

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 22 NOVEMBER 2023**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
<b>1.</b>	Apologies	<b><i>Alderman S McKillop</i></b>
<b>2.</b>	Declarations of Interest	<b><i>Alderman Hunter, Scott, Councillor McGurk</i></b>
<b>3.</b>	Minutes of Planning Committee held 25 October 2023	<b><i>Confirmed as a correct record</i></b>
<b>4.</b>	Order of Items and Confirmation of Registered Speakers	
<b>4.1</b>	LA01/2022/0729/F Referral, 141m North East of 30 Clontyfinnan Road, Armooy	<b><i>Deferred and hold a Site Visit</i></b>
<b>4.2</b>	LA01/2021/1166/F Referral, 30m NW of 32 Quay Road, Ballycastle	<b><i>Deferred and hold a Site Visit</i></b>
<b>5.</b>	Schedule of Applications	
<b>5.1</b>	LA01/2019/0922/F Major Lands Opp entrance to 59 Maghermore Road, Dungiven, in the townlands of Carnanbane and Maghermore, Approx 4km south of Dungiven	<b><i>Agree and Refuse</i></b>
<b>5.2</b>	LA01/2016/1328/F Major North West Hotel and Spa Complex land south of 120 Major, Ballyreagh Road, Portstewart	<b><i>Defer the application for consideration of information as outlined in Addendum 4</i></b>
<b>5.3</b>	LA01/2023/0460/F Major Lands at 18 Creamery Road and lands c.60m South-East of 75 Creamery Road, Cloyfin, Coleraine	<b><i>Agree and Grant</i></b>
<b>5.4</b>	LA01/2023/0815/F Major Royal Portrush Golf Club, Dunluce Road, Portrush	<b><i>Agree and Approve</i></b>
<b>5.5</b>	LA01/2022/1110/F Council Interest St John's Maintained Primary School, 432 Foreglen Rd, Dernaflaw, Dungiven	<b><i>Agree and Approve</i></b>
<b>5.6</b>	LA01/2022/1222/F Council Interest, Magilligan Community Association, 394 Seacoast Road, Bellarena, Limavady	<b><i>Agree and Approve</i></b>

<b>5.7</b>	LA01/2022/1573/F Council Interest, Whiterocks Car Park, Dunluce Road, Portrush	<b>Agree and Grant</b>
<b>5.8</b>	LA01/2023/0282/F Council Interest, Ballymoney High Street, Townhead Street, Linenhall Street, Charlotte Street and Church Street High Street, Ballymoney	<b>Agree and Approve</b>
<b>5.9</b>	LA01/2022/0799/O Objection, Site between 62a & 64 Drumalief Road, Drumalief Limavady	<b>Agree and Approve</b>
<b>5.10</b>	LA01/2023/0842/F Objection, 55 Newbridge Park, Coleraine	<b>Agree and Approve</b>
<b>5.11</b>	LA01/2021/1530/F Referral, Beside 76 Finvoy Road, Ballymoney	<b>Disagrees and Approve</b>  <b>Conditions and Informatives are delegated to Officers</b>
<b>5.12</b>	LA01/2022/0850/F Referral, 55 Strand Road, Portstewart	<b>Disagree and Approve</b>  <b>Conditions and Informatives are delegated to Officers</b>
<b>5.13</b>	LA01/2018/1402/F Referral, 79b Finvoy Road, Ballymoney	<b>Agree and Approve</b>
<b>5.14</b>	LA01/2022/0604/F Referral, 2B Prospect Road, Portstewart	<b>Disagree and Approve</b>  <b>Conditions and Informatives are delegated to Officers</b>
<b>5.15</b>	LA01/2023/0039/F Referral, Lands adjoining 36 Knockanbaan and 12 Plantation Drive, Limavady	<b>Disagree and Approve</b>  <b>Conditions and Informatives are delegated to Officers</b>
<b>5.16</b>	LA01/2022/0734/F Referral, 220 metres North West of No. 59 Gortahar Road Rasharkin	<b>Disagree and Approve</b>  <b>Conditions and Informatives are delegated to Officers</b>
<b>6.</b>	Correspondence	
<b>6.1</b>	DFC – Housing Supply Strategy: Building 100,000 Homes	<b>Noted</b>
<b>6.2</b>	BT Adopt a Scheme – Priestland Road, Bushmills	<b>Noted</b>

<b>7.</b>	Reports	
<b>7.1</b>	Finance Report – Period 1 -6 Update	<b>Noted</b>
<b>8.</b>	Confidential Items	
<b>8.1</b>	Update on Legal Issues	
<b>(i)</b>	East Road, Drumsurn	<b>Noted</b>
<b>(ii)</b>	Rigged Hill	<b>Noted</b>
<b>(iii)</b>	Misrepresentation of soil samples	<b>Noted</b>
<b>9.</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 22 NOVEMBER 2023 AT 10.30AM**

- Chair:** Councillor McMullan (C)
- Committee Members:** Alderman Boyle (C), Coyle (C), Hunter (R), Scott (C), Stewart (C); Councillors Anderson (C), C Archibald (C), Kennedy (C), McGurk (R), Nicholl (R), Peacock (R), Storey (C), Wallace (C), Watton (C)
- Officers Present:** D Dickson, Head of Planning (C)  
S Mathers, Development Management and Enforcement Manager (C)  
S McAfee, Head of Health and Built Environment (R)  
E Hudson, Senior Planning Officer (R)  
R Beringer, Senior Planning Officer (R)  
J Lundy, Senior Planning Officer (R)  
J McMath, Senior Planning Officer (R)  
M Wilson, Senior Planning Officer (C/R)  
R Heaney, Planning Officer (C)  
J McIntyre, Planning Officer (C)  
E Olphert, Planning Officer (C)  
S McKinley, Planning Officer (R)  
M McErlain, Planning Officer (R)  
M Jones, Council Solicitor, Corporate, Planning and Regulatory (C)  
J Mills, Council Solicitor, Land and Property, (R)  
S Duggan, Civic Support Officer & Committee & Member Services Officer (R/C)  
J Keen, Committee & Member Services Officer (C/R)
- In Attendance:** A Gillan, Department of Infrastructure (R)  
K Ward, Department for Communities Historic Monuments (R)
- J Winfield, ICT Manager (C)  
A Lennox, ICT Officer (C/R)  
C Ballentine, ICT Officer (C)
- Public no 30 (C) and 7 no. (R)  
Press 2 no (R)

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

## Registered Speakers

LA01/2019/0922/F	Councillor McGurk, Objector (R) C McReynolds, Objector (C) J McCorry, Support (C)
LA01/2023/0460/F	M Hanvey, Support (R)
LA01/2023/0815/F	A Larkin, Support (C) J Lawler, Support (C) A Moore, Support (C) I Furneaux, Support (C) M Ebert, Support (R) G Smeaton, Support (R)
LA01/2022/1573/F	C Shanks, Support (R)
LA01/2022/0799/O	P Kingston, Objector (R) N Morrison, Objector (R) A Durrent, Support (R)
LA01/2023/0842/F	D Blackwood, Objector (C)
LA01/2021/1530/F	J Allister, Support (C)
LA01/2022/0850/F	L Ross, Support (C) G Montgomery, Support (C)
LA01/2018/1402/F	L Kennedy, Support (R)
LA01/2022/0604/F	K Turnbull, Support (C)
LA01/2023/0039/F	L Ross, Support (C) C Matthews, Support (C)
LA01/2022/0734/F	C McGarry, Support (R) J O'Mullan, Support (R)

The Head of Planning undertook a roll call of Committee Members in attendance.

The Chair read extracts in relation to the Remote Meetings Protocol and reminded the Planning Committee of their obligations under the Local Government Code of Conduct.

### 1. APOLOGIES

Apologies were received for Alderman S McKillop, Councillor Peacock<sup>1</sup>.

### 2. DECLARATIONS OF INTEREST

Alderman Hunter declared an interest in Item 6.2 BT Adopt a Scheme – Priestland Road, Bushmills. Alderman Hunter did not participate in discussions during consideration of this Item.

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<sup>1</sup> Councillor Peacock joined the meeting at 11:11am

Alderman Scott declared an interest in Item 5.1 LA01/2019/0922/F (Major Lands Opp entrance to 59 Maghermore Road, Dungiven, in the townlands of Carnanbane and Maghermore, Approx 4km south of Dungiven. Alderman Scott having declared an interest, left the Chamber during consideration of this Item and did not participate in the vote.

Councillor McGurk declared an interest in Item 5.1 LA01/2019/0922/F (Major Lands Opp entrance to 59 Maghermore Road, Dungiven, in the townlands of Carnanbane and Maghermore, Approx 4km south of Dungiven. Councillor McGurk having declared an interest, did not leave the meeting during consideration of this Item and did not participate in the vote.

### **3. MINUTES OF PLANNING COMMITTEE MEETING HELD 25 OCTOBER 2023**

Copy previously circulated.

Proposed by Councillor C Archibald  
Seconded by Alderman Scott

- That the Minutes of the Planning Committee meeting held Wednesday 25 October 2023 are signed as a correct record.

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.

**RESOLVED** - that the Minutes of the Planning Committee meeting held Wednesday 25 October 2023 are signed as a correct record.

At this point in the meeting, there being standing attendees, the Head of Planning invited interested parties for the first Application to have priority seated attendance in the public gallery.

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

#### **4.1 LA01/2022/0729/F Referral, 141m North East of 30 Clontyfinnan Road, Armoy**

Proposed by Councillor Wallace  
Seconded by Councillor Anderson

- That LA01/2022/0729/F Referral, 141m North East of 30 Clontyfinnan Road, Armoy is deferred and a site visit held, to see the site in person.

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.

**RESOLVED** - That LA01/2022/0729/F Referral, 141m North East of 30 Clontyfinnan Road, Armoys is deferred and a site visit held, to see the site in person.

#### **4.2 LA01/2021/1166/F Referral, 30m NW of 32 Quay Road, Ballycastle**

Proposed by Councillor C Archibald

Seconded by Councillor Kennedy

- That LA01/2021/1166/F Referral, 30m NW of 32 Quay Road, Ballycastle is deferred and a site visit held, in order to get a better understanding of the site.

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.

**RESOLVED** - That LA01/2021/1166/F Referral, 30m NW of 32 Quay Road, Ballycastle is deferred and a site visit held, in order to get a better understanding of the site.

\* **Having declared an interest Alderman Scott left the Chamber at 10.45am.**

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

##### **5.1 LA01/2019/0922/F Major Lands Opp entrance to 59 Maghermore Road, Dungiven, in the townlands of Carnanbane and Maghermore, Approx 4km south of Dungiven**

Report, addendum documents, site visit report and speaking rights, previously circulated, presented by the Development Management and Enforcement Manager.

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

**App Type:** Full Planning

**Proposal:** Construction of a Wind Farm (with a generating capacity of between 21.6 MW and 24 MW) comprising up to 6no Wind Turbine (Max of 149.9m to blade tip with a max rotor diameter of 112m and max hub height of 94m) and associated infrastructure including external electricity transformers, crane hardstandings, underground cabling, control building, substation compound, energy storage area, (up to 5 MW hours), newly created site entrance (Opp 59 Maghermore Road), New and upgraded on-site access tracks, turning heads and all other associated ancillary works. During construction and commissioning there will be a number of temporary works including enabling works compound and construction compound with car parking, temporary parts of crane hardstanding, welfare facilities and off site road widening into 3rd party lands on the Banagher, Carnanbane and Maghermore Roads

##### **Recommendation**

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

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

#### **Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

The Development Management and Enforcement Manager presented via Power point as follows:

- This proposal is for a new windfarm on a site with no previous planning history other than the associated PAN. The proposal is for 6 wind turbines, each with a tip height of 149m producing up to a total of 24 MW. In addition, the proposal includes a small Battery Energy Storage System (BESS), a control building with substation compound and a new site entrance from Magheramore Road.
- As indicated in the Northern Area Plan 2016, the site is located within the Sperrins AONB. The Northern Area Plan 2016 is silent on the matter of wind farm development. Therefore, regional polices apply.
- As this is a major planning application, it was preceded by a PAN accompanied by a community consultation report together with a Design and Access Statement.
- As this proposal is EIA development, it was accompanied by an Environmental Statement.

#### **Main Issues**

- **Public Safety/ Human Health & Residential Amenity-** The fall over distance from public roads is met. Concerning the separation distance to occupied property, there are two dwellings within 10 times the rotor diameter area of 1120m. However, as these are substantially further away than the nearest dwelling in the Armoy windfarm proposal, applying the logic of the Planning Appeals Commission, the separation distances are acceptable. In terms of noise, Environmental Health was content with the effect of the proposal on all properties. Given the separation distance, the maximum potential for shadow flicker at any dwelling is likely to be within guidance limits.
- **Visual Amenity/ Landscape Character-** The most critical views of the proposal are from the east approach to Dungiven (from Glenshane Pass)



along the A6 Glenshane Road as well as from the west approach to Dungiven (from Londonderry) along the new A6 Dual Carriageway and from the Foreglen Road. From the A6 Glenshane Road on the east approach to Dungiven, the proposal would sit prominently in the landscape and unacceptably despoil the scenic view of the rolling hills and valleys of the outer Sperrins within the AONB. From the new A6 Dual Carriageway and from the Foreglen Road on the west approach to Dungiven, the windfarm would appear as a highly conspicuous feature on a prominent hill on the skyline/ horizon of the Sperrins range. The proposal would awkwardly distort the soft outline of the Sperrin Mountains, having an unacceptable adverse impact. Given the high number of receptors, considering these critical views are located along the primary route between the two principal cities in Northern Ireland, this serves to heighten the public interest and the unacceptability of the proposal. A further significant unacceptable critical view is that from Garvagh Road, Legavallon Road to the immediate north of Dungiven where the proposal would sit curiously over the town, appearing oppressive and causing harm to the setting of Dungiven.

- Natural Heritage- Consideration has been given to a range of issues such as priority habitat (including blanket bog), the presence of badgers, birds, bats and impacts on the water environment including the River Roe and its Tributaries SAC. Through the submission of various reports, consultation with the relevant authorities and the use of specific conditions (in the event of the application being approved) the proposal is considered acceptable in this respect.
- Built Heritage- DfC Historic Environment Division has assessed the proposal relative to built heritage assets. The proposal would cause unacceptable harm to the setting of Banagher Old Church from the 11th or 12th Century, a monument in State Care by having an adverse effect on views arriving at and from the monument. The proposal would transform the nature of the landscape by introducing large moving structures on the near horizon. It would have an adverse impact on the current sense of ambience, remoteness and tranquillity of the landscape which contributes positively to the visitor experience. In addition, the proposal would have an unacceptable adverse impact on the nearby Magheramore Court and Portal Tombs, both scheduled monuments.
- Other Issues- No unacceptable issues are arising regarding water quality, peat slide, telecommunications or aviation safety.
- Economic, Environmental and Social Benefits- The proposal offers significant economic and environmental benefits. These include: substantial rates revenue and; a contribution towards meeting the 80% renewable energy by 2030 target set by the Climate Change (NI) Act 2022. The SPPS requires these benefits to be given “appropriate weight”. On balance, it is not considered that these benefits decisively outweigh the unacceptable adverse impacts on the Sperrins AONB and the harm to the setting of historic monuments.

- Representations- The detail of representations are considered in the report.
- Amended Scheme- Consideration has been given to whether changes to the scheme could make it acceptable- for example, fewer turbines, smaller turbines or repositioning. However, as the principle of wind farm development is considered unacceptable on the site, such changes were not requested.
- Conclusion-. Having regard to the relevant issues, the proposal is not considered to comply with policy. Therefore, refusal is recommended.

In response to questions, the Development Management and Enforcement Manager advised that since the Planning Committee Report had been issued further objections had been received, clarifying the new total of objections to be 451no.

The Chair invited C McReynolds to speak in objection of the application.

C McReynolds stated she was present to represent the views of those in Dungiven, Roe Valley and further afield. The planning application was submitted in 2019 but the public were not made aware of it until recently; there had been many objections, including heartfelt comments, of harm to the landscape and countryside. C McReynolds stated this was an Area of Outstanding Natural Beauty for a good reason; it was an area that had been taken for granted; the hill was front and centre of the views, with the key viewpoints being Dungiven, Roe Valley and the Glenshane Pass. C McReynolds stated that people were horrified; the Wind Farm would dominate the landscape and town and change the Area of Outstanding Natural Beauty; it will tower over the town and ruin the views; there will be a shadow flicker impact and it will dominate the area. Heritage groups, the tourism industry in the area and local businesses all object to the wind farm on the basis of the harm it will cause. There will be harm to the historic and natural environment. It was evident that an objective assessment had not been completed. The photomontages were poor. C McReynolds commended the Planning Officers for the report which set out all the issues. The Wind Farm was inappropriate in this location, a wreckless and harmful proposal.

There were no questions put to the Speaker.

The Chair invited Councillor McGurk to speak in objection of the application.

Councillor McGurk acknowledged the critical role onshore wind farms have for renewable energy to reduce carbon output; it was important to consider the location as we need to respect cultural and environmental treasures; renewable energy does not outway the impact. Councillor McGurk stated there was significant visual impact across Dungiven and Benbradagh. There was a need to protect the natural beauty of Banagher Glen, the oldest woodland in the area which was peaceful and tranquil, and the delicate balance here will be disturbed; there was a visitor enhanced scheme in the park, supported by Causeway Coast and Glens Borough Council. Councillor McGurk welcomed careful consideration

of the Planning Committee Report and asked the Committee to accept the recommendation to refuse.

There were no questions put to the Speaker.

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

J McCorry stated this was a fortunate position for a good quality Wind Farm; there will be £1.6M injection into the Northern Ireland economy and substantial rates of £370k per annum; £10M over its lifetime. This windfarm will provide green low cost energy and a tailored package of benefits for the locality. There was a site visit by Members to see the site. J McCorry requested that the Committee defer the application to allow further engagement with the local community.

In response to questions, J McCorry stated that an Archaeological Impact Assessment was provided with further information during the course of the application and Historic Environment Division provided comment. J McCorry stated there was a local event in 2019, prior to the submission of the application; homes within 1km or 2km of the proposed site were written to, inviting them to the event.

Proposed by Councillor C Archibald

Seconded by Alderman Coyle

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

The Chair put the motion to the vote.

11 Members voted For; 0 Members voted Against; 1 Member Abstained.

The Chair declared the motion carried and the application refused.

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

\* **Councillor Peacock joined the meeting remotely at 11.11am.**

\* **Alderman Scott returned to the Chamber at 11.14am.**

## **5.2 LA01/2016/1328/F Major North West Hotel and Spa Complex land south of 120 Major, Ballyreagh Road, Portstewart**

Report, addendum and erratum documents, site visit reports, previously circulated presented by the Development Management and Enforcement Manager.

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

**App Type:** Full Application

**Proposal:** Full application for a Hotel and Spa Complex (including conference and banqueting facilities, holiday cottages, North West 200 visitor attraction including exhibition space, tourist retail unit (c.150 sq m) and office space, demonstration restaurant, car/coach parking, access/junction alterations, landscaping and associated infrastructure works) on land south of 120 Ballyreagh Road, Portstewart.

**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 Section 7 & 8 and resolves to Approve full planning permission subject to the conditions set out in Section 10.

**Addendum Recommendation**

That the Committee notes the content of this addendum and agrees with the recommendation to approve as set out in Section 9 of the Planning Committee Report.

**Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve full planning permission subject to the conditions set out in Section 5.0 of this Addendum.

**Erratum recommendation**

That the Committee agrees with the recommendation to approve as provided in the Committee Report.

**Addendum 3 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve full planning permission subject to the conditions set out in Section 5.0 of Addendum 2 and paragraph 1.11 of Addendum 3

**Addendum 4 Recommendation**

That the Committee note the contents of this Addendum and agree to defer the application pending being satisfied on the position regarding the challenge to the Planning Application Certificate. This recommendation supersedes the recommendations provided in the Planning Committee Report and subsequent addenda.

The Development Management and Enforcement Manager presented via Power point as follows:

- This full application proposes a hotel development with car parking just outside Portstewart, with the site separated from the settlement development limit by part of Portstewart Golf course. The hotel building includes 119 bedrooms, conference centre and spa complex including swimming pool. In addition, the hotel building accommodates a small exhibition area with shop and modest office accommodation all relating to the NW200 event. Other key elements of the proposal are 9 detached

holiday cottages and a detached demonstration restaurant (all to the rear of the site) and car parking.

- As a major application, the application was preceded by a PAN and was accompanied by a Community Consultation Report and Design and Access Statement.
- Planning permission was granted on two previous occasions by the Council- on 29 June 2017 and 05 March 2018. On both occasions, the planning permissions were quashed by the High Court, most recently on 09 August 2019. Accordingly, processing of the application resumed and the application is now at a stage to be presented to the Planning Committee.
- In terms of the Northern Area Plan 2016, the site is located in the countryside outside the settlement limit of Portstewart. The Northern Area Plan does not provide specific policy on tourism development, rather directing that regional policies apply. Policy TSM 3 from PPS 16 Tourism is the lead policy to assess the proposal. This was confirmed by the High Court Judgement having regard to this specific proposal.

#### Main Issues

- Alternative Sites within a Settlement- Policy TSM 3 directs that a site in the countryside is dependent on demonstrating that there is no suitable site within the settlement or other nearby settlement. The application was accompanied by an updated submission which identified that there are no sites available to accommodate the development either in Portstewart or the nearby settlement of Portrush. The detail of why sites were discounted is provided in Addendum 2. The most frequent reasons were that sites were too small to accommodate the proposal and were not available.
- Conversion and Replacement Opportunities- Policy TSM 3 directs that a site in the countryside is dependent on demonstrating that there is no suitable opportunity in the locality to provide a hotel through conversion or replacement opportunities. In this case, through consideration of updated information, no such opportunities were identified near Portstewart or Portrush.
- Alternative Sites on Edge of Settlement- Policy TSM 3 requires, broadly, an appropriate site at the edge of a settlement. Alternative sites have been considered through updated information and discounted. The detail of the consideration is provided in Addendum 2.
- Delivery of Project- Policy TSM 3 requires demonstration that the proposal is firm or realistic. To this end, information has been provided, most recently in July and September this year. This includes an assessment of other hotel provision in the area to demonstrate that the proposal will provide a specific offering, distinguishable from that available currently. The up to date information included correspondence from WH Stephens (Project Management- Construction Consultancy), ASM

Accountants and Interstate Hotels/ Aimbridge (Hotel Operators). Collectively, this states the project can be viable, is in a position to progress to construction stage once planning has been granted and that Interstate as hotel operator, remain committed to the project. Accordingly, this requirement of the policy is met.

- Integration and Rural Character- A detailed Landscape and Visual Impact Appraisal was provided. This considered how the proposal will be viewed from 11 viewpoints. Photomontages were provided for 4 of the views. Overall, the proposal is considered acceptable regarding integration/ rural character for the reasons set out in the report. While there will be a visual impact on the landscape, this is not unacceptable. The proposal includes a landscaping scheme.
- Design- The main hotel building has a “T” plan and is three storey. It is of modern design and its main finishes are dark grey stonework, white cladding panels, significant areas of glazing and a sedum roof. The demonstration restaurant is single storey while the holiday cottages are single storey and of split-level design. Overall, the design and materials are considered acceptable given the edge of settlement location.
- Amenity- The amenity of nearby receptors (mainly dwellings and holiday units) was considered having regard to issues including noise, odour and lighting. Through consultation with the Environmental Health Department, the proposal is considered not to harm the amenities of nearby residents, a requirement of Policy TSM 7 of PPS 16 Tourism.
- Economic Consideration- Details accompanying the application state that the proposal will comprise a significant capital investment, will encourage visitor stays in the Borough and when operating will provide close to 100 full time jobs.
- Access and Parking- The proposal was accompanied by a Transport Assessment. A single access point is proposed off Ballyreagh Road, a Protected Route, with a right turn lane. This access will replace an existing access at this location. The new access is located slightly to the west (to Portstewart side) of the existing access and is wider than the existing access. While Policy AMP 3 of PPS 3 does not make provision for a new access in lieu of an existing access, the access arrangements are considered acceptable on the basis the overall objective of the Policy is met in that no additional access is being created. The proposal includes 318 car park spaces. A proposed condition requires these to be provided and broadly, be solely used for the hotel.
- Sewerage and Water Supply- Given lack of current network capacity identified in consultation with NI Water, the proposal was amended to include a sewerage treatment plant and boreholes for a water supply. Further to carrying out consultations, these arrangements are considered acceptable.

- Representations- The detail of the representations, both in objection and in support of the application, are set out in the report.
- Conclusion- The recommendation is now to defer the application as per the position in Addendum 4.

Proposed by Alderman Scott

Seconded by Councillor Anderson

- That Planning Committee defer the application for consideration of information as outlined in Addendum 4.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred.

**RESOLVED** – That Planning Committee defer the application for consideration of information as outlined in Addendum 4

\* **The Chair declared a recess at 11.36am.**

\* **The meeting reconvened at 11.48am.**

The Head of Planning undertook a roll call.

### **5.3 LA01/2023/0460/F Major Lands at 18 Creamery Road and lands c.60m South-East of 75 Creamery Road, Cloyfin, Coleraine**

Report and verbal erratum, previously circulated, presented by Senior Planning Officer, J Lundy.

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

**App Type:** Full Application

**Proposal:** Proposed installation of a new pumping station and c.1km underground pipeline to connect to a new water treatment and recycling plant, associated access, site works and landscaping

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

The Senior Planning Officer presented via Power point as follows:

- Proposed installation of a new pumping station and c.1km underground pipeline to connect to a new water treatment and recycling plant, associated access, site works and landscaping at Lands at 18 Creamery Road and lands c.60m South-East of 75 Creamery Road, Cloyfin Coleraine
- 1 letter of support has been received.

- I verbal erratum to include planning policy PPS 4 Planning and Economic Development in section 7 of the Planning Committee report.
- The application is a major application A PAN was submitted under LA01/2022/1570/PAN and a pre community consultation event was carried out.
- A EIA determination was carried out and it was concluded that the proposed development which falls within category 7C of Schedule 2 of the 2017 Regulations does not meet the thresholds to constitute EIA development.
- The application site is two separate sites associated with LacPatrick Creamery within Ballyrashane Settlement Development and the open countryside as designated within the Northern Area Plan 2016, proposed pipe work links the two sites on the Creamery Road. Designations on the site within the Settlement Development Limit include Local Landscape Policy Area Designation BHL 01 Ballyrashane LLPA.
- The proposal within the settlement development limit relates to the replacement of the existing tank with a new recycled water holding tank, development of the treatment plant, decommissioning of the existing treatment plant and a section of the proposed pipeline. The red hatched area is to be decommissioned, the development of the water treatment plant to the north east of the site and the location of the new tank shown in the map insert.
- The Design and Access Statement outlines that the existing treatment facility is approaching the end of its useful lifetime and there is growing pressure to meet the current factory production demands. The proposed transfer station will be located at the existing main factory site and the water treatment and recycling plant, in the background of the existing AD site. The process equipment design uses the best available technologies and will provide a state-of-the-art water treatment and recycling facility. The purpose of this project is to replace the existing treatment plant that services the current needs of the factory and to pioneer a more sustainable operation through the inclusion of a water treatment and recycling plant, therefore the proposed development is both essential and required in this location, given that the proposal responds to a site-specific issue.
- The relevant policy consideration is PPS 4 and PPS 11 Planning and Waste management. The assessment of the proposal against these main policies is fully set out in the PCR and has found to be in compliance with the policies and all other relevant policies.
- New water tower to be removed is at the edge of the photo.



- They are to be decommissioned to allow the essential upgrade of the works for this established business.
- The location of the new treatment plant and long range views. The proposal is not considered to have any impact on the character of the rural area.
- The location of the pipe proposed under the road. DFI Roads were consulted and have raised no objection.
- The proposed water treatment and recycling plant site is located directly adjacent to an existing AD plant site which is within the ownership of the creamery. It consists of a series of tanks, buildings and structures. The site is to the rear of the AD Plant, views of the site will be limited due to the set back from the road, the embankments and the general low lying nature of the proposal.
- Some views of the site.
- The application was accompanied with a drainage assessment, Preliminary ecological assessment, preliminary risk assessment, noise impact assessment, odour assessment, draft CEMP and a surface water management plan. Consultation was carried out with all the relevant bodies as listed in the planning committee report and no objections were raised.
- Subject to the conditions set out in section 10 we have recommended approval.

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

M Hanvey explained how the proposed works were required due to the business expanding and described the operations of the business. Biogas was used to run the two plants; liquid digestate was used to replace chemical products to give improvements to agricultural land. M Hanvey described the project, stating that a water recycling plant would be included. M Hanvey stated this application was compliant with Policy and requested that planning permission was granted.

Councillor Storey conveyed his appreciation for the attitude of the company who was a major employer in the area and stated the detail of the submission was of great help.

Proposed by Alderman Hunter  
 Seconded by Councillor Anderson

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

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 granted.

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

#### **5.4 LA01/2023/0815/F Major Royal Portrush Golf Club, Dunluce Road, Portrush**

Report, previously circulated presented by the Development Management and Enforcement Manager

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

**App Type:** Full Planning

**Proposal:** Modifications to Royal Portrush Golf Course to include new holes, greens and tee boxes and fairway realignments on the Valley Course and regrading, new tees, enlargement to infrastructure and spectator areas, alterations to the practice ground and the addition and realignment of internal roads in and around the Dunluce course in preparation for The Open in 2025 and future major Golf Championships. Retention of timber gates on Bushmills and Dunluce Road frontages.

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

The Development Management and Enforcement Manager presented via Power point as follows:

- The proposal comprises the reconfiguration of holes, principally to the Valley Course, one of the two 18 hole courses at Royal Portrush. Work is also proposed to four of the holes on the Dunluce Course with the addition of some work to the Club Practice Area. No work to buildings is proposed. This work is to facilitate the return of the Open to Royal Portrush in 2025. It builds on the significant work undertaken to the Dunluce Course, approved in 2015, to facilitate the Open in 2019.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside beyond the settlement development limit of Portrush. It is located within the Causeway Coast AONB is within the Royal Portrush Local Landscape Policy Area (LLPA) and within the Portrush Golf Links Site of Local Nature Conservation Importance (SLNCI). The Northern Area Plan does not contain specific policies on such sport development, rather directing that regional policies apply.

- This is a major planning application so it was preceded by a PAN accompanied by a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

#### Main Issues

- Principle Of Development- Policy OS 3 of PPS 8 Open Space, Sport and Outdoor Recreation is the lead policy for this proposal which makes provision for such development subject to criteria including visual amenity, residential amenity, nature conservation and built heritage/ archaeology.
- Visual Amenity- The works include the reconfiguration of parts of the established courses and some changes in hard standing and roads. Much of the work involves cutting and relocating areas of dune and sediment. Once the works have been completed and the site matured, which is likely within a short timeframe, there will be no significant visual impact. This is considered to comply with the policy in the Northern Area Plan regarding the Royal Portrush Local Landscape Policy Area.
- Residential Amenity- There are dwellings in proximity to the application site at Bushmills Road. Given the size of the site and the distance to sensitive receptors from the proposed earthworks, the proposal will not have a significant impact upon surrounding amenity during the construction phase.
- Natural Heritage- The site is located adjacent the Skerries and Causeway SAC and, as previously mentioned, is within the Portrush Golf Links Site of Local Nature Conservation Importance (SLNCI) designated due to its dune habitat. Following submission of various reports and surveys, it has been demonstrated that the proposal is acceptable regarding natural heritage issues, including the potential impact on specific protected species.
- Coastal Processes- DAERA Marine Division has considered the impact of the proposal on the marine environment and after clarification, are content that the works are acceptable.
- Archaeology- As the courses contain several archaeological sites, work is required to take place in accordance with the agreed archaeological programme of works. This is regulated by conditions.

- Access- The proposal seeks retention of four temporary accesses to the A2 Bushmills Road, a Protected Route, which were approved to facilitate the 2019 Open, subject to them being closed and the hedge reinstated after the event. No such reinstatement took place. The provision of such accesses is contrary to Policy AMP3 of PPS3 Access, Movement and Parking. However, their retention is considered acceptable given their temporary use and that use outside the time of an international golf tournament is to be prevented by fixed planter boxes. This is regulated by condition.
- Representations- The detail of the one support representation is provided in the report.
- Conclusion- The proposal meets with the policy requirements for such a golf course development. Likewise it is considered acceptable having regard to other considerations. The recommendation is to approve.

There were no questions put to the Development Management and Enforcement Manager.

The Chair invited A Larkin, J Lawler, A Moore, I Furneaux and M Ebert to speak in support of the application.

A Larkin stated that the upgrade of the course was necessary to host The Open in July 2025; a series of improvements had been identified to ensure a safe and successful Championship; there would be significant benefits to the local and wider economy. A Larkin detailed the economic activity, stating £26M went directly into Causeway Coast and Glens Borough Council area, which had exceeded all previous forecasting; it was thought that The Open, in 2025, would bring greater benefit. There was an increase in the length of stays. A Larkin concurred with the Planning Officers' findings and recommendation to approve.

In response to questions, J Lawler stated the work required was set in an ambitious timeframe but achievable with the experienced team involved.

Proposed by Alderman Stewart

Seconded by Councillor C Archibald

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

The Chair put the motion to the Committee to vote.

14 Members voted For; 0 Members voted Against; 0 Members Abstained.  
The Chair declared the motion carried and the 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** full planning permission subject to the conditions set out in section 10.

**5.5 LA01/2022/1110/F Council Interest St John's Maintained Primary School, 432 Foreglen Rd, Dernaflaw, Dungiven**

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

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

**App Type:** Full Planning

**Proposal:** Upgrade of existing grass pitch to 3G pitch, with floodlighting, fencing and separate access path. The new pitch can be used all year round and will also be open to the community outside of school hours.

**Recommendation**

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

The Senior Planning Officer presented via Power point as follows:

- Site is located in SDL of Dernaflaw (marked with star) with residential properties to W, E and S.
- The site is located within the grounds of St Johns maintained primary school on the existing grass pitch.
- North & West boundary of pitch is undefined and open to school grounds
- South & East boundary is defined by perimeter fencing.
- This is a full application for the proposed upgrade of the existing grass pitch to 3G, with flood lighting, fencing and separate access path. The proposal includes 4 floodlighting columns 6.5m, a 6m high fence and 3m high acoustic fencing at selected positions around the pitch. The new pitch can be used all year round and will also be open to the community outside of school hours.
- Main considerations are the principle of development, residential amenity, natural heritage, access and HRA. The application has been considered against the NAP and all relevant planning policy. Relevant neighbours have been notified and no objections have been received. The application was accompanied by a Biodiversity checklist, Bat roost potential survey, bat survey, light impact assessment, acoustic report and

a HRA. All relevant consultees have been consulted and have no objections subject to conditions.

- The Committee report assesses the proposal under the individual policies, assesses residential amenity, noise, illumination, impact on natural and built heritage including bats and HRA, design and access. The proposal will not have a significant adverse impact on residential amenity, road network, features of natural/built heritage, visual amenity, details of illumination, noise and bats have been provided and the scheme complies with policy and approval is recommended.

In response to questions, Senior Planning Officer clarified the applicant was Causeway Coast and Glens Borough Council and had no knowledge of Education Authority permissions.

The Head of Planning explained this was perhaps a matter for Leisure and Development Directorate to confirm as it would fall within their remit.

Proposed by Councillor Nicholl

Seconded by Councillor Kennedy

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and the application approved.

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

#### **5.6 LA01/2022/1222/F Council Interest, Magilligan Community Association, 394 Seacoast Road, Bellarena, Limavady**

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

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

**App Type:** Full Planning

**Proposal:** The proposal involves development of a multi-use games area (MUGA) on land currently used as a grass playing field. The proposal comprises an artificial surface and new pedestrian access from the existing community centre with floodlighting, amenity lighting and fencing

**Recommendation**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in

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

The Senior Planning Officer presented via Power point as follows:

- The site is located within the settlement limit of Bellarena, within an area of existing open space and the Binevenagh Area of Outstanding Natural Beauty as defined in the Northern Area Plan.
- The site is surrounded by residential properties to North, South and East. the western boundary abuts the Settlement Development Limit. Northern boundary is defined by a post and wire fence and existing hedgerow. The remaining boundaries are undefined.
- The site is to the rear of the Magilligan community centre, access is via Seacoast Road with parking available at the community centre.
- Full planning permission is sought for the development of a multi-use games area (MUGA) on land currently used as a grass playing field.
- The proposal comprises an artificial surface (2G) with rebound fencing to all sides and roof net, new pedestrian access from the existing community centre, 2 x 10m floodlighting and 5 x 5m amenity lighting and fencing.
- Main considerations are principle, flood risk, access, natural heritage, Habitats Regulation Assessment and Area of Outstanding Natural Beauty. Neighbour notification was carried out with all relevant properties and no objections were raised. The application was accompanied by illumination details, Flood Risk Assessment, Biodiversity Checklist, Habitats Regulation Assessment, Preliminary Ecological Assessment, Transport assessment form and a bat roost emergence survey.
- Consultation was carried out with Roads, Rivers, Environmental Health, NI Water, NI Electricity, Natural Environment Division and Shared Environmental Services. No objections have been raised by any consultee.
- The proposal will not have any significant adverse impact on the residential amenity of adjacent dwellings, road network, features of natural heritage importance or upon visual character and amenity, the design is acceptable and it has been demonstrated that the site will not flood. This proposal is considered acceptable at this location having

regard to the Northern Area Plan 2016, the Strategic Planning Policy Statement and all other material considerations and Approval is recommended.

In response to questions, the Senior Planning Officer stated issues with flooding were considered in the Planning Committee Report; a flood risk assessment had been submitted with accurate information; Rivers Agency agreed with the findings and did not object.

Proposed by Councillor Nicholl

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.

12 Members voted For; 9 Members voted Against; 0 Members Abstained.

The Chair declared the motion carried and the application approved.

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

#### **5.7 LA01/2022/1573/F Council Interest, Whiterocks Car Park, Dunluce Road, Portrush**

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

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

**App Type:** Full Planning

**Proposal:** Proposed Temporary Construction Compound associated with Approved 20m Rock Armour Taper (Condition No. 7 Of LA01/2021/0822/F)

#### **Recommendation**

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

The Senior Planning Officer presented via Power point as follows:

- **Proposal:** Proposed temporary construction compound to facilitate the construction of an approved 20m rock armour taper and associated sand trap fencing and planting.
- The site is located within open countryside as designated within the Northern Area Plan 2016. Designations on the site include Causeway Coast and Glens AONB, Designation PHL 04 Royal Portrush Local



Landscape Policy Area (LLPA) and Portrush Golf Links Site of Local Nature Conservation Interest (SLNCI). Site is also adjacent to the Skerries and Causeway Special Area of Conservation and the White rocks ASSI.

- The site compound is to be located on the lower car park directly accessing Curran Strand. The submitted Construction Environmental Management Plan advises that the works are to take 4 – 6 weeks to complete. As access to the beach and car park will be restricted as set out in the CEMP it is the intention of the agents to notify the local community well in advance of the commencement of works through letter drops to local schools, residential and business properties close by to the works.
- Heras fencing shall be erected around the main construction site, signage installed, and letter drops to properties in the immediate vicinity of the works(i.e. along Strand Avenue and Dunluce Road) at least two weeks prior to commencement of the works.
- The block plan showing the car park the fencing to enclose the car park in pink and then the access to the beach through the dunes.
- Photos of the car park
- Beach access
- Consultees have raised no objection to the proposal.
- Following the works the CEMP advises that the beach and access routes (including the construction compound) will be reinstated. A sufficient allowance for repairs to the car park and associated access will be made to ensure that the car park and access route are returned to their previous state.
- Approval has been recommended for these temporary works as set out in the Planning Committee report.

There were no questions put to the Senior Planning Officer.

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

C Shanks welcomed the report and the recommendation to approve the application. C Shanks stated the reinforcement of the rock face was required to protect the work being completed at Royal Portrush Golf Course.

Proposed by Councillor Kennedy  
Seconded by Councillor Watton

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

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 the application granted.

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

- \* **The Chair declared a recess for lunch at 12.42pm.  
The meeting reconvened at 1.30pm.**

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

#### **5.8 LA01/2023/0282/F Council Interest, Ballymoney High Street, Townhead Street, Linenhall Street, Charlotte Street and Church Street High Street, Ballymoney**

Report, revised site layout and revised proposals previously circulated presented by Senior Planning Officer, E Hudson.

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

**App Type:** Full Planning

**Proposal:** The proposed project involves enhancing the public realm by renovating the current paving and kerbing, installing new street furniture such as seating, street lights, litterbins, planters, and cycle stands. Additionally, the plan includes redesigning the current car parking configuration, along with all the necessary 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 **Approve** planning permission subject to the conditions set out in section 10.

Senior Planning Officer presented as follows via powerpoint presentation:

- (Slide) Planning Application LA01/2023/0282. Is a full application to enhance the public realm by renovating the current paving and kerbing, installing new street furniture such as seating, street lights, litterbins, planters, and cycle stands. Additionally, the plan includes redesigning the current car parking configuration, along with all the necessary associated works. This is within Ballymoney Town centre.

- (Slide) This is the red line boundary of the site. The works are to High Street, Townhead St, Linenhall St, Charlotte St and Church Street. Comprising the northern part of the town centre boundary.
- (Slide) This is a site layout drawing illustrating the works to be carried out. Works include widening of the footpaths, reconfiguration of the central islands, tactile paving, additional street furniture.
- The site is located in Ballymoney Conservation Area and includes a number of landmark buildings including the Clock Tower, Town Hall, and Old Bank House. The site falls to be considered under the SPPS, PPS 6 in relation to impact on the Conservation Area and Listed Buildings and Policy DES 2 of the Rural Planning Strategy.
- (Slide) Layout showing propose re-surfacing works. The proposal includes re-surfacing of footpaths with various paviour setts and granite kerbs. The scheme also includes feature paving relating to the Ballymoney Heritage Trail and these are located at a number of local landmarks.
- (Slide) Looking at some photos.
- The scheme will result in the loss of a small number of parking spaces. However the town centre is served by adequate car parks and the bus stops, disabled spaces and taxi rank remains. Trees will be removed along the central island all those these will be supplemented by additional planting along the extended footpaths.
- The proposal will improve overall accessibility and safety while enhancing the character of the Conservation Area and Listed Buildings.
- The proposal incorporates the use of quality materials and a simple, comprehensive palette in keeping with the character of the area and relevant designations. The proposal is considered acceptable having regard to the Area plan and all other relevant planning policies and material considerations.
- Approval is recommended.

Councillor Wallace welcomed the application.

Proposed by Councillor Wallace  
 Seconded by Councillor Storey

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

The Chair put the motion to the Committee to vote.  
13 Members voted For, 0 Members voted Against, 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.

#### **5.9 LA01/2022/0799/O Objection, Site between 62a & 64 Drumalief Road, Drumalief Limavady**

Report, speaking rights template for Philip Kingston, Nicoli Morrison, Alana Durrent were previously circulated and presented by Senior Planning Officer, M Wilson.

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

**App Type:** Outline

**Proposal:** Gap site for two dwellings under PPS 21

#### **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 reasons set out in section 10.

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to defer the application for one month because of the reasons set out in Section 2 of this Addendum.

#### **Addendum 2 Recommendation**

That the Committee note the contents of this Addendum (2) and agree with the recommendation to Approve the application as recommended in Section 1 of the PCR.

Senior Planning Officer presented as follows via powerpoint presentation:

- Outline planning permission is sought for a gap site for two dwellings under PPS 21.
- This is a local application and is being presented the Committee for decision as an objection item with more than 5 objections. You have the planning committee report and 2 further addenda in front of Members in packs.
- The first addendum related to an issue about notification while the second addendum addresses points submitted in 2 recent objections and to clarify matters within the report.

- Alan Cameron from DfI Roads is available if members have any queries or questions on road or traffic matters.
- (Slide) The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations. The site is located between No's 62a & 64 Drumalief Road, Limavady and is illustrated by the orange star.
- The proposal has been assessed against the relevant policy within Planning Policy Statement 21, which is policy CTY 8, and goes on to consider and assess if this submission qualifies as an infill dwelling as set out in the Report.
- Policy CTY 8 requires a site to be a gap site located within an otherwise substantial and continuously built-up frontage. This requires a candidate site to be located within a line of 3 or more buildings along a frontage.
- (Slide) You will note from this slide, that there are at least two buildings to the east, and buildings to the west of the application site and it meets the policy requirement of continuous and built up frontage for the purposes of policy CTY 8.
- (Slide) These next slides show photographs of the site which is considered a gap site within the continuous and built up frontage. The next test is to consider if the gap is suitable to be developed as this must be a small gap site sufficient only to accommodate up to a maximum of 2 dwellings having regard to the development pattern along the frontage.
- (Slide) You can see from the submitted plan the site relative to the surrounding properties and frontage. This is considered and covered in Paras 8.5-8.9 of the Committee Report.
- The application has also been assessed against Policies CTY 13&14 of PPS 21 as set out in Paras 8.10-8.19 of the PCR and is considered acceptable in this regard. It is also considered that the application complies with the relevant policies in PPS 2 Nature Conservation and PPS 3 on traffic matters.
- (Slide) – DFI Roads, NI Water and NIEA, Water Management Unit, Environmental Health, DFI Rivers and Shared Environmental Services were consulted on the application and raise no objections to the proposal.
- There have been 10 objections made in relation to the proposal. Objections and concerns raised include:
  - Notification of the application
  - Health and safety, in particular a number of traffic and road issues
  - Fails policy CTY8 (of PPS21) as there is not a substantial and continuously built up frontage along the laneway due to topography

and vegetation; and no visual linkage, resulting in ribbon development.

- Land Ownership including visibility splays.
  - Loss of hedgerows and possible impact on protected species
  - Impact on properties along Drumalief Road.
- The matters and issues raised have been set out and considered in the planning committee report and the second addendum.
  - The proposal is considered acceptable as it meets the relevant planning policies including the Northern Area Plan, SPPS, and PPS 21 including policies CTY8, CTY 13 and CTY14, PPS 2 and PPS 3 as set out in the report.
  - The application is recommended for Approval.

There were no questions put to the Senior Planning Officer.

The Chair invited P Kingston and N Morrison to speak in objection to the application.

N Morrison stated she was speaking on behalf no.60 Drumalief Road, and wished committee to reconsider recommending approval that would exacerbate impact on the countryside specifically policy CTY 14, and the level of traffic using the lane that the proposed site relies on to be accessed. N Morrison stated they had lived there for fifty years, and is more like a busy urban development, busy with traffic and adding further houses would exacerbate issues. All eight households' objections cannot be overlooked. No. 60 Drumalief Road is the most impacted, due to an increase in traffic, as it was the first house on the lane. She advised that privacy is impacted day in day out and blinds are closed; to add more houses would impact further. Committee should listen to the voice of all the community, all eight houses were objecting.

P Kingston spoke in objection to the application stating there were two basic areas, the application does not comply with PPS 21 CTY 8, it is not a gap in a substantial built up frontage. Under Policy AMP 2 it should be refused as intensification prejudices road safety. P Kingston stated there was objection from every resident, there had been no consultation by the applicant. He considered there to be a detrimental impact on the community. P Kingston stated planning was not a normal paper exercise. Due to the topography and vegetation a gap does not exist on the ground. He advised that you cannot view no. 62 from 62a and this is a suburban style build up of development. Dfl Roads – this is a narrow laneway with no passing bays and used by heavy farm machinery. It is the view of the planning agent that passing places on the lane is something the landowners and users of the lane can consider, a highly stunning comment. P Kingston asked to see Slide no. 5 again, he stated there may have been a factual error.

The Chair invited questions from Planning Committee Members for the speakers.

In response to questions from Planning Committee Members, P Kingston stated there had been no significant objection to development in the past; there had been no new development in twenty years. The last two sites were sold by the current applicant and they were of the view the laneway was reaching capacity at that stage. at the last site, the road was not suitable for adoption and they were surprised to see this, twenty years later.

N Morrison added that there is a clause in deeds that access is for agricultural activity.

The Chair invited the Senior Planning Officer to present Slide 5 as requested by the objector.

P Kingston clarified the dwelling viewed was not no.64, it was no.66. P Kingston clarified this was the fundamental point, you cannot see no.64 it is not a gap that exists on the ground.

In response to questions from Planning Committee Members, P Kingston stated he did submit photographs in objection to the application. Planning was not a paper exercise it was required to be looked at on the ground. There were no houses fronting, topography on the laneway, and when you stand at no. 62a, look to no.64 you cannot see any other houses north. Standing at no. 64, you cannot see any other houses on the laneway and you do not see a gap site, what you see is countryside and does not comply with policy CTY8 of PPS 21. P Kingston stated planning judgement and discretion should be exercised restrictively. Whilst no criticism of the Officers and the way the application has been processed. It has not met the policy test of policy CTY 8 on the ground.

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

At this point in the meeting audio quality difficulty occurred with A Durrent which was rectified.

A Durrent stated agreement with policy CTY 8 there was a continual frontage, 3 dwellings to the East, 3 dwellings to the West and outlook onto the lane. Site is visually screened, and visually integrates from vantage points along road. Site sits in a dip and falls away. Reduces effect of loss of visual amenity for the adjacent residents. She acknowledged that there have been numerous objections but there were no less than six responses from NIEA and the Biodiversity Checklist and Preliminary Environmental Assessment were provided and the ecologist outlined an Environmental Management Plan. Consent to discharge effluent received. DAERA, NIEA, SES state it would not have an adverse effect on the environment. Guidance had been followed, there is 10m buffer from watercourse, 5m boundary to the development. A Durrent confirmed that DfI Roads have no objections. When she has visited the site there has been little or no traffic, bin day had no impediment to traffic. She considered that two more dwellings would not significantly affect risks to safety – there will be only a handful of site vehicles for a number of weeks. Two more households

to meet local housing provision, will integrate and contribute to the current neighbourhood.

There were no questions put to the speaker.

Proposed by Councillor C Archibald

Seconded by Councillor Kennedy

- 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 reasons set out in section 10.

The Chair put the motion to the Committee to vote.

13 Members voted For, 0 Members voted Against, 1 Member Abstained.

The Chair declared the motion carried and application 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 reasons set out in section 10.

#### **5.10 LA01/2023/0842/F Objection, 55 Newbridge Park, Coleraine**

Report, addendum, speaking rights template for Deborah Blackwood, were previously circulated and presented by Senior Planning Officer, R Beringer.

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

**App Type:** Full Planning

**Proposal:** Proposed change of use of existing 4 bedroom dwelling to 4 bedroom HMO (house of multiple occupancy).

#### **Recommendation**

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

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

Senior Planning Officer presented as follows via powerpoint presentation:

- LA01/2023/0842/F is a full application for a proposed change of use of existing 4 bed dwelling to 4 bedroom HMO at 55 Newbridge Park, Coleraine.
- This is presented as an objection item.



- An Addendum to cover further information submitted by the applicant in relation to the proposed occupants accompanies the Committee Report.
- (Slide) The site as outlined in red comprises the application site, which includes the existing dwelling and detached garage set within its own curtilage. The site is located within the settlement development limits of Coleraine.
- (Slide) The proposal is for the change of use of the existing 4 bed dwelling to a 4 bed HMO. There are no changes proposed to the existing arrangements on the site, in-curtilage parking is provided on the driveway and the existing garage is to be retained. There is an existing enclosed rear garden area.
- (Slide) Existing floor plans are provided indicating that there are no internal alterations proposed as part of this application. The proposal seeks to change the use from a dwelling house (Class C1) to a House in Multiple Occupation (HMO) which is a Sui Generis Use. The end use remains residential.
- (Slide) View of the application site itself.
- (Slide) View looking west from the application site, down Newbridge Park, towards Knocklynn Road.
- (Slide) View south west, into the turning head of part of the cul-de-sac.
- View further along the remainder of Newbridge Park to the North of the application site.
- The proposal is for the change of use of an existing 4 bed dwelling house to a 4 bed HMO. Policy HOU 4 of the NAP 2016 relates to the use of dwellings for Multiple Occupation and states that Planning Permission will only be granted for the use of dwellings for multiple occupation where all of the criteria are met.
- There were 6 objections received raising issues in relation to parking & access, character of the surrounding area, occupants, noise & anti-social behaviour, health & safety, and impact on house prices. Planning issues raised are considered within the Committee Report.
- The application proposes no internal alterations as part of this application. The accommodation currently comprises 4 bedrooms, 3 bathrooms/wc, a kitchen with separate utility room, and a separate living room. It is considered that the premises can adequately accommodate the proposed occupants of a 4 bed HMO. Consultation was carried out with NIHMO unit

who responded to advise that the space provision appeared to be adequate. The proposal would require to be licensed under The Houses in Multiple Occupation Act (NI) 2016, which is a separate process to the planning application.

- Externally there are no changes proposed to the existing arrangements. The character of the surrounding area is residential, and while the proposal requires permission for a change of use, the end use remains of a residential nature. Issues raised in objections referred to noise and anti-social behaviour. Consultation was carried out with EHD who had no adverse comments. The proposed change of use will not adversely impact on the amenity of neighbouring properties or the character of the surrounding area. The character of the area would remain residential in its nature.
- The property currently benefits from an area of private amenity space to the rear which is of an acceptable standard. There is easy and convenient access to this area and bin storage can be provided to the rear of the property given the external space available to the rear of the property. The property also benefits from an existing garage which is to remain.
- The property currently benefits from in-curtilage parking and there are no changes proposed to the existing driveway parking arrangements. Issues raised in objections referred to parking. Consultation was carried out with DfI Roads with no objections to the proposal as presented. As adequate driveway parking is available and no significant concerns in relation to parking were identified at the time of the site inspection it is considered that the proposal would not result in an adverse traffic impact or detract from the amenity of local residents.
- The existing landscaping arrangements are to remain, with no changes proposed as part of this application. There is no excessive use of hard landscaping and the appearance of the property will not change. The proposal respects the existing landscaping arrangements within the neighbourhood.
- The proposal complies with the criteria outlined in Policy HOU 4 of the NAP 2016 and Approval is recommended.

In response to questions from Members, the Head of Planning advised Committee had to consider the planning application in front of them, Policy was based on assessment of impact and not on numbers.

The Chair invited D Blackwood to speak in objection to the application.

D Blackwood welcomed the opportunity to speak. D Blackwood stated she lived at no. 32 and objected to change no. 55 into a HMO for many reasons, parking

disruption, the type of occupants, anti-social behaviour, health and safety and impact on house prices and disagreed with the recommendation. D Blackwood cited from paragraph 2.2 of the planning committee report, stating a snapshot at a point in time, a normal working day at a time residents would be at work and unlikely it was representative of the flow of traffic. Referring to paragraph 8.3.2 and Paragraph 8.5 and cited from the report.

D Blackwood stressed Newbridge Park was a family residential area with elderly families, young children, the application would damage the cohesion of the community of the area. D Blackwood stated she chose to live and work and bought their family residence in the area, adding to the fabric of society. The developer was for profit. If Causeway Coast and Glens approve this application it would set a precedent to change the fabric of a community setting and when would it stop. If approved, the only option would be to have to move out and live elsewhere. As a ratepayer, having a neighbour HMO decreases properties by 10-20% and was not fair, would Council offer a rates rebate?

D Blackwood stated on 15 September 2023 work had begun changing the fabric of the HMO from a family residential house, with numerous vans on site. She stated this was how much respect the developer had for this area. D Blackwood referred to the NIAO report March 2023, Planning Fraud Risk, red flags for the Planning Service, work had commenced and questioned how that had happened. D Blackwood stated emphases on the application is for pure profit to the cost of the Causeway Coast and Glens community and family community and asked Planning Committee to refuse the application.

The Chair invited questions to the speaker.

In response to question from Members, the Head of Planning stated it had been previously stated the Policy did not specify a number, each application comes forward and assessed at that time.

Proposed by Councillor Watton  
Seconded by Councillor Kennedy

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

- The Policy is very woolly, and Planning Committee has not received an answer that every house could be changed to a HMO;
- Points made by the Speaker are valid;
- It would change the character of the area;
- It would change the character of the area from a family residence.

Alderman Boyle stated the lease was taken by NHSCT as set out in the addendum and was not about profit.

Councillor Watton stated it was about profit.

The speaker interjected the meeting from the public gallery.

The Chair ruled there would be no more questions.

The Chair put the motion to the Committee to vote.

4 Members voted For, 9 Members voted Against, 1 Member Abstained.

The Chair declared the motion lost and application approved.

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

#### **5.11 LA01/2021/1530/F Referral, Beside 76 Finvoy Road, Ballymoney**

Report, site visit report, speaking rights template for J Allister MLA were previously circulated and presented by Senior Planning Officer, R Beringer.

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

**App Type:** Full

**Proposal:** Shepherds hut style glamping pod for holiday let

#### **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 full planning permission for the reasons set out in section 10.

#### **Addendum Recommendation**

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

Senior Planning Officer presented as follows via powerpoint presentation:

- LA01/2021/1530/F is a full application for a proposed Shepherd's hut style glamping pod for holiday let at a site beside No. 76 Finvoy Road, Ballymoney.
- The application was initially presented to the October Planning Committee and was deferred to allow a site visit. The site visit took place on Monday.
- An Addendum and site visit report accompanies the Committee Report.
- (Slide) The site as outlined in red comprises the application site, which incorporates the existing residential dwelling in the southern portion of the site. The dwelling is accessed from the main Finvoy Road. The site is located in the countryside, outside of any defined settlement development limits.

- (Slide) The proposal is for a Shepherd's hut style glamping pod for holiday let, to be positioned approx. 25m (at closest points) north of the existing garage. Access to the glamping pod is to be taken from a new vehicular access created off the Old Finvoy Road, with parking provided at the pod.
- (Slide) The proposed floor plan and elevations indicate the accommodation to be provided and the design of the proposed glamping pod. By virtue of its Shepherd's hut style this results in the unit being elevated approx. 850mm above the ground level. Existing boundary treatments, comprising hedges and trees, are to be retained.
- (Slide) View of the site from the Old Finvoy Road looking south towards the existing dwelling and garage.
- (Slide) View of the site from the public footpath on the main Finvoy Road.
- (Slide) Image looking North across the site, from the Old Finvoy Road.
- Policy CTY 1 of PPS 21 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located within a settlement, or it is otherwise allocated for development in a development plan. Policy CTY 1 directs proposals for tourism development to be considered in accordance with the TOU policies of the PSRNI. This was subsequently superseded by the publication of PPS 16 – Tourism. Policies in PPS 21 offering scope for tourism development in the countryside are not duplicated and PPS16 will be applied as appropriate to individual proposals. As the proposal comprises a single shepherds hut style glamping pod for holiday let, PPS 16: Tourism is a relevant consideration.
- Section 5.0 of PPS 16 outlines the existing policy provision for tourism development in the countryside, with a summary in respect of single unit self catering accommodation set out at Paragraph 5.3. The proposal does not fall within any of these circumstances for single unit self-catering accommodation in the countryside.
- The proposal is for a single new shepherds hut style glamping pod, therefore does not relate to the conversion or re-use of an existing building; does not involve the reuse or adaptation of an existing farm building or a new building on a farm; and is not located within a designated Dispersed Rural Community. The site is not designated for tourism development by The Northern Area Plan 2016. Policy TSM 5 of

PPS 16 relates to a new build within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park. The proposal does not fall within any of these circumstances and is therefore contrary to Policy TSM 5.

- As the proposed glamping pod comprises a single unit, it does not fall to be considered as a Holiday Park for the purposes of Policy TSM 6.
- The principle of development is unacceptable having regard to Policy CTY 1 of PPS 21 and Policies TSM 5 and TSM 6 of PPS 16.
- The proposal is considered to be unacceptable in terms of integration and rural character and is contrary to para 6.70 of the SPPS and Policy TSM 7 of PPS 16
- It has not been demonstrated that the proposal will not have a detrimental impact on road safety and the proposal is contrary to Policy AMP 2 of PPS 3.
- A matter raised at the site visit, which was to be verified, was in respect of the existing metal shed within the curtilage of No. 76. The planning history of the domestic garage and garden tool shed is detailed in section 3 of the Planning Committee Report, specifically Planning Approval LA01/2016/0540/F.
- Refusal is recommended.

The Chair invited J Allister MLA to address Committee in objection to the application.

J Allister stated this is a modest application for a single pod in an established curtilage of a garden, the site is accessed from the minor road has a field gate, subject to adaptations. The site has mature hedging to every side. The critical viewpoint is from the main Finvoy Road. There is a double hedge, secluded from critical viewpoint when it matters most. There was a footpath linkage into Ballymoney. Planning suggest it will not integrate; however, Mr Allister strongly suggests that with assistance of foliage and vegetation it will integrate.

J Allister stated Mr Gamble, the applicant should be treated equally with others. He referred to planning approval in Cushendall LA01/2019/0614/F, for two glamping pods which were subject to the same Policy and with the addition of an AONB site, elevated above the road, did not have vegetation to aid integration. Council held that it would not have an adverse impact on the countryside and issued the approval.

J Allister stated this application does more and not subject to the additional AONB or an archaeological area. Mr Gamble should receive the same treatment if Cushendall ticked Policy, then this application, more so. There was a Statutory

obligation to apply Planning Policy consistently, in the interests of the preceding application and consistency, it should be approved. J Allister stated, do not deny what was given to others.

In response to questions from Planning Committee Members, J Allister stated that if Council satisfied that it meets the tourism policy then policy CTY1 is met. In Cushendall case, exceptionally new build accommodation was acceptable and therefore should be acceptable for this case. At the site meeting it was suggested that if there was an application for three it would be more favourably looked on. This is a modest application in this man's garden that integrates and is suitable.

J Allister referred to paragraph 8.8 of the planning committee report, the Cushendall application not directly comparable as given for two pods. This site is lower than the road and has a double hedge. A clear precedent has been set that needs to be followed.

Senior Planning Officer stated additional further information did refer to LA01/2019/0614/F, the application was not comparable as this was for two Glamping Pods. The application was looked at and not comparable for two pods capable of integration. Interpretation of Policy, one or two does not Holiday Park. Proposal does not meet policies TSM 5, TSM 6, would set damaging precedence.

In response to questions from Planning Committee Members, Senior Planning Officer stated the Planning history at section 3, a proposed domestic garage and garden tool shed had been approved. The Cushendall Case Officer's report was available to view on the Planning Portal.

Proposed by Councillor Kennedy  
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 full planning permission;
- It will integrate in the countryside as it is well screened, sits below the road
- The Tourism Policies are accepted and therefore policy CTY1 is met;
- It is Shepherds hut which by their very nature are suitable in the countryside and not in the town;
- It is not a Holiday Park but has the potential to extend it;
- Back road should be safe enough;
- Add Conditions regarding site splays required.

The Chair put the motion to the Committee to vote.

6 Members voted For, 5 Members voted Against, 3 Members Abstained.

The Chair declared the motion carried and application approved.

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

- It will integrate in the countryside as it is well screened, sits below the road
- The Tourism Policies are accepted and therefore policy CTY1 is met;
- It is Shepherds hut which by their very nature are suitable in the countryside and not in the town;
- It is not a Holiday Park but has the potential to extend it;
- Back road should be safe enough;
- Add Conditions regarding site splays required.

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

During above consideration of the refusal reasons, the Head of Planning cited each refusal reason to the proposer and seconder.

\* **A recess was held at 2.57pm.**

**The meeting reconvened at 3.04pm.**

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

Councillor Storey referred back to application LA01/2023/0842/F Objection, 55 Newbridge Park, Coleraine, that Committee had not taken a vote for refusal.

The Head of Planning clarified that to vote not to refuse, was to Approve.

\* **Councillor Peacock joined the meeting at 3.15pm.**

#### **5.12 LA01/2022/0850/F Referral, 55 Strand Road, Portstewart**

Report, speaking rights template for Les Ross/Graeme Montgomery were previously circulated and presented by the Development Management and Enforcement Manager.

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

**App Type:** Full Planning

**Proposal:** Proposed demolition of existing buildings and redevelopment of site for a dwelling house and 5no. apartments

#### **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.

Development Management and Enforcement Manager presented as follows via powerpoint:

- This application proposes a total of 6 dwelling units on this suburban site in Portstewart comprising 1 detached dwelling and a separate building of 5 apartments. Each building is three storey. This supersedes a previous



outline permission scheme for apartments, approved in 2021, which, to date, has not been followed up by submission of an application for approval of reserved matters.

- This application is presented to the Planning Committee as a referred item.
- In terms of the Northern Area Plan 2016, the site is within the settlement development limit of Portstewart on unzoned or “whitelands”. Regional policies apply to the assessment of housing proposals on such sites.

#### Main Issues

- **Context & Character-** The proposed density is 33 dwellings per hectare. This contrasts the density of the established residential area of 5.88 dwellings per hectare. While the previously approved scheme was for apartment development, it effectively employed design elements so that it did not readily identify as an apartment building. This contrasts the current scheme, which conspicuously fills the site with three storey buildings, the apartment building overtly reading as such by reason of the cumulative presence of balconies/ terraces at first and second floor levels, flat roofed cuboid shape and fenestration pattern. The proposal would fail to respect the character of the area and the totality of the development will appear simply as excessive overdevelopment on a restricted site.
- **Private Open Space-** Adequate private amenity space is provided for the dwelling and for one of the apartments. However, two of the apartments have substandard provision at just 8 sqm each while the remaining two apartments have none. This is contrary to policy and does not provide a quality standard of accommodation.
- **Access & Parking-** In curtilage car parking is provided for all the dwelling units by means of two access points. However, car parking provision is unsatisfactory by reason of under provision of spaces and with two spaces being completely hemmed in by other spaces.
- **Relationship with other Properties-** To the immediate south of the proposed apartment building is no. 57 Strand Road, a detached chalet bungalow. The proposal would have an unacceptable impact on the amenity of this dwelling by dominance given the scale of the three storey building at 2- 4 metres to the boundary. In addition, the rear private amenity space of no. 57 would be compromised by overlooking from a corner bedroom window and external terrace serving the second floor apartment.
- **Sewage Connection-** NI Water has confirmed that foul sewer capacity is available to serve the proposal.

- Amended Scheme- The need for a substantively reduced and amended scheme to meet policy requirements was put forward to the Agent on several occasions including 14/10/22, a meeting on 11/11/22 and further contact on 16/12/22 and 12/05/23.
- Conclusion- The proposal is considered unacceptable and the recommendation is to refuse.

In response to questions from Planning Committee Members, Development Management and Enforcement Manager clarified:

- the comment in paragraph 8.62 was to do with the dwelling. Planning Committee was referred to Paragraph 8.64 of the report, Creating Places sets out the parking standards. There was a total of minimum eight spaces required; 7 spaces provided and two spaces were hemmed in. The Development Management and Enforcement Manager referred to the block plan slide and illustrated the apartment building, two parking spaces hemmed in and advised it was not satisfactory;

- there were two separate buildings, one dwelling to the left and five apartments, an indicative drawing had joined them together but had now been split. Referring to paragraph 8.64 advised there were two entrances, one of the entrances onto the Stand Road and two spaces as private parking for Apartment no.5 met the parking standard. There were four apartments left and the standard eight spaces but, provided with seven, and two spaces hemmed in and failed the standard;

- the height, three storeys, not an appropriate design, context, character, the previous Outline acceptable for a two storey, there was overdevelopment of a small site.

The Chair invited L Ross and G Montgomery to speak in support of the application.

L Ross advised of a sprawling dilapidated property. In 2021 there was Outline Planning permission granted for 9 units. The applicant Mr Hutchinson bought the site for a new house and 5 apartments which was less units. The parameters of the previous permission are critical and set the scale for development of the site. The scheme was designed taking account of the wide range of design styles on the Strand Road. L Ross stated the Planning Officer did not like this and they were going backwards in discussions, wanting to change the fundamental Outline Planning Permission and kept changing the scheme diluting what the architect had come up with. L Ross stated he had requested a second meeting and this was refused and queried whether it was acceptable to have a second meeting.

L Ross stated the fundamental density of the property was for 6 units, outline planning permission for 9 apartments, Mr Hutchinson had bought the site on the basis of the approval and is doing less than the extant approval. Layout scale and massing were within the parameters of the Outline planning permission, which was well scaled in design, massing in area. L Ross queried how this was a reason for refusal.

Private Open Space- not providing space in the context of enjoying the best sea views, highly desirable, and overrides guidance on square meterage. Overlooking dominance – there was good separation from the house next door, regarding sense of dominance, can obscure glass. There were 17no. objections to the Outline Planning Application, there were no objections to this scheme and statutory authorities are content and it is acceptable. L Ross concluded the application should be approved on the grounds set out.

In response to questions from Planning Committee Members, L Ross stated the dwelling had ample parking at the front and top apartment at the front. The four apartments parking was obtained by driving around at the back, L Ross stated the Planning Officer described 4 spaces hemmed in, 2 in a line for one Apartment, for the same people. 3 more apartment spaces were communal and Road Service found to be acceptable. Design changes could create more parking spaces and did not think necessary, the reason for refusal was not sustainable as Dfl were content.

In response to questions from Planning Committee members, G Montgomery stated this is a prominent site on the Strand Road, approaching from the town. Time was spent at the outset analysing and coming up with a solution taking account of the parameters set by the Outline Planning Permission. He considers he has produced quality product on site, facing the sea. Height parameter set by previous permission, matched separation distance, ground floor level, the structure set into slope, instead of one building. The building is more typical of Strand Road and he has broken the mass down to two buildings. It can appear like a private dwelling. It is similar in context and design of more recent development along Strand Road, large houses with green lawns, and genuinely felt that they have come up with a design that is sensitive to the area.

In response to questions from Planning Committee Members, L Ross clarified the previous planning permission had been applied for by a previous owner. The current client had bought it for a house and two of the apartments were for family members. L Ross stated there was a meeting held early in the process introducing the scheme and met with the Planning Officer and talked regarding design ideas, and received feedback. When the drawings were submitted and a second set and feedback received, he wanted to sit in a room with Planning and was told they could not have a second meeting. L Ross stated that over 25 applications he had, he may hold meetings over one or two of them and did not wish to complain.

In response to questions from Planning Committee Members, the Head of Planning advised the application could be delegated to the Head of Planning to resolve issues and for decision and if there was no resolution, returned to Planning Committee to determine.

The Development Management and Enforcement Manager advised there had been a misunderstanding, Planning did not approve 9 apartments previously, this had changed in the process of the application and removed the number of apartments.

Proposed by Councillor Kennedy  
Seconded by Councillor Storey

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

- Issue of density – it has been demonstrated issue can be accommodated on site and is not over intensification of the site;
- Layout scale and massing in the report is accepted. The application tried to reflect the prominence of the site;
- Overlooking and dominance – there is a good separation distance, no objections which is unusual given the location and people wanting to protect views over sea;
- Previous permission granted on site for similar density;
- Footprint of the existing development 528m<sup>2</sup>, existing is 570m<sup>2</sup> the density is acceptable;
- Parking – Dfl Roads content;
- Need to take context of site into consideration when considering private amenity. Enjoy views overlooking the sea, specific unique feature of site, residents high degree of visual amenity cannot compare to open space;
- Height has been shown in the Outline Planning Permission, there is nothing different and no objections received in relation to overlooking;
- Dfl Roads content, parking arrangements and comments from the Agent on behalf of Applicant.

The Chair put the motion to the Committee to vote.

9 Members voted For, 3 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** Planning permission for the following reasons:

- Issue of density – it has been demonstrated issue can be accommodated on site and is not over intensification of the site;
- Layout scale and massing in the report is accepted. The application tried to reflect the prominence of the site;
- Overlooking and dominance – there is a good separation distance, no objections which is unusual given the location and people wanting to protect views over sea;
- Previous permission granted on site for similar density;
- Footprint of the existing development 528m<sup>2</sup>, existing is 570m<sup>2</sup> the density is acceptable;
- Parking – Dfl Roads content;
- Need to take context of site into consideration when considering private amenity. Enjoy views overlooking the sea, specific unique feature of site, residents high degree of visual amenity cannot compare to open space;
- Height has been shown in the Outline Planning Permission, there is nothing different and no objections received in relation to overlooking;

- DfI Roads content, parking arrangements and comments from the Agent on behalf of Applicant.

**AGREED** – that conditions and Informatives are delegated to Officers.

During consideration of the above the Head of Planning cited the refusal reasons.

\* **Alderman Boyle left the meeting at 3.57pm.**

### **5.13 LA01/2018/1402/F Referral, 79b Finvoy Road, Ballymoney**

Report, speaking rights template Lee Kennedy previously circulated presented by Senior Planning Officer, E Hudson.

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

**App Type:** Full Planning

**Proposal:** Retrospective Application for Existing Workshop/Store and Office for industrial use pertaining to the research, development and testing of overland slurry distributors, RHI Boiler and Flue.

#### **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.

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to obtain a consultation response from DFI Rivers and in turn provide advice to the Planning Committee. This recommendation supersedes that set out in Paragraph 1.1 of the Planning Committee Report.

#### **Erratum Recommendation**

That the Committee note the contents of this Erratum and agree with the recommendation to defer the application in accordance with Paragraph 3.1 of the Addendum to the Planning Committee Report.

#### **Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve the application with the following conditions.

Senior Planning Officer presented as follows via powerpoint presentation:

- (Slide) Planning Application LA01/2018/1402 is a full application for the retrospective permission for a Workshop/Store and Office for industrial use pertaining to the research, development and testing of overland slurry distributors, RHI Boiler and Flue. The site is located at 79b Finvoy Road, Ballymoney.

- There are 2 addendum to accompany the Committee report.
- The application was previously presented to the Committee in October 2021 with a recommendation to refuse with 5 reasons for refusal pertaining to the SPPS, PPS 21, PPS 4, PPS 2 and PPS 15.
- The application was subsequently deferred at the October meeting to allow for consultation with DFI Rivers on a Drainage Assessment and also consideration as a farm diversification proposal which had previously not been submitted.
- (Slide) The site is located in the open countryside as defined by the NAP 2016.
- (Slide) The site layout drawing. The blue building to the north is the subject building.
- Since it was previously presented at Committee DFI Rivers are content with the drainage measures proposed on site. A certificate of lawfulness was submitted for the site in December 2021 for part of the building as well as the hardstanding area. The development, which related to more than half the building, was certified as lawful in May 2022. As the majority of works on site are considered lawful the current proposal relates to an extension of the existing business. As such falls to be considered under Policy PED 3 of PPS 4 where the expansion of an established economic development use will be permitted were the scale and nature would not harm rural character and there is no major increase in site area.
- Based on the lawful use on site the extension is considered acceptable and complies with Policy PED 3 of PPS 4.
- In relation to Natural Heritage issues NIEA had concerns in relation to impact on the surface water and priority habitats. Initially back in 2021 the existing slurry tank on site was being used as part of the operations on site. However, it has been stated since by the agent that this arrangement has not been carried out in the last 3-4 years and that the only slurry generated on site is through the applicant's farm business which is separate to the business being applied for. As such, NIEA and SES are content with the proposal subject to conditions.
- (Slide) Looking at some photos of the site.
- The recommendation is to approve planning permission subject to conditions as outlined in Part 4 of Addendum 2.

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

L Kennedy thanked the Planning Officer stating it was a long difficult and challenging planning application from 2018, an Enforcement Appeal and Certificate of Lawfulness and now resolved for approval.

Proposed by Councillor Kennedy  
Seconded by Alderman Scott

- That the Committee note the contents of the Addendum and agree with the recommendation to approve the application with the following conditions (as set out in the Addendum report).

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 note the contents of the Addendum and agree with the recommendation to **Approve** the application with the following conditions (as set out in the Addendum report).

\* **Alderman Coyle left the meeting at 4.07pm.**

#### **5.14 LA01/2022/0604/F Referral, 2B Prospect Road, Portstewart**

Report, speaking rights template for Kris Turnball previously circulated presented by Senior Planning Officer, J Lundy.

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

**App Type:** Full

**Proposal:** Proposed Replacement Dwelling and all associated works/landscaping.

#### **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 as follows via powerpoint presentation:

- LA01/2022/0604/F Proposed Replacement Dwelling and all associated works/landscaping at 2B Prospect Road, Portstewart
- The application site is located at No. 2B Prospect Road, Portstewart within the settlement development limit of Portstewart. The immediate area is characterised by single storey and two storey detached and semi-detached properties in a variety of styles and scale. Parking is generally off-street along Prospect Road given plot sizes.

- 4 objections to the proposal have been received, the objection points are set out in section 5 of the planning committee report. Mainly relating to the scale, design and overlooking.
- Previous planning history on the site for a conversion to the roof was refused on overlooking.
- The main policy consideration for a replacement dwelling in the urban area is PPS 7 and its addendum, further guidance is also provided in DCAN 8.
- No 2B Prospect Road has a relatively narrow plot depth than other dwellings in the vicinity. The existing foot print of the dwelling is located just off the boundaries. Prospect Road sits above Strand Road, this is around the highest point on the road.
- The proposed block plan in relation to the red dotted outline of the existing dwelling. As you can see an area of usable amenity space has been provided to the central location between the two blocks providing a positive increase in the amenity space provision.
- An aerial photograph showing the build to plot ratio existing and also the escarpment between the site and the properties on Strand Road.
- The proposed ground floor plan, with the main areas of glazing to the west, a new access is proposed and DFI Roads have no objections. Objections have been made to the step forward of the building to Prospect Road. Having assessed the existing building lane and the proposal we are content that it would not cause any detrimental impact to the streetscape.
- The dashed line is the extent of the 1st floor which in some locations extends beyond the ground floor. There is no considered impact to adjoining properties from the ground floor layout.
- The first floor comprises two separate blocks connected by a landing and stair well. The accommodation consists of a large master suite the north west elevation is floor to ceiling glass recessed back with gable walls and roof slightly extending, timber louvers are also provided to reduce the impact on No2 Prospect Road. The wall looking S is glazed with sliding doors. We have concern that this will overlook the adjacent property on Strand Road. The link is fully glazed and though set back will add to the perception of overlooking. Two further bedrooms have been provided and one balcony. The proposal has undergone some amendments to reduce overlooking and timber louvers and lower panels of obscure glazing. have been used. However at this first floor level in close proximity to the boundary the proposal is still unacceptable due to overlooking and dominance.



- The original design incorporated a flat roof for the whole replacement dwelling which was not contextually appropriate in this streetscape. This roof form has been amended to a new sculpted roof form which folds down to respect the existing single storey elements of Nos. 2 and 2A Prospect Road
- The layout and design for the rear elevation shown here as the west elevation is not considered appropriate for this site, given the public views available from Strand Road due to the elevated nature of the site.
- The south elevation to No 2
- The north elevation to No 2a
- Views of the existing dwelling travelling each way on Prospect Road
- The same views with photomontages on the proposed dwelling. The design helps give the impression of a 1.5 storey dwelling to the front as opposed to 2 storey. We consider that this design alteration provides an interesting architectural feature within the streetscape and is considered acceptable along the frontage of Prospect Road.
- There will be several critical views of this elevated and prominent site when travelling Strand Road in between existing properties. The 'Proposal in Context' showed two viewpoints from Strand Road but other more critical views are not provided for example between Nos. 47 and 49 Strand Road. The rear elevation would appear dominant and out of context from various perspectives along Strand Road with the extent of glazing appearing incongruous.
- No 2a
- The proposal should not result in unacceptable overlooking of this property that would warrant refusal. The proposed side elevation closest to the shared boundary has no first floor windows. The first floor balcony for Bed 2 will not result in overlooking of this property as views are restricted by a screen wall. There are ground and first floor windows proposed in the wing located along the northern site boundary. Given the angle of the built wing and separation distances of approx. 25m to the shared boundary with No. 2a Prospect Road, (slide) overlooking should not be unacceptable as views would primarily be of the bottom of their garden.
- No 2
- As you can see the existing overlooking between the 2 properties.
- It is considered that the replacement following the amendments we have received will not result in further unacceptable overlooking of this property. (Slide) The agent submitted a shadow assessment with only some overshadowing experienced to the front car parking area, which would not have such an impact to warrant refusal. (slide) Looking from no 2 to the site. The proposal is not considered to be dominant to no 2 Prospect Road given the side elevation is no higher than the existing dwelling and adequate separation distances.

- No 49 Strand Road
- As you can see this site sits at a much lower levels. Currently there is overlooking of this property when standing at the rear boundary wall, overlooking from inside the current dwelling would be limited given the set back and rear boundary treatment.
- No 49 has several windows in their rear elevation and a patio and garden area. Following a site visit it was confirmed that the double doors are to a living room.
- The overlooking from the proposed dwelling is significant and would cause unacceptable adverse effect on No 49. The agent has provided mitigation measures, such as timber louvers, however the extent of overlooking across the rear and perception of overlooking remains given the excessive amount of glazing at this level. (slide) looking up to the site, The proposal is only 1.5m to 4.5m from the shared boundary. Well below the min standard of 10m to a shared boundary has resulted in insurmountable problems in terms of overlooking and dominance from the proposed 2 storey dwelling.
- Refusal is recommended as the proposal would result in unacceptable damage to the established character of the surrounding area through in appropriate design, layout and scale and massing and adversely impact on neighbouring property through dominance and overlooking.

\* **Alderman Coyle re-joined the meeting at 4.08pm during consideration of the above matter.**

\* **Councillor Watton left the meeting at 4.19pm.**

In response to questions from Planning Committee Members, Senior Planning Officer clarified the slide view from Strand Road, that the building to the left referred to by a Member, already existed. Senior Planning Officer referred to paragraph 8.12 of the planning committee report, it was accepted there was a dominant extension, the building was not a Council decision, it was a decision of former DOE; it does have significant overlooking, is dominant and overbearing under PPS 7 policy QD 1. Little weight has been given to this extension as it was not a positive reflection of the character of the area. Referring to a second building, Senior Planning Officer pointed to glazing of the master bedroom upstairs, a recess below and added louvers.

\* **Councillor Watton rejoined the meeting at 4.24pm.**

In response to questions from Elected Members regarding the difference in height of the DOE approved building and the current application, Senior Planning Officer clarified the corner window does step down, there was very little change in the roof height, there was full two-storey glazing across different rooms for a length of 13m. Senior Planning Officer illustrated slides overlooking a rear of a property and two side gardens.

\* **Councillor Archibald left the meeting at 4.29pm.**

The Chair invited K Turnbull to speak in support of the application.

K Turnbull stated that from inception the design team approached the application extremely sensitively and did considerable work with Planning since May 2022, took on board all planners feedback, one-one meeting and a detailed revision, revised the property in March 2023 and carried out an additional 3D visual and sun analysis. All information provided to further support granting project. K Turnbull stated this was an opportunity for a high quality building, a sensitive application, had taken inspiration from Noel Campbell. There was a precedence to maximise sea views, two-storey glass, zinc, full panorama glass sea views to the left and right. The development does respect the context, was appropriate in scale and massing and appearance and design works. Regarding no. 49 design concept. Stepped back from Prospect Road to 4.8m – 6m from boundary line. Outdoor amenity of 178m<sup>2</sup> with coastal planting, green spaces, solar renewable energy and compared with Creating Places, improves no. 49 by breaking up by planting trees and herbaceous plants. The design is important, designed directing views of the sea. The neighbouring property ridge height was 750mm lower and will give the impression of two small properties. Support and add value, a green roof and will have architectural merit.

In response to questions from Planning Committee Members, K Turnbull clarified the living accommodation was on the ground floor front to rear. 'V' shape narrow site, split in two sections, reduce massing, a feeling of two separate dwellings. The master bedroom was on the first floor.

Proposed by Councillor Storey  
Seconded by Councillor Wallace

- 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 to the reasons:
- SPPS para.s 4.26 and 4.27 and policy QD1 of PPS 7 - development respects surrounding context and reflect character in design and layout, scale and massing.
- Draws upon best materials;
- Will not create conflict with residential properties;
- Planning Officer states no detrimental impact on streetscape;
- Maximising sea views welcomed given its location on coast with spectacular views that design tries to reflect.
- Design provides substantial living environment and should be encouraged.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application 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 to the reasons:

- SPPS para.s 4.26 and 4.27 and policy QD1 of PPS 7 - development respects surrounding context and reflect character in design and layout, scale and massing.
- Draws upon best materials;
- Will not create conflict with residential properties;
- Planning Officer states no detrimental impact on streetscape;
- Maximising sea views welcomed given its location on coast with spectacular views that design tries to reflect.
- Design provides substantial living environment and should be encouraged.

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

- \* **Councillor Wallace left the meeting at 4.43pm and returned at 4.45pm.**
  - \* **Councillor Storey left The Chamber at 4.43pm and returned at 4.48pm.**
- The Chair declared at recess at 4.49pm.
- \* **The meeting reconvened at 4.54pm.**

#### **5.15 LA01/2023/0039/F Referral, Lands adjoining 36 Knockanbaan and 12 Plantation Drive, Limavady**

Report, addendum, erratum, letter of objection and speaking rights template for Les Ross and Craig Matthews were previously circulated. The application was presented by Senior Planning Officer, R Beringer.

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

**App Type:** Full

**Proposal:** Closing up existing path to the side of 36 Knockanbaan and 12 Plantation Drive and extension to residential curtilage to both 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.

#### **Addendum Recommendation**

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

#### **Erratum Recommendation**

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

Senior Planning Officer presented as follows via powerpoint presentation:

An Erratum, clarifying the letters of support (4) and objection, and an Addendum accompanies the Committee Report.

- (Slide) The site as outlined in red, is located within the settlement development limits of Limavady as identified in the NAP 2016. The site comprises Nos 36 Knockanbaan and 12 Plantation Drive, and the existing path which links Knockanbaan to Plantation Drive.
- (Slide) This is the existing block plan indicating the arrangement of the existing dwellings with the path area running between.
- (Slide) The proposed block plan shows the arrangement with the existing path closed up. The respective curtilages at No 36 Knockanbaan and No. 12 Plantation Drive are then extended, utilising sections of the existing boundary treatments and small sections of new boundary treatments along the road frontages. Existing pedestrian stop barriers are to be removed.
- (Slide) View of the site from Knockanbaan, showing the existing path and the dwelling at No. 36.
- (Slide) View of the existing path taken from the Knockanbaan end.
- (Slide) View of the site from Plantation Drive, again showing the path and the dwelling at No. 12.
- (Slide) View along the path from the Plantation Drive end, taken more recently, showing the existing boundary treatments, supplemented with well-maintained planting.
- The application seeks full planning permission for the closing up of the path the existing path to the side of 36 Knockanbaan and 12 Plantation Drive and the extension to the residential curtilage of both dwellings. There were 6 representations received in total, 4 letters of support and 2 letters of objection. Issues in support of the application refer to anti-social behaviour, use of the path, and the safety of the path. Issues in objection also refer to use of path, anti-social behaviour and awareness of closure. Issues raised are in contrast to each other. All are considered further in the Committee Report.

- Annex A of PPS 8 defines an amenity footpath as open space which is of public value. Policy OS 1 of PPS 8 advises against development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. An exception will only be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.
- The footpath is annotated on approved Drawing 04 of B/2004/0220/F as 'public open space, pathways, planting and landscape to be adopted by management company.' Condition 6 of this approval relates to same. As evidenced on site and in the site photographs the path is well maintained and serves as a pedestrian route for the wider residential area, providing pedestrian links to the Greenbank Service Station site. The dwellings neighbouring the site, particularly the two storey dwellings at Nos. 8 and 36 Knockanbaan with upper floor windows which directly overlook the footpath, provide a degree of natural surveillance overlooking onto the footpath.
- The SPPS promotes sustainable design to include footpaths, as their inclusion can reduce the need for a private car. The proposed closure of the footpath directly contradicts this approach and cannot therefore be considered a sustainable form of development. Footpath contributes to movement pattern which supports walking and cycling.
- It has not been demonstrated that the loss of the open space will bring substantial community benefits that decisively outweigh the loss of the open space. The proposal is contrary to Policy OS 1 of PPS 8.
- As the extended curtilages would result in the loss of the footpath which would negatively impact upon the amenity of neighbouring residents, the proposal is also contrary to criteria (b) of Policy EXT 1 of APPS 7.
- Refusal is recommended.

In response to questions from Planning Committee Members, Senior Planning Officer clarified under PPS 7 assessment of this application, PPS 7 was not relevant, referring to the preamble stated new housing developments only and therefore is considered under PPS 8 and retention of the path as Open Space. On site and viewed there was a level of surveillance from the upper floor windows of existing properties, the path was a reasonable width and no issues on site. Inclusion of the path was on the original approval on that site, at that time. On site inspection, provides a connecting link.

The Chair invited L Ross and Craig Matthews to address Committee in support of the application.

L Ross stated that if designing this today, the house would be turned to look onto the lane as every open space needs to be overlooked, a former DOE decision. Local residents have lobbied for closure. L Ross advised C Matthews owned one of the houses and was on the Management Committee, they carried out a consultation before coming forward with the application. The lane is a focal point for anti-social behaviour, rubbish, noise, drugs paraphernalia, it was not safe at night, rarely used and a vicious circle, as people use it less. There were no ways of improving it as they cannot undertake surveillance, there was widespread support from the local community. It fails PPS 7 and Creating Places, there is a harmful impact on residential amenity. Policy OS 1 test, there would be substantial community benefits. Closing the path is a small loss of Open Space, that brings benefits to the people who live there and that was most important.

In response to questions from Elected Members, C Matthews clarified the path ownership was via the Management Company and a private Right of Way, committee members pay the upkeep for litter and insurance. C Matthews clarified there were annual management company meetings and the issue of dog fouling and noise raised from 2018. Letters of objection evidence the anti-social behaviour, C Matthews stated he lives at no. 36 and has evidence of daily matters, bottles breaking, this was a resolution to the problem, and support unanimous. C Matthews clarified the residents of no. 10 were not members of the Management Company and within a separate development. There were 134no. members on the Management Committee within the development, every member had a share.

Proposed by Alderman Scott

Seconded by Councillor C Archibald

- 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:

- Under Policy OS 1 the exception is permitted as substantial community benefits; Management Company have stated 134 people overwhelming support from the area, there is anti-social behaviour, drug taking, noise, paragraph 5.5 of policy OS1 provides justification for substantial community benefit that would outweigh loss;

- PPS 7 para. 4.39 – security and crime – the design and all criteria must be adhered to, is relevant, it is not overlooked, is at the backs of properties and if designed and policy applied today, the design would not be permitted.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

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

- 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:

- Under Policy OS 1 the exception is permitted as substantial community benefits; Management Company have stated 134 people overwhelming support from the area, there is anti-social behaviour, drug taking, noise, paragraph 5.5 of policy OS1 provides justification for substantial community benefit that would outweigh loss;

- PPS 7 para. 4.39 – security and crime – the design and all criteria must be adhered to, is relevant, it is not overlooked, is at the backs of properties and if designed and policy applied today, the design would not be permitted.

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

\* **Alderman Scott left The Chamber at 5.24pm.**

\* **Councillor Anderson left The Chamber at 5.24pm.**

#### **5.16 LA01/2022/0734/F Referral, 220 metres North West of No. 59 Gortahar Road Rasharkin**

Report, addendum/erratum, speaking rights template for Conor McGarry/ James O'Mullan were previously circulated. The application was presented by Senior Planning Officer, E Hudson.

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

**App Type:** Full

**Proposal:** Proposed agricultural 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.

#### **Addendum/Erratum Recommendation**

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

Senior Planning Officer presented as follows via powerpoint presentation:

- (Slide) Planning Application LA01/2022/0734. This is a full application for a new farm shed located 220 metres NW of 59 Gortahar Road, Rasharkin.
- There is an addendum/erratum to accompany the Committee report which provides clarification on the Scrapie Monitoring scheme and correction of



the length of time the applicant has been in ownership of his pedigree flock.

- (Slide) This is the red line boundary of the site. The site is located within the open countryside as defined in the NAP 2016.
- (Slide) This is the site layout drawing. The site is not associated with any existing farm buildings and is located approximately 2.5 km from the applicants address and current farm buildings at 98 Glenbuck Road. The site is located to the rear of a large agricultural field.
- (Slide) The shed is L shaped incorporating 2 sheds served by individual roller doors with an overall height of around 4 metres.
- The application falls to be considered under policy CTY 12 of PPS 21. The applicants farm business has been in existence for more than 6 years and has claimed Single farm payment in the last years. The application site is on land which has been claimed SFP for more than 6 years.
- The existing farm business extends to around 76 ha. The majority of land is located at the applicants address at Glenbuck Road with the remaining 7 ha located at Gortahar Road approx. 2.5 km from the applicant's address.
- Supporting information states the applicant requires a shed located away from the established grouping due to the growth and development of farming activities. The applicant has applied to the DAERA Scrapie Monitoring scheme for a small number of pedigree flock. Scrapie is a fatal brain disease in sheep. The applicant currently has 10 pedigree sheep. The information states that the shed is required remote from the existing grouping to facilitate growth of this pedigree flock. The proposed shed is necessary to provide shelter and lambing facilities separate from the main flock.
- The Scrapie register advises of farm management measures necessary to meet the requires of the scheme such as fences/walls to keep flock within approved premises, facilities to separate flock. Further clarification was sought from DAERA Veterinary Dept. Animals must be kept separate from the remainder of the commercial flock, existing buildings can be used but only for the animals as part of the scheme, separate grazing land is required, double fenced to prevent any potential cross contamination with other animals.
- Based on this it is not considered that animals have to be separated from non-registered flock by a specific distance provided the correct segregation, housing, fencing measures are maintained.
- The applicants existing lands at Glenbuck Road (on the slide attached, the farm dwelling highlighted by a red star) extend to the opposite side of

the road as well as to the rear and side of the existing grouping. It is considered that there is sufficient land at the existing grouping which could be used and which would meet the requirements of the Scrapie monitoring scheme.

- As the applicant has a small number of animals eligible for the Scrapie monitoring scheme he would appear to have successfully operated on the basis of current facilities since purchase of the animals in January 2022. During this date until present, around 2 years, the number has doubled from 5 to 10 flock due to lambing of the animals earlier this year. The animals have successfully bred at the farm and would have been housed over the winter period in 2022. It is understood that the applicant wishes to expand this part of the business in the future with a facility to house around 50 pedigree sheep. In order to accommodate expansion of this breed through additional buildings, there are other suitable sites available beside existing farm buildings, which would fulfil the needs of the farming operations and the SMS.
- As such, a building remote from the farm grouping is considered unacceptable in principle as it has not been demonstrated there are no sites available at the existing group of buildings on the farm and that it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons. The proposal is contrary to policy CTY 12.
- Looking at some photos of the site.
- In terms of integration the siting is considered acceptable as the site fall from the public road and there are established boundaries which provide enclosure. However, the principle of development is considered unacceptable and refusal is recommended as outlined in Part 10 of the Committee report.

There were no questions posed to the Senior Planning Officer.

The Chair invited C McGarry and J O'Mullan to speak in support of the application.

C McGarry stated the following matters:

- the Farm Business ID established, under policy CTY 12, there were no sites available at the grouping on the farm for health and safety reasons;
- for the future business development plans there are no available sites as demonstrated in the case officers report as it is at full capacity;
- the size, scale, there is an existing flock of 300 sheep and pedigree stock which must meet regulations with scrapie;
- the applicant has 10 bluefaced Leicester sheep susceptible to disease that require to be sheltered in the Autumn and lamb indoors, there are strict grazing rules;
- A buffer zone is required to minimise cross contamination;

- Regarding the Pedigree sheep – explored the only location DAERA rules would allow the applicant to enlist;
- The aspiration is the pedigree market;
- The Bluefaced Leicester registered from January 2020, 2021, and in their third year, required to future proof the Farm Business ID, if refused the applicant would suffer;
- The applicant had spoken with DAERA, the sheds Council suggest were inadequate, the fields too small as the sheep would outgrow the field and would not support the overall plans;
- It is required to protect the health and safety of the animals;
- Meets Policy CTY 12.

In response to questions from Elected Members, C McGarry advised the applicant cannot build on the Farm Holding and other fields, as they are not big enough, judging by lambing numbers. This is the most suitable environment to minimise contamination and have the animals separated. Clarified that all the sheds belong to the applicant. C McGarry clarified the land was reclaimed bog, not of sufficient size and to graze sheep required double fencing there were too many issues to help the farm survive.

J O'Mullan stated the pedigree sheep were currently in a rented field in Kilrea, of a similar size and scope to the proposed application, 16 acres with sheds, they were not lambing on their own premises as they were trying to abide by scrapie rules and would outrun the fields.

Senior Planning Officer stated the additional information stated had not been provided to Planning Department, nor at an office meeting in August; a Case Officer had inspected the application site. Senior Planning Officer stated under policy CTY 12 there was adequate land at the existing grouping and renting a premises in Kilrea was never forthcoming.

Alderman Hunter considered a site visit should be held.

Proposed by Councillor Peacock  
 Seconded by Councillor C Archibald

- 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:
  - It has been demonstrated for the Farm Business to succeed it requires rules and regulations to safeguard the wellbeing of the flock;
  - The area is a moss, the ground particularly bad, it is sheep farming and unable to have other farming types, the ground quality there is known to be poor;
  - The Applicant has demonstrated it is essential for the business to succeed;
  - The additional information presented regarding sheds being rented currently.

The Chair put the motion to the Committee to vote.

9 Members voted For, 1 Member 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 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:

- It has been demonstrated for the Farm Business to succeed it requires rules and regulations to safeguard the wellbeing of the flock;
- The area is a moss, the ground particularly bad, it is sheep farming and unable to have other farming types, the ground quality there is known to be poor;
- The Applicant has demonstrated it is essential for the business to succeed;
- The additional information presented regarding sheds being rented currently.

**AGREED** – that Planning Committee delegate Conditions and Informatives to Officers.

During consideration of the above the Head of Planning cited the refusal reasons.

## **6. CORRESPONDENCE:**

### **6.1 DFC – Housing Supply Strategy: Building 100,000 Homes**

Copy correspondence, previously circulated presented by The Head of Planning.

Department for Infrastructure, Permanent Secretary Dr Denis McMahon dated 25 October 2023.

Committee NOTED the report.

### **6.2 BT Adopt a Scheme – Priestland Road, Bushmills**

Copy correspondence, previously circulated presented by The Head of Planning.

BT, Jim Blanch, dated 19 October 2023.

Committee NOTED the report.

## **7. REPORTS**

### **7.1 Finance Report – Period 1 -6 Update**

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 as of end Period 6 of the 2023/24 business year.

## **Details**

Planning is showing a variance of over £61k favourable position at end of Period 6 based on draft Management Accounts.

The favourable position at the end of Period 6 is due to increased income from planning applications and property certificates resulting in an increase in income of over £101k from that predicted for this period (Budget £660,000 v Actual £761,678.53).

In terms of expenditure, Salaries and Wages (including Agency staff) are showing an overspend of over £61k. Payment of staff backpay will increase this deficit. The favourable position in other expenditure codes will be reduced throughout the year as some payments are made on an annual basis.

## **Recommendation**

It is recommended that the Planning Committee notes the content of this report for the Period 1-6 of 2023/24 financial year.

**Committee NOTED the report.**

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

Proposed by Councillor McMullan  
Seconded by Councillor Storey and

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

\* **Press and Public left the meeting at 5.54pm.**

***The information contained in the following items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.***

### **8. Confidential Items**

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

##### **(i) East Road, Drumsumn**

Council Solicitor stated awaiting Judgment.

**(ii) Rigged Hill**

Council Solicitor advised was listed for tomorrow for review with Hearing scheduled at the end of January.

**(iii) Misrepresentation of soil samples**

The Head of Planning stated there was a small number of cases within this Council and the Anti-Fraud Corruption and Bribery Policy is being followed with regards to this issue.

**MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor McMullan  
Seconded by Councillor Storey and

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

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

There were no matters of Any Other Relevant Business.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 5.56pm.

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Chair