Causeway Coast & Glens Borough Council

PLANNING COMMITTEE MEETING HELD
WEDNESDAY 22 OCTOBER 2025

Table of Key Adoptions

No.	Item	*Summary of Decisions*
1.	Apologies	***None***
2.	Declarations of Interest	***None***
3.	Minutes of previous Planning Committee	
3.1	Minutes of Planning Committee Meeting held Wednesday 24 September 2025	***Confirmed as a correct record***
3.2	Minutes of Special Planning Committee Meeting held Tuesday 7 October 2025	***Confirmed as a correct record***
4.	Order of Items and Confirmation of Registered Speakers	
4.1	LA01/2023/0615/F**,** Referral, 40 Strand Road, Portstewart (5.4)	***Agree and Deferred***
4.2	LA01/2024/0688/F, Referral, 8 Cedar Avenue, Ballycastle (5.9)	***Agree and Deferred***
4.3	LA01//2024/0743/O, Referral, Site Adj to 57 Dunlade Road, Greysteel (5.8)	***Deferred for a site visit***
5.	Schedule of applications	
5.1	LA01/2024/1121/F, Objection, Adjacent and North of No. 01 Mark Street, Portrush	***Agree and Approved***
5.2	LA01/2023/0582/O, Referral, Land 25m East of 62 Ballywoodock Road, Castlerock	***Disagree and Approved Delegate Conditions and Informatives***
5.3	LA01/2023/0583/O, Referral, Land 30m West of 68 Ballywoodock Road, Castlerock	***Disagree and Approved Delegate Conditions and Informatives***
5.4	LA01/2024/0977/F, Referral, Land South of 1&2 Hillcrest Cottages and Circa 30m North West of 22 Loguestown Road, Portrush (5.5)	***Deferred to allow amendments***
5.5	LA01/2022/0663/O, Referral, Land adjacent to 60 Windyhill Road, Limavady (5.6)	***Disagree and Approve***

		Delegate Conditions and Informatives
5.6	LA01/2023/0580/F, Referral, Site Between 56 & 58 Ballykenver Road Armoy (5.7)	***Agree and Refused***
5.7	Addendum LA01/2024/0814/S54, Planning Agreement, Unit 2, Riverside Retail Centre, Dunhill Road, Coleraine (5.10)	***Agree and Approved***
6.	Correspondence	
6.1	DfC – Early warning of Red Kiosk Listings	***Noted***
7.	Reports for Decision	
7.1	DMIN08 Planning Statements	***Agreed to its publication on the Planning Section of Council's website***
7.2	DMIN11 Self Catering, Short Term Stay Accommodation	***Agreed to its publication on the Planning Section of Council's website***
7.3	TPO Confirmation – Lands at 2 Bann View Place and Lands adjacent to 56 Portstewart Road, Coleraine (LA01/2025/0004/TPO)	***Confirm the TPO with modifications as detailed***
8.	Reports for Noting	
8.1	Finance Report – Period 1 -5 2025/26	***Noted***
8.2	First Quarterly Report on Performance 2025/26	***Noted***
8.3	Public Consultation on Review of Planning Fees	***Noted***
8.4	Statutory Consultee Annual Report	***Noted***
9.	Confidential Items	
9.1	Verbal Update on Legal Issues	***None***
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	***None***

MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND VIA VIDEO CONFERENCE ON WEDNESDAY 22 OCTOBER 2025 AT 10.30AM

Chair: Councillor Kane (C) (Items 1 - 5.5 inclusive)
Councillor Watton (C) (Items 5.6 - 10 inclusive)

Committee Members: Alderman Boyle (C), Callan (R/C), Hunter (R), S McKillop (R), Scott (C)
Councillors Anderson (C), C Archibald (C), Kennedy (C), McGurk (R), McMullan (C), McQuillan (R), Nicholl (R), Storey (C),

Officers Present: D Dickson, Head of Planning (C)
D Hunter, Council Solicitor (R)
S Mathers, Development Management (major applications) and Enforcement Manager (C)
S Mulhern, Development Plan Manager (R/C)
J Lundy, Development Management (local applications) Manager (C)
E Hudson, Senior Planning Officer (R/C)
M McErlain, Senior Planning Officer (C)
R Beringer, Senior Planning Officer (C)
M Wilson, Senior Planning Officer (R/C)
S McKinley, Planning Officer (R)
R Heaney, Planning Officer (R)
J Keen, Committee & Member Services Officer (R/C)
S Duggan, Committee & Member Services Officer (C/R)

In Attendance: L Boyd, ICT Officer (C/R)

Press 1 no. (R)
Public 13 no. including Speakers

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

Registered Speakers

Application Reference	**Speaking Rights**
LA01/2024/1121/F	G Rolston (C) R Dougan (C)
LA01/2023/0582/O	R Brace (C)
LA01/2023/0583/O	R Brace (C)
LA01/2023/0615/F	M Bell (C/R) D Donaldson

LA01/2024/0977/F	M Smyth (C) D Alexander (C)
LA01/2022/0663/O	M Smyth (C) A McGonigle (C)
LA01/2024/0743/O	A Boyle (C)
LA01/2024/0688/F	M Kennedy (R) D Doherty (R) B Donaghy (R)
LA01/2024/0814/S54	E Loughrey

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

There were no apologies recorded. It was advised that Councillor Storey would be late to the meeting.

The Chair declared he would have to leave the meeting at the lunch recess, and noted the Vice Chair, Alderman Coyle was not in attendance.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS PLANNING COMMITTEE MEETINGS

3.1 Minutes of Planning Committee Meeting held Wednesday 24 September 2025

Proposed by Councillor McMullan
Seconded by Councillor Watton
– That the Minutes of the Planning Committee Meeting held Wednesday 24 September 2025 are signed as a correct record.

The Chair put the motion to the Committee vote.
11 Members voted For; 0 Members voted Against; 3 Members Abstained.
The Chair declared the motion carried.

RESOLVED – That the Minutes of the Planning Committee Meeting held Wednesday 24 September 2025 are signed as a correct record.

3.2 Minutes of Special Planning Committee Meeting held Tuesday 7 October 2025

Proposed by Councillor Scott
Seconded by Councillor Kennedy
– That the Minutes of the Special Planning Committee Meeting held Tuesday 7 October 2025 are signed as a correct record.

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

RESOLVED – That the Minutes of the Special Planning Committee Meeting held Tuesday 7 October 2025 are signed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

4.1 LA01/2023/0615/F, Referral, 40 Strand Road, Portstewart (Item 5.4)

The Head of Planning presented a verbal recommendation as follows:
Following publication of the Planning Committee Schedule for October 2025 and the site visit which was carried out on Friday 17th October, the agent submitted revised plans on the Friday afternoon after the site visit had concluded and further objection letters have been received.

Recommendation
That the Committee note the contents of this verbal Addendum and agree with the recommendation to defer the application to allow for neighbour notification and consideration of the revised proposal and letters of objection.

Proposed by Alderman Scott
Seconded by Councillor Watton
- That the Committee note the contents of this verbal Addendum and agree with the recommendation to defer the application to allow for neighbour notification and consideration of the revised proposal and letters of objection.

The Chair put the motion to the Committee 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 note the contents of this verbal Addendum and agree with the recommendation to defer the application to allow for neighbour notification and consideration of the revised proposal and letters of objection.

4.2 LA01/2024/0688/F, Referral, 8 Cedar Avenue, Ballycastle (Item 5.9)

The Head of Planning referred to the Addendum, following publication of the Planning Committee Schedule for October 2025 the agent requested that the application be deferred to allow for the submission of a revised proposal.

Proposed by Councillor Kennedy
Seconded by Councillor Scott
- That the Committee note the contents of this Addendum and agree with the recommendation to defer the application to allow for the submission of revised proposals.

The Chair put the motion to the Committee 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 note the contents of this Addendum and agree with the recommendation to defer the application to allow for the submission of revised proposals.

4.3 LA01//2024/0743/O, Referral, Site Adj to 57 Dunlade Road, Greysteel (Item 5.8)

Proposed by Councillor Scott
Seconded by Councillor Kennedy
- That Planning Committee defer LA01//2024/0743/O, Referral, Site Adj to 57 Dunlade Road, Greysteel in order to see if the buildings appear as a cluster and see where the focal point is.

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

RESOLVED - That Planning Committee defer LA01//2024/0743/O, Referral, Site Adj to 57 Dunlade Road, Greysteel in order to see if the buildings appear as a cluster and see where the focal point is.

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2024/1121/F, Objection, Adjacent and North of No. 01 Mark Street, Portrush

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

Objection Application to be considered by the Planning Committee.
App Type: Full

Proposal: Proposed mixed use development comprising two ground floor retail units, and two first floor apartments, amenity space, parking, bin and bike storage, access and ancillary site works

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 for the reasons set out in section 10.

Senior Planning Officer presented as follows:

- A Committee Report accompanies this application.

- This application is a local application being presented to the Committee as an objection item with a recommendation to approve. There have been 8 objections to the proposal. The objection points are set out in Section 5 of the Committee Report (and mainly relate to the nature and use of the proposal, design/scale/massing, overshadowing, loss of privacy, traffic and parking, and dominance). These points and others have been considered in full in the Planning Committee Report.

- (Slide 1) The site, as outlined in red, is located within the settlement development limit for Portrush. The site is located predominantly within Portrush Town Centre, and also within the Area of Archaeological Potential and Area of Townscape Character.

- (Slide 2 – Aerial View) The site is located towards the southeast end of Mark Street, which is residential in character. To the southeast of the site is Portrush Town Hall and the wider town centre which consists of a mixture of commercial and retail uses. The immediate area has a mixed character. The site comprises mostly hardstanding with an area of open space which is grassed with paving located in the south eastern part of the site. The site is located above an area of car parking which is associated with Nos 1-7 Kerr Street. There are concrete walls to the southwest and northwest boundaries.

- (Slide 3) The proposed site plan shows the footprint of the proposed development alongside parking and an area of amenity space. The existing apartment development at 1-7 Kerr Street is to the south west.

- (Slide 4) Proposed elevations and floor plans of the proposed development. There are two ground floor retail units, and 2 apartments on the 1st floor. The proposed building is flat roof in design with the first floor stepped in off

the rear building line. There are balconies adjoining the first floor gables, with proposed screens to protect neighbouring amenity.

- Moving to some photographs of the site:

- (Slide 5) View looking Northwest across the site from Mark Street, towards boundaries with No. 1-7 Kerry Street and No. 3B Mark Street.

- (Slide 6) View looking south west across the site with the Town Hall in the background.

- (Slide 7) View looking southeast across the site itself towards the boundary with the Town Hall. Eglinton Street is to the southwest.

- (Slide 8) View looking northeast across the site towards the buildings along the eastern side of Mark Street.

- (Slide 9) Looking southeast towards the site above from rear car parking/amenity area of No's 1 – 7 Kerr Street

- (Slide 10) Close up of the site section which shows the existing development on Kerr Street, the existing Kerr Street level parking, the application area itself which has level access to Mark Street.

- Consultation with necessary consultees has been carried out. Appropriate conditions are included in response to NI Water matters.

- There is relevant planning history on the site and immediate surrounding area. The existing apartment development at 1-7 Kerr Street was approved under planning reference LA01/2015/0058/F. A subsequent separate application, LA01/2017/1095/F sought the creation of an additional level of car parking accessed from surface level at Mark Street to serve this approved apartment development, with associated access to lower-level car parking and reconfiguration of storage areas. This development though commenced, has not been completed.

- The 2015 approval for the apartment development at 1-7 Kerr Street is not considered to be reliant on either the additional amenity space or parking spaces under the 2017 permission.

- This current application seeks to develop the additional level to provide a building with 2 retail units and 2 apartments with associated hard and soft landscaping areas, to include the area of amenity open space and car parking. The proposal is located predominantly within the designated Town

Centre and is considered to result in an acceptable form of development in context.

- The proposal is considered to maintain the overall character of the ATC and to respect the built form of the area. The scale, massing, proportions and appearance of the building area acceptable within the context of the site. Consultation was undertaken with HED: Historic Buildings who have not raised any design concerns regarding impact on the adjoining listed building.

- The site layout has similarities with previous 2017 approval in terms of the open space area and hardstanding for car parking which was previously found acceptable in this Area of Townscape Character. The layout, landscaped and hard surfaced areas are appropriate to the character and topography of the site.

- The impacts on neighbouring properties have been fully considered. Weighing up the separation distances, the extent of impact from the existing upper level area, the extent of the impact based on the path of the sun, the design of the building including its two storey height, window arrangement, flat roof and set back at first floor, that any impact in terms of loss of light, overshadowing or overlooking would not be so significant so as to warrant refusal. Adequate private amenity space is provided in the form of balconies. Car parking arrangements are satisfactory. The existing area of open space is to be retained.

- The application has been fully assessed in relation to the relevant policy considerations. The recommendation is for approval.

There were no questions for the Senior Planning Officer.

The Chair invited G Roulston and R Dougan to present. G Roulston thanked officers for the detailed assessment of the application and invited questions.

In response to questions from Councillor Watton regarding the green area on the plan, G Roulston advised the green space was being managed and its maintenance paid by the developer.

The Chair put the recommendation to the floor.

Proposed by Councillor Nicholl
Seconded by Councillor C Archibald
- That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in

sections 7 and 8 and resolves to APPROVE planning permission for the reasons set out in section 10.

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

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 for the reasons set out in section 10.

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

Report and presentation and speaking rights template were previously circulated and presented by Senior Planning Officer, M McErlain.

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 powerpoint as follows:

- 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 which was carried out on Monday 23rd June 2025. The application was again further deferred from the June Planning Committee to allow officials to contact the agent to clarify if they wish to represent the applicant at Planning Committee and from the August Planning Committee Meeting to facilitate a review of the process which led to the submission of the application.

- A report on the findings of this review was presented to members at the September Planning Committee meeting.

- 1 objection has been received in relation to this application

- The site is located in the rural area as defined in Northern Area Plan 2016 - the site is not located within any environmental designations.

- The application site as defined by the red line boundary and comprises an irregular shaped plot which forms the south-western corner of a wider agricultural field and abuts the Ballywoodock Rd. 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.

- 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 respect 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.

- For clarification - A further dwelling sits immediately to the north east of No. 70 at No. 17 Dunboe Rd. However, this property does not have a direct frontage onto Ballywoodock Rd and consequently does not form part of the substantial and continuously built-up frontage along Ballywoodock Rd

- 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.

- 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 Rd the application fails to comply with Paragraph 6.73 of the SPPS and Policy CTY8.

- Additionally, as the proposal is not reflective of the established pattern of development within the frontage and would result in the creation of ribbon development along Ballywoodock Rd the application fails to comply with Paragraph 6.70 of the SPPS and Policy CTY14.

- As this is an outline application no detailed plans have been submitted regarding the design of the dwelling.

- Views of the application site are obtained over a relative short distance on approach in both directions along Ballywoodock Rd.

- On approach from the west along Ballywoodock Rd, views of the site appear when in close proximity to no. 62 while on approach from the east views become attainable when immediately accessing the Ballywoodock Rd at its junction with Dunboe 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.

- 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.

- 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.

- 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.

The Chair enquired that when the application last came to Committee there were questions around the 2 separate applications and the difference that might make regarding planning permission.

The Head of Planning advised a report had been presented to the last Planning Committee, there was no difference, the policy for a gap was a maximum of 2 dwellings irrespective of whether the application was for 2 dwellings or 2no. individual applications for a single dwelling each.

Alderman S McKillop thanked the Head of Planning for the clarification.

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

R Brace stated when the application had been presented previously and the debate had been around an infill and whether acceptable in a gap due to the width. The proposed site is between no. 62 - no. 68 and the dimensions from building to building is a distance of 140m due to the garage to the rear of no.62.

The question is what the relationship is of the proposed dwelling to its neighbour? When there are 2 average size bungalows in the site, between No. 62 and that dwelling is only 40m; the distance that is there at the minute doesn't matter. This is evident from assessment of LA01/2024/0053/F on Macfin Road which had a separation distance of 140m building to building and approved for 2 infills due to the separation distance. This is less of dimension separation and the neighbouring properties don't have soft landscaping; have hard walls. Two dwellings, when set in landscape, can be accommodated and are an appropriate size for a rural setting. R Brace stated the drawing with 40m had not been represented if anyone wished to see it.

The Head of Planning advised the speaker was not allowed to circulate information to Elected Members as those online would not be able to see it. The Head of Planning stated the drawing was on the slide and asked for it to be presented.

Alderman Callan referred to the size of the gap site. He asked was it the view that if two dwellings were placed in context of the site it did not create over development and was fitting with policy? Was the argument around the mathematics of the site and surroundings rather than a Planning judgement? Alderman Callan asked the speaker to talk through the dimensions of the planning application he had referred to.

R Brace stated the policy test relationship between buildings, side by side separation distance demonstrate clearly that it will relate to what is there, will fit in. Planting hedgerows could be undertaken. R Brace referred to the site plan the Planning Officer had presented advising that the mathematical measurements used by officers is irrelevant and need to consider the context of when the building is put on the site. He advised that the critical dimensions are the buildings in the land - no. 62 to first site is 40m to the primary dwelling. Between site 1 and site 2 the dimension will be 40m and second site 40m on the context elevation, the context elevation had been cut off.

The Chair sought clarification, that from the gable of no. 62 to the first new house was 40m to the gable wall of the second was 40m and the next one 40m?

R Brace stated the gap site 40m separation between all buildings. The two new buildings 16m frontage, 8m depth, and a single garage, typical of a rural bungalow in scale.

Councillor Watton stated they had been informed a gap would accommodate 4 but when he looked at the slide the two sites comparable, he did not know how they were going to get 4 and would like to know regarding infill policy where that stood.

The Chair thanked the speaker.

The Head of Planning stated that there appears to be confusion in interpretation of the policy by the agent. The policy refers to the existing gap, and the measurement of the gap site is between the existing buildings. No. 62 to no. 68 has a measurement of 151m, reduced to 140m when the small garage is taken into account. Average frontages calculated at 32.9m, so if 2 infills each with a frontage of 35m, this would equate to a gap in the region of 70m. however, the gap is 140m and therefore 4 properties of average frontage width of 35m would be accommodated into the site. It was not about the gap when the dwellings being proposed and erected; it is the existing gap.

Councillor Watton stated he was unclear. The Head of Planning stated the average plot size was 32.9m, so for therefore a plot averaging around 35m for easy calculation; 4 x 35m =140m and so the existing gap could fit 4 dwellings into the 140m reflecting the character of the existing built form. The policy allows for a maximum of 2 dwellings. Councillor Watton stated it did not look that way.

Alderman Scott stated it was how many that could fit in there, could someone submit an application for 4 dwellings? The Head of Planning stated that would not meet the Policy, a maximum of 2 dwellings in a gap is the policy criteria.

Alderman Callan stated the average plot size width exceeds the existing frontage that determines what you can do, judgement. The Head of Planning stated the maths 32.9m in 140m gap. If even take a 40m frontage over 3 dwellings on site, the gap site could easily accommodate 3 dwellings, exceeds maximum of 2 dwellings required under policy, even with a more liberal assessment.

Alderman Callan questioned around the appropriate plot width, was that a determining factor or judgement used existing pattern of development?

Councillor Kennedy stated a similar application on Haw Road Bushmills, he recalled a site visit with the Senior Planning Officer, and asked what was Council decision on that?

Senior Planning Officer clarified the application had been refused, the average plot width that could accommodate dwellings based on the established pattern of development and this was currently going through Planning Appeals. This application, same principle applies, established pattern of development. Both plots significantly larger than the existing plots, not reflecting the established pattern of development, exceeding 2 times the average plot width.

Councillor Anderson asked whether there had been a precedent set with the Macfin Road application? On response, Councillor Anderson asked that it was broken down and had there been a judgement made?

Senior Planning Officer sought the Application, following which, he cited the assessment, which he stated was a very different assessment. Senior Planning Officer stated in the Macfin application the plot sizes were 41m, 33m, 40m, with the average of 38m. The gap from building to building was approx. 140m and concluded on balance, when take account of the curtilages of the existing dwellings could not accommodate any more than 2 dwellings, due to frontage width of site of total 88m for 2 proposed infill dwellings.

The Head of Planning stated that even a plot size of 40m would still easily accommodate 3 dwellings. The Head of Planning referred to the Legal Advice on East Road Drumsurn and Judge Schofield interpretation of Policy to *not render them devoid of meaning* and PAC decision on policy CTY8 where the measurement of the gap is from existing building to building. A gap across 3+ dwellings did not comply with policy.

In response to Councillor Anderson enquiring how 2 sites were accommodated, the Head of Planning checked measurements, stated a maximum of 2 dwellings accepted previously due to size of application site frontage and referred to Judge Schofield judgement and interpretation of policy CTY8.

Senior Planning Officer further stated that in the Macfin application, the gap from building to building was 140m, each existing frontage is 41m, 33m, 40m and the average is 38m. Policy allows for a maximum of 2 dwellings and consideration given to the site frontage of 88m, which could not accommodate more than 2 dwellings. Appeared weight had been given to the previous outline approval which was still live, and this was the renewal of a 2020 approval which had taken account of the site frontage width. However, we have intervening judgement on the interpretation of policy and it is a matter of fact what the average frontage sizes are, the plot size, and that the gap could accommodate up to 4 dwellings.

Councillor Anderson asked where did it mention ‘frontage’ in Policy? Senior Planning Officer cited from the document.

The Chair advised the Macfin Road frontage 88m. This one was 140m.

The Chair put the recommendation to the floor.

Alderman Hunter requested a Recorded Vote.

Proposed by Alderman Hunter
Seconded by Alderman Boyle
- That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in

sections 7 and 8 and resolves to REFUSE planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.
5 Members voted For, 7 Members voted Against, 2 Members Abstained.
The Chair declared the motion lost and application Approved.

Recorded Vote Table

For **(5)**	Alderman Boyle,
	Councillors C Archibald, Hunter, Kane, McMullan
Against **(7)**	Alderman Callan, S McKillop
	Councillors Anderson, McGurk, McQuillan, Nicholl, Watton
Abstain **(2)**	Alderman Scott
	Councillor Kennedy

The Head of Planning sought reasons for going against the Officer recommendation from Councillors Anderson, Alderman Callan, Councillor McGurk, Alderman S McKillop, Councillor McQuillan, Councillor Nicholl and Councillor Watton, due to Audit requirements to record the reasons. Members provided the reasons as set out below.

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

- Councillor Watton – concerned about the size of the gap measurements – thought ok for maximum of 2 sites. Did not seem much bigger than adjoining one on the left. Reasonable application. Not convinced by arguments and took account of map showing 2 proposed sites. Overall looking at application was a grey area;
- Councillor McGurk - Appreciate mathematical equations, PAC decided mathematical equations are not the sole determination. Agent showed that 2 sites can be accommodated without looking overly generous. Existing plot to left of site is larger to rear and is longer than what frontage is. Integration – other properties have harder boundaries and no issue using landscaping as required;
- Alderman S McKillop - LA01/2024/0053/F assessment of 140m and plot size of 38m could accommodate 3.6 buildings. Swayed to vote against because of similar frontage size to this application and listening to the Agent's argument, it has convinced her that it is a good argument for determining approval of this application;
- Councillor Nicholl - Concur with previous speakers. LA01/2024/0053/F had bearing on his vote and frontage issues;

- Alderman Callan – Concur - not dominant or overbearing on neighbouring properties. Exceeding average plot width is not determining. Existing pattern of development referred to in Building on Tradition guidance; respects existing development and pattern in area and 3 or 4 would not respect pattern.

The Head of Planning cited the reasons stated and asked if that was a correct record? Alderman S McKillop stated she had said 3.68m 140m/38m, accommodate over 2 dwellings.

RESOLVED – That Conditions and Informatives are delegated.

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

Report and presentation addendum and speaking rights template were previously circulated.

The Chair stated the previous application referred and invited a proposal.

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.

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.

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.

Addendum 3 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.

Proposed by Alderman Callan
Seconded by Alderman S McKillop
- That Planning Committee concur with Item 5.2 and grant Planning Permission for the same reasons. Given the discussion on the previous application and filtered into previous assessment, all issues have been fully discussed and considered.

Alderman Hunter proposed to refuse the application. There was no seconder.

Alderman Hunter requested a Recorded Vote.

Proposed by Alderman Callan
Seconded by Alderman S McKillop
- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the following reasons:
- Planning Committee have taken into account evidence by Agent and previous reasons at Item 5.2 that still stand on this application, Item 5.3.

The Chair put the motion to the Committee to vote.
7 Members voted For; 3 Members voted Against; 4 Members Abstained.
The Chair declared the motion carried and application approved.

RESOLVED - That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the following reasons:
- Planning Committee have taken into account evidence by Agent and previous reasons at Item 5.2 that still stand on this application, Item 5.3.

RESOLVED – That Conditions and Informatives are delegated to Officers.

Recorded Vote Table

For **(7)**	Alderman Callan, S McKillop

	Councillors Anderson, McGurk, McQuillan, Nicholl, Watton
Against **(3)**	Alderman Boyle, Hunter
	Councillor Kane
Abstain **(4)**	Alderman Scott
	Councillors C Archibald, Kennedy, McMullan

The Chair declared a recess at 11.55am for 10 minutes.

* **The meeting reconvened at 12.05pm.**

The Head of Planning undertook a roll call.

5.5 LA01/2024/0977/F, Referral, Land South of 1&2 Hillcrest Cottages and Circa 30m North West of 22 Loguestown Road, Portrush (5.5)

Report, presentation, and speaking rights template were previously circulated and presented by Senior Planning Officer, M McErlain.

Referral Application to be determined by Planning Committee
App Type: Full
Proposal: Retrospective application for retention of restoration works to ruinous wallstead, completion of restoration and conversion works, to reinstate former cottage with associated landscaping and access.

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

Senior Planning Officer presented via powerpoint presentation:

- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning Permission

- 1 objection has been received in relation to this application

- The site is located in the rural area as defined in Northern Area Plan 2016 and is not located within any environmental designations. To the immediate north of the application site is Hillcrest View which comprises a small development of 6 cottages which were approved for tourist accommodation.

- The application site is a triangular plot to the western side of Loguestown Road and to the immediate South of Hillcrest Views Cottages. The site

contain a structure within the southern portion of the site which is the subject of this application. The site is elevated above the Loguestown Road by approximately 1.5 metres.

- There is previous planning history on the site. Planning Application LA01/2017/0207/O was submitted for two storey replacement dwelling on the site. This application was withdrawn prior to a formal decision being made following a recommendation to refuse due the structure failing to meet the requirements of Policy CTY3.

- Planning history on the adjacent lands to the north of the application site is set out in Section 3 of the Planning Committee Report.

- As this application is located within the rural area it falls to be determined under paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21.

- Prior to the restorations works being carried out which, form part of this application, the subject structure was in a ruinous condition with no roof and large portions of the external walls collapsed. Consequently, any former use of the structure has been abandoned/extinguished. The application seeks to establish a residential use on the site and the appropriate policy context under which to assess the proposal is Paragraph 6.73 of the SPPS and Policy CTY4 of PPS21.

- For further clarification as the existing structure does not represent an existing dwelling, policies regarding domestic extensions and alterations cannot apply to the proposal. Additionally, the building could not avail of permitted development rights to complete the renovation works carried out.

- Paragraph 6.73 of the SPPS introduced a stricter policy test for the conversion and re-use of buildings to that set out within Policy CTY 4, advising that provision should be made for the sympathetic conversion and reuse of a 'locally important building', Paragraph 1.12 of the SPPS outlines that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. Consequently, the principle of development must be considered against the requirements of the SPPS.

- The structure which currently sits on the site has been substantially rebuilt with concrete blockwork constructed on top of the pre-existing ruinous walls. You can see from the images the significant amount of newly constructed walls has taken place. A new roof and roof trusses have been erected, and a temporary style door has been erected with wall openings blocked up by timber sheeting to give the appearance of window openings. Internally a new fire place and chimney breast have been constructed.

- As the restoration works completed to the derelict structure do not avail of planning permission assessment of the application must be considered against the structure present prior to the carrying out of the unauthorised refurbishment works. Given the ruinous condition of the structure, it does not represent a building of permanent construction nor is it considered to be a locally important building given its lack of architectural or historical merit. Consequently, the application fails to comply with SPPS paragraph 6.73 and CTY 4, criteria a.

- This assessment is consistent with appeal 2016/A0169 (Appendix 1) which was for the refurbishment and extension of existing derelict dwelling. The appeal was dismissed.

- The proposed restoration works include the replacement of the blockwork elements with natural stone and replacement of the tin roof with a fibre cement slate. Overall, the design of the proposed cottage would be considered acceptable for this rural location.

- Views of the application site is restricted to short range views when approaching in both directions given the screening afforded the site by the existing mature vegetation to the southern/southwestern boundary and the existing Hillcrest View Cottages immediately north of the application site. Given the modest scale of the proposed development the proposal would not have a significantly greater visual impact than the pre-existing ruinous structure and, while the application site is raised above road level the proposed the proposal will not result in a building any more prominent than the existing structure on site. Given the retention of existing vegetation and the modest scale of the development it is considered that the proposal complies with Paragraph 6.70 of the SPPS and Policies CTY13 and 14.

- The objection received cites the loss of parking spaces within Hillcrest Cottages to facilitate access to the site, loss of revenue associated with a loss of parking and loss of safe playing space for children.

- A review of the planning history at Hillcrest Cottage indicates that the area where access is proposed to be taken is not dedicated parking for the existing cottages and that the proposed access will not impede on the parking provisions approved. As this is a private thoroughfare any issues arising would be a civil matter.

- The Planning Department note that the area identified as providing play space for children is required to facilitate vehicular access to No. 2 Hillcrest Cottages and the provision of the thoroughfare to the application site is not considered to significantly increase the risk to pedestrians to an

unacceptable level. The comments of the objection are noted however, the Planning Department do not consider the issues raised to be fatal to the proposed application.

- Consultation was carried out with DFI Roads, NI Water, Historic Environment Division (HED), NIEA and Environmental Health. Majority of consultees raised no concerns with NI Water advising that there is no capacity within foul sewer to accept proposed development.

- In conclusion the proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY4 of PPS21 in that the structure within the application site to be restored and converted is not considered a locally important building and is not a building of permanent construction.

- 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.

Alderman Boyle referred to the second Reason for Refusal at the end of the report surrounding policy CTY4 – is this because it is ruinous?

Senior Planning Officer stated the application of policy CTY 4 was applicable as the property sought to retain the works undertake to the building, refurbish and reinstate residential use. There was no lawful use at present as the building is derelict and in a ruinous state. This is not a replacement application and therefore policy CTY 3 is not applicable and the only applicable policy for the application as described is policy CTY 4.

Alderman Boyle queried if the previous decision did not consider the application acceptable as there were only 2 clear walls and part of a 3rd wall.

Senior Planning Officer advised the LA01/2017/0207 replacement dwelling application was considered under policy CTY 3 and cited from the document and advising that it did not meet the criteria. Referring to the image he advised that the front elevation missing, gable, rear wall portion wall missing, the application failed CTY 3 and had been withdrawn prior to decision.

Councillor McMullan enquired whether it could pass for a new site?

Senior Planning Officer stated the applicant had applied for conversion and reuse of a building, a previous assessment of replacement had been unacceptable. He advised that no other use had been put forward for consideration in the application.

Councillor McMullan enquired what was meant by a *locally important building.*

Senior Planning Officer stated the SPPS gave examples and cited from the document advised the list was not exhaustive. He advised the examples demonstrate that there should be architectural merit, local importance or historic significance. There was no argument of any local importance put forward in the application.

Alderman Boyle referred to the Executive Summary, NI Water had no capacity for the foul sewer?

Senior Planning Officer clarified the application would be subject to consent for discharge outside of Planning for a proposal for a septic tank and can be dealt with by a negative condition on the decision notice if approved.

Councillor Watton referred to similar buildings all over the country, he stated what are we going to do with them? If we refuse, no replacement opportunity, what about a holiday let? Anything would be better than what is there.

Senior Planning Officer stated policy had clear requirements. Policy CTY 4 applies to proposals for retention and reuse, however, the building had to be worthy of retention.

The Head of Planning stated the applicable policy is CTY 4 for the application in front of Members for determination. The Head of Planning cited the application proposal. To change the description of the application to an alternative proposal would require withdrawal and resubmission of a new application. She advised the PAC decision is very clear, referring to paragraph 4 of the PAC decision.

Alderman Callan referred to paragraph 6 of the PAC decision, the Commissioner states that it is not a definitive list, it was up to the applicant to advance the argument. Alderman Callan asked was it a judgement call? Alderman Callan stated locally important could mean a number of things e.g. a famous person, historic merit, site famous for an historical incident.

The Head of Planning referred to policy CTY 3 which requires the walls to be substantially intact; this structure is in a ruinous state. The Head of Planning stated material facts on the ground are not subjective, PAC decisions refer to almost/more or less intact. The Head of Planning referred to paragraph 6 of the PAC decision and cited from the document the list was not exhaustive. The Head of Planning stated it depended on the merits, however, for the description stated on this application replacement of the dwelling was not the proposal in front of the Committee.

Councillor McMullan proposed the be deferred for 1 month for the applicant to come back with information on the old building.

The Chair ruled the applicant was here today to speak on the application and he would leave the proposal on the table.

Senior Planning Officer referred to *locally important* and cited from a Planning Appeal referencing a focal point or locally important building.

The Chair invited M Smyth and D Alexander to present in support of the application.

M Smyth stated the application was in response to an enforcement case and wanted simply to undertake restoration use. SPPS applies though there are many small buildings across the countryside that are not locally important and can be converted. Building is ideal for small scale tourist accommodation. Structural report states that the building is capable of conversion. PAC decision is not comparable as clients proposal is in better condition and location and should be considered on its own merits. He asked if restoration is not acceptable then request consider the retention of works and will amend the application to reflect. M Smyth referred to application on Curragh Road which was considered applicable to this application and was used as a storage building and also in response to enforcement.

D Alexander spoke in support of the application advising it was erroneous to consider the existing building as ruinous, this is restoration works and description can be amended. He advised that there are 3 criteria: size, permanence and degree of physical attachment to ground. He considered it to be clear that the previous structure meets all 3 criteria and this is set out by case law.

Alderman Boyle queried the locally important aspect not defined in detail – who might have lived in/owned/historic merit of the building?

M Smyth advised it had been in the family for generations, in the landscape for 100 years and is a traditional stone build characteristic of a typical dwelling from many years ago.

Councillor Watton asked if it was a holiday let?

M Smyth stated it was too small for a permanent residence and would be ideal as a holiday let.

The Chair sought clarification whether this was a holiday let application?

M Smyth stated that is could be used as a holiday let and yes that could be applied for.

The Head of Planning stated that that was not what has been applied for and read the description of the application to Members. She advised that it would require a new application.

M Smyth advised they were establishing the principle, then Change of Use to a Holiday let could be applied for. He advised that there is a live enforcement case and the key goal is to retain the restoration works that have already been completed.

Councillor Watton suggested deferring and stated that they are trying to make ruinous building safe.

The Head of Planning reminded Members of the description of the application in front of them today for determination.

Alderman Boyle stated a holiday let application been muted, would there be different policies.

The Head of Planning clarified the application in front of Members today for determination. Consideration of a use for a holiday let would require a new application and would be assessed under key relevant policy considerations of SPPS, PPS16 Tourism and PPS21 policy CTY 4 conversion existing building.

It was Proposed by Councillor McMullan that Planning Committee accept the works and once done apply for a new application under Tourism.

The Head of Planning stated that would require an amendment to the description of the application and readvertised.

The Chair advised a meeting between the Agent and Officers and brought back to Committee.

Proposed by Councillor McMullan
Seconded by Councillor C Archibald
- That the Committee defer LA01/2024/0977/F, Referral, Land South of 1&2 Hillcrest Cottages and Circa 30m North West of 22 Loguestown Road, Portrush for one month, to amend description of application and allow a meeting between the Agent and Officers if necessary and brought back to Committee.

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

RESOLVED - That the Committee defer LA01/2024/0977/F, Referral, Land South of 1&2 Hillcrest Cottages and Circa 30m North West of 22 Loguestown Road, Portrush for one month, to amend description of application and allow a meeting between the Agent and Officers if necessary and brought back to Committee.

* **The Chair declared a recess for lunch at 12.56pm.**

The meeting reconvened at 1.45pm.
The meeting reconvened at 2.14pm.
The Head of Planning undertook a roll call.

As the Chair had left the meeting and vice-chair was not present at the meeting the following proposal was put to Members:

Proposed by Alderman Boyle
Seconded by Alderman Scott
- That Councillor Watton assume the position of Chair for the remainder of the Planning Committee meeting

Councillor Watton put the motion to the vote
13 members voted for; 0 Members voted Against; 0 Members Abstained
Councillor Watton declared the motion carried

RESOLVED – That Councillor Watton assume the position of Chair for the remainder of the Planning Committee meeting.

Councillor Watton assumed the Chair.

5.6 LA01/2022/0663/O, Referral, Land adjacent to 60 Windyhill Road, Limavady (5.6)

Report, presentation, site visit note, speaking rights templates for M Smyth and A McGonigle were previously circulated and presented by Senior Planning Officer M McErlain.

Referral Application to be determined by Planning Committee
App Type: Outline
Proposal: Site for replacement dwelling

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

Senior Planning Officer presented via power point presentation as follows:

- LA01/2022/0663/O is an outline application for the Retrospective application for retention of restoration works to ruinous wallstead, completion of restoration and conversion works, to reinstate former cottage with associated landscaping and access.

- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning permission

- 1 objection and 1 letter of support have been received in relation to this application

- The site is located in the rural area as defined in Northern Area Plan 2016 and is not located within any environmental designations.

- The application site is located on land adjacent to 60 Windyhill Road, Limavady. The site is sited between the single storey dwelling houses at Nos. 60 and 64, and adjacent to a further dwelling at No. 76 and another standalone building to the immediate east of the site. Access to the site is proposed via an existing laneway onto Windyhill Road. The site accommodates a single storey building which is subject to this application.

- There is previous planning history on the site. Planning Applications B/1991/0326. B/1995/0165 and B/1996/0230 were granted planning approval for a replacement dwelling for part of the subject building. These planning approvals relate to the existing dwelling to the north of the site at No. 64.

- It should be noted that these planning approvals for the replacement dwelling were approved under the relevant planning policies at that time contained within the Planning Strategy for Rural Northern Ireland, which were subject to different eligibility criteria than that contained within the current policy requirements within the SPPS and Policy CTY3 of PPS21.

- Planning history on the adjacent lands to the east of the application site is set out in Section 3 of the Planning Committee Report.

- As this application is located within the rural area it falls to be determined under paragraph 6.73 of the SPPS and Policies CTY 1 and CTY3 of PPS 21.

- Policy CTY 3 notes that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to ‘dwellings’ will include buildings previously used as dwellings.

- Information was submitted in support of the application which included written testimonies for a number of people from the local area outlining that the building was resided in by three families, up until about 1970.

- While the Planning Department acknowledge the planning history on the site for part of the building, it has not been satisfactorily demonstrated or verified as to the physical extent of the residential use of the building or the number of units that may have existed on the site at a time.

- This is particularly relevant as part of the building has already been granted planning permission to be replaced and this permission has been implemented. Consequently, this section of the building is not eligible for replacement again under this application.

- However, regardless of the previous use of the building the critical policy requirements set out under Policy CTY3 for being eligible for replacement are that the building is substantially intact and exhibits the essential characteristics of a dwelling.

- The building subject to replacement has a 'U' shape footprint and is single storey with corrugated iron to roof. Along the western elevation there is a roller door and large double shed style doors and white painted walls. The inner 'U' elevations are unpainted and include a number of metal framed windows along with the southern and northern elevations. Externally, the building does not exhibit the characteristics of a dwelling. The window openings are irregularly placed within the elevations and there is no evidence of chimneys on the ridge.

- Internally, the footprint of the building is largely open plan with exposed wooden trusses in poor condition with the metal corrugated roof sitting on top and a smooth concrete floor. The building is currently used for storage. There is no evidence of a previous use as a dwelling, with no fireplaces, its open plan nature and garage doors. or fireplaces present. Overall, the building fails to exhibit the essential characteristics of a dwelling house.

- The agent cites PAC Decision 2015/A0175 (Appendix 1) which relates to a replacement dwelling, whereby the PAC upheld the appeal. This appeal was upheld due to the remains of a hearth and chimney breast within the building and remains of a chimney pot on the ridge being evident within the building to be replaced. This appeal is not therefore directly comparable to this application given that none of these key characteristics are evident on or within the building under consideration.

- Views of the application site are obtained over a distance of approximately 115m when passing No. 56 in a north-eastern direction. From here the application site is read with the existing adjacent dwellings and associated landscaping. The rising topography to the distant north/northeast provides a backdrop for development ensuring it does not appear unduly prominent/skyline. Views on approach from the north east are well screened by the existing dwelling and associated buildings at No. 76. Given that there is already a building in situ it is felt that a modest single storey dwelling could be accommodated which would respect the surrounding character, avoid being unduly prominent and satisfactorily integrate. Subject to this the proposal would meet with the requirements of Paragraph 6.70 of the SPPS and Policy CTY13 and 14 of PPS21.

- The objection received raised issue with a loss of view and light at the property.

- The loss of a view from a property is not a material planning consideration and this concern is afforded no weight in the assessment of the application.

- In terms of a loss of light to the objector's property the Planning Department consider that, subject to appropriate design, a modest scale dwelling could be accommodated on the site without unacceptable detrimental impact on neighbouring properties.

- The letter of support from an MLA highlights the historical significance of the subject building and is supportive of its restoration to provide a retirement home. It is noted however that the proposal relates to the replacement of the buildings and not the conversion and re-use of the buildings under Policy CTY4.

- Consultation was carried out with DFI Roads, NI Water, NIEA, and Environmental Health. No concerns were raised.

- In conclusion the proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY3 of PPS21 in that the building to be replaced does not exhibit the essential characteristics of a dwelling.

- In addition, no overriding reasons have been forthcoming as to why the development is essential, therefore the proposal is contrary to policy CTY1 of PPS 21. Refusal is recommended.

In response to questions from Alderman Scott regarding the previous policy, the Senior Planning Officer advised that previous planning permission had been granted under policy HOU13 of the Planning Strategy Northern Ireland and citied from this policy in relation to what was required to grant approval for the replacement of a building used as a dwelling.

In response to questions from Councillor McMullan regarding evidence that the building has been used as a dwelling previously, the Senior Planning Officer confirmed that an external and internal inspection has been completed of the building, that the site visit allowed Elected Members to see it; that the building was part of the Army Barracks; and, 3 families had lived in the building previously. The Senior Planning Officer further confirmed that although there is written testimony to a stove having been in the building, it still has to exhibit the characteristics of a dwelling and in its current state the building does not exhibit these characteristics.

Alderman Scott commented that although there is no evidence of a chimney, during the site visit he noticed that there were metal plates on the ceilings with a circle which would have been used for a stove flue, this along with

correspondence received detailing the use of a stove is evidence that there was a stove in the building.

The Senior Planning Officer confirmed that the Planning Department do not dispute that the building was used as a dwelling in the past, that the metal plates on the ceiling could have facilitated stoves but we cannot be certain of that and that the policy requires that the characteristics of a dwelling need to be seen in the building in its current state.

Councillor Storey referred to the wording of the policy quoting “buildings previously used as a dwelling”. He stated that it is evidenced that 3 families lived there up until 1970s and therefore queried if that meant the policy was met.

The Senior Planning officer referred to the key criteria of the policy and previous PAC decisions which clarified the interpretation of the policy.

The Head of Planning clarified the 3 criteria that must be met. The Head of Planning also read the first and second sentences of the policy to provide further clarity for the Committee Members.

The Chair invited M Smyth and A McGonigle to speak in support of the application.

M Smyth stated that historically the building was divided into 3 separate dwellings until the 1970’s. M Smyth stated that evidence was submitted in relation to the previous residential use and where the building was adapted for an alternative use, but characteristics of a dwelling remained including the internal subdivision of rooms which is compliant with policy. M Smyth stated that as a fallback Policy CTY 3 also facilitates the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. M Smyth stated the candidate building would comply with the spirit and intent of this element of the policy and provide a modest sized dwelling fronting the laneway. This would be more in keeping with the character of the cluster of development at this location.

A McGonigle stated he lived in part of the building from 1953 to 1960 and his parents lived there for a couple of years prior to this. A McGonigle described a stove being located within the house with a flue going to the roof. A McGonigle spoke of the family living next door and of a gentleman living behind where he lived. A McGonigle described a photograph taken outside the house which included his father’s motorcycle and his family being in the background, the neighbours are also in the photograph. A McGonigle stated that 2 families lived in the west side of the building.

There were no questions for the speakers.

In response to questions from Councillor Storey regarding the evidence presented, the Head of Planning advised that a balanced judgement needs to be made taking account of the Northern Area Plan 2016, the relevant planning policies and other material planning issues raised.

Proposed by Alderman Scott
Seconded by Alderman Callan
- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to approve outline planning permission subject to the reasons set out in section 10 for the following reasons

- At the site visit the divisions for the rooms could be seen albeit the walls were knocked down.
- Some evidence may have been removed under previous planning permission but some of the characteristics of a dwelling are still evident including windows that would open as in a house, the narrow windows at the door and the metal plate in the roof where one of the stoves was
- Evidence presented demonstrate that the building was previously used as a residence until the 1970's for families in Limavady. Written and verbal evidence of residential occupation in the building in the form of letters and the verbal evidence received from A McGonigle
- A dwelling would be a betterment for the area
- The walls are still substantially intact
- It meets the intent of the policy objectives
- There have been no objections from consultees
- The application meets the requirements of policy

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

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

- At the site visit the divisions for the rooms could be seen albeit the walls were knocked down.
- Some evidence may have been removed under previous planning permission but some of the characteristics of a dwelling are still evident including windows that would open as in a house, the narrow windows at the door and the metal plate in the roof where one of the stoves was
- Evidence presented demonstrate that the building was previously used as a residence until the 1970's for families in Limavady. Written and verbal evidence of residential occupation in the building in the form of letters and the verbal evidence received from A McGonigle

- A dwelling would be a betterment for the area
- The walls are still substantially intact
- It meets the intent of the policy objectives
- There have been no objections from consultees
- The application meets the requirements of policy

RESOLVED – That Conditions and Informatives are delegated to Officers.

5.7 LA01/2023/0580/F, Referral, Site Between 56 & 58 Ballykenver Road, Armoy (5.7)

Report, presentation, and site visit note were previously circulated and presented by Development Management Manager, J Lundy.

Referral Application to be determined by Planning Committee
App Type: Full
Proposal: Single new infill dwelling (part 2 storey & part 1.5 storey) with extended garage and covered area, associated siteworks and alterations to existing shared entrance.

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

The Development Management Manager presented via power point presentation as follows:

- This is a referred item for full planning permission at site between 56 and 58 Ballykenver Road for an infill dwelling, part 2 storey and part 1.5 storey with extended garage and covered area associated siteworks and alterations to existing shared entrance.

- A site visit was carried out on Friday and a note has been circulated.

- (Slide) The site location plan showing the site in context with No.s 60, 58 and 56 Ballykennver Road.

- The site is located in the rural area as defined in Northern Area Plan 2016 and is not located within any environmental designations. PPS 21 applies.

- (Slide) Block plan showing the 2 semi detached dwellings Nos 60 and 58 and the detached garage to no 58. The proposed development extends from the rear of the existing garage with the proposed house extending across the backgarden of No 58.

- (Slide) The proposed dwelling is an L-shape with 2 integral garages, a covered area and 1.5 storey dwelling which is 2 storey to the rear as shown in the elevations

- (Slide) Proposed1st floor accommodation and east elevation.

- (Slide) The application has been submitted for infill development. Policy CTY 8 Ribbon development states that development will be refused that creates or adds to a ribbon of development.

- An exception is permitted for the development of a small gap sufficient only to accommodate a maximum of 2 houses within a substantial continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot sizes and other environmental requirements.

- First to establish if there is a substantially and continuously built up frontage which is defined as 3 or more buildings along a road frontage without accompanying development to the rear, we have to look at the facts on the ground. Nos 60 and 58 are a pair of semi-detached dwellings that front the Ballykenver Road and count as 2 buildings, within the plot of No 58 is a garage with frontage to the Ballykenver Road which counts as the third building. No 56 is not a building along the road frontage as only its access fronts the Ballykenver Road.

- (Slide) The site is to the rear of the fence which was opened up on the day of the site visit. The site is wholly within the rear garden of No 58 and does not present as a gap site within a substantially and continuously built-up frontage but as a backland development to the rear of the existing dwelling. Only the access is onto the road.

- (Slide) The garage and access. The proposed access requires alteration, and no amended plans were submitted to demonstrate that a safe and convenient access can be provided and that car parking for the proposed dwelling and existing dwelling at No. 58 can be provided within the site curtilage.

- (Slide) Photo of the pair of semi-detached dwellings

- (Slide) The access lane to No 56.

- (Slide) The context of the site, the blue arrow of where the dwelling is to be sited. The proposal fails to meet with Policy CTY 8 as the application site does not represent a small gap site within a substantial and built-up

frontage. As previously discussed, the development is to the rear of the garage and No 58.

- (Slide) Aerial shot of the site showing the siting of the dwelling. Policy CTY 8 also requires that proposed development reflects the character of the surrounding area in terms of the size, scale, siting and plot sizes. As you can see the building line of the 3 existing buildings present a strong frontage to the road. The siting of the proposed development is to the rear and is wholly set back and not in keeping with the character, the size and design of the proposed dwelling, is out of keeping also with the character of the area due to the position and scale. The application is not considered as a gap within a substantial and continuously built up frontage nor does it respect the existing pattern of development and fails to meet the exception test of policy CTY8.

- The proposal has also been recommended for refusal under policies CTY13 and CTY14 due to lack of integration, suburban style build-up of development and also under PPS 3 in that it has not been demonstrated that the access will not prejudice road safety or that adequate parking and car circulation can be provided within the curtilage of the site.

In responses to questions from Alderman Scott regarding the location of the proposed dwelling and the gap site, the Development Management Manager confirmed that there is a gap between the garage and the dwelling at no 58 and the proposed dwelling is not within this gap. The Development Management Manager confirmed that there is a gap between the garage and the dwelling but the proposed site is in the rear garden. The Development Management Manager stated that the gap between the garage and dwelling is 4.5m, the average plot size is 12 metres so the site does not meet size, scale and plot size.

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

The Chair put the motion to the Committee to vote.
6 Members voted For; 0 Members voted Against; 7 Members Abstained.
The Chair declared the motion carried and application refused

RESOLVED - That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and

guidance in sections 7 and 8 and resolves to REFUSE planning permission subject to the conditions set out in section 10.

5.8 LA01/2024/0814/S54, Planning Agreement, Unit 2, Riverside Retail Centre, Dunhill Road, Coleraine (5.10)

Report, presentation, addendum, and speaking rights template for E Loughrey were previously circulated and presented by Senior Planning Officer R Beringer.

Referral Application to be determined by Planning Committee
App Type: Full
Proposal: Proposed Variation of Condition 05 (Bulky Goods) of Planning Permission C/1995/0720 (Approval for food store and 2 non food retail stores) to Allow for the Sale of Convenience Goods (groceries).

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.

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

Senior Planning Officer presented via power point presentation as follows:

- A Committee Report and an addendum accompanies this application.

- This application is a local application being presented to the Committee as the recommendation is subject to a planning agreement. The application is a Section 54 application which seeks the variation of a condition, condition 5 of planning permission C/1995/0720 (for the food store and 2 non-food stores) in relation to bulky goods to allow for the sale of convenience goods.

- (Slide 1) The site, as outlined in red, is located within the development limit for Coleraine. It is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016. The site is located within the Riverside Centre, lying outside of the town centre area of Coleraine. For retail purposes, it is an out of centre site.

- (Slide 2) The layout shows the location of Unit 2 within the Riverside Centre.

- (Slide 3) Elevations of the existing units 1 and 2, with this application relating to Unit 2 only.

- (Slide 4) Image of the unit, with Unit 2 identified.

- The prospective tenant is Food Warehouse which is part of the Iceland Foods Group. Iceland currently have a store at Railway Road in the town centre. The Planning Agreement would ensure that the Iceland store remains trading for a minimum of 5 years, retaining consumer choice within the town centre. The retailer has not indicated any intention to close the store and it could well operate indefinitely.

- The application has been assessed in relation to the relevant policy considerations. The recommendation is to approve the Section 54 application which is subject to a Planning Agreement, and that Members are content for officials to proceed with same.

Councillor Anderson stated that there is a need for safety on the road into the retail centre, that the potholes need fixed by the owner.

The Chair invited E Loughrey to speak in support of the application.

E Loughrey addressed the Planning Committee as follows:
On behalf of the applicant company and the prospective tenant, The Food Warehouse, we welcome the recommendation to approve this application.

We request the Committee endorse and accept this recommendation.

The Food Warehouse is a new brand of food offering in Northern Ireland. It is operated by Iceland. Iceland are rolling out this new format of stores on a national basis to sit alongside their existing network of High Street Iceland stores. This offer complements the traditional High Street retail offer providing a wider range of goods and catering for the bulky buyer.

There are over 800 Iceland stores and 200 Food Warehouse stores.

The Iceland store at Railway Road is a very popular and successful trading store for the company. There is no intention to close or alter the trading of that store. It is meeting a different customer profile, the core base of Iceland customers and Iceland will continue to meet the demands of those customers in the town centre.

Because of the 'two store' strategy and the success of the Railway Road store, Iceland have confirmed that the town centre store will remain open for

at least another 5 years. The Planning Department have sought to formalise this commitment through a legal agreement, which Iceland have agreed to.

Consequentially, this application delivers two benefits to Coleraine, first it secures the long term provision of a town centre Iceland store for another 5 years at least, and second it introduces the Food Warehouse brand to the town.

In terms of policy, there is a qualitative need for a new retail offering in Coleraine, and the proposal will create 40-50 new jobs in Coleraine and obviously provides security for the staff of the existing Iceland store. It also creates 20-30 construction jobs and represents an investment of £1.5million in Coleraine.

There is a quantitative need for the proposal. The Council's own Capacity Assessment identifies a requirement for additional convenience floorspace, and this proposal can help to meet that need.

We have carried out a retail impact assessment and demonstrated that there will be no harm to the town centre. Indeed, given the commitment of Iceland to retain the Railway Road store, this proposal can be considered to provide a benefit of certainty for the town centre.

Finally, as confirmed by the Case Officer, there are no suitable sequentially preferable sites for this proposal in either Coleraine, or Portrush or Portstewart.

The proposal therefore complies with the policies of the Northern Area Plan and the Strategic Planning Policy Statement.

Given the foregoing, I respectfully request that the application be approved.

In response to questions from Counciullor Watton, E Loughrey confirmed that the Iceland store on Railway Road will remain open for at least 5 years.

Proposed by Alderman Callan
Seconded by Councillor Anderson

- 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.
13 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 subject to the conditions set out in section 10.

6. CORRESPONDENCE

6.1 DfC – Early warning of Red Kiosk Listings

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

The Development Plan Manager provided the following update:

Update: Council received a further email from DfC advising that consultation will issue for only 6 of the original 9 on the list.

Awaiting formal HED consultation on 24/20/25. Will then bring paper to Committee for consideration.

In response to questions from Councillor McMullan, the Development Plan Manager advised that a further email has been received to state 3 red kiosks have been removed from the list so there are now 6 red kiosks rather than 9.

The Development Plan Manager stated that the Planning Department are expecting formal consultation on the red kiosks at Torr Road and Waterfoot at the end of October 2025.

Committee NOTED the correspondence.

7. REPORTS FOR DECISION

7.1 Planning Statements

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

Purpose of Report
This Report is to advise Members of the introduction of a Development Management Information Note about Planning Statements. The purpose of this guidance is to provide an overview of the content of Planning Statements to be submitted with planning applications as set out in the 'Validation Checklist for Planning Applications'.

Background
Article 5A of The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2024 enables Councils to publish a Planning Application Validation Checklist specifying the information, plans or evidence which must be

submitted with a planning application to make it a 'valid' application and enable it to be processed. Council's Validation Checklist was implemented on 09 June 2025 and sets out that Planning Statement is required for all planning applications with the exception of minor householder applications and advertisements.

A Planning Statement is a written document that explains the rationale for the proposed development and how it complies with the Northern Area Plan 2016 (NAP 2016), and relevant policies contained within the Strategic Planning Policy Statement for Northern Ireland and the regional Planning Policy Statements. It provides the opportunity for you to explain the context of the site, justification for the proposed development and how it complies with the NAP 2016 are relevant regional and local planning policies and to put forward any other material planning issues that should be considered in the assessment of the application.

Content of the Information Note
The Information Note provides information on the following:

- Legislative context
- What is a Planning Statement
- When is it required
- What should be contained within a Planning Statement

Proposals
To publish the Development Management Information Note 08 on Planning Statements (See Appendix 1).

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

In response to questions the Head of Planning advised that the information provided is a guidance note.

In response to further questions the Head of Planning confirmed that the briefing note of meetings held with Agents is uploaded to the Planning section of the website and confirmed the briefing note of the most recent meeting can be brought to the next Planning Committee meeting.

Proposed by Alderman Callan
Seconded by Alderman Scott
- That Planning Committee considers the attached Information Note and agrees to its publication on the Planning Section of Council's website.

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 considers the attached Information Note and agrees to its publication on the Planning Section of Council's website.

7.2 Self Catering, Short Term Stay Accommodation

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

Purpose of Report
This Report is to advise Members of the introduction of a Development Management Information Note about Self-Catering/Short-Term Stay Accommodation. Self-catering accommodation is generally described as a property rented out for a short period of time, ranging from one day to a number of weeks, normally for business, holiday or leisure purposes, and not for use by the guest(s) as their main or permanent home. Short-term stay accommodation additionally includes use of part of a property or room within a property for these purposes.

Background
For planning purposes, a dwelling or apartment/ flat is defined as Class C1 dwelling house. This is set out in the Planning (Use Classes) Order (Northern Ireland) 2015. Use of a dwelling or apartment/ flat for the purposes of self-catering/ short-term stay accommodation may constitute a material change of use depending on the specific circumstances of the case. Where there is a material change of use, planning permission is required. The crucial test is whether there has been a change in character of the use.

As the Planning (Use Classes) Order (Northern Ireland) 2015 does not identify self-catering/ short-term stay accommodation as a specific use, it is an unspecified use. This is otherwise known as a *sui generis* use.

The Tourism (Northern Ireland) Order 1992 requires all tourism/visitor accommodation to hold a current Tourism Northern Ireland Certificate which is valid for 4 years.

Planning permission may be required to use a house, apartment or other premises for self-catering/ short-term stay accommodation. The need for planning permission will depend on the extent to which the self-catering/ short-term stay use changes the character of the property and the degree to which it impacts on its surroundings, including impact on residential amenity. Generally, use of your main home for this purpose for less than 90 nights a year is exempt from needing planning permission. However, indications that planning permission is required for a material change of use to short-term stay accommodation are any of the following:

- Use of the property for short-term stay accommodation in excess of 90 nights in any rolling 12 month period.
- Parking arrangements if guests have more vehicles than would be expected for a typical family- where this creates amenity issues.
- Patterns of arrival and departure if guests are coming and going at unusual hours- where this creates amenity issues.
- If the number of guests staying at the property exceeds that which might be reasonably expected at the property.
- Frequency of party type activities- where these create amenity issues.
- Lack of organisation around waste collection where visible to other residents.

Content of the Information Note
The Information Note provides information on the following:
- What is self-catering/short-term stay accommodation
- Legislative context
- Requirement for planning permission
- Consideration and processing of a planning application

Proposals
To publish the Development Management Information Note 11 on Self-Catering/Short-term Stay Accommodation (See Appendix 1).

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

In response to questions the Head of Planning cited the definition of B&B's and short term stay accommodation in order to clarify what the difference is.

Councillor McMullan stated that Air BnB's are affecting the local economy, houses that were rented are now being used as Air BnB's.

In response to further questions the Head of Planning advised there are very few enforcement cases in relation to short term stay accommodation. She confirmed that at a meeting with Agents they had requested guidance due to the concerns regarding the number of Air B&B's. The Head of Planning stated that an exact number of Air B&B's is not held, there has been some research completed from online resources and with TourismNI. This issue will be considered further in the Local Development Plan. The Head of Planning confirmed that all tourist accommodation must be registered with TourismNI. The Head of Planning confirmed that Houses of Multiple Occupation was not discussed at the last meeting with Agents.

The Development Plan Manager advised that the study that has been completed was a study to reflect the number of Air B&B's at a point in time which gives baseline figures.

Proposed by Alderman Callan
Seconded by Alderman Boyle
- That Planning Committee considers the attached Information Note and agrees to its publication on the Planning Section of Council's website.

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 considers the attached Information Note and agrees to its publication on the Planning Section of Council's website.

*** Councillor Anderson left the meeting at 3:35pm.**

7.3 TPO Confirmation – Lands at 2 Bann View Place and Lands adjacent to 56 Portstewart Road, Coleraine (LA01/2025/0004/TPO)

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

Purpose of Report
To present the TPO confirmation, with modification, for Lands at 2 Bann View Place and Lands adjacent to 56 Portstewart Road, Coleraine.

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 within the Settlement Development Limit (SDL) of Coleraine. No. 2 Bann View Place is a residential unit with trees located in the front garden. These trees are visible from Portstewart Road. The lands adjacent to 56 Portstewart Road are not associated with a residential unit, however, they do contribute to the landscape at Bann View Place.

The Bann View Place residential development was approved under application LA01/2017/1201/F. Prior to this development, the site comprised one residential unit (No. 58 Portstewart Road).

The site under consideration for a TPO comprises 13 individual trees: 4 common beech, 2 Norway spruce, 1 rowan, 1 Sitka spruce, 1 larch, 1 holly, 1 cherry and 2 sycamores.

The Northern Area Plan 2016 identifies Lands at 2 Bann View Place and Lands adjacent to 56 Portstewart Road as being located within the Coleraine SDL.

Reason for Consideration of a TPO

Following a review of TPO/2005/0018 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 Portstewart Road, Coleraine.

A Provisional TPO was served on site on 29th August 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 27th February 2026). In line with legislation, a copy of the Provisional TPO documentation was also posted to inform interested parties and adjoining neighbours on 29th August 2025. Copies of the Order were also attached to protected trees in obvious locations within the site on 29th August 2025.

The consultation process allowed comments/representations to be submitted within 28 days from the date of Notice of the Provisional TPO (up to 26th September 2025).

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 11th August 2025 (see Appendix 2). A total of 13 individual trees were included in the survey. The report includes specific observations and recommendations for all 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, with the exception of Tree No. 7 (larch) which is considered to be in of a poor physiological and structural condition. 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 Portstewart Road, Coleraine.

There were no objection letters received regarding the serving of a TPO on Lands at 2 Bann View Place and Lands adjacent to 56 Portstewart Road.

Summary
The site contains 13 individual trees. Tree No. 7 (larch) is not considered to be worthy or suitable for TPO protection. The remaining 12 trees are considered worthy due to their high public amenity value, being located in a prominent location along Portstewart 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 Tree No.7.

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 note the content of the report and agree to either Option 1 or 2 above.

The Development Plan Manager stated:

Following a review of the existing TPO/2005/0018, it was considered that a level of protection was still required as some of the trees retain their amenity value and are still worthy of consideration for a TPO.

On that basis, a Provisional TPO was served on site on 29th August 2025. On the same date documentation was posted to interested parties and adjoining neighbours, and copies of the Order were attached to protected trees in obvious locations within the site.

No representations were received within the 28 day statutory period.

A total of 13 individual trees were surveyed on site. The survey report in your pack sets out that the majority of the trees, with the exception of Tree No.7 (a larch tree in poor condition), are considered worthy or suitable for TPO protection.

***Recommendation:** That the Committee note the content of this Report and agree to Option 1: confirm the TPO with modifications, or*
Option 2: do not confirm the TPO.

In response to questions from Councillor McMullan, the Development Plan Manager stated that a tree preservation order can be considered for the Cottage Woods site in Cushendall.

Proposed by Alderman Callan
Seconded by Alderman Boyle
- That Planning Committee note the content of the report and resolve to confirm the TPO with modifications as detailed above.

The Chair put the motion to the Committee to vote.
11 Members voted For; 0 Members voted Against; 0 Members Abstained.
The Chair declared the motion carried.

RESOLVED - That Planning Committee note the content of the report and resolve to confirm the TPO with modifications as detailed above.

8. REPORTS FOR NOTING

The Chair presented Items 8.1-8.4 inclusive as read.

8.1 Finance Report – Period 1 -5 2025/26

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

Purpose
This Report is to provide Members with an update on the financial position of the Planning Department for the Period 1-5 of 2025/26 business year.

Details
Planning is showing a variance of over £71k favourable position at end of Period 5 based on draft Management Accounts.

The favourable position at the end of Period 5 is due to favourable position in relation to income from planning application fees and property certificate income of over £85k.

This favourable position in relation to application fee and property certificate income is reduced by an adverse position of just over £18k in salaries and wages and supported by a favourable position in advertisement costs of just under £6k.

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 1-5 of 2025/26 financial year.

Planning Committee NOTED the report.

8.2 First Quarterly Report on Performance 2025/26

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

Purpose of Report
The purpose of this report is to provide a quarterly update on Planning performance against the Planning Department Business Plan 2025/26.

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 2025-26 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 First Quarter 2025/26 Statistical Bulletin was published on 25 September 2024 providing provisional planning statistics for this period.

Details
Website link https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-june-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 Quarterly Report.

In response to questions about the length of time to process some applications being a result of working with consultees the Head of Planning advised that the duration varies between applications and that it is something that has been

raised with NIEA and Agents. The Head of Planning concurred with comments that it is good to see an improvement in the length of time it takes to process local applications. The Head of Planning advised she will be attending workshops that relate to using AI in the Planning Department.

Planning Committee NOTED the report.

8.3 Public Consultation on Review of Planning Fees

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

Purpose of Report
This Report is to advise Members of the public consultation launched by DfI Minister Liz Kimmins to introduce planning fees for non-material change and discharge of conditions planning applications (Appendix 1).

Background
The Planning (Fees) Regulations (Northern Ireland) 2015 (as amended) do not currently include a fee for applications for Non-Material Change and Discharge of Conditions.

Detail
These proposals are part of the Planning Improvement Programme being brought forward by the Department, working with local government and partners, to improve current processes and the performance and delivery of the planning system.

The consultation seeks comments and views on proposals to:
- Introduce a single fee of £115 for non-material changes
- Introduce a single fee of £115 for discharge of condition

The consultation closes on 23 December 2025.

Proposal
The Planning Department will provide a response to the public consultation.

Recommendation
It is recommended that the Committee notes the attached public consultation and notes that the Planning Department will issue a response to the consultation.

Planning Committee NOTED the report.

8.4 Statutory Consultee Annual Report

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

Purpose of Report
The purpose of this report is to advise Members of the DfI publication on the Statutory Consultations Annual Performance Report 2024/25.

Background
Schedule 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) ("the GDPO") sets out the statutory consultees that are required to be consulted on specified circumstances by council before determining an application for planning permission as required under Article 13 and 14 of the GDPO. and are subject to a duty to respond.

Section 229(2)(b) of the Planning Act (Northern Ireland) 2011 sets out the duty to respond to consultation by those consulted under Articles 13 and 14 of the GDPO. Article 15 of the GDPO sets out the period of time for response of a period of 21 days beginning with the day on which the council is satisfied that it has supplied the statutory consultee with the information it believes necessary for the consultee to make a substantive response ; or, any other such period as may be agreed in writing between the consultee and the council.

Details
Website link https://www.infrastructure-ni.gov.uk/publications/ni-statutory-planning-consultations-annual-performance-report-202425 provides the link to the published report. This report highlights the performance of statutory consultees in the planning process. It provides details of the volume of statutory consultation that has taken place during 2024/25 business year with comparative information for earlier years.

The figures contained within the report are extracted from the Planning Portals, are management information, and should not be treated or considered as official statistics.

During 2024/25 the proportion of statutory consultations responded to on time was 77%, an increase of 3% when compared to the previous year. For local applications, the response rate on-time was 79% whilst for major applications the response rate was 61% across Northern Ireland. For Causeway Coast and Glens Borough Council, 88% of statutory consultee responses were received on time for local applications and 61% for major applications, with an overall 87% of responses received on time.

Recommendation
It is recommended that the Planning Committee NOTE the DfI publication on the Statutory Consultations Annual Performance Report 2024/25.

Planning Committee NOTED the report,

9. CONFIDENTIAL ITEMS

9.1 Verbal Update on Legal Issues

The Head of Planning 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 3:46pm

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Chair