

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 27 MARCH 2024**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
1.	Apologies	<b><i>Councillors McGurk and Nicholl</i></b>
2.	Declarations of Interest	<b><i>Alderman McKillop</i></b>
3.	Minutes of Planning Committee meeting held 28 February 2024	<b><i>Confirmed as a correct record</i></b>
4.	Order of Items and Confirmation of Registered Speakers	
4.1	LA01/2021/1163/F, Referral, 21-27 Causeway Street, Portrush	<b><i>Deferred for a Site Visit</i></b>
4.2	LA01/2022/0916/RM, Referral, Lands at 66m East of No 31 Bellany Road, Articlave	<b><i>Deferred for a Site Visit</i></b>
5.	Schedule of Applications:	
5.1	LA01/2022/0620/F, Major, 69 Frosses Road, Ballymoney	<b><i>Agree and Approved</i></b>
5.2	LA01/2023/0539/F	<b><i>Withdrawn</i></b>
5.3	LA01/2022/1540/F, Objection Item, 1 Rock Drive, Portstewart	<b><i>Agree and Approved</i></b>
5.4	LA01/2021/1548/F, Referral, 76 Fivey Road, Ballymoney	<b><i>Agree and Refused</i></b>
5.5	LA01/2022/0905/F, Referral, Site 220m SW of 61 Kilnadore Road, Cushendall	<b><i>Deferred for a Site Visit</i></b>
5.6	LA01/2022/0082/O, Referral, Site/s between 15 and 17 Dunlade Road, Greysteel	<b><i>Disagree and Approved</i></b>
5.7	LA01/2022/0238/O, Referral, Approx 200m NE of 43 Farran Road, Ballymoney	<b><i>Deferred for more information to be made available</i></b>
5.8	LA01/2021/1427/O, Referral, Between 234 and 236 Drones Road, Dunloy	<b><i>Agree and Refused</i></b>
5.9	LA01/2023/0391/RM, Referral, Site off Tummock Road, 450m Northwest of 31 Loughabin Road, Ballymoney	<b><i>Disagree and Approved</i></b>
6.	Correspondence	

<b>6.1</b>	Donegal CoCo correspondence RE - Consultation on Proposed Material Alterations to CDP 2024-2030 – To Note	<b>Noted</b>
<b>7.</b>	Reports	
<b>7.1</b>	BPN – Ballywillin National School (Quigley’s Cottage)	<b>Agree to the Head of Planning writing to Portrush Heritage Group advising that a BPN will not be served on this building</b>
<b>7.2</b>	Review period for ToR – Planning Committee	<b>That approval is granted to add a review period to the Planning Committee’s Terms of Reference to partially fulfil the requirements of the recommendation contained in the Governance Transformation Action Plan G11 ‘that a periodic review of Committees should be included in the terms of reference..’ to be carried out prior to the Annual Meeting each year and that the Terms of Reference for the Planning Committee is updated in the Council’s Constitution and the Scheme of Delegation</b>
<b>7.3</b>	Finance Report – Period 1-10 Update	<b>Noted</b>
<b>7.4</b>	Removal of 18 no. public payphones throughout the Borough <sup>1</sup>	<b>The Head of Planning to write to BT to restore the red phone boxes at PCO1 Car Park Feigh Causeway Road Bushmills, Turragh O/S Garage PCO1 Glenshesk Road Armoy Ballymoney and at Waterfoot P O PCO1 Main Street Glenariffe Ballymena</b>

<sup>1</sup> PC 240424 RESOLVED - Addition to the Resolution

		<p><b>and to communicate with the Community Department to reuse these; encourage adoption of the phone boxes; that the Planning Department intervenes and writes to BT to restore the active traditional red kiosks that are in a bad state of repair and return them to their former eye catching condition. Furthermore, as these are iconic items, that this department liaise with our community department to ensure that they intervene also by communicating directly with local community groups to encourage the adoption of the remaining non-active (PC01) kiosks situated in their local area and aid them to identify funding to restore and repurpose same.</b></p>
7.5	Draft Revised LDP Timetable	<b>Agreed to the Draft Revised LDP Timetable attached at Appendix 1</b>
8.	Local Development Plan (LDP)	
8.1	LDP Quarterly Updated	<b>Noted</b>
	<b>FOR CONFIDENTIAL CONSIDERATION (Item 9)</b>	
9.	Confidential Items	
9.1	Legal Issues	
(i)	East Road Drumsumn	<b>Noted</b>
10.	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 27 MARCH 2024 AT 10.30AM**

**Chair:** Councillor McMullan

**Committee Members:** Alderman Boyle, Coyle, Hunter, S McKillop, Scott and Stewart  
Councillors Anderson, C Archibald, Kennedy, Peacock, Storey, Wallace, Watton

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

**In Attendance:** A Lennox, ICT Officer  
C Ballentine, ICT Officer

Public 8no. (C) 4no. (R)  
Press 2 no (R)

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

**Registered Speakers in Attendance**

<b>Item No.</b>	<b>Name</b>
LA01/2022/0620/F	G Jobling
LA01/2022/0620/F	J Hanna
LA01/2022/1540/F	R Hunter
LA01/2022/1540/F	L Heybourn
LA01/2022/1540/F	G Montgomery
LA01/2022/0082/O	D Graham
LA01/2022/0238/O	R Hunter
LA01/2023/0391/RM	J Simpson

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

## **1. APOLOGIES**

Apologies were recorded for Councillors McGurk and Nicholl.

- \* **Alderman Coyle and Councillor Peacock joined the meeting at 10.35am.**
- \* **Alderman McKillop joined the meeting at 10.40am.**

## **2. DECLARATIONS OF INTEREST**

Alderman McKillop declared an interest in Item 5.2 - LA01/2023/0539/F, Council Interest, Site located beside public toilets on corner of promenade and Sea Road. Located 13m East opposite 33 The Promenade, Castlerock. This Item was later withdrawn from the Agenda.

## **3. MINUTES OF PLANNING COMMITTEE MEETING HELD 28 FEBRUARY 2024**

Copy previously circulated.

Proposed by Councillor Storey

Seconded by Alderman Scott

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

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

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

### **4.1 LA01/2021/1163/F, Referral, 21-27 Causeway Street, Portrush**

Proposed by Councillor Storey

Seconded by Councillor Wallace

-That a Site Visit is held in order to see what location looks like.

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 deferred for a Site Visit.

**RESOLVED** – That a Site Visit is held in order to see what location looks like.

#### **4.2 LA01/2022/0916/RM, Referral, Lands 66m East of No. 31 Bellany Road, Articlave**

Proposed by Councillor Storey

Seconded by Alderman Scott

-That a Site Visit take place in order to better understand the impact of the development on the site.

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 deferred for a Site Visit.

**RESOLVED** – That a Site Visit is held in order to better understand the impact of the development on the site.

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

#### **5.1 LA01/2022/0620/F, Major, 69 Frosses Road, Ballymoney**

Report and speaking rights, previously circulated, were presented by the Development Manager and Enforcement Manager.

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

**App Type:** Full Planning

**Proposal:** Proposed extension to existing premises, involving an extension of an existing industrial building for the assembly of material handling equipment, including installation of new replacement paint line system and associated extension of the service yard and new car park and associated works. Including a package waste water treatment plant for the proposed development site.

##### **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 Development Manager and Enforcement Officer presented via Power point as follows:

- Proposal comprises several main elements: an extension to a manufacturing building with ancillary offices and canteen; yard and; new car park comprising 60 spaces. The extension will provide new areas for assembly, blasting and painting of the heavy machinery manufactured in the factory.

- As a major application, it was preceded by a PAN and accompanied by a Design and Access Statement.
- In terms of the Northern Area Plan 2016, the site is located within the open countryside, outside the settlement development limit of Ballymoney. The Northern Area Plan does not contain specific policies on economic development, other than zoning specific sites and directs to regional policies.
- Planning History - The site, formerly operating as JMF Engineering, has planning history extending back to the mid 1990's. The large workshop subject to the extension was approved in 2007. Accordingly, the use of heavy manufacturing is long established on the site.
- Lead Planning Policy - The lead planning policy to assess the proposal is PPS 4 Planning and Economic Development. Policy PED 3 allows for the expansion of an established economic development use in the countryside. While the size of the site extension is large at over 1ha, it is considered proportionate to the existing site and is not considered to engage the "major increase" tests of Policy PED 3.
- Integration - The site is set back approximately 400m from the Frosses Road. The proposed extension is mainly to the front of the site to the Frosses Road side. This is considered acceptable given the set back, the backdrop of the large existing buildings and the offer of betterment by the instatement of hedge planting along the northern critical boundary, replacing the existing paladin fence which has an open character.
- Residential Amenity - The site is located adjacent two dwellings accessed from the main access road to the site. It has been demonstrated through the submission of various reports and consultation with the Environmental Health Department that the proposal will not harm the amenities of nearby residents. Noise is to be limited by condition with the use of an acoustic barrier around the car park, control of forklift reversing alarms, doors to be kept shut and a limit on external plant. Issues with odour and VOC emissions are not identified.
- Access and Parking - The proposal is to be accessed using the existing access to the A26 Frosses Road. No improvements are required to the existing access and DfI Roads are content. The new car park provides 60 spaces.

- Economic Benefits- The proposal will increase the number of employees by 60, bringing the total number to 320. In addition, the proposal represents an investment of £9.5 million in the site.
- Representations - The detail of the representations is provided in the report.
- Conclusion- The proposal is considered acceptable and the recommendation is to approve subject to the specific conditions.

The Chair invited questions for the Officer.

There were no questions put to the Officer.

The Chair invited G Jobling to speak in objection of the application.

G Jobling thanked Planning Officers for the robust overview and reporting, saying she endorsed the recommendation to approve the application for Terex £9.5m investment in facilities, plant and equipment. G Jobling advised that in attendance to answer questions was J Hanna on behalf of Terex.

The Chair invited questions for the speakers.

An Elected Member asked how critical this investment was to Terex given the competitive nature of this type of business.

J Hanna advised the Northern Ireland base was a key part of Terex with £4m invested in the last number of years. He advised there were 29 global manufacturing plants and 2,000 staff that investment in Ballymoney in the last 5 years has resulted in 100 additional staff. Terex wish to stop low cost work abroad and due to success have been able to keep investment local and inhouse within Northern Ireland.

Proposed by Councillor Storey  
Seconded by Councillor Wallace

-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.

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

The Chair declared the motion carried and application approved.

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



## **5.2 LA01/2023/0539/F, Council Interest Item, 13m East opposite 33 The Promenade, Castlerock**

The Head of Planning advised Members that this application has been withdrawn.

## **5.3 LA01/2022/1540/F, Objection Item, 1 Rock Drive, Portstewart**

Report, Addendum and speaking rights, previously circulated, were presented by Senior Planning Officer, J Lundy.

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

**App Type** Full Planning

**Proposal:** Redevelopment of existing two storey house to provide a pair of two storey, semi-detached houses. One of the houses has a detached single storey garage and garden room.

### **Recommendation**

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

### **Addendum Recommendation**

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

Senior Planning Officer presented via powerpoint presentation as follows:

- An addendum has been circulated relating to a late objection. The points raised have been fully considered in the committee report.
- The application has been brought to committee as an objection item with a recommendation to approve. There have been 29 objections to the proposal and 1 petition with 22 signatures. The objection points are set out in section 5 of the committee report and mainly relate to character, increase in density, visual impact, traffic both vehicular and pedestrian, scale massing and design, impact on adjacent properties overlooking, loss of light and over shadowing and dominance. All these points and others raised have been fully addressed in the Planning Committee Report.
- All statutory consultees except NIEA Marine team have no objection to the proposal. The Marine Team assessment is considered in the Planning Committee Report with weight being given to the location of the development within both the settlement development limit and the built form of the site.
- As stated the site is located within the settlement development limit of Portstewart. Located within a residential area adjacent the coastal path and sea. The area has a mix of architectural styles with single and two storey

dwellings. The red line of the site, the site is bound to the north by No. 9 O'Hara Drive, to the NE No. 1a Rock Drive, a lane to the south and then adjacent to this No. 2 Rock Drive.

- (Slide) An aerial photo where you can see the roof of the existing development. The block plan shows the development with the outline of the house ghosted on. It extends to the east and north. The garage to the rear doubles in width with the addition of a sun room. In consideration of the density and plot ratio, though the immediate properties on this map show greater garden space there are a number of contemporary redevelopments that extend the built form to nearly the full extent of the curtilage, particularly to the north in O'Hara Drive.
- The proposed ground floor; the larger of the two provides a two storey 3 bedroom dwelling with in-curtilage parking to the front, amenity provision to the rear, a garage and sun room. The smaller dwelling on the north of the site is a two bedroom dwelling with in-curtilage parking to the front and amenity provision to the rear.
- (Slide) The front elevation shown on the bottom left. The main part of the buildings will read as 6.5m from finished floor level with the ridge extending to 9.5m in height. Both front elevations have first floor balconies. The top right elevation is the side elevation to No. 9 O'Hara Drive; the only window shown at first floor is obscure glazing.
- (Slide) The top left elevation is to the lane and No 2 shows a high level window and stair well window.
- (Slide) The rear elevation to No 1a Rock Drive. The impact in terms of overlooking is considered acceptable due to the location of the development, 23m separation distance and the generally small sized windows.
- (Slide) The garage and attached sun room. This has a 1m increase in height than the existing garage and the addition of the sun room. The proposal is not considered to be dominant to this property given the scale, massing and existing boundary wall.
- (Slide) The contextual elevation, the spacing between properties and general height is not considered to be detrimental to the character.
- (Slide) Context of the area
- (Slide) The dwelling to be replaced and lane to the southern boundary
- (Slide) The existing rear and garage. The relationship with No 1a Rock Drive
- (Slide) The rear of the dwellings on Strand Road

- (Slide) No 1a Rock drive. concern has also been raised with loss of light and overshadowing.
- (Slide) Photos have been submitted by the objector showing the shadow from existing development extend well into their garden. In response to the objectors comments to the development and concern in relation to the development and No. 9, a daylight and sunlight report was commissioned by the agent. (slide) It is not considered that the two dwellings on the site would result in an adverse overshadowing effect given their positioning and separation distance.
- (Slide) The site and no 9. The existing boundary wall is to be retained. No 9 has a number of windows on their gable and an area for sitting out. The proposal has been amended to reduce the scale on this boundary to No 9. The impact was also considered in the day and sunlight study (slide) and concluded that the effect would be acceptable and not to warrant refusal
- No 2 Rock Drive has its front door facing the site, with the public aspect existing and the orientation of the site there is no considered impact as set out in the report.
- The application has been fully assessed in relation to the prevailing planning policy and following amended plans is considered acceptable with a recommendation to approve.
- There are speakers listed but I can take any questions at this stage.

The Chair invited questions for the Officer.

At the request of an Elected Member, the Senior Planning Officer provided clarity on the height adjustment referred to in the correspondence from G Higgins, previously circulated. Senior Planning Officer advised that neighbourhood notification had been carried out in respect of this and the proposed increase in garage height was 1m. Senior Planning Officer advised that G Higgins was a new objector and illustrated a slide provided by the Objector showing the garage.

The Chair asked if DAERA Marine and Fisheries had been consulted with regard to this applications. The Senior Planning Officer advised that as part of coastal change impact research, it was considered that the positioning of the proposal was satisfactory and well back from the road and in an elevated position, no new infrastructure was required beyond the site and the site was within the settlement limit.

The Chair invited R Hunter to speak in Objection of the application.

\* **Councillor Watton left the Chamber at 11.05 am and returned at 11.10 am**

R Hunter advised that he was acting on behalf of 30 objectors and there is also a petition all evidencing a common thread that the proposal will detrimentally change character of neighbourhood by intensification. This application fails PPS7, policy Q1 and Creating Places and density and pattern is not in keeping with the area. R Hunter stated it was obvious from the site plan of over-intensification, the core objection which has not been addressed. The conclusion at para. 9.2 of the committee report notes that both buildings are contained within built footprint. The existing dwelling is 100m<sup>2</sup> and proposed dwelling is 230m<sup>2</sup> which is more than double. The agents do not satisfactorily cover the issue of intensification and if this proposal is approved a precedent will be set which will result in an increase in density in Portstewart.

The Chair invited questions for the speaker.

An Elected Member asked R Hunter how density was calculated. R Hunter said there was no standard method of determining density but that looking at the proposed plans and current character and density of the area, dwellings in this area were of a particular size. The application takes one dwelling to make two dwellings in that space. This increases density in that part of Rock Drive and is out of character. R Hunter said he was surprised by the reference at para. 9.2 of the report as the proposal is not within the built fabric of the application site.

At the request of an Elected Member R Hunter confirmed that some of the other issues to which he wished to refer to were as follows:-

- Amenity space was not in accordance with Creating Places – dwellings on each side of the proposal enjoy considerable amount of amenity space with development site having virtually no amenity space;
- The proposed height of the pitched roof is 9.5m, 40% of the total height of the building.
- There is an issue with overlooking from some of the high windows;
- The proposal raises the question of consistency and is different from what is seen elsewhere;
- No consideration of potential noise from the balcony.

At the request of an Elected Member R Hunter further clarified that in 2023 he provided information to Planning Officers and proceeded to read extracts from his notes.

The Chair invited L Haybourn to speak in support of the application.

L Haybourn advised that an application was made in December 2022 for redevelopment of property owned by family since 1981 and dating back to 1953 with the building currently unfit for use. Developing into two properties is the only affordable means by which the family can reside in the area, integrate and be able to attend a local school and work in the North Coast as an NHS worker. L Haybourn stated in September 2022 there were significant alterations to the proposal which included alternative roof design, improvements to rear amenity space, reduced garage height by 1.5m to a flat roof and amended windows to

alleviate overlooking issues. The application has been mindful of neighbour concerns.

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

G Montgomery advised that there were a number of ways of calculating density and that Policy PPS7 criteria was met in respect of character. The application had been subject to a robust planning process and consideration given to accessibility, parking, road safety, scale, mass, and overlooking. Consideration has been given by NIEA regarding coastal flood risk, design has been amended, all required standards and policies have been met and the issue of density is satisfactory.

The Chair invited questions for the Speakers.

At the request of an Elected Member, L Haybourn confirmed there was no intention to undertake an AirB&B business from any of these properties.

At the request of an Elected Member G Montgomery said he believed that under PPS7 the amenity space was adequate and referred to other properties within the vicinity which had varying sizes of amenity space and that he was satisfied that density in ratio to plot size was acceptable. In terms of noise there were other balconies in the vicinity which include self-catering accommodation and the development does not extend to the front or sides but rather to the rear of the property. The location of the proposal would not warrant refusal.

Proposed by Councillor Archibald

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.

11 Members voted For, 1 Members Against, 2 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.

- \* **The Chair declared a recess for a comfort break at 12noon.**
- \* **The meeting reconvened at 12.10pm.**

#### **5.4 LA01/2021/1548/F, Referral, 76 Fivey Road, Ballymoney**

Report, previously circulated, were 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:** Retention of structure to accommodate office, kitchen and storage facilities for the existing specialist glass business. The structure is ancillary to commercial use already in place.

**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.

The Senior Planning Officer presented via powerpoint presentation as follows:

- (Slide) Planning Application LA01/2021/1548 is a full application for Retention of structure to accommodate office, kitchen and storage facilities for the existing specialist glass business. The structure is ancillary to commercial use already in place at an existing commercial site at 76 Fivey Road, Ballymoney.
- (Slide) Red line boundary of the site. The site is located in the open countryside as defined in the Northern Area Plan. The red line shows the location of the structure to be retained and the blue line includes the adjoining existing commercial buildings.
- (Slide) This outlines the extent of the applicants ownership. The applicants existing commercial business is located in the western corner of the site and the structure to be retained is on an area of hardstanding. A watercourse runs along the eastern boundary of the site.
- (Slide) Elevation and floor plan drawings which accompanied the application.
- (Slide) A view of the structure to be retained. The existing adjoining business appears to be established a number of years. On this basis the use is established and considered lawful the proposal falls to the considered under PPS4 and Policy PED 3 which relates to expansion of an existing economic development in the countryside. This policy advises that proposals will be acceptable where the scale and nature of the proposal will not harm rural character or appearance of the local area. The proposed building is a static caravan and as such is more usually associated with tourist development or temporary residential development. The static caravan is not commercial in appearance is not reflective of the existing use on site. As such it harms the rural character due to it incongruous visual appearance within the existing commercial site.

- (Slide) Looking at some more photographs. This is a view along the rear elevation.
- (Slide) A view taken in the context of the established commercial use which is characterised by a pair of barrel roof buildings which are agricultural in appearance.
- (Slide) A view of the building from the site frontage
- (Slide) A view in context of the commercial buildings on site.
- A biodiversity checklist submitted with the application identified that the proposal has the potential for pollution to enter the adjacent water course and that records exist for protected and priority species in the area namely otters. It recommended that a preliminary ecological assessment be carried out to establish if any adverse impacts have taken place from the development. This has not been submitted and as such NIEA are unable to confirm if the development is likely to harm protected species and adversely impact priority habitats.
- Our recommendation is to refuse planning permission for the reasons outlined in Part 10 of the Committee report. The proposal is contrary to the SPPS and PPS 4 as the proposal does not respect the design and materials of the original buildings and will have an adverse impact on rural character. The proposal is also contrary to PPS 2 as it has not been demonstrated that the proposal will not have an adverse impact on protected species or habitats.

The Chair invited questions for the Senior Planning Officer.

An Elected Member spoke of his disappointment there was no representation from the Agent/Applicant in the Chamber.

At the request of an Elected Member, the Senior Planning Officer advised that the structure was in situ between May 2019 and February 2020, although the established business had been there for a longer period of time. At the request of an Elected Member, the Senior Planning Officer explained that if there was a retrospective application for a permanently constructed building it would be subject to a new application. The Senior Planning Officer read an extract in relation to policy PED 3.

An Elected Member considered that the structure had been in situ for 5 years and the Senior Planning Officer advised that this was not the case.

Proposed by Alderman Boyle  
Seconded by Alderman Stewart

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

The Chair put the motion to the Committee to vote.  
7 Members voted For, 2 Members Against, 4 Members Abstained.  
The Chair declared the motion carried and application refused.

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

#### **5.5 LA01/2022/0905/F, Referral, Site 220m SW of 61 Kilnadore Road, Cushendall**

Report, addendum and letter of support, speaking rights, previously circulated, were 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 Guesthouse and associated site works

#### **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.

Senior Planning Officer presented via powerpoint presentation as follows:

- (Slide) Planning Application LA01/2022/0905/F is a full application for a Proposed Guesthouse and associated site 220m SW of 61 Kilnadore Road, Cushendall
- There is an addendum to your committee report. The application was deferred at February's meeting to allow for amended plans to be submitted. These plans include the addition of another bedroom which is detailed in the addendum. The proposal now meets the definition of a guesthouse.
- A letter of support was received from Councillor Margaret Ann McKillop which will be dealt with by a verbal addendum.
- (Slide) Red line boundary of the site. The section of the Kilnadore Road, which the application site is on is private. As such, the red line has been extended to where it meets Middlepark Road. The site is currently open agricultural land.



- The site is located in the open countryside, within the Antrim Coast and Glens AONB, approx.  $\frac{3}{4}$  of a km from the edge of the settlement development limit of Cushendall.
- (Slide) This is the site layout drawing. The proposed building is single storey with 6m ridge height with an L Shaped design. There are established boundaries along the northern, southern and western boundary. The eastern boundary is undefined.
- (Slide) Floor plan. The proposal includes 3 double bedrooms with individual terraces, a guest living dining area. The other part of the building is private kitchen/dining/living. This is separated from the bedrooms by the entrance lobby.
- (Slide) Photos
- Access onto the site is via this narrow, grass laneway.
- As the proposal is for a guesthouse it primarily falls to be assessed under PPS 16 Tourism and specifically Policy TSM 3 - hotels, guesthouses and hostels in the countryside. The policy allows for such proposals under 2 circumstances one – replacement of an existing rural building or secondly - a new build proposal on the periphery of a settlement. It is considered that the proposal does not meet any of these circumstances as it is not replacing an existing building nor is it on the periphery of the settlement.
- The proposed site is considered remote and displaced from the settlement limit and not on the periphery and as such it is contrary to Policy TSM 3. The policy goes on to outline other specific locational criteria where, should a development be acceptable under one of the circumstances, a sequentially preferable order is given. This includes firstly that there are no suitable sites within the settlement or nearby settlements, secondly conversion or replacement of a suitable building, and thirdly that the development is close to the settlement. The proposal does not meet any of these.
- The agent has submitted supporting information as to why they consider it to meet policy TSM 3. This includes a search of properties for sale in the general area including Cushendall and Waterfoot. They have discounted these for reasons including size, unsuitable for conversion, access and parking. Given the small scale of the proposed development it is considered that there are a number of options which could meet this requirement with properties currently on the market. The proposals offer adequate parking provision and access arrangements.
- Supporting info also included a map outlining land between the site and settlement development limit and discounting this for various reasons including availability, urban sprawl and designation as an LLPA. This analysis is limited to the vicinity of the site, along this part of Kilnadore Road, and does not consider the wider locality.

- The principle of development is considered unacceptable, the proposal is not considered to be on the periphery of a settlement, refusal is recommended as it is contrary to Policy CTY 1 of PPS 21 and Policy TSM 3 of PPS 16.

The Chair invited questions for the Senior Planning Officer.

Discussion ensued regarding the positioning of the proposal and the distance from the settlement development limit.

Proposed by Councillor Kennedy

Seconded by Councillor Watton

-That a Site Visit take place in order to determine walking distance and obtain a better view.

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.

**RESOLVED** – That a Site Visit take place in order to determine walking distance and obtain a better view.

## **5.6 LA01/2022/0082/O, Referral, Site/s between 15 and 17 Dunlade Road, Greysteel**

Report, addendums, site visit report and speaking rights template were previously circulated, presented by Senior Planning Officer, M Wilson.

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

**App Type:** Outline

**Proposal:** Proposed 2no. 1 1/2 storey infill dwellings, with associated domestic garages and shared access laneway

### **Recommendation**

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

### **Addendum Recommendation**

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

### **Addendum 2 Recommendation**

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

Senior Planning Officer presented via powerpoint presentation as follows:

- Outline planning permission is being sought for an infill site for dwelling.
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. This application was previously presented to the February meeting of the Planning Committee and was deferred for a site visit. This site visit took place on Monday 25<sup>th</sup> March. You have the planning committee report in front of you. You also have 2 addendum and the site visit report.
- (Slide) The site is not located within any settlement development limit as defined in the Northern Area Plan 2016. This is a satellite image showing the site in relation to Greysteel.
- (Slide) The location plan submitted by the applicant's agent and the site outlined in red with the 2 sites proposed.
- (Slide) Closer aerial view of the site, you can see no.15 to the north and Nos. 17-21 to the south.
- (Slide) You can see the proposed access to the site, which is to be accessed just off the access point to No.15 Dunlade Road.
- (Slide) This is the site, and it gives you an indication of how the land rises in a southerly direction.
- (Slide) Finally a view from No.15 looking south towards the proposed sites.
- I would now refer you to the second addendum, and to note the contents of it and refer you to this next slide. At, and following the site visit with Members, and having given this matter further consideration, it is now the position that there is a small triangular portion of land which appears to be within the garden area of No.15 and abuts Dunlade Road. Although this was a very small parcel of land with limited frontage, it is considered No.15 has a frontage to Dunlade Road. Having regard to the buildings at Nos 21, 19, 17 and No.15, and their relationship to Dunlade Road it is considered, on balance, that there is a substantial and continuous built-up frontage for the purposes of policy CTY 8.
- As it is considered there is a continuous and built-up frontage for the purposes of policy CTY 8, there is a need to consider if the proposed frontage respects the existing, and the existing development pattern along the frontage is assessed and considered in terms of size, scale, siting and plot size. The position set out in Paras 8.8 – 8.11 assesses the proposal on the basis there is a continuous and built-up frontage.
- (Slide) - This is the overall site concept and you can see from the slide, the existing development pattern and that the dwellings to the south have frontages and the more restricted frontage of No.15. It is considered having regard to the existing development pattern and plot sizes, that this

proposal fails to respect these, rather, the land provides a visual break in the countryside. The proposal is contrary to policies CTY 8 and CTY 14.

- As a dwelling on this site would be considered a prominent feature in the landscape given the open views of the site, it is considered that the proposal does not meet policy CTY 13.
- DFI Roads, SES, NI Water and NIEA (Water Management Unit), Environmental Health were consulted on the application and raise no objection.
- There are no letters of support or objection to the proposal.
- Refusal is recommended.

The Chair invited questions for the Senior Planning Officer.

There were no questions put to the Senior Planning Officer.

The Chair invited D Graham, Agent, to speak in support of the application.

D Graham presented as follows:

- This application meets the criteria and there have been no objections;
- Overall the site is slightly smaller than average plot sizes;
- Two sites can sit comfortably within the site;
- No new access required;
- No disturbance to existing vegetation and additional planting proposed for betterment of the site;
- Higher level than road and rising behind;
- Existing dwellings enable site to be met;
- Purpose of application is to enable a family to have a home;
- In accordance with CTY8 policy an adequate frontage exists;
- There are 5 buildings 1 of which is agricultural and 4 dwellings;
- Average size dictated by other dwellings in area;
- Adjoining building meets infill policy;
- Land bought 35 years ago;
- Intention to build on remaining land owned by the family and to staying connected to the land;
- Applicants' mother's health condition was referred to.

The Chair invited questions for the speaker.

At the request of an Elected Member, D Graham provided further detail of the applicant's mother's health conditions.

At the request of an Elected Member D Graham explained how the plot sizes were worked out.

Discussion ensued regarding definition of frontage. The Senior Planning Officer advised that at the Site Visit held on Monday 25<sup>th</sup> March, it was determined that frontage was evident, having previously not been described as such in the reporting by the Case Officer.

The Head of Planning, referring to Policy, advised that consideration needed to be given to character, frontage, length and whether integration was evident and that reaching a decision was a matter of judgement. She referred to Glassdrumman Road JR decision in the assessment of ribbon development and the exception test for infill dwelling.

An Elected Member said it would be useful to have access to the relevant policies via links on Planning reports. The Head of Planning said she would look into this.

Proposed by Councillor Peacock  
Seconded by Councillor Archibald

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

- Proposal on balance is very much in keeping with development in the area;
- Plot size is also in keeping with others in the vicinity;
- Application does respect existing development pattern
- Topography of site means a dwelling will not be unduly prominent, beyond eyeline and screened by vegetation;
- Personal circumstances of applicant's long term care management of mother is an overriding reason reference CTY1 and CYT8 and policies CTY 13 and 14.

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 disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE outline planning permission for the following reasons:-

- Proposal on balance is very much in keeping with development in the area;
- Plot size is also in keeping with others in the vicinity;
- Application does respect existing development pattern
- Topography of site means a dwelling will not be unduly prominent, beyond eyeline and screened by vegetation;
- Personal circumstances of applicant's long term care management of mother is an overriding reason reference CTY1 and CYT8 and policies CTY 13 and 14.

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

\* **The Chair declared recess for lunch at 1.45pm.**

- \* **Committee and Member Services Officer I Owens, left The Chamber at 1.45pm.**
- \* **The meeting reconvened at 2.31pm.**
- \* **Committee and Member Services Officer J Keen arrived in The Chamber at 2.30pm.**

#### **5.7 LA01/2022/0238/O, Referral, Approx 200m NE of 43 Farran Road, Ballymoney**

Report and speaking rights template, previously circulated, was presented by Senior Planning Officer M Wilson.

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

**App Type:** Outline

**Proposal:** Outline application for one and a half storey dwelling with detached garage

#### **Recommendation**

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

Senior Planning Officer presented as follows via powerpoint presentation:

- Outline planning permission is sought for a one and a half storey dwelling with detached garage
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. You have the planning committee report in front of you.
- (Slide) - This is the red line of the application site, and the site is not located within any settlement development limit as defined in the Northern Area Plan 2016. The application site is located within the rural area and lies within Designation COU 5 (Lignite Resource Area) as identified within the Northern Area Plan (NAP) 2016.
- (Slide) This is a satellite image showing the site in relation to Boyland and Farren Road. Having regard to Policy MIN5 of the Planning Strategy for Northern Ireland, it is considered that a single dwelling on this land will not prejudice any future potential for lignite exploitation and accords with the requirements of policy MIN5, when balanced against CTY 1 of PPS 21.

- The application has been submitted as a potential dwelling on a farm and therefore falls to be considered under Policy CTY 10 of PPS 21.
- DAERA was consulted on the application, and it confirmed that the farm business ID (identified in the P1C form) has been in existence for more than 6 years, with the farm business ID claiming either single farm payment, less favoured Area Compensatory Allowance or Agric Environment Schemes in the last 6 years. However, DAERA has confirmed that the application site is not on land for which payments are currently being claimed by the farm business and that the site is located on land associated with another farm business.
- The agent has submitted receipts and confirmation that the land is leased to another farmer, with notes from Mr Phillip Christie stating he has rented the land for the previous three years from the applicant. The receipts submitted relate to the years 2021 and 2022 and provide evidence of maintenance of land. This relates to hedge cutting and the provision of new gates, and the provision of livestock drinkers and only relates to general maintenance and not active farming and cannot be specifically linked to the application site. Therefore, this site is not located on land currently and actively farmed by the farm business and is associated with another farm business.
- Notwithstanding the applicant may own the land, policy requires the site to be on land within the farm business as identified in the P1C Form. As DAERA has confirmed, the site is associated with another farm business and fails to cluster with a group of buildings on the farm.
- The proposal fails to meet the criteria for the principle of development under Policy CTY10 (a) and (c) as the farm business is not actively farming this land and the proposal fails to visually link or cluster with a group of buildings on the farm.
- [SLIDE] Turning to some slides of the site, you can see how open the site is; and here is a further slide of the site [SLIDE].
- As the proposed site fails to integrate into the landscape and it does not visually link with a group of buildings on the farm, and would have an unacceptable impact on rural character, the proposal is also contrary to policies CTY13 and 14.
- DfI Roads, NI Water and Environmental Health were consulted on the application and raise no objection.

- DAERA raised the matter that the application site is not on land for which payments are currently being claimed by the farm business and that the site is located on land associated with another farm business.
- There are no third-party representations on the proposal.
- The application is recommended for Refusal.

The Chair invited questions for the Senior Planning Officer.

There were no questions for the Senior Planning Officer.

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

R Hunter stated the site was leased to another party and receipts had been forwarded to show the land had been maintained. This site is not close to farm buildings, other sites were considered but due to health and safety concerns and the location of the floodplain this site is the closest to the farm buildings as possible. The reasons for recommending refusal have been addressed.

The Chair invited questions for the Speaker.

In response to questions, R Hunter advised the site was 300 yards from the farm buildings and confirmed no other sites were available; cannot build on a floodplain as it is a health and safety issue. R Hunter advised, in relation to questions relating to policy CTY10, if the land is owned by the applicant and leased it is up to the applicant to demonstrate the farm business is active and established.

In response to questions, the Senior Planning Officer confirmed the land on which the application was sited was on a different farm business; the receipts received by the Planning Department were for hedge cutting, a new farm gate and livestock drinkers which were not associated with this land.

The Head of Planning referred to a map of the farm and stated there were a number of small pockets of surface water flooding on some of the fields but the site and other farmland is not within a flood plain as stated by the agent. The Head of Planning clarified the piece of land was not associated with the farm business; in order to gain planning permission a P1C form was required to be completed and consent from the Farm Business ID which actively farms the land needed to be sought.

Alderman S McKillop stated she thought there could be other things to consider and would not be content in making a decision at present.



Proposed by Alderman S McKillop

Seconded by Councillor Kennedy

- That application LA01/2022/0238/O, Referral, Approx 200m NE of 43 Farran Road, Ballymoney is deferred for more information to be made available.

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 deferred.

**RESOLVED** – That application LA01/2022/0238/O, Referral, Approx 200m NE of 43 Farran Road, Ballymoney is deferred for more information to be made available.

### **5.7 LA01/2021/1427/O, Referral, Between 234 and 236 Drones Road, Dunloy**

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

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

**App Type:** Outline

**Proposal:** Infill site for dwelling

#### **Recommendation**

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

Senior Planning Officer presented via powerpoint presentation as follows:

- Outline planning permission is being sought for an infill site for dwelling.
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. The planning committee report has been previously circulated to Members.
- (Slide) - The site is not located within any settlement development limit as defined in the Northern Area Plan 2016. This is the location plan submitted by the applicant's agent and you can see the site outlined in red.

- (Slide) – This is a satellite image showing the site in relation to the Ballyportery Road and you can see the building at No.234 and the dwellings at no's 236-238 to the South.
- (Slide) – This is the building sited to the front of No.234 with a frontage onto Drones Road.
- (Slide) – Moving to the south, these are the dwellings at 236-238, showing the private drives to 236 & 236a.
- (Slide) - Moving further south, we have the access and frontage of No.238 Drones Road. Having regard to these buildings and their relationship to Drones Road it is considered, on balance, that there is a substantial and continuous built-up frontage for the purposes of policy CTY 8.
- Looking at some photos of the site, [SLIDE], this is the proposed access into the site, accessed from an existing access point onto Drones Road
- (Slide) - View when travelling north along Drones Road with the site sited in behind this roadside vegetation and trees which help integrate the site. While you cannot see the building at No.234 this gives you a rough indication as to its relationship with the site.
- (Slide) - a view travelling south along Drones Road, again with the site located behind the roadside vegetation and the dwellings located in the distance.
- As it is considered there is a continuous and built-up frontage for the purposes of policy CTY 8, there is a need to consider if the proposed frontage respects the existing, and the existing development pattern along the frontage is assessed and considered in terms of size, scale, siting and plot size.
- (Slide) - You can see from the slide, the existing development pattern and that the dwellings to the south are very compact and have smaller frontages and the building at No.234. It is considered that proposal is not located within a small gap site sufficient only to accommodate up to a maximum of two houses within a substantial and continuously built-up frontage as required by the policy. As the proposal fails to satisfy the requirements of policies CTY 8 and CTY 14 as it creates ribbon development and the proposal fails to meet policy CTY 1.

- Any dwelling on this site would not be considered a prominent feature in the landscape at this location as it benefits from established roadside boundaries. There are no issues with archaeology or with road or traffic matters.
- DFI Roads, HED, NI Water and NIEA (Water Management Unit), Environmental Health and NIE were consulted on the application and raise no objection.
- There is one objection to the proposal with consideration of this set out in Para 8.23 of the Planning Committee Report and it is unlikely the development of the site would have an unacceptable impact on the objectors property given its distance from the site, and this being an outline application.
- Refusal is recommended.

The Chair invited questions for the Senior Planning Officer.

There were no questions for the Senior Planning Officer.

The Chair advised there were no speakers on the application.

There was no discussion from Elected Members on this application.

Proposed by Alderman Scott

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 outline planning permission for the reasons set out in section 10.

The Chair put the motion to the Committee to vote.

9 Members voted For, 0 Members voted Against, 5 Members Abstained.

The Chair declared the motion carried and application refused.

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

## **5.8 LA01/2023/0391/RM, Referral, Site off Tummock Road, 450m Northwest of 31 Loughabin Road, Ballymoney**

Report and speaking rights template, previously circulated, was presented by Senior Planning Officer R McGrath.

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

**App Type:** Reserved Matters

**Proposal:** New Dwelling and attached Garage (Change of house type from D/2008/0304/RM)

**Recommendation**

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

Senior Planning Officer presented as follows via powerpoint presentation.

- This is an application for Full Planning Permission for a change of house type to a planning permission approved under D/2008/0304/RM.
- (Slide) - The application site is located some 450m Northwest of No. 31 Loughabin Road, Ballymoney. The site is located within the rural area as identified within the Northern Area Plan (NAP) and is not subject to any other zonings.
- Whilst the principle of development is acceptable, the application is recommended for refusal as the design is inappropriate for this rural setting and fails to blend sympathetically with the natural landform.
- (Slide) - If we have a closer look at the site you can see that the elevated plot is visible from the public road. This picture is taken from Loughabin Road where we can see the site and the front elevation of the adjacent dwelling.
- (Slide) - Closer in we can see the site on the right hand side of the picture. The dwelling is to be located in the area where we can see a slight depression.
- (Slide) - This picture shows the foundations of the approved dwelling which were poured previously and secured the principle of development on the site.

- (Slide) - Here we can see the block plan of the site. It's important to note that the dwelling turns it back on the public road, with the front elevation addressing the rear of the site.
- (Slide) - Turning to the design of the dwelling, you can see the single storey front elevation and the two storey rear elevation. However, it is the two storey rear elevation which is presented to the public road.
- Whilst design is subjective, the principles of good rural design are not. The principles of rural design are outlined in the document Building on Tradition, a Design Guide for the Northern Ireland Countryside. The guidance welcomes contemporary rural design but calls for designs to reflect the traditional siting patterns, form and use of materials which characterise the built form within our local landscape.
- It is a well established design principle that a proposal should present the front elevation to the public road.
- The large two storey projection and glazed projection within the elevations are not characteristic of rural design.
- The horizontal influence to the arrangement of the windows to both the front and rear elevations and the attached double garage are also not appropriate features in rural design.
- (Slide) - The side elevations show more clearly the split level design. Although there is a slight slope to the site, the proposed split level design requires excessive engineering of the landscape.
- (Slide) - You can see on the block plan that a 2.5 m high retaining wall is being used to create a flat pad for the dwelling. The front porch and front projection bridge the gap over the deep trench which surrounds the house. There is no fence or barrier on the plans which would prevent someone stepping into this void.
- (Slide) - The basement/ground floor plans again show the retaining wall wrapping around the building.
- (Slide) - The split design requires a large area of the site to be cut and infilled to engineer the required levels. You can see from the cross section the extent of the earth works required. The inset image is taken from the design guide Building on Tradition, which advises against excessive cut and fill.

- (Slide) - The last slide shows the dwelling which was previously approved which is more traditional in appearance and which addresses the public road.
- Therefore, the proposal fails Policies CTY 13 and 14 of Planning Policy Statement 21 in that the proposed dwelling would be a prominent feature in the landscape and the design of the proposed building is inappropriate for the site and its locality.
- The proposed building fails to blend with the landform and would fail to blend into the surrounding landscape; and if approved would result in a detrimental change to the rural character of the area.
- The application is recommended for Refusal.

The Chair invited questions for the Senior Planning Officer.

In response to questions, the Senior Planning Officer advised that it had not been clarified why the house was facing away from the road; other amendments had also been submitted; the issues were with the reverse design, the overall suburban appearance and the level of retaining wall being so close around a building. The Senior Planning Officer advised that design was subjective but good rural design was a well-entrenched principle in design; on arriving at the property it would be difficult to know where to go as there were two driveways – one to a double garage and one to the front door.

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

J Simpson stated this application is for a change of house type. The site is on a minor rural road, is set back 305m from the road with no views due to mature boundaries and the critical viewpoint is on the road. Approval has been granted for a dwelling on the site, this application is a 107m<sup>2</sup> reduction from the approved dwelling. The design of this dwelling is traditional, there is minimal engineering required, there is no impact in relation to scale and mass. The site is 1.6 metres lower than the adjacent dwelling. This dwelling visually integrates into the setting and the ridge is lower than the adjacent dwelling, so this application complies with policy CTY13. The application also complies with policy CTY14 as there are no public critical views. J Simpson stated similar proposals have been approved and the design is for solar gain. This site is not unduly prominent due to the natural topography and trees, the principle of development is established and there is no harm to the rural character as it is well integrated. There are no objections to the site.

The Chair invites questions for the speaker.

In response to questions, J Simpson advised that the planning permission granted in 2008 remained live; differences in this application were a lower ridge height, smaller footprint and less cutting and fill for this proposal. J Simpson advised there was very little ground required to be moved to put ground level in, it was 2.2m difference on the ground. J Simpson confirmed the applicant requested he design the dwelling, the brickwork has been removed and that with the way the ground was it was better to have the front door at the higher side.

In response to questions, the Senior Planning Officer stated the design that had previous approval had vertical emphasis, pitch and form, guidance on rural design shows previous approach is in keeping. The proposed design is a more suburban appearance, it is a large 2 storey projection to the front which is heavily glazed, the windows are large panel windows, the vertical fenestration is not retained, and the basic principles of design are not retained. The Senior Planning Officer stated there is not a problem with a house being on the site, it will be at the skyline and that he has never seen a 2.5m retaining wall around a house to achieve the levels required. The house that has planning permission could be built tomorrow. Regarding the front door facing the rear of the house it was advised it was more positive to have the front elevation addressing the road and at the rear elevation to have waste and water amenities. Planning guidance steers towards good design, the design needs to be sympathetic to the area. The Senior Planning Officer advised that there is no issue with a split-level building that this is more relevant when the whole section is on a sloping site as per the design guide. The retaining wall will not lend to a pleasant living environment.

Proposed by Councillor Storey

Seconded by Councillor Kennedy

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

- It is how Committee weigh up the information presented; there is a need to take on board the reports, that design is subjective, beauty is in the eye of the beholder
- Design guides are guides
- There are many good examples of contemporary designs in the rural areas
- The principle of development has been accepted through previous planning approval
- The ridge height has been lowered; the dwelling will integrate into the character and landscape

- There are no critical views
- It is not unduly prominent to what has been approved and would be a betterment
- The proposed dwelling is 260m from the Tummock Road and has existing boundaries from the trees

Alderman Hunter requested a Recorded Vote.

The Chair put the motion to the Committee to vote.

11 Members voted For, 2 Members voted Against, 0 Members Abstained.

The Chair declared the motion carried and application approved.

Alderman Scott was not present for the entire discussion and did not vote.

#### Recorded Vote Table

For <b>(11)</b>	Alderman Coyle, S McKillop, Stewart
	Councillor Anderson, C Archibald, Kennedy, McMullan, Peacock, Storey, Wallace, Watton
Against <b>(2)</b>	Alderman Boyle, Hunter

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

- It is how Committee weigh up the information presented; there is a need to take on board the reports, that design is subjective, beauty is in the eye of the beholder
- Design guides are guides
- There are many good examples of contemporary designs in the rural areas
- The principle of development has been accepted through previous planning approval
- The ridge height has been lowered; the dwelling will integrate into the character and landscape
- There are no critical views
- It is not unduly prominent to what has been approved and would be a betterment
- The proposed dwelling is 260m from the Tummock Road and has existing boundaries from the trees

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

## 6. CORRESPONDENCE



The Head of Planning presented the correspondence Items as read.

## **6.1 Donegal CoCo correspondence RE - Consultation on Proposed Material Alterations to CDP 2024-2030**

Donegal County Council, Paul Christie, Senior Executive Planner, Proposed Material Alterations to the Draft County Donegal Development Plan, 2024 – 2030 including Area Plans for Bynchrana, Ballybofey/Stranorlar and Bundoran; and associated Environmental Report, Appropriate Assessment and Strategic Flood Risk Assessment, dated 8 March 2024

Planning Committee NOTED correspondence.

## **7. REPORTS**

### **7.1 BPN – Ballywillan National School (Quigley’s Cottage)**

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

#### **Purpose of Report**

To present an updated report relating to a Building Preservation Notice (BPN) request on the Council owned former Ballywillan National School (Quigley’s Cottage), at Magheraboy Road, Portrush.

#### **Background**

On 10th May 2022 the Council received correspondence from Portrush Heritage Group (PHG) seeking a BPN on the above property (see Appendix 1 (circulated)). Following research and consultation with the Department for Communities: Historic Environment Division (HED) a report was brought before the 23rd November 2022 Planning Committee for decision. Members resolved to seek further information prior to making any final decision on the BPN request.

Council planning officials wrote to DfC seeking a more detailed examination of the history of the building and site.

#### **Building Preservation Notice (BPN)**

The Council has a responsibility under the Planning Act (NI) 2011, the “Act”, to protect and conserve the historic environment for the benefit of our present and future generations. The Council has powers under S.81 & 82 the Act to serve a BPN if it appears that the building is of special architectural or historic interest and is in danger of demolition or significant alteration. A BPN is a form of temporary listing. It provides statutory protection to an unlisted building for a 6-month period, within which time any works to the building will require listed

building consent. The building must meet the following tests to be considered eligible for a BPN:

- It is of special architectural or historic interest; and
- It is in danger of demolition or alteration in such a way as to affect its character as a building of such interest.

It is normal procedure for planning officials to consult with HED on a BPN request, asking them to consider the likelihood of permanently listing the subject building. However, in this instance, Portrush Heritage Group had already commenced this process by submitting an application to list directly to HED.

In considering a listing HED normally:

- take into account any information forwarded to them by Council, e.g the “Listing Query Report Form” (see Appendix 2 (circulated));
- record the structure;
- consider the building against published listing criteria, available to view at: <https://www.communities-ni.gov.uk/publications/criteria-scheduling-historic-monuments-and-listing-buildings-special-architectural-or-historic> ;
- undertake statutory and non-statutory consultations; and
- make a final decision.

The BPN legislation is carefully written to make clear that its test is one of initial assessment and that detailed research and assessment can be carried out later. This lower test allows for swift action, should it be required. If it appears to a Council that an emergency BPN should come into force, it may, instead of serving the notice on the owner and occupier of the building, affix the notice conspicuously to some object on the building. Only emergency BPNs are a delegated function under the Council’s current Scheme of Delegation. Further information on BPNs is available to view at: <https://www.communities-ni.gov.uk/publications/guidance-councils-building-preservation-notice>

### **Compensation Payable**

It is important to have due regard to the potential for compensation claims when considering the serving of a BPN. The guidance states that there are two circumstances in which it may occur, as follows:

- a) Upon revocation of an existing planning permission:

A BPN can be served on a building even if there is an existing planning permission for its demolition or alteration. However, should the building be subsequently listed, Listed Building Consent (LBC) will then be required for any proposed works in relation to the existing permission. If LBC is not granted for

such works the current planning permission may have to be revoked and the applicant may seek compensation from Council for losses.

To avoid this scenario a building will not normally be considered for listing once planning permission, which will affect its special architectural or historic interest, has been granted and is still valid, or while works which have received such planning permission are under way. It should be noted that if a Council is actively considering serving a BPN in this circumstance, then the exceptional nature of the case should be highlighted in the request for listing submitted to HED.

- b) Should the building fail to merit statutory listing:

Compensation may also be payable for losses incurred due to the serving of a BPN if, after consideration, the structure is not listed, i.e. any loss or damage directly attributable to the effect of the notice.

### **The Site**

The building in question sits on a roadside site along the southern side of Magheraboy Road, to the south of the settlement of Portrush. The building is enclosed by the surrounding graveyard and lies within the protected setting of a scheduled monument (ref. LDY003:013) - the ruins of Ballywillan Old Church. The building also lies opposite the current Ballywillan Cemetery (see photographs at Appendix 3).

The building, known locally as 'Quigley's Cottage' is currently under the ownership of the Council. Much of the original fabric of the building appears to have been lost to more recent renovations.

The building is not currently listed and does not lie within a Conservation Area/Area of Townscape Character; therefore consent would not currently be required for its demolition. Further details are set out in Appendix 2 (circulated).

### **HED – Competent Authority**

Following a request by Members to seek further information from the Department planning officials re-consulted HED in relation to this building.

In summary, an assessment of whether the building has 'special' architectural or historic interest has now been undertaken by HED (the competent authority). Through the Listing request process and in response to Council consultation HED query whether the current building is this actual schoolhouse, due to its small form and dimensions, instead believing that the current building represents a later remodelling of the fabric of the old school building (only in a smaller form, and now resembling a small lodge/graveyard caretaker house), or is a new building built entirely from scratch.

HED confirmed that, following further research and consideration, they remain of the opinion that this building does not merit listing.

Given the building's location within the setting of a scheduled monument this would have a bearing on any future proposals. HED also provided a link to publication 'Guidance on Setting and the Historic Environment' which sets out further details on this matter. It may be viewed online at:

<https://www.communities-ni.gov.uk/publications/guidance-setting-and-historic-environment>

### **Consideration of BPN Request**

The Listing Query Report Form attached at Appendix 2 sets out the Council's preliminary assessment of the building, as is required at this stage.

### **Recommendation**

**IT IS RECOMMENDED** that Members agree to the Head of Planning writing to Portrush Heritage Group advising that a BPN will not be served on this building.

In response to questions the Development Plan Manager confirmed that Ballywillan National School is within the setting of a scheduled monument.

Proposed by Alderman Scott

Seconded by Councillor McMullan

- that Planning Committee agree to the Head of Planning writing to Portrush Heritage Group advising that a BPN will not be served on this building.

**RESOLVED** - that Planning Committee agree to the Head of Planning writing to Portrush Heritage Group advising that a BPN will not be served on this building.

## **7.2 Review period for ToR – Planning Committee**

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

### **Purpose of Report**

The purpose of the report is to seek approval to add a review period to the Planning Committee's Terms of Reference to partially fulfil the requirements of the recommendation contained in the Governance Transformation Action Plan G11 'that a periodic review of Committees should be included in the terms of reference..' to be carried out prior to the Annual Meeting each year.

### **Background**

At a Special Council Meeting held on 27<sup>th</sup> March 2023 Council resolved to accept the recommendations contained within the *Independent review of*

*governance arrangements in Causeway Coast and Glens Borough Council report.*

At a Special Council Meeting held on 30<sup>th</sup> October 2023 Council resolved to implement the recommendations arising from the Reviews to address the recommendations from the Extraordinary Audit and to set these out as a comprehensive Transformation Programme. The Transformation Programme Action Plan contains six themes.

The Director of Environmental Services is leading the implementation of the recommendations under the theme of Governance.

### **Addressing Recommendation G11**

Recommendation G11 states that “a periodic review of Committees should be included in the Terms of Reference and put into practice to help Committees understand what aspects work well and what could be improved.”

When the Planning Committee’s Terms of Reference were adopted a review period was not included. In order to fulfil the requirements of the recommendation it is suggested that the following is added to the Terms of Reference: The Terms of Reference are to be reviewed on an annual basis, prior to the Annual Meeting each year.

### **Recommendation**

**It is recommended** that approval is granted to add a review period to the Planning Committee’s Terms of Reference to partially fulfil the requirements of the recommendation contained in the Governance Transformation Action Plan G11 ‘that a periodic review of Committees should be included in the terms of reference..’ to be carried out prior to the Annual Meeting each year and that the Terms of Reference for the Planning Committee is updated in the Council’s Constitution and the Scheme of Delegation.

Proposed by Councillor Storey

Seconded by Councillor Peacock

- that approval is granted to add a review period to the Planning Committee’s Terms of Reference to partially fulfil the requirements of the recommendation contained in the Governance Transformation Action Plan G11 ‘that a periodic review of Committees should be included in the terms of reference..’ to be carried out prior to the Annual Meeting each year and that the Terms of Reference for the Planning Committee is updated in the Council’s Constitution and the Scheme of Delegation

**RESOLVED** – That approval is granted to add a review period to the Planning Committee’s Terms of Reference to partially fulfil the requirements of the recommendation contained in the Governance Transformation Action Plan G11

'that a periodic review of Committees should be included in the terms of reference..' to be carried out prior to the Annual Meeting each year and that the Terms of Reference for the Planning Committee is updated in the Council's Constitution and the Scheme of Delegation.

### **7.3 Finance Report – Period 1-10 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 10 of the 2023/24 business year.

#### **Details**

Planning is showing a variance of under £3k adverse position at end of Period 10 based on draft Management Accounts.

The adverse position at the end of Period 10 is due to salaries and wages costs (£1,155,907.90 actual v £1,091,590.60 budget = £116,836 adverse position)). The favourable position from income from planning applications and property certificates of over £64k, legal services (£24k) and procurement (£24k) was insufficient to overcome the adverse position in salaries and wages.

The favourable position in other expenditure codes will be reduced throughout the year as some payments are made on an annual basis and legal challenges to planning decisions conclude.

#### **Recommendation**

**It is recommended** that the Planning Committee considers the content of this report for the Period 1-10 of 2023/24 financial year.

Planning Committee NOTED the report.

### **7.4 Removal of 18 no. public payphones throughout the Borough**

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

#### **Purpose of Report**

To present a British Telecom (BT) consultation on the removal of 18no. public payphones throughout the Borough.

#### **Background**

BT wrote to the Council on 21<sup>st</sup> February 2024 (see Appendix 1 (circulated)) advising that they have identified 18no. public payphones in the Borough that

they consider are no longer required, therefore they are planning to remove the phone boxes.

To ensure the local community are fully informed, BT has displayed public notices (see template at Appendix 2 (circulated)), including posting dates, on the 18no. affected payphones. These are located at the addresses set out in the attached excel sheet (see Appendix 3 (circulated)).

BT advised that they assessed these payphones using the criteria in Ofcom's Review of the telephony universal service obligation.

With payphone usage falling, communities are looking at new ways to re-use the phone boxes. BT has indicated that thousands of boxes have already been reinvented as cafes, mini-libraries, and defibrillator sites. Communities can adopt most red phone boxes for just £1. They can also adopt modern glass phone boxes if they wish to house a defibrillator.

Consultation on the current proposal affecting the Borough is open for 90 days (closing on 21<sup>st</sup> May 2024). In making its final decision BT will take account of any representations received from or through the Council.

BT will also write to the Council setting out reasons for its decision and publish the reasons at: [www.bt.com/payphones/service](http://www.bt.com/payphones/service).

### **Recommendation**

**It is recommended** that the Planning Committee note the contents of the report and inform the Head of Planning, within the consultation period, of any representations to this proposal. A further report will be brought to the Planning Committee following the closure of the public consultation.

In response to questions the Development Plan Manager confirmed that BT have informed the public about the removal of the 18 phone boxes across the Borough.

Alderman Hunter stated she was against the removal of the phone box, PCO1 Car Park Feigh Causeway Road Bushmills, due to its location, it was in a rural and coastal situation, it was used for call outs with the Coastguard and Ambulances and also throughout the summer season.

Alderman S McKillop agreed that phone box, PCO1 Car Park Feigh Causeway Road Bushmills, should remain given its rural location. She also reflected on a Planning Committee decision a number of years ago to retain all red phone boxes. It was highlighted some of the red phone boxes were in a poor state of repair and should be restored to their former eye catching condition.

Proposed by Alderman S McKillop  
Seconded by Alderman Boyle and

**RESOLVED** – That the Head of Planning to write to BT to restore the red phone boxes at PCO1 Car Park Feigh Causeway Road Bushmills, Turragh O/S Garage PCO1 Glenshesk Road Armoy Ballymoney and at Waterfoot P O PCO1 Main Street Glenariffe Ballymena and to communicate with the Community Department to reuse these; encourage adoption of the phone boxes;

**PC 240424**<sup>2</sup> that the Planning Department intervenes and writes to BT to restore the active traditional red kiosks that are in a bad state of repair and return them to their former eye catching condition. Furthermore, as these are iconic items, that this department liaise with our community department to ensure that they intervene by communicating directly with local community groups to encourage the adoption of the remaining non-active (PC01) kiosks situated in their local area and aid them to identify funding to restore and repurpose same; I believe this cross departmental action would instill a sense of pride in place as well as having a positive visual impact on our landscape.

In response to questions from the Development Plan Manager, Alderman S McKillop confirmed that she had meant to maintain the red phone boxes rather than service them.

Alderman Coyle reflected on his work maintaining and servicing phone boxes and commented on how hard it was to maintain and service kiosks in the red phone boxes compared to the newer glass ones.

## **7.5 Draft Revised LDP Timetable**

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

### **Background**

The Council has a statutory duty to prepare a Local Development Plan (LDP) and to prepare and keep under review a timetable for the preparation and adoption of that Plan.

Departmental guidance sets out that the timetable should include indicative dates for each stage of Plan preparation and the publication of the Preferred Options Paper (POP) and the development plan documents (the Plan Strategy and Local Policies Plan) as well as the carrying out of the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA).

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<sup>2</sup> PC 240424 RESOLVED - Addition to the Resolution



Prepared within the context of the Council's Strategy and its Community Plan the initial timetable was published on 29th November 2016. It has been revised on several occasions, as follows:

- Revision 1 - December 2017
- Revision 2 - November 2019; and
- Revision 3 - May 2021.

Each revision was approved by Council prior to notifying the Planning Appeals Commission (PAC) and seeking agreement with the Department for Infrastructure (DfI), as required.

### **Revised Timetable**

It is important to reiterate that the current Plan-making process is new to Northern Ireland. No council has yet undertaken a full cycle of Plan preparation (including the POP, Plan Strategy & Local Policies Plan), therefore it is not yet possible to benchmark this entire process. The dates set out at Appendix 1 are best estimates, based on the most up to date evidence of the timeframes of those councils that have gone through the stages to date.

Although it was anticipated that the new planning regime would take some time to settle down, it is fair to say that it has been a much steeper learning curve than was originally anticipated, and that is true for all 11 NI Council's, Elected Members, DfI, PAC, the public, and many other key stakeholders involved in the process.

Central government guidance on specific topic areas is being revised and updated as councils progress through each stage of the Plan-making process. Given the evolving nature of this process it is also anticipated that further up-to-date guidance will be published during the Plan-making stage. The Council has a statutory duty to take account of such guidance, and a failure to do so could result in the Department not progressing the LDP to the IE stage, or the LDP being found 'unsound' through the IE process.

This, in turn, has the potential to impact on the timetable and may result in additional stages of LDP preparation and/or increased workloads or costs.

### **Plan End Date**

In preparing its LDP the Council must provide a 15-year plan framework to support the economic and social needs of the Borough in line with regional strategies and policies, while providing for the delivery of sustainable development.

To plan for this the LDP is given what is known as a “notional” end date. However, the Plan will not suddenly end on this date, unless a replacement plan is adopted.

Work on the LDP commenced in 2015 following the transfer of planning powers to the Council. Based on that commencement date, the original LDP end date was 2030. However, given the delay to the publication of the draft Plan Strategy the LDP timetable has been revised. It is important that the LDP notional end date also changes to reflect this delay. Given this, and previous timetable revisions, a new end date of 2038 will be adopted.

### **Draft Plan Strategy Publication**

The chronology of the draft Plan Strategy publication was circulated within the report.

The previous timetable (Revision 3, May 2021) set out an indicative date of spring/summer 2022 for publication of the draft Plan Strategy. However, the events set out in the above chronology have had implications on the LDP preparation. A revised timetable is therefore required. Revised indicative dates are now set out in the revised timetable attached at Appendix 1 (circulated).

The revised indicative timeframe for the publication of the Draft Plan Strategy is Autumn/Winter 2026.

There are several additional factors that could potentially impact upon the Plan preparation. These are set out at Section 5 of the revised timetable and include steps and safeguards to manage the plan-making process and to highlight any potential impacts to Members.

### **Planning Appeals Commission (PAC) – Independent Examinations**

The Planning Appeals Commission (PAC) has indicated that, due to resourcing issues, they will not be able to carry out any further independent examinations until at least 2025/2026. This has a high likelihood of impacting on the Council's Plan-making process. However, it lies outside of the Council's control.

### **Review**

The timetable will be kept under review. Under the Planning Act 2011, the Council may carry out a revision, which must be agreed with both the PAC and DfI and publicised in the local newspaper and made available to view on the Council's website.

### **Recommendation**

**IT IS RECOMMENDED** that Members agree to the Draft Revised LDP Timetable attached at Appendix 1.

In response to questions the Head of Planning confirmed, that due to the delay in the Local Development Plan timetable, Council were at risk in relation to the land available within the settlement development limit, the Department for Infrastructure review of SPPS, sustainability appraisal and retail analysis and cost to the Council. The Head of Planning advised these risks will be recorded in the report which will be presented to the Corporate Policy and Resources Committee.

Proposed by Councillor Storey

Seconded by Councillor Kennedy and

**RESOLVED** - that Members agree to the Draft Revised LDP Timetable attached at Appendix 1.

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

### **8.1 6 month LDP Work Programme**

A verbal updated was provided by the Development Plan Manager.

The Planning Department are currently working on the required information.

Committee NOTED the update.

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

Proposed by Alderman Scott

Seconded by Councillor Storey                      and

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

***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.***

\* ***Press and Public were disconnected from the meeting at 4.21pm.***

## **9. CONFIDENTIAL ITEMS**

### **9.1 Update on Legal Issues**

#### **(i) East Road Drumsurn**

The Head of Planning advised the final Judgement was that the decision was unlawful, the decision was not quashed. The Head of Planning advised there will be a further report when all the information has been received.

### **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Alderman Scott

Seconded by Councillor Storey                      and

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

**10. 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 4:22pm

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Chair



