

**PLANNING COMMITTEE MEETING HELD
WEDNESDAY 27 AUGUST 2025**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Councillor C Archibald</i>
2.	Declarations of Interest	<i>Alderman Boyle, Councillor Kane, Storey</i>
3.	Minutes of Planning Committee Meeting held Wednesday 25 June 2025	<i>Confirmed as a correct record</i>
4.	Order of Items and Confirmation of Registered Speakers	<i>Confirmed</i>
5.	Schedule of applications	
5.1	LA01/2025/0393/CLEUD (Council), Causeway Coast and Glens Borough Council, Depot & Recycling Site, Unit 5, Loughanhill, Industrial Estate, Coleraine	<i>Agree and Certified</i>
5.2	LA01/2025/0378/F (Council), Adjacent to 215 Seacon Road, Ballymoney	<i>Agree and Approved</i>
5.3	LA01/2025/0012/F (Council), Dungiven Sports Centre, 32 Curragh Road, Dungiven	<i>Agree and Approved</i>
5.4	LA01/2023/0582/O (Referral), Land 25m East of 62 Ballywoodock Road, Castlerock	<i>Deferred for 1 month for a review of the process that led to the submission of two separate applications</i>
5.5	LA01/2023/0583/O (Referral), Land 30m West of 68 Ballywoodock Road, Castlerock	
5.6	LA01/2024/0718/F (Referral), Lands 70m West of No. 47 Newmills Road, Coleraine	<i>Disagree and Approved</i>
5.7	A01/2023/0482/F (Referral), Lands approximately 146m SW of no. 132 Clooney Road, Eglinton	<i>Defer for Site Visit</i>
5.8	LA01/2024/1244/F (Referral), Site off Rose Park Limavady, (South of 46 Rose Park & 2 Rose Gardens)	<i>Agree and Refused</i>

6.	Correspondence	
6.1	The Planning Miscellaneous Amendments Regulations Northern Ireland 2025	Noted
6.2	Council - Consultation letter on proposed Reservoirs grant scheme. June 2025	Noted
6.3	DAERA RBMP 4th Cycle Consultation	Noted
6.4	DC&SDC Notice of PS Adoption 100725	Noted
6.5	Letter to Oliver McMullan	Noted
6.6	NM&D Notice of LDP dPS publication	Noted
6.7	Publication of Model Licence Conditions	Noted
6.8	Shaping Sustainable Places Public Consultation	Noted
6.9	PAC Decision 2023/A0099 Magheramore Road Wind Farm, Dungiven	<i>That Planning Committee seek Counsel advice, who has extensive experience in the issues raised, primarily around the Climate Change issues raised, to explore what options Council could take and whether there were grounds to challenge the PAC decision.</i>
7.	Reports for Decision	
7.1	TPO Confirmation 28-32 Carncullagh Road Dervock	<i>That Planning Committee approve Option 1: Resolve to confirm the TPO with modifications as detailed above.</i>
8.	Reports for Noting	
8.1	Annual Report on Planning Performance 24/25	<i>That Planning Committee agree, in principle, to look at the Scheme of Delegation with the potential to review it</i>

8.2	Planning Finance Report Period 1-2 2025/26	<i>Noted</i>
8.3	Planning Finance Report Period 1-3 2025/26	<i>Noted</i>
8.4	6-month LDP Work Programme (Jul-Dec 2025)	<i>Noted</i>
8.5	BT Payphone Removal	<i>Noted</i>
	<i>'In Committee' (Item 9-9.1 inclusive)</i>	
9.	Confidential Items	
9.1	Verbal Update on Legal Issues	<i>None</i>
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<i>None</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND
VIA VIDEO CONFERENCE
ON WEDNESDAY 27 AUGUST 2025 AT 10.30AM**

Chair: Councillor Kane (C) (Items 1 – 5.7 and 6-10)
Alderman Coyle, Vice Chair (C) (Item 5.8)

Committee Members: Alderman Boyle (C), Callan (R), Hunter (R), S McKillop (R),
Scott (C)
Councillors Anderson (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)
R McGrath, Senior Planning Officer (C)
J McMath, Senior Planning Officer (C)
R Beringer, Senior Planning Officer (C)
M Wilson, Senior Planning Officer (C)
A Hamilton, Democratic and Central Services Manager (C)
J Keen, Committee & Member Services Officer (R/C)
S Duggan, Committee & Member Services Officer (C/R)

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

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

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

Registered Speakers

Application No	Name
LA01/2023/0582/0	Ryan Brace (C)
LA01/2024/0718/F	Matt Kennedy (C) Maurice Bradley (C)
LA01/2023/0482/F	Matt Kennedy (C)
LA01/2024/1244/F	Richard Moore (C)

	Gemma Jobling (C)
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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 Councillor C Archibald.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for Alderman Boyle in LA01/2024/1244/F (Referral), Site off Rose Park Limavady, (South of 46 Rose Park & 2 Rose Gardens). Having declared an interest, Alderman Boyle left the meeting during consideration of this item and did not vote.

Declarations of Interest were recorded for Councillor Kane in LA01/2024/1244/F (Referral), Site off Rose Park Limavady, (South of 46 Rose Park & 2 Rose Gardens). Having declared an interest, Councillor Kane left the meeting during consideration of this item and did not vote.

Declarations of Interest were recorded for Councillor Storey in LA01/2025/0378/F (Council), Adjacent to 215 Seacon Road, Ballymoney. Having declared an interest, Councillor Storey left the meeting during consideration of this item and did not vote.

* **Alderman S McKillop joined the meeting remotely at 10:36am**

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 25 JUNE 2025

Proposed by Alderman Scott

Seconded by Alderman Coyle

– That the Minutes of the Planning Committee Meeting held Wednesday 25 June 2025 are signed as a correct record.

The Chair put the motion to the Committee vote.

15 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 25 June 2025 are signed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair confirmed the order of items as per the schedule of applications.

There were no requests for site visits at this stage of the meeting.

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2025/0393/CLEUD, Council, Causeway Coast and Glens Borough Council, Depot & Recycling Site, Unit 5, Loughanhill, Industrial Estate, Coleraine

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

Council Interest Application to be considered by the Planning Committee.

App Type: Certificate of Lawfulness of Existing Use or Development

Proposal: The site has been used as a Council operational services depot for in excess of 5 years. The operations undertaken on site include the storage, bulking and transfer of waste, storage of skips and equipment storage.

Recommendation

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 and the legislation in section 6 resolves to certify as lawful the application proposal.

The Development Management and Enforcement Manager presented as follows:

- **Application Type:** This application is not a planning application but rather is a Certificate of Lawful Use or Development (CLUD). Unlike assessment of a planning application, the planning merits are not relevant. Neither are CLUD applications subject to consultation. Planning legislation sets out that development (without planning permission) that subsists for a period of five years becomes lawful. A CLUD application does not make development lawful, rather it certifies the development as lawful.
- **Scheme of Delegation:** This application is presented to Committee as a Council Interest item.
- **Planning History:** Planning permission was granted in April 1999 for a “Civic amenity facility and relocation of existing car park”. This identified the area subject of the CLUD proposed to be laid out in hardstanding and grass. It was not shown to be an “active” area of the site.

- Evidence: A supporting statement has been provided with the application to demonstrate some use of this area of the site since 2003 and since 2010 more extensive use of the site for the storage of skips and storage bays in place. Satellite images are provided for various years up to 2022 to show use of the site for this purpose. An affidavit from the Operations Manager of the Coleraine Household Waste Recycling Centre and Depot states, broadly, that for a period of 22 years the Council has used the old civic amenity site for spare containers, road sweeping waste, use of a compactor for street cleansing waste, general storage and changing over of containers. All this points to the use of this area being established for in excess of five years leading up to the date of the application.
- Recommendation: The Planning Department is content with the evidence presented that on the balance of probability the site has operated for a continuous period of 5 years prior to and up to the date of submission of the application.

The Development Management and Enforcement Manager provided a verbal addendum as follows:

- A submission was received yesterday from a Neil Taggart. This has been circulated. This comments that as a CLUD application, it is not subject to advertisement, notification or normal environmental scrutiny. He questions whether this is an attempt to circumvent the normal policy, environmental scrutiny and objections. He provides a Google Earth image from 2023 which he states seems to show the storage bays empty, suggesting the use has not been continuous. He asks would it not be good practice for the Council to hold itself up to the normal policy and environmental scrutiny that a normal planning application would entail.
- Response - A CLUD application is not a planning application and is not subject to the same processes. The Council is at liberty to submit such a CLUD application. The Google Earth image provided from 2023 shows the presence of some skips or similar across the site, albeit slightly less than that in 2022. The Planning Department has sourced a satellite image from April 2025, the date of submission of the CLUD application, which shows use of the site. It remains that the Planning Department is content with the evidence and the CLUD Certificate can issue.

There were no questions put to the Officer.

Proposed by Councillor Anderson
Seconded by Councillor McMullan

- That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 and the legislation in section 6 resolves to certify as lawful the application proposal.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

RESOLVED - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 and the legislation in section 6 resolves to certify as lawful the application proposal.

* **Having declared an interest, Councillor Storey left the Chamber at 10:45am.**

5.2 LA01/2025/0378/F, Council, Adjacent to 215 Seacon Road, Ballymoney

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

Proposal: Proposed Single Storey Dwelling (Amended Site Plan)

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 as set out in section 10

Senior Planning Officer presented via powerpoint as follows:

- (Slide) Planning Application LA01/2025/0378 is a full application for Proposed Single Storey Dwelling Adjacent to 215 Seacon Road, Ballymoney
- (Slide) The site is located to the front of no. 215 Seacon Road and it is with the Settlement Development Limit of Ballymoney. The surrounding area is suburban in character
- (Slide) This is the site, marked by the red star, within the wider context of the site. The immediate residential character along this south-western side of Seacon Road comprises low density development consisting of detached single-storey dwellings set back from the public road with increasingly large plots and front gardens. Beyond No 207 the character changes somewhat due to fairly recent residential development schemes utilising front garden

areas which extends development to the public road. These recent developments remain within the context of the subject site and although not directly comparable to the current scheme, have had the effect of introducing a similar form of development within the wider site context.

- (Slide) Site layout plan. The proposed development will utilise the existing access into the site which serves the existing dwelling at no. 215. The proposal is for a small scale single storey dwelling presented gable on to the road. There are existing trees along the eastern boundary with no. 217 and additional low level planting will be provided along this boundary to ensure privacy to no. 217 is protected. A fence is provided along the southern boundary of the site between the proposed dwelling and existing dwelling at no. 215 to ensure privacy and amenity is maintained between the 2 properties. In terms of amenity the dwelling is sited approx. 3.5 m from the shared boundary with no. 217. In order to provide adequate private amenity space for the proposed dwelling an area measuring approx. 11m x 6 m is provided immediately adjacent to the southern elevation of the dwelling. There is approximately 16 metres between the gable of the dwelling to the front of the existing dwelling. Overlooking is not a concern due to the low level and single storey nature of both dwellings.
- (Slide) The dwelling is of contemporary design which is reflective of the linear form found within the locality. It is modest in scale with a 5 m ridge height. Materials include white render and timber with black concrete tiles.
- (Slide) Existing dwelling at no. 215 which is of a similar height to the proposed dwelling.
- (Slide) A view of the site and the boundary with no. 217. The topography of the site is flat and will have a similar finished floor level to the existing dwelling.
- (Slide) A view looking across the site to the roadside boundary. The area for the proposed dwelling is well enclosed and screened from the public road.
- (Slide) A view across the site from the shared driveway.
- (Slide) A view from the Seacon Road looking towards the site. The mature trees on the neighbouring properties and the roadside hedging help in screening the site.
- (Slide) Another longer view from the Seacon Road. The adjacent sites have a much more open character whereas the proposed site is more enclosed with screening.

- The proposal has been considered against all relevant policy including the SPPS, PPS 7, Addendum to PPS 7, DCAN 15 and Creating Places and is considered acceptable. There have been no 3rd party objections or consultee concerns, approval is recommended.

There were no questions put to the Officer.

Proposed by Councillor Anderson

Seconded by Alderman Scott

- 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 as set out in section 10

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved

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

* **Councillor Storey rejoined the meeting in the Chamber at 10:54am**

5.3 LA01/2025/0012/F, Council, Dungiven Sports Centre, 32 Curragh Road, Dungiven

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

Council Interest Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Installation of a security container to provide amenities for sports club.

Recommendation

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

Senior Planning Officer presented via powerpoint as follows:

- Full planning is sought for a security container to provide amenities for the sports club at the Dungiven sports pitches on Curragh Road.
- The security container is to be sited along the southern boundary of the bowling green approx. 50 m back from Curragh Road.
- The site is located within the Settlement Development Limit of Dungiven and is identified as a major area of existing open space as defined in Northern Area Plan.
- The site is surrounded by the sports complex on 3 sides with residential properties located to the west.
- The topography of the site slopes down from Curragh Road to the bowling green for a distance of approx. 50m.
- The structure measures 9.8m (L) x 3m (W) x 2.2m (H), is finished in metal cladding, in a colour to match the existing pavilion, it will contain toilets and a changing area. It is to be set within the existing grass slope with grading works and a new retaining wall.
- The background to the application is that the site has been used as sports pitch since approved in 2004, it was redeveloped in 2015 to the current sports centre complex and pitches and the bowling green relocated to this site when approved in 2021.
- The proposed development does not represent a loss of open space but rather the provision of facilities in direct association with and to meet the needs of the bowling club which operates outside the normal operating hours of the sports centre, the proposal complies with policy OS1 of PPS8.
- The proposal is to cut a flat section into the slope to create a flat platform to set the structure on so that it is level with the bowling green. This will result with only 1.2m of the structure being visible above the finished ground level, any visual impact is obscured further by the proposed planting scheme. In addition, due to the lower topography, existing boundary definition and the separation distances of approx. 14 metres the proposal will not have a detrimental impact on residential properties. The proposal complies with PPS8 and Policy DES2 of The Planning Strategy for Rural Northern Ireland. The use, siting and design is in keeping with the surrounding context and integrates visually and functionally within the wider sports complex.
- Approval is recommended.

There were no questions put to the Officer.

Proposed by Alderman Scott

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.

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

The Chair declared the motion carried and application approved.

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

5.4 LA01/2023/0582/O (Referral), Land 25m East of 62 Ballywoodock Road, Castlerock

Report, presentation and speaking rights template for R Brace were previously circulated and presented by Senior Planning Officer R McGrath.

Referral Application to be determined by Planning Committee

App Type: Outline

Proposal: Proposed 1no. infill 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.

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.

Erratum Recommendation

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

Erratum 2 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 power point presentation as follows:

- (Slide) LA01/2023/0582/O is an Outline application for the provision of 1 no. Infill dwelling at Land 25m East of 62 Ballywoodock Road, Artidillon, Castlerock.
- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning Permission.
- The application was deferred from the February Committee Meeting to allow members to consider legal advice in relation to infill dwellings and further deferred from the May Committee Meeting to facilitate a site visit. The site visit was carried out on Monday 23rd June 2025. The application was then deferred so the Agent could be invited to comment.
- 1 objection has been received in relation to this application.
- (Slide) The site is located in the rural area as defined in the Northern Area Plan 2016.
- (Slide) The application site as defined by the red line boundary comprises an irregular shaped plot which forms the south western corner of a wider agricultural field and abuts the Ballywoodock Road. The western boundary of the site is defined by hedgerow while the southern roadside boundary is delineated by post and wire fencing and a low level bank. The remaining boundaries are undefined.
- There is no previous planning history on the site. Planning history on the adjacent lands to the east of the application site is set out in Section 3 of the Planning Committee Report.
- (Slide) 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 west of the application site is a dwelling and associated outbuildings at No. 62 Ballywoodock Rd. To the east of the application site are the

dwellings at Nos. 68 and 70, which are separated from the application site by the remainder of the agricultural field frontage which comprises the extent of current planning application LA01/2023/0583/O.

- 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.
- The average frontage measurement along the substantial and continuously built-up frontage is 32.9m.
- 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 dwellings at No. 62 and No. 68 is approximately 152m.
- When assessed against the average plot widths along the frontage, the gap is capable of accommodating 4 dwellings.
- As the gap can accommodate more than two dwellings when assessed against the existing character/pattern of development the gap cannot be considered to be a small gap site.
- (Slide) The average plot size of the plots within the built-up frontage = 1880 square metres, although it is noted that there plot sizes vary significantly within the frontage.
- The application site has a plot area of approximately 2900 square metres which, while being smaller than the largest plot in the frontage is significantly larger than the average plot size and the majority of plots in the frontage. In considering the combination of plot width and plot size the application site fails to respect the existing pattern of development along the frontage.
- Additionally, the infilling of this site would add to existing development along the road frontage, further eroding the rural character and resulting in the creation of ribbon development, which is detrimental to the character, appearance and amenity of the countryside.
- 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 Creation of Ribbon Development along Ballywoodock Road

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 creation of Ribbon Development along Ballywoodock Road the application fails to comply with Paragraph 6.70 of the SPPS and Policy CTY14.
- (Slide) As this is an outline application no detailed plans have been submitted regarding the design of the dwelling.

Integration

- Views of the application site are available in both directions along the Ballywoodock Road.
- From these approaches and when passing the site frontage the application site will be readily visible with a lack of established natural boundaries ensuring direct and sustained views of the site.
- From these critical viewpoints, the extent of gap between buildings is clearly evidence and highlights the importance of the visual break between the buildings within the frontage in maintaining the rural character of the area.
- Given the lack of mature vegetation to the existing site boundaries the application site lacks a suitable degree of screening or enclosure to allow a dwelling to satisfactorily integrate. This issue will be further compounded due to large amounts of the roadside vegetation being removed to facilitate the necessary access arrangements.
- As the proposed dwelling would fail to satisfactorily integrate within the landscape the proposal fails to comply with Paragraph 6.70 of the SPPS and Policy CTY13 of PPS21.
- (Slide) View of the application site frontage. You will note the sporadic nature of the roadside vegetation which, as mentioned earlier, would largely be required to be removed to facilitate access arrangements. Again, you can perceive the size of the gap to development to the east of the site.
- (Slide) View of the application site when viewed from the east when passing No. 68. Again, the extent of gap between buildings is evidence and highlights the importance of the visual break between the buildings within the frontage in maintaining the rural character of the area

- (Slide) View of the application site from the site frontage.
- Established boundary of No. 62 to the western site boundary and undefined boundaries to the north and eastern boundaries.
- Consultation was carried out with DFI Roads, Environmental Health, NI Water, DAERA Water Management Unit, and City of Derry Airport who have raised no concerns.
- In Conclusion the proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY8, CTY13 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 result in the creation of ribbon of development along Ballywoodock Road and would fail to satisfactorily integrate.
- In addition, no overriding reasons have been forthcoming as to why the development is essential, therefore the proposal is contrary to policy CTY1.
- Refusal is recommended.

In response to questions, the Senior Planning Officer advised the measurements were taken from building to building, there would be a minor change to the measurement if the garage was taken into account.

The Head of Planning cited from policy CTY8 which states measurements can be taken from a dwelling or building and confirmed the measurement from dwelling to garage is being sought.

In response to questions regarding the language used the Senior Planning Officer advised that the key word is small and cited from the Committee report to highlight the need for relief and visual break.

In response to questions regarding whether there was a physical dwelling in the location adjacent to the site being discussed, the Senior Planning Officer advised this would dramatically change the character of the setting.

The Head of Planning advised that the policy refers to buildings and dwellings that are in existence and the policy needs to be applied to what exists. The Head of Planning referred to PAC decisions that referred to buildings existing rather than unbuilt planning permissions and the East Road Drumsum Judgment which included reference to material facts on the ground.

The Senior Planning Officer advised that the measurement between the dwelling and the garage is 137.5m which is still a significant gap. It is not close to the pattern of development.

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

R Brace stated that this application is part of a collective as the second application is next on the Agenda. R Brace stated that he initially submitted the applications together as one application but was told he had to submit them separately.

R Brace stated that when reviewing the proposals together they would complete the frontage infilling between no's 62 to no 68, that when the buildings and landscaping are in place the relationship between each of the buildings is 40m. There is no one character that defines the area and the site can be enhanced with additional landscaping.

R Brace stated that no. 62 has a plot area of 0.91ha Site 1 has a plot area of 0.7ha Site 2 has a plot area of 0.67ha. no. 68 has a plot area of 0.5ha no. 70 has a plot area of 0.48ha, the frontage is irrelevant, as the test is the measurement between buildings.

In response to questions about being asked to submit two separate applications, R Brace stated he had initially submitted one application for the two infill sites and is unsure of the reason why he was asked to separate applications as this allows the assessment to be distorted.

In response to questions about the distance between the buildings, R Brace stated that when the buildings are positioned in place, the frontage is 40m between the four houses, it is equal and the plot size is consistent. R Brace stated that this is an Outline application, it is not definitive and this is a visual test, when the buildings are in place it is acceptable.

The Senior Planning Officer advised that Policy states that it is not acceptable to show that 2 houses fit on the site, frontage of existing buildings and the character of the area also need to be considered.

In response to further questions about the agent being told to submit two applications, the Head of Planning stated that two infill sites can be submitted as one application or as 2 separate applications. She further provided an outline of what was on the Planning system and confirmed that there was no evidence of one application being submitted but instead 2 applications. The Head of Planning stated that the issue is the gap being sufficient to accommodate a maximum of two dwellings, that the application has to be tested against Policy, irrespective of whether the 2 infill dwellings are submitted as one application or 2 applications as the case here.

- * **The Chair declared a recess at 11:49am to allow the Head of Planning to obtain further information held on the Planning system regarding what led to two separate planning applications being submitted.**
- * **The meeting reconvened at 12:03pm.**

The Head of Planning referred to correspondence on two previous applications which were returned invalid and confirmed the paperwork is in place.

R Brace stated that one application was submitted on 13 March 2023 and there was receipt of payment, it was returned for the postal address to be confirmed and resubmitted on 6 June 2024 as a single application and was told that each site was to be referenced separately. R Brace stated there was no benefit of doing this but felt it would help the process.

The Head of Planning sought clarity regarding the email correspondence.

Councillor Storey stated it would not be appropriate to continue on the basis of what he said/she said and proposed to defer the application until an investigation into the processing of this application has been completed.

Proposed by Councillor Storey

Seconded by Alderman S McKillop

- That the Committee defer applications LA01/2023/0582/O, Land 25m East of 62 Ballywoodock Road, Castlerock and LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock are deferred for 1 month for a review of the process that led to the submission of two separate applications.

The Chair put the motion to the Committee to vote.

13 Members voted For; 0 Members voted Against; 2 Members Abstained.

The Chair declared the motion carried and applications deferred.

RESOLVED - That the Committee defer applications LA01/2023/0582/O, Land 25m East of 62 Ballywoodock Road, Castlerock and LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock are deferred for 1 month for a review of the process that led to the submission of two separate applications.

5.5 LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock

Report, presentation, addendum, erratum and speaking rights template for R Brace were previously circulated.

Referral Application to be determined by Planning Committee

App Type: Outline

Proposal: Proposed 1no. infill 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.

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

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.

Erratum 2 Recommendation

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

Resolution as per previous application.

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

Report, presentation, addendum, speaking rights templates for M Kennedy and M Bradley were previously circulated and presented by Senior Planning Officer R Beringer.

Referral Application to be determined by Planning Committee

App Type: Full Planning

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

Recommendation

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

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse planning permission as set out in paragraph 9.1 of the Planning Committee Report.

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse planning permission as set out in paragraph 9.1 of the Planning Committee Report.

Senior Planning Officer presented via power point presentation as follows:

- LA01/2024/0718/F is a full application for the retention of a change of use and reuse of former poultry shed site to storage facility for touring caravans and boats, and self-storage; provision of site office, security fence/wall, modifications to entrance and proposed landscaping measures.
- A Committee Report, two Addenda and a Site Visit Report accompany this application.
- By way of a verbal erratum – to correct the 4th refusal reason, the reason should stop at 'rural character'.
- This application was last presented to the Planning Committee in April and was deferred to seek clarity of the issue of the Farm Business ID number. A site visit took place on Monday 28th April.
- (Slide) The roadside site is located within open countryside as defined within the Northern Area Plan 2016. The former use of the site was agricultural poultry shed.
- (Slide) The proposal relates to a change of use from an agricultural site to a B4 storage use. The development comprises containers laid out as shown in the block plan, with security fencing around the site.
- (Slide) Image of farm lands (as contained in pack)
- (Slide) Image of 2025 farm map

- (Slide) The poultry shed and mature roadside hedging that has been removed.
- (Slide) The site as it is now.
- Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside. Of those types of development listed, two are relevant to this application; Farm diversification, in accordance with Policy CTY 11 and industry and business uses in accordance with PPS 4.
- The established use of the site is as agricultural poultry shed. The application is for a storage facility which falls under use class B4 Storage and Distribution under the Planning (Use Classes) Order (NI) 2015 and a change of use application was required.
- As set out in the Planning Committee Report the agent argues that the poultry shed was an existing economic use. This is incorrect. The preamble of PPS4 explicitly states, "For the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2004".
- Agriculture is not listed as one of those uses.
- The agent has referred to the application being considered under farm diversification as set out in the report. DAERA had advised that the farm business ID submitted with the application was redundant as there had been no agricultural activity for the last 5 years. Following the April Planning Committee Meeting the agent submitted further information containing details of a second farm business number. In correspondence, DAERA confirmed that this business is active and established. As set out in Addendum 2 the proposal meets criterion (a) of Policy CTY 11.
- Notwithstanding this, the proposal still fails to meet criterion b in that in terms of character and scale it is not considered appropriate to its location. Furthermore, no justification has been made for not reusing an existing building or siting the development within an existing group of buildings. A mature section of hedgerow and trees were removed from the site, and the proposal relies on new landscaping in the form of a laurel hedge which is inappropriate in this location, drawing further attention to the site. The development fails to integrate and has a detrimental impact on rural character. It remains that the proposal fails to meet with Policies CTY 1 and CTY 11 of PPS 21 and para 6.70 of the SPPS.

- The proposal has also been considered under PPS 4, Planning and Economic development. Policy PED 2 is the overarching policy and the assessment is set out in paragraph 8.20 of the Planning Committee Report.
- The proposal is not for the expansion of an established economic development use and it does not involve the redevelopment of an established economic development use. Policies PED 3 & PED 4 do not therefore apply. Due to the location outside the settlement development limit of Coleraine it also cannot be considered under Policy PED 6 as small rural projects.
- The agent has argued that the proposals are to resolve a health and safety hazard that detracted from the character of the area, gathered vermin and led to fly tipping. There are numerous vacant poultry buildings around the Borough and it is up to the owner to maintain or remove them from the site and ensure adequate security.
- The application is located in close proximity of Coleraine Town with zoned and existing industrial land where storage and distribution is permitted. The NAP 2016 zoned some 55 hectares of employment land with around 50 hectares remaining with around 9 ha within the Newmills road zoning. No exceptional reason has been provided for this countryside location.
- The proposal fails to meet any policy and is recommended for refusal.

There were no questions for the Officer.

The Chair invited M Kennedy to speak in support of the proposal.

M Kennedy read from a prepared statement as follows:

Reason 1 cannot be sustained as this is an objection in principle only. If the other refusal reasons are not sustained and the proposal is considered to be policy compliant this refusal reason also fails.

Reason 2

The Council's addendum now acknowledges that the appellants nephew farms the land and the proposal now meets criteria (a) of Policy CTY11. In terms of the Council's site visit, I would point out that the Appellant has four other duplicated chicken sheds adjacent the Appellants farm house.

In terms of criteria (b) I see no reason why the scale and character of the proposal is unacceptable. The proposal replaces two visually unsightly, roadside, derelict poultry sheds that were a health and safety hazard, detracted from the character of the area, gathered vermin and led to fly tipping. The derelict buildings have been removed, vermin exterminated and fly tipping cleared. The visual impact and scale of the proposal is less than the previous use on site. This is a brownfield site in the rural area and the proposed use utilises the existing

hardstand and brings it back into beneficial economic use. Screening has been planted along the roadside boundary to minimise visual impact. There are a number of commercial businesses in the surrounding area. This proposal is hardly out of scale or character.

Reason 3

The rearing of poultry by the Applicant for Moy Park was clearly a commercial agri-industrial activity and an established economic development use in the countryside utilising six factory units on the farm for the production of poultry. Four of these buildings still exist further down the lane.

Therefore, the proposal fails under PED 4 as a redevelopment of an established economic development use in the countryside.

In terms of Policy PED 4 the proposal complies with criteria (a) as the scale and nature of the proposal improve the rural character and appearance of the countryside, in terms of criteria (b) there are clearly environmental benefits removing derelict buildings, tidying up the site, removing fly tipping and vermin. It complies with criteria (c) as it deals with the site comprehensively and complies with criteria (d) as the overall visual impact is less than that of the derelict buildings.

The applicant's severe ill health and the poor visual appearance of the buildings, the danger to health and safety, the removal of fly tipping and the extermination of vermin all stand as clear exceptional circumstances that justify the proposal. The applicant was keen that a new business use operate on the site rather than allowing the buildings to decay further and detract from the visual amenity and character of the area. The proposal brings the site back into beneficial economic use. The proposal also runs in conjunction with continuing farming operations on the farm.

The removal of the roadside derelict buildings and the visual and environmental improvements of the proposal are a planning gain for the area.

I believe that the proposal has enhanced and positively improved the appearance of the site and request that the Planning Committee allow this application.

In response to questions M Kennedy stated the business has operated for 50 years, that there is an agreement with Moy Park for 6 poultry units, 2 at the front of the property and 6 at the rear. There are beehives in the gap between the poultry units. In 2015 the applicants nephew took over the business which is factory farming.

In response to questions the Head of Planning advised that the redevelopment at Drumaheglis Marina was considered under different policy which applies to tourism.

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

M Bradley stated:

I support the application as one which will add to the area in terms of replacing rundown poultry houses in a dangerous condition with storage units aesthetically hidden behind a wire fence which is set behind a fast-growing laurel hedge including the tidying up of the roadside with cultivated grass and stones painted white as is common throughout the countryside.

The proposal provides much needed storage space which has a small flow of vehicular activity curtailed within the proposal compared to large poultry lorries parked roadside for catching, crating and loading.

The proposal does not generate any extra vehicle movements of note. There are also several businesses in the vicinity, a memorial headstone and engraving facility, a caravan park, retail timber products yard, a sawmill and council offices and parks department, all of whom generate more general vehicle movements including lorries.

As someone who has lived their entire life in the area, seen many changes over the years I view this proposal as a worthwhile addition to the rural area on the outskirts of Coleraine.

M Bradley further stated that there are 6 commercial units in operation and reflected on how the site has a lot of history in the area including Farm Fed lorries operating from the site. M Bradley stated this is a beneficial business in the area. M Bradley referred to the mature trees that were on the site and stated they were rotten, and several had fallen in storms.

There were no questions for the speaker.

In response to questions the Senior Planning Officer advised that Laurel trees are more for an urban area, in a rural area a more rural form of hedging would be required. Senior Planning Officer advised that a landscaping plan would be required to specify planting as an alternative species would be more appropriate for the rural area.

In response to further questions the Senior Planning Officer confirmed that the concern for criteria (a) has been removed as there is an established farm business, there is no information regarding the adaption of the new buildings to integrate with the new buildings on the farm.

Proposed by Councillor Watton
Seconded by Councillor Storey

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE full planning permission subject to the reasons set out in section 10 for the following reasons:
- Due to the history of the site

- It is not obstructive
- It is in keeping with businesses dotted within the area in 100-200yards
- The Laurel Hedge will help to screen what is in situ
- Character and scale are not greater than the poultry houses
- Information provided by the Agent: reason 1 is not sustained if the other reasons are not accepted. Reasons also contained within reasons 2 and 3 from the Agent
- The Agents' information from reason 3 complies with criteria (a) and (b) and the environmental benefits in criteria (c) deals with the site comprehensively. There is a positive improvement to the appearance of the site.

In response to Alderman Boyle's request to consider a different species of planting Councillor Watton stated the Laurel Hedging is now 3-4 feet in height and is content with this.

Alderman Hunter requested a Recorded Vote.

The Chair put the motion to the Committee to vote.
10 Members voted For; 1 Members voted Against; 4 Members Abstained.
The Chair declared the motion carried and the application approved

Recorded Vote Table

For (10)	Alderman Callan, S McKillop
	Councillor Kane, Kennedy, McGurk, McMullan, McQuillan, Nicholl, Storey, Watton
Against (1)	Alderman Hunter
Abstain (4)	Alderman Boyle, Coyle, Scott
	Councillor Anderson

RESOLVED - That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE full planning permission subject to the reasons set out in section 10 for the following reasons:

- Due to the history of the site
- It is not obstructive
- It is in keeping with businesses dotted within the area in 100-200yards
- The Laurel Hedge will help to screen what is in situ
- Character and scale are not greater than the poultry houses
- Information provided by the Agent: reason 1 is not sustained if the other reasons are not accepted. Reasons also contained within reasons 2 and 3 from the Agent

- The Agents' information from reason 3 complies with criteria (a) and (b) and the environmental benefits in criteria (c) deals with the site comprehensively. There is a positive improvement to the appearance of the site.

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

Report, presentation, addendum, and speaking rights template for M Kennedy were previously circulated and presented by Senior Planning Officer J McMath.

Referral Application to be determined by Planning Committee

App Type: Full

Proposal: Retention of existing mobile coffee kiosk, ancillary portaloo and storage container

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.

Senior Planning Officer, presented via powerpoint as follows:

- Full planning permission is sought for the retention of an existing mobile coffee kiosk, ancillary portaloo and storage container at lands 146m SW of 132 Clooney Road, Eglinton.
- The background to the proposal is that a farm shop was granted permission in 2021 and was subject to conditions that it was for the sale of farm produce only in line with planning policy.
- The site is located in the rural area approximately NW of Greysteel and is not subject to any environmental designations as provided by the Northern Area Plan 2016.
- The proposal seeks to retain the already operating mobile coffee kiosk, portaloo and storage container. For completeness I would advise that the submitted plans show a different layout arrangement from that which currently exists on site and the storage container currently on site is larger than shown on the submitted drawings. The site also displays picnic tables, parasols and an EV charging point which are not part of this application. From various site visits during the processing of the application it is clear that the operator of the coffee kiosk has changed from the original operator being a company called Tank and Skinnys to the current operator Ru's.

- Turning to the site details the southern boundary is defined by hedging, ranch fencing is on the western and northern boundary and the eastern boundary is undefined.
- The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 1 and 11 of Planning Policy Statement 21, in that it does not meet any of the exceptions, has not been demonstrated that the coffee kiosk is being run in conjunction with the agricultural operations on the farm, is not of an appropriate design, fails to integrate and will have a negative impact on the character of the countryside. No overriding reasons why the development is essential and could not be located in a settlement for the development have been forthcoming.
- Firstly, the coffee kiosk and ancillary structures are not considered to meet any of the exceptions for development in the countryside outlined in para 6.279. Therefore, turning to whether the proposal is a farm diversification project, the SPPS and PPS21 requires the project to be run in conjunction with the farm business. In this case the applicant has not demonstrated that the project is run in conjunction with the agricultural operations of the farm business. The retrospective project was run under the business name "Tank and Skinnys" and was changed to the name "Ru's". During the processing of the application a letter was submitted in March 2025 from a third party who stated that he was a neighbouring farmer and that he noticed an opportunity to diversify his business when the applicant offered the site for rental. This is at odds with the applicant's assertion that the proposal is run in conjunction with his farm business. The third party states that the business provides coffee and wraps to passing trade and local business. That he uses produce from the applicant's farm as well as sourcing produce from other local providers. However a menu posted on social media and displayed on site, the majority of items such as wraps, toasties, paninis, sausage rolls, scones and a variety of hot and cold drinks are not produced or made from the produce sourced on the applicant's farm.
- Turning to relevant PAC decisions quoted in the Addendum to the committee report. The PAC decision acknowledged that although there was no explanation in policy of the requirement "to be run in conjunction with the agricultural operations on the farm" the PAC concluded that it suggests that there should be some sort of joint management of the business or some form of business connection.
- In this case it has not been demonstrated that the coffee kiosk is run in conjunction with the farm business, it is not jointly managed nor is there a business connection. The leasing of land to another business or farm

business is not sufficient to justify a farm diversification project in this case. The coffee kiosk operator alludes to association with his own agricultural business however no verifiable information has been forthcoming to consider this. Even if forthcoming the siting of a coffee kiosk on land associated with a different farm business would not comply with the farm diversification policy.

- The applicant argues that the coffee kiosk complements the farm vending machine, however as condition 2 of the approval for it was restricted to the sale of goods from Longfield farm produce only, the nature of the coffee kiosk remains contrary to policy CTY11 and the SPPS.
- Visually the proposal is roadside and even with the marginal amount of screening is visible from both directions and does not appear as a cluster of farm buildings due to the separation distance from the vending container. The cumulation of structures proposed and the nature and varying forms and designs are out of character with the rural area and are not reminiscent of traditional rural development which is detrimental to rural character. In addition, no overriding reasons have been forthcoming as to why this development should not be located within a settlement.
- In conclusion the proposal is contrary to the SPPS and PPS21 in that a coffee kiosk, portaloo and storage container in the rural area is not an acceptable form of farm diversification project. the applicant has not demonstrated that it is run in conjunction with the farm business and the design is inappropriate in this roadside location, the proposal fails to integrate and would have an unacceptable impact on the countryside. There are no overriding reasons why it should not be located within the nearby settlements and if permitted has the potential to set a wide ranging precedent.
- Refusal is recommended

In response to questions the Senior Planning Officer stated that this application is for a coffee kiosk, portaloo and large storage container, this is not farm diversification as there is no connection between the businesses other than renting the land and the application is contrary to policy. Senior Planning Officer advised that Eglinton is 1.5miles away and Greysteel is 1.3 miles, similar offerings can be provided for within these settlements.

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

M Kennedy read from a prepared statement as follows:

Refusal Reason 1:

This is a generalised generic reason for refusal. If the other reason falls, then this reason cannot be sustained.

Refusal Reason 2:

This proposal is clearly run in conjunction with the Applicant's farm business. The coffee kiosk is run by another local farmer, who is well known to the Applicant. He uses the fresh produce from the Applicant's farm within the kiosk. The Applicant supplies home produced free range eggs, potatoes, carrots, cauliflowers and broccoli to the kiosk providing a direct connection between the farm and kiosk.

The rent helps subsidises the overall financial costs of running Hunter's Farm. The proposal also complements the Applicant's existing farm shop and creates significant economic synergy as the people who use the farm shop also use the coffee kiosk and vice versa. People come to buy this fresh produce from the shop and also buy prepared produce from the kiosk.

The kiosk is clearly run in conjunction with the Applicant's farm operations and complements and contributes positively to the operation of the Applicant's farm shop. Therefore, the proposal clearly supports farm diversification on Hunter's Farm and is clearly in line with the requirements of Policy CTY 11.

In terms of design, this is a mobile coffee kiosk which is of a quirky design, not unlike a traditional traveller caravan which is a characteristic in the rural area and particularly on farms where they provided accommodation for seasonal workers. It is only 2.5m high and has a strong hedge along the roadside boundary and has a backdrop of mature vegetation ensuring integration. With regard to scale, the kiosk is relatively small and only slightly higher than the roadside hedge. There is no negative impact on the character of the area from this proposal which integrates into the landscape.

This proposal is located along a major tourist route to the Norh Coast and adjacent Eglinton Airport. The proposal is also located close to an industrial estate. The proposal meets a local rural need in the community at this location. I also note that recently the Council has also approved similar coffee kiosks elsewhere in the Council area which also cater for tourists..

Why should the proposal be approved.

- 1. The proposal is clearly compliant with Policy CTY 11.*
- 2. There has been no objections from members of the public or statutory consultees.*
- 3. DFI Roads Service, the competent authority in terms of traffic matters, has no objections to the proposal.*
- 4. CTY 11 is a permissive policy, and this is not a large-scale proposal or existing urban based enterprise relocating from an urban area.*
- 5. A coffee kiosk of this size and scale, selling local farm produce, is entirely appropriate for this location, complements the farm shop and is often seen at other similar locations throughout the countryside.*

Therefore, I believe that permission should be granted for this farm diversification proposal.

In response to questions M Kennedy confirmed that the farm shop is 35 feet from the coffee kiosk. M Kennedy stated there is a direct business connection as produce from the farm is used in the kiosk and provided a list of seasonal produce used and stated that any profit that is gathered is put back into the farm.

In response to further questions M Kennedy stated that criteria (a - d) are complied with and the same issues were raised and discussed for the farm shop which is thriving and well known for high quality in the area. M Kennedy stated that policy CTY11 does not mention design but character and scale are mentioned. M Kennedy stated that the kiosk is on wheels so it is mobile and is designed based on an old traveller caravan which is traditional and appropriate for the area. M Kennedy stated that 20-30% of the produce used in the kiosk is farm produce.

In response to questions about what an appropriate design is, the Senior Planning Officer stated that all policy requirements need to be considered, this is not normally on a roadside location and does not fulfill the farm diversification requirements. The Senior Planning Officer advised that reusing an existing building would be considered more appropriate for farm diversification.

The Head of Planning cited policy CTY11 and advised that this does not consider the design of any building as acceptable as policy has not been met, the test for exceptionality has not been met.

The Chair read the recommendation.

Proposed by Councillor Storey
Seconded by Alderman Scott

- That the Committee defer LA01/2023/0692/O for a site visit to see the location and clarity towards policy CTY11

The Chair put the motion to the Committee to vote.

14 Members voted For; 0 Members voted Against; 0 Member Abstained.

The Chair declared the motion carried and application deferred

RESOLVED - That the Committee defer LA01/2023/0692/O for a site visit to see the location and clarity towards policy CTY11

* **The Chair declared a recess for lunch at 1:35pm**

The meeting reconvened at 2.14pm.

The Head of Planning undertook a roll call.

* **Alderman S McKillop did not rejoin the meeting.**

* **Councillor Watton did not rejoin the meeting.**

- * Having declared an interest, Alderman Boyle did not rejoin the meeting.
- * Having declared an interest, the Chair was vacated by Councillor Kane and he did not rejoin the meeting.
- * Alderman Coyle, Vice Chair, assumed the position of Chair.

5.8 LA01/2024/1244/F, Referral, Site off Rose Park Limavady, (South of 46 Rose Park & 2 Rose Gardens)

Report, presentation, addendum, site visit reports and speaking rights template were previously circulated and presented by Senior Planning Officer, M Wilson.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Proposed 3No. Rounding off Single Storey Dwellings and Section of Roadway for Private Streets Determination

Recommendation

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

The Senior Planning Officer presented via PowerPoint as follows:

- Full Planning permission is sought for Proposed 3No. Rounding off Single Storey Dwellings and Section of Roadway for Private Streets Determination.
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision.
- (Slide) This is the red line of the application site, and the application site is located outside the settlement limit of Limavady as defined in the NAP 2016 – the site is located off Rose Park Limavady - South of 46 Rose Park & 2 Rose Gardens.
- The application has been assessed against the relevant policies within the Northern Area Plan 2016, SPPS, PPS2, PPS3, PPS7 & PPS21
- (Slide) The site lies outside the Northern Area Plan 2016 (NAP) designation LDY01, Limavady Settlement Limit, as shown in this extract from the NAP – the site is indicated by a red star. You will note this is a large agricultural field outside the settlement limit.

- (Slide) This is a satellite image showing the site in relation to the existing development at Rose Park/Rose Gardens/Edenmore Road and a second map showing the proposed location plan of the site. This again illustrates that the existing settlement limit as designated in the NAP is consistent with existing field boundaries and features on the ground. Approval of this scheme would see an arbitrary line severing the field and not using any physical features on the ground to establish a settlement limit.
- The proposal is not consolidating or “rounding off” development as this is a policy test set out in Policy CTY 2A of PPS 21 for the purposes of facilitating rural housing through allowing development in areas which are considered to be clusters. Limavady is designated as a Hub under the Strategic Plan Framework of NAP with a Settlement Limit and cannot be considered as a cluster.
- (Slide) This next slide shows the site layout – of particular note is the existing road which accesses the dwellings on Rose Park, terminates at Nos 46 and 103 Rose Park; the most southerly dwellings. The proposal seeks to extend this road to facilitate an access to the 3 dwellings rather than seeking to utilise an already established, existing access.
- As the proposal is for 3 dwellings it is required to meet the requirements of PPS7– this assessment is set out in Para 8.18-8.35 and it is concluded that the proposal fails to meet criteria a & c as the proposal does not respect the surrounding context in terms of layout and appearance and there is inadequate provision for landscaped areas at the edge of Limavady settlement development limit.
- (Slide) The design concept statement has not demonstrated how the proposed scheme has taken account of the main features of the site and its context thereby contributing to the promotion of a quality residential environment and is therefore contrary to policy QD2 of PPS7.
- (Slide) This next slide shows the proposed dwelling type which is single storey and shows the floor plans and proposed elevations -it is considered to be an acceptable design.
- (Slide) - so moving on and just going through some photographs of the site – This is a view from Rose Park and you will note the fence at the end which terminates the end of Rose Park; this road will be extended which will allow access to the 3 dwellings.
- (Slide) These photos show the land the dwellings are proposed and some views from with this land.

- (Slide) and this final series of photos show the views from within this agricultural field looking towards Rose Park/Gardens – this shows the existing development naturally ends where it abuts the agricultural field and there are no existing features you would naturally and logically extend the settlement limit to.
- The proposal is within the countryside and therefore PPS 21 must be assessed and the proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside and Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. Para 8.5 of your Planning Committee Report set out the figures for the most recent Annual Housing Monitor which indicate that there is a remaining housing potential for 882 units within the settlement limit of Limavady.
- It is contrary to the NAP Designation LY01, which designates the settlement limit for Limavady, as the proposal is located outside this. Furthermore, approval would set a precedent for other proposals in the periphery of settlements which would undermine NAP as the proposed site is contrived and reliant upon an engineered solution rather than a natural or existing feature.
- Consultation was carried out with DfI Rivers, DfI Roads, Environmental Health, DAERA (NIEA), Loughs Agency, Shared Environmental Services and NI Water. No objections were raised by any consultee.
- There have been 7 objections to the proposal of residents in surrounding properties, and the issues raised are set out in Para 5.1 of your report and then considered within the report and under the section Other Matters paragraphs 8.38-8.45.
- As the proposal is contrary to the Policies stated, Refusal is recommended for the reasons set out in Section 10 of the Report.

The Chair invited G Jobling to present, R Moore was in attendance to answer any queries.

G Jobling addressed Planning Committee, she stated planning permission should be granted on the basis of the unique, modest and visually enclosed site that does round off and will consolidate. There will be no demonstrable harm and it can be approved. She advised that it is a well established planning principle that there can be small rounding off of sites and the site is enclosed on 3 sides with only the western side open which is very unusual. G Jobling stated that the principle exists where there are small areas that dovetail into the

settlement limits. She advised that the 3 bungalows will reflect the character of the area, will meet the need that currently exists in the area, will provide a better edge of settlement at the end of Rose Park. There will be only a small extension off the existing road and will provide a strong 8-10m landscape buffer.

G Jobling advised the statutory and legal test is that the proposed development is decided in accordance with the Plan, unless material considerations state otherwise. She advised that the development will visually read with Rose Park and as part of the town edge rather than in open countryside and will strengthen the settlement edge.

G Jobling stated the Northern Area Plan was almost 10 years out of date and, even if the Plan Strategy was adopted, it would be several years after before the Local Policies Plan would be adopted. The proposal in line with the SPPS, can supply sustainable development where no demonstrable harm, there were no statutory consultees issues, and a balanced judgement can be made that there is no demonstrable harm to interests of importance.

G Jobling stated there would only be precedent on a site exactly the same as this - access turning head, surrounded on 3 sides; established planning principle approved elsewhere such as planning appeal in Lisburn allowed with similar rounding off and stronger settlement edge.

G Jobling stated Planning Committee could approve the decision because of material considerations.

The Chair interjected and advised the speaker the allocated time of 5 minutes had ended.

The Chair invited questions for the speaker. There were no questions put.

The Chair invited questions for the Officer.

Councillor Storey, referred to rounding off, he enquired whether Planning Committee had considered an application similar to this in its history, where accepting the established principle could be used as a means to grant approval?

Senior Planning Officer advised the settlement was a drawn feature on the ground, there may be drawing errors, anomalies potentially. Planning Committee granted permission at Kilnadore Road Cushendall for a single dwelling to round off the settlement. He advised that rounding off generally relates to policy CTY2A clusters where the idea is to facilitate rural housing in areas where there are groups of housing and a focal point and where they did not have settlement limits. This application for 3 dwellings is on the edge of

Limavady, the field runs up to the back gardens of those dwellings at Rose Park, and the road provides for potential future development. This is not consolidation.

The Head of Planning stated the Settlement Development Limit had not changed from adoption in the Northern Area Plan 2016 and could only change when Council adopts the Local Policies Plan through the Local Development Plan processes and subject to public consultation and Independent Examination and a Sustainability Appraisal will also be undertaken.

The Head of Planning referred to the approved site at Kilnadore Road and advised that it was approved for a single dwelling due to the limited size of the site and the provision of an existing stronger boundary within the field that would provide a more defined settlement limit boundary that a post and wire fence.

Senior Planning Officer referred to PAC decision 2013/0133 Paragraph 8.7 of the planning committee report, advising it was for a dwelling in the curtilage of an existing dwelling. The point from PAC was that the dwelling would not undermine settlement development limit when measuring against existing; it was therefore not comparable to this application.

Proposed by Alderman Scott

Seconded by Alderman Hunter

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application refused.

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

- * **Alderman Boyle rejoined the meeting at 2.45pm.**
- * **Alderman Coyle vacated the Chair.**
- * **Councillor Kane returned to the Chamber and assumed the position of Chair.**

6. CORRESPONDENCE:

The Chair presented Items 6.1-6.8 inclusive as read.

6.1 The Planning Miscellaneous Amendments Regulations Northern Ireland 2025

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

6.2 Council - Consultation letter on proposed Reservoirs grant scheme. June 2025

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

6.3 DAERA RBMP 4th Cycle Consultation

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

6.4 DC&SDC Notice of PS Adoption 100725

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

6.5 Letter to Oliver McMullan

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

6.6 NM&D Notice of LDP dPS publication

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

6.7 Publication of Model Licence Conditions

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

6.8 Shaping Sustainable Places Public Consultation

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

Planning Committee NOTED the correspondence Items 6.1-6.8 inclusive.

6.9 PAC Decision 2023/A0099 Magheramore Road Wind Farm, Dungiven

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

Councillor McGurk stated that herself and Councillors had been contacted by residents since the PAC decision released. She advised it was concerning the views of Council and HED were not given due weight and consideration during

the PAC process. Councillor McGurk asked that Counsel with experience in the issues raised, primarily around Climate Change, explore what options Council could take and whether there were grounds to challenge the decision.

Alderman Callan agreed and seconded the proposal, he sought clarity around the timeframe for Advice.

The Head of Planning advised that we need to await the expiry of the 5-day call-in period before instructing Counsel. The Head of Planning advised the recent information received by Planning from objectors could be included within the information sent to Counsel.

Proposed by Councillor McGurk

Seconded by Alderman Callan

- That Planning Committee seek Counsel advice, who has extensive experience in the issues raised, primarily around the Climate Change issues raised, to explore what options Council could take and whether there were grounds to challenge the PAC decision.

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.

- **RESOVLED** – That Planning Committee seek Counsel advice, who has extensive experience in the issues raised, primarily around the Climate Change issues raised, to explore what options Council could take and whether there were grounds to challenge the PAC decision.

7. REPORTS FOR DECISION

7.1 TPO Confirmation 28-32 Carncullagh Road Dervock

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

Purpose of Report

To present the TPO confirmation with modification for Lands at 28 – 32 Carncullagh Road, Dervock.

Background

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

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

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

- **Potential Threat:** Priority will be given to the protection of those trees deemed to be at immediate risk from active felling or damage from development on site. All other requests will be assessed and prioritised accordingly.
- **Visibility:** The extent to which the trees or woodlands can be seen by the general public will inform the assessment of whether the impact on the local environment is significant.
- **Individual Impact:** The mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The tree's particular importance will be assessed by reference to its size and form. Its future potential as an amenity should also be assessed, taking into account any special factors such as its screening value or contribution to the character or appearance of an area. In relation to a group of trees or woodland, an assessment will be made of the collective impact.
- **Wider Impact:** The significance of the trees in their local surroundings will also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.
- **Historical Importance:** Certain trees, because of their age, association with the setting of listed buildings, or the contribution they make to the special character of a conservation area, may require consideration for TPO protection.
- **Rarity:** There may be occasions where a tree(s) may be considered for TPO protection solely on the grounds of its rarity. The priority of the consideration will reflect the rarity of the species.

All types of tree can be protected. The Order can cover anything from a single tree to woodlands. Normally, unless a Woodland TPO is proposed, only trees

over 3.5m in height are considered for a TPO. Hedges, bushes and shrubs will not be protected.

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

Site Context

The site is located on the northern side of Carncullagh Road. The site contains 64 trees, which include beech, lime, sycamore, larch, black pine, scots pine and cypress. Tree No's. 1-5 and 47-55 are located along the roadside. No's 28 and 32 Carncullagh Road are both residential units. No. 32 Carncullagh Road is the Manse associated with Dervock Presbyterian Church. Most of the trees on Lands at 28 – 32 Carncullagh Road have been protected since 2005 under TPO26.

The Northern Area Plan (NAP) 2016 currently defines the lands at 28 and 32 Carncullagh Road as being within the Settlement Development Limits of Dervock. Additionally, Housing Zoning DVH 10 is located between Nos. 28 and 32 Carncullagh Road.

Housing Zoning DVH 10 covers 0.35ha with its key site requirements being:

- Development shall be within the range of 15 to 25 dwellings per hectare.
- The development will require additional lands outside the site boundary to provide an access from Carncullagh Road, and adequate visibility splays.
- Dwellings at the road frontage shall be orientated on to Carncullagh Road.

The position of the trees, along the southern (roadside), western and northern boundaries shall not have an impact on Housing Zoning DVH10's key site requirements.

Reason for Consideration of a TPO

Following a review of TPO 26, it was considered that trees to the east of this TPO (not previously protected) had amenity value and may be worthy of consideration for a TPO.

The Council's Planning Department considered that a level of protection was required for the trees, based on the contribution to their local environment and character of the area by providing an attractive landscape feature along Carncullagh Road, Dervock.

A Provisional TPO was served on site on 6th June 2025 (see Appendix 1). This notice took effect immediately and provided protection for all trees on the site for a period of six months (until 6th December 2025). In line with legislation, a copy of the Provisional TPO documentation was also posted to inform interested

parties and adjoining neighbours and copies of the Order were also attached to protected trees in obvious locations within the site on 6th June 2025.

The consultation process allowed comments/representations to be submitted within 28 days from the date of Notice of the Provisional TPO (up to 4th July 2025). No objections were received.

Within this period a qualified Arboriculturist was appointed to carry out a detailed assessment of the trees, identifying the current physical condition of each individual tree, allowing for consideration of whether a tree is suitable for protection.

Detailed Assessment of Trees

The site was surveyed on 2nd July 2025 (see Appendix 2). A total of 64 individual trees were surveyed. The report includes specific observations and recommendations for all individual trees.

On assessment of the report and in terms of recommendations for the confirmation of the TPO, it is important to note that the majority of trees are considered to be in a fair condition and suitable for TPO protection. Tree No's. 4, 16, 18, 20, 25, 29, 34, 38, 53 (all common beech) 31, and 46 (both sycamore) are not deemed suitable for protection due to their poor condition. Tree No's. 63 and 64 (both cypress) are not to be protected due to their age and height (both below 3m). The remaining trees are considered appropriate for TPO protection as they are in healthy condition and are considered to have visual public amenity value for road users along Carncullagh Road, Dervock.

There were no objections received regarding the serving of a TPO on lands at 28 – 32 Carncullagh Road, Dervock.

Summary

The site contains 64 trees, of these, 51 trees are considered to be worthy and suitable for TPO protection. These trees have high public amenity value, being located in a prominent location along the Carncullagh Road, and contribute to the character of the area.

TPO to be Confirmed with modification to include all trees within the site with the exception of Trees 4, 16, 18, 20, 25, 29, 31, 34, 38, 46, 53, 63 and 64.

Financial Implications

No financial implications for the Council.

Options

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

Option 2: Resolve not to confirm the TPO.

Recommendation

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

Proposed by Alderman Hunter

Seconded by Alderman Boyle

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

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

8. REPORTS FOR NOTING

8.1 Annual Report on Planning Performance 24/25

For information report, previously circulated, was presented as read.

Purpose of Report

The purpose of this report is to provide an annual report on Planning performance against the Planning Department Business Plan 2024/25.

Background

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases. The Planning Department Business Plan 2024-25 sets out the key performance indicators to progress towards improving Planning performance against these targets,

The statutory targets are:

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

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It

provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The DfI Northern Ireland Planning Statistics 2024/25 Annual Statistical Bulletin was published on 26 June 2025 providing planning statistics for this period.

Details

Website link 1 <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2024-march-2025> provides the link to the published bulletin.

Further narrative on performance in relation to the business plan objectives was contained within the report.

Recommendation

It is recommended that the Planning Committee note the Planning Departments Annual Report on performance.

The Chair invited Planning Committee with an opportunity to look at the Scheme of Delegation and processes.

Alderman Callan agreed to explore within an informal setting, and to include further NILGA Training.

Proposed by Chair, Councillor Kane

Seconded by Alderman Callan

- That Planning Committee agree, in principle, to look at the Scheme of Delegation with the potential to review it.

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.

RESOLVED - That Planning Committee agree, in principle, to look at the Scheme of Delegation with the potential to review it.

The Chair presented Items 8.2-8.5 inclusive as read.

8.2 Planning Finance Report Period 1-2 2025/26

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

Purpose

This Report is to provide Members with an update on the financial position of the Planning Department for the Period 1-2 of 2025/26 business year.

Details

Planning is showing a variance of just under £115k favourable position at end of Period 2 based on draft Management Accounts.

The favourable position at the end of Period 2 is due to favourable position in relation to income from planning application fees and property certificate income of over £89k.

This favourable position in relation to application fee and property certificate income is supported by a favourable position of over £5k in other savings in salaries and wages of just under £4k and just under £2k reduction in advertisement from that predicted within the budget.

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

Recommendation

It is recommended that the Planning Committee considers and notes the content of this report for the Period 1-2 of 2025/26 financial year.

Planning Committee NOTED the report.

8.3 Planning Finance Report Period 1-3 2025/26

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

Purpose

This Report is to provide Members with an update on the financial position of the Planning Department for the Period 1-3 of 2025/26 business year.

Details

Planning is showing a variance of just under £103k favourable position at end of Period 3 based on draft Management Accounts.

The favourable position at the end of Period 3 is due to favourable position in relation to income from planning application fees and property certificate income of over £104k.

This favourable position in relation to application fee and property certificate income is supported by a favourable position of just under £5k in salaries and wages over £3k reduction in advertisement from that predicted within the budget.

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

Recommendation

It is recommended that the Planning Committee considers and notes the content of this report for the Period 1-3 of 2025/26 financial year.

Planning Committee NOTED the report.

8.4 6-month LDP Work Programme (Jul-Dec 2025)

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

Purpose of Report

To present, in line with Section 5 of the Council's current published Local Development Plan (LDP) Timetable, a 6-month indicative Work Programme (Jul-Dec 2025).

Background

The Council's Development Plan team duties cover a wide range of work, that includes, but is not limited to, the following areas:

- Local Development Plan;
- Conservation Areas;
- Tree Preservation Orders and Works to Protected Trees;
- Building Preservation Notices; and
- Planning Advisory Roles

The 6-month Work Programme (attached at Appendix 1) sets out the related high-level work to be carried out by the team between July and December 2025.

Recommendation

It is recommended that the Planning Committee note the content of this report.

Planning Committee NOTED the report.

8.5 BT Payphone Removal

Report, previously circulated, was presented by the

Purpose of Report

To update Members on the BT consultation on proposals for the removal of telephony services and/or kiosks throughout the Borough.

Background

As members will be aware, BT wrote to the Council on 16th May 2025 advising of 24 no public payphone services/kiosks identified for removal.

Retention of Traditional (K6) Red Kiosks

As requested at the 28th May 2025 planning committee, officials wrote to BT seeking the retention of all red K6 kiosks in the Borough (see Appendices 1 & 2) and to DfC:HED regarding the listing of these K6 kiosks (see Appendices 3 & 4).

BT's public consultation exercise closed on 14th August 2025. The Council's response is attached at Appendix 5.

Officials are continuing to prepare the necessary paperwork to seek the retention/listing of traditional (k6) red kiosks in the Borough.

Recommendation

It is recommended that the Planning Committee note the contents of the report.

Planning Committee NOTED the report.

9. CONFIDENTIAL ITEMS

9.1 Verbal Update on Legal Issues

The Chair advised there were no confidential items.

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

The Chair advised there was not Any Other Relevant Business.

This being all the business the meeting closed at 3.08 pm.

Chair