

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 25 SEPTEMBER 2024**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
1.	Apologies	<b><i>Alderman S McKillop, Councillor Anderson, Councillor Kennedy</i></b>
2.	Declarations of Interest	<b><i>Alderman Stewart, Councillor C Archibald</i></b>
3.	Minutes of previous Planning Committee meetings	
(i)	Minutes of Planning Committee Meeting held Wednesday 26 June 2024, reconvened on Wednesday 28 August 2024 at 9.30am	<b><i>That the Minutes of the Planning Committee meeting held Wednesday 26 June 2024, reconvened on Wednesday 28 August 2024 at 9.30am, are signed as a correct record.</i></b>
(ii)	Minutes of Planning Committee Meeting held Wednesday 28 August 2024 at 10.30am	<b><i>That the Minutes of the Planning Committee meeting held Wednesday 28 August 2024, are signed as a correct record.</i></b>
4.	Order of Items and Confirmation of Registered Speakers	
4.1	LA01/2023/1165/F, Referral, 25 Peters Road, Drumsurn	<b><i>Deferred for a Site Visit</i></b>
4.2	LA01/2021/1513/O (Referral) Site adjacent to no.40 Vale Road, Greysteel	<b><i>Deferred for a Site Visit</i></b>
4.3	LA01/2022/1203/F (Council) Adjacent to 46 Drumsurn Court, Drumsurn, Limavady	<b><i>Deferred for a Site Visit</i></b>
5.	Schedule of applications	
5.1	LA01/2015/0188/F (Major) 275m NW of 145 Pollysbrae Road, Limavady	<b><i>Defer the application to allow submission of the outcome of the trials regarding ammonia/ air</i></b>

		<b>quality impact assessment.</b>
<b>5.2</b>	LA01/2024/0799/S54 (Major) 35 Ballywillin Road, Portrush	<b>Agree and Approved</b>
<b>5.3</b>	LA01/2022/0922/F (Council) Land at Garvagh Forest, Main Street, Garvagh	<b>Agree and Approved</b>
<b>5.4</b>	LA01/2022/1203/F (Council) Adjacent to 46 Drumsurn Court, Drumsurn, Limavady	<b>Deferred for a site visit for further information on material start and given PAC decision</b>
<b>5.5</b>	LA01/2023/1032/F (Council) Christie Park, 55-65 Strand Road, Coleraine	<b>Agree and Approved</b>
<b>5.6</b>	LA01/2024/0192/S54 (Council) Craigahulliar Landfill, Ballymacrea Road, Portrush	<b>Deferred for further consideration of the late objections and reason for the application</b>
<b>5.7</b>	LA01/2020/1388/F (Objection) Lands approx 80m west of 21 Wheatsheaf Road Coleraine	<b>Agree and Approved</b>
<b>5.8</b>	LA01/2023/0133/O (Referral) Lands adjacent and west of 15 Kilnadore Road Cushendall	<b>Deferred for 1 month for clarification on further information</b>
<b>5.9</b>	LA01/2021/0403/F (Referral) Lands approximately 30m South East of 328 Foreglen Road, Dungiven	<b>Disagree and Approved</b>
<b>5.10</b>	LA01/2023/0270/O (Referral) Land between 100A & 102 Finvoy Road, Ballymoney	<b>Disagree and Approved</b>
<b>5.11</b>	LA01/2024/0058/F (Referral) 23 Causeway Road, Bushmills	<b>Disagree and Approved</b>
<b>5.12</b>	LA01/2023/0522/F (Referral) 280m South East of 27 Bregagh Road, Armoy	<b>Disagree and Approved</b>
<b>5.13</b>	LA01/2023/0804/F (Referral) 90 Ballyreagh Road, Portstewart	<b>Disagree and Approved</b>
<b>5.14</b>	LA01/2023/0514/F, Referral, 31 Station Road, Portstewart	<b>That Planning Committee defer LA01/2023/0514/F, Referral, 31 Station Road, Portstewart and hold a site visit in order to have a look at it and a further discussion on design.</b>
<b>5.15</b>	LA01/2023/0837/F (Referral) 86 Gorrán Road, Garvagh	<b>That the committee agree to defer the application for one month pending further discussion with the applicant and agent.</b>
<b>6.</b>	Local Development Plan (LDP)	

<b>6.1</b>	Quarterly Verbal Update	<b>Noted</b>
<b>7.</b>	Correspondence	
<b>7.1</b>	Letter Invite to DfC Minister	<b>Noted (Items 7.1-7.3)</b>
<b>7.2</b>	Listing Schedule – Carey House, 142 Cushendall road, Ballycastle	
<b>7.3</b>	Listing Schedule – Moyarget Lodge, 98 Moyarget Road, Ballycastle	
<b>8.</b>	Reports	
<b>8.1</b>	RTPI – NI Planning Law Conference	<b>Noted</b>
<b>8.2</b>	Finance Report – Period 1 -4 2024/25	<b>Noted</b>
<b>8.3</b>	LDP PMT - AMR (23-24)	<b>Noted</b>
<b>8.4</b>	LDP Steering Group - AMR (23-24)	<b>Noted</b>
<b>8.5</b>	Planning Sub Committee Paper	<b><i>That Planning Committee approve exploring options or have a workshop for Planning Committee Members, or whatever is the best way to bring this forward, led by Elected Member engagement, an action plan, work around other jurisdictions or study visit.</i></b>
	<b>FOR CONFIDENTIAL CONSIDERATION</b> (Items 9-9.1 inclusive)	
<b>9.</b>	Confidential Items	
<b>9.1</b>	Update on Legal Issues LA01/2024/0602/CLOPUD	<b>Information</b>
<b>10.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<b>None</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND  
VIA VIDEO CONFERENCE  
ON WEDNESDAY 25 SEPTEMBER 2024 AT 10.30AM**

**Chair:** Alderman Hunter, Chair (C) (Items 1 - 5.7 and 5.12 - 10)  
Councillor Watton, Vice Chair (C) (Items 5.8 – 5.11)

**Committee Members:** Alderman Boyle (C), Callan (C), Coyle (C), Scott (C),  
Stewart (C)  
Councillors Anderson (C), C Archibald (C), Kennedy (C),  
McGurk (R), McMullan (C), Peacock (R), Nicholl (R),  
Storey (C)

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

**In Attendance:** A Lennox, ICT Officer (C)  
  
Public 9no. (C), 22no. (R)  
Press 3no. (R)

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

**Registered Speakers in Attendance**

Item No	Name
LA01/2022/1203/F	M Bell L Chivers
LA01/2020/1388/F	O Quigg P Heron P Millar

LA01/2023/0133/O	Caoimhe O'Callaghan Colin O'Callaghan M McAllister C O'Donnell
LA01/2021/0403/F	C Duffy
LA01/2023/0270/O	J Martin
LA01/2024/0058/F	A Irwin
LA01/2023/0522/F	J Simpson
LA01/2023/0804/F	D Donaldson C Brady
LA01/2023/1165/F	C Smyth
LA01/2023/0514/F	C Cochrane
LA01/2021/1513/O	A Boyle L McKeever
LA01/2023/0837/F	J Martin

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

## 1. APOLOGIES

Apologies were recorded for Alderman S McKillop, Councillor Anderson and Councillor Kennedy.

Councillors Anderson and Kennedy later joined the meeting in the Chamber.

## 2. DECLARATIONS OF INTEREST

Alderman Stewart declared an interest in Item 5.2 - LA01/2024/0799/S54 (Major) 35 Ballywillin Road, Portrush. Alderman Stewart left the Chamber during consideration of this item.

Councillor C Archibald declared an interest in Item 5.3 LA01/2022/0922/F, Council, Land at Garvagh Forest, Main Street, Garvagh. Councillor C Archibald left the Chamber during consideration of this item.

Councillor C Archibald declared an interest in Item 5.5 LA01/2023/1032/F, Council, Christie Park, 55-65 Strand Road, Coleraine. Councillor C Archibald left the Chamber during consideration of this item.

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

#### **(i) Minutes of Planning Committee Meeting held Wednesday 26 June 2024, reconvened on Wednesday 28 August 2024 at 9.30am**

Copy previously circulated.

Proposed by Councillor Storey

Seconded by Alderman Scott

- That the Minutes of the Planning Committee meeting held Wednesday 26 June 2024, reconvened on Wednesday 28 August 2024, are signed as a correct record.

The Chair put the motion to the Committee to vote.

12 Members voted For, 0 Members voted Against, 1 Member Abstained

The Chair declared the motion carried.

**RESOLVED** - That the Minutes of the Planning Committee meeting held Wednesday 26 June 2024, reconvened on Wednesday 28 August 2024 are signed as a correct record.

#### **(ii) Minutes of Planning Committee Meeting held Wednesday 28 August 2024 at 10.30am**

Copy previously circulated.

Proposed by Councillor Storey

Seconded by Alderman Callan

- That the Minutes of the Planning Committee meeting held Wednesday 28 August 2024, are signed as a correct record.

The Chair put the motion to the Committee to vote.

12 Members voted For, 0 Members voted Against, 1 Member Abstained

The Chair declared the motion carried.

**RESOLVED** - That the Minutes of the Planning Committee meeting held Wednesday 28 August 2024 are signed as a correct record.

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

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

#### **4.1 LA01/2023/1165/F, Referral, 25 Peters Road, Drumsurn**

Proposed by Councillor Nicholl

Seconded by Alderman Scott

- That application LA01/2023/1165/F, Referral, 25 Peters Road, Drumsum is deferred for a site visit - recently similar has been approved, it would be useful to get more information.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred for a Site Visit.

**RESOLVED** – That application LA01/2023/1165/F, Referral, 25 Peters Road, Drumsum is deferred for a site visit - recently similar has been approved, it would be useful to get more information

#### **4.2 LA01/2021/1513/O, Referral, Site adjacent to no.40 Vale Road, Greysteel**

Proposed by Alderman Callan

Seconded by Alderman Scott

- That application LA01/2021/1513/O, Referral, Site adjacent to no.40 Vale Road, Greysteel is deferred for a site visit <sup>1</sup>

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred for a Site Visit.

**RESOLVED** – That application LA01/2021/1513/O, Referral, Site adjacent to no.40 Vale Road, Greysteel is deferred for a site visit

### **5. SCHEDULE OF APPLICATIONS**

#### **5.1 LA01/2015/0188/F, Major, 275m NW of 145 Pollysbrae Road, Limavady**

Report and Addendums were previously circulated.

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

**App Type:** Full Planning

**Proposal:** Proposed broiler poultry house (containing 33,500 birds) landscaping swale and ancillary site works at lands approximately 275 metres north west of 145 Pollys Brae Road Limavady Co. Derry.

##### **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

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<sup>1</sup> This motion was later withdrawn by Alderman Callan and reconsidered by Planning Committee.

section 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10

**Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraphs 1.1 and 9 of the Planning Committee report.

**Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to allow submission of the outcome of the trials regarding ammonia/ air quality impact assessment. This recommendation supersedes that set out in Paragraphs 1.1 and 9 of the Planning Committee Report.

Development Management & Enforcement Manager presented Addendum 2 and queried if Committee Members wished him to continue presenting the application given the recommendation is to defer the application.

Alderman Scott stated that in light of information presented in Addendum 2 it would be better to defer the application until the information is provided. Alderman Scott questioned what the timeframe for receiving the information would be.

In response to the question the Development Management & Enforcement Manager advised he was not aware of the timeframe for the submission of the additional information and stated that it should be a high priority.

Proposed by Alderman Scott  
Seconded by Alderman Callan

- That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to allow submission of the outcome of the trials regarding ammonia/ air quality impact assessment.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred to allow submission of the outcome of the trials regarding ammonia/ air quality impact assessment.

**RESOLVED** - That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to allow submission of the outcome of the trials regarding ammonia/ air quality impact assessment.



- \* **Alderman Stewart, having declared an interest, left the Chamber during consideration of the following item.**

## **5.2 LA01/2024/0799/S54, Major, 35 Ballywillin Road, Portrush**

Report, previously circulated, was presented by the Development Management & Enforcement Manager.

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

**App Type:** Full Planning

**Proposal:** Variation of Condition 11 (submission of drainage assessment). A variation is sought to vary the condition from 'Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval in writing' to 'Prior to the operation of building, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval in writing' of application LA01/2020/1349/F (Development of Mill Strand Integrated Primary School & Nursery)

### **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.

Development Management & Enforcement Manager presented via PowerPoint presentation as follows:

- Planning permission for a new primary school and nursery was granted at this location in November 2021. The buildings have been constructed and are now operational.
- Proposal seeks to vary condition 11 of this permission regarding the timing of submission of a final drainage assessment. This change is from before development starts (phrased "prior to commencement") to prior to operation of the building.
- While a major application, no PAN was required as this is a variation of condition application. A Design and Access Statement was not required as the proposed variation does not relate to design and access issues.
- In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Portrush. The Plan does not provide

specific policy on education, health, community and cultural facilities, rather directing to regional policy.

- Assessment- DfI Rivers, as the competent authority, is content with the proposed change to the timing of submission of the final drainage assessment. This change can be accommodated by amendment of the current discharge of condition application which was submitted prior to the occupation of the new school building.
- Representations - None received.
- Conclusion - The proposal is considered acceptable and the recommendation is to approve subject to the specific conditions.

There were no questions for the Officer.

There were no registered speakers.

Proposed by Alderman Boyle  
Seconded by Alderman Callan

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved

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

\* **Alderman Stewart returned the Chamber.**

\* **Councillor C Archibald, having declared an interest, left the Chamber during consideration of the following item.**

### **5.3 LA01/2022/0922/F, Council, Land at Garvagh Forest, Main Street, Garvagh**

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

**Council Interest Application to be determined by Planning Committee**  
**App Type: Full Planning**

**Proposal:** Site for proposed single concessionary trading trailer/vehicle for the purposes of selling ice cream, confectionary, cold drinks, hot drinks, flour-based baked goods and traybakes.

### **Recommendation**

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

Senior Planning Officer presented via PowerPoint presentation as follows:

- The application site falls just outside of the settlement limit of Garvagh. Within Garvagh Forest LLPA, adjacent to St Patrick's Church of Ireland a listed building, and a number of mature trees. (not protected by Tree Preservation Orders).
- The site encompasses the car park at Garvagh Forest. The specific siting is at the NW corner adjacent to the security fence, tree and an outbuilding associated with no 160 Main Street.
- The proposal is for a site for a single concessionary trading vehicle / trailer for selling ice cream, confectionary, hot and cold drinks, flour baked goods and tray bakes.
- Trailer measures 3.4 x 2 x 2.3m on an area measuring 4 x 2m.
- Two letters of objection have been received from the one address in relation to this application, which are considered in detail in the committee report.
- The objections raise the following points:
  - Car park limitations will result in parking on the road which will block accesses
  - Access is on a blind bend causing road hazard
  - There are catering outlets in Garvagh
  - Litter and pollution
  - Anti-social behaviour
- In the processing of the application consultation was carried out with DfI Roads, Environmental Health, NIEA, NIW, HED and the conservation area section. No objections have been raised by statutory consultees in relation to this proposal.
- The original proposal was for a trailer for multiple catering including the sale of hot food. An odour assessment concluded that a high level of

odour control would be required due to the proximity of residential properties. The hot food element was removed from the proposal to alleviate concerns.

- A biodiversity checklist and ecological report was submitted to assess the impact on natural heritage features, NED have no objections. A tree survey considered the condition and root protection and the tree officer has confirmed that the trailer site has been sensitively sited to limit impact on the root protection area of the retained trees. Historic Environment Division were consulted and given the minor scale and temporary nature, have confirmed that there will be no unacceptable impact on the setting of the Listed Building.
- DfI Roads were consulted on the proposal and the objections and advised that the proposal does not result in loss of parking, is anticipated to serve existing visitors and have confirmed they have no objection.
- Regarding the objections, it is anticipated that the majority of customers will be those already visiting the forest amenity. There are sufficient bins facilities provided. It is unclear what anti-social behaviour currently takes place and it is not anticipated that the provision of a coffee trailer which is removed off site at the end of each working day would exacerbate anti-social behaviour. Finally, regarding the loss of trade to existing establishments, planning operates for the public interests of local communities and does not exist to protect the private interests.
- The proposal has been assessed against the relevant policy and has been found acceptable in terms of principle of development, Local Landscape Policy Area (LLPA), Integration and Design, Rural Character, Amenity, Natural Heritage, Access and Road Safety and Built Heritage and the relevant planning policies. Approval is recommended subject to the proposed conditions.

There were no questions for the Officer.

There were no registered speakers.

Proposed by Alderman Callan

Seconded by Alderman Scott

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

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

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

\* **Councillor C Archibald returned to the Chamber**

**5.4 LA01/2022/1203/F, Council, Adjacent to 46 Drumsurn Court, Drumsurn, Limavady**

Report and Speaking Rights for M Bell and L Chivers, previously circulated, were presented by Senior Planning Officer M McErlain.

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

**App Type:** Full Planning

**Proposal:** Change of House type to Sites 10-12 to provide 1No. Detached & 2No. Semi-Detached 2 Storey Dwellings with Garages as Improvement to Layout Previously Approved under B/2008/0188/RM and All Associated Works.

**Recommendation**

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

Senior Planning Officer presented via PowerPoint presentation as follows:

- LA01/2022/1203/F is a full application for Change of House type to Sites 10-12 to provide 1No. Detached & 2No. Semi-Detached 2 Storey Dwellings with Garages as Improvement to Layout Previously Approved under B/2008/0188/RM and All Associated Works at lands Adjacent to 46 Drumsurn Court, Drumsurn, Limavady
- This is a local application and is presented to the Planning Committee as a Council Interest item with a recommendation to refuse planning Permission.
- The application site as indicated is located in the south-eastern portion of an existing agricultural field and is sited adjacent to and north west of No. 46 Drumsurn Court, Drumsurn. The application site is undefined other than along its south-eastern boundary which is defined by close boarded timber fencing.

- Within the application site and adjacent to the access from Drumsurn Court the levels within the site have been raised to accord with that of the road within Drumsurn Court. This raised area extends a short distance into the site and is grassed over.
- The application site is located within the rural area outside of any settlement limit as defined by the Northern Area Plan 2016. The site lies adjacent to the settlement limit to its south-eastern boundary.
- Prior to the adoption of the Northern Area Plan 2016 the subject lands were sited within the settlement development limit of Drumsurn as defined within the Limavady Area Plan 1984-1999.
- There is previous planning history on the application site, notably.
  - B/2004/0190/O - Site for residential development with associated formal and informal open space - Land to the south of 283 Drumsurn Road, Limavady – Permission Granted 13.05.2005.
  - B/2008/0188/RM - Proposed housing development comprising 16 no two storey terraced dwellings, 22 no. two storey semi detached dwellings, 2 no. two storey detached dwellings and roadway for private streets determination - Land to South of 283 Drumsurn Road, Limavady (between Drumsurn Court and 283 Drumsurn Road) – Permission Granted 17.09.2009. (40 dwellings)
- For Clarification Outline Planning Permission was granted on the site prior to the adoption of the Northern Area Plan when the lands were inside development limit of Drumsurn as defined within the Limavady Area Plan 1984-1999.
- As the application site is located within the rural area the proposal therefore falls to be considered against the rural housing policies contained within the SPPS and Planning Policy Statement 21 (PPS21).
- Policy CTY1 makes provision for proposals for multiple dwellings (more than 2) in the countryside in the following circumstances
  - A small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY2
  - The provision of social and affordable housing in accordance with Policy CTY5

- In this case the proposal is not in accordance with Policy CTY2 as the application site is not located within a Dispersed Rural Community (DRC) as designated in the Area Plan and is not in accordance with Policy CTY5 as Drumsurn is not a small settlement, as set out within Policy SET1 of the Northern Area Plan.
- As the proposal fails to meet with the requirements of the SPPS and Policy CTY1 of PPS21 the principle of development is considered unacceptable
- The applicant contends that the principle of development is established on the lands through the commencement of the planning permission granted under applications B/2004/0190/O and B/2008/0188/RM.
- The requirements for the commencement of development are set out in legislation.
- Formerly under Article 36(1) of the Planning (Northern Ireland) Order 1991 and currently under Section 63(2) of the Planning Act (Northern Ireland) 2011. For clarification there is no difference between both pieces of legislation in defining commencement of development.
- Both pieces of legislation state that “development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out -
  - (a) where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building;”
- The agent relies on 2 pieces of work carried out in respect of the aforementioned planning permissions
  - Construction of a short stretch of access track from the adjacent Drumsurn Court. Photographs have been submitted by the agent showing the topsoil being stripped back and stoned. These works however do not relate to any work of construction in the course of the erection of a building, rather they are regarded as preparatory works carried out to facilitate development.
  - The agent also refers to the presence of a sewer within the site. The sewer in question runs from the adjacent Drumsurn Court through the application site towards the adjacent housing lands within the settlement limit to the north-west of the site.

- This sewer was put in place circa 2006, prior to reserved matters approval being granted on the site, in order to serve the adjacent Drumsurn Court Development, and therefore cannot be regarded as being specific works in relation to the approved development.
- Regardless the laying of the sewer would not be considered works of construction in the course of the erection of a building
- As the previous planning permission on the site was for the erection of buildings (40 dwellings), commencement of planning approvals B/2004/0190/O and B/2008/0188/RM can only be taken from the date upon which works of construction commenced on one of the approved dwellings.
- There is no evidence of any foundation having been constructed and Building Control have no records of any foundation inspection for these lands.
- A statutory process exists for the determination of lawful use or development. The mechanism for this is via the submission of a Certificate of Lawful Development or Use which, in this instance, is required to establish that a lawful commencement of development approved under applications B/2004/0190/O and B/2008/0188/RM has occurred.
- This position has been set out in case law in *Saxby v Secretary of State for the Environment, Transport and the Regions* 1998, and is also the “settled position” of the Planning Appeals Commission (PAC) on such matters as evidenced in appeals, 2015/A0129 (Appendix 1, notably paragraphs 5 & 6).
- The Planning Department have requested the submission of a CLUD however the applicant has advised that they do not intend to submit a CLUD and to date none has been submitted.
- In the absence of a CLUD application it cannot be demonstrated that a lawful commencement of applications B/2004/0190/O and B/2008/0188/RM which, relates to the erection of 40 dwellings has occurred. The Planning Department advise that this application is not the appropriate mechanism to confer the lawfulness of a material start on B/2004/0190/O and B/2008/0188/RM.
- The general layout and design are similar to previous layout. Semis and detached has been handed/swapped.



- Dwellings are 2 storey and 3 bedroom
- In the absence of a CLUD officials cannot carry out a detailed assessment of the proposal to ascertain compliance with PPS7.
- DFI Roads, NI Water, Environmental Health, HED, NI Electricity were consulted – No concerns raised
- In the absence of a Certificate of Lawful Development it has not been demonstrated that a lawful commencement of Planning Approvals B/2004/0190/O and B/2008/0188/RM has occurred. Consequently, the Planning Department cannot give determining weight to the previous planning history of the site and as such the proposal must be considered against the prevailing regional planning policies.
- Consequently, the proposal fails to comply with Paragraph 6.73 of the SPPS and PPS21 (Policy CTY1) in that it does not meet with one of the permitted types of development in the countryside and it has not been demonstrated that there are exceptional or overriding reasons as to why the development is essential in this location and could not be located in a settlement.

Refusal is recommended.

In response to questions, the Senior Planning Officer stated that if planning permission is granted and lawfully commenced it would take precedent over the Northern Area Plan but in the absence of a CLUD it cannot be demonstrated that building has commenced. In response to further questions, the Senior Planning Officer explained that the map in the Planning Committee report is the layout of the site in 2008; the map in the presentation is the current agricultural land outside the development limit. The areas of brown on the map are housing zones, some of which have been developed. The Senior Planning Officer confirmed that if a CLUD had been submitted it would have given significant weight to the outcome of the planning permission granted.

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

M Bell stated this site is part of a bigger planning application granted in 2008 and that works have been carried out for access and the sewer, not just for this site but also for the adjacent site. This site has subsequently been dezoned for housing in the Northern Area Plan. M Bell stated that this site is in the inner core of the development limit and that commencement of the work had begun prior to the expiry of the planning permission. M Bell stated that there is no precedence as there are no other examples of land which has been dezoned

and material works have been completed and that all other matters have been resolved. M Bell stated that NI Water are content as the sewer is in place. The diagram shows the location of the site and that it is within the core of Drumsurn.

In response to questions, M Bell stated that a CLUD was not applied for because the outcome would still have been the same as the application would still have come to Planning Committee and that this was the best place to consider the information presented in terms of where things currently sit and to look at the installation of works. The Planning Committee can also look at what was enshrined on the Planning Appeals Commission appeal. M Bell cited from paragraph 5.5 of the Planning Appeals Commission report and stated that an adequate start has been made, the area was previously zoned for housing and the planning application was previously approved. This application does not set a dangerous precedent. M Bell stated that the reason for the delay was that the family were unable to proceed at the time and would now like to proceed. There was significant expenditure at the time then there was a pause.

In response to questions the Senior Planning Officer stated that the laying of the sewer in 2006 was prior to the planning permission being granted. It is the intention to connect to sewer but specific works for this require planning permission.

Proposed by Alderman Callan

Seconded by Alderman Boyle

- That application LA01/2022/1203/F, Council, Adjacent to 46 Drumsurn Court, Drumsurn, Limavady is deferred for a site visit for further information on material start and given PAC decision.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred for a Site Visit.

**RESOLVED** – That application LA01/2022/1203/F, Council, Adjacent to 46 Drumsurn Court, Drumsurn, Limavady is deferred for a site visit for further information on material start and given PAC decision.

- \* **The Chair declared a recess at 11:32am.**
- \* **The meeting reconvened at 11:40am.**
- \* **The Head of Planning completed a roll call.**
- \* **Councillor Anderson joined the meeting in the Chamber at 11:40am.**

- \* **Councillor C Archibald, having declared an interest, left the Chamber during consideration of the following item.**

#### **5.5 LA01/2023/1032/F, Council, Christie Park, 55-65 Strand Road, Coleraine**

Report, previously circulated, was presented by Senior Planning Officer J McMath.

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

**App Type:** Full Planning

**Proposal:** Site for concessionary trading and ancillary works within existing car park of Christie Park to include the sale of hot food and beverages.

#### **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 Section 7 and 8 and resolve to **APPROVE** planning permission subject to the conditions set out in Section 10.

Senior Planning Officer presented via PowerPoint presentation as follows:

- The application is located within the development limit of Coleraine and is identified as a Major Area of Existing Open Space and located within a Local Landscape Policy Area and an area of archaeological potential as defined by the Northern Area Plan
- The site is located within the car park that serves Christie Park which is accessed from Strand Road and is located opposite 55-65 Strand Road. Adjacent to public toilets.
- The application seeks full planning permission for a 'Site for concessionary trading and ancillary works within existing car park of Christie Park to include the sale of hot food and beverages'.
- Plans of vehicle / trailer
- The proposal has been assessed against the relevant policy. Due to the modest size and temporary nature of the use, no ground penetration works and the fact that the site can be restored instantly upon removal at the end of the day, the proposal has been found acceptable in terms of the principle of development, Local Landscape Policy Area (LLPA), Townscape, open space, archaeology, Roads and amenity.
- No objections have been raised by statutory consultees or third parties in relation to this proposal.

- The application is recommended for APPROVAL subject to conditions.

There were no questions for the Officer.

There were no registered speakers.

Proposed by Alderman Boyle  
Seconded by Councillor Anderson

- 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 Section 7 and 8 and resolve to **APPROVE** planning permission subject to the conditions set out in Section 10.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved

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

\* **Councillor C Archibald returned to the Chamber.**

**5.6 LA01/2024/0192/S54, Council, Craighulliar Landfill, Ballymacrea Road, Portrush**

Report was previously circulated.

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

**App Type:** Full Planning

**Proposal:** Variation of Condition 2 to add an additional EWC code (20 03 01), including putrescible wastes. C/2002/1040/F original condition - 'The building shall be used for the storage and transfer of paper, cardboard, plastic bottles, tin cans and aluminium cans only' to Condition 2 Proposed condition - 'The building shall be used for the storage and transfer of paper, cardboard, plastic bottles, tin cans, aluminium cans and mixed municipal wastes only'.

**Recommendation**

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

Senior Planning Officer provided the following verbal addendum:

- A Section 54 application to vary a planning condition has been submitted seeking to vary condition 2 of Planning approval C/2002/1040/F Variation of Condition 2 to add an additional EWC code (20 03 01), including putrescible wastes. C/2002/1040/F original condition - 'The building shall be used for the storage and transfer of paper, cardboard, plastic bottles, tin cans and aluminium cans only' to Condition 2 Proposed condition - 'The building shall be used for the storage and transfer of paper, cardboard, plastic bottles, tin cans, aluminium cans and mixed municipal wastes only'.
- This is a Local application and is being presented to the Planning Committee on the basis that the Council is the applicant. You have your Planning Committee Report in front of you and there is also a verbal addendum.
- Verbal addendum: Following a further notification being sent in May 2024 to those who made representation on the application following a challenge regarding land ownership on an amended red line, a further letter of objection was only received yesterday, Tuesday 24th September 2024, at 11:30am, raising a further challenge to the P1 certificate and land ownership.
- A further letter of objection has been received from a further party at 10:15 today raising concerns about land ownership and certificate A being signed and that a third party owns part of the land, and also raising concerns about odour.
- To progress the matter, the Planning Department proposes to investigate this further. It is not appropriate to consider or determine the application until the Council is satisfied of the position.
- It is therefore recommended that the Committee note the contents of this Verbal Addendum and agree to defer the application pending further consideration regarding the challenge to the Planning Application Certificate. This recommendation supersedes the recommendation provided in the Planning Committee Report.

The Chair requested Committee Members thoughts on deferring the application.

Councillor Storey stated that it would be useful to defer the application and asked why there is a request for the dry recyclables to be mixed and how long they will be stored.

In response to the questions the Senior Planning Officer advised that the landfill is to close and if the application is deferred the reason for the request can be established.

Proposed by Councillor Storey

Seconded by Alderman Callan

- To defer the application for further consideration of the late objections and reason for the application.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved

**RESOLVED** - To defer the application for further consideration of the late objections and reason for the application.

**5.7 LA01/2020/1388/F, Objection, Lands approx 80m west of 21 Wheatsheaf Road Coleraine**

Report, Site Visit report and Speaking Rights for O Quigg, P Heron, previously circulated, were presented by Senior Planning Officer E Hudson.

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

**App Type:** Full Planning

**Proposal:** Proposed new dwelling. Proposed Holiday Park comprising holiday cabins, provision for touring caravans, provision for tent pitching, associated works and conversion of stone barn to provide a communal welcome centre including restaurant

**Recommendation**

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

The Senior Planning Officer presented via powerpoint as follows:

- (Slide 1) Planning Application LA01/2020/1388/F is a full application for proposed new dwelling and proposed Holiday Park comprising holiday cabins, provision for touring caravans, provision for tent pitching, associated works and conversion of stone barn to provide a communal welcome centre including restaurant. This is at Lands at 21 Wheatsheaf Road, Coleraine.

There is an addendum to your Committee report to include the addition of a new condition relating to the management of open space, the re-

wording of a lighting plan condition and additional objection received after committee reports were published.

A site visit was carried out on Monday and report has been circulated.

- (Slide 2) Red line boundary of the site. The site is located just outside the Settlement Development Limit of Coleraine. The Settlement Development Limit runs along the opposite side of Wheatsheaf Road incorporating the residential development opposite the site. This side of the Wheatsheaf Road is largely open agricultural land and is designated as open countryside in the Northern Area Plan 2016. The site is not subject to any other designations.

There have been 97 objections to the application from 33 separate addresses. These are largely from residents in the housing developments opposite the site.

Issues raised in objection to the application are outlined in Part 5.2 of the Committee report and include principle of development, amenity, traffic, access and parking and impact on biodiversity. Objection was also raised that the site was remote from other tourist amenities such as those found in Castlerock or other seaside locations. However, the policy tests for this type of tourism development are not assessed along a locational or sequential approach.

The application has been considered against the relevant planning policies for this type of development including the Northern Area Plan, SPPS, PPS 21, PPS 16, in relation to tourism. Taking these policies into account and all other material considerations our recommendation would be to approve the development subject to conditions.

- (Slide 3) This is the proposed site layout for the development. The development is linear in character to take account of existing boundaries and screening. The development includes a large 2 storey detached dwelling to the front of the site adjacent to Wheatsheaf Road. Behind this are existing outbuildings which are to be converted from amenities associated with the holiday park and then to the rear of the site is the holiday park accommodation comprising 4 touring caravan hardstanding areas, 7 holiday cabins and a tent area. The cabins and touring caravan area are sited around a turning area and are located within an area screened by existing vegetation to aid integration. The site also includes an area of open space and amenity space associated with the holiday park with informal grasscrete pathways linking the space to the holiday park. The proposal includes additional areas of planting along the

northern boundary which is currently undefined and open to a larger agricultural field.

- (Slide 4) This is a floor plan for the proposed amenity block described as 'welcome centre' to the eastern part of the site which comprises conversion of existing single storey out buildings on site sited around a courtyard type layout. The block includes shower facilities, a laundry room, plant/maintenance room, a communal lounge and dining/restaurant area. All facilities would expect to see on a holiday park to serve patrons using the site. Concerns have been raised from objectors regarding the impact on amenity of the restaurant. The restaurant area is relatively small in scale and measuring approx. 55sqm; it is incorporated within the Welcome Centre building. Noise and odour assessments have been submitted and Env Health have no concerns with regards to impact on amenity and a condition is included restricting the opening hours between 10am – 8pm with Sunday opening only permitted June – August. Adequate car parking has been provided on site and DfI Roads have raised no objections.
- (Slide 5) These are elevations of the proposed holiday cabins. 2 of the larger cabins are proposed and 5 of the smaller.
- (Slide 6) These are the details of the proposed dwelling. It is a largely 2 storey detached dwelling. The previous dwelling on site was 2 storey and taking into account the mix of house types opposite the site is considered acceptable in terms of design. The previous dwelling on site has been demolished. Weight has been given to the planning history on the site. The site was subject to a previous application for a replacement dwelling on the site the latest of which was approved in January 2019. At the time this previous application was approved the dwelling had been demolished on site and this current application was submitted within the timeframe of this previous permission. On this basis it is considered that the principle of development for a new dwelling is acceptable.
- (Slide 7) Looking at some photographs of the site. This is a view from the Wheatsheaf Road looking towards the southern boundary of the site. This boundary will be retained and augmented with additional planting to ensure appropriate enclosure and integration is afforded the site The holiday cabins are of low elevation approximately 2.5m in height so will not be unduly prominent when viewed from critical viewpoints.
- (Slide 8) Another view further south at the Carthall Road roundabout.



- (Slide 9) Another view looking the opposite direction along Wheatsheaf Road. There is a natural field boundary running down the middle of the site which can be seen in this photograph. The majority of the proposed development in this rear part of the site is sited behind this boundary including the holiday cabins, Welcome Centre and dwelling. An area of provision for tents is proposed in the NW corner of the site which would be within the open portion of the site. Given the distance back from the road, temporary nature and proposed planting it is considered acceptable. The remainder of this northern portion of the site will be laid out as an amenity/open space area for the holiday park. It includes areas of wildflower planting, grasscrete paths and proposed tree planting.
- (Slide 10) Another view towards the northern boundary
- (Slide 11) A view looking towards the redundant outbuildings which are subject to conversion into a Welcome Centre
- (Slide 12) A view looking down the site again with the redundant outbuildings.
- (Slide 13) Some views along the site frontage. The existing access will be retained for use by the private dwelling. A new entrance is proposed adjacent to this for the holiday park. This entrance will be laid out in grasscrete to help it blend with the adjacent agricultural field with the first 6 metres tarmac where it meets the public road.
- (Slide 14) Just another view further along the site frontage.
- Objections had raised regarding the impact on biodiversity of the site and its surroundings. A preliminary ecological assessment and bat survey were submitted during the processing of the application. NED confirmed they consider the proposal unlikely to significantly impact on natural heritage features subject to conditions.
- In terms of traffic - objections were raised regarding the safety of pedestrians, increase in congestion, limited space for parking and turning. A Transport Assessment was submitted as part of the application and consultation carried out with DfI Roads which had no objection. The TA outlined journeys per day to include walking, cycling, car drivers and passengers. Parking provision on site is in line with published standards.
- The principle of development is considered acceptable at this site taking into account all relevant planning policy including Northern Area Plan

2016, SPPS, PPS 21, PPS 16, PPS 2 and PPS 3. There have been objections from any statutory or non-statutory consultees.

- Approval is recommended with conditions as outlined in the committee report and associated addendum.

In response to questions, the Senior Planning Officer advised the development limit as being at the edge of the Wheatsheaf Road and that the Department for Infrastructure (Roads) was consulted and raised no objections, that there is car parking on site and the site layout meets the needs of the development.

The Head of Planning advised the Committee that Mr Millar who had registered to speak in objection of the application could not attend the Planning Committee meeting.

The Chair invited O Quigg to speak in support of the application.

O Quigg stated that in response to concerns raised regarding noise and access, the Department for Infrastructure (Roads) are satisfied the application is acceptable. O Quigg stated that traffic to and from the site will not inconvenience the flow of traffic in the area and that it is not envisaged that there will be additional traffic at peak times. Environmental Health have recommended Conditions and Informatives which the client is willing to accept. The proposal has been outlined and it is noted that all statutory consultees are satisfied. O Quigg stated that all planning policies and neighbour objections have been considered. The scheme has been reduced to comply with all expectations. The scheme is a perfect fit to the area, it is a tourism asset, it compliments what is already on offer in Coleraine and will create employment.

In response to questions, O Quigg stated that it is expected the scheme will provide 4 full time posts and 8-9 part time posts. The scheme is a short distance to the heart of Coleraine.

Proposed by Alderman Boyle

Seconded by Alderman Stewart

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

The Chair put the motion to the Committee to vote.

12 Members voted For, 1 Member Against, 1 Member Abstained.

The Chair declared the motion carried and application approved.

**RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for 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.

- \* **Alderman Hunter vacated the Chair at 12:17pm.**
- \* **Councillor Watton assumed the Chair at 12:17pm.**

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

Report and Speaking Rights for Colin O'Callaghan and Maeve McAllister, previously circulated, were presented by Senior Planning Officer R McGrath.

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

**App Type:** Outline Planning

**Proposal:** Site for dwelling and garage

**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.

The Senior Planning Officer presented via powerpoint as follows:

- Item 5.8 has been referred to Planning Committee for consideration, it was previously presented to Planning Committee in May and deferred for a site visit.
- The site visit took place on 22<sup>nd</sup> August, a report of the visit is included in your packs.
- This is an outline planning application for a dwelling and a garage under reference LA01/2023/0133/O.
- One letter of support has been received.
- 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 exceptions 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. This section of Kilnadore Road is not an adopted road but 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 from 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 LDP process. To grant planning permission in these circumstances would set a damaging precedent and

would fundamentally undermine the purpose and function of the planning system.

- 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 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 process. In considering the site the PAC at the EIP 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 questions, the Senior Planning Officer stated that the policy approach is how best to plan and manage development. To the south there is a residential development of 6 dwellings which is comparable in size. The Senior Planning Officer referred to the need for housing in the Borough and stated that if one house is approved on this site future development of the site may be difficult. It would be best to consider a range of sites and select the most appropriate based on evidence. This is a site in a rural area, development of the Local Development Plan will look at sites in the Borough including Cushendall and other settlements. This application would predetermine that process. The Senior Planning Officer confirmed the settlement development line is at the eastern boundary along no. 15 and was established through the statutory process. The Senior Planning Officer referred to the presentation slide stating that the plan on the right side of the slide is the application, the plan on the left side of the slide is the development limit in the Northern Area Plan. The evidence put forward in the Planning Appeals Commission appeal did not include this site. Full consideration to this site was given at the examination in public and extension into the countryside is not

acceptable. The boundary being moved in 1989 predates the Northern Area Plan process, there was opportunity to put forward the point that the boundary line has moved.

The Head of Planning confirmed the settlement development limit as it is now has been adopted in the Northern Area Plan and is the limit that applies to this area.

In response to questions, the Senior Planning Officer referred to the planning committee report where it states there is no policy in place for rounding off. Each planning application is considered on its own weight, the Planning Appeals Commission has considered this site in the examination in public and considered this site to not be accepted.

The Chair invited C O'Callaghan and M McAllister to speak in support of the application.

C O'Callaghan stated that the settlement development limit follows a flimsy fence, Council has already approved development along this lane which is outside the development limit, and it is not a legal requirement to slavishly adhere to the Northern Area Plan. This application can be approved if considered to be the rational edge to the settlement development limit. There is evidence of this in Dunloy and Newry. There have been 118 houses in County Antrim approved. The Planning Department have referred to setting a precedent, there is no indication of where the comparable sites are located. C O'Callaghan stated there must be evidence of a ribbon development beyond the settlement development limit and referred to policies CTY13 and CTY14.

M McAllister stated she wished to live next door to her parents. The boundary is flawed, a larger site has been approved across the road for 35 houses, a B&B nearby was also approved. The Local Development Plan was delayed for years, she queried what formula was used during that time to approve planning applications? M McAllister stated this application was referred to as being arrogant and queried what was arrogant about wanting to build a family home. M McAllister stated she was a start-up entrepreneur, her children go to the local school, she has respect for the area, views of Lurig and the area are protected, the house would be modest and a common sense approach is required. Drone pictures show 35 houses across the road, she stated how is one family home considered urban sprawl? All neighbours welcome this planning application.

In response to questions, M McAllister stated that in terms of the previous planning approval she was advised it would be easier to build multiple houses and that her parents' home was the only dwelling built at the time.

In response to questions C O'Callaghan referred to the Planning Appeals Commission report which states that representation was made on a larger site to be brought within the settlement development limit. The Planning Appeals Commission commented on the multi-unit development on the site, this is only one dwelling in the corner of the field so the Planning Appeals Commission report is not relevant. C O'Callaghan stated that in relation to ribbon development the line of buildings along a frontage only applies to the countryside, in this site the applicant's parents' house is inside the settlement development limit. There is nothing approved or proposed that would add to ribbon development.

The Chair stated that the word arrogant should not be used in reference to the application.

Councillor McMullan requested a correction to the site visit report stating that it was the applicant's aunt that came out to the site visit meeting to enquire what was happening, not the applicant's sister as stated in the site visit report.

The Head of Planning reminded Committee Members that the site is in the countryside, SPPS and PPS21 apply to this application, the settlement development limit is adopted through the Northern Area Plan which is a statutory process. The Head of Planning stated that the word arrogant was not used.

The Senior Planning Officer stated there is site specific evidence, the Planning Authority regulates land in the public interest not private interest. The precedent would be for any application outside the settlement development limit and would be far ranging. This is an Area of Outstanding Natural Beauty with dramatic views of Lurig. The policy context is for a tourism development is different to that for residential development; this could set a very damaging precedent for the area. The Senior Planning Officer advised each planning application is assessed on its own merit, there are 35 properties across the road which are partially within the development limit and partially outside the development limit. The Planning Appeals Commission report gave consideration to this site.

The Head of Planning advised that from her recollection policy CTY6 was applied to the development of the 35 dwellings on the opposite side of the road to this site.

Councillor Storey gave consideration to whether the boundary could be breached or is there a degree of latitude and stated that the Planning Appeals Commission decisions need to be considered.

Proposed by Councillor Storey

Seconded by Alderman Callan

- That Planning Committee defer the application for 1 month for clarification on further information.

The Chair put the motion to the vote.

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

The Chair declared the motion carried and the application deferred.

**RESOLVED** – That Planning Committee defer the application for 1 month for clarification on further information.

- \* **The Chair declared a recess for lunch at 1.16pm.**
- \* **Committee and Member Services Officer left the Chamber at 1.16pm.**
- \* **The meeting reconvened at 2.00pm.**
- \* **Civic Support & Committee & Member Services Officer joined the meeting.**
- \* **Alderman Stewart did not rejoin the meeting.**

The Head of Planning undertook a roll call of Committee Members present.

#### **5.9 LA01/2021/0403/F, Referral, Lands approximately 30m South East of 328 Foreglen Road, Dungiven**

Report, addendum, Site Visit Report, Speaking Rights Template for C Duffy, and correspondence from Agent were previously circulated, and presented by the Senior Planning Officer, M McErlain.

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

**App Type:** Full Planning

**Proposal:** Full application for 1no. Dwelling

#### **Recommendation**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** 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 Paragraphs 1.1 and 9 of the Planning Committee report.

Senior Planning Officer presented via powerpoint as follows:

- Planning Committee Report and Addendum circulated.



- The addendum addresses the information submitted 22.09.2024 by the agent in support of the application. The information submitted has largely been previously submitted during the processing of the application and has been considered within the Planning Committee Report. The new information within the submission relates to a timeline chart and photographs outlining agricultural activity over the required six year period and images showing the visual linkage between the application site and adjacent farm buildings.
- LA01/2021/0403/F is a full application for a dwelling sited at Lands approximately 30m South East of 328 Foreglen Road, Ballymoney, Dungiven
- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning permission. This application was deferred from the August's Planning Committee Meeting for a site visit.
- The site is located in the rural area as defined in Northern Area Plan 2016 to the north of the settlement of Foreglen. The site is not located within any environmental designated sites. The site accessed via an existing laneway onto Foreglen Road.
- The site is located in the north-western portion of an agricultural field. Topography rises steeply in a northern direction from Foreglen Rd, with site set at an elevated position above the Foreglen Rd. The northern, eastern and southern application site boundaries are undefined. The western boundary is defined by a post and wire fence and the existing laneway. To the north of the site mature vegetation screens the existing farm buildings sited to the north/north-west of the site.
- LA01/2020/0769/O - Outline application for 1 no dwelling (2-storey) and detached garage – submitted as farm dwelling under policy CTY10 - Application Withdrawn 26.10.2020, following recommendation to refuse due to failure to demonstrate business was active for the required time
- As this application has been submitted as a dwelling on a farm it falls to be determined under policies CTY1 and CTY10 of PPS21.
- Policy CTY10 allows for a dwelling on a farm where the farm business is currently active and has been established for at least 6 years.

- Consultation was carried out with DAERA who advise that the applicant's Business ID has been in existence for over 6 years, however the business has not claimed single farm payment or other subsidies in the last 6 years and that prior to 2021 the application site was associated with another farm business.
- The applicant was therefore required to submit evidence to satisfactorily demonstrate active farming over the key period – which in this instance is 2015 -2021.
- Under this application the applicant has submitted new evidence, not previously submitted under application LA01/2020/0769/O
- Much of the information submitted cannot be given determining weight - Cash Sales, machinery parts, general products like weedkiller, and fails to demonstrate active farming by the applicant's farm business. Much of the remaining evidence cannot be satisfactorily verified by the Planning Authority.
- The evidence which can be verified represents a limited and patchy amount of farming activity over the key 6year period and does not reflect a level of work on an annual basis which would be considered to demonstrate an acceptable level of agricultural activity. This approach is consistent with planning appeal 2023/A0016 (Appendix 1).
- The proposal is contrary to Policy CTY 10
- The proposed dwelling is of a contemporary design comprises two linear blocks which are of similar proportions, with one block stepped back from the other. The dwelling has a ridge height of 6.8m above finished floor level
- The dwelling will be finished predominately in larch cladding to the walls and roof, with some use of ferro concrete to the piers on the side and southern elevations, which contain large expanses of full height glazing units. While the dwelling is not of a traditional form or proportion and is not reflective of the surrounding character the officials consider the scale and design to be acceptable at this location.
- The slide above is a view of site from laneway. Here you can see the application site when travelling along the laneway. You will note the lack of defined boundaries to the eastern, western and southern application site boundaries.

- The above slide shows a view of application site from Foreglen Rd. On approach from the east along the Foreglen Rd the application site comes into view in the vicinity of the junction with the Altmover Rd.
- From this viewpoint the dwelling will sit at an elevated position and clearly visible due to a lack of natural screening to the site boundaries and due to the extended gap in the roadside vegetation along the Foreglen Rd.
- The vegetation to the north of the site will provide a backdrop to the dwelling, however the dwelling will still appear as a prominent feature in the landscape and will fail to satisfactorily integrate. As such the proposal fails to meet with policies CTY 13 and CTY 14.
- This slide shows the view of the site from the new By-Pass to the south of Foreglen. These more elevated views give rise to longer transient views of the application site, particularly when travelling east. From this viewpoint the dwelling would benefit from the rising land and mature trees to the immediate north to provide a backdrop which would ensure that the dwelling would not have the same prominence as when viewed from the Foreglen Rd.
- When viewed from this distance, it is considered that the visual impact of the dwelling when viewed from the by-pass would not be fatal to meeting the requirements of policies CTY13 and 14
- The proposal includes a substantial landscaping scheme in order to provide screening and integration for the proposed dwelling. While additional landscaping is welcome it will take a significant time to become established and grow to a level which will provide any meaningful screening. Policy CTY13 of PPS21 outlines that proposals which rely primarily on landscaping for integration will be unacceptable which is indeed the case in this application.
- In conclusion, the proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY10, CTY13 and CTY14 of PPS21 in that it has not been satisfactorily demonstrated that the farm business has been active and established over the required timeframe and the proposal would result in the dwelling being a prominent feature in the landscape, lacks long established boundaries or enclosure in order to integrate the building and would be reliant on new landscaping to achieve integration.

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

The Chair invited questions for the Senior Planning Officer.

Councillor Storey questioned what was the weight given to determine what was sufficient agricultural activity, that the agent had provided information, how was it determined what was sufficient? Councillor Storey stated the information described as limited and patchy, at the site visit there was a tractor and other things associated with a farm, he queried what was the matrix that defined sufficient and how was the judgment weighted?

Senior Planning Officer advised each case was taken on its own merits, the applicant did not claim Single Farm Payment subsidies, there was no livestock, DARD had confirmed prior to 2021 of the other Farm Business ownership, the tractor did not demonstrate agricultural activities. Senior Planning Officer stated there was a combination to verify evidence and new evidence that had not previously been submitted, that had related to the same time period had been submitted periodically, upon request. Senior Planning Officer advised they were unable to verify some of the evidence and could not stand over verifying the applicant's business. Senior Planning Officer referred to Appeal Reference, a reasonable level of agricultural activity on an annual basis met Policy.

The Head of Planning clarified evidence related to a Farm Business such as cash sales and therefore did not link directly to the Farm Business. Single Farm payment was easy evidence, other easy evidence was log books, movement of sheep or cattle, there were no animals, or accounts to HMRC. Beyond the receipts related to weedkiller, a document not linked to the Farm business was difficult to verify. The Head of Planning stated a reminder on the Planning Fraud Risks verification of information.

Councillor Storey stated Single Farm Payment was not required as part of proof. Councillor Storey cited from paragraph 5.39 of policy CTY 10 referring to an arable farmer, he questioned what was the baseline to determine sufficient.

Alderman Callan asked what was the verification policy to proving active farming, he advised there was a statement from the farmer, evidence and receipts.

The Head of Planning stated verifying information was specific to the application, for example letter headed Invoices with varying letter heads for the same business, would alert Planning officers to contact the business and cross reference invoices, she advised it was more difficult to verify with cash sales.

Alderman Callan stated that it was not abnormal to have cash sales. He queried regarding spot checks and whether they were done in this case? He stated whether the policy was unclear.

The Head of Planning advised they must link to the Farm Business, and referred to the appeal case determination of PAC. The Head of Planning clarified, yes, Planning carry out a check on invoices where a concern is raised.

Senior Planning Officer stated generic cash sales were not an agricultural activity in its own right, submission of further evidence not previous submitted for the previous application for the same 6year period.

Alderman Callan referred to fraudulent activity and whether it was being questioned regarding the validity of the evidence this time.

The Head of Planning advised that if there was a concern with fraudulent activity this would be investigated under Council's 'Anti-fraud, Bribery and Corruption Policy' and no such investigation was opened on this application.

Senior Planning Officer clarified he did not personally deal with the previous application. He referred to inability to verify cash sales and link to the farm business, PAC appeal decisions gave limited weight to evidence that did not link to the Farm Business or farmers name and refused appeal cases on that ground.

Councillor C Archibald stated new legislation that the leaseholder now claimed Single Farm Payment.

Senior Planning Officer advised DARD had confirmed the applicant site was associated with Single Farm Payment. Under the current scheme the active farmer gets the Single Farm payment. Up to 2021 it was leased out to other farmers who carried out the active farming.

Councillor McGurk queried whether the entire farm was leased out? She referred to the photographic evidence of land management practices, no single farm payment claimed. Councillor McGurk queried why the land management evidence had not been considered sufficient?

Senior Planning Officer stated they cannot rely on another farmers activity. He stated it was the farm business that must be active and the applicant required to demonstrate how their business was active.

Councillor McGurk requested to see the photographic montage showing the building to give the idea of integration, that she had requested at the Site Visit that she wished to see them.

Senior Planning Officer clarified the images were part of the larger dwelling, not part of the presentation as did not represent the amended dwelling design.

The Chair invited C Duffy to present.

C Duffy presented on the background, on policy CTY 10, Policy and Design. C Duffy stated in 2008 the farm was purchased with no entitlements that led to basic farm payment. In 2010 the Farm Business was established, 14 years actively farming on application site, solely responsible for doing this. The applicant carried out ground drainage, fertiliser, fencing, silage, water courses, hedgerows, stone walls, management of Japanese knotweed. C Duffy stated the applicant had cross referenced images of the site to invoices to relate to the land.

C Duffy stated that for the previous application, the applicant and himself had requested pre application advice. Following advice, it was revealed the lands were claimed by another farm business and they were not aware of this and had been a surprise. C Duffy advised a formal request had been submitted to DARD to resolve, and then preparations were made for a full application.

C Duffy stated the Principle of Development is considered acceptable under Policies CTY10, 13, 14 - 2 out of 3 criteria had been met, and submitted evidence similar to PAC decisions. Regarding integration, there were inconsistencies in the previous report; there was a high degree of integration and met policies CTY 13 and CTY 14. C Duffy stated regarding design – it was low impact and drawn inspiration from agriculture buildings.

Councillor McGurk requested elaboration on what within the Outline application, the Case Officer had said integration was suitable.

C Duffy stated the landforms, boundaries, properties aid integration. No site was invisible, approaching from the west; no visibility along Main Road, land form steps up. Backdrop of trees to the north that are 20m high; there was a buffer to the south and cannot see anything; to the east there was a view opposite. The proposal that draws on the rural character of the area, draws on design guidelines. Policies CTY 13 and 14 there was no issue in the previous outline; surprised to see in this report. Design will have low impact on integration and design is drawn from inspiration from agricultural buildings.

Councillor Watton asked if the site could be placed further back behind the trees to the cluster of buildings?

C Duffy stated this was his first consideration. Policy is to cluster around farm building, however, in reality, modern living has changed. The construction of electricity pylons, wires, safety concern, the trees shade and give a poorer environment. The house is orientated on part of the land to give good solar orientation and part of the design rationale.

Proposed by Councillor McGurk

Seconded by Councillor C Archibald

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission subject for the reasons:
- Policy CTY 10 farming evidence has been satisfied. Planning was not able to demonstrate why the land management practices were not sufficient.
- Agent and Applicant have made a lot of effort and submitted additional information across the timeline and tied photographic evidence to invoices;
- Integration – Outline permission and Case Officers opinion that the site was integrated.
- The design is non-traditional and should not shy away from this and is acceptable.
- Ties in with adjacent building and will aid integration. View from A6 topography, critical views are integrated and landscaping will assist.

The Head of Planning restated the refusal reasons set out in the Planning Committee Report.

The Chair put the motion to the Committee to vote.

8 Members voted For; 1 Member voted Against; 4 Members Abstained.

The Chair declared the motion carried and application approved.

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

- CTY 10 farming evidence has been satisfied. Planning was not able to demonstrate why the land management practices were not sufficient.
- Agent and Applicant have made a lot of effort and submitted additional information across the timeline and tied photographic evidence to invoices;
- Integration – Outline permission and Case Officers opinion that the site was integrated.

- The design is non-traditional and should not shy away from this and is acceptable.
- Ties in with adjacent building and will aid integration. View from A6 topography, critical views are integrated and landscaping will assist.

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

\* **Senior Planning Officer M McErlain left the meeting at 2.53pm.**

#### **5.10 LA01/2023/0270/O, Referral, Land between 100A & 102 Finvoy Road, Ballymoney**

Report, Site Visit Report, Speaking Rights Template for Jason Martin were previously circulated and presented by the Development Management Manager, J Lundy

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

**App Type:** Outline

**Proposal:** Proposed infill for two number dwellings.

#### **Recommendation**

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

The Senior Planning Officer presented via powerpoint as follows:

- (Slide) This application is for two infill dwellings on land between 100A and 102 Finvoy Road Ballymoney. This is a referred item. The Documents provided include the Planning Committee Report and Erratum which relates to plot sizes and 2 typing errors and a site visit note.
- The site is located within the open countryside in the Northern Area Plan 2016.
- The proposal was considered against the policies in the Northern Area Plan, the SPPS and PPS 21 with particular regard to Policies CTY 8, 13, and 14.
- Within Policy CTY 8 of PPS 21 it is stated that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage. For the



purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

- (Slide) The site is located between the dwellings at 102 Finvoy Road and 100a Finvoy Road which is located on a laneway off Finvoy Road. The total distance gap between the rear return of the dwelling at 102 Finvoy Road and the western gable of dwelling 100a Finvoy Road is approximately 104 metres.
- In regard to dwelling at 102 Finvoy Road it is fronted onto Finvoy Road but the dwelling has a presence from the laneway. There is a small shed and another small temporary structure. Given their temporary nature this would not be considered as further buildings to provide a substantial continuous build up frontage onto the laneway in terms of Policy CTY 8. This is supported in appeal reference 2019/A0105 where a corrugated sheet structure was not accepted as a structure that contributes to a substantial and continuous built-up frontage.
- The dwelling and garage at 100a Finvoy Road does have a frontage onto the laneway. The garage and the dwelling has a shared frontage onto the laneway. The garage therefore does not have its own frontage onto the laneway. Therefore, in terms of Policy CTY 8 this is only one building in terms of meeting a continuous built-up frontage onto the laneway.
- In regard to the site location plan it is also shown that an application was approved in the east of the site which was approved under application LA01/2020/0454/F. This application has not been commenced and cannot therefore be included as a building in meeting the continuous built frontage onto the laneway.
- (Slide) Having considered the existing pattern of development along the frontage in terms of plot size, frontage length and character of the area in terms of siting and design I would conclude that the proposal for two dwellings would not respect the existing development pattern in the area. In regard to Policy CTY 13, given the topography of the site and the fact that the site is quite open on the west and south and boundaries of the site, any dwellings should be single storey if approved. In regard to Policy CTY 14 if the application was to be approved it would be detrimental to the rural character of the area by causing a suburban style build-up of development when viewed with existing buildings and would add to and create a ribbon of development.

- (Slide) This is a photograph from the site from the dwelling at 102 Finvoy Road the blue arrow shows the site.
- (Slide) This is a photograph from the dwelling at 100a Finvoy Road where the site is shown on the arrow.
- (Slide) This is a photograph of the dwelling and garage of 100A Finvoy Road which has a shared frontage onto the laneway.
- (Slide) This photograph shows that the dwelling at 102 Finvoy Road has a presence onto the laneway but its frontage is onto Finvoy Road.
- Overall, the proposal fails to meet the principal policy requirements under policy CTY1 for dwelling in the countryside as the proposal does not meet the criteria for the development of a small gap site within a substantial and continuously built up frontage under Policy CTY 8. The dwelling would also result in a suburban style build-up of development when viewed with existing buildings and would be prominent within the landscape, the development would add to / create a ribbon of development under Policy CTY 14.

The Chair invited questions for the Senior Planning Officer.

Alderman Scott referred to no. 102 Finvoy Road which he said the Development Management Manager had referred to as a small shed but temporary in nature, he queried whether this could be counted as another building if it was a more permanent structure? Alderman Scott stated that if it was a permanent structure the garage/outbuilding and no. 100A would be two buildings. Alderman Scott queried whether the dwelling was not behind the garage, and whether they both had frontage.

Development Management Manager referred to the slide aerial view. No. 102 fronted onto the road, PAC appeal decision 2019 temporary was not counted as a building under Policy CTY 8. If it had been a garage of permanent construction with its own frontage onto the lane it could be included as it would have a plot size - a plot for the garage and a plot for the house but that is not the case here. Development Management Manager clarified policy and what constitutes a built-up frontage citing from the policy. She advised that under policy, no.102 has frontage, no.100A has one frontage as the garage does not have its own frontage.

The Head of Planning clarified planning permission needs implemented to count as a building for the purposes of policy CTY8. No.102 has frontage

garage to frontage of no100a with dwelling to rear – one frontage, the application site is only big enough for 1 dwelling when comparing to plot sizes and frontages of adjacent sites.

Alderman Scott stated he was not certain that was consistent to what had been done before. He stated the property and garage have frontage, discounted garages to rear, the house and garage have frontage, this in light of a previous decision.

Councillor Storey questioned when did 'temporary' become 'permanent', buildings may be of temporary construction but are of a permanent nature. He stated at the site meeting if the application beside no. 100a had been built would be an infill site. He stated it seemed unfair that the applicant would have to await on another applicant to build, even though they have planning permission and should be given weight.

Development Management Manager advised there was 1 year remaining of planning permission, there was no visible sign of intent to build out that permission. Referring to the temporary nature of a building – a PAC decision in relation to not being easily removed, some degree of presence on land.

Councillor Peacock cited policy CTY 8, 3 buildings, cannot say the dwelling is ancillary to the garage. She considered a similar application deemed to be 3 properties.

Development Management Manager clarified Policy a key part defined as a line of 3 or more, linear, not set back, house set to the rear, there was only 2 buildings. She stated photographs of the garage, the house set off it, the house fronts the agricultural field, side of the garage has frontage on the lane.

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

J Martin stated no.102 frontage and a garage no.100a, discounted house at no.100a. He referred to paragraph 5.33 of policy CTY8 stating that the building even if it staggers back is still ribbon development. Scale of dwelling is not hidden. PAC 2021/A0094 – frontage shared. In terms of policy CTY8 the application site respects patterns and plot size; measurement of site is 0.35 hectares, 63m frontage proposed sites smaller than average but still respectful of pattern of development. Each site will be 0.17ha in size, only difference 2 dwellings, not 1. North and East bound by mature vegetation, retained west boundary by no. 102. Main views Finvoy Road are screened. In terms of prominence, 5.5m ridge height restriction welcomed. J Martin stated it was acceptable and sought a recommendation approved.

In response to Alderman Scott, J Martin repeated the plot sizes, site size 0.35ha, each 0.17ha, similar to either side, frontage 63m and each site 31.5m.

Proposed by Alderman Scott

Seconded by Councillor Storey

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

- Plot sizes similar, frontage similar, there is a line of 3 buildings, the garage at no.100a, the dwelling at no.100a and no.102 with frontage onto the laneway, the site is well screened on at least 3 sides, open on the remaining side, it would integrate well into the surroundings.

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

- Plot sizes similar, frontage similar, there is a line of 3 buildings, the garage at no.100a, the dwelling at no.100a and no.102 with frontage onto the laneway, the site is well screened on at least 3 sides, open on the remaining side, it would integrate well into the surroundings.

The Head of Planning cited the refusal reasons.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

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

The Chair declared a recess at 3.26pm.

\* **The meeting reconvened at 3.35pm.**

The Head of Planning undertook a roll call of Committee Members present.

#### **5.11 LA01/2024/0058/F (Referral) 23 Causeway Road, Bushmills**

Report, Speaking Rights Template for Alan Irwin were previously circulated and presented by Senior Planning Officer, M Wilson.

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

**App Type:** Full

**Proposal:** Conversion of barn into self-catering accommodation and alteration of an existing access to a public road.

## Recommendation

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

Senior Planning Officer presented via powerpoint as follows:

- Full planning permission is being sought for Conversion of a barn into self-catering accommodation and alteration of an existing access to a public road.
- 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.
- (Slide) The site is located in the countryside outside Bushmills near to the Giants Causeway and lies within its Distinctive Landscape Setting designated in the Northern Area Plan; the site is also within the Causeway Coast AONB.
- As this site is located within the Distinctive setting Policy COU 4 of Northern Area Plan 2016 applies to all development within this Setting –
- Policy COU 4 of NAP 2016 applies to this development. Policy states that No development in this zoning will be approved with the exception of these 3 circumstances:
  1. Exceptionally modest scale facilities, without landscape detriment, which are necessary to meet the direct needs of visitors to the World Heritage Site.
  2. Extensions to buildings that are appropriate in scale and design and represent not more than 20% of the cubic content of existing buildings.
  3. Replacements of existing occupied dwellings with not more than a 20% increase in cubic content.
- The conversion of a building into self-catered accommodation with an extension and alterations to the roof is therefore unacceptable in principle contrary to Policy COU 4 of NAP 2016 and paragraph 6.6 of the SPSS.
- The proposal is also contrary to Policy BH 5 of PPS 6 which seeks to protect World Heritage Sites and their settings.

- Although the proposal meets the criteria for Conversion of Buildings under Policy CTY 4 of PPS 21, it fails the policy test in the SPPS which is given determining weight (See paragraph 1.12 of the SPPS). It is considered that the existing building is not a locally important building.
- The proposal complies with the Tourism Policies TSM 5 & 7 of PPS 16 as one or more units are allowed within the grounds of an existing guest house. However, a new unit would not be allowed under Policy COU 4 of NAP 2016 and Policy BH5 of PPS6 given the site location within the Distinctive Landscape Setting.
- Access and parking arrangements are acceptable.
- There are no letters of support or objection to the proposal.
- No objections have been raised by consultees in relation to this proposal.
- (Slide) This is the block plan of the site showing it within the complex of other buildings - No.23 on the plan is the existing guest house.
- (Slide) shows the proposed floor plan and elevations – you will note the proposal with a bedroom, living kitchen dining area and small bathroom.
- Some photos of the site; (Slide) this is a view looking east towards the building to be extended and converted, and this photo [SLIDE] just shows other buildings surrounding the site,
- (Slide) these next photos show the subject building and the buildings within and next to it with that second photo taken in front of the subject building.
- These final 2 slides just show the building when looking south and you will note the guest house over to the right of the subject building.
- The proposal is contrary to planning policies including the Northern Area Plan 2016 and the SPPS and refusal is recommended.

The Chair invited questions for the Senior Planning Officer.

Councillor Storey referred to refusal reason no. 2 he stated from what the Agent had supplied, the initial assessment of the Case Officer had been made that it was a garage and the initial opinion had a detrimental impact on the outcome of the application process. Councillor Storey stated additional evidence had been supplied, the building featured in an 1832 travel log, a visit in 1869 and cited

from the log, he stated this was an accurate authentic representation. Councillor Storey requested to see the internal photographs of the building.

Senior Planning Officer clarified that during the processing of the application it was described as a garage, ancillary to the dwelling next door. The Agent came back with photographs of a traditional building which they said was locally important and sought to be reconsidered. Senior Planning Officer stated the building was not locally important, the definition given in SPPS when looked at the building overall aesthetics, it was not a former school house or church and not a locally important building. Senior Planning Officer stated it was not disputed for the building at that time, looking at the building and photographs it was not a traditional stone building and not locally important. That is not to dispute there may have been a building there, that was not the test. It has been considered and assessed and does not meet the policy test in the SPPS. Senior Planning Officer advised the agent submitted photographs and they were on the portal.

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

A Irwin stated that the application is considered under policies COU 4, BH 5, paragraph 6.6 of SPPS.

Under policy COU 4 there are 3 forms of development that are acceptable, two of which are relevant to this application –modest scale facilities and to meet demand at an established guest house, which was a 5 minute walk to the World Heritage Site. This application meets this exception as extension to buildings and proposed is subordinate and not more than 20%; there will be no harm to the AONB and therefore policy BH5 is met. Policy COU 4 allows for some visitor related development that is small in scale in proximity to and will meet tourist need; it will not the character of the AONB or the World Heritage Site. Policy provision can only be used once. A Irwin stated that the proposal is compatible with the SPPS paragraph 6.6 World Heritage Site as public views are safeguarded and it will not harm character of AONB, World Heritage Site, the access and public approach. It will not harm rural character and is compatible with paragraph 6.6 of SPPS and policy BH5. He made reference to paragraph 6.73 SPPS and stated that there is no guidance to define local importance. The buildings have been owned by Lynch family since 1954; it features in OS Mapping 1832. Photographs of interior would have told story. The building is of stone construction and the proposal will be a sympathetic conversion.

The Chair invited questions for the speaker.

In response to Alderman Boyle, A Irwin confirmed the building stores redundant domestic equipment associated with the B&B; it is too small to be of use for farming. The building is of uncoursed local stone, with a section of the roof raised, garage door lined with brick, there was evidence of old timber beams and cast iron fittings.

Alderman Callan requested to see the internal photographs which were not on the portal. Alderman Callan sought clarification of the opinion by the Case Officer that had made a detrimental impact by being described as a contemporary garage.

A Irwin described the corner stone boulder in photographs, size of the refurbishment 424ft<sup>2</sup> the new extension 150ft<sup>2</sup> small scale. A Irwin stated the building was too small for commercial use and that agricultural use was utilised in the agriculture shed. The stone was grey brown, uncoursed field stone.

Proposed by Councillor Storey

Seconded by Alderman Callan

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the following reasons
- Policy COU 4 allows three forms of development, paragraph 8.5 of Executive Summary of Planning Committee report – two relate to this – a low key extension appropriate in scale and only permitted once. Paragraph 8.7 – confirm a small scale development paragraph 8.16 and 8.17 will not harm AONB or setting of the World Heritage Site.
- Policy COU 4 makes provision for this small scale development. SPSS paragraph 6.6 and 6.7 of the Planning Committee report will not harm character and appearance of the World Heritage Site and AONB.
- Photographs, not ideal but give indication that it is a stone building and OS Mapping back to 1832 gives historical context of building, Policy CTY 4 allows for conversion.
- Too small for agricultural use and will maintain a building in use.

The Head of Planning restated the refusal reasons.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

**RESOLVED** – That the Committee has taken into consideration and 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

- Policy COU 4 allows three forms of development, paragraph 8.5 of Executive Summary of Planning Committee report – two relate to this – a low key extension appropriate in scale and only permitted once. Paragraph 8.7 – confirm a small scale development paragraph 8.16 and 8.17 will not harm AONB or setting of the World Heritage Site.
- Policy COU 4 makes provision for this small scale development. SPPS paragraph 6.6 and 6.7 of the Planning Committee report will not harm character and appearance of the World Heritage Site and AONB.
- Photographs, not ideal but give indication that it is a stone building and OS Mapping back to 1832 gives historical context of building, Policy CTY 4 allows for conversion.
- Too small for agricultural use and will maintain a building in use.

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

\* **Alderman Hunter rejoined the meeting at 4.18pm and assumed The Chair.**

Councillor Watton vacated The Chair.

#### **5.12 LA01/2023/0522/F, Referral, 280m South East of 27 Bregagh Road, Armo y**

Report, Speaking Right Template John Simpson previously circulated, were presented by the Senior Planning Officer, E Hudson.

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

**App Type:** Full

**Proposal:** Proposed new agricultural shed.

#### **Recommendation**

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

Senior Planning Officer presented via powerpoint as follows:-

- (Slide) Planning Application LA01/2023/0522/F is a full application for a new farm shed located 280m SE of 27 Bregagh Road, Armo y.
- This is the red line boundary of the site. The site is located within the open countryside as defined in the Northern Area Plan. The map includes other land in ownership of the applicant – outlined in Blue. The applicants dwelling and garage are located in the north-west corner of his land

ownership. There are existing sheds located adjacent to the applicants dwelling and when queried with the agent we were advised that the applicant is no longer in ownership of this portion of the field. The area outlined in yellow identifies the area no longer in control of the applicant.

- (Slide) These lands are the applicants farm maps. The applicant has a category 1 business ID which was allocated in 2008. They have not claimed SFP in each of the last 6 years having made claims in 2021, 2022, 2023. Supporting information was received in the form of extracts from sheep and goat movements from the period 2013-2021 together with invoices relating to vet and farm supplies. On balance it is considered that the farm is active and established for the requisite period of 6 years. The farm maps include the land which is no longer in the control of the applicant and DARD has confirmed that the applicants farm business ID is claiming SFP on this land.
- The agent advised that the applicant rents sheds at 139 Ballinlea Road, Armoy approximately 5 km away and which he uses for winter lambing. The proposed shed is not for animals but for the storage of machinery, feed and medicines. Supporting information states the applicant has a sheep trailer, dump trailer, quad bike, flat bed tractor trailer, quad fertiliser spreader and mower for quad and currently has a flock of 80 sheep and goats. No evidence has been submitted to support this claim nor was this machinery evident on the applicant's farm holding, rented sheds or within the curtilage of the dwelling.
- (Slide) This is an aerial overview to show the site in the context of the applicants dwelling. The buildings you can see on the overview to the south of his dwelling are those no longer in control of the applicant. A land registry check has determined that this land was transferred to an Alex Leslie Linton in February 2023 approximately 3 months prior to the submission of this planning application. The agent has advised that the transfer was due to inheritance although no information has been submitted to verify this and it is unclear how this would have been transferred through inheritance when the applicant was the previous owner of the land. The proposed site is approximately 250 m SE of the applicants dwelling and garage and as such is remote from the farm grouping. The land between the site and the applicants dwelling is within his farm holding.
- (Slide) A photograph of the buildings beside the applicants dwelling. The smaller shed and poly tunnels are long established; the larger roadside shed does not have planning permission and is more recent. These buildings would have formed part of the holding prior to transfer.

- (Slide) Site layout. Site is set back from the road and accessed via an existing laneway. The shed is remote from the farm grouping and there are concerns regarding the integration of the shed when travelling south along the Bregagh Road.
- (Slide) Detailed drawings. This is the floor plan. It measures 30.5 m x 15.5 with a ridge height of 8 metres. The shed is split into 2 with only the larger portion of the shed accessible from the larger opening with the smaller portion of the shed only accessible from a doorway. The agent has advised the shed is required for the storage of machinery and the smaller part for the storage of medicines for the animals. Given the modest scale of the farm holding the proposed shed is not considered necessary for the efficient use of the agricultural holding. Also, it has not been demonstrated that there are not existing sheds which could be utilised on the holding, including rented sheds. The proposal fails to meet criteria a of policy CTY 12.
- (Slide) Proposed elevations.
- (Slide) Looking at some photographs of the site. The proposal is considered to be contrary to Policy CTY 13 of PPS21 as the site lacks long established boundaries to provide enclosure and also part B and C of policy CTY 12. Due to its remoteness from the farm grouping it does not benefit from being clustered with existing farm buildings which is a requirement under policy CTY 12. No exceptional case has been made to site away from existing farm buildings.
- Our recommendation is to refuse planning permission as outlined in Part 10 of the Committee report.

The Chair invited questions for the Senior Planning Officer.

Councillor Watton queried the reason why the shed located from the cluster of farm buildings?

Senior Planning Officer advised the Agent stated it does site to cluster but officers consider that it does not cluster. The land claiming Single Farm Payment relates to land closer to the buildings. The site is remote and isolated from the farm buildings. When travelling along the Bregagh Road it does not visually link. In response to Councillor Watton Senior Planning Officer advised a site visit had not been previously held.

The Chair invited J Simpson to speak.

J Simpson addressed committee. J Simpson stated the farm shed is on the existing farm holding and the site selected would have the least impact as views are restricted, there is a backdrop of vegetation, set a distance from the road, levels of the land, laneway. In accordance with SPPS the farm business is active and established and shed is on the farm holding required for the efficient operation of holding and was not contrary to the Local Development Plan. The applicant had 80 sheep and 20 goats and uses a shed at Ballinlea Road; the farm divided in 2. The applicant needs a shed beside the land the animals are on. The applicant required a dry shed for food, medicine, prevent the theft of machinery, and security. There had been a change of practice regarding animal welfare, a Code of Practice to separate animals from storage of feed, waters, and overall management welfare maintained. J Simpson stated the current arrangements were unsatisfactory, proposal is a good agriculture holding in accordance with policy CTY 12. The shed is required for the efficient use of the agriculture holding. The scale and character are in keeping with the area, design is sympathetic, boundary hedges aids integration into the countryside due to natural boundaries, there are no issues on community or residents. He referred to application LA01/2022/0729/F Clontyfinn Road that was similar and approved. There have been no objections from the public or consultees.

Councillor Storey referred to policy CTY 12 and cited from it, referring to alternative sites he queried why it was sited there.

J Simpson stated there was a backdrop of trees, slope in the ground, distance from the roadside. Closer section of land not in applicants ownership. In response to the Chair and Councillor Storey J Simpson advised the area in yellow was not in the ownership of the applicant, that during the course of inheritance the site and land had been taken out.

Alderman Scott sought clarification of where machinery was being stored?

J Simpson advised some machinery was in use, a tractor and dump trailer, in the shed beside the yard and not located in the existing holding.

Councillor Peacock restated her understanding the applicant did not own the land between the existing grouping and the reason was the transfer of inheritance. The speaker confirmed this.

Councillor Storey questioned the size of Permitted Development on a Farm.

The Head of Planning summarised the key elements are that the building is within 75m of the existing agricultural building and not within 75m of third party dwelling and total ground area no bigger than 500m<sup>2</sup>.

\* **Councillor McMullan left the meeting at 4.32pm during consideration of this item.**

Proposed by Councillor Peacock

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:
- Active and established farm for more than 6 years, explanation provided on ownership and control of sheds and land nearby,
- There is no alternative sites available due to inheritance;
- Shed is necessary for the efficient store of feed for 80-100 animals, store of machinery, and efficient running of the farm.
- Policy CTY 12 - acceptable in surroundings, blends into the landscape and uses existing laneway. Inventory of machinery has been provided. There have been no objections.
- It is required under Animal and Welfare Act for storage of feed and medicines
- A traditional design for buildings in countryside.

The Chair put the motion to the Committee to vote.

11 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:

- Active and established farm for more than 6 years, explanation provided on ownership and control of sheds and land nearby,
- There is no alternative sites available due to inheritance;
- Shed is necessary for the efficient store of feed for 80-100 animals, store of machinery, and efficient running of the farm.
- Policy CTY 12 - acceptable in surroundings, blends into the landscape and uses existing laneway. Inventory of machinery has been provided. There have been no objections.
- It is required under Animal and Welfare Act for storage of feed and medicines
- A traditional design for buildings in countryside.

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

At this point in the meeting Alderman Boyle raised that Alderman Callan had referred 5.16 LA01/2021/1513/O, Site adjacent to no.40 Vale Road, Greysteel, however, he had proposed a site visit and she queried a conflict of Interest.

The Head of Planning advised it was a matter for Alderman Callan to consider for himself, under the Code of Conduct.

Alderman Callan withdrew his earlier proposal.

Proposed by Councillor Storey  
Seconded by Alderman Boyle and

**RESOLVED** – that Planning Committee defer LA01/2021/1513/O, Site adjacent to no.40 Vale Road, Greysteel for the reasons previously cited.

- \* **Councillor Kennedy left the meeting at 4.48pm.**
- \* **Senior Planning Officer E Hudson left the meeting at 4.50pm.**

#### **5.13 LA01/2023/0804/F, Referral, 90 Ballyreagh Road, Portstewart**

Report, Speaking Rights Template for David Donaldson and Conor Brady were previously circulated and presented by Senior Planning Officer, R McGrath.

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

**App Type:** Full

**Proposal:** Demolition of existing one and a half storey semi-detached dwelling and three outbuildings, construction of a new two storey semi-detached dwelling, new entrance gates and pillars and associated site works (amended design)

#### **Recommendation**

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

Senior Planning Officer presented via powerpoint as follows:-

- Item 5.13 has been referred to Planning Committee for consideration.
- It is a full application for the replacement of a 1.5 storey semi-detached dwelling and outbuildings, and the construction of a new two storey semi-

detached dwelling, with new entrance gates, pillars and associated site works under ref LA01/2023/0804/F.

- 3 letters of objection have been received from 1 property. (92)  
The key issues are:
  - Procedural issues.
  - Out of character for the area
  - Loss of privacy/Overlooking
  - Dominance
  - Integration
  - Size and scale of proposal too bulky
  - Previous refusals in the area of similar design
  - Objection to supporting statement
  
- The site is located in a prominent location on the Ballyreagh Road, between Portrush and Portstewart. The dwelling to be replaced is attached to No. 88 and adjacent to 92 Ballyreagh Road. To the east of the site are another pair of semi-detached dwellings and the Quarryhill development is located to the SW.
  
- The site is located outside of a settlement development limit as identified in the Northern Area Plan (NAP) 2016. As such the application is assessed against the policy criteria outlined in PPS 21.
  
- As initially submitted the application sought to detach from the semi-detached pair, however following initial concerns the design was amended to the current proposal.
  
- The existing dwelling is one of four semi-detached properties which display a strong design pattern, with each unit very similar in appearance, with hipped roofs and modest in size and scale. The detached property at 92 is distinct in that it is a modern replacement of a detached unit.
  
- The proposed design retains the height of the existing property but extends the scale, massing and form of the property in all dimensions. This increases the overall massing of the building by increasing the solid to void ratio. The proposal includes a significant front projection which breaks the building line and includes a large wrap around balcony to the front and side and a large first floor terrace to the rear and is clearly at odds with the character of the existing properties.
  
- The proposal would also result in unacceptable levels of overlooking and dominance. There are two first floor terraces proposed, one to the rear

and one to the front which also wraps around to the side. The degree of overlooking is excessive.

- Whilst the design seeks to mitigate the overlooking from the rear terrace, with the inclusion of high-level walls, this adds to the scale, massing and overbearing nature of the building, and its jarring relationship with the neighbouring properties.
- The proposed first floor living arrangement also exacerbates the impact on neighbouring amenity, increasing the degree of overlooking and impact of noise and general disturbance.
- The design of the proposed replacement dwelling is not appropriate to its setting and does not have regard to local distinctiveness and would have a detrimental impact on the amenity of neighbouring properties.
- The proposal is contrary to policies CTY 1, CTY 3, CTY13 and CTY 14 of PPS 21.
- Refusal is recommended.

The Chair invited questions for the Senior Planning Officer.

Councillor Storey referred to scale and massing, that the property on the right was higher than the proposal in relation to this, on the montage provided by the Agent. Councillor Storey queried how did it compare to the adjacent properties, what was being proposed?

The Head of Planning clarified all information should be circulated to Planning Department and not to Elected Members.

Senior Planning Officer, looking from the point of view of no. 88, no 92 was a detached dwelling and similar in design, 1930's hipped roof, bigger to what was proposed. He stated it was a different test to a semi-detached dwelling. There was no issue with the height, more about how the proposed development sits relative to neighbouring properties. Objection to the scale and massing increasing as this exacerbates the issue. Trying to mitigate overlooking they have to put up 1.5m wall which adds to the massing. The impact from first floor living area, entertainment, recreation and spilling out onto the balcony and exacerbating noise and disturbance as at higher level.

Councillor Watton stated the size of the adjacent proposal was twice the size of no 90.



Senior Planning Officer stated the principle concern is that this is a semi-detached property and its impact on no.88. No.92 site is not as constrained as this site. Design proposed at neighbouring property no.86 was amended to what was approved; issue of consistency.

The Chair invited D Donaldson and C Brady to speak in support of the application.

D Donaldson advised the scheme had been amended from a detached to a semi-detached. The roof plane will remain visible and it will be a modern element between no.92 and 88. He stated that design matters are largely subjective. He referred to para. 4.27 of SPPS – should not refuse on design grounds unless exceptionally; this design does not offend. Paragraph 4.29 of SPPS states that you should not attempt to impose a particular architectural taste or style. The Planning Committee Report accepts similar size and scale and not greater impact on local distinctiveness as this coastline context has enormous variety. The proposal complies with policy CTY 3 of PPS 21 as it will not have visual impact significantly greater than existing building. Local distinctiveness along this coastline allows for contemporary design. In relation to overlooking into no.92 – this was rebuilt 7/8 years ago, front garden is open and not private space; there is no overlooking into the rear of no.92. D Donaldson stated that this application should be permitted unless demonstrable harm and there are already multiple examples of contemporary design in this area.

The Chair invited questions for the speaker.

Councillor Storey sought clarification of when the changes were made to the application. Councillor Storey referring to the 1.5m wall scale and massing, queried any mitigation to alleviate that concern.

D Donaldson clarified sister of applicant owns no. 88. Initially proposed to separate the two dwellings. Same roof height retained and at a lower level than no.92. D Donaldson stated the issue raised regarding overlooking from proposed front balcony to front garden and ground floor window where people already overlooking; there will be no overlooking into property, the views were across the front garden, building designed so that it does not overlook rear amenity. Officer dominance - do not agree with; not dominant new building not deeper than approved at no. 86. Quarry Hill development of 7 dwellings wrap around the back. Context is not private anyway.

Councillor Storey referred to the built form on this road over the years has changed from traditional, a reflection of progress, good design guide and complimentary. Does this compliment this changed built form?

D Donaldson advised no. 92 highly visible, dominant building at The Pitts, the character 50, 60, 70 years ago was modest holiday bungalows; the character has changed along that road, a lot of precedence. Good examples of modern architecture, test to look at those 4 bungalows.

Senior Planning Officer clarified they had worked with the agent and not looking to impose design code. The design needs to reflect the language of the original building. Balcony wraps around to the side, looking straight into rear amenity space – first floor accommodation in particular. Pitched roof and 1.8m wall dominant. BBQ back corner open to draw in views. Happy to work with design but it must be sympathetic to amenity of neighbouring properties.

Proposed by Councillor Storey

Seconded by Councillor C Archibald

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve full planning permission for the following reasons:
- Design matters are subjective, different take, guided by weight given to Policy
- Paragraph 4.27 SPPS and cited from the document, are not exceptional reasons for refusal.
- When looking at overlooking reference to screening, retains single storey to rear, not dominant or deeper than no. 86.
- Built form changed considerably over period of time, diverse in scale and design should not set aside after years of challenges, approved new hotel only a few metres from access to this property.
- Approved no. 92.
- Building On Tradition – numerous images of contemporary rural designs and this is in keeping.
- Agent set out elements in relation to dominance and overlooking have been considered in design proposed, frontage space not protected and screening mitigates any concern on overlooking.
- Policy CTY 14 not unduly prominent, not result in detrimental impact to rural character.

During the course of consideration of the reasons, The Head of Planning read refusal reason 2.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application 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 full planning permission for the following reasons:

- Design matters are subjective, different take, guided by weight given to Policy
- Paragraph 4.27 SPPS and cited from the document, are not exceptional reasons for refusal.
- When looking at overlooking reference to screening, retains single storey to rear, not dominant or deeper than no. 86.
- Built form changed considerably over period of time, diverse in scale and design should not set aside after years of challenges, approved new hotel only a few metres from access to this property.
- Approved no. 92.
- Building On Tradition – numerous images of contemporary rural designs and this is in keeping.
- Agent set out elements in relation to dominance and overlooking have been considered in design proposed, frontage space not protected and screening mitigates any concern on overlooking.
- Policy CTY 14 not unduly prominent, not result in detrimental impact to rural character.

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

- \* **Alderman Boyle left the meeting at 5.25pm.**
- \* **Councillor Anderson left the meeting at 5.25pm.**

**The Chair declared a recess at 5.26pm.**

- \* **The meeting reconvened at 5.33pm.**

#### **5.14 LA01/2023/0514/F, Referral, 31 Station Road, Portstewart**

Report, Speaking Rights Template for Conor Cochrane was previously circulated and presented by Senior Planning Officer, M Wilson.

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

**App Type:** Full

**Proposal:** Proposed Replacement Dwelling & 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** planning permission subject to the refusal reasons set out in section 10.

Senior Planning Officer presented via powerpoint as follows:

- Full planning permission is sought for Demolition of existing dwelling & erection of replacement dwelling and garage.
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision.
- There is also a Verbal Erratum to Page 2 of the Planning Committee Report – on page 2 this references LA01/2023/0513 in the table but this is a typo and should read LA01/2023/0514/F. Also, on Page 11 Reference in Para 8.20 refers to Para 8.18 but is a typo and should reference concerns raised in Para 8.19
- The site is located within the Settlement Development Limit for Portstewart. It is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016. [Slide] This is a satellite image showing the site in relation to the surrounding development and is identified with the red star within Portstewart.
- (Slide) This is the red line of the application site.
- In the context of the site, it is considered that the proposed dwelling fails to respect the surrounding context and would be unduly prominent.
- (Slide) This is the existing dwelling to be replaced – you will note its scale and relationship to the neighbouring property.
- (Slide) Looking at the streetscape itself and surrounding context; you will note the low rise of the existing development and this next slide shows the single storey nature on both sides of the road.
- (Slide) You will note from this slide that No. 37 Station Road [The 2 storey red brick building] appears hugely conspicuous and does appear incongruous on Station Road. This is a good example of a replacement being out of context and should not be considered the norm, or the catalyst for future development. Notwithstanding this one exception, the regular rhythm of the roofs, and shared characteristics of form and design and ridge heights from ground level define the character of the immediate and wider area. Most of the dwellings are pitched roofed with a few incorporating hipped roofs. Bay windows, dormers, single storey front projections, are all common features.

- On the opposite side of the street from the application site, Nos. 44-64 Station Road, the regular rhythm of the roofs, stepping down with the road, and shared characteristics of form and design, define the character.
- (Slide) Due to the increase in scale, unbroken 2 storey elevation and the fact the proposed dwelling will be 1.7m further forward on the site, the proposal will feel dominant and overbearing when viewed from the large window to the front/side of 33 Station Road. Similarly, the proposed dwelling will appear dominant when viewed from 29 Station Road, considering the increase in scale, difference in ground levels (no.29 sited lower than the subject site), massing and the development being further forward on the site.
- (Slide) This slide shows the plan and elevations of the proposed dwelling, and this next slide shows a 3D images of the dwelling.
- The gable-on design of the proposal exacerbates its prominence as it is not replicated within the immediate streetscape, and it is located in an area with a very defined and noticeable character. Similarly, the proposed roof design is not replicated in the immediate streetscape and therefore would appear incongruous and have a detrimental impact on the character of the area.
- (Slide) This slide shows a contextual streetscape submitted by the Agent on behalf of the applicant showing the existing and proposed contextual.
- The proposal is contrary to Planning Policy Statement 7 'Quality Residential Environments' Policy QD 1 criteria (a), (g) and (h) in that, if approved, the proposal would have a detrimental impact to the character of the area and neighbouring amenity by way of the design, scale and massing.
- 7 Objections from 2 addresses have been received and these are set out in Para 5.1 of the Committee Report and considered under this paragraph or within the report.
- No concerns have been raised by any consultee.
- The application is recommended for Refusal.

The Chair invited questions for the Senior Planning Officer.

Alderman Callan asked if there had been discussion with the Agent and Architect regarding character, design and scale in relation to neighbouring building?

Senior Planning Officer clarified concerns were raised with the Agent and changes made. Garage was 2-storey and was reduced in size, reducing size and scale of the balcony to the front. The agent should look at the character of the area in design context, issues of concern raised with agent some changes were made but did not address all concerns.

Councillor Watton stated he was at the site visit he queried what had been passed, the red brick house was out of character for the area. Need consistency in the design on Station Road.

The Chair reminded Elected members not to give an opinion.

Senior Planning Officer clarified he was not familiar with the planning history of no. 37 as it had been approved prior to 2015, mid to late 2000's.

Alderman Callan referred to policy context, had there been a massive deviation in Policy? It was acceptable given context has there been Policy changes why refuse this application?

Senior Planning Officer referred to PPS 7 Addendum, but does not know the full history of that site.

Proposed by Councillor Watton

Seconded by Alderman Callan

- That Planning Committee defer LA01/2023/0514/F, Referral, 31 Station Road, Portstewart and hold a site visit in order to have a look at it and a further discussion on design.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred.

**RESOLVED** - That Planning Committee defer LA01/2023/0514/F, Referral, 31 Station Road, Portstewart and hold a site visit in order to have a look at it and a further discussion on design.

#### **5.15 LA01/2023/0837/F (Referral) 86 Gorrán Road, Garvagh**

Report, Speaking Rights Template for Jason Martin were previously circulated, and presented by Senior Planning Officer, R McGrath.

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

**App Type:** Full

**Proposal:** Retention of existing domestic shed.

### **Recommendation**

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

Senior Planning Officer stated a Verbal Recommendation:

- Following discussion with the agent in relation to the nature of the use at the site and the validity of the application, it was suggested that an office meeting be arranged to help address a number of issues relating to the application. The agent and applicant have agreed in writing to this course of action.
- To progress the matter the Planning Department, propose to engage with the agent to provide clarification.

**It is therefore recommended** that the committee agree to defer the application for one month pending further discussion with the applicant and agent. This recommendation supersedes the recommendation provided in the Planning Committee Report.

Proposed by Alderman Scott

Seconded by Councillor Storey

- that the committee agree to defer the application for one month pending further discussion with the applicant and agent.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred.

**RESOLVED** - that Planning committee agree to defer the application for one month pending further discussion with the applicant and agent.

At this point in the meeting Councillor Storey raised that he would like Presentations from officers linked to the website, that he worked off the Planning schedule. He stated some of the PAC reports were blurry.

The Chair advised these ideas would be taken on board and looked at.

## **6. LOCAL DEVELOPMENT PLAN (LDP)**

### **6.1 Quarterly Verbal Update**

Verbal Update provided by the Development Plan Manager.

Development Plan Manager advised that Planning Committee Members would be aware of the work of the Council's Development Plan team that brought Council to the current stage of draft Plan Strategy preparation.

The most recent verbal update was given at the 28<sup>th</sup> August Committee Meeting (for the reconvened June meeting), at which Planning Committee requested that planning officials contact Ulster University to discuss independent research on the new dwelling requirements in the Borough - to inform the Plan preparation.

Development Plan Manager advised that Officers were currently in discussion with Ulster University and a meeting has been scheduled with the University to discuss the matter further and Committee Members will be updated on this at the next Local Development Plan Working Group Meeting on 9th October.

Planning Committee NOTED the report.

## **7. CORRESPONDENCE**

### **7.1 Letter Invite to DfC Minister**

Copy correspondence previously circulated presented by The Head of Planning.

Re: Invitation to Attend Council Meeting on 04 February 2025 to Discuss Strategic Housing Issues, Budget and Resolution to the Housing Crisis Problem in Causeway Coast and Glens Borough Council Area.

### **7.2 Listing Schedule – Carey House, 142 Cushendall road, Ballycastle**

Copy correspondence previously circulated presented by The Head of Planning.

RE: Eighty-Third Addition to the List of Buildings of Special Architectural or Historic Interest in the Causeway Coast and Glens Borough Council

### **7.3 Listing Schedule – Moyarget Lodge, 98 Moyarget Road, Ballycastle**

Copy correspondence previously circulated presented by The Head of Planning.



RE: Eighty-Second Addition to the List of Buildings of Special Architectural or Historic Interest in the Causeway Coast and Glens Borough Council

Planning Committee NOTED Correspondence Items 7.1 - 7.3 inclusive.

## **8. REPORTS**

### **8.1 RTPI – NI Planning Law Conference**

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

#### **Purpose of Report**

The purpose of the report is to inform Elected Members of conferences and courses they may wish to attend.

#### **RTPI NI Planning Law Update 2024**

**Date:** 19 November 2024 at 09:30 AM - 12:00 PM

**Venue:** Lecture Theatre, W5, 2 Queens Quay, Belfast BT3 9QQ

**Cost:** Councillor rate - £50.00 + VAT (£6.00)

**Website:** <https://www.rtpi.org.uk/events/2024/november/ni-planning-law-update-2024/>

Elected Members should register their interest with Democratic Services.

#### **Recommendation**

**It is recommended** that Planning Committee consider the Conference report

Planning Committee NOTED the report.

### **8.2 Finance Report – Period 1 -4 2024/25**

Report, previously circulated presented by the Head of Planning.

#### **Purpose**

This Report is to provide Members with an update on the financial position of the Planning Department for the Period 1-4 of 2024/25 business year.

#### **Details**

Planning is showing a variance of just under £73k favourable position at end of Period 4 based on draft Management Accounts.

The favourable position at the end of Period 4 is due to favourable position in relation to wages and salaries expenditure of over £93k whilst pre-employment procedures continue to fill vacant posts. This favourable position in relation to wages and salaries is reduced by a deficit in income of just over £18k. This is a reduction in income of over £114K when compared to the same period last year. Although the number of planning applications received over this period has increased when compared to the same period last year, they are of a

lesser fee category resulting in a decreased income of £114k when compared to the same period last year.

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

### **Recommendation**

**It is recommended** that the Planning Committee considers the content of this report for the Period 1-4 of 2024/25 financial year.

Planning Committee NOTED the report.

## **8.3 LDP PMT - AMR (23-24)**

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

### **Purpose of Report**

To present the Council's Local Development Plan (LDP) Project Management Team (PMT) Annual Monitoring Report (AMR) for the 2023/24 reporting period.

### **Background**

The Council's Development Plan team is currently preparing an LDP for the Borough. The Council must provide a 15-year plan framework to support the environmental, economic and social needs of the Borough in line with regional strategies and policies, and with the objective of furthering sustainable development

The LDP is prepared in three stages, as follows:

- Preferred Options Paper (POP);
- Plan Strategy (PS); and
- Local Policies Plan (LPP).

We are currently preparing a draft Plan Strategy (dPS).

The LDP is subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) to assess any potential environmental, economic or social impacts of the Plan against a range of sustainability objectives. This iterative process is carried out at all three stages of LDP preparation.

In line with the Council's published 'Statement of Community Involvement in Planning' (SCI) the PMT was established, comprising senior council officers, plan manager and key government departments, to facilitate key consultee

co-operation in the plan-making process (see TOR at Appendix 1 (attached)).

The invite to participate in the PMT also extends to all party leads (or a nominee) and Council Directors. The objective is to secure expert input (in an advisory role) into the plan making process.

At Preferred Options Paper (POP) stage the PMT provided information and expert advice on a range of key strategic planning issues that the LDP should seek to address. At draft Plan Strategy stage the team provides comment on our LDP draft policy approach covering a range of topic areas.

The AMR is set out at Appendix 2 (attached).

It is important to note that Northern Ireland has a new LDP process, and although it was anticipated that the new regime would take some time to settle down it has been a much steeper learning curve than was originally anticipated, for all of the 11 councils (both officers and elected members) as well as the key consultees and stakeholders, and the Department for Infrastructure (DfI) in its oversight role.

DfI has, during the LDP process to date, issued a number of guidance documents which the Council has taken account of during its LDP preparation. However, the Climate Change Act (NI) 2022 is also now a consideration, as will any regional policy and guidance updates (including the Marine Plan for NI and the Programme for Government) which must be taken into account as we continue through this process.

#### **Recommendation**

**IT IS RECOMMENDED** that the Planning Committee note the attached LDP Project Management Team Annual Monitoring Report.

Planning Committee NOTED the report.

#### **8.4 LDP Steering Group - AMR (23-24)**

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

#### **Purpose of Report**

To present the Council's Local Development Plan (LDP) Steering Group Annual Monitoring Report (AMR) for the 2023/24 reporting period.

#### **Background**

The Council's Development Plan team is currently preparing an LDP for the Borough. The Council must provide a 15-year plan framework to support the

environmental, economic and social needs of the Borough in line with regional strategies and policies, and with the objective of furthering sustainable development.

The LDP is prepared in three stages, as follows:

- Preferred Options Paper (POP);
- Plan Strategy (PS); and
- Local Policies Plan (LPP).

We are currently preparing a draft Plan Strategy (dPS).

The LDP is subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) to assess any potential environmental, economic or social impacts of the Plan against a range of sustainability objectives. This iterative process is carried out at all three stages of LDP preparation.

In line with the Council's published 'Statement of Community Involvement in Planning' (SCI), the LDP Steering Group was established, comprising the Planning Committee and the Head of Planning (see TOR at Appendix 1 (circulated)), to:

- Ensure overview and strategic input in the Plan process, on behalf of the whole community, as well as from planning officials and the wider council.
- Deliver the LDP in accordance with the published Timetable whilst meeting statutory requirements and various tests of 'soundness'.
- Ensure the engagement of Elected Members in the LDP process.
- Agree policy options to be taken forward for assessment under the Sustainability Appraisal/Strategic Environmental Assessment.

At Preferred Options (POP) stage the LDP Steering Group was consulted on key planning issues arising within the Borough and agreement on the POP publication document.

At draft Plan Strategy stage the group will agree draft policies to be appraised through the SA process, and the dPS publication document prior to formal presentation for ratification at Full Council.

The AMR is set out at Appendix 2 (attached).

It is important to note that Northern Ireland has a new LDP process, and although it was anticipated that the new regime would take some time to settle down it has been a much steeper learning curve than was originally anticipated, for all of the 11 councils (both officers and elected members) as

well as the key consultees and stakeholders, and the Department for Infrastructure (DfI) in its oversight role.

DfI has, during the LDP process to date, issued a number of guidance documents which the Council has taken account of during its LDP preparation. However, the Climate Change Act (NI) 2022 is also now a consideration, as will any regional policy and guidance updates (including the Marine Plan for NI and the Programme for Government) which must be taken into account as we continue through this process.

### **Recommendation**

**IT IS RECOMMENDED** that the Planning Committee note the attached LDP Steering Group Annual Monitoring Report.

Planning Committee NOTED the report.

## **8.5 Planning Sub Committee Paper**

Report, previously circulated, presented by the Head of Planning

### **Purpose of Report**

This report is to provide Members with the details of setting up a sub-Committee of the Planning Committee for the scrutiny and oversight of the Planning Department's performance against the Key Performance Indicators (KPIs) set out in the Planning Department's Business Plan.

### **Background**

At the Planning Committee meeting held on 28 August 2024, it was resolved that *“Planning Committee explore having a sub-Committee to look at Business Plan performance to ensure delivering objectives of Business Plan in detail. The Head of Planning to bring a paper to the next Planning Committee.”*

The Terms of Reference of the Planning Committee provides for *“The Committee has the facility, if it so wishes, to establish and appoint any number of Sub-Committees and Working Groups it deems necessary to consider in more detail the work of the Committee concerning specific issues related to the Planning Department.”*

A sub-committee set-up under the Planning Committee can focus on a particular task or area and would make recommendations to Planning Committee for decision. It has no decision-making powers of its own.

The Terms of Reference for the Corporate Policy and Resources Committee includes *“The monitoring and reviewing of business and service delivery plans for Corporate Services Directorate, Performance and Legal Services;”*

The Planning Department currently sits within the Corporate Services Directorate. The Head of Planning reports on the performance of the Planning Department against the KPIs on a quarterly basis to both the Planning Committee and Corporate Policy and Resources Committee and subsequently the full Council for ratification. Council’s Performance Improvement Plan is also reported on through Corporate Policy and Resources Committee.

### **Proposals**

Members wish to consider the setting up of a sub-committee to scrutinise in greater detail the performance of the Planning Department against the KPIs set out in the Business Plan. The quarterly report on performance against the Business Plan KPIs is currently reported to both Planning Committee and Corporate Policy & Resources Committee and subsequently full Council for ratification.

### **Options**

#### **OPTION 1**

To AGREE to set-up a sub-committee under the ToR of the Planning Committee to scrutinise the performance of the Planning Department against the KPIs set out in the Planning Department Business Plan.

#### **OPTION 2**

To AGREE NOT to set-up a sub-committee under the ToR of the Planning Committee to scrutinise the performance of the Planning Department against the KPIs set out in the Planning Department Business Plan.

#### **Comments:**

The Planning Department already reports to 2no. Committees on its performance against the KPIs within the Planning Department Business Plan. To create a further layer of reporting will add confusion to the already dual reporting process and which Committee the Planning Department reports to on performance. The ToR for the Corporate Policy & Resources Committee is clear in its responsibility for *“The monitoring and reviewing of business and service delivery plans for Corporate Services Directorate, Performance and Legal Services”*. Furthermore, Members time is already stretched with the number of Council meetings required to prepare for and attend. This will add extra burden on both Members and staff resources. If Members wish to discuss the quarterly reports prior to Planning Committee meeting and/or Corporate Policy & Resources Committee they can contact the Head of Service who will facilitate a meeting.

### **Recommendation(s)**

**It is recommended** that the Planning Committee considers the content of this report and agrees with Option 2 to AGREE NOT to set-up a sub-committee under the ToR of the Planning Committee to scrutinise the performance of the Planning Department against the KPIs set out in the Planning Department Business Plan.

Alderman Callan considered there was a range of Policy areas that required better dialogue. Alderman Callan stated Elected Members did not want more work to merit a sub-committee, but to look at a range of issues on how to perform better, be actively engaged how as a committee it could improve. Alderman Callan supported exploring an informal working group and to be taken forward.

The Chair supported holding workshops on certain issues.

The Head of Planning advised on the 'Politicians in Planning Network' across jurisdictions that met on a quarterly basis and detail on this would be brought to the next Planning Committee meeting.

Councillor Nicholl supported undertaking discussion and he stated the RTPI was worth looking at.

Proposed by Alderman Callan  
Seconded by Councillor Storey and

**RESOLVED** – that Planning Committee approve exploring options or have a workshop for Planning Committee Members, or whatever is the best way to bring this forward, led by Elected Member engagement, an action plan, work around other jurisdictions or study visit.

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

Proposed by Councillor Storey  
Seconded by Alderman Callan and

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

\* **Press and Public were disconnected from the meeting at 6.22pm.**

## **9. Confidential Items:**

### **9.1 Update on Legal Issues – LA01/2024/0602/CLOPUD**

Council Solicitor advised the CLOPUD on Strand Road had been quashed and the matter will come back to Planning Committee for determination.

In response to Alderman Callan, Council Solicitor clarified it was a Consent Order and there was no Judgment per se.

**MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Watton  
Seconded by Alderman Callan and

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

\* **Public re-joined the meeting at 6.24pm.**

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

There were no items of Any Other Relevant Business.

This being all the business the meeting closed at 6.24pm.

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Chair