

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 28 JUNE 2023**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
1.	Apologies	<b>Councillor Storey, Wallace</b>
2.	Declarations of Interest	<b>Alderman S McKillop in LA01/2022/0774/F 250-252 Castlecatt Road, Dervock</b>
3.	Minutes of Planning Committee meeting held Wednesday 26 April 2023	<b>Confirmed as a correct record</b>
4.	Order of Items and Confirmation of Registered Speakers	<b>Received</b>
4.1	LA01/2022/0960/F (Referral) Site 33m North West of No. 3 Drumack Hollow, off Craigs Road, Rasharkin	<b>Application Withdrawn</b>
4.2	LA01/2021/0063/F (Referral) Site approximately 20metres South of No.2 Craigfad Road Ballycastle	<b>Deferred</b>
4.3	LA01/2021/1545/MDA (Planning Agreement) 1 Moneyvart Cottage, Layde Road, Cushendall	<b>Deferred</b>
4.4	LA01/2022/0635/F (Objection) Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road, Ballycastle	<b>Deferred and hold a site visit</b>
4.5	LA01/2022/1188/O (Referral) Lands between No15 and No18 Shinnny Road, Ringsend, Coleraine	<b>Deferred and hold a site visit</b>
4.6	LA01/2020/0683/O (Referral) Lands approximately 120m South West of 37 Moneyrannel Road, Limavady	<b>Deferred and hold a site visit</b>
5.	Schedule of Applications	
5.1	LA01/2023/0214/F (Major) Unit 12 & 13 Riverside Regional Centre, Coleraine	<b>Agree and Approve</b>
5.2	LA01/2017/1162/F (Major) Lands 220m North West of 81 Glenbuck Road, Dunloy	<b>Deferred and site visit held</b>
5.3	LA01/2021/1131/F (Council Interest) Lands 20m south west of 58 Cromore Road and lands 50m south east of 58 Cromore Road North Ballyleese Townland Portstewart	<b>Deferred and site visit held</b>

5.4	LA01/2022/0818/F (Council Interest) Red Bay Pier, Waterfoot	<b>Agree and Approve</b>
5.5	LA01/2022/1520/F (Council Interest) Land to rear of 25-28 Bamford Park, Rasharkin	<b>Agree and Approve</b>
5.6	LA01/2022/0774/F (Council Interest) 250-252 Castlecat Road, Dervock	<b>Agree and Approve</b>
5.7	LA01/2022/0872/F (Council Interest) 8 Cliff Terrace, Castlerock	<b>Agree and Approve</b>
5.8	LA01/2022/0873/LBC (Council Interest) 8 Cliff Terrace,	<b>Agree and Grant Consent</b>
5.9	LA01/2020/0510/F (Objection) Lands off Kilnadore Park, Opposite lands on North side of Kilnadore Park, Opposite 25-31 Kilnadore Brae, Cushendall - Kilnadore Townland	<b>Agree and Approve</b>
5.10	LA01/2021/1271/F (Objection) Nos 4 and 5 Bushmills Road, Portrush	<b>Agree and Approve</b>
5.11	LA01/2020/0117/F (Objection) 8 Blackrock Road, Portrush	<b>Agree and Approve</b>
5.12	LA01/2021/1155/F (Referral) 40m South of 29 Boveedy Road, Kilrea	<b>Agree and Refuse</b>
6.	Correspondence	
6.1	Dfl – Long Term Water Strategy Group	<b>Information</b>
6.2	Dfl – Review of The Planning (Development Management) Regulations (Northern Ireland) Regulation 2015 – Initial Stakeholder Engagement	<b>Information</b>
6.3	Dfl – The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2023	<b>Information</b>
6.4	DAERA – Marine Licence – The Crescent, Portstewart	<b>Information</b>
6.5	NIEA – Planning Consultations for Agricultural Development	<b>That the Head of Planning writes to DAERA, NILGA, UFU, SOLACE and NIEA to outline the danger associated with putting applications on hold as discussed by Elected Members</b>
6.6	PACNI – DC&S District Council – Independent Examination Dates	<b>Information</b>
6.7	Draft PADs Process	<b>Information</b>
6.8	DC&S DC – LDP dPS Notification Letter	<b>Information</b>
7.	Local Development Plan (LDP)	
7.1	Verbal Update	<b>Information</b>
7.2	6 month LDP Update	<b>Information</b>

<b>7.3</b>	Consultation on de-listing of 6-8 Main Street, Limavady	<b>Option 1: to support the de-listing</b>
<b>7.4</b>	DfI – Public Consultation on Review of Renewable & Low Carbon Energy	<b>Information</b>
<b>7.5</b>	TPO Confirmation – Riverside House, 28 Portstewart Road, Coleraine	<b>Option 1: Resolve to confirm the TPO with modifications as detailed above</b>
	<b>'In Committee' (Item 8, 8.1-8.4)</b>	
<b>8.</b>	Confidential Items	
<b>8.1</b>	Update on Legal Issues	<b>Information</b>
	(i) Rigged Hill	
	(ii) Craigall Quarry	
	(iii) East Road, Drumsurn	
<b>8.2</b>	Finance Period 1 – 12 - Update 2022/23	<b>Information</b>
<b>8.3</b>	LDP Sustainability Appraisal – Review of Consultants Hourly Rate	<b>New hourly rates as set out in Table 1</b>
<b>8.4</b>	Planning Committee Allowance Payment	<b>Information</b>
<b>9.</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 28 JUNE 2023 AT 10.30AM**

**Chair:** Councillor McMullan (C)

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

**Non Committee Members Present:** Alderman Callan (R)

**Officers Present:** D Dickson, Head of Planning (C)  
S Mulhern, Development Plan Manager (R)  
S Mathers, Development Management and Enforcement Manager (R)  
S McAfee, Interim Head of Health and Built Environment (R)  
E Hudson, Senior Planning Officer (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)  
M Jones, Council Solicitor, Corporate, Planning and Regulatory (R)  
S Duggan, Civic Support Officer & Committee & Member Services Officer (C/R)  
I Owens, Committee & Member Services Officer (R/C)

**In Attendance:** A Gillan, Department of Infrastructure (R)  
K Ward, Department for Communities Historic monuments (R)  
M Kearney, Shared Environmental Services (R)  
  
A Lennox, ICT Officer (C)  
J Winfield, ICT Operations Manager (C)  
  
Public 10 no. (C) and no. 16 no.(R)  
Press 1 no. (R)

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

## Registered Speakers

Application	Speaking Rights
LA01/2023/0214/F	E Loughrey – Agent Support (R)
LA01/2017/1162/F	D McMeekin – Agent Support (C) J Allister MLA – Support (C)
LA01/2021/1131/F	G Jobling (R) B McMahon, Dorris MacMahon Solicitors A Stewart – Objectors D Dalzell – Agent C O'Neill – Applicant Support
LA01/2022/0872/F	B Corr – Objector, did not attend K Burns, GM Design – Agent J Martin – Applicant Support
LA01/2022/0873/LBC	B Corr – Objector, did not attend
LA01/2022/0635/F	C Bryson O Pankhurst - Agent K Kitchen - Triangle Housing Support
LA01/2020/0510/F	S Dill, Studio Rogers – Agent (C) P Fox – Applicant (R)
LA01/2021/1271/F	D Worthington, Pragma – Agent Support
LA01/2020/0117/F	M Howe – Agent Support (C)
LA01/2021/0063/F	J Muldoon, Manor Architects – Agent
LA01/2021/1155/F	R Finlay – Agent Support
LA01/2022/1188/O	G McPeake, Agent Support
LA01/2022/0960/F	M Kennedy – Agent R Moore - Moore Design Support
LA01/2021/1545/MDA	J Morgan, Applicant Support

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

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

### 1. APOLOGIES

Apologies were received for Councillors Storey and Wallace.

### 2. DECLARATIONS OF INTEREST

Alderman S McKillop declared an interest in LA01/2022/0774/F (Council Interest) 250-252 Castlecat Road, Dervock. Alderman S McKillop left the meeting and did not participate in the Item.

\* **Councillor Watton left The Chamber at 10.35am.**

**3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 26 APRIL 2023**

Copy, previously circulated.

Proposed by Councillor Peacock  
Seconded by Alderman Stewart

- that the Minutes of the Planning Committee meeting held Wednesday 26 April 2023 are signed as a correct record.

The Chair put the motion to the Committee to vote.  
9 Members voted For, 0 Members voted Against, 0 Member Abstained.  
The Chair declared the motion carried.

**RESOLVED** - that the Minutes of the Planning Committee meeting held Wednesday 26 April 2023 are signed as a correct record.

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

**4.1 LA01/2022/0960/F (Referral) Site 33m North West of No. 3 Drumack Hollow, off Craigs Road, Rasharkin**

The Head of Planning advised LA01/2022/0960/F (Referral) Site 33m North West of No. 3 Drumack Hollow, off Craigs Road, Rasharkin had been withdrawn by the applicant.

**4.2 LA01/2021/0063/F (Referral) Site approximately 20metres South of No.2 Craigfad Road Ballycastle**

The Head of Planning recommended LA01/2021/0063/F (Referral) Site approximately 20metres South of No.2 Craigfad Road Ballycastle be deferred for readvertisement and renotification of amended plans received.

Proposed by Councillor Peacock  
Seconded by Councillor C Archibald  
- That LA01/2021/0063/F (Referral) Site approximately 20metres South of No.2 Craigfad Road Ballycastle be deferred for readvertisement and renotification of amended plans received.

The Chair put the motion to the Committee to vote.  
10 Members voted For, 0 Members Against, 0 Members Abstained.  
The Chair declared the motion carried and application deferred.

**RESOLVED** - That LA01/2021/0063/F (Referral) Site approximately 20metres South of No.2 Craigfad Road Ballycastle be deferred for readvertisement and renotification of amended plans received

**4.3 LA01/2021/1545/MDA (Planning Agreement) 1 Moneyvart Cottage, Layde Road, Cushendall**

The Head of Planning recommended LA01/2021/1545/MDA (Planning Agreement) 1 Moneyvart Cottage, Layde Road, Cushendall be deferred for two months for submission of further information.

Proposed by Councillor C Archibald  
Seconded by Councillor Kennedy  
- That LA01/2021/1545/MDA (Planning Agreement) 1 Moneyvart Cottage, Layde Road, Cushendall be deferred for two months for submission of further information.

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

**RESOLVED** - That LA01/2021/1545/MDA (Planning Agreement) 1 Moneyvart Cottage, Layde Road, Cushendall be deferred for two months for submission of further information.

The Chair invited proposals for Site Visits.

\* **Alderman Boyle arrived in The Chamber at 10.40am.**

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

Proposed by Councillor Peacock  
Seconded by Councillor C Archibald  
- That LA01/2022/0635/F (Objection) Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road, Ballycastle is deferred and a site visit held, in order to visualise the proposed loss of open space at the location.

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

**RESOLVED** - That LA01/2022/0635/F (Objection) Lands to the east of 1-6 Mayo Drive and bounded by Ramoan Road, Ballycastle is deferred and a site visit held, in order to visualise the proposed loss of open space at the location.

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

Proposed by Councillor Peacock  
Seconded by Councillor C Archibald  
- That LA01/2022/1188/O (Referral) Lands between No15 and No18 Shinny Road, Ringsend, Coleraine is deferred and site visit held, in order to assess the built up frontage aspect of the application.

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

**RESOLVED** - That LA01/2022/1188/O (Referral) Lands between No15 and No18 Shinnys Road, Ringsend, Coleraine is deferred and site visit held, in order to assess the built up frontage aspect of the application.

**4.6 LA01/2020/0683/O (Referral) Lands approximately 120m South West of 37 Moneyrannel Road, Limavady**

Proposed by Councillor Nicholl

Seconded by Councillor Peacock

- That LA01/2020/0683/O (Referral) Lands approximately 120m South West of 37 Moneyrannel Road, Limavady is deferred and site visit held, in order to see the long established boundaries, to see the whole site and area and how it integrates into the landscape.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred.

**RESOLVED** - That LA01/2020/0683/O (Referral) Lands approximately 120m South West of 37 Moneyrannel Road, Limavady is deferred and site visit held in order to see the long established boundaries, to see the whole site and area and how it integrates into the landscape.

- \* **Councillor Watton re-joined the meeting during consideration of the above Items.**

**5. SCHEDULE OF APPLICATIONS**

**5.1 LA01/2023/0214/F Unit 12 & 13, Riverside Regional Centre, Coleraine**

- \* (During consideration of this Item additional correspondence received reference Application LA01/2021/1131/F (Council Interest) Lands 20m south west of 58 Cromore Road and lands 50m south east of 58 Cromore Road North Ballyleese Townland Portstewart, was drawn to the attention of the Chair, Head of Planning and public gallery).

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

**Reason for Referral:** Major Application

**App Type:** Full Planning

**Proposal:** Section 54 application for the Variation of Condition No. 2 (Floorspace) of Planning Approval LA01/2021/0933/F (Retail)

**Recommendation**

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

The Senior Planning Officer presented via Powerpoint as follows:



- The proposal comprises an amendment to the scheme approved in October last year for the amalgamation of Units 12 & 13 at Riverside Regional Centre to form a convenience i.e. grocery store for Marks and Spencer. The proposal seeks to allow an increase in the extent of “back of house” i.e. non-customer floorspace by forming a mezzanine floor measuring 160 sqm, approximately 10% the size of the approved store.
- In terms of the Northern Area Plan 2016, the site is located on unzoned or “white land” within the settlement development limit of Coleraine. The site is located outside and displaced from Coleraine Town Centre, referred to in retail terms as an “out of centre” site. The Northern Area Plan 2016 requires that development at Riverside Regional Centre is complementary to, rather than competing with town centres and that it does not adversely affect the vitality and viability of the latter.
- While this is a major classified application (given the extent of retail floorspace outside a town centre) a new PAN is not required as the application relates to variation of condition only. Likewise, as a variation of condition application, a Design and Access Statement is not required.

#### Main Issues

- The lead policy to assess the proposal is the retailing section within the SPPS. This provides the principal tests of an assessment of retail impact, retail need and sequential site selection starting with the town centre.
- Retail Impact- As the proposal comprises over 1000 square metres gross floorspace (in this case 1760 square meters approximately), a retail impact assessment is ordinarily required. However, in this case as the proposal does not propose any increase in net/ customer floorspace, a further retail impact assessment is not considered necessary. Previous assessment of retail impact by the Planning Department concluded that the retail impact on Coleraine town centre would not be “significantly adverse” to warrant refusal. The proposal will have no additional demonstrable impact on Coleraine town centre.
- Retail Need- As this issue was explored in the previous application, it does not require to be revisited. The report undertaken by Nexus Planning on behalf of the Council identified that there is a surplus of expenditure to support additional convenience floor space. Therefore, there is potential capacity in Coleraine for new convenience retailing such as that presented by the proposal.
- Alternative Sites- As this issue was explored in the previous application, it does not require to be revisited. Sequentially preferable sites to potentially accommodate the proposal were previously reviewed by the Planning Department. All of these were discounted as being not suitable, available or viable for the proposal.

- Car Parking- The proposal includes the provision of additional car park spaces and further “accessible” car parking for people with disabilities and children. Overall, there shall be a net increase of 8 car park spaces.
- Conclusion- The proposal is consistent with the policy in the Plan and acceptable having regard to retail impact assessment, retail need and sequential site selection. Conditions remain to limit the extent of floorspace and to limit the items sold to convenience goods. The recommendation is to approve.

The Chair invited E Loughrey to speak in support of the application.

E Loughrey welcomed the recommendation to permit an internal mezzanine floor, to be constructed as part of the shop fit in the coming months. The floor situated at the back for operational activities only, there are no planning issues and compliant with Northern Area Plan and SPPS.

No questions were put to the speaker.

Proposed by Councillor Kennedy

Seconded by Councillor Watton

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

The Chair put the motion to the Committee to vote.

11 Members voted For, 0 Members voted Against, 0 Member 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.

## 5.2 LA01/2017/1162/F Approximately 220m NW of 81 Glenbuck Road Dunloy

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

**Reason for Referral:** Major Application

**App Type:** Full Application

**Proposal:** Erection of two new broiler units for up to 37,000 birds per unit, extension of existing concrete apron, new meal silos, drainage, associated landscaping and retention of site works.

### **Recommendation**

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

The Development Management and Enforcement Manager presented via Powerpoint as follows:

- This proposal comprises the provision of two new poultry units for broilers accessed from a lane off Glenbuck Road. These are to be provided adjacent to two existing poultry units approved in 2008 and 2010. The proposal is to accommodate 74,000 birds. This, including the capacity of the two existing poultry units on the wider site, shall increase the overall capacity to 125,000 birds.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside beyond any settlement development limit. The Northern Area Plan does not contain specific policies on agricultural development, rather directing to regional policies in PPS 21.
- As a major application, the proposal was preceded by a PAN application. It was accompanied by both a Pre-Application Community Consultation Report and Design and Access Statement. Given the number of birds at this location, submission of an Environmental Statement was required.
- Principle Of Development Regarding Farm Holding- The proposal is located on an active and established agricultural holding and given its intended use, meets the necessary test for a new agricultural building as required by Policy CTY 12 of PPS 21.
- Design- While one of the units is located on a site elevated relative to the existing units, the critical views from the south-west approach benefit from some degree of backdrop with the rocky outcrop. Given this, the localised nature of the views and the low elevation of the building, integration of the proposal is considered acceptable. The design of the buildings is likewise considered acceptable.
- Amenity- The proposal is located in the vicinity of a third party dwelling at 82 Glenbuck Road, approximately 200m away. The impact on the amenity of dwellings was assessed regarding odour, noise and ammonia. As no unacceptable adverse impacts were identified, the proposal shall not result in a detrimental impact on the amenity of dwellings outside the holding.
- Access And Parking- Access is to be provided using the existing lane. DFI Roads has confirmed the access to Glenbuck Road is acceptable subject to the proposed improvement of the visibility splays.
- Natural Heritage- The site is located within 4.2 km of Main Valley Bogs, a European designed Special Area of Conservation (SAC). This site, which is located east of Dunloy between the railway line and the A26, comprises active raised bogs which are sensitive to nitrogen deposition. Nitrogen deposition can favour the growth of competitive plants and lead to changes in the ecosystem structure or function and lead to a reduction in biodiversity. The background level of ammonia at the site is already over three times the recommended level. Shared Environmental Services has advised the proposal will likely contribute to an adverse effect on the site integrity of the SAC. The applicant has proposed to

offset nitrogen emissions by reducing the cattle herd by 70. Mitigation measures to reduce ammonia emissions can be considered such as specific ventilation systems. However, compensation measures, such as reducing cattle numbers, can only be considered acceptable where the proposal has “imperative reasons of overriding public interest” (IROPI). This is set out in Regulation 48 of the Habitats Regulations. A poultry scheme on a farm is not considered to comprise an IROPI project, as defined by Regulation 44.

- Representations- Detail of the representations is provided in the main report.
- Conclusion- Proposal is considered unacceptable and the recommendation is to refuse, based on PPS 21 and PPS 2 Natural Heritage regarding having a significant effect on the Special Area of Conservation (SAC).

Development Management and Enforcement Manager advised Malachy Kearney, SES (Shared Environmental Services) was in attendance to answer any questions in relation to the Habitats Regulations Assessment, regarding the refusal reason.

\* **Alderman Callan joined the meeting remotely at 11.02am.**

Councillor Kennedy enquired whether a site visit had been carried out, as he considered it would be beneficial to view the impact of the development.

The Head of Planning advised Councillor Kennedy to refrain from providing a view on the application, as not all speakers had been heard and clarified a site visit had not been carried out.

Proposed by Councillor Kennedy  
Seconded by Councillor Watton

- That the application is deferred and a site visit held.

The Chair put the motion to the Committee to vote.

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

The Chair declared the application deferred.

**RESOLVED** – That the application is deferred and a site visit held.

**5.3 LA01/2021/1131/F Lands 20m south west of 58 Cromore Road and lands 50m south east of 58 Cromore Road, North Ballyleese Townland, Portstewart**

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

**Reason for Referral:** Council Interest

**App Type:** Full Planning

**Proposal:** 5no. bubble domes for holiday use, including associated reception unit, access, guest and staff parking and landscaping.

## **Recommendation**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in 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 sections 1 and 9 of the Planning Committee report.

Senior Planning Officer presented via powerpoint as follows:

- The site is located outside of the designated settlement of Portstewart and within the Cromore LLPA as designated in the NAP. The site is located adjacent to a listed building Cromore House, lodge and the historic designated landscape of Cromore House, a supplementary site on the Department's Register of Historic Parks, Gardens and Demesnes of Special Historic Interest.
- A verbal erratum to correct the number of objections received from 9 to 12.  
There have been 12 letters of objection received from 4 separate addresses. The points of objection are set out in paragraph 5.1 of the PCR. Furthermore, a meeting was held with objectors in the Council offices with the Head of Planning and DfC historic buildings in attendance. The meeting notes were uploaded onto the Public Register. An additional site visit was carried out following the meeting to check the location of a septic tank on site as detailed in the plans and to view the relationship with the vacant nursing home.
- An addendum has also been circulated in response to a late objection received 22nd June. The addendum responds to:
  - Impact on residential amenity
  - Noise
  - Impact on the historic building of Cromore House
  - Security and safety
  - Land ownership and rights of access
- These issues have been addressed in the committee report and addendum.
- EHD are content with the proposal subject to conditions relating to noise, included in section 10 of the PCR
- A further email from Historic Monuments was received 27th June and is uploaded to the Planning Register.
- It confirms HMU assessment of the proposal and states:  
"Cromore is a Supplementary site to the Register of Historic Parks, Gardens and Demesnes, which means that paragraph 5.4 of PPS 6, in the justification and amplification to Policy BH 6, refers in this case. The paragraph requires that in assessing proposals affecting supplementary

sites, “the Department will consider the need to retain distinctive elements of such sites as features within the changing landscape.”

In this case HED (Historic Monuments) considered that revisions to the proposed scheme, including limiting the footprint of the proposed scheme to within an area of historic planting (with later alterations/disturbance/tree removal) and the implementation of new landscaping proposals to retain and enhance this historic planted character, means that the revised proposal is compatible with the requirements of Policy BH 6 with respect to supplementary sites.

We would advise that any approval granted to the revised proposal should be conditional on the implementation of a landscape management plan to ensure that the proposed landscaping measures are implemented accordingly.”

- The red line of the site showing access is obtained from the Cromore Road and sweeps round the front of the estate grounds to a parcel of land to the western position of the house where it adjoins the Old Coach Road bridle path.
- The Cromore House, village and lodge are owned by a third party.
- Consideration has been given to the proximity of Cromore House and the proposal throughout the assessment as set out in the PCR.
- The proposed block plans of the development with existing and proposed landscaping. This has been altered since first submitted. The original application was for 8 no bubble domes, the proposal in front of you today is for 5 no bubble domes. The closest bubble dome is 23m from the shared boundary.
- This plan was submitted with the application to show the movement of guests to and within the site. Accessed from Cromore Road along the existing lane with a left turn to be created onto the proposed car park and reception building. From the green area to the blue path is a new proposed lane. Guests then walk or are taken by an electric golf buggy along the existing access lane to the site as shown in blue. The gold colour is the pedestrian paths within the site and access onto the bridle path. The plan advises that guests will be made aware of the access routes and area not under applicants’ control and therefore out of bounds in their welcome pack on arrival.
- The bubble domes consist each of 3 interconnected domes an entrance, bedroom, living and bathroom. The materials are listed as being opaque colour PVC fabric (dark green), transparent pvc glazing and natural hazel wattle fencing. The maximum height is approx. 3.5m.
- The reception building has been designed and modified to the agreement of HED. It provides a reception area, office, kitchenet bin storage wc and public wc.

- The private driveway to Cromore House, the new proposed access is to the left. The plans indicate only one tree is to be felled in the carpark location due to its condition. The car park and access are to be constructed as a no dig principle so not to damage the roots of the existing vegetation. Further landscaping is proposed to further assist in screening the car parking and building.

Slides were illustrated as follows:

- The Cromore House
  - The path for guests to the access to the holiday park beyond the field gate
  - The access to the bridge path connecting pedestrians to Mill Road or Agherton Road in Portstewart.
  - Photos from the front of Cromore House, the footpath is located to the far side of the rhododendrons
  - The site with the boundary trees shown along the blue line
  - More images of the site
  - From the site looking towards Cromore House. You can note the level change between the site and Cromore House and gardens.
  - Wider frames photo
  - The side boundary between the house and site. The gardens lands are to the right.
  - The rear garden of the Cromore House and the site on the other side of the trees
  - Further photos of the site.
- The proposal has been recommended for approval and found to meet the policies set out in the committee report, namely the Cromore LLPA and Policy ENV 1, the tourism policies of PPS 16 and the setting of the listed building and Department register of historic parks and gardens. All other issues such as impact of amenity, access, movement and parking, flooding, sewage and natural habitats have been fully considered. Section 10 of the PCR set out the conditions relating to noise controls, natural habitats, tree and biodiversity protection.

Senior Planning Officer advised Sharon McAfee from Environmental Health and Kara Ward from DfC (Department for Communities) Historic Monuments were in attendance to answer any questions, if necessary.

No questions were put.

The Chair invited G Jobling to speak on behalf of objectors. G Jobling stated the owner of the adjacent property (named), intends to refurbish as a residential property, was gravely concerned of the impact on its historic character, residential amenity and security. The location of the side garden on the estate, access was metres away. The accommodation would involve removal of trees, a car park in front of the building, and walking across the front lawn at Cromore House would visually impact loss of privacy. The proposal relies heavily on new planting to soften impact, contrary to Policy there is a risk to residential amenity of security, noise from visitors at night from BBQ's, traffic, loss of privacy and a risk of trespassing.

G Jobling stated HED (Historic Environment Division) welcome tree planting, two trees will be removed, assessment of the removal of the trees has not been fully considered. Regarding a Management Plan submitted, enforcement will be difficult after breaches. Potential assessment of noise of the exact level of patron noise – why has the actual decibel noise not been considered. There is a precedent the event venue will rely on a management plan, rather than assessment of potential noise.

G Jobling stated the following matters:

- There is no right to erect signage, there will be trespassing onto the property;
- Refuse under policy TSM6 of PPS 16 as the site has no capacity to absorb without adverse impact on rural character contrary to criteria B integrate into landscape with existing vegetation; instead this relies heavily on new landscaping;
- Also criteria G,H,I,K of policy TMS 7;
- Request Members need to undertake a site visit to see overall impact and how close proposal will be to house which will affect clients ability to refurbish Cromore House.

In response to questions from Elected Members, G Jobling advised liaison was occurring with Planning regarding renovation, landscaping was occurring along the laneway including liaison with HED (Historic Environment Division) but progress has been on hold since 2021 when the application was lodged. The purchaser has the intention to have Cromore House brought back to its former glory and the owner could not live in it with a Holiday Park next door.

Proposed by Councillor Watton  
Seconded by Councillor Kennedy

- That the application is deferred and a site visit held to view in context.

The Chair put the motion to the Committee to vote.

11 Members voted For, 0 Members voted Against, 0 Members Abstained.  
The Chair declared the application deferred.

**RESOLVED** - That the application is deferred and a site visit held to view in context.

\* **Alderman Scott joined the meeting at 11.28am.**



## 5.4 LA01/2022/0818/F Red Bay Pier, Waterfoot

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

**Reason for Referral:** Council Interest

**App Type:** Full Planning

**Proposal:** The proposed works comprises installation of a new sheet pile wall around the head of the pier. The new wall will be 93m in length and installed approximately 1m seaward of the existing sheet pile wall. The area in between the sheet pile walls will be filled with concrete. The new wall will be anchored at the top by raking ground anchors. A reinforced concrete capping beam will be constructed to connect the heads of the piles and transfer the horizontal anchor loads. It is anticipated that a small section of rock armour revetment at the seaward outer corner of the pier will be removed and temporarily relocated on-site for reinstatement following driving of the sheet piles. Minor remedial works to the existing masonry quay wall, in the form of re-pointing will be undertaken. No operational impacts are associated with this proposed development as it essentially amounts to maintenance of the pier.

### **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.

- (Slide) Planning Application LA01/2022/0818 is a full application for the maintenance and restoration of the Red Bay Pier.
- (Slide) Red line boundary of the site.
- The application site is located along the coastline, outside any settlements, within the Antrim Coast and Glens AONB and Red Bay LLPA. The surrounding area comprises of a fuel store, agricultural land and two listed buildings (the store at Red Bay Pier and the Red Arch). The nearest marine designated site is Red Bay SAC which is located less than 3km to the north of the site and Waterfoot Marine Conservation zone located 0.1km from the site.
- The proposed development comprises of a new sheet pile wall around the head of the pier. The new wall will be 93m in length and installed approximately 1m seaward of the existing sheet pile wall. The area in between the new and old wall will be filled with concrete.
- a small section of rock armour revetment at the seaward outer corner of the pier will be removed and temporarily relocated on-site for reinstatement following driving of the sheet piles. Minor remedial works to the existing masonry quay wall, in the form of re-pointing will be undertaken. No operational impacts are associated with this proposed development as it essentially amounts to maintenance of the pier.
- (Slide) Existing pier head

- (Slide) This plan shows the extent of works to the head of the pier.
- (Slide) Shows the temporary areas of stock piling that are required during the construction phases.
- (Slide) Number of photos. This is of the site entrance.
- (Slide) A view down the pier towards the pier head.
- (Slide) A view looking back towards the entrance.
- (Slide) A view taken from the shore line towards the pier.
- The essential remedial works are required as the existing sheet-pile wall at the head of the pier has reached the end of its serviceable life and therefore, the construction of a new wall seaward of the existing wall is necessary to maintain the longevity and future maintenance of the pier. It is estimated that the proposed works will take 24 weeks to complete. A Transport Assessment was submitted as part of the application and DFI Roads are content that the project will not have an adverse impact on the highway network as the work is completed.
- The application was also accompanied by a Habitats Regulations Assessment', 'Marine Conservation Zone Assessment', 'Environmental Report for Proposed Remedial Works', 'an 'Outline Construction Environmental Management Plan' and 'Industrial Heritage Impact Assessment'.
- No statutory or non-statutory consultees have raised any objections to the proposed development.
- The principle of development is considered acceptable having regard to the NAP, SPPS, PPS21, PPS 2, PPS 6 and the Rural strategy.
- The proposal will not harm the visual amenity of the surrounding area as the pier is existing and the proposed works, which are largely limited to the head of the pier, will not greatly alter its appearance. Approval is recommended subject to conditions as outlined in your committee report.

No questions were put.

Councillor Kennedy welcomed the upgrade.

Proposed by Councillor Kennedy  
Seconded by Councillor McMullan

- 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.

12 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.

#### **5.5 LA01/2022/1520/F Land to rear of 2528 Bamford Park Rasharkin.**

- \* **Councillor McGurk joined the meeting remotely at 11.38am.**
- \* **Councillor Peacock left the meeting during consideration of the Item.**

Report and Erratum, previously circulated, was presented by Senior Planning Officer, R Beringer.

**Reason for Referral:** Council Interest

**App Type:** Full Planning

**Proposal:** Removal of existing pedestrian steps and handrail and construction of new ramped access path, handrails, retaining wall with associated earthworks and soft 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 **APPROVE** planning permission subject to the reasons set out in section 10.

#### **Erratum Recommendation**

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

- The site, as identified in the red line, is located to the rear of 25-28 Bamford Park in Rasharkin. The site lies within the settlement of Rasharkin and falls within a Local Landscape policy Area – Designation RNL 01 Drumbolcan LLPA.
- The site comprises an irregular parcel of land and consists of public open space made up of a grass embankment, concrete steps, and pathway, linking Bamford Park into Drumbolcan Park
- The site is positioned between the Community Centre and the public play park and all-weather sports pitch. The proposal involves the removal of the existing steps and handrail, and the construction of a new 2m wide path which takes a circuitous route, parallel with the slope of the embankment to conform with the existing topography.
- A paved platform replaces the existing steps and establishes the start of the new path from the highest point of the site. This area is protected by a mild steel handrail and guarding 1.1m high, with new shrub planting proposed adjacent to the north-east. Due to the topography there are

two sections of retaining wall to the upper portion of the site. Additional tree planting is proposed to the north of the site on both sides of the pathway. A 1.2m high timber post and 'D' rail fence will be erected to the top of the longer section of retaining wall on the north-western side of the path. The path connects into the existing footpath network which serves the site.

- View of the existing steps
- View of the site from the top of the steps
- View showing the topography of the site from the bottom of the steps
- View looking back across the site towards the community centre
- The proposed works are of a modest scale, designed to respect the topography of the site with appropriate materials and additional planting that will allow the proposal to integrate successfully into the surrounding area. The proposal will have an amenity benefit through the provision of an accessible path connecting Bamford Park to Drumbolcan Park.
- Consultation was carried out with HED – Historic Monuments who are content with the proposal.
- The proposal satisfies the requirements of Policy ENV 1 of the NAP 2016, Policy OS 1 of PPS 8, and Policy DES 2 of the PSRNI. Approval is recommended.

No questions were put.

Proposed by Councillor Kennedy  
Seconded by Councillor Scott

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

The Chair put the motion to the Committee to vote.

11 Members voted For, 0 Members voted Against, 1 Member 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 reasons set out in section 10.

Councillor McGurk stated she abstained as she missed the start of the meeting.

\* **Alderman Callan left the meeting at 11.42am.**

- \* **Alderman S McKillop, having declared an Interest left the meeting at 11.42am.**

## **5.6 LA01/2022/0774/F 250-252 Castlecat Road, Dervock**

- \* **Councillor Peacock re-joined the meeting in the Chamber at 11.43am.**

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

**Reason for Referral:** Council Interest

**App Type:** Full Planning

**Proposal:** Change of use from Public House/Restaurant to Public House and 6no. Holiday Units

### **Recommendation**

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

Senior Planning Officer presented as follows via powerpoint presentation:

- The site outlined in red with the building also shown in red for conversion. Bounded by existing housing to the north and roads to the east and west. The site falls within Dervock Settlement Development Limit and Dervock area of alcoholological potential. 2 letters of objection have been received and are set out in paragraphs 5.1 of the PCR.
- The proposed floor plan with part of the pub to be retained on the ground floor LHS. 3 apartments to the remaining ground floor and 3 apartments to the first floor. As you can see each has their own access. The proposal has been assessed under policies TSM 1 and TSM 7 of PPS 16 for tourism and found to be acceptable.
- The existing front. No changes are proposed to the front elevation.
- New windows and door opening are proposed to the side elevations. They have no unacceptable impact on the amenity of the adjoining properties by way of overlooking or nuisance.
- The existing access to be used and are of hardstanding for car parking.

There have been no objections received from the consultees. The application is considered acceptable and meets with the prevailing planning policy. Conditions have been recommended in section 10 of the PCR. Approval has been recommended.

No questions were put.

Proposed by Councillor Kennedy  
Seconded by Alderman Scott

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

The Chair put the motion to the Committee to vote.

11 Members voted For, 0 Members voted Against, 1 Member 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.

Councillor Peacock stated she abstained as she was not in attendance for part of the application.

\* **Alderman S McKillop re-joined the meeting remotely at 11.47am.**

#### **5.7 LA01/2022/0872/F 8 Cliff Terrace, Castlerock**

Report and Site Visit report, previously circulated, was presented by Senior Planning Officer, R Beringer.

**Reason for Referral:** Council Interest

**App Type:** Full Planning

**Proposal:** Retention of as constructed garden room for domestic purposes (ancillary to existing dwelling)

#### **Recommendation**

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

- The application was initially presented to the March Planning Committee and was deferred to allow a site visit for internal inspection. The site visit took place on Monday.
- Accompanying the committee report is a site visit note.
- To note, a late objection was received in relation to the LBC application and will be covered as part of the presentation of same.
- The site as outlined in red, is located at No. 8 Cliff Terrace, more commonly known as the Twelve Apostles, in Castlerock. The site is located within the settlement development limit for Castlerock and lies within the Binevenagh AONB. The dwelling is B1 listed and a Listed Building Consent Application accompanies this full application.

- The site comprises a mid terrace property and rear garden area, which is accessed from a shared access lane to the rear. The garden room, already constructed, is sited within this rear garden area.
- This application for the retention of the as constructed garden room is for domestic purposes and will provide internal accommodation comprising storage, home office and wc/shower room.
- A previous full and listed building consent application for the installation of a standalone garden room outbuilding in the rear garden was approved in May 2021.
- View along the rear of the shared access lane with the position of the application site identified.
- Rear elevation of No. 8 Cliff Terrace.
- View of application site and garden room from No. 8.
- The proposal is small in scale and is a reduction in the size of the garden room previously approved on the site. While the design now includes a barrel style roof in place of the previously approved pitched roof, the design remains acceptable and HED Historic Buildings have no objection. The materials and finishes are similar to those previously approved and HED Historic Buildings have no objection to these. The proposal is sought for domestic purposes and the scale and nature of accommodation provided is considered ancillary to the use of the main dwelling.
- The proposed scale, design and materials are considered acceptable and will not detract from the appearance and character of the surrounding area. The proposal will not unacceptably impact the privacy or amenity of neighbouring properties. Consultation was carried out with HED – Historic Buildings who advised they were content with the proposal. The proposal complies with the Policy requirements of Policies BH8 and BH 11 of PPS 6, Policy EXT 1 of APPS 7 and Policy NH 6 of PPS 2.
- A condition restricting the use of the proposal for purposes ancillary to the residential use of the dwelling known as 8 Cliff Terrace is recommended.
- Representations are covered in detail within the Planning Committee report. There are 11 objections to the proposal raising issues in relation to noise, parking, finishes, design, appearance, precedence, privacy and listed buildings.

- A matter raised at the site visit, and to which I agreed to give clarification on, was in relation to the planning history of other garages/outbuilding to the rear of adjacent property. A planning history search showed a previous approval Ref: C/1998/4061 for the erection of a garage at No. 11.
- Approval is recommended.

In response to questions from Elected Members, Senior Planning Officer advised in the case of a concern being raised, a matter would be passed to enforcement for investigation. Senior Planning Officer detailed the accommodation within the outbuilding, as seen at the site visit.

Councillor Watton stated it struck him as an Air B&B.

The Head of Planning advised no personal views should be made at this time.

The Head of Planning advised the Registered Speaker was not able to attend.

The Chair invited J Martin to speak in support of the application. J Martin addressed the issues raised, its intended use. J Martin advised the use and status ancillary to the main dwelling, detailed accommodation within for an e-commerce business, working from home. J Martin stated the reasons for not extending his property, due to negative impact on history and character of the building, DfC (Department for Communities) welcomed and the majority of houses had been extended. J Martin stated an extension would be impossible as it would affect no. 9.

J Martin stated he did not intend to rent it out, it was not a commercial let, a shepherd hut and the immediate neighbour supported the application. J Martin stated the application approved with Condition, which was a good solution to the problem. J Martin cited from Section 13 and 14 Tourism Order paragraph 1 and 2. J Martin stated he was a qualified Solicitor for twenty-two years, an Officer of the Court and would be removed if convicted of an offence. There is no loss of privacy, impact, the principle of the accommodation is acceptable under Addendum 7 SPPS 7, HED (Historic Environment Division) found acceptable under PPS 6, a robust recommendation and no planning reasons why it would not be supported .

In response to questions, the Head of Planning clarified the Planning Permission applied to the land and not the individual.

Proposed by Councillor Peacock  
Seconded by Councillor Kennedy

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the application approved.



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

## 5.8 LA01/2022/0873/LBC 8 Cliff Terrace, Castlerock

\* **Councillor Watton left the meeting at 12.05pm and rejoined at 12:10pm**

Report, Site Visit report and Correspondence, previously circulated, were presented by Senior Planning Officer, R Beringer.

**Reason for Referral:** Council Interest

**App Type:** Full Planning

**Proposal:** Retention of as constructed garden room for domestic purposes (ancillary to existing dwelling)

### **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 **GRANT CONSENT** subject to the conditions set out in section 10.

- The application was initially presented to the March Planning Committee and was deferred to allow a site visit. The site visit took place on Monday.
- Accompanying the committee report is a site visit note.
- By way of a verbal addendum, a late objection was received yesterday in relation to the application, a copy of which was circulated to members. Matters raised are in relation to the officer recommendation to approve. The objector cites that this is contrary to the recommendation of the Planning Committee on the 22<sup>nd</sup> March. The Committee recommendation on the 22<sup>nd</sup> March was to defer for a site visit internally. The site visit, including internal inspection, took place on Monday 26<sup>th</sup> June. There is no change to the recommendation.
- This listed building consent relates to the previous item, which was the associated full application for the retention of the as constructed garden room, as considered under the previous item.
- The application site is No. 8 Cliff Terrace, more commonly known as the Twelve Apostles, in Castlerock, and is a B1 listed dwelling. The garden room, already constructed, is sited within the rear garden area.
- Consultation was carried out with HED – Historic Buildings who are content with the proposal.
- The proposal satisfies the requirements of Policies BH8 and BH11 of PPS 6 and the recommendation is that consent is Granted.

No questions were put.

The Head of Planning advised the Registered speaker was unable to attend.

Proposed by Councillor C Archibald

Seconded by Alderman Boyle

- 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 **GRANT CONSENT** subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.

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

The Chair declared the application approved consent granted.

**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 **GRANT CONSENT** subject to the conditions set out in section 10.

#### **5.9 LA01/2020/0510/F Lands off Kilnadore Park opposite lands on North side of Kilnadore Park Opposite 25-31 Kilnadore Brae, Cushendall - Kilnadore Townland**

Report and Addendum previously circulated, were presented by Senior Planning Officer, E Hudson.

**Reason for Referral:** Objection

**App Type:** Full

**Proposal:** Construction of 34 no. Social Housing Units comprising - 12 No. Apartments / 11 No. 3 person 2 Bedroom Houses / 7 No 5 Person 3 bedroom / 1 No. 6 Person 4 bedroom houses / 1 No 7 person 5 bedroom Complex Needs House / 1 No . 6 Person 4 bedroom Complex Needs House / 1 No. 3 Person 2 bedroom Complex Needs House

#### **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 the application in accordance with Part 1 and 9 of the Planning Committee report.

Senior Planning Officer stated a verbal addendum in relation to the addition of a planning condition limiting the dwellings to be used for social housing provision and presented via powerpoint as follows:

- (Slide) Planning Application LA01/2020/0510 is a full application for 34 no. Social Housing Units comprising - 12 Apartments / 11, 3 person 2

Bedroom Houses / 7, 5 Person 3 bedroom houses / 1, 6 Person 4 bedroom house / and 3 complex needs houses.

- Lands off Kilnadore Park, Opposite lands on North side of Kilnadore Park, Opposite 25-31 Kilnadore Brae, Cushendall - Kilnadore Townland.
- There is an addendum to your Committee report to re-word condition 3 to afford greater protection of the unscheduled monument on site.
- By way of a verbal addendum we will also require the inclusion of a condition limiting the housing to be solely used for social housing in accordance with zoning CLH 10 of the Northern Area Plan and Policy CTY 5 of PPS 21.
- (Slide) Red line boundary of the site. The site is located partly inside and partially outside the Settlement Development Limit of Cushendall as defined in the Northern Area Plan 2016 (NAP). The site is bound by established residential development to the south and east of the site and by open countryside to the north and west. There is an unscheduled monument located in the NE corner of the site.
- There have been 44 letters of objection to the application, 6 letters of support and 1 petition of objection.
- Issues raised in objection to the application are outlined in Part 5.2 of the Committee report and include principle of development, density, noise, overlooking, over shadowing, out of character, traffic and roads.
- (Slide) This is an extract from the Northern Area Plan showing the designations on the site.
- Designation CLH 10 is land zoned for housing and occupies over half the site area. The other portion of the site is located in the countryside, within an LLPA and outside the Settlement Development Limit. The entire site is also within the Antrim Coast and Glens AONB.
- (Slide) Site Layout drawing. In terms of the housing zoning the application site meets the majority of the key Site requirements (KSR's). In terms of density the KSR is 15-25 dwellings per hectare. The density as proposed is 29. Material consideration has been given to the character of the surrounding area, notably within Kilnadore Park opposite the site, the exclusion of development of part of the site due to the unscheduled monument and the need for social housing.
- Part of the application site is located outside the settlement development limit in the open countryside and within an LLPA. This part of the application falls to be considered under PPS 21 development in the countryside.
- Policy CTY 5 of PPS21 relates to social and affordable housing and states planning permission may be granted for a group of no more than 14 dwellings adjacent to or near a small settlement to provide social and affordable housing to meets the needs of the rural community. Where

the application is made by a registered housing association and where demonstrable need has been identified by the NIHE which cannot be met within an existing settlement. For the purposes of the policy Cushendall is considered a small settlement and the applicant is a registered Housing Association. The part of the application site which falls outside the settlement limit is for no more than 10 dwellings.

- The Housing Executive have been consulted and advised that the 5 year projected need for Cushendall from 2021-2026 is 39 units. It is also likely that provision for Cushendun and Waterfoot will need to be accommodated in Cushendall due to the difficulty in acquiring the provision of land for social housing in these areas. 5 social housing units were granted planning permission in Cushendall in 2021 which leaves a figure of 34 units which would be fulfilled through this application. The Housing Executive are supportive of the housing mix proposed.
- As part of the application process a site selection document was submitted to consider land within the settlements. This included Cushendall, Cushendun, Knocknacarry and Waterfoot. The report highlighted the difficulty in acquiring land on the open market and making it unviable. A large portion of Cushendall is designated Conservation Area and the surrounding landscape is LLPA making redevelopment more difficult.
- Objections to the application considered that there are lands within Cushendall which would be better served to provide social housing rather than the area outside the settlement limit. Including the Glens Hotel site, old police station, sites on Shore Street and St Aloysius school site. The old police station site has planning permission for Change of Use to offices, a PAN has been received for the Glens Hotel to redevelop it into a hotel, the School site is currently being used as a youth centre with sites on Shore Street small in size and within the Conservation Area.
- Policy CTY 5 outlines a sequential approach in terms of suitable sites. The first being land adjacent to the existing limit subject to amenity and environmental considerations. It is considered to meet this criteria as it is bound by residential development to the south and east and is a logical expansion to the current zoning. The area of open space acts as a buffer to the open countryside. It will be viewed in the context of surrounding build development from a number of public view points. This portion of the site is within the LLPA. When considered in the context of the identified features of the LLPA the proposed development would not have an adverse impact.
- Detail of the site layout: Access from Kilnadore Park around in a loop. Apartment development is at the site entrance leading to dwellings at the back. In terms of amenity space the majority of dwellings private amenity exceed 70 sq m with 4 dwelling units afforded over 50 sq m. private amenity. Communal space is afforded for the apartments with the area of public space exceeding the required 10% of the site.

- (Slide) Looking at some contextual drawings. The top drawing is a view of the site frontage along Kilnadore Park. The site slopes down from the western boundary towards the eastern boundary. The apartment development respects the change in level. The apartment development closest to the eastern boundary reflects the terrace type development opposite the site with a stepped down approach reflective of the level change.
- Dwellings along the western boundary of the site sit at the highest level and adjoin Kilnadore Brae to the south. Dwellings 4 and 5 Kilnadore Brae have a FFL approx. 2 metres higher than the closest adjoining dwellings and due to separation distances and orientation of dwellings will ensure there is no undue overlooking.
- There is a separation distance of approx. 25 metres from the opposing front elevations of the apartments and properties along Kilnadore Park.
- The bottom contextual drawing is taken from the back of the site and shows the development along the rear of the site in context. Again the development has been stepped down to respect levels and to take account of the required road level. Larger dwellings are located on the higher parts of the site stepping down to the smaller dwellings along the boundary with Middlepark Crescent. A number of objections have been received from residents along Middlepark Crescent citing reasons including over-development, overlooking, dominance, impact on amenity and noise.
- (Slide) This shows a number of sections showing the relationship between the proposed dwellings along the eastern boundary of the site with numbers 4-6 Middlepark Crescent. The dwellings along Middlepark Crescent sit at a lower level than the site. Concerns in relation to dominance and overlooking were raised between proposed house types and the established residential properties on Middlepark Crescent due to the level difference. A number of amendments have been received to address these concerns and the pink outline shows previously submitted house types and siting. The dwellings have been reduced in scale to allow for a decrease in height and better separation distance. The proposed dwellings along this boundary include a bungalow at unit 26 and 2 blocks of 1.5 – 2 storey dwellings along the remainder of the boundary. They have a ridge height of 7 metres and a small dormer window to the rear for a bathroom which will be obscure glazing. The sectional drawings don't show the dormer but that is due to where the section has been taken through. However it is shown on the elevational drawings. The first floor bedroom is served by a velux window.
- Creating Places advises that where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. An enhanced separation distance may also be necessary for development on sloping sites. The rear gardens of these properties range from 10-12 metres to the common boundary with a separation distance ranging from 20-22 metres. It is considered, taking

into account, that over half of the site is zoned for housing and the house types proposed that the proposal will not cause undue overlooking and the development will not cause undue dominance, noise, impact on amenity than would not ordinarily be experienced in an urban setting.

- (Slide) The top contextual drawing is a front elevational view of the dwellings that will back onto Middlepark Crescent with the bottom section taken through the proposed bungalow and its relationship with no. 3 Middlepark Crescent. This relationship is considered acceptable.
- (Slide) Looking at some photos.
- The principle of development is considered acceptable at this site taking into account all relevant planning policy including NAP, SPPS, PPS7 and Addendum, Creating Places, PPS 21, PPS 3, 2 and 6. There have been no objections from any statutory or non statutory consultees.
- Approval is recommended with conditions as outlined in the committee report and associated addendum.

In response to questions from Elected Members, Senior Planning Officer cited from Condition no. 25, access to the monument would be obtained by the new development, carried in consultation with HED (Historic Environment Division). Senior Planning Officer clarified there would be 34 social houses, and 5 previously approved in 2021 which provide the allocated need.

The Head of Planning advised an additional condition could be included in the Landscape Management Plan with regards the graveyard.

The Chair invited S Dill and P Fox to speak in support of the application. P Fox stated he was delighted to be part of the process and had been working on the project for four years, the difference quality accommodation makes on peoples lives. P Fox advised they were focused on rural housing, high quality and of a high specification.

S Dill stated he was the architect for the application and welcomed the recommendation. S Dill outlined the site partially zoned in NAP and set out the development of 34 units consisting of 12 apartments, 22 dwellings. S Dill outlined the internal road network, Open Space, garden size and apartment space to include individual front door access.

In response to questions, S Dill agreed to the Chair's comments, a fence could go around the graveyard, levelled and gateway on Kilnadore Road.

Proposed by Councillor McMullan

Seconded by Councillor Kennedy

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the application approved.

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

Councillor Hunter stated her MS Teams chat had not been considered and would have proposed or seconded the motion.

The Chair apologised and stated the chat had not been visible on his screen.

\* **Councillor Watton left the meeting at 12.35pm.**

#### **5.10 LA01/2021/1271/F Nos 4 and 5 Bushmills Road, Portrush**

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

**Reason for Referral:** Objection

**App Type:** Full Planning

**Proposal:** Demolition of the existing dwellings and outbuildings and erection of 6 no 2 1/2 storey semi-detached dwellings with associated car parking, landscaping and access from Bushmills Road.

#### **Recommendation**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **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 Part 1 and 9 of the Planning Committee report.

Senior Planning Officer presented via powerpoint as follows:

- 12 letters of objection have been received in relation to this application and their points of objection are set out in Paragraph 5.1 of the PCR.
- Aerial photograph showing the red line of the site and the two dwellings to be demolished. The site is located on the Bushmills Road within the Settlement Development Limit of Portrush. To the rear of the site is Sunnyvale Avenue.
- The existing street with the redline showing the 2 buildings to be replaced. PPS 7 is the main policy for consideration of residential development as set out in the report.
- The two dwellings to be demolished.

- The block plans depicting individual accesses from the Bushmills Road, retention of the building line, adequate separation distances between the blocks and the existing development to the Bushmills Road and Sunnyvale Avenue.
- The street context with the 3 blocks. The height though higher than the properties either side is acceptable and common place within the local context. There are small differences between each block in an attempt to echo the diversity of architecture along the street. The accommodation on the 3<sup>rd</sup> floor is reduced and the dwellings read as 2.5 storey in keeping with the streetscape.
- The design of blocks 1 and 2. The proposals are rendered with zinc seamed roof. There are limited openings on the gable to reduce overlooking of neighboring gardens. There is satisfactory separation to avoid overshadowing or dominance to existing properties.
- The level of accommodation provided is across 3 floors, with outside terraces to the Bushmills Road (next slide)
- Plots 5 and 6 with a slight projection to No 5 and the internal layouts (slide)
- The proposal is considered acceptable in terms of layout, scale and massing and will not significantly harm the surrounding context and is appropriate to the character and topography of the site.
- The proposal is not considered to create unacceptable conflict with adjacent land uses and there is no unacceptable adverse effect on neighbouring properties due to the site's relatively flat topography, orientation of the site and depth of the proposed buildings. (3 slides on surrounding neighbours).
- The assessment is set out in the PCR. The proposal is considered acceptable and approval has been recommended.

No questions were put.

The Chair invited D Worthington to address Committee. D Worthington stated he agreed with the report and balance of issues, time had been taken with the developers to fit with the street scene and reduced from 8 to 6 to integrate into the area. The application had been reduced to remove living accommodation from the first floor to the ground floor and care taken to ensure there was minimal intrusion. D Worthington stated parking was off street, enabling exit forward. The Bushmills Road has a variety of heights and design of the buildings fits with the envelope. D Worthington stated no disagreement with the reasons or conclusions.

No questions were put.

Proposed by Alderman Scott  
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.

12 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.

At this point, Alderman Scott, being absent from the start of the meeting, requested a site visit for application LA01/2020/0683/O (Referral) Lands approximately 120m South West of 37 Moneyrannel Road, Limavady.

The Chair clarified a site visit had been agreed.

The Chair declared a recess for lunch at 12.48pm, to reconvene at 1.30pm.

\* **The meeting reconvened at 1.30 pm.**

The Head of Planning undertook a roll call.

\* **Councillor Watton joined the meeting in the Chamber at 1.34 pm**

\* **Alderman Scott joined the meeting in the Chamber at 1.36 pm**

#### **5.11 LA01/2020/0117/F - 8 Blackrock Road, Portrush**

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

**Reason for Referral:** Objection

**App Type:** Full Planning

**Proposal:** .

#### **Recommendation**

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

The Senior Planning Officer presented by powerpoint as follows:

- Full permission for a replacement dwelling.
- Permission is sought for the replacement of a one storey dwelling with a two storey. The site is located in the Settlement Development Limit of Portrush. To the north is Portrush West Bay and the south the Blackrock Road and the rear of the dwellings on Dhu Varren Road. Access to the site is from the Blackrock Road and Lane.

- This is an objection items 13 objections have been received from 7 objectors. The issues raised relate mainly to the design, scale and massing, overlooking and privacy, quality of plans, access through the Right of Way (RoW), loss of views.
- (Slide) The red line of the site. To the North Number 4 is currently a vacant dwelling with extant permission to replace with a two storey building, No 3 which has been replaced, No 2 which has a current application to replace, No 7 also vacant and with a current application also under consideration to replace. No 9 to the western boundary has an extant application for a replacement 3 storey dwelling and 2 storey dwelling in lieu of the garage to the rear. The area has been under pressure for redevelopment for quite some time and has a mixture of new contemporary designs of 2-3 storeys and modest single storey homes. The topography of the land falls to the north.
- (Slide) The block plan of the proposed replacement dwelling. The red outline is the footprint of the existing dwelling. As you can see the main extension of the footprint is to the north. The amenity space for the dwelling goes to the rear boundary of no 4. Two car parking spaces are provided to the northern elevation of No 7 and one onto the Blackrock Road.
- (Slide) In this photo you can see the dwelling to be replaced. The garage of No 9 to the left and no 7 just in the picture to the right.
- (Slide) Dwelling in context with the lane.
- (Slide) The RoW, objections have raised concern with the conflict of users mainly pedestrians using this lane with cars. Vehicle access has been granted for no 4 to the site. No 7 also accesses from the top of the lane as shown in the photograph. DFI Roads were consulted and have no objection to the proposal as this is a private lane they do not comment. The steep and narrow nature will prohibit cars traveling at any speed.
- (Slide) The dwelling to be replaced, as you can see is vacant and semi derelict. The existing house is situated in a tight urban grain with intervisibility between all the properties currently existing. To the rear is the 4 storey semi detached building approved by Planning Committee. The garage to the right of the site with the blue container beside is to be re developed as a two storey dwelling.
- (Slide) The top drawing on the slide is the section through the site showing No 38 Dhu Varren, the Blackrock Road, the proposed dwelling with one storey presenting and accessing onto the road. No 3 has a white barrel shaped roof and also showing No 4 and No 6. Going anticlockwise the proposed elevation to No 7, the proposal has limited opening to the boundary to reduce over looking, as you can see in the west elevation to No 9. The design includes the use of timber fins to the windows to reduce overlooking to adjacent properties. The two first floor windows are to hall ways and will be in line with the existing garage to not cause any adverse impacts. The bottom contextual drawing is of the proposed dwelling no 9 as approved and the existing dwelling at no 7.

- (Slide) The floor plans show the level of accommodation and the balcony to the 1<sup>st</sup> floor.
- (Slide) Views of the site from No 7 and the roof of no 4 to the right. The approved plans for no 4 have a door and velux windows on this facing elevation.
- (Slide) Views for the side of the application area into no 9.
- (Slide) Views looking north west to the garage of no 9.
- (Slide) The garden area of the site and no 4.
- (Slide) Existing open relationship with no 7.
- (Slide) No 3 who have also objected with concern of over looking which is addressed also in the PCR and not considered to be so significant to warrant refusal.
- (Slide) The properties at Dhu Varren. There is no overlooking concerns to these properties due to the set back and existing boundary treatments and the design of the proposed dwelling.
- The application has been assessed under PPS 7 and PPS 3 and found to be acceptable. No objections have been received from any consultees and approval is recommended.

\* **Councillor Anderson joined the meeting in the Chamber at 1.41 pm**

No questions were put.

The Chair invited M Hoey to address the Committee.

M Hoey stated that this application had been in the system for some considerable time and he was in full support of the recommendation of the Senior Planning Officer. M Hoey said he looked forward to commencing the build.

No questions were put.

Proposed by Councillor Peacock  
Seconded by Alderman Stewart

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the Motion Carried.

**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.

#### 5.12 LA01/2021/1155/F 40m South of 29 Boveedy Road, Kilrea

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

**Reason for Referral:** Referral

**App Type:** Full Planning

**Proposal:** Dwelling and garage under Policy PPS 21, CTY2a

#### **Recommendation**

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

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the reasons for the recommendation to Refuse as set out in Section 9 of the Planning Committee Report.

The Senior Planning Officer presented via powerpoint as follows:

- Full planning permission is being sought for a dwelling and garage under policy CTY2a – development within a cluster of development.
- 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 Addendum in front of you.
- This application was presented to the Planning Committee Meeting of 23<sup>rd</sup> November 2022 and subsequently deferred for two months to allow Agent to provide further information. Following this deferral, amended plans were received on 2<sup>nd</sup> February 2023. An update on these revisions is set out in the Addendum.
- (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. There is a listed church to the south east of the site.
- (Slide) Here is the location showing the site outlined in red and you will see its relationship to the surround development.
- (Slide) Satellite image of the site and you can see the existing dwellings, other development and fields.

- The principle of development is considered unacceptable having regard to Policy CTY 2a as the cluster does not appear as a visual entity in the local landscape, the site does not provide a suitable degree of enclosure and the development will not round off or consolidate the existing cluster, rather and it will visually intrude into the open countryside altering the existing character. This is visible from the satellite image as there is no further development to the south of the semi detached dwellings, or from the site.
- The proposal fails to meet requirements of policy CTY 13 in that the site is unable to provide a suitable degree of enclosure for a dwelling and garage to integrate into the landscape, and would rely primarily on the use of new landscaping for integration
- (Slide) Revised design; however, despite revisions to the original design, and having regard to the assessment and consideration that is set out in your Addendum, the building is inappropriate for the site and its locality and the dwelling would fail to blend with the landform and buildings and is contrary to policy CTY 13. Furthermore, consultation was carried out with Historic Environment Division, Historic Buildings Unit, regarding the proposal's impact on the listed building which is the Church to the south east of the site. It was recommended that the application failed to meet the policy requirements of Policy BH 11 of PPS 6 as set out in your Addendum.
- (Slide) Now looking at some photos of the site, this photo is south of the site, looking north showing the listed church on the right hand side of the photograph, with the site in foreground of the dwellings on the left hand side.
- (Slide) This photo shows the site from the opposite side of the road, and you will note the open nature of this, and the dwellings in the background.
- (Slide) This photo shows another view of the site from slightly further south along the Boveedy Road, and you will note the open nature of this land along with the need for further vegetation/landscaping to create the site.
- It is considered that the development will not round off or consolidate the existing cluster, rather and it will visually intrude into the open countryside altering the existing character. The proposal will have an unacceptable impact on the existing listed church and fails to comply with Planning Policy.
- DFI Roads, NI Water and DAERA (Water Management Unit), Environmental Health were consulted on the application and raise no objection. HED raises as an objection as previously covered and set out in the Committee Report and Addendum
- There has been one objection to the proposal.
- Refusal is recommended.

No questions were put

The Chair invited R Finlay to address the Committee in support of the application.

R Finlay stated that under policy CTY2A of PPS21, this was part of an existing cluster in addition to the area adjacent to Boveedy Church which was identified as a cluster in the Planning Committee report. The proposed application is bounded on two sides and compliant with criteria listed. Although the Church is a Listed Building, the application would be acceptable subject to a suitable planting scheme. A meeting requested to further discuss the design was declined and suggested build of a storey and a half was not fully considered. There were no objections from DfI. A similar proposal in Magherafelt LA09/2018/0936F was approved. R Finlay asked the Committee to reconsider and approve the application.

No questions were put.

Proposed by Alderman Stewart  
Seconded by Councillor Kennedy

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

The Chair put the motion to the Committee to vote.  
10 Members voted For, 4 Members voted Against, 0 Members Abstained.  
The Chair declared the Motion Carried.

**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.

## 6. CORRESPONDENCE

### 6.1 DfI – Long Term Water Strategy Group

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

Committee NOTED the report.

### 6.2 DfI – Review of The Planning (Development Management) Regulations (Northern Ireland) Regulation 2015 – Initial Stakeholder Engagement

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

Committee NOTED the report.

### **6.3 DfI – The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2023**

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

Committee NOTED the report.

### **6.4 DAERA – Marine Licence – The Crescent, Portstewart**

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

Committee NOTED the report.

### **6.5 NIEA – Planning Consultations for Agricultural Development**

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

Elected Members raised concern around the danger of putting applications on hold stating it was totally unacceptable and that farmers were being unfairly treated. Elected Members referred to the impact on local food produce and a current shortage of eggs from England. Elected Members said that clarity was required as the outcome would result in applications being in the system for a prolonged period of time.

Proposed by Councillor McMullan  
Seconded by Councillor Kennedy and

**AGREED** -that the Head of Planning write to DAERA, NILGA, UFU, SOLACE and NIEA to outline the danger associated with putting applications on hold as discussed by Elected Members.

Committee NOTED the report.

### **6.6 PACNI – DC&S District Council – Independent Examination Dates**

Correspondence, previously circulated was presented by the Development Plan Manager who advised that the date set out in this letter has now been updated. The new date for commencement of the IE is 5<sup>th</sup> September 2023 (Agenda Item 6.8 from DC&SDC refers).

Committee NOTED the report.

### **6.7 Draft PADs Process**

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

An Elected Member thanked the Officer stating this would impact favourably on complex applications, in terms of process and timescales and looked forward to the implementation.

Committee NOTED the report.

## **6.8 DC&S DC – LDP dPS Notification Letter**

Correspondence, previously circulated was presented by the Development Plan Manager. (Agenda Item 6.6 refers).

Committee NOTED the report.

**RESOLVED** – That Planning Committee note the correspondence report.

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

### **7.1 Quarterly Verbal Update**

The Development Plan Manager provided the Quarterly Verbal Update as follows:

- The draft Plan Strategy was presented at 1st November 2022 Full Council Meeting – where it was deferred for further consideration.
- Party Group Meetings were held in November & December 2022. We have been considering further information and evidence and consulting with relevant stakeholders on matters raised.
- An all Member workshop is to take place before bringing the draft Plan Strategy back to Full Council.
- Following the workshop a revised LDP Timetable will be brought to the Planning Committee for agreement. Any revision must be published in advance of the draft Plan Strategy publication.

Committee NOTED the report.

### **7.2 6-month LDP Work Programme**

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

#### **Purpose of Report**

To present, in line with Section 5 of the Council's published LDP Timetable, the 6-month indicative LDP Work Programme (attached at Appendix 1) which outlines the work areas to be carried out by the Council's Development Plan team within this programme (Jul-Dec 2023).

#### **Background**



### **Revised LDP Timetable**

Members will be aware of the work undertaken to date to get us to this stage of the Council's Plan-making process – draft Plan Strategy (dPS) publication.

The Council's published LDP Timetable, agreed at its 24<sup>th</sup> March 2021 Planning Committee Meeting, sets out an indicative date for publication of the draft Plan Strategy (dPS) in spring/summer 2022. The dPS was presented and agreed at the 24<sup>th</sup> August 2022 Planning Committee.

As Members are aware, the dPS was deferred at the 1<sup>st</sup> November 2022 Full Council Meeting for further discussion. Party Group Meetings were held in Nov & Dec 2022. In response to issues raised at the meetings the Development Plan team undertook further policy review. The team also received some further information/evidence from Members. An all Member workshop is to be held prior to presentation of the dPS back to Full Council.

The LDP timetable is kept under review and the Planning Committee (LDP Steering Group) updated quarterly on progress. A revised LDP Timetable will be brought before the Planning Committee, prior to consultation with the PAC and agreement Dfl, as required.

### **LDP Project Management Team & Steering Groups**

Consultation on our draft policy approach has now closed with both the LDP Project Management Team (key consultees and stakeholders) and the LDP Steering Group (the Planning Committee). However, following the workshop yet to be held, there may be a need to re-open this consultation process.

### **Working Groups/Collaborative Working**

The Development Plan Working Group will continue throughout this programme.

Collaborative work will also be undertaken on the following, as and when required:

- NI Coastal/Marine Group;
- Cross-Border Development Plan Group;
- Cross-Boundary Group (adjoining councils); and
- Sperrin AONB Group.

### **Sustainability Appraisal**

A Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA) of the LDP is an iterative process, continuing throughout the entire Plan-making programme. The Council has employed SES to carry out the LDP SA/SEA on its behalf.

### **Settlement Appraisal**

This has been carried out in line with the Evaluation Framework set out in the Regional Development Strategy (RDS) 2035.

### **Landscape Study**

The Study provides a robust 'sound' evidence base informing the draft LDP policies and proposals.

### **Annual Monitors**

Work will continue on the Council's annual retail, employment and housing monitors within this work programme.

### **Building Preservation Notices (BPNs)**

Ad hoc requests for BPNs will be processed throughout the work programme, as and when required.

### **Trees**

Ad hoc requests for Tree Preservation Orders (TPOs) and Works to Trees will be processed throughout the work programme, as and when required.

### **Other work**

In addition to the items above, the Development Plan team will continue to assist our development management colleagues with planning applications, LDP and Conservation Area consultation responses and duty planner rota duties. Council consultations from other councils, as well as other ad hoc papers will be processed and/or presented as and when required.

Attendance at other councils' Independent Examinations (IEs) will continue in line with the Planning Appeals Commission (PAC) schedule as this is a crucial learning resource on the evolution of the Northern Ireland Plan-making process.

### **Recommendation**

**It is recommended** that the Planning Committee note the content of this report.

Committee NOTED the report.

## **7.3 Consultation on de-listing of 6-8 Main Street, Limavady**

Report, previously circulated, was presented by the Development Plan Manager. The Development Plan Manager highlighted error in front page at Title of Report and should read "...proposed delisting" rather than "...proposed listing" and the recommendation should read word "either".

### **Purpose of Report**

To present the Department for Communities: Historic Environment Division (DfC) advance notice of de-listing to the Council.

### **Background**

DfC wrote to the Council on 14 June 2023 (see Appendix 1) seeking comment (by 26 July 2023) on a proposed de-listing within the Borough under Section 80(3) of The Planning Act (Northern Ireland) 2011.

The proposed de-listing is as follows:

<b>Reference</b>	<b>Address</b>
<b>HB02/12/038</b>	6/8 Main Street Limavady

The buildings were demolished in 2007 following a fire and the site is currently vacant.

### **Options**

Option 1: Agree to support the de-listing: or

Option 2: Agree to oppose the de-listing.

### **Recommendation**

**IT IS RECOMMENDED** that the Planning Committee agree to Option 1 to support the de-listing of the buildings and stable block and agree to the Head of Planning responding to DfC:HED on behalf of the Council.

Proposed by Alderman Scott  
Seconded by Alderman Coyle

- Option 1: Agree to support the de-listing

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** - Option 1: Agree to support the de-listing

## **7.4 DfI – Public Consultation on Review of Renewable & Low Carbon Energy**

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

### **Purpose of Report**

To present the Public Consultation Draft on the Department for Infrastructure's (DfI's) Review of Regional Strategic Planning Policy on Renewable and Low Carbon Energy.

### **Background**

The background to the current public consultation is set out below:

#### **Strategic Planning Policy Statement (2015)**

The Strategic Planning Policy Statement for Northern Ireland – 'Planning for Sustainable Development' (SPPS) was published by the former Department of the Environment (DOE) in September 2015. It contains regional planning policy on renewable energy development. The provisions of the SPPS must be taken into account in the preparation of Local Development Plans (LDPs) and are also material to all decisions on individual planning applications and planning appeals. The SPPS is available to view at:

<https://www.infrastructure-ni.gov.uk/publications/strategic-planning-policystatement>

#### **Call for Evidence (2016)**

On 7th March 2016, DfI announced 'Calls for Evidence' to help inform the scope of a proposed focused review of strategic planning policy for Renewable Energy

development (as well as strategic planning policy for Development in the Countryside). The call closed on 6th May 2016. An Emerging Issues Paper and Consultant's Report are available to view at: <https://www.infrastructure-ni.gov.uk/publications/review-strategic-planning-policy-renewable-and-low-carbon-energy>

### **Stakeholder Engagement (2021)**

On 21st April 2021 the former Minister for Infrastructure announced her decision to review the strategic planning policy on Renewable and Low Carbon Energy. This was followed by a targeted pre-public 8-week consultation engagement exercise with key stakeholders, where an 'Issues Paper' was distributed on 15th December 2021. However, the Department welcomed comments from anyone, until 11th February 2022. The paper can be viewed online at: <https://www.infrastructure-ni.gov.uk/consultations/review-strategic-planning-policy-renewable-and-low-carbon-energy-issues-paper>

### **Public Consultation Draft (2023)**

The current consultation phase opened on 6<sup>th</sup> April 2023 and closes at 5pm on 30<sup>th</sup> June 2023. The Council's Head of Planning wrote to DfI on 3<sup>rd</sup> May 2023 to advise that, due to local governance arrangements, it will not be possible to submit the Council's substantive reply before the closing date. DfI's response (dated 12<sup>th</sup> May 2023) acknowledged this and requested the Council to submit an interim response within the consultation period, with any further comments to be submitted before 5pm on Friday 7<sup>th</sup> July 2023.

The draft policy consultation and all associated documents can be viewed online at: <https://www.infrastructure-ni.gov.uk/consultations/draft-renewable-and-low-carbon-energy>

### **Detail**

On its website, DfI has stated that *"The aim of this review is to ensure that strategic planning policy on renewable and low carbon energy development remains fit for purpose and up to date to inform decision-making in relation to development proposals for this subject area. It is also intended to inform the Local Development Plan (LDP) process and enable plan-makers to bring forward appropriate local policy approaches, all within the framework of regional strategic planning policy and the wider contemporary context for energy and climate change."*

It also states that *"The information gathered will be considered by the Department and will help inform the revised regional strategic planning policy on renewable and low carbon energy in its final form."*

### **Proposed New/Amended Policy Wording**

The text, highlighted blue in the consultation draft at Appendix 1, shows the proposed new/amended SPPS policy wording.

In summary, the policy wording is expanded to include "low carbon" energy and includes more potential sources of both this and renewable energy. It highlights emerging technologies, including battery energy storage systems (BESS) and the SPPS aim of maximising a wide range of technologies at various scales.

A range of new and emerging strategies are referenced including the Northern Ireland Energy Strategy “Path Net Zero Energy”, the Climate Change (Northern Ireland) Act 2022, and the Northern Ireland Climate Action Plan. A number of new regional objectives have been added which include contributing to the transition to a low carbon economy, securing a mix of energy provision, and enabling offshore proposals to be appropriately connected onshore.

In addition, the proposed policy sets out details on what councils must do (both in plan-making and decision-taking) to positively facilitate Northern Ireland’s full potential for renewable and low carbon energy.

### **Policy Status**

DfI has advised that no material weight should be applied to this public consultation draft. However, when issued in its final form, the revised policy will supersede the existing provisions of the SPPS’s ‘Renewable Energy’ subject policy (pages 90 – 93 refer) and will take precedence over the provisions of extant Planning Policy Statement 18: ‘Renewable Energy’ (PPS 18) which continues to be retained under transitional arrangements of the SPPS, whilst councils bring forward their Plan Strategies.

Any relevant supplementary and best practice guidance, such as ‘Best Practice Guidance to PPS 18’, will continue to apply unless and until it is replaced by the Department.

### **Council Response**

Appendix 2 details the Council’s interim response to the four questions set out at page 13 of the public consultation document. These comments have been submitted to DfI through their online survey portal.

### **Financial Implications**

The proposed policy sets out, at paragraph 1.9, a requirement for councils to undertake an assessment of their area’s full potential, and bring forward spatial policies in their LDP which identify the most appropriate areas for renewable energy development, including wind farms. The robust evidence base required to justify and deliver these areas would include a designation study/sensitivity analysis. The consultant who carried out the Council’s Landscape Study indicated that such a study, for this Borough, could potentially cost in the region of £100k.

### **Other Implications**

Given the Council’s procurement process and the time taken to complete such a designation study/sensitivity analysis, (discussed at 5.1 above) this could potentially impact/delay the LDP preparation by approximately 6 months.

### **Recommendation**

**IT IS RECOMMENDED** that Members note the contents of the attached report and advise if there are any further comments to be added to the Council’s interim response.

Committee NOTED the report.

## 7.5 TPO Confirmation – Riverside House, 28 Portstewart Road, Coleraine

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

### **Purpose of Report**

To present the TPO Confirmation for site at Riverside House, 28 Portstewart Road, Coleraine.

### **Background**

Under Sections 122 and 123 of the Planning Act (NI) 2011 and the provisions of the Planning (Trees) Regulations (Northern Ireland) 2015 the Council may make Tree Preservation Orders (TPOs) to afford statutory protection to selected trees or woodlands if their removal is likely to have a significant impact on the local environment and its enjoyment by the public.

Trees can have a high amenity value and can make an important contribution to the environment, creating a varied, interesting and attractive landscape. They can help define the character of an area and create a sense of place acting as landmark features in urban and rural areas. They also have nature conservation, historic and recreational value. Trees in the Northern Ireland landscape are limited, therefore, where they do exist their contribution is valued.

The Council may make a TPO for the purpose of protecting trees if they are considered to be of special value in terms of amenity, history or rarity, which may or may not be under threat. Therefore to be considered for a TPO, trees must be of high amenity value and in reasonable condition. The following criteria are used when assessing the merits of a potential TPO:

- **Potential Threat:** Priority will be given to the protection of those trees deemed to be at immediate risk from active felling or damage from development on site. All other requests will be assessed and prioritised accordingly.
- **Visibility:** The extent to which the trees or woodlands can be seen by the general public will inform the assessment of whether the impact on the local environment is significant.
- **Individual Impact:** The mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The tree's particular importance will be assessed by reference to its size and form. Its future potential as an amenity should also be assessed, taking into account any special factors such as its screening value or contribution to the character or appearance of an area. In relation to a group of trees or woodland, an assessment will be made of the collective impact.
- **Wider Impact:** The significance of the trees in their local surroundings will also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.
- **Historical Importance:** Certain trees, because of their age, association with the setting of listed buildings, or the contribution they make to the special character of a conservation area, may require consideration for TPO protection.

- **Rarity:** There may be occasions where a tree(s) may be considered for TPO protection solely on the grounds of its rarity. The priority of the consideration will reflect the rarity of the species.

All types of tree can be protected. The Order can cover anything from a single tree to woodlands. Normally, unless a Woodland TPO is proposed, only trees over 3.5m in height are considered for a TPO. Hedges, bushes and shrubs will not be protected.

In terms of the process and timescales, a Provisional TPO is normally served first, with the final confirmation within six months, or it can be allowed to lapse if it is considered, as a result of detailed assessment, that the trees are not considered worthy of protection.

### **Site Context**

The site is located on the western side of the Portstewart Road, across from its junction with The Boulevard. The subject land contains 10 mature trees positioned along the eastern (roadside) boundary of the site with a further 9 trees and 2 tree groupings located within the site and along the western (rear) and southern boundaries. Existing residential development surrounds the site on its southern, western and northern boundaries. The topography of the site is relatively flat throughout. Land to the rear of the site steps steeply down towards the west/southwest. The eastern (roadside) boundary of the site is currently defined by a low stone wall. The rear site boundary is defined by timber fencing.

The Northern Area Plan 2016 currently defines the site as 'Whiteland' within the Settlement Development Limits of Coleraine.

The site includes a well-established and significant level of mixed mature trees within this attractive site, including specimen Elder, Cherry, Hazel, Cypress, Austrian Pine, Sycamore, Scots Pine, Willow, Birch, Lime, Holly and Beech.

The majority of trees are in healthy condition and are considered to significantly contribute to the visual amenity and character of the area. The trees, likely to be over 100+ years old, are long established environmental assets and features of the area. Tree cover on site is documented on the historic OS 3rd edition maps from 1900 onwards and are likely remnants of the former Kenvarra House Estate.

### **Reason for TPO Protection**

The Council is currently considering planning application LA01/2022/1577/O, which seeks the proposed demolition of the existing office building on the site and the erection of new residential development.

On 1<sup>st</sup> February 2023 a member of the public requested that the Council serve a TPO on this site to prevent the trees being removed as part of any potential development.

Planning Section considered that a level of protection was required for the trees which are considered to make a valued contribution to the local environment and character of the area, creating an attractive landscape feature within the local setting of Portstewart Road.

A Provisional TPO was served on site on 10<sup>th</sup> March 2023 (see Appendix 1). This notice took effect immediately and provided protection for all trees on the site for a period of six months - until 25<sup>th</sup> August 2023. In line with legislation a copy of the Provisional TPO documentation was also posted to inform interested parties and adjoining neighbours on 10<sup>th</sup> March 2023. Copies of the Order were also attached to protected trees in obvious locations within the site on 10<sup>th</sup> March 2023.

The consultation process allowed comments/representations to be submitted within 28 days from the date of notice of the Provisional TPO (up to 28<sup>th</sup> March 2023). One representation was received on 23<sup>rd</sup> March 2023 (see Appendix 2, previously circulated) from the agent associated with application LA01/2022/1577/O. It questions the retention of the large tree located in the southwest corner of the site, and sets out their opinion that some trees/vegetation midway along the southern boundary do not merit to be included and should be excluded from the TPO. The representation also requests that any ash trees within the site are not included within the TPO due to the ash dieback epidemic in the interest of public safety.

Several objections have been submitted for LA01/2022/1577/O, two of which referred to the trees located within the application site. One objector sought the retention of the trees along the rear boundary of the application site, whilst another objector sought the removal of Tree No.T9 (however, no reason for this request was given).

Within this period a detailed assessment was carried out by a qualified Arboriculturist (see Appendix 3). This has resulted in a detailed survey of all trees on site which helps identify the physical condition of each individual tree, allowing for consideration of what level of protection is required.

### **Detailed Assessment of Trees**

M. Large Tree Services Ltd. surveyed the site on 20<sup>th</sup> April 2023 (see Appendix 3). A total of 21 trees and tree groups were identified. Of these, 17 have been identified as suitable for TPO protection. The exceptions are Tree No's. T1 (Elder), G5 (Mixed species), T10 (Willow) and T11 (Birch). These are reported to be unsuitable for retention either due to their physical condition and/or potential impacts on public safety. There has been no recommendation to fell any tree or tree group within this site.

Of the 17 trees identified as suitable for TPO, the Planning Department recommends that 14 are protected. All 14 are Category B as they are of moderate quality and condition and are considered worthy of TPO Protection.

Tree No's T2 (Cherry), T3 (Hazel) and T4 (Cypress) are considered to be unsuitable for protection due to their limited amenity value and location. Tree No's T2 – G5 were identified by Moore Design as Trees/Group of Trees that should be excluded from the TPO. This correlates with the Planning Department's recommendation. No ash trees have been identified within the site.

### **Summary**

In summary, 14 of the 21 Trees and Tree Groups are considered worthy of TPO protection. These trees have high public amenity value, being located in



a roadside prominent section along the Portstewart Road, with Tree No's T6 – T9 contributing with views from the Boulevard and Kenvarra Park. The trees provide an important and valued contribution to the local environment and character of the area, creating an attractive landscape within the urban setting of Coleraine and are considered worthy of TPO protection.

### **Financial Implications**

Other than the original tree survey costs, there are no financial implications for the Council.

### **Options**

**Option 1:** Resolve to confirm the TPO with modifications as detailed above.

**Option 2:** Resolve not to confirm the TPO.

### **Recommendation**

**IT IS RECOMMENDED** that Members agree to either Option 1 or 2 above.

At the request of an Elected Member the Development Plan Manager advised that the building was currently vacant and was subject to an application for development.

Proposed by Councillor McMullan  
Seconded by Councillor Peacock

- That Planning Committee approve Option 1: Resolve to confirm the TPO with modifications as detailed above.

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 Planning Committee approve Option 1: Resolve to confirm the TPO with modifications as detailed above.

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

Proposed by Alderman Scott  
Seconded by Councillor C Archibald 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.***

***Members of the press and public were removed from the meeting at 2.20pm***

## 8. CONFIDENTIAL ITEMS

### 8.1 Update on Legal Issues

The Council Solicitor, Corporate, Planning and Regulatory provided an update on the ongoing legal challenges as follows:-

- (i) **Rigged Hill**  
Awaiting judgement from hearing held on 24<sup>th</sup> and 25 April 2023.
- (ii) **Craigall Quarry**  
Awaiting judgment from the Court of Appeal following the hearing held on 30<sup>th</sup> May 23.
- (iii) **East Road, Drumsurn**  
Review on 26<sup>th</sup> June; provisionally listed for week commencing 23 October 2023

Committee NOTED the report.

### 8.2 Finance Period 1 – 12 - Update 2022/23

Confidential report, previously circulated, was presented by the Head of Planning.

#### **Background**

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 12 of the 2022/23 business year based on DRAFT Management Accounts.

#### **Details**

The Head of Planning provided commentary on the detail contained within the confidential report.

#### **Recommendation:**

**IT IS RECOMMENDED** that the Committee notes the update provided on the Planning budget as of end of Period 12 of 2022/23 financial year based on DRAFT Management Accounts.

Committee NOTED the report.

### 8.3 LDP SA – Review of Consultants hourly rate

Confidential report, previously circulated, was presented by the Development Plan Manager.

#### **Purpose of Report**

To update Members and seek agreement on Shared Environmental Services (SES) increased hourly rates for carrying out the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) of the Council's Local Development Plan (LDP).

#### **Detail**

The Development Plan Manager provided commentary on the detail contained within the confidential report.

### **Recommendation**

**IT IS RECOMMENDED** that Members note the contents of the paper and AGREE to the new hourly rates as set out in Table 1, previously circulated.

Proposed by Councillor McMullan  
Seconded by Alderman Scott

-That Members note the contents of the paper and AGREE to the new hourly rates as set out in Table 1, previously circulated

The Chair put the motion to the Committee to vote.  
13 Members voted For, 0 Members voted Against, 1 Members Abstained.  
The Chair declared the Motion Carried.

**RESOLVED** – That Planning Committee note the contents of the paper and AGREE to the new hourly rates as set out in Table 1, previously circulated.

## **8.4 Planning Committee Allowance Payment**

Confidential report, previously circulated, was presented by the Head of Planning.

### **Background**

Causeway Coast and Glens Borough Council has established a scheme of allowances payable to Members for the current period. The scheme provides for the payment of allowances to Councillors.

The Head of Planning provided commentary on the following aspects of the confidential report, previously circulated:-

- Planning Special Responsibility Allowance
- Limits
- Allocations
- Planning Allocations for Council term

### **Recommendation**

**It is recommended that** members note the report.

At the request of an Elected Member the Head of Planning confirmed details of payments under the Planning Special Responsibility Allowance.

Committee NOTED the report.

### **MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Alderman Scott  
Seconded by Councillor Watton

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

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

There were no matters of Any Other relevant Business notified.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 2.30 pm.

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Chair

UNCONFIRMED