

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

Table of Key Adoptions

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

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

6.1	Quarterly Verbal Update	Noted
7.	Correspondence	
7.1	Letter Invite to DfC Minister	Noted (Items 7.1-7.3)
7.2	Listing Schedule – Carey House, 142 Cushendall road, Ballycastle	
7.3	Listing Schedule – Moyarget Lodge, 98 Moyarget Road, Ballycastle	
8.	Reports	
8.1	RTPI – NI Planning Law Conference	Noted
8.2	Finance Report – Period 1 -4 2024/25	Noted
8.3	LDP PMT - AMR (23-24)	Noted
8.4	LDP Steering Group - AMR (23-24)	Noted
8.5	Planning Sub Committee Paper	<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>
	FOR CONFIDENTIAL CONSIDERATION (Items 9-9.1 inclusive)	
9.	Confidential Items	
9.1	Update on Legal Issues LA01/2024/0602/CLOPUD	Information
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	None

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND
VIA VIDEO CONFERENCE
ON WEDNESDAY 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 ¹

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

¹ 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

