

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 22 MAY 2024**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
<b>1.</b>	Apologies	<b><i>Alderman S McKillop, Scott Councillors Nicholl, Wallace</i></b>
<b>2.</b>	Declarations of Interest	<b><i>Nil</i></b>
<b>3.</b>	Minutes of Planning Committee meeting held 24 April 2024	<b><i>That the Minutes of the Planning Committee meeting held Wednesday 24 April 2024, are signed as a correct record.</i></b>
<b>4.</b>	Order of Items and Confirmation of Registered Speakers	
<b>4.1</b>	LA01/2023/0346/F, Referral, 58 Drumagarner Road, Kilrea	<b><i>Withdrawn from the Schedule</i></b>
<b>4.2</b>	LA01/2022/1582/O LA01/2022/1582/O, Referral, Approximately 65m South of 3a Heagles Road, Ballybogey	<b><i>Deferred for a Site Visit</i></b>
<b>4.3</b>	LA01/2023/0627/O, Referral, 30m South of 34-38 Ballymadig Road, Castlerock	<b><i>Deferred for a Site Visit</i></b>
<b>5.</b>	Schedule of Applications:	
<b>5.1</b>	LA01/2023/0431/F, Major, Lands South of Semicock Park, Semicock Avenue and Route Gardens, to North of Greenhill Drive and the Council depot and to West of Knock Road, Ballymoney	<b><i>Agree and Approved</i></b>
<b>5.2</b>	LA01/2016/0127/F, Major, 235m S E of 75 Duncrun Road, Magilligan, Limavady	<b><i>Agree and Approved with the condition that several fishing stands will be made accessible for people with disabilities</i></b>
<b>5.3</b>	LA01/2022/0789/O, Council Interest, No's 46-52 Portstewart Road, Coleraine Council	<b><i>Agree and Approved</i></b>

<b>5.4</b>	LA01/2024/0151/F, Council Interest, Carrick Dhu Caravan Park, 12 Ballyreagh Road, Portrush	<b>Agree and Approved</b>
<b>5.5</b>	LA01/2022/0137/F, Objection Item, Lands at and to the rear of "Briarfield", 107 Hopefield Road, Portrush	<b>Agree and Approved</b>
<b>5.6</b>	LA01/2022/0212/LBC, Objection Item, Lands at "Briarfield", 107 Hopefield Road, Portrush	<b>Agree and Approved</b>
<b>5.7</b>	LA01/2022/0885/O, Referral, Site adjacent to No. 55 Green Road, Quilly, Coleraine	<b>Disagree and Approved</b>
<b>5.8</b>	LA01/2020/0631/O, Referral, 168 Agivey Road, Coleraine	<b>Disagree and Approved</b>
<b>5.9</b>	LA01/2021/0650/F, Referral, Lands Between 46 Glenshesk Road and Drumahaman Bridge, Ballycastle	<b>Agree and Refused</b>
<b>5.10</b>	LA01/2022/0239/F, Referral, Land approx. 60m SE of 190 Coleraine Road, Portstewart	<b>Disagree and Approved</b>
<b>5.11</b>	LA01/2023/0133/O, Referral, Lands adjacent and west of 15 Kilnadore Road, Cushendall	<b>Deferred for a site visit</b>
<b>6.</b>	Correspondence	
<b>6.1</b>	Mid & East Antrim Council – LDP 2030 – Update	<b>Noted</b>
<b>6.2</b>	Dfl – Planning Fees	<b>Noted</b>
<b>7.</b>	Reports	
<b>7.1</b>	Advance Notice of Listings	<b>That the Planning Committee agree to Option 1: Agree to support the proposed listings: and agree to the Head of Planning responding to DfC on behalf of the Council.</b>
<b>7.2</b>	Development Management Information Note PAD Process	<b>That Planning Committee considers the attached DMIN 05 Pre Application Discussions, form and fee and service schedule and agrees to Option 1 to the implementation of the new Pre Application Discussion process as attached at Appendix 1.</b>
<b>7.3</b>	Implementation of Validation Checklist	<b>That Planning Committee considers the attached validation</b>

		<b>checklist and agrees to Option 1 to the implementation of the validation checklist attached at Appendix 1</b>
<b>8.</b>	Confidential Items	
<b>8.1</b>	Update on Legal Issues	<b>No Legal Issues</b>
<b>8.2</b>	NI Regional Planning IT System – 2023/24 – ICF Finance Update	<b>Noted</b>
<b>9.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<b>Nil</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND  
VIA VIDEO CONFERENCE  
ON WEDNESDAY 22 MAY 2024 AT 10.30AM**

**Chair:** Councillor McMullan

**Committee Members:** Alderman Boyle, Coyle, Hunter, Stewart  
Councillors Anderson, C Archibald, Kennedy, McGurk,  
Peacock, Storey, Watton

**Officers Present:** D Dickson, Head of Planning  
S Mulhern, Development Plan Manager  
S Mathers, Development Management and Enforcement  
Manager  
E Hudson, Senior Planning Officer  
J Lundy, Senior Planning Officer  
R McGrath, Senior Planning Officer  
M Wilson, Senior Planning Officer  
J McMath, Senior Planning Officer  
J McCaughan, Planning Officer  
J Keen, Committee & Member Services Officer (C/R)  
S Duggan, Civic Support and Committee & Member  
Services Officer (R/C)

**In Attendance:** A Lennox, ICT Officer  
C Ballentine, ICT Officer  
  
Public 5no, 11no. (R)  
Press 1no (R)

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

**Registered Speakers in Attendance**

<b>Item No.</b>	<b>Name</b>
LA01/2023/0431/F	C Bryson
LA01/2022/0885/O	R Moore
LA01/2020/0631/O	M Symth
LA01/2021/0650/F	M McKeown
LA01/2022/0239/F	M Kennedy

The Chair reminded Planning Committee of their obligations under the Local Government Code of Conduct.

## 1. APOLOGIES

Apologies were recorded for Alderman S McKillop, Alderman Scott, Councillor Nicholl and Councillor Wallace.

## 2. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

## 3. MINUTES OF PLANNING COMMITTEE MEETING HELD 24 APRIL 2024

Copy previously circulated.

Proposed by Councillor Storey

Seconded by Alderman Hunter

- That the Minutes of the Planning Committee meeting held Wednesday 24 April 2024, are signed as a correct record.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

**RESOLVED** - That the Minutes of the Planning Committee meeting held Wednesday 24 April 2024, are signed as a correct record.

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

### 4.1 LA01/2023/0346/F, Referral, 58 Drumagarner Road, Kilrea

The Chair advised that Agenda Item 5.14 LA01/2023/0346/F, Referral, 58 Drumagarner Road, Kilrea was withdrawn from the schedule for further discussion.

The Chair enquired whether there were any requests for site visits.

### 4.2 LA01/2022/1582/O, Referral, Approximately 65m South of 3a Heagles Road, Ballybogey

Proposed by Councillor Watton

Seconded by Councillor Anderson

- That LA01/2022/1582/O, Referral, Approximately 65m South of 3a Heagles Road, Ballybogey is deferred for a site visit as there is development all over the place on that road, and need to look at it in its entirety.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.  
The Chair declared the motion carried.

**RESOLVED** –That Application LA01/2022/1582/O, Referral, Approximately 65m South of 3a Heagles Road, Ballybogey is deferred for a site visit as there is development all over the place on that road, and need to look at it in its entirety

**4.3 LA01/2023/0627/O, Referral, 30m South of 34-38 Ballymadig Road, Castlerock**

Proposed by Councillor Watton  
Seconded by Councillor Anderson

- That LA01/2023/0627/O, Referral, 30m South of 34-38 Ballymadig Road, Castlerock as there is development in the area, need to look at it in its entirety.

The Chair put the motion to the Committee to vote.  
Committee voted unanimously in favour.  
The Chair declared the motion carried.

**RESOLVED** - That LA01/2023/0627/O, Referral, 30m South of 34-38 Ballymadig Road, Castlerock as there is development in the area, need to look at it in its entirety.

**5. SCHEDULE OF APPLICATIONS:**

**5.1 LA01/2023/0431/F, Major, Lands South of Semicock Park, Semicock Avenue and Route Gardens, to North of Greenhill Drive and the Council depot and to West of Knock Road, Ballymoney**

Report, Addendum, Erratum and Speaking Rights for C Bryson, previously circulated, were presented by the Development Management and Enforcement Manager.

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

**App Type:** Full Planning

**Proposal:** Erection of 126 No. dwellings (47 No. of which will be social/affordable), creation of new accesses and roadways and other associated and ancillary works. (Amended Plans)

**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 set out in section 9 and the policies and guidance in sections 7 and 8 of the Planning Committee Report and resolves to APPROVE planning permission subject to the conditions set out in section 10 of the Planning Committee Report and the additional conditions attached.

### **Erratum Recommendation**

That the Committee note the contents of this Erratum and agree with 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 of the Planning Committee Report and the additional conditions provided in the Addendum.

The Development Management and Enforcement Manager presented via PowerPoint presentation as follows:

- This application proposes a total of 126 dwelling units on this suburban site in Ballymoney to the north end of the town and accessed from Knock Road. Other than the pre-application notice application, there is no planning history on the site.
- As a major application, it was preceded by a PAN and was accompanied by a Design and Access Statement.
- The scheme provides for a mix of house types comprising mainly detached and semi-detached units. In addition, there are 30 apartment units. While the majority of house types are two storey, 17 1 ½ storey and single storey units are proposed. The scheme provides 4 main areas of open space.
- In terms of the Northern Area Plan 2016, the site is within the settlement development limit of Ballymoney. The site is within housing zonings BYH26 and BYH27. The proposal has regard to the key site requirements. Therefore, the principle of housing is acceptable.

#### **Main Issues**

- **Context & Character-** The proposed density averages 25 units per hectare. While this is higher than the established density on Knock Road, developing a site at a very low density would not present an efficient and sustainable use of land. The site frontage comprises detached two storey and 1 ½ storey units which reflects the character of Knock Road. While the western position of the site is near Semicock Road, the development will scarcely be perceptible from there given the screening afforded by trees.
- **Social Housing-** Policy HOU 2 in the Northern Area Plan 2016 requires 20% social housing in proposals over 25 units. NIHE has confirmed the need for social housing at this location. A total of 47 social housing units

are proposed, representing 37% of the scheme. Provision of these is regulated by condition.

- Heritage & Landscape Features- HED are satisfied that development can proceed subject to a developer-funded programme of archaeological work. Significant trees are located mainly to the west of the site and are subject to a Tree Preservation Order (TPO). The proposal has been designed to take account of the existing landscape features and proposes to retain site hedge boundaries.
- Open Space- 12% of the site is identified as open space. This complies with the required 10% standard. As more than 100 dwellings are proposed, an equipped children's playground is required. This is located in one of the open space areas and its provision is subject to condition. A comprehensive landscaping scheme is proposed. All plots provide adequate private amenity space. However, where garden sizes are small or where further development could encroach on other properties, permitted development rights are removed by condition.
- Access & Parking- The site is accessed from two separate accesses onto Knock Road. In curtilage car parking is provided for most of the dwelling units. DFI Roads is content with the overall layout which is to be adopted. The impact on the road network has been considered and DFI Roads is satisfied.
- Relationship with other Properties- By reason of the specific design and separation distances, the relationship with approved and proposed dwellings is acceptable. The specific design features include the careful location of windows. Given noise from the adjacent Civic Amenity Site, properties are subject to noise attenuation measures in the form of walls and window specification.
- Sewage Connection - The developer has entered into the Waste Water Impact Assessment process with NI Water. The Solution Engineer's Report identifies a feasible stormwater off-setting solution to free up capacity in the sewerage network. Adequate means of sewerage disposal is subject to conditions.
- Representations - The detail of these is provided in the report.
- Conclusion - The proposal is considered acceptable and the recommendation is to approve.

The Chair invited questions for the Development Management and Enforcement Manager.

In response to questions, the Development Management and Enforcement Manager advised Council land is not within the application site, therefore this is not a Council Interest application. The Development Management and



Enforcement Manager confirmed 47 dwelling units are social housing, there are 30 apartments, one detached bungalow and the remaining are semi-detached houses. The Development Management and Enforcement Manager confirmed there are solar panels on the roof of the dwelling units.

Councillor Storey referred to the comment from the Department for Infrastructure in paragraph 8.66 of the planning committee report regarding additional traffic calming measures not being a requirement and questioned how the junction at the A26 has been assessed. Councillor Storey confirmed he would approach the Department for Infrastructure directly regarding this matter.

The Chair invited C Bryson to speak in support of the application.

C Bryson stated he fully supported and endorsed the recommendation to approve the planning application. This planning application complies with guidance and policies. The number and mix of social housing dwelling units has been set by the social housing provider. A detailed transport analysis has been completed which shows there will be no significant increase in the traffic to and from the site. C Bryson acknowledged the A26 is a busy road and stated the Department for Infrastructure endorse the planning application.

In response to questions, C Bryson stated he is aware of issues relating to adjacent residences, further assessment needs to be completed and he will ensure the development is safe. He has sympathy for the neighbours to this site. C Bryson assured the Planning Committee that he will work with the Water and Rivers Agency to ensure there is no subsidence and to allow for the free flow of water. C Bryson stated he has entered into the wastewater impact assessment process. He is confident this development will not have a negative impact on public amenities.

Proposed by Councillor Kennedy  
Seconded by Alderman Hunter

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

The Chair put the motion to the Committee to vote.  
Committee voted unanimously in favour.

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.

\* **M Wilson attended in the Chamber at 11.01am.**

**5.2 LA01/2016/0127/F, Major, 235m S E of 75 Duncrun Road, Magilligan, Limavady**

Report and Addendum, previously circulated, were presented by The Development Management and Enforcement Manager.

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

**App Type:** Full Planning

**Proposal:** Retrospective farm diversification scheme to include fishing lakes, amenity building plus parking area

**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 proposed development in accordance with paragraph 1.1 of the Planning Committee Report.

The Development Management and Enforcement Manager presented via PowerPoint presentation as follows:

- This application proposes two fishing lakes, an amenity building and a car parking area. The application is retrospective in that it has already been carried out. Other than the pre-application notice application, there is no previous planning history on the site.
- As a major application, it was preceded by a PAN and was accompanied by a Design and Access Statement.
- The purpose of the scheme is to provide the opportunity for fishing as a sporting/ leisure pursuit.
- In terms of the Northern Area Plan 2016, the site is in the open countryside. It is located the Binevenagh AONB.
- Principle of Development- Policy OS 3 of PPS 8 Open Space, Sport and Outdoor Recreation makes provision for outdoor recreation in the countryside, subject to specified criteria. This enables the principle of development. Additionally, the proposal is supported by Policy CTY 11 of

PPS 21 Sustainable Development in the Countryside regarding farm diversification.

#### Main Issues

- Visual Amenity – The development is located in a natural hollow. Given this and by being set back from the crest of the hillside, it is not visible from the Duncrun Road or other critical view. Given the limited visual impact of the proposal, there will be no adverse impact on the character of the surrounding countryside and AONB. The amenity building is modest and single storey with appropriate finishes.
- Heritage & Landscape Features- The lakes are stocked with commercial trout. To prevent these entering natural waterways a fish screen is to be provided at the outfall. In terms of archaeology, the development may have destroyed an unscheduled flint scatter site. However, further archaeological mitigation works are conditioned.
- Amenity - The nearest dwellings are located more than 200m from the site. Given the nature of the use, the proposal is unlikely to have an unacceptable adverse impact on them.
- Access & Parking - The site is accessed by a lane from Duncrun Road. DfI Roads is content with the access subject to a condition for it to be upgraded as per the approved plans within three months. The car park provides 25 spaces.
- Flooding - A significant issue in processing the application was considering the potential of flood risk in terms of embankment failure. The volume of the east lake was reduced. A structural engineer's report concluded that the structures are in a good state of repair. A slope stability survey and landslide risk assessment was provided to which Geological Survey are content. A flood risk assessment was provided which was subject to revision to include the unlikely scenario of dam failure. This identified a low hazard rating to properties. Conditions are proposed to require remedial reprofiling of one of the embankments and management/ maintenance of the impounding structures.
- Representations - The detail of the one support representation is provided in the report.
- Conclusion - The proposal is considered acceptable and the recommendation is to approve.

The Chair invited questions for the Officer.

In response to questions, the Development Management and Enforcement Manager explained the reason for the extended timeframe for this planning application to be presented to the Planning Committee, the positive Environmental Impact Assessment was appealed, it was with the Planning

Appeals Commission for some time and was determined not an Environment Impact Assessment application and there were issues regarding compound structures in relation to flood risk. The Development Management and Enforcement Manager cited from the report to clarify what disabled access was available at the site. The Development Management and Enforcement Manager confirmed that several fishing stands being made accessible for people with disabilities can be added as a Condition.

Proposed by Alderman Boyle  
Seconded by Alderman Coyle

- That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE planning permission subject to the conditions set out in section 10 with the condition that several fishing stands will be made accessible for people with disabilities.

The Chair put the motion to the Committee to vote.  
Committee voted unanimously in favour.  
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 with the condition that several fishing stands will be made accessible for people with disabilities.

\* **E Hudson, S Mathers, J McCaughan, J McMath, M Wilson left the Chamber at 11:11am**

**5.3 LA01/2022/0789/O, Council Interest, No's 46-52 Portstewart Road, Coleraine Council**

Report, Addendum and Supporting Information from the Agent, previously circulated, were presented by Senior Planning Officer J Lundy.

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

**App Type:** Outline Planning

**Proposal:** Redevelopment to provide 10no units comprising 8no two storey semi-detached houses and 2no two storey detached houses with associated access road, parking areas and private gardens.

**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 reasons set out in section 10.

### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 of the Planning Committee Report and resolves to APPROVE planning permission subject to the condition above and set out in section 10 of the Planning Committee Report.

Senior Planning Officer presented via powerpoint presentation as follows:

- An addendum was circulated adding an additional condition and referring to email correspondence from the agent referring to minor development within floodplains. Minor development in flood plans is listed as an exception within Policy FLD 1 and is allowed, subject to the submission of a Flood Risk Assessment. This is to ensure that minor development in these areas does not offset the flood waters to other third parties' land/properties.
- The site is located within the settlement of Coleraine and bound by the Portstewart Road to the east and River Bann to the west. It currently comprises 2 pairs of semi detached dwellings. A public path north of the site is a residential property and south of the site is a public pathway down to the River and Kenvarra Park development.
- The aerial shot, the site is south of the Council offices. There have been 3 objections from 2 separate addresses. The points are set out in the Planning Committee Report relate to the river, loss of privacy, noise and pollution.
- The concept plan showing the layout for 10 units. The building line to Portstewart Road is being maintained and the boundary to the river shows the Q100 fluvial flood plans and Q200 coastal floodplain.
- The layout and proposal have been considered in the relation to PPS 7 Policy QD1 and it is recommended that this concept layout accords with the PPS 7 and Creating Places.
- Views of the site and the buildings to be replaced.
- Views of the extensive gardens and open boundaries to the river.
- Views of the neighbouring property. The assessment of the potential impacts is fully set out in paragraphs 8.25 to 8.29
- View of the site in context.
- Pathway and existing boundaries to the south

- From Kenvarra Park to the site.
- The application was submitted as an outline application therefore a number of the details of the proposal are still required and will be dealt with at the Reserved Matters stage.

The Chair invited questions for the Officer.

There were no questions for the Officer.

There were no speakers.

Proposed by Councillor Anderson

Seconded by Councillor Watton

- 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 reasons set out in section 10.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

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 reasons set out in section 10.

\* **M Wilson returned to the Chamber at 11:18am**

**5.4 LA01/2024/0151/F, Council Interest, Carrick Dhu Caravan Park, 12 Ballyreagh Road, Portrush**

Report, previously circulated, were presented by Senior Planning Officer, J Lundy.

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

**App Type:** Full Planning

**Proposal:** Change of use from residential dwelling to offices.

**Recommendation**

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

The Senior Planning Officer presented via powerpoint presentation as follows:

- The application is a Council application.
- The building currently provides a warden's accommodation and reception/office use room connected with the caravan site.
- The proposal has been considered in the assessment of the application for a change of use to offices.
- The site is located within the settlement development limit of Portrush and within the curtilage of the Carrick Dhu caravan park off the Ballyreagh Road.
- The block plan showing five car parking spaces as required in the parking standards.
- There are no external changes proposed only the change of use providing 5 rooms in addition to the existing reception/office currently existing.
- A town centre use weight was given to the location, the existing uses and the proposed Council uses for tourism and recreation office space.
- The existing elevations
- (3 slides showing) Photos of the building.
- Approval is recommended.

The Chair invited questions for the Officer.

In response to questions, the Senior Planning Officer stated she believes there is no longer a warden on site and removes the need for a residential warden.

There was no speaker.

Proposed by Alderman Stewart

Seconded by Alderman Boyle

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

The Chair put the motion to the Committee to vote.  
Committee voted unanimously in favour.

The Chair declared the motion carried and application approved.

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

**5.5 LA01/2022/0137/F, Objection Item, Lands at and to the rear of "Briarfield", 107 Hopefield Road, Portrush**

Report, Speaking Rights for David Worthington/Nick Brown, previously circulated, were presented by Senior Planning Officer J Lundy.

**Objection Application to be determined by Planning Committee.**

**App Type:** Full Planning

**Proposal:** Construction of outbuildings containing three detached dwellings in the field to the rear of Briarfield, 107 Hopefield Road, Portrush and ancillary development incorporating a new domestic garage adjoining Briarfield, amendments to the access including retention of the existing gate pillars, amendments to the access and works to the access laneways, hard and soft landscape works, bin storage and car parking.

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

Senior Planning Officer presented via powerpoint presentation as follows:

- Verbal erratum - the report refers in paragraph 8.12 and 8.47 that the proposed units are 3 bedroom when they are actually 4 bedroom.
- These are still within the space standards and car parking and has no significant impact to change the assessment of the application.
- A further objection was received by email this morning in reference to the car parking and the error in the report to the number of bedrooms. We are satisfied that the proposal meets with the parking standard set out in page 147 of Creating Places.
- The proposal is at Committee as an objection item as set out in the Planning Committee Report; there have been 39 objections from 13 (no) addresses. The points raised in the objections are fully set out in section 5 of the report relating mainly to access, transport, density, character, impact on the Listed Building, amenity, over development, drainage, sewerage and planning history.



- The proposal has been reduced from 5 units to 3 during the processing.
- (Slide) The red line of the site to the rear of the Briarfield, the listed building. The site is within the settlement development limit of Portrush and an established residential area.
- (Slide) The site is currently a paddock type space with mature hedgerows and trees on the boundary. These are to be retained.
- (Slide) The proposed layout, has been assessed as backland development and meets the main principles. The proposed layout faces the existing Listed Building and backs onto the dwellings at Carneybaun Drive.
- (Slide) The proposed layout showing the landscaping. The detached dwellings have been considered in accordance with Policy QD 1 and policy LC 1 of PPS 7 and its addendum.
- (Slide) In terms of impact on residential amenity the separation distances have been considered and the design amended to remove the windows to the rear at 1st floor level. Creating Places advocates a separation distance of 20m from 1st floor window to 1st floor window. The separation distances of just above 19m is considered acceptable in this scenario.
- (Slide) Sections were provided to demonstrate the relationship to existing dwellings. The top section showing the development in relation to Corrs Town Park and Coremenagh Crescent. The lower section showing the relationship to the Listed Building and Carneybaun Drive.
- (Slide) The boundary to the rear; a 1.8 m fence is proposed to all boundaries
- (Slide) The existing Listed Building
- It is proposed to create a new access road by modifying the existing arrangement and creating a new paired access onto Hopefield Road.
- (Slide) Concerns have been raised by objectors regarding the provision of safe access to the site, parking and turning capacity and the proximity of the access lane in relation to a dwelling. The proposed internal access lane which runs parallel to the southern boundary of the site, is in the general position of an existing internal access road on the site. Therefore, it would not be reasonable to refuse permission due to its location. Department for Infrastructure Roads have no objection with the proposed access or parking arrangements or traffic generation from the proposal.
- (Slide) Some more views of the site and its boundaries

- (Slide) The elevations, use of the mansard style roof. Historical Environment Division and been consulted on this application and are satisfied that the proposal would not have a significant impact on the setting of the Listed Building.
- (Slide) The floor plans
- As set out in the Planning Committee Report we have recommended approval.

The Chair invited questions for the Officer.

The Head of Planning advised the registered speaker, D Worthington, sent his apologies, being unable to attend due to having to attend a meeting he could not get rescheduled.

In response to questions, the Senior Planning Officer confirmed the planning application is acceptable close to a Listed Building because of the screening in place. During the proposal, the planning application has been reduced and does not detract from the Listed Building.

In relation to questions about previous planning history, the Senior Planning Officer advised the curtilage at the front of the site was sold and planning permission on it was refused. The Head of Planning confirmed 12 Ballyreagh Road has planning history.

Proposed by Councillor Peacock  
Seconded by Councillor McGurk

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

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried and application granted.

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

- \* **J McMath returned the Chamber at 11.22am during consideration of this item**
- \* **Councillor Kennedy left the Chamber at 11.25am during consideration of this item**

## 5.6 LA01/2022/0212/LBC, Objection Item, Lands at "Briarfield", 107 Hopefield Road, Portrush

Report, Speaking Rights for David Worthington/Nick Brown, previously circulated, were presented by Senior Planning Officer J Lundy.

**Objection Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report.**

**App Type:** Listed Building Consent

**Proposal:** Amendments to the access to "Briarfield" 107 Hopefield Road, Portrush involving the retention of the gate pillars.

### **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 Grant Listed Building Consent subject to the conditions set out in section 10.

Senior Planning Officer presented via powerpoint presentation as follows:

- This application is to accompany the previous application. No 107 Hopefield Road and the existing entrance and pillar structures.
- 2 objections were received and fully considered by the relevant consultees and within the Planning Committee Report.
- Historical Environment Division, Historic Buildings, have been consulted on numerous occasions throughout the timeline to ensure the proposed development has no significant impact on the listed pillars.
- It is recommendation that the Listed Building Consent meets with the policies contained within the SPPS and PPS6.

There were no questions for the Officer.

Proposed by Alderman Coyle

Seconded by Councillor McGurk

- 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 Grant Listed Building Consent subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

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 Grant Listed Building Consent subject to the conditions set out in section 10.

\* **Councillor Kennedy returned to the Chamber during consideration of this item**

**5.7 LA01/2022/0885/O, Referral, Site adjacent to No. 55 Green Road, Quilly, Coleraine**

Report, speaking rights for Richard Moore, site visit report previously circulated, was presented by Senior Planning Officer M Wilson.

**Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report**

**App Type:** Outline Planning

**Proposal:** Proposed site for “rounding off” of cluster of dwellings adjacent to No. 55 Green Road, Quilly, Coleraine.

**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.

Senior Planning Officer presented via powerpoint presentation as follows:

- Outline planning permission is sought for a site for “rounding off” of cluster of dwellings adjacent to No. 55 Green Road, Quilly, Coleraine
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. This application was presented to the April meeting of the Planning Committee and was deferred for a site visit. You have the planning committee report and site visit report in front of you. At the site visit, Members in attendance had queried the dwelling at No.59 Green Road and its history and how it had attained planning approval. This building was originally approved under a Reserved Matters application in 2007; C/2006/1152 as a holiday cottage. A subsequent application in 2018, LA01/2018/1164/F approved the retention of the holiday cottage as a dwelling on a farm and was approved under policy CTY 10 of PPS 21 as the planning applicant satisfied the policy requirements under this policy. Furthermore, as the holiday cottage was subject to a planning agreement, this planning agreement was

modified to remove the burden that the building may be used for holiday purposes only. This approval was not approved as a dwelling in a cluster and is distinguishable from the application under the Planning Committee's consideration.

- (Slide) The site is not located within any settlement development limit as defined in the Northern Area Plan 2016. This is the site location plan showing the site outlined in red.
- (Slide) This is an aerial view of the site showing the surrounding developments with dwellings close to the site and some farm buildings to the east. You will also see the arrangement of the site, with an access directly to the north of the site and then a further access to the development to the east just south of No.55 Green Road.
- As set out in the Report, the proposal has been assessed against the relevant policy within Planning Policy Statement 21, which is policy CTY2A, and goes on to consider and assess if this application meets the necessary criteria for a dwelling and if the proposed site qualifies as an acceptable site within that cluster.
- The site is located at an access to 2 dwellings Nos 59 and 55a just off Green Road.
- (Slide) This is a view of the site travelling south along Green Road with the site located on the left hand side of the road and as noted on the site visit and identified to Members that the site is well screened from view.
- (Slide) And then a view from the South, travelling north along Green Road with the site on the right. Again you will note the vegetation.
- (Slide) Now moving to the access on the north side of the site with the site over to the right and a photo showing that relationship.
- (Slide) The access to the south of No.55 Green Road which access the dwellings and buildings to the east of the site.
- (Slide) This slide shows that access that runs from the north of the site and with an entrance to No. 59 in the background and how the access enters into the property at No.55a. This is important to note the relationship between the rear of the site and the dwelling at no.59 for the purposes of being bound on 2 sides.

- (Slide) This is the concept arrangement submitted by the agent, showing how the site will be accessed off the access to Nos 59 and 55a and how a dwelling can be sited on the site.
- The assessment against the criteria of Policy CTY 2a is set out in Paragraph 8.4 of your Committee report and you will note that while it is accepted that the site is bound on 2 sides having regard to the domestic access that runs between the site and No.59, it is considered that the development is not a visual entity due to the limited views of the development that may sit within any cluster, and that if it is accepted as a cluster it is not associated with any focal point. While the other tests are considered to be satisfied, the policy headnote states that planning permission will be granted provided all the criteria are met. As 2 of the criteria are not met, the proposal fails to meet Policy CTY 2a of PPS 21.
- The proposal fails to meet the criteria for the principle of development under Policy CTY 2a.
- (Slide) It is considered that given the existing vegetation and subsequent views of the site, that, on balance a dwelling on this site will not be contrary to Policy CTY13. However, as the proposal creates a ribbon of development along Green Road, it is contrary to Policies CTY 8 and CTY 14 of PPS21.
- DfI Roads, NI Water and NIEA (Water Management Unit), Environmental Health and DAERA Natural Environment were consulted on the application and raise no objection.
- There are no third-party representations on the proposal.
- The application is recommended for Refusal.

The Chair invited questions for the Senior Planning Officer.

In response to questions, the Senior Planning Officer stated he checked the Historic and Environment Division maps and there are no records of any archaeology or monuments at this site and it is unlikely a stone would constitute a focal point for the purposes of policy CTY2A. The Senior Planning Officer stated that it is the established position of PAC through Planning Appeal decisions and the Planning Department that a cluster needs to be associated with a focal point. There are numerous decisions in the Council area including in January 2017, reference 2016/A0099, where the Commissioner concluded a cluster needs to be associated with a focal point and requires physical or visual

relationship. Reference 2021/A0119 was a decision in 2023 where the Commissioner concluded that a focal point required, and it is to be associated or grouped with a cluster. The Policy requires all criteria to be met, the Senior Planning Officer cited the comment on a focal point as stated in policy CTY2A.

The Head of Planning reminded Committee Members of the Judicial Review of the Glassdruman Road planning application and cited paragraph 49 outlining the definition from Judge Scofield regarding ribbon development, “at its simplest it denotes a strip of development, and at that one, which by its nature, is detrimental to the character, appearance and amenity of the countryside as it creates and reinforces a built up appearance.”

In relation to the focal point, the Head of Planning read paragraphs 27, 28 and 32 of the Judicial Review of the Glassdruman Road planning application to Committee Members to provide further understanding and guidance. The Head of Planning referred to the Judicial Review dated 25 April 2024 stating consideration needed to be given to matters of fact and in the spirit of policy. The Head of Planning advised Committee Members it is her role to remind Members of Judicial Review and the planning policy and legislation within which their decisions should be made.

In response to further questions, the Senior Planning Officer explained what is meant by rounding off – there are 6 tests which need to be met 4 of which were met in this application, 2 tests were not met – there is no visual entity and the cluster needs to be associated with a focal point. The policy needs to be applied fairly and equally. The Senior Planning Officer referred to a planning application in Feeny stating that there was a church at the crossroads, which was the focal point. Planning Officers considered the road was the edge of the cluster and to approve planning permission beyond the road was spreading into the countryside.

In response to questions, the Head of Planning referred Committee Members to paragraph 29 (6) of the Glassdruman Road Judicial Review stating that Judge Scofield commented on the number of Members at the site visit but did not make a decision as to whether Members needed to attend site visits, Committee Members can still make a decision as per the Planning Protocol.

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

R Moore stated this cluster is the visual entity on this road, as it is the only cluster of houses and that Planning Committee has already approved planning applications with no focal building. The applicant’s father lives at No. 55 and the site is outside the curtilage of his dwelling; there has been a holiday cottage in the lane since 2002.

The Chair invited questions for the Speaker.

In response to questions, R Moore stated the personal circumstances referred to in the speaking rights template is that the applicants' elderly parents live at No 55, the applicant is a carer for a person living at No 59 and the applicant wants to live near the family farm. R Moore confirmed there is a cluster of 4 houses on the Green Road, 5 of the houses across the road is included. R Moore advised this planning application cannot be considered under policy for a farm dwelling because the holiday home on the site was changed to a farm dwelling in 2018, the farm ID was used and planning permission for a farm dwelling cannot be applied for again for 10 years. R Moore confirmed this site is rounding off because there is an existing lane and this site will be rounding off the cluster of 2 dwelling already along this lane, it is natural rounding off.

Proposed by Councillor Watton

Seconded by Councillor Anderson

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

- It is the squaring off of a cluster;
- A similar application was approved in Dungiven;
- Other planning applications have been approved without a focal point;
- The circumstances as set out by Mr Moore;
- Policy CTY1 which refers to the settlement area, this site is part of the family farm and there is no other place to put the site in the settlement.;
- This is the visual entity along this road;
- Precedent already set in terms of no focal point with the approval of applications in Macosquin LA01/2017/0555/O and LA01/2021/1337/0;
- Weight should be given to the personal circumstances of the applicant in relation to their elderly parents and caring responsibilities;
- SPPS 6.70 this development will integrate and respect the rural character;
- SPPS 6.71, this development will not result in urban sprawl.

The Chair put the proposal to the Committee to vote.

8 Members voted For, 2 Members voted Against, 2 Members Abstained.

The Chair declared the Motion Carried and application approved.

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

- It is the squaring off of a cluster;



- Similar application was approved in Dungiven;
- Other planning applications have been approved without a focal point;
- The circumstances as set out by Mr Moore;
- Policy CTY1 referring to the settlement area. This site is part of the family farm and there is no other place to put the site in the settlement;
- This is the visual entity along this road;
- Precedent already set in terms of no focal point with the approval of applications in Macosquin LA01/2017/0555/O and LA01/2021/1337/O;
- Weight should be given to the personal circumstances of the applicant in relation to their elderly parents and caring responsibilities;
- SPPS 6.70 this development will integrate and respect the rural character;
- SPPS 6.71, this development will not result in urban sprawl.

**RESOLVED** – that Conditions and Informatives are delegated to Officers.

\* **The Chair declared a recess at 12.25pm.**

\* **The meeting reconvened at 12.40pm**

#### **5.8 LA01/2020/0631/O, Referral, 168 Agivey Road, Coleraine**

Report Addendum, Erratum and Speaking Rights Templates for Mark Smyth and Cllr Bateson, Site Visit Report and Addendum 2 previously circulated, were presented by Senior Planning Officer J McMath

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

**App Type:** Outline Planning

**Proposal:** Replacement of derelict former school building with dwelling and alteration of existing access to serve the development

#### **Recommendation**

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

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to REFUSE the application in accordance with Sections 1 and 9 of the Planning Committee report.

#### **Erratum Recommendation**

That the Committee note the contents of this Erratum 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 in accordance with Sections 1 and 9 of the Planning Committee report.

Senior Planning Officer presented as follows:

- Site is situated within the rural area outside any development limit as provided for by the Northern Area Plan 2016. The site is not associated within any other environmental designations.
- The roadside site is situated at 168 Agivey Road.
- The side and rear boundaries are defined by post & wire fence and vegetation.
- Site comprises the former school building (St Marys) and later added flat roof annexes.
- Flat roof building of temporary construction.
- The proposal seeks outline permission for the replacement of the former school building with a dwelling and alteration of the existing access to serve the development.
- The SPPS does not permit the replacement of former schools for dwellings only their conversion where it involves minimal intervention.
- Turning to policy CTY3.
- As the building does not display the essential characteristics of a dwelling and as the building is locally known as a former school building the replacement is not permitted under the first test of policy CTY3.
- However, although entitled “replacement dwellings” the third paragraph of the policy permits replacement of redundant non residential building with a single dwelling where redevelopment would bring significant environmental benefit and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.
- Officials are of the opinion that the building is locally important and makes an important contribution to the heritage of the locality by its former use as the local school.
- Secondly no significant environmental benefits have been demonstrated or forthcoming.
- Therefore, policy CTY3 does not permit replacement of this non - residential building.

- A structural report has been submitted. The ancillary building is of temporary construction and is not eligible for replacement or conversion. The structural report advises that the main school building is in a relatively good condition and that it could be retained as a store or garage but that is not supported by policy. Building Control have previously confirmed that there will be cost implications for ensuring compliance with building regulations and if further alterations or extensions are required and that cost implications are subjective. While the cost of converting the building may be higher than replacement this does not justify approval of the development which is contrary to policy in this case.
- Quoted PAC decisions
- This application is subject to planning history for replacement which was brought before committee in 2018 and as committee agreed to refuse and the application was withdrawn. As there are no substantial changes to the proposal and as no further material considerations have been forthcoming the proposal is once again recommended for refusal.

The Chair invited questions for the Senior Planning Officer.

In response to questions, the Senior Planning Officer advised the flat roof of the modular unit is not eligible for replacement. The main school building is mainly a pitched roof with a small flat roof on an extension to the rear. Policy CTY4 and SPPS are the policies that refer to conversions of non-residential properties in the countryside. There are various examples of vacant school buildings being converted into dwellings. The closure of the school was 45 years ago – there is heritage in terms of use and this building is considered of local importance. SPPS is relevant in regard to replacement but supports the reuse and conversion of the building instead. The Senior Planning Officer cited policy CTY3 paragraph 3 which refers to significant environmental benefits, not being a Listed Building and being an important contribution to the heritage. There were no environmental benefits put forward by the applicant, many PAC decisions have been put forward which consider similar types of applications and what is considered an environmental benefit. The building being considered as an eyesore is not an environmental benefit, it is not a Listed Building and it is a former school and part of the heritage of the area. SPPS 6.73 refers to various circumstances for approving a dwelling. Policy CTY4 refers to sympathetic conversion such as schools. The Senior Planning Officer stated that listing a building is a matter for the Department for Communities. Cost of conversion verses replacement is also a consideration. There is no definition for significant environmental benefit and other examples need to be considered. There is scope for buildings in the countryside, suitable for conversion to other uses, consideration needs to be given to longevity of the building rather than replacement.

The Head of Planning provided examples of environmental benefits to include reduction in pollution run off, traffic congestion, reduction of hard infrastructure.

Further discussion ensued including reference to other buildings which have been reused and further explanation of the policies which relate to this planning application.

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

M Smyth stated the school is in a derelict state. Favourable consideration can be given to the Policy. There are no heritage features or community nostalgia, there are other examples of when approval has been granted. The PAC decisions provided are not fully comparable. The planning application in Tamnaherin was in school grounds, another appeal was in use, Dundrod was agricultural and Glenariff was a café that could be reinstated.

The Chair invited questions for the speaker.

In response to questions, M Smyth stated environmental benefits include the school is derelict and unsightly, visual amenity and environmental quality will be improved through landscaping and forging routes, there is the presence of bats through formal landscaping and biodiversity gain.

Proposed by Councillor McGurk  
Seconded by Councillor Peacock

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

- Significant environmental benefit to replace the building.
- Visual amenity is a significant consideration.
- Anything is better than what is there.
- There is no significant heritage to the building.
- No architectural benefit of the building and does not see the rationale for retaining the building.
- The planning application does not affect the local character.
- There are no objections from the local community.
- There is a further area of hardstanding that adds to surface water run off.
- There will be soft landscaping and biodiversity gain with forging routes for badgers and bats on site which will be further environmental benefit.

The Chair put the motion to the Committee to vote.  
Committee voted unanimously in favour.

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 subject to the conditions set out in section 10 for the following reasons:

- Significant environmental benefit to replace building.
- Visual amenity is a significant consideration.
- Anything is better than what is there.
- There is no significant heritage to the building.
- No architectural benefit of the building and does not see the rationale for retaining the building.
- The planning application does not affect the local character.
- There are no objections from the local community.
- There is a further area of hardstanding that adds to surface water run off.
- There will be soft landscaping and biodiversity gain with forging routes for badgers and bats on site which will be further environmental benefit.

**RESOLVED** – that Conditions and Informatives are delegated to Officers.

- \* **The Chair declared a recess for lunch at 1.35pm.**
- \* **Committee and Member Services Officer J Keen, left The Chamber at 1.35pm.**
- \* **The meeting reconvened at 2.04pm**
- \* **Civic Support & Committee & Member Services Officer joined the meeting.**
- \* **Senior Planning Officer, R McGrath and Development Plan Manager joined the meeting.**
- \* **Alderman Hunter did not rejoin the meeting.**

#### **5.9 LA01/2021/0650/F, Referral, Lands Between 46 Glenshesk Road and Drumahaman Bridge, Ballycastle**

Report, Addendum, and Addendum 2, previously circulated were presented by Senior Planning Officer, M Wilson.

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

**App Type:** Full Planning

**Proposal:** Proposed New Infill Dwelling and Detached Garage

#### **Recommendation**

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

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to Refuse the application in accordance with sections 1 and 9 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 in accordance with Paragraph 1.1 of the Planning Committee report.

Senior Planning Officer presented via powerpoint presentation as follows:

- Full planning permission is being sought for an infill dwelling and garage.
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. You have your Planning Committee report in front of you and you also have 2 addenda. For Members benefit, this application was presented to the April meeting of the Planning Committee and was deferred to allow the submission of further information or evidence regarding any agricultural activity the applicant may have to demonstrate that the development is essential for agricultural purposes having regard to Designation BEL 03, Carey River LLPA. No information has been received in this regard and this is covered in the second addendum.
- The first Addendum supplements a point made in Para 8.7 of the Planning Committee Report as the applicant's agent has indicated that they are not relying on development within the settlement limit of Ballycastle for the purposes of policy CTY 8; rather they are relying on a bridge as this is on the listed buildings register. The addendum deals with this point and in summary through several PAC decisions, for the purposes of policy CTY8 'a building' should be given its natural, every day meaning. In Paragraph 9 of Planning Appeal 2020/A0042, the Commissioner concludes that wing walls, gates or ruins, or a building under construction do not constitute buildings for the purposes of policy CTY 8. This supports the position adopted in the Addendum that anything other than a building with walls and a roof is not a building for the purposes of policy CTY 8. Moving onto the slides.
- (Slide) This shows the red line of the site and you can see the relationship of Nos 46 and 48 to Glenshesk Road and that these both run parallel to each other with No. 48 sharing a boundary with the Glenshesk Road and now (Slide) a satellite image of the site. Again you can see that relationship.
- (Slide) This slide is an extract from the Northern Area Plan 2016 and shows the site is not located within any settlement development limit as defined in the Northern Area Plan 2016 – you can see where exactly the settlement development limit is. There is a Local Landscape Policy Area

(BEL 03 Carey River LLPA) designated and the site is within the Antrim Coast and Glens AONB.

- The application has been submitted as an infill dwelling and been assessed as such with the consideration set out in Paras 8.4-8.8 of the Committee Report and supplemented by the Addendum regarding the status of the bridge. And then just moving to the next slide, (slide) you will see some photos of the site and its surroundings.
- This photo shows the dwellings in the distance within Ballycastle and the site to the right. There is the Carey River and golf course beyond the site. (slide) This is just a closer image of the site, (slide) and then a photo from the bridge looking towards Ballycastle – you can see the bridge structure and that it is not a building.
- (Slide) - Just moving around and looking south you can see the site on the left with the dwellings at No. 46 and 48 in the distance.
- (Slide) - this slide shows how No. 48 has a frontage to Glenshesk Road while No. 46's curtilage runs parallel to No. 48 and shares its boundary.
- (Slide) – this is a full application with full details submitted including the proposed block plan. Having regard to Policy CTY 8 it is considered that there is not a continuous and built up frontage for the purposes of policy CTY 8 and therefore, in principle is unacceptable and is not considered to be an exception and adds to ribbon development along Glenshesk Road.
- This proposal is for a dwelling and not development essential for agricultural purposes. Given the policy context and the siting to the south of Carey River within the LLPA, the sensitivities of this landscape and that this area is within the Antrim Coast and Glens AONB, the proposal is contrary to Policies ENV 1 and BEL 03 of the Northern Area Plan 2016. It therefore falls that given the sites relationship to Ballycastle that it would mar the distinction between Ballycastle and the countryside if developed and would unacceptably impact on the AONB.
- The proposal fails to integrate given how open the site is, and any development on this site would appear prominent.
- A dwelling on the site will be a prominent feature on the landscape due to the lack of integration and is contrary to Policy CTY 13 of PPS 21.
- (slide) – just to show you the plans and elevations as this is a Full application – given the site lacks anything to integrate a dwelling, the proposal is contrary to policy CTY 13 and the design is inappropriate.
- The proposal, if approved, would create a ribbon of development along Glenshesk Road which is contrary to policy CTY 8 and is also contrary to policy CTY 14.

- DfI Roads, DfI Rivers, HED, NI Water, NIEA, Environmental Health, SES and NIE were consulted on the application and raise no objections.
- There are no letters of support or objection to the proposal.
- Refusal is recommended.

There were no questions put to the Senior Planning Officer.

The Chair invited M McKeown, Agent, to speak in support of the application.

M McKeown stated he disagreed that BEL03 and the LLPA were at odds and did not rule out development in its entirety. For example, BEL03 allows agriculture, its purpose is to protect views along Glenshesk Road periphery. Views were only at the site frontage as native vegetation limits views and there will be no impact on vantage points. The application site is part of a large farm holding that has been cut off by the second tee box at the golf course and is an obvious development opportunity. The bridge is a standing feature, proposal complies with the character of the area. The application meets policy CTY8 as it represents a gap site between no. 46, no. 48 to the east and the bridge to the west, a Listed Building referenced as a building within the description. A replacement dwelling may not have a roof and still is a building. M McKeown stated the bridge does have walls, its scale and massing is very clear, the bridge outside the settlement development limit. The application meets policy CTY8 as it will visually integrate considering Building on Tradition, as split level it nestles into the site, reduces cut and fill, there is use of contours, at a lower level, it is not prominent, it is not detrimental nor a change to the rural setting. M McKeown stated the application meets policy CTY 14, respects the character of development, the cluster is enhanced, traditional natural forms and shapes, sympathetic rural vernacular design. Analysis was that the footprint is in keeping, ribbon development is avoided. Policy CTY 15 the development will not add to urban sprawl. Numbers 46, 48, 49 mar distinction of the urban and rural setting, inside 30 mph and street lights in area, the infill enhances rounding off, there is a Listed Building to the west.

Councillor Watton referred to Addendum 2 and queried whether there had been information from the Agent demonstrating the application was essential for agricultural purposes.

M McKeown, responded, he advised the information had not been provided with the application and wished to have the application looked at under Policy and interpretation, how the existing property meets that criteria.



The Chair put the recommendation to the Committee.

Alderman Kennedy that he had considered the application should be approved, he advised there was discussion at the last meeting regarding criteria of policy CTY 8 in regard to the size represented a gap site between a continually built up frontage between no's 46, 48 and the Bridge. Policy CTY 13 - proposed the dwelling will visually integrate in the surrounding landscape and application designed in accordance with Building on Tradition. The application will round off, the site a gap site on its own. Policy CTY 14 proposed view dwelling designed does not cause detrimental change or further erode character of the setting. Policy CTY 15 dwelling proposed will not add urban sprawl or mar distinction between rural or urban setting. Councillor Kennedy said he would like more information on BEL 03, he referred to the report from the Agent – did not agree was at odds with Policy BEL 03 ENV 1 the Site, design, character of the area, that he did feel should be granted approval.

The Chair sought clarification from Councillor Kennedy about what he was stating. Councillor Kennedy clarified he was not familiar with BEL 03 in relation to the site.

The Head of Planning provided clarification, referring to a slide, location to the two dwellings and important point, frontage to the road. The Head of Planning stated the dwelling to the rear did not have frontage to the road. She referred to policy CTY 8 and interpretation, as set out by Justice Scofield, previously referred to.

Senior Planning Officer clarified the LLPA site lies within BEL03 Carey River LLPA designated ENV01 and cited from the NAP 2016. The LLPA identified features was the open land, south of the Carey River, an important setting in Ballycastle. The Policy is that there would be no development at all except agriculture purposes and referred to paragraphs 8.9-8.11 of the planning committee report.

The Chair advised this had been discussed at the last meeting and the application had been deferred pending information on the agriculture stance and that no information had come back.

Councillor Watton questioned whether deferral for one month would make a difference.

The Head of Planning advised the agent had stated no further information had been provided and instead they want to look at interpretation of Policy.

The Chair invited Committee to move to the vote.

Proposed by Alderman Coyle

Seconded by Alderman Stewart

- 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 for the reasons set out in section 10.

The Chair put the motion to the Committee to vote.

5 Members voted For, 0 Members voted Against, 6 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 the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to REFUSE outline planning permission for the reasons set out in section 10.

#### **5.10 LA01/2022/0239/F, Referral, Land approx 60m SE of 190 Coleraine Road, Portstewart**

Report, speaking rights template, correspondence from applicant and addendum/erratum were previously circulated and presented by Senior Planning Officer, J Lundy.

**Referred Application to be determined by Planning Committee.**

**App Type:** Full Planning

**Proposal:** Retention of existing sectional portable unit for proposed farm diversification Airbnb accommodation

#### **Recommendation**

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

Senior Planning Officer presented via powerpoint presentation as follows:

- There is a verbal addendum for photos received from the applicant of the site, views to the site and views of the development associated with the SDL of Portstewart, Back of Tesco's and a dwelling approved as a farm dwelling.
- An addendum and erratum has also been circulated, clarifying the description of the unit the planning history and an amended refusal reason.

- As set out in the Planning Committee Report the application has been considered for farm diversification under Planning policy CTY 11 of PPS 21.
- The proposal is an active and established farm and meets with the 1<sup>st</sup> criteria of the policy.
- However the proposal due to its scale and design and appearance as a portacabin is more akin to an temporary classroom, is not appropriate to its location in terms of character and scale and fails criteria (b). Criteria c) the proposal is considered to have an adverse impact on the natural heritage. The site is located within the Binenvagh AONB and does not respect local design or local architectural styles or scale and fails criteria c Criteria d) the proposal is not considered to have detrimental impact on the amenity of the neighbouring property currently under construction.
- Planning is content that the existing buildings are essential to the running of the farm. Therefore, as an exception, a new building is acceptable however it should meet the criteria and it should be satisfactorily integrated within an existing group of buildings.
- The site is set back from the road, a farm dwelling has been approved to the eastern boundary and views across the lane of the main farm holding.
- Views are available of the unit travelling down the lane and from long range views from the main road. The main views are on the lane and this is a public view.
- The plans show the building with horizontal panelling and adding a shallow pitch to the roof. This still does not impact on the overall scale design and massing of the portable unit to be acceptable for a rural location.
- We have recommended refusal due to the scale and design and massing of the unit.

Councillor Storey queried whether it was possible to find an agreeable design suitable to the site, having concluded the dominant reason for refusal.

Senior Planning Officer advised there had been approved glamping pods for other Farm Diversification schemes across the Borough, these were usually siting low, small in massing. The cladding and shallow pitch were not in keeping with the AONB.

The Head of Planning advised the principle accepted but the design unacceptable. She referred to the description, *Retention of existing sectional portable unit for proposed farm diversification Airbnb accommodation*, and design changes would be to the existing structure.

\* **Alderman Stewart left the meeting at 2.34pm.**

Councillor Watton questioned the history of the planning permission, the new build beside it.

Senior Planning Officer advised during the process the scheme added timber cladding and a shallow pitch roof, there was no planning permission, there was an Appeal and enforcement notice. In 2018 Planning Appeals Commission considered the structure and allowed it to be retained for 9 months until the dwelling built and then to be removed. Senior Planning Officer clarified enforcement were awaiting the outcome from today on this planning application for further consideration, there had never been planning history.

The Chair invited M Kennedy to speak in support of the application. M Kennedy introduced himself from MKA Planning and Maureen Moore, the applicant. Steven had applied for planning permission for a farm dwelling adjacent for his wife and 3 children who live in property, as the house was unable to be mortgaged. M Kennedy stated the application was for proposed reuse as Airbnb when farm dwelling is completed in September, to help the family farm. The proposal is for a 3 year temporary permission, he stated the application merits approval.

He provided clarity that the proposal included cladding and a pitched roof. He stated that the wooden cabin is 3m high and not significantly bigger than a glamping pod, or a timber cabin in an AONB. M Kennedy advised of the relevant background, the Moore farming family 159 hectares, on the Portstewart Road, of milk, beef, cattle and work long hours. M Kennedy advised the father had health issues and Steven now does the heavy farming.

M Kennedy summarised, the application in accordance with Farm Diversification policy CTY 11 of PPS 21. There have been no objections from residents, or statutory consultees. Regarding any visual impact the site is at end of existing farm lane, 500m off Coleraine Road, and only 4 houses on the lane. The lane a right hand turn, 3 houses cannot see the farm, nor proposal. M Kennedy stated they were happy to retain the existing hedge 3m height and carry out landscaping to aid visual integration. There was no visual impact, not intrusive, scale acceptable considering the size of the complex. Regarding the AONB, M Kennedy stated he was happy for the assessment of the application with the provision of timer cladding.

The Chair invited questions to the speaker.

Councillor Storey questioned the report had widened the Policy to state the application inappropriate in the location and whether there a resolution between what being proposed and the fact that Planning Officers were saying they did not accept the design. Councillor Storey questioned the critical views and commented on the boundary hedge.

M Kennedy advised the site is within the AONB and the application was amended and proposed timber cladding and pitched roof that would integrate; the scale 3m high, the footprint 81m<sup>2</sup>, of limited scale, limited impact on character, the building extremely well screened and would be better to retrain the hedge 3m high. He considered there were no views from the Coleraine Road, no impact on AONB as you cannot see it at the end of a farm lane due to the right hand turn in the lane. The site clusters with the existing farmhouse 2-storey building. East to west is the farm complex, with farm buildings and a farm house, absorbed into the existing cluster of development. The application fits in and absorbed, design changes mean it is sensitive to the character of the AONB and allow it to be approved.

M Kennedy stated he drove down to the graveyard, you can see the 1m high existing hedge, beside the existing farm house, to allow hedge to grow to 3m height would eliminate any views. M Kennedy proposed Planning Committee impose a Condition to retain the hedge 3m height, clarifying it was within the ownership of the Moore family.

Councillor Watton sought information on the 3-year temporary permission.

M Kennedy advised the application for retention of an Airbnb for 3 years, if the business does not work out they would remove it. If Planning permission was obtained, there may be an application for a grant for a Farm Diversification Scheme.

In response to questions from Members, the Senior Planning Officer clarified the critical view are considered from any public viewpoint; the lane is a critical viewpoint. In terms of AONB policy, the Senior Planning Officer referred to quality, character and tranquillity of the area and there would be wide views of the structure. She referred to the PAC decision which did not consider this structure to be of a temporary nature due to the level of structures in place.

The Senior Planning Officer further clarified the application detailed on the P1 form is for temporary permission, the 3 year condition would be required. If the applicant wanted to retain the structure permanently a further planning application would be required.

Proposed by Councillor Storey

Seconded by Councillor Kennedy

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the following reasons:
- The application is in line with Government Policy encouraging farm diversification and in line with policy CTY 11 of PPS 21;
- There will be no visual impact, the location is well screened and the applicant accepts the Condition to retain a 3m hedge, copper fastening the issue should there still be concerns raised by Officers;
- Issue of temporary nature is part of Conditions.
- Applicant demonstrates a willingness to make additional changes/adjustments to the building to help integrate.
- Policy CTY 11 character and scale is appropriate for this location. In policy amplification, diversification application is suited to the countryside and would suit tourism. Agriculture farm diversification scheme does not say they all have to be glamping pods. Runs the risk that if it is not a glamping pod, it really does not go;
- The height, scale and massing will not be prominent in the landscape;
- It will not have a detrimental impact on the rural character;
- No other available buildings could be used for this purpose.

The Head of Planning repeated the stated reasons for approval.

The Chair put the motion to the Committee to vote.

9 Members voted For, 0 Members Voted Against, 2 Members Abstained.

The Chair declared the motion carried and application approved.

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

- The application is in line with Government Policy encouraging farm diversification and in line with policy CTY 11 of PPS 21;
- There will be no visual impact, the location is well screened and the applicant accepts the Condition to retain a 3m hedge, copper fastening the issue should there still be concerns raised by Officers;
- Issue of temporary nature is part of Conditions.
- Applicant demonstrates a willingness to make additional changes/adjustments to the building to help integrate.
- Policy CTY 11 character and scale is appropriate for this location. In policy amplification, diversification application is suited to the countryside and would suit tourism. Agriculture farm diversification scheme does not say they all have to be glamping pods. Runs the risk that if it is not a glamping pod, it really does not go;
- The height, scale and massing will not be prominent in the landscape;

- It will not have a detrimental impact on the rural character;
- No other available buildings could be used for this purpose.

**RESOLVED** – That Conditions and Informatives are delegated to Officers.

- \* **Councillor Watton left The Chamber at 3.02pm.**
- \* **Councillor Anderson left The Chamber at 3.03pm.**

**5.11 LA01/2023/0133/O, Referral, Lands adjacent and west of 15 Kilnadore Road, Cushendall**

Report, speaking rights template, correspondence from applicant and Addendum/Erratum were previously circulated and presented by Senior Planning Officer, R McGrath.

- \* **Councillor Watton re-joined the meeting at 3.05pm.**

**Referred Application to be determined by Planning Committee.**

**App Type:** Outline Planning

**Proposal:** Lands adjacent and west of 15 Kilnadore Road, Cushendall

**Recommendation**

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

Senior Planning Officer presented via powerpoint presentation as follows:

- Item 5.13 has been referred to Planning Committee for consideration.
- It is an outline planning application for a dwelling and a garage under reference LA01/2023/0133/O.
- Verbal addendum as we have received a letter of support from Councillor Margaret Anne McKillop.
- The planning application is adjacent to 15 Kilnadore Road, Cushendall.
- The site is located just outside of the settlement development limit for Cushendall as identified in the Northern Area Plan (NAP) 2016 and lies within the Antrim Coast and Glens Area of Outstanding Natural Beauty and the Court McMartin Local Landscape Policy Area (LLPA).
- As the site is outside the development limit of Cushendall it must be considered under PPS 21.

- Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside.
- Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.
- The proposed development does not meet any of the exception outlined in PPS21 which would allow for a dwelling in the countryside, and there are no overriding reasons why the proposal is essential and could not be located in a settlement.
- Furthermore, by siting on the edge of a settlement, the proposal is contrary to Policy CTY 8, as it would add to a ribbon of development and would potentially hamper the future expansion of the settlement.
- Ribbon development has consistently been opposed and will continue to be unacceptable.
- In addition to policy CTY 8 the proposal is contrary Policy CTY 13 of PPS 21, as the proposal lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration.
- Views of the site are achieved from the Kilnadore Road where the site is read in the context of the sensitive landscape of the AONB. Kilnadore Road is well used with several dwellings and tourist facilities located along the road.
- The proposal is contrary to policy CTY 14 of PPS 21, in that the proposal does not respect the traditional pattern of settlement exhibited in the area and would be considered to create or add to a ribbon of development as outlined under policy CTY 8.
- The proposal is also contrary to Policy CTY 15, in that the proposal would mar the distinction between a settlement and the surrounding countryside, resulting in urban sprawl. Allowing development to extend out form a settlement clearly mars the distinction and erodes the character of the rural area.
- The proposal does not meet with any of the exceptions permitted under PPS 21 for development in the countryside. But rather, the Planning Authority are being asked to consider the proposal as a “rounding off” of the settlement development limit.
- There is no provision under existing planning policy to permit rounding off of a town. This is a function of the Local Development Plan (LDP) process and is not a consideration of the Development Management



function. To grant planning permission in these circumstances would set a damaging precedent and would fundamentally undermine the purpose and function of the planning system and the LDP process.

- The principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside. Proposals that would mar this distinction or create urban sprawl will therefore be unacceptable.
- Settlement development limits are defined as part of the Local Development Plan (LDP) process, having consideration of robust evidence. The settlement limit for Cushendall has been through due statutory process including public consultation and has been scrutinised at the examination in public.
- The application site was put forward for consideration during the Northern Area Plan (NAP) process. In considering the site the Planning Appeal Commission (PAC) at the Examination In Public, concluded that “The inclusion of this flat area of land to the outside of the southern boundary of the conservation area, would give rise to a significant outward expansion to the west side of the settlement. Its inclusion would therefore fail to provide a compact urban form at this location.”
- DFI Roads, NI Water and NIEA (Water Management Unit), Environmental Health, NIE, Translink, DfE (Geological Survey) and the Historic Environment Division (HED) were consulted in the application and raised no concerns.
- There is one letter of support as referenced at the outset.
- The application is recommended for refusal.

In response to queries from Elected Members, the Senior Planning Officer clarified the Settlement Development Limit provides a sense of containment based on housing growth indicators and environmental considerations; there are a number of considerations that are taken into account when developing the development limit such as LLPAs, AONB, archaeology in the area. There is a clear transition from town to countryside at this location where the house is high in the landscape area, and consider views of surrounding landscape and tourist asset of the area.

Councillor Peacock stated it was very difficult to visualise what the officer was describing.

Proposed by Councillor Peacock  
Seconded by Alderman Boyle

- That Planning Committee defer consideration and hold a site visit in order to be able to see the views, the Settlement Development Limit, of the different drawings within the context of what the Senior Planning Officer is describing.

The Chair stated the settlement line boundary fence had been moved several times and the barbed wire fence could not be the settlement development limit line.

Senior Planning Officer clarified you the Settlement Development Limit was set along the fence that was in place at that time and has been through the statutory process. It was a designated landscape. The application does not meet any Policy requirements and is in the AONB in one of the most sensitive landscapes. Senior Planning Officer advised the application does not claim to meet any Policy.

The Chair stated there were 6-8 houses and glamping pods on the lane and last month a Bed and Breakfast had been passed.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

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

**RESOLVED** - That Planning Committee defer consideration and hold a site visit in order to be able to see the views, the Settlement Development Limit, of the different drawings within the context of what the Senior Planning Officer is describing.

\* **Alderman Boyle left the meeting at 3.22pm.**

## **6. CORRESPONDENCE**

### **6.1 Mid & East Antrim Council – LDP 2030 – Update**

Copy correspondence previously circulated presented by The Head of Planning.

Re: Mid and East Antrim Local Development Plan (LDP) 2030 – Publication of Supplementary Planning Guidance (SPG) and Revision of LDP Timetable

### **6.2 Dfl – Planning Fees**

Copy correspondence previously circulated presented by The Head of Planning.

## Extract

*I am writing to advise you that the Department for Infrastructure has made a Statutory Rule entitled "The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024" (S.R. 2024 No. 108), which comes into operation on 31 May 2024. The planning portal will be updated for this date.*

*The purpose of this Statutory Rule is to amend the Planning (Fees) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 73) to apply a one-year inflationary uplift of approximately 4% (based on CPI as at January 2024) across all fee categories.*

Planning Committee NOTED the Correspondence Items 6.1-6.2 inclusive)

## 7. REPORTS

### 7.1 Advance Notice of Listings

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

#### Purpose of Report

To present the Department for Communities (DfC) advance notice of listings.

#### Background

DfC wrote to the Council on 26<sup>th</sup> April 2024 seeking comment (by 7<sup>th</sup> June 2024) on two proposed listings within the Borough under Section 80 (1) of The Planning Act (Northern Ireland) 2011.

The proposed listings are as follows:

Reference	Address
<b>HB05/07/004 C</b> (See Appendix 1)	East gate lodge to Ballylough House, 51 Castlecat Road, Bushmills, Co. Antrim, BT57 8TN
<b>HB05/12/009</b> (See Appendix 2)	Railway Tunnel, Islandarragh Road, Ballycastle, Co. Antrim

#### Options

Option 1: Agree to support the proposed listings: or

Option 2: Agree to oppose the proposed listings.

#### Recommendation

**It is recommended** that the Planning Committee agree to either Option 1 or Option 2 and agree to the Head of Planning responding to DfC on behalf of the Council.

Proposed by Councillor McMullan  
Seconded by Councillor Storey and

**RESOLVED** - that the Planning Committee agree to Option 1: Agree to support the proposed listings: and agree to the Head of Planning responding to DfC on behalf of the Council.

Councillor Storey queried the consultation with the landowner and Department for Infrastructure who owned the tunnel. The Development Plan Manager clarified they would be written to by DfC as part of the consultation, and any opposition could be supported by factual evidence.

## **7.2 Development Management Information Note - PAD Process**

Report, previously circulated presented by the Head of Planning.

### **Purpose of Report**

This Report is to seek agreement to implement the new Pre-Application Discussion (PADs) process.

### **Background**

The Department's Review of the Implementation of the Planning Act (Northern Ireland) 2011 was published in January 2022. This review recognised the importance of front-loading the planning application process to ensure applications are accompanied with all the necessary supporting documentation needed to reach a decision at the point of submission.

Further reports by the Northern Ireland Audit Office in February 2022 and the Public Accounts Committee in March 2022, both acknowledged and referenced the delay poor quality submissions can have on the planning process. The NIAO report made reference to PADs as one element of front-loading the planning process.

The overall objective is to enhance the quality of applications entering the system, front-loading the application process, which should result in better processing times and more efficient consultee responses.

In discussion with agents regarding their experience of the existing PADs process, it is acknowledged that the existing PADs process can be slow with little added value.

### **Proposal**

A review of the PADs process has been undertaken with detailed input from the RSUA and RTPI. The PADs process is not a statutory requirement but will offer significant potential to improve both the efficiency and effectiveness of the planning process and improve the quality of submission of applications.

It has been agreed with agents in the development of this new process that a proportionate approach should be taken and agreement sought from the outset on who should be involved in the process. This will be clearly set out by the applicant/agent when submitting their PAD form.

The new PADs process has been discussed and agreed with agents at the RSUA/RTPI meeting held on 01 May 2024.

#### Option 1 To agree to the implementation of the new PADs process

The attached DMIN 05, Form and Fee and Service Schedule (Appendix 1) sets out the necessary information required to be submitted at for a PAD, the fee required and the service that will be delivered. It enables the applicant and their agent to specify the specific topics they wish to discuss in relation to their proposed development and those they request to be consulted, if necessary.

The implementation of the new process will provide applicants with the necessary information to inform them of all the information required to be submitted in relation to their proposed development and to address areas of concern prior to the submission of their application, thereby improving the efficiency of the formal planning application process through reduction in time, costs and impact on resources through reduced re-advertisement, re-notification and re-consultation.

#### Option 2 To disagree to the implementation of the validation checklist

If we do not proceed to implement the new PADs process we will continue with the existing process that is not considered to meet the needs of applicants/agents. The existing process not deliver the quality of discussion that applicants/agents require to inform the submission of their formal planning application.

#### **Recommendation**

**It is recommended** that the Committee considers the attached DMIN 05 Pre Application Discussions, form and fee and service schedule and agrees to Option 1 to the implementation of the new Pre Application Discussion process as attached at Appendix 1.

The Head of Planning clarified a typing error with regards to Option 2 which should have read 'new Pads process'. *Option 2 To disagree to the implementation of new PADs process.*

Councillor McGurk hoped for a good uptake.

The Head of Planning advised there would be training of staff in the Summer with trials already undertaken and implementation on 1 September 2024.

Proposed by Councillor McGurk  
Seconded by Councillor McMullan

- That Planning Committee considers the attached DMIN 05 Pre Application Discussions, form and fee and service schedule and agrees to Option 1 to the implementation of the new Pre Application Discussion process as attached at Appendix 1.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried unanimously.

**RESOLVED** - That Planning Committee considers the attached DMIN 05 Pre Application Discussions, form and fee and service schedule and agrees to Option 1 to the implementation of the new Pre Application Discussion process as attached at Appendix 1.

### 7.3 Implementation of Validation Checklist

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

#### **Purpose of Report**

This Report is to seek agreement to implement the new validation checklist process.

#### **Background**

The department's Review of the Implementation of the Planning Act (Northern Ireland) 2011 was published in January 2022. This review recognised the importance of front-loading the planning application process to ensure applications are accompanied with all the necessary supporting documentation needed to reach a decision at the point of submission.

Further reports by the Northern Ireland Audit Office in February 2022 and the Public Accounts Committee in March 2022, both acknowledged and referenced the delay poor quality submissions can have on the planning process.

In November 2022, DfI published a public consultation paper to bring forward amendments to The Planning (General Development Procedure) Order (Northern Ireland) 2015 to introduce provision for councils to prepare and publish planning application validation checklists above the current minimum statutory requirements, and the provision of an associated dispute mechanism where an applicant disagrees with a planning authority's decision declaring an application invalid/incomplete.

The overall objective is to enhance the quality of applications entering the system, front-loading the application process, which should result in better processing times and more efficient consultee responses. The associated dispute mechanism is to provide applicants with the right to appeal against a decision of a council not to validate an application, where it is of the view that the application is incomplete.

## **Proposal**

A validation checklist will provide support and guidance to applicants about the level and type of information required to be submitted with a planning application. The requirements are intended to be proportionate to the nature and scale of the proposal.

The Northern Ireland Audit Office report acknowledged that application checklists can speed up processing times and notes that DfI is encouraging Councils to introduce validation checklists in advance of the introduction of legislation to make them a legal requirement. The Public Accounts Committee recommended that the Department and local government should implement immediate changes to improve the quality of applications entering the system. Whilst this may require legislative change, they did not believe that this should be an excuse for delay.

Planning application validation checklists are widely used across Councils in other jurisdictions and a number of local Councils in NI have already implemented them: Belfast City Council, Ards and North Down District Council, Armagh, Banbridge and Craigavon Borough Council and Fermanagh and Omagh District Council. Other Councils are currently developing their validation checklists.

The benefits of validation checklists are generally set out as follows:

- they set out the scope of information required at the outset to ensure a 'fit for purpose' submission;
- they enable the planning authority to have all the necessary information to determine the application.
- they minimise the need for further submission of additional information during the life of the application which avoids unnecessary delay in the determination of applications and reduces costs to councils through reduction in re-advertisements and re-neighbour notification.
- they provide applicants with certainty as to the level of information required and the likely overall investment needed prior to the application submission.
- they ensure that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

Currently there are basic requirements that are required to be met when submitting planning applications. This is the minimum information that you must submit when making a planning application and is legislated by Section 40 of The Planning Act (Northern Ireland) 2011, with the detailed form and content of a planning application specified in Article 3 of the Planning (General Development Procedure) Order (NI) 2015. Similar provisions exist for proposals for listed building consent. The current legislative requirements are set out below:

- a written description of the development;
- an address or location of the land;
- the name and address of the applicant;
- a plan sufficient to identify the land;

- such other plans and drawings necessary to describe the development;
- a design/access statement, where required;
- a certificate under Article 9 (declaration of ownership); and
- any fee.

The submission of the above information which would constitute a valid application, can still result in applications not containing all the information needed to determine them. This can result in further requests to the applicant which can subsequently lead to delays in processing, impacting negatively on efficiency of costs, time and resources.

The other supporting information is required at validation stage to front load and fully assess planning applications. The level of supporting information will vary depending on the type of application and the scale, nature and location of the development being proposed.

The validation checklist has been discussed and agreed with agents at the RSUA/RTPI meeting held on 01 May 2024.

#### Option 1 To agree to the implementation of the validation checklist

Councils are encouraged to bring forward their own validation checklists in preparation for the implementation of legislation referred to above. The attached validation checklist (Appendix 1) sets out the necessary information required to be submitted at validation stage for various types of application. The application will be returned along with the fee if the information is not submitted within 5 days of receipt of the application. This will allow the applicant and their agent to compile the necessary reports and submit a front-loaded application.

The implementation of the checklist will also provide applicants with the necessary information to inform them of all the information required to be submitted in relation to their proposed development rather than the information being requested during the processing of the application, causing delays and additional costs that the applicant may not have been aware of prior to submitting their application. Where this requires withdrawal of the application, the applicant will not receive refund of their application fee.

The provision of the information at the validation stage provides efficiency in the planning process through reduction in time, costs and impact on resources through reduced re-advertisement, re-notification and re-consultation.

The implementation of the validation checklist will align Council with other Councils who have already implemented the validation checklist or are in the process of Implementing. This will enable comparison in performance against other councils to be based on similar procedures rather than at a disadvantage in terms of processing times.

#### Option 2 To disagree to the implementation of the validation checklist



If we do not proceed to implement the validation checklist we will not action Recommendation 9 from the Public Accounts Committee report. In addition, we will not align with other councils in terms of monitoring performance due to differences in what makes a valid application.

To not proceed to implement the validation checklist will result in the risk that applicants proceed to submit an application unaware of the full costs associated with supporting information required to assess the application against the relevant policies. This may result in the application being withdrawn at a later date and the application fee retained by council as required under legislation.

To continue to await information to be submitted at a later stage in the planning process will continue to place pressure on existing resources including costs from re-notification, re-advertisement and staff time monitoring the application for submission of information, and on consultee resources due to responding to multiple consultations.

### **Recommendation**

**It is recommended** that the Committee considers the attached validation checklist and agrees to Option 1 to the implementation of the validation checklist attached at Appendix 1.

Proposed by Councillor McMullan

Seconded by Councillor C Archibald

- That Planning Committee considers the attached validation checklist and agrees to Option 1 to the implementation of the validation checklist attached at Appendix 1.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

**RESOLVED** - That Planning Committee considers the attached validation checklist and agrees to Option 1 to the implementation of the validation checklist attached at Appendix 1.

### **MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Peacock

Seconded by Councillor McGurk and

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

\* **Press and Public were disconnected from the meeting at 3.32pm.**

At this point in the meeting Alderman Boyle thanked the Chair for his role during the past year.

The Head of Planning thanked the Chair for his assistance over the last two years.

## **8. Confidential Items:**

### **8.1 Update on Legal Issues**

The Head of Planning advised there were no legal issues.

### **8.2 NI Regional Planning IT System – 2023/24 – ICF Finance Update**

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

#### **Purpose of Report**

The purpose of the report is to update Members of the annual costs of the new Northern Ireland Regional IT System ICF Finance update for 2023/24.

#### **Recommendation**

It is recommended that the planning Committee notes the end of Year Finance update from the ICF.

Committee NOTED the report.

#### **MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Councillor C Archibald  
Seconded by Alderman Coyle and

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

\* **Public re-joined the meeting at 3.34pm.**

## **9. Any Other Relevant Business in Accordance with Standing Order 12 (O))**

There were no items of Any Other Relevant Business.

The Chair thanked Planning Committee for their help over the last 2 years. The Chair thanked the Head of Planning, staff and Officers for their help.

This being all the business the meeting closed at 3.35pm.

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Chair

UNCONFIRMED