

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 27 SEPTEMBER 2023**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
<b>1.</b>	Apologies	<b>None</b>
<b>2.</b>	Declarations of Interest	<b>Councillor Storey</b>
<b>3.</b>	Minutes of Planning Committee meeting held Wednesday 23 August 2023	<b>Confirmed as a correct record</b>
<b>4.</b>	Order of Items and Confirmation of Registered Speakers	
<b>4.1</b>	Order of Business	<b>Proceed with the Schedule of Applications as scheduled on the Agenda</b>
<b>5.</b>	Schedule of Applications	
<b>5.1</b>	LA01/2022/0938/O (Major) Lands on Northern side of Dunluce Road opposite and west of all-weather pitch at Dunluce School, 16 Dunluce Road, Bushmills	<b>Approve</b>
<b>5.2</b>	LA01/2023/0670/F (Council) Prescient Data Centre, Portstewart Road, Coleraine	<b>Approve</b>
<b>5.3</b>	LA01/2020/0957/F (Objection) Rear of 11 Main Street, Castlerock	<b>Site Visit</b>
<b>5.4</b>	LA01/2022/0939/F (Objection) Grass verge between Screen Road & Dunhill Road, Opposite no 4 Riverside Park East, Coleraine	<b>Approve</b>
<b>5.5</b>	LA01/2022/0635/F (Objection) Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road, Ballycastle	<b>Approve</b>
<b>5.6</b>	LA01/2022/1196/O (Referral) Directly Adj to the South of 26 Atlantic Road, Coleraine	<b>Disagree and Approve; Delegate Conditions and Informatives</b>

<b>5.7</b>	LA01/2022/1188/O (Referral), Lands between No15 and No18 Shinny Road Ringsend, Coleraine	<b><i>Disagree and Approve; Delegate Conditions and Informatives</i></b>
<b>5.8</b>	LA01/2022/0078/F (Referral) Proposed new domestic shed for pet animals/feed and extension to curtilage	<b><i>Disagree and Approve Delegate Conditions and Informatives</i></b>
<b>5.9</b>	LA01/2020/0975/F (Referral) Lands due south of 56 Lisnagrot Road, Kilrea	<b><i>Deferred for a Site Visit</i></b>
<b>5.10</b>	LA01/2021/0063/F (Referral) Site approximately 20metres South of No.2 Craighfad Road, Ballycastle	<b><i>Disagree and Approve Delegate Conditions and Informatives</i></b>
<b>5.11</b>	LA01/2021/1545/MDA1 Moneyvart Cottage, Layde Road, Cushendall Planning Agreement	<b><i>Defer the application to allow for the submission of a substantively revised proposal</i></b>
<b>6.</b>	Development Plan	
<b>6.1</b>	Verbal Update	<b><i>Noted</i></b>
<b>6.2</b>	Consultation on the draft County Donegal Development Plan 2024 – 2030	<b><i>That the Planning Committee note the content of the report and agree to the Head of Planning issuing a response, along the lines of that attached at Appendix 2, on behalf of the Council</i></b>
<b>6.3</b>	LDP – Project Management Team – Annual Monitoring Reports 2021/22 & 2022/2023	<b><i>That the Planning Committee accept the attached LDP Project Management Team Annual Monitoring Reports</i></b>
<b>6.4</b>	LDP – Steering Group – Annual Monitoring Reports 2021/22 & 2022/23	<b><i>That the Planning Committee accept the attached LDP Steering Group Annual Monitoring Report</i></b>
<b>6.5</b>	TPO Confirmation – 751 Feeny Road, Dungiven	<b><i>That the Planning Committee agree to Option 1: Resolve to</i></b>

		<b>confirm the TPO as detailed above</b>
<b>7.</b>	Correspondence	
<b>7.1</b>	Correspondence to Mid and East Antrim Borough Council – Consultation on LDP 2023 draft Plan Strategy update	<b>Noted</b>
<b>7.2</b>	Dfl – Review of LDP Regulations	<b>Noted</b>
<b>7.3</b>	Dfl – The Strategic Planning Policy Statement and Climate Change	<b>Noted</b>
<b>7.4</b>	NIEA – Planning Consultations for Agricultural Developments	<b>Noted</b>
<b>8.</b>	Reports	
<b>8.1</b>	Commencement of Development	<b>Planning Committee notes the Northern Ireland case law and agrees to the updating of Council’s website accordingly and the publication of Development Management Information Note 03 Commencement of Development</b>
<b>8.2</b>	Finance Report – Period 1-4 Update	<b>Noted</b>
<b>8.3</b>	Planning Performance Annual Report 2022/23	<b>That Planning Committee invite the Head of Planning to bring a report back on bringing in Apprentices, to include associated cost  Committee NOTED the report</b>
	<b>‘In Committee’ (Items 9, 9.1 (i), (ii), (iii))</b>	
<b>9.</b>	Confidential Items	
<b>9.1</b>	Update on Legal Issues	
<b>(i)</b>	East Road, Drumsurn	<b>Noted</b>
<b>(ii)</b>	Rigged Hill	<b>Noted</b>
<b>(ii)</b>	Craigall Quarry	<b>Noted</b>
<b>10.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<b>Nil</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND  
VIA VIDEO CONFERENCE  
ON WEDNESDAY 27 SEPTEMBER 2023 AT 10.30AM**

**Chair:** Councillor McMullan (C)

**Committee Members** Alderman Boyle (C), Coyle (C), Hunter (R), McKillop (R), Scott (C), Stewart (C); Councillors Anderson (C), C Archibald (C), Kennedy (C), McGurk (R), Nicholl (R), Peacock (C), Storey (C), Wallace (C), Watton (C)

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

**In Attendance:** A Lennox, ICT Officer (R)

Public 10 no (C) and 7 no. (R)  
Press 1 no (C)

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

**Registered Speakers**

LA01/2022/0938/O	David Donaldson – Support (C)
LA01/2020/0957/F	Ursula Nutt – Objector (C) Suzanne Nutt – Objector (C) Richard Douglas – Objector (C) William Orbinson – Objector (C)
LA01.2022/0939/F	Les Ross – Support (R)
LA01/2022/0635/F	Carol Mooney – Objector (C) Lisa Mooney – Objector (C) Chris Bryson – Support (R) Oliver Pankhurst – Support (R) Kelly Kitchen – Support (R)

LA01/2022/1196/O	Oswald Dallas – Support (C)
LA01/2022/1188/0	Gerard McPeake – Support (R)
LA01/2022/0078/F	John Simpson – Support (R)
LA01/2020/0975/F	Johann Muldoon – Support (C) Nicholas Dallat – Support (C)
LA01/2021/0063/F	Johann Muldoon – Support (C)

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

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

#### **1. APOLOGIES**

There were no apologies. The Chair advised that Councillor McGurk would join the meeting later.

#### **2. DECLARATIONS OF INTEREST**

Councillor Storey declared an interest in Item 5.8 – LA01/2022/0078/F. Councillor Storey, having declared an interest, left the Chamber during consideration of this Item and did not participate in the vote.

#### **3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 23 AUGUST 2023**

Copy, previously circulated.

Proposed by Alderman Scott  
Seconded by Councillor Storey

- That the Minutes of the Planning Committee meeting held Wednesday 23 August 2023 are signed as a correct record.

The Chair put the motion to the Committee to vote.  
15 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 23 August 2023 are signed as a correct record.

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

The Chair advised there was no change to the order of business.

## 5. SCHEDULE OF APPLICATIONS

### 5.1 LA01/2022/0938/O (Major) Lands on Northern side of Dunluce Road opposite and west of all-weather pitch at Dunluce School, 16 Dunluce Road, Bushmills

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

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

**App Type:** Outline

**Proposal:** Proposed hotel with restaurant and function facilities with associated parking, landscaping and access works (Renewal of LA01/2018/0077/O)

#### **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 Manager presented via power point as follows:-

- This outline application proposes a hotel development with car parking just outside Bushmills across Dunluce Road from Dunluce School. This is a renewal of the same proposal, approved in October 2019.
- While a major application, a new PAN with fresh pre-application community consultation was not required as this is a renewal application. However, details of the previous pre-application community consultation are provided in the Report.
- While an outline application, details with the application propose a 60 bedroom, 3 star rating hotel with function room within a contemporary 2 storey building. The concept shows car parking to the front and rear of the building.
- In terms of the Northern Area Plan 2016, the site is located in the countryside outside the settlement limit of Bushmills within the Causeway Coast AONB. The Northern Area Plan does not provide specific policy on tourism development, rather directing that regional policies apply. Policy TSM 3 from PPS 16 Tourism is the lead policy to assess the proposal.

#### **Main Issues:-**

- Alternative Sites within a Settlement - Policy TSM 3 directs that a site in the countryside is dependent on demonstrating that there is no suitable site within the settlement or other nearby settlement. The application was accompanied by a submission which identified that there are no sites available to accommodate the development either in Bushmills or the nearby settlement of Portballintrae. The detail of why sites were discounted is provided in the Report.

- Conversion and Replacement Opportunities - Policy TSM 3 directs that a site in the countryside is dependent on demonstrating that there is no suitable opportunity in the locality to provide a hotel through conversion or replacement opportunities. In this case, no such opportunities were identified near Bushmills or Portballintrae.
- Alternative Sites on Edge of Settlement - Policy TSM 3 requires, broadly, an appropriate site at the edge of a settlement. Alternative sites were considered with the application site considered the best option. The detail of the consideration is provided in the Report.
- Realism of Project - Policy TSM 3 requires demonstration that the proposal is firm or realistic. To this end, information has been provided including funding details and correspondence from Savills to state that there would be "significant operator interest".
- Integration and Rural Character - A detailed Landscape and Visual Impact Assessment was provided. This demonstrates how the proposal will be acceptable when viewed from 5 viewpoints outside Bushmills. Additional consideration was given to the viewpoint from Ballaghmore Road. Integration of the proposal shall be assisted by extensive landscaping on all boundaries.
- Economic Consideration - Details accompanying the application state that the proposal will comprise a significant capital investment, will encourage visitor stays and will employ at least 50 staff on a full and part time basis.
- Access - A single access point is proposed off Dunluce Road with a right turn lane and connecting footpath to tie in with the existing. These arrangements are acceptable to DfI Roads
- Conclusion - The proposal is considered acceptable and the recommendation is to approve subject to a range of conditions including that the detail of the scheme, when submitted, is in general conformity with the concept provided at this outline stage.

No questions were put to the Development Manager and Enforcement Manager.

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

D Donaldson advised that he did not wish to speak, but would answer questions from Elected Members, if required.

No questions were put to D Donaldson.

Proposed by Councillor Anderson  
Seconded by Alderman McKillop

- 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.  
15 Members voted For; 0 Members voted Against; 0 Members Abstained.  
The Chair declared 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.

\* **Alderman McKillop left the meeting at 10.45am.**

## **5.2 LA01/2023/0670/F (Council) Prescient Data Centre, Portstewart Road, Coleraine**

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

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

**App Type:** Full

**Proposal:** Installation of 4 electric vehicle charging points, provision of 6 parking bays, 2 overhead canopies with solar panels, lighting, relocation of existing security gate, provision of 3m high palisade fencing and associated landscaping.

### **Recommendation**

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

The Senior Planning Officer presented via Power point as follows:-

- An addendum has been circulated; it covers a comment from EHD and a condition relating to landscaping.
- The addendum, concludes that having regard to the review of the technical data and the consideration under paragraph 8.17 of the Planning Committee Report, there are no concerns in relation to impact from noise or on the amenity of receptors from the proposal.
- The site is located within the Coleraine Settlement Development Limit as designated within the Northern Area Plan 2016. Designations on the site include Economic Development Zoning CEED 02 – University Business Cluster and Local Landscape Policy Area Designation CEL 04 – University LLPA
- The proposed site is within the existing data centre site with their security gates to be relocated to accommodate the proposal. This relatively new technology is considered appropriate development within a science park.



- (Slide) Elevations of the canopies and pumps
- No concerns have been raised by any consultee.
- The proposal is considered to comply with the provisions of the Northern Area Plan 2016, SPPS, PPS 3 and A Planning Strategy for Rural Northern Ireland.
- The application is recommended for approval.

No questions were put to the Senior Planning Officer.

There were no speakers in relation to this application.

Proposed by Councillor Anderson  
Seconded by Alderman Boyle

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

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

### 5.3 LA01/2020/0957/F (Objection) Rear of 11 Main Street, Castlerock

Report, previously circulated, was presented by Senior Planning Officer, E Hudson.

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

**App Type:** Full

**Proposal:** Retrospective Change of Use from ancillary dwelling areas and wooden shed to surfing training, equipment hire and cafeteria area.  
Retrospective change of use from detached dwelling accommodation to café.  
Retrospective provision of seated cafeteria areas, open timber structure providing covered seating area and timber hut coffee servery.

#### **Recommendation**

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

The Senior Planning Officer presented via Power point as follows:-

- (Slide) Planning Application LA01/2020/0957F. This is a full Retrospective application for change of use from ancillary dwelling areas and wooden shed to surfing training, equipment hire facility and cafeteria area. Retrospective change of use from detached dwelling accommodation to cafe. Retrospective provision of seated cafeteria areas, open timber structure providing covered seating area and timber hut coffee servery.
- There is an Erratum to accompany the committee report.
- By way of a verbal addendum we advise that as well as conditions referred to in Part 10 of your committee report we require the inclusion of 2 conditions relating to connection to NIW infrastructure. The first is that no connection shall be made to the public sewer until the mandatory sewer adoption agreement has been authorised by NIW and secondly that all services should be laid underground.
- (Slide) This is the red line boundary of the site. The site is located to the rear of no. 11 Main Street, Castlerock and within the Settlement Development Limit of Castlerock which is defined as a village in the Northern Area Plan 2016.
- (Slide) This application is being presented as an objection item to Committee. There have been 18 letters of objection (from 8 separate addresses) and one letter of support. The application has been assessed having regard to the NAP, SPPS, PPS 2 and 3, the Planning Strategy for rural Northern Ireland and other supplementary guidance together with letters of representation and consultee advice and our recommendation is to approve planning permission with conditions.
- This slide shows the site layout. The use is confined to the lower ground floor level.
- (Slide) This is a section of the site. The site slopes down from the dwelling towards the footpath. The structures on site are low level and sit into the natural topography of the site.
- (Slide) Section
- (Slide) Section
- (Slide) Looking at some photos. This is taken from the pedestrian entrance. The coffee servery hut is located adjacent to the entrance.
- (Slide) This shows some of the covered seating areas.
- (Slide) This is a view into another covered seating area and also where the surf hire and training is carried out. These steps lead up to a raised deck which is also currently a seating area for customers.

- (Slide) This is taken from this upper area. Objection has been raised in terms of impact on residential amenity on this neighbouring property which is the other half of the semidetached. Having considered this we would agree that there is an adverse impact on the neighbouring properties amenity when customers are sitting in such close proximity to the immediate front of their property and their front door which is adjacent to the boundary.
- (Slide) This is taken from the neighbouring front door area. As such, in amended plans this upper deck is to be returned to a private area only to be used by residents of the property. This would have been the historic use of this part of the garden. A condition has been attached to this effect.
- (Slide) There is a substantial hedgerow between the properties which aids privacy and screening. The structures do not project above this hedgerow.
- (Slide) Gives an idea of the height of the hedge.
- (Slide) Looking at some images from along Main Street. The rear of these properties along Main Street are open in nature largely due to the elevated nature of the sites as well as facing towards the promenade which would have a large footfall. As such the level of privacy experienced by residents is already compromised. The lower tiers of the development which comprise the coffee hut, seating area and surf training are separated from the immediate front of both properties and due to the low nature of the structures views from the neighbouring properties will look down on top of these structures and with the upper tier returned to private domestic use would ensure no direct overlooking occurs.
- (Slide) Objections have been raised in terms of impact on the character, the proposed use and precedent. In terms of character it is considered the site is located within a mixed use area. There are residential properties on either side but it is also located within close proximity of other commercial uses associated within the village including Berthas Bar and other uses along Sea Road. The site is also located adjacent the promenade and other amenities opposite the site.
- (Slide) Views of the site are restricted until the immediate frontage due to screening of adjacent buildings as well as the low level of development on site. You can see the dwellings sit raised above the road and gardens. In terms of precedent each application is assessed on its own merits however the commercial use of this site as opposed to further along Main Street differs in terms of character.
- (Slide) A view down Sea Road before turning the corner to the site. Shows a number of commercial properties.
- (Slide) The properties along Main Street have a dual frontage with vehicular access to the front of the dwellings. This part of the site is generally more private in nature as it is the same level as the road and would have generally less footfall. This is reflected in both properties

having patio areas on this part of the site. The property has an adequate level of private amenity space retained.

The Chair invited questions from Elected Members for the Senior Planning Officer.

In response to questions from Elected Members, the Senior Planning Officer advised as follows:-

In relation to change of use (reference to slide) the application applies to the bottom end of garden and the upper garden will be for domestic use. Steps which will be retained for access to the upper tier, which is for domestic purposes and will not be accessed by customers. Regarding the concern of setting a precedent, Senior Planning Officer advised these types of applications are determined on their own merit. There are residential properties on either side of this address, but commercial use in the surrounding area with the site well screened by other properties and only visible from front.

The Chair invited U Nutt to speak in Objection to the application.

U Nutt presented stating she was the sole owner of the property beside the application. This business has now been operating from 3-5 years without consideration of impact on herself and other property owners. This impacts adversely on the enjoyment and value of her home. Approval sets a precedent for further expansion.

U Nutt stated events are held in tandem with Bertha's Bar. No monitoring is in place nor a noise impact or analysis. U Nutt stated she has made two complaints including noise and strong kitchen odours. A noise impact assessment would be due to take place 3 months after approval, however this establishment is not open in the winter months. U Nutt stated there are also yoga classes held on the upper deck.

U Nutt stated there has been substantial building work and structural changes dating back to 2016. U Nutt stated the issue of parking at the rear of her property had been raised through DfI Roads and also had raised concern about storm water and sewage. U Nutt advised they do not have the ability to feel safe and secure in their home and are concerned about the health and wellbeing of the family and believe the owners will continue to expand this business.

The Chair invited questions from Elected Members for the Speaker.

In response to questions from Elected Members, the U Nutt advised noise disturbance was mostly at weekends. At a recent wedding party with approximately 100 guests, alcohol was consumed on the premises, this was reported at the time and followed up by an email. An Environmental Health Officer advised that U Nutt was to telephone when these events occur and further stated that they were mostly out of hours. These events are socially advertised and attended at night by the public with staff congregating afterwards at the upper deck, into the small hours of the morning, creating

noise and consuming alcohol. U Nutt clarified her daughter resides in the property and she is moving in during February.

At the request of an Elected Member, the Senior Planning Officer advised the application was retrospective planning permission, with no permission previously being granted.

Alderman Boyle wished to make it known that she had received correspondence from the Speaker in November 2021 and had passed the details to the Planning Department at that time.

Proposed by Councillor Watton  
Seconded by Alderman Boyle

- That a Site Visit take place due to conflicting reports and to better understand the issues raised.

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 due to conflicting reports and to better understand the issues raised.

#### **5.4 LA01/2022/0939/F (Objection) Grass verge between Screen Road & Dunhill Road, Opposite no 4 Riverside Park East, Coleraine**

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

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

**App Type:** Full

**Proposal:** Removal of existing 12.5m telecommunications column and 1No. cabinet and replacement with a 20m column, 2No. cabinets and associated ancillary development. New column to be approximately 1.4m North East of existing position.

##### **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 outline planning permission subject to the reasons set out in section 10.

The Senior Planning Officer presented via Power point as follows:-

- An addendum has been circulated adding a proposed condition to ensure retention of the existing trees on the site.
- 8 objections have been received raising issues of eyesore, detriment to health, devaluation of property, interference and siting. These points have been fully considered in the case officer report.

- The proposal is located in the wide grass verge between Dunhill Road dual carriageway and Screen Road as shown in the red line
- (Slide) The existing 12.5m mast
- (Slide) Proposed 20m pole
- The proposal is acceptable regarding the appearance in the streetscape located on the side of the dual carriageway and visually connected to the retail park.
- (Slide) Existing site
- ICNIRP certificate has been provided to demonstrate radiation compliance and EHD are content with the proposal as set out
- (Slide) Planning Committee Report
- Approval has been recommended

There were no questions put to the Senior Planning Officer.

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

L Ross advised that he did not wish to speak, but would answer questions from Elected Members, if required.

Following questions from Elected Members, L Ross advised the reason for the elevated height was to improve signal as in comparison with 3G wavelength 4G and 5G is shorter, thus the increase requested.

Proposed by Alderman Boyle  
Seconded by Councillor Archibald

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

The Chair put the motion to the Committee to vote.  
14 Members voted For; 0 Members voted Against; 0 Members Abstained  
The Chair declared 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 outline planning permission subject to the reasons set out in section 10.

- \* **The Chair declared a recess for a comfort break at 11.25am.**
- \* **The meeting resumed at 11.30am.**

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

#### **5.5 LA01/2022/0635/F (Objection) Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road, Ballycastle.**

Report, previously circulated, was presented by Senior Planning Officer, E Hudson.

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

**App Type:** Full

**Proposal:** Erection of 7no Total Social Dwellings. Mix of 6no, 3 person 2 bed houses and 1no 3 person bungalow. Along with associated open amenity spaces and parking

#### **Recommendation**

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

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve as set out in Part 1 and 9 of the Planning Committee report subject to conditions outlined above and Part 10 of the Planning Committee report.

#### **Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve as set out in Part 1 and 9 of the Planning Committee Report subject to conditions in this Addendum and previous Addendum and Part 10 of the Planning Committee report.

The Senior Planning Officer presented via Power point as follows:-

- (Slide) Planning Application LA01/2022/0635 is a full application for 7 Social Dwellings. Mix of 6, 3 person 2 bed houses and 1no 3 person bungalow. Along with associated open amenity spaces and parking and that is at Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road, Ballycastle.
- There are 2 addendum to the Committee report requiring the additional of a number of Roads conditions, a condition removing permitted development rights and the inclusion of a condition limiting the housing to be for social housing.
- A site visit has taken place on the site and Site Visit Note has been circulated.
- This is an objection item and our recommendation is to approve planning permission.

- (Slide) Red line boundary of the site. The site is located within the settlement development limits of Ballycastle as defined in the Northern Area Plan. The site is bound by residential development on 3 sides with an existing area of open space sited to the south.
- (Slide) This is an extract from the Northern Area Plan 2016. The site is zoned for housing under designation BEH 28. The KSR for this site is that a minimum of 7 dwellings will be for social housing which is fulfilled with this application. The principle of development is considered acceptable. The area to the south of the site marked green on this plan is defined as a major area of existing open space and is protected as such under the plan.
- There have been 169 letters of objection to the application. Issues raised include: overlooking/overshadowing; parking/loading and turning; traffic safety; road access; noise; loss of open space; flooding and drainage.
- (Slide) Site Layout drawing. the site layout comprises 3 blocks of 2 storey semi-detached dwellings and 1 single storey dwelling. Vehicular access to the 2 storey semi-detached dwellings is off Mayo Drive and the single storey dwellings has their own access off McAuley Park.
- The layout shows the relationship of the site to the adjoining residential properties. Separation with the adjoining residential properties on Mayo Drive and McAuley Park is maintained by the road which encloses the site. The separation between the front of properties and the site is considered acceptable given that these areas are already open to public view. The site is located to the front of neighbouring properties and as such their rear private areas of amenity are not affected.
- Adequate provision for private amenity space has been afforded each property. The 2 storey dwellings sit to the south of the proposed bungalow. Consideration has been given to potential impact on privacy for the bungalow. First floor windows have been reduced in scale and are for a bathroom and landing window. On balance the layout is considered acceptable.
- Areas of hardstanding have been broken up where they can with areas of planting and the area is set against the existing area of open space to the south.
- (Slide) Top contextual drawing is the view along the southern boundary of the site from Ramoan Road approaching the town.
- (Slide) The middle drawing is elevation along Mayo Drive and the bottom the view along McAuley Park.
- (Slide) This shows a number of sections through the site. The top shows that view along Ramoan Road and you can see the existing properties of McAuley Park on the far right of that section.



- (Slide) Middle - A view through the site with the bungalow and 2 storey dwellings.
- (Slide) The bottom is another view along Ramoan Road with the boundary treatments in place.
- (Slide) Objections in relation to road safety have been considered by DFI Roads and they have no objection subject to conditions.
- Objections have referred to the loss of trees and open space. Although the site is used for open space it is designated for housing in the area plan which affords it greater weight as a material consideration. The loss of trees on site are being compensated through new planting.
- In terms of flooding and drainage a drainage assessment has been submitted as part of the application which states that the addition of a positive drainage network should have a positive impact on the surface water drainage of the site.
- The application has been assessed against all relevant policies and there are no statutory consultee objections to the proposal.
- Our recommendation is to approve planning permission.

The Chair invited questions from Elected Members to the Senior Planning Officer.

Following questions from Elected Members, Senior Planning Officer advised Northern Ireland Housing Executive were content with the mix of single and two storey homes. The area in question was zoned as Open Space in the draft Northern Area Plan. The outcome of a public enquiry in 2012 resulted in it being determined for use as Social Housing due to need and demand. As the Northern Ireland Housing Executive owned the site it was adopted 2015.

During questioning, the Head of Planning reminded Elected Members they should not share their views on the planning application at this stage.

Following a question from an Elected Member, the Head of Planning clarified that allocation of who resides in the homes is not a matter for Planning; Planning considers the need for residential units as set out in the NIHE Annual Housing Investment Plan.

The Chair invited C Mooney to speak in objection to the application, in the Chamber.

C Mooney stated she has been a resident in Mayo Drive for 52 years and concerned about the loss of green space which is used by children from surrounding estates and community events. Being able to avail of this space enhances mental well-being and reduces loneliness. C Mooney stated this application will result in cramming and a loss to the environment. There are residents on all sides; no's 17, 18 and 19 will be overshadowed and a loss of light and privacy will result. Residents will be looking out a window at a wall

instead of green space and this has caused anxiety amongst older residents. Servicing vehicles will have difficulty manoeuvring and traffic volume will increase which will result in children not having a safe place to play, apart from a swamp, which is potentially being made into a wet meadow. Children use the small green. PPS7 – erosion of character, amenity and privacy are factors in this application. C Mooney urged Northern Ireland Housing Executive to seek another site, stating she was in support of social housing but wished this area to remain as Open Space for all to enjoy.

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

C Bryson advised that O Pankhurst and K Kitchen were also in attendance to answer questions.

C Bryson advised he endorsed the recommendation to approve as the application is compliant with policy and guidelines. The area has been zoned for housing and the delivery of 7 social homes is in accordance with the Northern Area Plan and in accordance with the Planning Act unless material consideration state otherwise. C Bryson stated he was not aware of any such material considerations. This application does not result in cramming, the zoned housing does not cause overlooking. Access has been designed to adoptable standards with a turning point at the end for the bungalows. Sight lines also are to adoptable standards.

\* **Councillor McGurk joined the meeting at 11.59am.**

The Chair invited questions from Elected Members for the Speaker.

Proposed by Alderman Scott  
Seconded by Alderman Coyle

- That 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 outline planning permission subject to the reasons set out in section 10.

The Chair put the motion to the Committee to vote.  
9 Members voted For; 3 Members voted Against; 2 Members Abstained.  
The Chair declared the application approved.

**RESOLVED** - That 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 outline planning permission subject to the reasons set out in section 10.

**5.6 LA01/2022/1196/O (Referral) Directly Adjacent to the South of 26 Atlantic Road, Coleraine**

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

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

**App Type:** Outline

**Proposal:** Site for new Dwelling and Garage infilling gap within built-up frontage to 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 subject to the reasons set out in section 10.

**Addendum Recommendation**

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

The Senior Planning Officer presented via Power point as follows:-

- LA01/2022/1196/O is an outline application for an infill dwelling and garage directly adjacent and to the south of 26 Atlantic Road, Coleraine.
- The site is located in the rural area as defined in Northern Area Plan 2016. Site accesses onto a laneway which in turn accesses onto Atlantic Road.
- The site comprises a cut from a larger agricultural field. Topography is flat. The northern, eastern and part of southern boundaries are defined by hedgerows. The western boundary is undefined.
- As this application has been submitted as an infill site it falls to be determined under Policy CTY1 and 8 of PPS21.
- Policy CTY8 allows for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern and meets other planning and environmental requirements. The definition of substantial is a line of 3 or more buildings along a road frontage and continuous would be without a break. In this case, there is not a substantially and continuously built up frontage along a road frontage.
- The PAC have advised that “a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road”
- There is one dwelling (No 26) to the immediate north of the site which has a frontage to Atlantic Road. The site has a frontage to the lane.
- Two buildings (no 24 and its garage) are located to the SW but these buildings have a frontage to the private laneway only. No 24 and its garage do not read as having a frontage to Atlantic Road.

- The site is therefore not located within a substantially and continuously built up frontage. The development to the north and south has frontages to separate roads/lanes which do not comply with policy. The proposal cannot rely on 2 frontages. There is no line of 3 or more buildings along a road frontage as required by policy.
- PAC examples have been quoted in the Committee Report and addendum which state that “the policy refers to frontage not frontages. In the appeal cases there is no small gap site within a line of 3 or more buildings along a singular frontage to meet the policy definition.
- The proposal is contrary to Policy CTY8.
- In summary there is no line of 3 or more buildings along a road frontage as required by policy.
- In addition, no overriding reasons have been forthcoming as to why the development is essential therefore the proposal is contrary to policies CTY1 and CTY8.

The Chair invited questions from Elected Members to the Senior Planning Officer.

The Senior Planning Officer responded, the definition of road frontage – identifying fact it can be along a road or along a footpath or along a lane. Building frontage is to Atlantic Road however other buildings share frontage to the lane. The Senior Planning Officer referred to Planning Appeals Commission examples in the Addendum. The Policy determines substantial as 3 or more buildings and continuous frontage. No 24 and garage has a frontage along the laneway itself. The application relies on frontage on 2 different frontages. There is a Protected Route Policy for Atlantic Road for new access. The difference between frontage and access is that frontage abuts or shares boundary with the access out onto laneway and then onto Atlantic Road. The application relies on frontages onto both a laneway and Atlantic Road which is not supported under policy or PAC decisions.

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

O Dallas advised he wished to reiterate arguments put forward at the last meeting. There is a continuous built-up frontage from the roadway to the lane and runs in a straight line. Policy CTY8 states lane frontage to be considered as road frontage. The houses are all numbered off Atlantic Road, even those that are situated on the lane. Cases referred to by Planning Officers bear no resemblance to this application. O Dallas stated that the JR at East Road Drumsum he is unsure what stage it is at but is a different situation to what is here. This application is completely non contentious, integrates well and there were no objections lodged. Any reasonable person can see that this is an infill application.

O Dallas stated this is a building for an applicant on land which his father has farmed and is his only opportunity to reside where he previously lived, as all of the remaining farm holding has been sold off. This is a genuine application

which will allow the applicant to live on, what was historically, his home farm holding.

Following questions from an Elected Member, O Dallas advised that a substantial frontage is a continuous line; there is no intervening lane. The policy allows for a building coming onto either a laneway or road is frontage. There is continuous road frontage as there is no break between the frontage and Atlantic Road and the laneway which is practically a straight line; it is just road frontage.

Following a question from an Elected Member, Senior Planning Officer advised on the justification and application for Policy CTY8, paragraph 5.33. The Head of Planning reminded Members of the wording of Policy CTY8 reading policy CTY8 and paragraph 18 of East Road Drumsurn Judicial Review Judgment to Members, which back in the High Court.

Proposed by Councillor Storey  
Seconded by Councillor Watton

- 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:-
- Does present continuous road frontage as demonstrated by map and site on the ground.
  - Reference to spirit of Judicial Review and planning judgement
  - Need to take Judicial Review in its totality, specific in regard to application and JR appealed on suitability of individual who brought JR in first instance. Take JR in context of that judgement. For a person reading paragraph 5.33 even in regard to ribboning development – clearly states road frontage includes pathway or private lane.
  - Policy CTY8 regards ribboning clearly refers to exception for small gap site sufficient only to accommodate up to a maximum of 2 houses within otherwise substantial and continuously built up frontage. There is substantial and continued built up frontage. The map shows continuance.
  - No objections from statutory consultees.

Alderman Boyle advised the Planning Committee the lane was known as Atlantic Road and addressed as such.

Alderman Hunter requested a Recorded Vote.

The Chair put the motion to the Committee to vote.  
10 Members voted For; 4 Members voted Against; 1 Member Abstained.  
The Chair declared the motion carried and the 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:

- Does present continuous road frontage as demonstrated by map and site on the ground.
- Reference to spirit of Judicial Review and planning judgement
- Need to take Judicial Review in its totality, specific in regard to application and JR appealed on suitability of individual who brought JR in first instance. Take JR in context of that judgement. For a person reading paragraph 5.33 even in regard to ribboning development – clearly states road frontage includes pathway or private lane.
- Policy CTY8 regards ribboning clearly refers to exception for small gap site sufficient only to accommodate up to a maximum of 2 houses within otherwise substantial and continuously built up frontage. There is substantial and continued built up frontage. The map shows continuance.
- No objections from statutory consultees.

#### Recorded Vote Table

For (10)	Alderman Coyle
	Councillor Anderson, Archibald, Kennedy, McGurk, McMullan, Nicholl, Storey, Wallace, Watton
Against (4)	Alderman Boyle, Hunter, Stewart
	Councillor Peacock
Abstain (1)	Alderman Scott

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

#### **5.7 LA01/2022/1188/O (Referral), Lands between No15 and No18 Shinny Road Ringsend, Coleraine**

Report and site visit report, previously circulated, was presented by Senior Planning Officer, M Wilson.

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

**App Type:** Outline

**Proposal:** Proposed dwelling house and 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.

The Senior Planning Officer presented via Power point as follows:-

- Outline planning permission is sought for a proposed dwelling house and 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 and an erratum in front of you.
- This application was to be presented to the Planning Committee Meeting of 28<sup>th</sup> June 2023 and was subsequently deferred for a site visit. Following this, a site visit took place on Monday 21<sup>st</sup> August 2023. You also have a copy of the site visit report in your packs.
- (Slide) The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations. 2016. The site is located to the south of 18 Shinnin Road, Coleraine.
- You will note from the erratum that the planning report erroneously includes reference to policy CTY2a. As the proposal is not within a cluster, this policy is irrelevant in this consideration. The applicant's agent is content that this proposal does not lie within a cluster.
- However, as set out in the Report, the proposal has been assessed against the relevant policy within Planning Policy Statement 21, which is policy CTY 8, and goes on to consider and assess if this submission qualifies as an infill dwelling.
- (Slide) Policy CTY 8 requires a site to be a gap site located within an otherwise substantial and continuously built-up frontage. This requires a candidate site to be located within a line 3 or more buildings along a common frontage. You will note from this slide, which was submitted by the applicant's agent, that there is no building to the south of the application site. As there is no building to the south, there is no continuous and built up frontage for the purposes of policy CTY 8.
- Furthermore, while policy requires a minimum of 3 buildings, this grey block to the North is for illustration purposes only, with the site only benefitting from a planning permission but no building exists on site. As there is not the required 3 buildings with a frontage to the road, there is no potential to consider a gap site.
- (Slide) This next slide confirms that there is no building to the North, and therefore no gap in a frontage exists where the application proposes.
- The applicant's agent has argued that planning approval LA01/2021/1057/O which considered this gap site as a potential infill, was assessed, and approved on the basis there are only 2 buildings. This is factually incorrect and misplaced. You can clearly see the 3 buildings with comparable frontages, and the gap that exists within this continuous frontage. To this end I would draw your attention to Paras 8.9-8.13 of the Planning Committee Report and in particular paras 8.10 & 8.11.
- (Slide) Here are some photos of the site and you will observe how open this site is.

- (Slide) DFI Roads & Rivers, Environmental Health, NIEA and NI Water were consulted on the application and raise no objection.
- There have been no representations made on the application.
- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS, and PPS 21 including policies CTY8, CTY 13 and CTY14 as this site is not a gap site, is prominent and creates a ribbon of development along Shinny Road which will have an unacceptable impact on rural character.
- The application is recommended for refusal.

The Chair invited questions from Elected Members for the Senior Planning Officer.

Following a question from an Elected Member, the Senior Planning Officer advised that, in accordance with planning policy, there was no building to the north and the application in question was for outline planning permission only.

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

G McPeake spoke in support of the application, he stated this is an infill site under PPS21 – planning is permitted for a small gap site with a maximum of two dwellings within a built up substantial and continuously built up frontage of 3 or more buildings. This site is in the middle of 5 or more buildings. The plot is consistent with existing plots. Policy CTY8 paragraph 5.33 applies. No's 14 and 16 are clearly visible and reads as a build up of development in this road. The laneway similar to application LA01/2018/1206, which consisted of 3 dwellings and houses set back which the Planning Appeals Commission allowed under 2020/A0043. Similarly, 2017/A0147 on Tullaghans Road was allowed by Planning Appeals Commission on the grounds that while proposal would offend policy it would not have a detrimental impact on the environment.

The Chair invited questions from Elected Members for the speaker.

In response to an Elected Member, G McPeake advised the appeal decision 2020/A0043 had 3 dwellings elevated above the road and all set back, with 2 being visible and the third not visible.

The Head of Planning clarified paragraph 7-9 of Planning Appeals Commissions decision regarding application 2020/A0043. She advised that from this initial reading of the PAC decision there is no mention of the dwellings being located up laneways, rather it appears they are set back from the road but with frontage to the road. In reference to the Tullaghans Road appeal referred to by G McPeake, the Head of Planning advised that the appeal was upheld taking account of the build up of development outside and adjacent to the settlement development limit that already reads as development within the settlement and hence would not mar the distinction between urban and rural. She reminded Members of the wording of policy CTY8 and para.18 of the East



Road Drumsurn JR decision, the case that remains with the High Court at present.

Alderman Scott proposed to accept the recommendation of the Senior Planning Officer, the proposal did not receive a seconder.

Proposed by Councillor McGurk  
Seconded by Councillor Nicholl

- 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:-

- Consideration of substantial and continuously built up frontage as described by Agent – 5 dwellings to north and south accepting that one is outline planning permission with the likelihood it will be built.
- Reference applicable from application 2017/A0147 (Tullaghans Road) if constructed there will be no negative impact on rural character.
- Not dissimilar to Planning Appeals Commission decision regarding appeal 2020/A0043 - garden does not front laneway very similar to this application.
- Houses set back but visible from road so read as road frontage.
- Outline application so design is not considered and can impose landscape and ridge height conditions to aid integration and sit within rural area and character.

The Chair put the motion to the Committee to vote.

11 Members voted For; 4 Members voted Against; 0 Members Abstained.

The Chair declared the Motion Carried and the application approved.

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

- Consideration of substantial and continuously built up frontage as described by Agent – 5 dwellings to north and south accepting that one is outline planning permission with the likelihood it will be built.
- Reference applicable from application 2017/A0147 (Tullaghans Road) if constructed there will be no negative impact on rural character.
- Not dissimilar to Planning Appeals Commission decision regarding appeal 2020/A0043 - garden does not front laneway very similar to this application.
- Houses set back but visible from road so read as road frontage.
- Outline application so design is not considered and can impose landscape and ridge height conditions to aid integration and sit within rural area and character.

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

\* **The Chair declared a recess for lunch at 1.08 pm.**

## 5.8 LA01/2022/0078/F (Referral) Proposed new domestic shed for pet animals/feed and extension to curtilage

### \* **Having declared an Interest, Councillor Storey left The Chamber at 1.54pm.**

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

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

**App Type:** Full

**Proposal:** Proposed new domestic shed for pet animals/ fed and extension to curtilage

### **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.

- (Slide) The site as outlined in red comprises the existing residential property together with a paddock area, and dissected by the existing driveway access to the dwelling at No. 12. The site is located in the countryside, outside of any defined settlement development limits in the Northern Area Plan 2016.
- (Slide) The proposal is for a new domestic shed for pet animals/feed and an extension to the domestic curtilage. The block plan indicates the proposed siting of the shed (identified shaded red), with the existing paddock to the west and south of the shed for which the extension of curtilage is sought.
- (Slide) Proposed floor plans and elevations indicate the accommodation to be provided by the shed. There are two stables and a goat pen, together with space for a vintage tractor and hay for the pet animals. The proposed shed measures 8.7m x 10.2 m with a ridge height of 4.5m. There is one large roller shutter door to the front elevation, which will face Heagles Road. The lower walls of the shed are shown in roughcast render with grey cladding to the roof and upper walls.
- (Slide) View of the site from Heagles Road with the paddock in the foreground. The neighbouring dwelling at No. 10 can be viewed to the rear of the boundary fence, with the applicant's dwelling at No. 12 to the north east, partially screened from view by the existing trees along the rear of the paddock boundary.

- (Slide) View of the site from the driveway access point, with the paddock where the proposed shed is to be located and for which the extension of curtilage is sought.
- (Slide) Image provided by the agent in an email dated 16<sup>th</sup> May 2023, showing boundary vegetation at a different time of year.
- The application seeks an extension to the existing curtilage of the dwelling at No. 12 Heagles Road to accommodate a proposed domestic shed. The proposed area for the curtilage extension comprises the roadside paddock which is located to the south of the existing driveway. The area for the curtilage extension is removed from the existing established domestic curtilage at No 12, and is dissociated from it both by the presence of the existing driveway and the physical separation from the existing domestic curtilage. This is highlighted by the fact that the area for the proposed curtilage extension is closer to and more aligned with the neighbouring property at No. 10 Heagles Road.
- The proposed extension is excessive in size and does not represent a domestic scale for a curtilage extension. The proposed extension is larger than the existing established curtilage of No. 12 and would result in an amalgamation of two separate and non-aligned parcels of land, dissected by the existing driveway. The proposal would create an arrangement that would detrimentally impact the character and appearance of the site and the surrounding area.
- The scale, massing and design of the proposed shed is not domestic in nature and not sympathetic to the appearance of the existing property, detracting from the character and appearance of the surrounding area, which is exacerbated by its dissociated distance from the host property.
- The proposed domestic shed is sought to house horses and donkeys which are currently on the applicant's family farm. The location of the proposed shed closer to the neighbouring property at No. 10 Heagles Road rather than the applicant's property results in a potentially unacceptable impact on neighbouring amenity.
- The proposal is contrary to Policy EXT 1 of APPS 7. Refusal is recommended.

In response to questions from Planning Committee Members, Senior Planning Officer clarified there was no definition in relation to the size of the curtilage, the issue was the impact on rural character on the surrounding area and existing property and cumulative impact. Senior Planning Officer advised the application was a householder application and the relevant Policy EXT1 Addendum to PPS7, the materials relative to the existing dwelling are different materials and some distance from the domestic dwelling. Senior Planning Officer detailed the proposed materials different to the finish of the existing dwelling. The proposed

size 8.7m x 10.2m x 4.5m height and concurred it was not dissimilar in scale to some double garages.

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

J Simpson stated the application was a new domestic shed for horses and donkeys that were currently in a holding on land not owned by the applicant. The shed was needed for the animals and the applicant has no other option. There is roadside hedging and trees, that are taller than the building and will be well screened. There is no impact on rural character, the ground level lower than the road level by 1m, the dimensions were supplied and stated similar to a garage in the countryside. J Simpson stated the area of the red line was the only land owned by the applicant, the scale, massing and design was in keeping with the countryside, the roller door 8.5m height similar to a domestic door and the proposed 3.1m cladding grey render, the same as buildings up the road at number 10. The floor area smaller than some domestic garages. J Simpson stated there was no other suitable space around the dwelling for the shed. He advised that numerous other buildings have similar appearance, grey cladding with roughcast render. There have been no objections from neighbours, Roads Service nor Environmental Health, it will integrate with a group of buildings, and complies with Policies.

In response to questions from Planning Committee members, J Simpson clarified there was no other suitable place for the garage to go, there was no space within the applicants yard. The horses, donkeys need to be let out into the grass, it is easier and for vehicles driving past the side of it. J Simpson clarified the vintage tractor was stored at the applicants farm and used to move feed around.

Proposed by Alderman Scott

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 for the following reasons:
  - it is a modest size, no bigger than a double garage.
  - there is no space in the existing curtilage of the accommodation.
  - The animals need accommodation and they need to be put somewhere.
  - aligns with no. 12, along with the rest of the buildings, there are similar buildings close by.
  - It is a modest building and will fit in with the setting of the two existing buildings.
  - It is well screened from the road, a lower setting than the roadside edge.
  - there are mature trees around the site that help with screening and there is a backdrop.

Alderman Stewart supported seconding the motion.

The Chair put the motion to the Committee to vote.

10 Members voted For, 1 Member voted Against, 2 Members Abstained.  
The Chair declared the motion carried.

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

- it is a modest size, no bigger than a double garage.
- there is no space in the existing curtilage of the accommodation.
- animals need accommodation and need to be put somewhere.
- aligns with no. 12, along with the rest of buildings, there are similar buildings close by.
- It is a modest building and will fit in with the setting of the two existing buildings.
- It is well screened from the road, a lower setting than the roadside edge, there are mature trees around the site that help with screening and there is a backdrop.

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

\* **Councillor Storey returned to The Chamber at 2.13pm.**

#### **5.9 LA01/2020/0975/F (Referral) Lands due south of 56 Lisnagrot Road, Kilrea**

Report, two addendum reports, site visit report, supporting information from agent and proposed site plan were previously circulated, and 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:** Outline

**Proposal:** Provision of 2 no infill detached dwellings with associated detached garages, shared access onto Lisnagrot Road & landscaping

#### **Recommendation**

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

#### **Addendum Recommendation**

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

#### **Addendum Recommendation**

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

- (Slide) Planning Application LA01/2020/0975F. This is a full application for 2 no. infill dwellings and garages with a shared access at land south of 56 Lisnagrot Road, Kilrea.
- The application was deferred at the Planning Committee in September 2022 to allow for a site visit to take place and for the consideration of amended access proposals. A site visit took place in October 2022.
- An amended site plan was submitted which shows an alternative access to the 2 sites taken from the nearby Drummerick Road and not the Lisnagrot Rd.
- There are 2 addendum to the Committee report. 1 referring to assessment of the new access and further objections and the other referring to additional submitting information submitted by the agent on 20<sup>th</sup> September which has also been circulated to members.
- (Slide) This is the red line boundary of the site. The site is located in the open countryside. The access is taken from the Drummerick Road. Previous submissions had the access directly off the Lisnagrot Road.
- (Slide) This is the site layout drawing. The proposed dwellings are detached storey and a half.
- The application has been submitted as an infill and as such falls to be assessed under policy CTY 8 of PPS 21. An infill site will be acceptable where it is a small gap site sufficient only to accommodate a maximum of 2 houses within an otherwise substantial and continuously built up frontage. For the purposes of policy CTY 8 a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage. This site is not located within a substantial and continuously built up frontage. There are only 2 buildings which make up the frontage and not 3 – 1 to the north and 1 to the south. Both these dwellings have ancillary buildings however they are all set behind the rear elevation of the dwellings and as such read as subordinate and ancillary and do not form part of the substantial and continuously built up frontage for the purposes of the policy. This is the established position of the Planning Department with other cases such as this and there are also a number of PAC decisions which support this position.
- (Slide) Number of photos of the site.
- (Slide) A petition of support has been received and 15 letters of objection have been received in relation to the application. Issues raised in objection include principle of development, road safety, removal of vegetation, drainage, noise and odour.

































































