invited questions for the Senior Planning Officer, there were no questions put.

The Chair invited H Armstrong to speak in objection to the application. H Armstrong stated previous owner had made the entrance. In October 2024 had been advised no other work was carried out. He referred to the Agent's comments regarding Presbyterian Mutual and stated the Presbyterian Mutual had the site for sale, no work was ever carried out. Regulators had it for sale and numerous builders surveyed. H Armstrong found it strange pile is in the location identified and was never previously found by others visiting the site.

He stated that a digger was in the site on the week commencing 12 May when the pile was discovered. H Armstrong stated that the application does not comply with PPS 21 and should be rejected.

In response to questions from Councillor Storey, H Armstrong clarified he lived opposite the site for 15 years and farmed all his life directly opposite. The part fenced off was overgrown and could not be accessed for 10-15 years, there was access from the adjacent field.

The Chair invited Councillor Holmes to speak in objection to the application.

Councillor Holmes stated that if the application was considered on its own right, it would be rejected. Speculation of a material start had not been proven, weight should be given to the neighbours, Harry, who lives opposite, and no material credence given to the pipe. Councillor Holmes advised that to the best of his knowledge this is just another inspection pipe for drainage as part of the natural drainage on a farm. Councillor Holmes stated it was odd to put in drains that did not exist and clutching at straws to prove. Councillor Holmes stated the precast pile had been the subject of speculation over 10 years, it could easily be 10 weeks since it was placed rather than 10 years, as had not been noticed before. He queried, whether within the area or not, would that be enough for a material start? In his opinion it would not. The foundations were not poured. Councillor Holmes referred to the Officers report and advised that if this was a material start, would need some rational more than a precast pile in the ground. Councillor Holmes stated he could not see how Members could overturn the decision of Officers in this instance.

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

M Bell stated he made some efforts to find out information as was required and advised in reference to previous submission as hearsay, the original applicant wished to have no involvement in this case. The site affected by Presbyterian Mutual Society in January 2009, the site property and lands were seized in February 2009; the previous applicant had no contact after January 2010; Reserved Matters expired on 12 January 2016; it is irrelevant the previous applicant's knowledge as does not want to be involved in this application.

M Bell advised that the ground condition is poor, black, peaty soil, and hence why structure piles inserted. A pile had been discovered that was previously invisible because of the growth; these works form construction. M Bell stated that Dr Ambrose McCloskey PHD Structural Engineer has written a letter stating this was a pile. Access works and visibility splays is a material start. M Bell advised he asked 4 times for an inspection on the ground, he had no knowledge whether a Planning Officer had been there but the resolution would be on-site inspection to view the open pile. He advised that any opinion on the

age of the pile is speculation and asked for reasonableness. M Bell referenced LA01/2020/0744 raised at the last meeting was a material start, a 5 year old site approved by Planning Committee due to evidence of a single trench issue; infill consideration brought extra confidence in approving. He stated that there would be no dangerous precedent set and considered it to be appropriate on the evidence disclosed to approve.

In response to questions from Members, M Bell advised there was no Building Control record, nor was one needed to be as that was only one check, another check was proof of the structure on the ground.

M Bell stated he was not surprised there was only one pile as in 2008/2009 all sorts of requirements were occurring with the Property Crash and people doing as little work as possible to reserve/protected their sites, e.g. corners of garages and houses; a small pour of concrete was a material start. He stated that due to the poor ground condition, 1 pile was put in – why put in more than 1 pile if that is a material start. A Start. M Bell advised it had been confirmed by Ambrose McCloskey that it is a pile; the issue is the timing. He advised that the pipe is large and may relate to drainage but the pile is justification of commencement.

The Chair invited the Senior Planning Officer back for any further questions from Planning Committee Members.

In response to questions from Members, the Senior Planning Officer advised he personally visited the site on Monday morning to verify the photograph is the structure on site. He stated the issue was when it was carried out in accordance with the previous planning permission in the required timeframe. He advised that there was not enough evidence to give considerable weight to the commencement date and there was no verifiable evidence of a material start.

Senior Planning Officer clarified Google Earth Pro photographs were considered from 2023 back to pre-planning application approval of 2010. He stated that what was evident from the imagery was the access and construction of a laneway; there was no evidence of piling on any of the fly-over dates. The Senior Planning Officer advised that Street View imagery was also considered.

The Head of Planning advised of the statutory procedure of submitting a CLUD for the determination of commencement of development, referring to case law and the standing position of the Planning Appeals Commission.

Senior Planning Officer clarified the onus of proof lay with the applicant and given nature of the evidence submitted it cannot be determined that works have

been carried out to commence the development within the timeframe of the previous planning permission.

Following a request from Members, the Chair invited H Armstrong to speak.

H Armstrong clarified that the entrance was overgrown and if a pile was in place it would have been easily detected previously from others who had been tramping on the ground through their visits.

Proposed by Alderman Hunter

Seconded by Alderman Coyle

- 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.

Councillor McGurk stated she was going to make a contrary proposal.

The Chair called a Recorded Vote.

The Chair put the motion to the Committee to vote.

6 Members voted For; 3 Members voted Against; 4 Members Abstained.

The Chair declared the motion carried and the application refused.

#### Recorded Vote Table

For <b>(6)</b>	Alderman Boyle, Coyle, Hunter
	Councillors Anderson, Kane, Storey
Against <b>(3)</b>	Councillor McGurk, McQuillan, Nicholl
Abstain <b>(4)</b>	Alderman Callan
	Councillors C Archibald, Kennedy, Watton

**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** planning permission subject to the reasons set out in section 10.

\* **The Chair declared a recess at 12.16pm.**

The meeting reconvened at 12.25pm.

\* **Having declared an interest, Alderman Hunter left the meeting at 12.29pm.**

## **5.7 LA01/2023/0692/O, Referral, Between 88 & 90 Haw Road, Bushmills**

Report, presentation, addendum, erratum, correspondence speaking rights template and site visit report were previously circulated and presented by Senior Planning Officer, M McErlain.

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

**App Type:** Outline

**Proposal:** Proposed Infill Dwellings and Garages.

### **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 Committee note the contents of this Addendum and agree with the recommendation to refuse the application as set out in Section 1 of the Planning Committee report.

### **Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application as set out in Section 1 of the Planning Committee report.

### **Erratum Recommendation**

That the Committee agrees with the recommendation to refuse as outlined in paragraph 1.0 of the Planning Committee Report.

Senior Planning Officer, M McErlain presented via powerpoint as follows:

- LA01/2023/0692/O is an outline application for the provision of 2 Infill dwellings and garages at lands Between 88 & 90 Haw Road, Bushmills.
- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning permission
- This application was deferred from the January Committee Meeting to facilitate a site visit which was carried out on Monday 24th February 2025.
- The application was further deferred from the February and May Committee Meetings to allow members to consider legal advice in relation to infill dwellings.

- The site is located in the rural area as defined in the Northern Area Plan 2016 - The site is not located within any environmental designated sites.
- The application site as defined by the red line boundary encompasses the majority of the roadside portion of a larger agricultural field. A strip of land to the northern end of the application site has been retained to maintain access. Access to the site is proposed via the construction of a new paired access onto Haw Road.
- The west boundary is defined by the roadside hedge. The northern and eastern boundaries are undefined through the open field. The south boundary is comprised of a post and wire fence, hedge and a timber fence to the adjacent semi-detached property.
- There is no previous planning history on the site. Planning history on the adjacent lands to the north and south of the application site is set out in Section 3 of the Planning Committee Report.
- As this application has been submitted as an infill dwelling it falls to be determined under paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21.
- Policy CTY8 allows for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided these respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.
- To the south of the application site are two pairs of semi-detached dwellings and a detached dwelling beyond. To the north of the application there is a Church Hall, which is separated from the application site by the remainder of the agricultural field in which the application site is sited. All of the aforementioned plots have a direct frontage onto Haw Road. It is therefore accepted that there is a substantial and continuously built-up frontage at this location.
- For clarification. The farmyard and dwelling to the south of No. 96 does not form part of the substantial and continuously built- up frontage due to its plot being physically separated from the row of dwellings by the presence of a concrete laneway and adjacent area of vegetated land.
- The average frontage measurement along the substantial and continuously built-up frontage is 14.1m.



- Paragraph 5.34 of PPS21 outlines that the gap to be considered is between buildings (building to building).
- The gap (building to building) between the dwelling at No. 90 and the Church Hall to the north of the site is approximately 87.5 m.
- When assessed against the average plot widths along the frontage, the gap is capable of accommodating 6 dwellings. The gap is excessive in size when assessed against the existing character/pattern of development in the area.
- The average size of the plots within the built-up frontage = 823 square metres
- Each plot within the application site has an average area of 898 square metres which are comparable in size. However, this is only due to the fact that the character of the proposed plots significantly differ from the adjacent pattern of development
- The established pattern of development of the dwellings to the south comprise narrow, linear plots. The plot shapes for the proposed sites are significantly wider to the road frontage and extend back from the road significantly less. This form of development is not reflective of the established pattern of development along the frontage
- Additionally, the infilling of this site would add to existing development along the road frontage, resulting in the addition to ribbon development, which is detrimental to the character, appearance and amenity of the countryside, which is also contrary to Policy CTY8.
- Given the proposed development does not represent a small gap site capable of accommodating a maximum of two dwellings, is not reflective of the established pattern of development within the frontage and would result in the addition to ribbon development along Haw Rd the application fails to comply with Paragraph 6.73 of the SPPS and Policy CTY8.
- Additionally, as the proposal is not reflective of the established pattern of development within the frontage and would result in the addition to ribbon development along Haw Rd the application fails to comply with Paragraph 6.70 of the SPPS and Policy CTY14.
- You will see from the current slide the agent has provided an analysis of plot sizes within the vicinity which includes the farmyard and dwelling at No. 98 to the south of the 5 dwellings. While inclusion of the farmyard

within the analysis would increase the average plot width to 23m, the gap would still be over 3 times (3.8) the average plot width and could easily accommodate 3, almost 4 dwellings and would still be contrary to Policy CTY8.

- As this is an outline application no detailed plans have been submitted regarding the design of the dwelling.
- Views of the application site are obtained over a relative short distance and are screened by the adjacent development and vegetation to the north and south of the site. While the site lacks long established natural boundaries to two boundaries and provision of the access will further remove existing vegetation Planning Officials consider that the existing buildings coupled with the retention of the existing vegetation to the northern field boundary would allow dwellings of an appropriate size to satisfactorily integrate into the landscape.
- While additional and compensatory landscaping would be required the proposal would not wholly rely on the use of new landscaping for enclosure and integration. The proposal complies with Paragraph 6.70 of the SPPS and Policy CTY13 of PPS21.
- Consultation was carried out with DFI Roads, Environmental Health, NI Water, DAERA Water Management Unit, Historic Environment Division and Northern Ireland Electricity who have raised no concerns.
- In conclusion the proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY8 and CTY14 of PPS21 in that the application site is does not constitute a small gap site within an otherwise substantial and continuously built-up frontage, would add to ribbon of development along Haw Road and would fail to respect the traditional pattern of development of the area.
- In addition, no overriding reasons have been forthcoming as to why the development is essential, therefore the proposal is contrary to CTY1. Refusal is recommended.

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

In response to questions from Members, the Senior Planning Officer responded stating he appreciated that no. 96 recent is a fairly recent development and has an approved frontage of 17.5m. However, the policy requires to be respectful of the established pattern of development in the

location. The issue is that the gap is too large to accommodate two modest plots.

Councillor Kennedy stated he attended the site visit, a narrow road, the argument infill full length of the field and proposed the recommendation.

The Chair ruled he could not accept the proposal as there was a speaker.

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

J Simpson stated the application is for 2 dwellings and the proposal would not create ribbon development as it complies with Policy CTY8. He advised that the plot size and scale is similar to the adjacent dwellings in the substantial and continuously built up frontage; the plot size is very similar. J Simpson advised that it will integrate with the pattern of the existing development. He referred to the character of the area and scale and plot sizes are similar; 0.08 hectare. 0.09 hectare and complies with policy CTY 14. J Simpson stated that the garages will integrate into the existing landscape, views will be screened and the site is not dependant on future landscaping as there are large mature hedge which will block views. He stated, of critical importance is that it complies with Policy CTY 13. J Simpson referred to other sites - approved frontages of 32.5m under LA01/2017/0228/F; Community Hall frontage of 25m. J Simpson advised that the PAC approved infill for a single dwelling with a frontage of 45m - 2012/A0175. He advised that the applicant confirmed he has a Right of Way into the farm, areas concreted to keep tidy. He referred to health and safety risk to access land away from the farm holding. J Simpson concluded that this is a substantial and continuously built up frontage with an acceptable site frontage and is in accordance with policy CTY8 as it respects the character of the area.

The Chair sought clarification regarding the frontage at another site that had been approved.

J Simpson referred to Ballylintagh Road and LA01/2017/0228/F and this site had a 32m frontage. The application frontage is 64m wide, in comparison 94m.

The Chair sought clarification, the average plot size was approved.

J Simpson clarified the average other sites 25m.

The Chair invited questions for the Senior Planning Officer.

The Chair asked Senior Planning Officer regarding the comments on the planning application referred to.

Senior Planning Officer clarified he did not know the specific detail, the established prevailing character plot width either side and could not comment on it.

Councillor Kennedy proposed the officer recommendation to refuse, stated it had been 6 months, the application had received a fair hearing and every avenue had been explored.

Alderman Boyle stated she had been at the site visit and was content to second the proposal.

Proposed by Councillor Kennedy

Seconded by Alderman Boyle

- 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 called a Recorded Vote.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application refused.

#### Recorded Vote Table

For <b>(9)</b>	Alderman Boyle, Callan, Coyle
	Councillors Anderson, Kane, Kennedy, McGurk, McQuillan, Storey
Against <b>(2)</b>	Councillors Nicholl, Watton
Abstained <b>(1)</b>	Councillor C Archibald

**RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to REFUSE planning permission subject to the reasons set out in section 10.

- \* **The Chair declared a recess for lunch at 12:50pm**
- \* **The meeting reconvened at 1:30 pm**
- The Head of Planning undertook a roll call.**

## 5.8 LA01/2024/0170/O, Referral, Approximately 35m South West of 344 Craigs Road Rasharkin

Report, presentation, addendum, site visit reports and speaking rights template were previously circulated.

The application was presented by Senior Planning Officer, R McGrath.

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

**App Type:** Outline

**Proposal:** Proposed Infill Dwelling and Garage

### **Recommendation**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** 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 as set out in Section 1 of the Planning Committee report.

The Senior Planning Officer presented via PowerPoint as follows:

- (Slide) This is an application for outline planning permission for an infill dwelling under policy CTY8.
- The application was presented to Planning Committee in November and deferred for a site visit which took place in January, the application was then deferred for further consideration of infill development and deferred again for further legal advice.
- (Slide) The site is located in the rural area as identified within the Northern Area Plan (NAP) 2016 and is approximately 2km south of Rasharkin.
- The location plan shows the site outlined in red to the Southwest of No. 344 Craigs Road, which is highlighted in pink. You can also see the old house and outbuildings to the SW which are also highlighted in pink.
- If we look at some of the photos of the site,
- (Slide) Taken from the corner of no. 344,
- (Slide) Taken from the end of the lane,
- (Slide) Outbuildings at the entrance to the curtilage of the old house.

- (Slide) Aerial view of the old building and its associated curtilage. You can see that the building doesn't have frontage onto the laneway
- (Slide) Next slide shows an aerial view of the location, for the purposes of clarity I have included the red line of the application site and that for LA01/2024/0172/O, which is also for infill development and is the next agenda item.
- (Slide) This next slide shows a breakdown of the application sites and the neighbouring plots.
- (Slide) Shows the 2 location plans, you'll note the curtilage of no. 344 is not accurate as it reflects a larger curtilage than is present.
- Policy CTY 8 outlines a presumption against development which creates or adds to ribbon development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses. The gap site must be within an otherwise substantial and continuously built-up frontage, which is defined as a line of 3 or more buildings along a road frontage. The development must respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.
- (Slide) When considered in the context of the policy criteria:
  - At 118m from building to building, the gap site could not reasonably be considered to be a small gap site.
  - And as shown on the previous slides the gap is not within a substantial and continuously built-up frontage, with the site affording broad open views across the surrounding countryside.
  - We can see that No. 344 Craigs Road is the only building with a frontage to the lane.
  - Information submitted in support of the application argues that the small garage associated with no. 344 and the buildings 118m to the south, contribute to the built-up frontage.
- The agent referred to a planning appeal ref. 2021/A0094 with regards including the garage of No. 344 Craigs Road within the assessment of a substantial and continuously built up frontage. In considering the appeal the commissioner stated that "the garage can be seen and sits in the landscape as a building in its own entity that is clearly detached from the dwelling".
- However, in this case, the garage belonging to No. 344 Craigs Road is very small in scale and is easily missed when travelling along the laneway. It could not be argued that the garage sits in the landscape as a building in its own entity, that is clearly detached from the dwelling.

- As highlighted earlier the garage has limited visual presence.
- The policy also states that development must respect the existing development pattern in terms of size, scale, siting and plot size.
- The plot width of No. 344 Craigs Road is 28.5m. Whilst it is not accepted that the buildings to the south have a frontage onto the lane, the plot has a width of 12.5m. Taken as an average this gives a plot size of 20.5m,
- Based on this average the gap could accommodate 5 dwellings as highlighted in green on the indicative plan. Members will be aware that the policy affords an exception for the development of a small gap site sufficient only to accommodate a maximum of 2 houses.
- (Slide) The next slide shows the area of each plot with No. 344 covering 690sqm, the plot to the SW measuring 912sqm. In contrast the plot associated with the application is 2832sqm with the second application exceeding 3000sqm.
- Therefore, it is clear that the proposal fails to meet any of the three tests outlined in the policy and as such is contrary to policy CTY 8.
- In addition to policy CTY8 the proposed pattern of development would be detrimental to the character of the rural area by creating ribbon development along this laneway, resulting in a suburban style build-up of development, and as such is contrary to policy CTY 14 of PPS 21.
- The proposal is contrary to policies CTY 1, CTY8 and CTY14 of PPS 21
- Refusal is recommended.

The Chair invited questions from Elected Members for the Officer.

There were no questions for the Officer.

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

J Martin advised as follows:-

Prominent reason for refusal is paragraph 5.33 of PPS21 and the principle of ribbon development. Ribbon development is proven due to common frontage and visual linkage. Garage at no. 344 should be included within calculation as was case in appeal decision as it is clearly visible from laneway. Reference no 344, garage and old farmhouse the lane extends through site and there are 3 buildings to comply with policy. No 344 is larger than stated and is 40.5m and not 28.5 m. Ref LA01/2022/1581 there are new post and wire fence on site and therefore this has been implemented. In term of integration, it meets policy CTY8, 3 buildings have substantial built up frontage and gap for a

maximum of 2 dwellings and respects development limits and meets policies CTY13 and CTY14.

The Chair invited questions from Elected Members for the Speaker.

At the request of an Elected Member J Martin reiterated the sizes of the site at No 344 Craigs Road as 40.5m and not 28.5m as denoted by the post and wire fencing on site which had been approved.

At the request of an Elected Member J Martin advised that no consideration had been given to another building identified by the Elected Member as it was not considered to be part of a ribbon.

At the request of an Elected Member the Senior Planning Officer provided clarity on discrepancies on frontage length saying that calculation was based on what exists on ground. At 40.5 m, 3 dwellings can still be accommodated. The average calculation based on 3 dwellings can actually accommodate 4 dwellings based on average plot frontage. This is not a small gap site it is an agricultural field. Planning permission at no. 344 does not change gap length from building to building. The Planning Appeals Commission decision referred to by the speaker was a significant entity in its own right.

At this point the Head of Planning advised the Committee that if garage at no 344 was considered as part of the substantial and continuous built up frontage, the frontage at no 344 would be subdivided between house and garage reducing average plot size further.

The Senior Planning Officer said that the lane at the buildings to the south is no longer extended as part of the lane.

Proposed by Alderman Boyle

Seconded by Alderman Coyle

- 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.

The Chair put the Proposal to the Committee to vote.

6 Members voted For; 1 Member voted Against; 5 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** full planning permission subject to the reasons set out in section 10.



## **5.9 LA01/2024/0172/O, Referral, Approx. 75m South West of 344 Craigs Road Rasharkin**

Report, presentation, addendum, speaking rights template and site visit report were previously circulated.

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

**App Type:** Outline

**Proposal:** Proposed Infill Dwelling and Garage

### **Recommendation**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** 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 as set out in Section 1 of the Planning Committee report.

The Presentation at 5.11 - LA01/2024/0170/O, Referral, Approximately 35m South West of 344 Craigs Road Rasharkin refers.

The narrative from the speaker at 5.11 - LA01/2024/0170/O, Referral, Approximately 35m South West of 344 Craigs Road Rasharkin refers.

The Head of Planning advised that this was a sister application in respect of agenda item 5.11 - LA01/2024/0170/O, Referral, Approximately 35m South West of 344 Craigs Road Rasharkin.

The Head of Planning sought the direction of the Planning Committee.

Proposed by Councillor McMullan

Seconded by Alderman Coyle

- 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.

The Chair put the proposal to the Committee to vote.

7 Members voted For; 1 Member voted Against; 4 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** full planning permission subject to the reasons set out in section 10.

- \* **Having declared an interest Councillor C Archibald left the Chamber at 2.05 pm.**

**5.10 LA01/2022/0779/O, Referral, Land at 200metres Northwest of no. 293 Drumsurn Road, Drumsurn, Limavady**

Report, presentation, addendum, erratum site visit report and speaking rights template were previously circulated.

The application was presented by Senior Planning Officer R Berringer.

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

**App Type:** Full Planning

**Proposal:** A new one and a half storey dwelling on a farm. With associated ancillary works and water treatment system.

**Recommendation**

That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in section 10.

**Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application as set out in Section 1 of the Planning Committee report.

**Addendum 2 Recommendation**

It is recommended that the Committee note the contents of this Addendum and agree to refuse planning permission in accordance with Refusal Reasons 1, 2 and 3 of Section 10 of the Planning Committee Report.

The Senior Planning Officer presented via powerpoint as follows:

- LA01/2022/0779/F is a full application for a one and a half storey dwelling on a farm.
- The site is located on land 200 metres Northwest of No. 293 Drumsurn Road, Drumsurn.

- An erratum previously circulated amended the site address on the Planning Committee Report. A note of the site visit and addenda are also included with the Committee papers.
- The application was presented initially with a recommendation to refuse, in that, the proposal failed to meet the criteria for the principle of development under Policies CTY10 and CTY 13 as the proposal fails to visually link or cluster with a group of buildings on the farm. The recommendation was overturned by Planning Committee subject to the flood risk assessment being submitted.
- Prior to the submission of the FRA objections were received from 2 different addresses. The objections raise new material considerations that were not previously before the Committee. The consideration of the points raised is set out in Addendum 2.
- The application was returned to the Planning Committee last month to allow for the consideration of the points raised. The application was deferred for one month to allow for consideration to be given to the objections received.
- The points of objection set out in para 1.4 of the addendum, relate to flood risk concerns, concerns of flood impact to their land, potential infilling of a flood plain, loss of privacy/overlooking, siting of dwelling not beside the farm buildings and impacts on wildlife.
- (Slide) The site bound to the west by the watercourse.
- (Slide) The site in context with the farm buildings to the east
- (Slide) The existing access
- (Slide) Showing the site with views from the Drumsum Road
- (Slide) Showing the floor plans and the elevations
- (Slide) Showing the strategic flood and surface water flooding.
- (Slide) Submitted plan of the FRA showing the house outside the modelled FRA shown in the blue, the blue arrows depict the surface water flooding.
- DFI Rivers as the competent authority is content that the development is outside the flood plain and the proposal meets with planning policy FLD 1 of PPS 15. The objectors points in relation to infilling were also noted by DFI Rivers on their site visit. The agent and applicant deny any infilling in

the flood plain. DFI Rivers advised that it does not have any ground levels at the site other than those supplied in the application and therefore can't prove or disprove claims of flood plain infilling.

- The fourth refusal reason set out in the Planning Committee Report has been withdrawn.
- A Preliminary Ecological Assessment was also submitted and NED are content subject to a condition. (10m buffer to watercourse)
- The objectors dwellings across the water course, and as set out in the addendum sufficient separation exists to ensure no detrimental impact on amenity. (para 2.6 of Addendum 2)
- That concludes the presentation of the new material considerations following the (Feb) 2024 Planning Committee meeting, there has been no change in officer opinion as set out in section 10 of the Planning Committee Report. The Planning Committee resolved to approve the application at the February 2024 Committee meeting as per the minutes.

The Chair invited questions from Elected Members for the Officer.

An Elected Member asked the Senior Planning Officer of the status regarding the single farm payment in relation to this application. The Head of Planning advised that there was no issue in relation to the criteria for active and established farm business as per the Planning Committee Report.

The Senior Planning Officer advised that this application had been returned to the Planning Committee only to consider information contained within Addendum 2, previously circulated by way of objection.

The Chair invited N Lamb to speak in support of the application.

N Lamb advised as follows:-

This application was approved in principle in February 2024. Flood risk assessment accepted and is in compliance with paragraph 5 of PPS15. Refusal reason in relation to flooding has now been withdrawn. There has been no material change in detail to that approved in February 2024. Distance from farm building considered acceptable by Planning Committee. PEA submitted and NIEA satisfied with wildlife aspect. Request is for approval to be formalised. In relation to privacy and overlooking this has been satisfied reference paragraph 2-6 of addendum 2.

The Chair invited questions for the speakers from Elected Members.

At the request of an Elected Member regarding previous refusal reasons N Lamb advised that refusal reason was removed as the flood risk assessment aspect was now satisfactorily addressed.

At the request of an Elected Member the Senior Planning Officer confirmed that only the new information received as previously discussed was to be considered by the Planning Committee.

Proposed by Councillor McGurk

Seconded by Councillor McMullan

- That Planning Committee note the contents of this Addendum and disagree with Refusal Reasons 1, 2 and 3 of Section 10 of the Planning Committee Report and Approve application for the following reasons:-

- Satisfactory submission of flood risk assessment
- Information in objection letter dealt with at a previous Planning Committee meeting.
- Proposed dwelling is outside of flood plain.
- DfI Rivers are satisfied and have withdrawn issues previously raised

The Chair put the proposal to the Committee to vote.

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

The Chair declared the Motion Carried and the Application Approved.

**RESOLVED** – That conditions and informatives are delegated to Officers

\* **Councillor Archibald returned to the Chamber at 2.20 pm**

**5.11 LA01/2024/0666/S54, Referral, 16 Moneybrannon Road and Land to the rear of 18 and 20 Moneybrannon Road, Aghadowey, Coleraine**

Report, presentation, erratum site visit speaking rights template were previously circulated.

The application was presented by Senior Planning Officer E Hudson.

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

**App Type:** Section 54

**Proposal:** Removal of Condition 7 (Submission of Maintenance and Management of Open Space Communal Area) from C/2014/0306/F (Residential 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 conditions set out in section 10.

### **Erratum Recommendation**

That the Committee agrees with the recommendation to refuse as outlined in paragraph 1.1 of the Planning Committee Report.

The Senior Planning Officer presented via powerpoint as follows:

- (Slide) Planning Application LA01/2024/0666. This is a section 54 application to Remove Condition 7 (Submission of Maintenance and Management of Open Space Communal Area) from application C/2014/0306/F (Residential dwelling).
- There is an erratum to accompany your Planning Committee report. This makes a small amendment to the wording of the 2 refusal reasons.
- Site Visit undertaken on Monday.
- (Slide) This is the red line boundary of the site. The site is located in the Settlement Development Limit of Clarehill which is a small rural hamlet as designated in the Northern Area Plan 2016.
- (Slide) The planning history of the site and surrounding area is of main relevance to this application. The 5 dwellings located immediately south of the site were granted permission in 2014 and are now completed and occupied. As part of this permission the area of open space subject of this application was included in the red line of the site and shown undeveloped and landscaped as an area of open space for the housing development. The area is marked by the red star on the slide.
- (Slide) A subsequent application for a single dwelling was approved in 2018 in the linear piece of land to the west of the application site. This was application C/2014/0306/F and again on this permission the application site was undeveloped and landscaped as open space. The original submission of this later application was for 5 dwellings and included a dwelling on the open space area. This was considered unacceptable and subsequently removed and approved as open space. This application also placed a condition on the planning approval that the area should remain as public open space associated with the surrounding housing development and would remain as such. Details of the management and maintenance of this area of communal open space were to be submitted upon occupation of the dwelling. This dwelling is now occupied and to date no details have been submitted to the Planning Department.

- (Slide) A further application LA01/2020/0356/F was submitted on the site for a single dwelling in March 2020. This application was refused and agreed by the Planning Committee in the August meeting of 2022. The application was then subsequently appealed to the Planning Appeals Commission and in February 2024 the PAC agreed with the Council's decision and dismissed the appeal. A copy of the Commissioners decision is appended to the Committee report. The Commissioner acknowledged that the site was protected as open space under Policy OS 1 of PPS 8.
- This current S54 application seeks to remove condition 7 of C/2014/0306/F which seeks details of the maintenance and management of the open space to be delivered prior to occupation of the dwelling. This application seeks removal of the condition and would not permit any alternative use or development of the site. However, the referral request and agents speaking notes advise that the applicant wishes to build a dwelling on the site. Development of this type has previously been determined as unacceptable on previous application LA01/2020/0356/F which was agreed by the Planning Committee and subsequently the PAC.
- As the site is an area of open space there is a presumption against the loss of open space and it has not been demonstrated that the loss of open space will bring substantial community benefits or alternative provision has been made. The proposal is contrary to Policy OS 1 (Protection of open space) of PPS 8.
- (Slide) Looking at some photographs of the site. This is along the site frontage. You can see the 5 dwellings have been built to orientate towards the site with the open space providing natural surveillance and easy accessibility to the open space.
- (Slide) A closer view of the sales board for the development. You can see the area is laid out as open space.
- (Slide) Another view along the frontage looking down the Moneybrannon Road.
- (Slide) And then a final photo looking from the front of properties within Clarehill Court towards the site.
- The removal of condition 7 would result in the loss of open space. The layout of the access road and the orientation of the dwellings to the south were considered acceptable because they were facing towards an area of open space therefore it was considered intrinsic to the overall development of the site at that time and provided an attractive outlook as

well as an area of amenity value. The level of private amenity space to the rear of the 5 dwellings along the southern part of Clarehill Court is small and this area of public open space was seen to compensate for this as a communal area shared for recreation purposes. The open space also contributes to the character of Clarehill. The area of open space is considered necessary to provide an acceptable outlook to neighbouring dwellings as well as softening the impact of the development from along the Moneybrannon Road when taken in the context of this small rural hamlet. The proposal is considered contrary to Policy QD 1 of PPS 7 and Policy LC 1 of the addendum to PPS 7.

- 6 letters of objection have been received from 4 properties in Clarehill Court and one on the Moneybrannon Road. Objections are raised in relation to the proposed loss of open space which residents believe should be implemented and which formed part of the original development. They've also raised impact on quality of life, amenity, safety concerns and the site sitting as an eyesore.
- Our recommendation is to refuse planning permission as outlined in Part 10 of the Committee report.

The Chair invited questions from Elected Members for the Officer. There were no questions for the Officer.

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

J Simpson advised as follows:-

Site less than 25 units and within Clarehill Settlement limit and 30 mph speed and will not impact on development. There have been no objections from public or consultees. PPS8 provided for open development space on a site of 1 hectare or more. There are 6 dwellings on this site and a large open space opposite the development. Hopefully a positive decision can be reached.

The Chair invited questions for the speaker.

At the request of an Elected Member the Senior Planning Officer advised as follows:-

In 2007 original application for first scheme was approved following that the site was re-developed. The scheme was agreed for 5 dwellings fronting onto the open space with overlooking of the open space considered acceptable at that time. The Senior Planning Officer referred to Policy OS2 of PPS8 advising that it does allow for open space in smaller developments. Considerations include the character of the area, small hamlet aspect and softening character of area. She advised that the open space was conditioned



in later approvals. A number of objections were raised from nos 1, 3, and 6 regarding the removal of condition.

Proposed by Alderman Hunter

Seconded by Alderman Coyle

- That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in section 10.

The Chair put the Proposal to the Committee to Vote.

11 Members Agreed; 0 Member 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 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.

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

Report, presentation, addendum, objection, speaking rights template, correspondence and site visit reports were previously circulated.

The application was presented by Senior Planning Officer R McGrath.

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

**App Type:** Outline

**Proposal:** Site of Dwelling and Garage on a farm

#### **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 as set out in Section 1 of the Planning Committee report.

The Senior Planning Officer presented via PowerPoint as follows:

- Outline planning permission is sought for a dwelling and garage on a farm, on land approximately 228 metres South East of No. 39 Drones Road, Armoy.
- This application was presented to Planning Committee in March and was deferred for a site visit, it was presented to Planning Committee in April and deferred to allow for the submission of additional information.
- An addendum is included which provides a consideration on the additional information which was submitted on 20<sup>th</sup> June.
- There is also a Verbal Addendum as 2 objections were received after the cut off on Monday 23<sup>rd</sup> June.
- The objections do not relate to the planning application but to the potential use of an access onto Glenshesk Road at the main farm grouping. The objections indicate that they will not allow land within their ownership to be used to improve access onto Glenshesk Road. One of the objections is not specific about the location but it is understood that the objector lives on Glenshesk Road.
- The application site is located Southeast of 39 Drones Road which is within the rural area as identified in the Northern Area Plan 2016. The site accesses onto a protected route.
- The application is for a dwelling on a farm under policy CTY 10 of PPS21. Whilst the application is in accordance with criterion (a) and (b) of policy CTY10, criterion C requires the proposed building to be visually linked or sited to cluster with an established group of buildings on the farm.
- The proposed dwelling is sited beside a cattle crush, but this structure does not satisfy the requirements of the policy.
- The agent provided justification that the access arrangement at the main farm grouping is substandard, and that the applicant will require a family member to look after the animals on this land under animal welfare and highlights a previous decision by the Planning Committee where planning permission was permitted on grounds of health and safety due to the access arrangement.
- However, Policy CTY10 only allows an alternative site as an exception where there are "Demonstrable health and safety reasons or verifiable plans to expand the farm business." Neither exception has been demonstrated in this instance and there is ample opportunity to locate a

dwelling at the main farm grouping in accordance with the criterion of policy CTY10.

- The agent submitted a Planning Statement on 20<sup>th</sup> June 2025 which is covered in the addendum. The statement includes photos which show flooding of the low lying fields of the farm holding suggesting they are not suitable for a dwelling and that an alternative site would be classed as skyline development.
- The statement reiterates that the Glenshesk Road access is substandard and the application satisfies the exceptions for an access onto a protected route and that the application is in response to changing practices in farming and tighter regulation following the publication of “The Welfare of Farmed Animals (NI) Regulations 2012” and the “Animal Welfare Code of Practice 2012” which have placed greater emphasis on the welfare of animals. As such, the client needs a dwelling to ensure he can provide care for his animals and protect them from pain, suffering, injury and disease.
- The assumption that there are no suitable sites due to flooding is not accurate, as the only fields affected by flooding are the low-lying fields identified as 55, 1 and 8. The fields to the rear of the sheds are not affected by flooding and would satisfy the requirements of policy CTY 10. The applicants farm buildings on Drumavoley Road would also be suitable. It should also be noted that a portion of the field adjacent to the application site on Drones Road is also within the floodplain.
- The suggestion that an alternative site would be considered skyline is also not accurate as the steeply sloping landform of Knocklayd rises for 514m to provide adequate backdrop and offers ample opportunity for integration.
- With regards access onto a protected route, the proposal is not considered an exception under policy AMP 3, as the application does not meet the criteria set out in Policy CTY 10 of PPS 21. The access at 107 Glenshesk Road is substandard, as is the proposed access at Drones Road. The access at Drones Road will need to be upgraded to provide 2.4m x 142.0m, whereas the access at Glenshesk Road only requires 2.4m x 80.0m.
- Notwithstanding, there is a second access at the main farm grouping which was approved under E/2010/0129/F and would be suitable. There is an existing access at the Drumavoley Road site which would also be suitable and the roadside fields are within the farm holding, should the access need to be upgraded.

- In considering the animal welfare argument, the application is for a residential dwelling and does not include proposed farm buildings for the purposes of animal welfare. There is no requirement within the animal welfare regulations which would require a residential dwelling. The farm holding is made up of 6 separate parcels of land spread over the surrounding area, it is not reasonable to suggest that a residential dwelling would be necessary to ensure animal welfare. The holding already has farm buildings at multiple sites which should be adequate to deal with welfare and expansion of existing sites would be preferable.
- The policies contained in PPS 21 seek to ensure that development in the countryside is facilitated in a sustainable manner. Clustering development together not only limits the visual impact of development on the landscape, but it also limits the social isolation which often impacts rural communities. It allows neighbours and families to provide care and support, strengthening social cohesion.
- The proposal is contrary to Policy CTY1, CTY10, CTY 13, of PPS 21 and Policies AMP2 and AMP3 of PPS 3, refusal is recommended.

The Chair invited questions from Elected Members for the Officer. There were no questions for the officer.

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

J Simpson advised as follows:-

There is no objection to the application on site itself only in relation to access. DARD confirmed established farm business for over 6 years. Application is necessary as a result of a growth of development of the business which is a credit to their ID no.

The application complies with policies AMP 2 and 3 where granted for farm dwelling and meets planning policy. Proposal required on farm holding close to agricultural yard and facility close to facility to care for herd as requested by DARD. Clusters with cattle crush. The application complies with para.6.70 of SPSS and policy CTY13. There are health and safety reasons for avoiding Glenshesk Road as access is sub-standard and unsuitable as confirmed by DfI Roads. Applicant does not own lane only right of way so has no authority to improve conditions. Dwelling is well integrated with existing buildings with no harmful visual impact, good access and visibility and screened by mature trees. The site is 180m from Drones Road, is a single dwelling access and screened from public view.

The Chair invited questions for the speakers from Elected Members.

An Elected Member sought clarity regarding DARD guidance. J Simpson advised that there were over 100 acres of land and welfare of the animals to be factored in and stated that the applicant was a major sheep farmer requiring a high level of commitment during lambing season.

At the request of an Elected Member the Senior Planning Officer advised that there were no plans for agricultural buildings at the application site at this time and said that the cattle crush did not constitute a building for the purposes of policy CTY10. There is an unwillingness by the landowner of the laneway at Glenshesk Road to permit access requested.

Proposed by Alderman Coyle

Seconded by Alderman Boyle

- That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** full planning permission subject to the reasons set out in section 10.

The Chair put the Proposal to the Committee to Vote.

8 Members voted For; 0 Members voted Against; 4 Members Abstained.

The Chair declared the Motion Carried and the Application Refused.

\* **The Chair declared a comfort break at 3.05 pm**

\* **The meeting reconvened at 3.10 pm**

\* **The Head of Planning undertook a roll call.**

\* **Councillor Storey did not return to the meeting.**

## **6. CORRESPONDENCE:**

### **6.1 Council letter to BT re retention of red kiosks**

Copy, previously circulated, presented as read by the Development Plan Manager.

Planning Committee NOTED the correspondence.

### **6.2 Council letter to HED re listing of telephone kiosks**

Copy, previously circulated, presented as read by the Development Plan Manager.

Planning Committee NOTED the correspondence.

### **6.3 Review of the Planning (Development Management) Regulations (NI) 2015 - Update letter to HoPs and invite to workshop**

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

The Head of Planning advised of the update received in relation to DfI ongoing review of the Planning (Development Management) Regulation (Northern Ireland) 2015 and asked that nominees to workshop, details undernoted be provided to her by close of play on Friday 27 June 2025 in order to meet with Department deadline of Monday 30 June 2025.

**Date:** Friday 26 September 2025

**Time:** 10 am – 1 pm

**Venue:** James House, Belfast

Planning Committee NOTED the correspondence.

### **6.4 DAERA – Launch of the Consultation on the Draft remediation Strategy for Mobuoy Site.**

Copy, previously circulated, presented as read by the Head of Planning.

Planning Committee NOTED the correspondence.

## **7. REPORTS FOR DECISION**

### **7.1 Housing Research Study - Possible Workshop Dates**

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

#### **Purpose of Report**

The purpose of this Report is to seek agreement on a suitable date for a workshop to discuss the Ulster University (UU) Independent Housing Study interim findings.

#### **Background**

The Independent Housing Study is being undertaken in two phases:

- Phase 1: Data Collection; and
- Phase 2: Stakeholder Engagement

Phase 1 of the Study is now complete, with the Interim Report circulated to Planning Committee Members on 11<sup>th</sup> June 2025. Phase 2 of the Study is about to commence.

Members will be aware of the agreement, at the 28th May 2025 Planning Committee, to hold a workshop to discuss the interim findings.

Due to diary commitments and summer recess the following dates are available:

- Thursday 28<sup>th</sup> August 2025;
- Tuesday 2<sup>nd</sup> September 2025; and
- Wednesday 3<sup>rd</sup> September 2025.

The final report, scheduled for completion by the end of September 2025, will form an important part of the robust evidence base informing the preparation of the of the LDP, including the new dwelling requirement for the Borough.

### **Recommendation**

**IT IS RECOMMENDED** that the Planning Committee note the content of this Report and agree to one of the dates, set out at paragraph 2.4 of the report, to hold the workshop to discuss the interim findings.

Discussion ensued regarding viable date options and method of engagement and the Officer advised Elected Members that if they wished to attend via MS Teams their camera should be on at all times and no-one else present in the room due to the confidential nature of the document.

Proposed by Alderman Callan  
Seconded by Councillor Watton and

**RESOLVED** - That the Planning Committee note the content of this Report and hold a hybrid workshop in the Council Chamber, Civic Headquarters, Cloonavin on Thursday 28<sup>th</sup> at 1 pm to discuss the interim findings.

## **8. REPORTS FOR NOTING**

### **8.1 Quarterly LDP Update June 2025**

For information report, previously circulated, was presented by the Development Plan Manager.

#### **Purpose of Report**

To provide Members with an update on preparation of the Local Development Plan (LDP).

#### **Background**

Under the Planning Act (Northern Ireland) 2011 and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Council has a statutory duty to prepare an LDP for its Borough, which will, when adopted, replace the current Northern Area Plan (NAP) 2016.

In addition to this, the SPPS sets out that councils must ensure that both LDPs and planning decisions are informed by robust and up to date evidence in relation to retail need and capacity.

### **Studies to inform the LDP Preparation**

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.

### **Housing Study**

At the request of Members, Ulster University (UU) was employed to carry out independent housing research on the new dwelling requirements in the Borough. The Study is being undertaken in two phases. Phase 1 is now complete and the interim report was circulated to Members on 11<sup>th</sup> June 2025. Phase 2 (stakeholder engagement) is about to commence. The final report, scheduled for completion at the end of September 2025, will inform the LDP preparation.

### **Retail & Leisure Capacity Study**

The previous Retail & Leisure Capacity Study for the Borough was undertaken in 2017. Given the intervening period and in response to a number of out of town planning applications and related appeals, an update (on the retail capacity element only) was undertaken in 2020. A new, full Study is now required to ensure that the Council is taking decisions based on the most up to date evidence relating to its Borough. The Council's has engaged Nexus Planning (who carried out the previous study and update) to undertake the Study. Work has now commenced and is due to be completed in October 2025.

### **Recommendation**

**IT IS RECOMMENDED** that the Planning Committee note the content of this Report.

Planning Committee NOTED the report.

## **8.2 ICF 2024/25 Annual Report**

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

The Head of Planning provided narrative on the report.



Planning Committee NOTED the report.

**MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Councillor McMullan

Seconded by Councillor Kennedy and

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

- \* **Press and Public were disconnected from the meeting 3.25pm**

*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.*

**9. CONFIDENTIAL ITEMS**

**9.1 Verbal Update on Legal Issues**

The Head of Planning provided a verbal update in respect of Infill Dwelling at East Road Drumurn (LA01/2020/1235/O) and Hotel at Ballyreagh Road, Portstewart (LA01/2016/1328/F).

**MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Councillor McMullan

Seconded by Alderman Boyle and

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

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

There were no items of Any Other relevant Business.

This being all the business the meeting closed at 3:35 pm.

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Chair