

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 25 OCTOBER 2023**

**Table of Key Adoptions**

| <b>No.</b> | <b>Item</b>   | <b>Summary of Decisions</b>   |
|------------|---|---|
| <b>1.</b>  | Apologies   | <b><i>Alderman Coyle</i></b>  |
| <b>2.</b>  | Declarations of Interest  | <b><i>Alderman Scott,<br/>Councillor<br/>Anderson,<br/>McGurk, Storey</i></b> |
| <b>3.</b>  | Minutes of Planning Committee meeting held Wednesday 27 September 2023  | <b><i>Confirmed as a correct record</i></b>                                   |
| <b>4.</b>  | Order of Items and Confirmation of Registered Speakers  |   |
| <b>4.1</b> | LA01/2019/0922/F (Major) Lands Opp entrance to 59 Maghermore Road, Dungiven, in the townlands of Carnanbane and Maghermore, Approx 4km south of Dungiven                                | <b><i>Deferred and hold a Site Visit</i></b>                                  |
| <b>4.2</b> | LA01/2021/1530/F (Referral) Beside 76 Finvoy Road, Ballymoney   | <b><i>Deferred and hold a Site Visit</i></b>                                  |
| <b>4.3</b> | LA01/2022/0799/O (Objection) Site between 62a & 64 Drumalief Road, Limavady   | <b><i>Deferred</i></b>  |
| <b>4.4</b> | LA01/2022/0850/F (Referral) 55 Strand Road, Portstewart   | <b><i>Withdrawn from the Agenda</i></b>                                       |
| <b>5.</b>  | Schedule of Applications  |   |
| <b>5.1</b> | LA01/2022/0841/F (Major) Unit 17 and adjoining vacant land, Riverside Regional Major Centre, Riverside Park North, Coleraine and existing Lidl store, 2 Riverside Park North, Coleraine | <b><i>Agree and Approve</i></b>   |
| <b>5.2</b> | LA01/2023/0454/F (Council) Drumsurn Community Centre, Beech Road, Drumsurn  | <b><i>Agree and Approve</i></b>   |
| <b>5.3</b> | LA01/2021/1173/F (Council) Land opposite no's 2 & 2A and at Laurel Park Coleraine   | <b><i>Agree and Approve</i></b>   |
| <b>5.4</b> | LA01/2020/0957/F (Objection) Rear of 11 Main Street, Castlerock   | <b><i>Agree and Approve</i></b>   |

|            |  |  |
|------------|--|--|
| <b>5.5</b> | LA01/2020/0975/O (Referral) Lands due south of 56 Lisnagrot Road, Kilrea   | <b>Agree and Refuse</b>  |
| <b>5.6</b> | LA01/2023/0287/F (Referral) 11-13 Newal Road, Ballymoney   | <b>Disagree and Approve</b>  |
| <b>5.7</b> | LA01/2021/0928/F (Referral) 2 Ballygelagh Village, Portstewart   | <b>Disagree and Approve</b>  |
| <b>5.8</b> | LA01/2023/0147/F (Referral) 22 Greenhall Manor, Coleraine  | <b>Disagree and Approve</b>  |
| <b>6.</b>  | Development Plan   |  |
| <b>6.1</b> | Dfl – Planning Improvement Programme – Review of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 | <b>That Planning Committee note the content of this report and agree to the Head of Planning issuing a response, along the lines of that attached at Appendix 2, previously circulated, on behalf of the Council</b> |
| <b>6.2</b> | Works to Trees – Dark Hedges   | <b>That Tree No 24 be felled and further discussions take place re felling of further trees and consideration be given to remedial works required</b>  |
| <b>7.</b>  | Correspondence   |  |
| <b>7.1</b> | Correspondence from Dfl – S26 – Evishagaran Windfarm Extension   | <b>Information</b>   |
| <b>7.2</b> | Correspondence from Northern Ireland Housing Council   | <b>Information</b>   |
| <b>7.3</b> | Correspondence from NIEA – Planning Consultations for Agricultural Developments  | <b>That the Head of Planning write to the NIEA to seek further information on the timeframe for responses outstanding and the rationale for</b>  |

|            |  | <i>the decision being taken.</i> |
|------------|--|----------------------------------|
| <b>7.4</b> | Correspondence to DfI – Re: DfC Housing Supply Strategy – Building 100,00 Homes                | <b>Information</b>               |
| <b>7.5</b> | Craigall Quarry – Court of Appeal Judgement  | <b>Information</b>               |
| <b>7.6</b> | Correspondence from Mid and East Antrim Borough Council – Adoption of LDP 2030 – Plan Strategy | <b>Information</b>               |
| <b>7.7</b> | Draft Transmission Development Plan for NI 2023-2030 (TDPNI) Consultation                      | <b>Information</b>               |
|            |  |                                  |
| <b>8</b>   | Reports  |                                  |
| <b>8.1</b> | Finance Report – Period 1-5 Update   | <b>Information</b>               |
| <b>8.3</b> | NIPSO – TPO Overview Report  | <b>Information</b>               |
| <b>8.3</b> | Draft Transmission Development Plan for NI 2023-2030 (TDPNI) Consultation                      | <b>Information</b>               |
|            |  |                                  |
|            | <b>‘In Committee’ (Items 9, 9.1)</b>   |                                  |
| <b>9.</b>  | Confidential Items   |                                  |
| <b>9.1</b> | Update on Legal Issues   |                                  |
|            | (i) Craigall Quarry  | <b>Information</b>               |
|            | (ii) Rigged Hill   | <b>Information</b>               |
|            | (iii) East Road, Drumsumn  | <b>Information</b>               |
|            |  |                                  |
| <b>10.</b> | Any Other Relevant Business (in accordance with Standing Order 12 (o))                         | <b>Nil</b>                       |

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

**Chair:** Councillor McMullan (C)

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

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

**Officers Present:** D Dickson, Head of Planning (C)  
S Mathers, Development Management and Enforcement Manager (R)  
R Beringer, Senior Planning Officer (R)  
J McMath, Senior Planning Officer (R)  
J Lundy, Senior Planning Officer (R)  
M Wilson, Senior Planning Officer (R)  
E Hudson, Senior Planning Officer (R)  
D J Hunter, Senior Council Solicitor (R)  
M Jones, Council Solicitor, Corporate, Planning and Regulatory (R)  
S McAfee, Head of Health and Built Environment (R)  
S Duggan, Civic Support Officer & Committee & Member Services Officer (R)  
J Keen, 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)

A Lennox, ICT Officer (C/R)  
C Ballentine, ICT Officer (R)

Public 22 no (C) and 18 no. (R)  
Press 1 no (R)

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

## Registered Speakers

|                  |  |
|------------------|--|
| LA01/2022/0841/F | D Monaghan, Support (R)  |
| LA01/2021/1173/F | D Collins, Objector (C)<br>R Agus, Objector (R)<br>G Jobling, Support (R)<br>Denise Quinn, Support (R)<br>Simon Warke, Support (R)   |
| LA01/2020/0957/F | U Nutt, Objector (C)<br>S Nutt, Objector, did not attend<br>R Douglas, Objector, did not attend<br>William Orbinson, Objector, did not attend<br>Linsey Lyons, Support (C) |
| LA01/2020/0975/O | J Muldoon, Support (C)<br>N Dallat, Support, did not attend  |
| LA01/2023/0287/F | R Hunter, Support  |
| LA01/2021/0928/F | D Donaldson, 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 Alderman Coyle.

### 2. DECLARATIONS OF INTEREST

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

Councillor Anderson declared an interest in Item 5.4 LA01/2021/1173/F (Council) Land opposite no's 2 & 2A and at Laurel Park Coleraine. Councillor Anderson having declared an interest, left the Chamber during consideration of this Item and did not participate in the vote.

Councillor McGurk declared an interest in Item 5.1 LA01/2019/0922/F (Major) Lands Opp entrance to 59 Maghermore Road, Dungiven, in the townlands of Carnanbane and Maghermore, Approx 4km south of Dungiven.

Councillor Storey declared an interest in Item 5.7 LA01/2020/0975/O (Referral) Lands due south of 56 Lisnagrot Road, Kilrea and Item 6.2 Works to Trees – Dark Hedges. Councillor Storey having declared an interest, left the Chamber during consideration of this Item and did not participate in the vote.

### **3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 27 SEPTEMBER 2023**

Copy, previously circulated.

Proposed by Alderman Scott  
Seconded by Councillor Anderson

- That the Minutes of the Planning Committee meeting held Wednesday 27 September 2023 are signed as a correct record.

The Chair put the motion to the Committee to vote.  
14 Members voted For, 0 Members voted Against, 1 Member Abstained.  
The Chair declared the motion carried.

**RESOLVED** - that the Minutes of the Planning Committee meeting held Wednesday 27 September 2023 are signed as a correct record.

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

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

Proposed by Alderman Boyle  
Seconded by Alderman Stewart

- That LA01/2019/0922/F (Major) Lands Opp entrance to 59 Maghermore Road, Dungiven, in the townlands of Carnanbane and Maghermore, Approx 4km south of Dungiven is deferred and a site visit held, due to the visual aspect as outlined by the Historic Environment Division in paragraph 8.88 of the Planning Committee Report

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

**RESOLVED** - That LA01/2019/0922/F (Major) Lands Opp entrance to 59 Maghermore Road, Dungiven, in the townlands of Carnanbane and Maghermore, Approx 4km south of Dungiven is deferred and a site visit held,

due to the visual aspect as outlined by the Historic Environment Division as outlined in paragraph 8.88 of the Planning Committee Report

Alderman Scott and Councillor McGurk having declared an interest in this Item did not participate in the vote.

#### **4.2 LA01/2021/1530/F (Referral) Beside 76 Finvoy Road, Ballymoney**

Proposed by Councillor Wallace  
Seconded by Councillor Anderson

- That LA01/2021/1530/F (Referral) Beside 76 Finvoy Road, Ballymoney is deferred and a site visit held to gain a better understanding on the ground

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

**RESOLVED** - That LA01/2021/1530/F (Referral) Beside 76 Finvoy Road, Ballymoney is deferred and a site visit held to gain a better understanding on the ground

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

The Chair advised the recommendation for LA01/2022/0799/O (Objection) Site between 62a & 64 Drumalief Road, Limavady be deferred for 1 month to complete the Neighbour Notification procedure.

Proposed by Councillor McGurk  
Seconded by Councillor Peacock

- That LA01/2022/0799/O (Objection) Site between 62a & 64 Drumalief Road, Limavady be deferred for 1 month to complete the Neighbour Notification procedure

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

**RESOLVED** - That LA01/2022/0799/O (Objection) Site between 62a & 64 Drumalief Road, Limavady be deferred for 1 month to complete the Neighbour Notification procedure

#### **4.4 LA01/2022/0850/F (Referral) 55 Strand Road, Portstewart**

The Chair advised that LA01/2022/0850/F (Referral) 55 Strand Road, Portstewart has been withdrawn from the agenda at the Chair's discretion under paragraph 10.12 of the Planning Protocol

## **5. SCHEDULE OF APPLICATIONS**

### **5.1 LA01/2022/0841/F (Major) Unit 17 and adjoining vacant land, Riverside Regional Major Centre, Riverside Park North, Coleraine and existing Lidl store, 2 Riverside Park North, Coleraine**

Report, addendum, erratum and speaking rights, previously circulated, was presented by Development Management and Enforcement Manager, S Mathers.

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

**App Type:** Full

**Proposal:** 1. Demolition of existing retail warehouse (Unit 17 Riverside Regional Centre) and erection of discount food store, car parking, landscaping and associated site works (relocation of existing Lidl food store from 2 Riverside Park North); 2. Use of existing building at 2 Riverside Park North (Lidl) into 2no. units for use as (a) shop for the sale of bulky retail goods and (b) Class B4 storage and distribution unit.

#### **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 and Erratum Recommendation**

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

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

Proposal comprises several main elements: a new 2475sqm gross foodstore at Unit 17 adjacent the units where Dunelm and Poundstretcher are located; and, repurposing of the existing Lidl building adjacent Dunhill Road to form both a 929 sqm gross bulky retail goods unit and a 819 sqm storage warehouse.

As a major application, it was preceded by a PAN and accompanied by a Design and Access Statement.



In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Coleraine but outside the town centre boundary. The Northern Area Plan states that the future development of Riverside Regional Centre is to be complementary to, rather than competing with, the town centres and does not adversely affect the vitality and viability of the latter. In terms of retail site classification, the site of both elements of the proposal are out of centre.

Planning History - The existing Lidl store adjacent Dunhill Road was approved in 2005. With a later approved extension, the gross floorspace of the existing store is 1750 sqm. Unit 17 is part of a parade of retail units approved in 2008. This unit, which to the knowledge of the Planning Department, has never been occupied, measures 929 sqm gross and has a planning condition limiting retailing to bulky goods only.

#### New Convenience (Grocery) Store

Alternative Sites - As the Lidl store element is a new proposal (rather than an extension to an existing store), the SPPS requires that a sequential test is applied. This sequential test, which applies to a proposal's whole catchment, is for town centres, then edge of centre, then out of centre locations. The policy requires that applicants are required to fully demonstrate why alternative sites are not suitable, available and viable. In this case, the Planning Department is satisfied that the new Lidl store could not be accommodated on a sequentially preferable site.

Retail Impact Assessment - Given that the new Lidl store exceeds 1000 sqm gross, the Agent has prepared a retail impact assessment. However, given the extent of retail floorspace at the existing store, it was only the additional 725 sqm uplift in convenience (grocery) retailing that required scrutiny. This is on the basis that convenience (grocery) retailing is to cease at the existing Lidl store. This concludes that the proposal would result in an 0.6% impact on convenience (grocery) retailing within Coleraine Town Centre. This impact is considered low and not "significantly adverse" to offend the SPPS policy. However, if Tesco were to avail of this planning permission and close their store at Bannfield Road, there would be a resultant significant adverse impact to the convenience function of Coleraine Town Centre. To prevent this scenario, a planning condition is put forward to ensure that the new store is only operated by Lidl.

Assessment of Need - The SPPS requires an assessment of need to accompany such an application. The NEXUS Retail and Leisure Capacity Study commissioned by the Council identified that existing out of centre food stores were overtrading and that there was capacity for further convenience (grocery) floorspace. Accordingly, there is a retail need for the proposal.

Bulky Goods Unit - The existing Lidl store is to be part repurposed as a bulky goods retail unit. As this is a direct swop for the extent of floorspace at the existing Unit 17 which is to be demolished, the Planning Department was content not to engage the specific retail tests as applied to the convenience (grocery) store.

Storage Unit - This small unit at 819 sqm is, on balance, considered acceptable at this location given the variety of uses that define the character of Riverside Regional Centre. A planning condition is proposed to prohibit external storage to respect visual amenity, especially when viewed from Dunhill Road.

Design - Modern, contemporary designs are proposed. These are broadly in keeping with other buildings within the retail park and are acceptable for the area.

Access & Parking - The existing accesses are to be used with 132 car park spaces provided at the new Lidl store. DfI Roads has been consulted and have found this acceptable.

Representation - The detail of a single non-committal representation is considered in the report.

Conclusion - The proposal is considered acceptable and the recommendation is to approve subject to the specific conditions.

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

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

D Monaghan stated Lidl had been trading at Riverside Retail Park for 18 years and have outgrown the existing store. There is a requirement for a new unit and the retail report shows there is additional need. The new unit will provide significant improved retail provision; there is no suitable alternative site and there will not be a significant impact on the town centre. The new store will be

of bespoke design which includes solar panels and electric vehicle ports. There will be an investment of £4.5M supporting a total of 40 jobs.

In response to questions D Monaghan stated there are large storage areas; there will be 1 delivery per day in an HGV lorry which will also take waste to the regional centre; there will not be an increase in traffic as this is currently in place in the existing store.

Proposed by Councillor C Archibald  
Seconded by Councillor McGurk

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

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

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

## **5.2 LA01/2023/0454/F (Council) Drumsurn Community Centre, Beech Road, Drumsurn**

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

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

**App Type:** Full

**Proposal:** Installation of new single storey modular unit and associated 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 sections 7 and 8 and resolves to **Approve** planning permission subject to the conditions set out in section 10.

### **Addendum and Erratum Recommendation**

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

The Senior Planning Officer presented via Power point as follows:

Committee report is accompanied with Addendum which adds conditions and Erratum which amends the wording of a condition.

LA01/2023/0454/F is a full application for the installation of a new single storey modular unit and associated site works.

The site is located at the former Drumsurn Community Centre at Beech Road Drumsurn.

The site is located in the settlement development limit of Drumsurn and is identified as an area of existing open space in the Northern Area Plan. Site currently accesses via the housing development at Beech Road.

The site is a small flat parcel of land located along the western portion of the existing area of open space. It was used to house the former community centre which has previously been removed, it also includes a play area. The remainder of the open space is used as a football pitch.

A watercourse is evident along the western boundary and residential units along the north and western boundaries.

The use of the site for recreation with community centre was originally established in 2003 and Approval was later granted under a 2019 application for a replacement community centre. This approval is still live.

The proposal is for the installation of a new single storey modular unit for use as a community centre and associated site works such as paths and formalised car parking, an air source heat pump and solar pv panels.

The proposal has been considered under the Northern Area Plan 2016, the SPPS and PPSs 2, 3, 6, 8, 15 and the PSRNI.

The site is located on an area of existing open space which is protected by policy. The proposed building is broadly on the footprint of former community building and the extant approval. The use is complementary to the open space and any open space lost to the formalised parking area is compensated by the reintroduction of grass to the immediate south and west of the proposed structure. There is no loss of usable open space.

The siting, design and finishes of the community centre is appropriate for this location with views only possible within the wider area of open space.

The residential amenity of adjacent properties is maintained by the single storey nature of the building, the separation distance and the retention of mature boundary vegetation.

The access and car parking is acceptable under policy.

While the northwest portion of the site is located within the fluvial floodplain, the path has been relocated and no part of the proposed development is proposed within the flood plain. A 5m maintenance strip has been provided along the watercourse.

A Biodiversity checklist, Preliminary Ecological assessment and construction environmental management plan have been submitted and both SES and NED have been consulted and do not raise any objection on natural heritage grounds and it has been concluded that the proposal will not have an adverse effect on designated sites.

The proposal incorporates 30 photovoltaic panels and an air source heat pump, no consultees have raised any objection and the elements of the scheme are acceptable under policy.

HED were consulted on the proposal as the site falls within the consultation zone of an ecclesiastical site. To date HED have not responded despite reminders. The development site broadly matches the area of development permitted under the 2019 application on which HED were consulted and offered no objection. On that basis the Planning Department is content that the proposal meets the archaeological requirements of the SPPS and PPS6. The proposal is considered to be appropriate in terms of land use, design, access and the relationship to adjacent properties.

Approval is recommended subject to conditions.

There were no questions put to the Senior Planning Officer.

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.  
14 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.

- \* **Having declared an interest in the Item Councillor Anderson left the Chamber at 11.14am during consideration of the Item**

### **5.3 LA01/2021/1173/F (Council) Land opposite no's 2 & 2A and at Laurel Park Coleraine**

Report, addendums, site visit report, amended site visit report and speaking rights, previously circulated, were presented by Senior Planning Officer, J Lundy.

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

**App Type:** Full

**Proposal:** Proposed access road including access alterations along Laurel Park, Coleraine to service social housing zoning - CEH55 in Northern Area Plan 2016

#### **Recommendation**

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

#### **Addendum Recommendation**

That the committee note the contents of this Addendum and agree with the recommendation to approve the application in accordance with paragraph 1.0 of the Planning Committee report.

#### **Addendum 2 Recommendation**

That the committee note the contents of this Addendum and agree with the recommendation to Approve the application in accordance with paragraph 1.0 of the Planning Committee report.

The Senior Planning Officer presented via Power point as follows:

The Proposal is for a proposed access road including access alterations along Laurel Park, Coleraine to service social housing zoning - CEH55 in Northern Area Plan 2016

This is a council interest application with notice having been served on Council as a landowner. The application was presented to the March committee where it was deferred for a site visit which was carried out in June. An amended site note has been circulated to members.

Two addenda have also been circulated. The first addendum relates to further objections received. The issues raised are health and well-being, conflict with Council initiatives, traffic and access and loss of habitat. The second addendum provides a further update on the application since the last committee and the objections received, including a traffic survey submitted by the objectors, updated DfI Roads position and a P2 challenge raised by a third party. The Certificate of Ownership was amended and readvertised. As part of

the consultation with DfI Roads and following submission of the traffic survey DfI Roads asked for amended splays to be provided. This has been carried out with readvertisement and neighbour notification completed. Further objections were received, and the main points are set out and assessed in the addenda and committee report.

In total there are now 118 objections and 7 petitions totalling around 250 signatures. The objection points have been provided in the addenda and PCR and mainly relate to the access and road safety, biodiversity, use of the land for housing, impact on amenity, loss of open space, flooding, council procedures. These have been considered in the PCR.

The proposal is for a proposed access road to zoned housing land. As such only the proposed access is considered under this application. At this time no application has been submitted for the zoned housing lands. Any subsequent application for the zoned land will require a PAN with community consultation.

(Slide) The site is located within the defined settlement limit of Coleraine as defined in the Northern Area Plan 2016. The slide shows the extract of the NAP and the housing zoning CEH 55 and the designated LLPA CEL 17. The red line of the access is within the LLPA boundary. The LLPA characteristics are the mature trees that provide an attractive setting for the prominent listed building Laurel Hill. The location of the access is not considered to have a detrimental impact on views to the listed building or affect the trees within its setting. This assessment of this is set out in paragraphs 8.54 to 8.60 of the PCR.

(Slide) An aerial image of the access location off Laurel Park, the surrounding residential area, the River Bann to the east and associated open space. To the south east is the Newbridge Road and roundabout.

(Slide) The red line of the application site showing the proposed access. The blue line relates to an existing access to a dwelling No 93a. (Slide) It is proposed the existing access is closed to the rear of No 95 Strand Road with No 93a dwelling using the proposed access from Laurel Park. The closure of the lane at this location is not part of this application, However, it was raised at this stage to ensure the amenity to No 1a and No 95 was not compromised and that No. 1a Laurel Park would not be abounded by roads to 3 boundaries.

(Slide) In this slide you can see the detail of the proposed access. The proposed access has been considered under Policy AMP 2 of PPS 3, DCAN15 and Creating Places. The proposed access is 6m wide with 2m wide footpaths on either side. The proposed access provides visibility splays of 2.4m by 37m to the east and southwest. The visibility splays are provided to ensure intervisibility between vehicles using the minor road and those proceeding along the priority road. The splays are provided to ensure a vehicle waiting on Laurel Park to turn right into the access must be able to see oncoming traffic and be seen by following traffic. The splays have been informed by a traffic assessment submitted by the objectors. The details are set out in the DFI

Roads consultation responses and addendum 2. DFI Roads are content that the required splays for visibility and forward sight distance as quoted from DCAN 15 are achievable and adequate.

A Transport Assessment form was submitted advising there is the potential for 92 housing units on the basis of the site area and density of the housing zoning.

DFI Roads advised that visibility requirements is dependent on the no. of vehicles likely to use the proposed access and the speed of the traffic on the road the access comes onto. They advise that Laurel Park is an unclassified urban development road with low traffic volume and low speed. They advise in accordance with Creating Places that the road layout is considered adequate for up to 400 dwellings which is well above the number of existing and proposed dwellings in the area.

(Slide) A photograph taken from Strand Road, looking up Laurel Park with the proposed access just beyond the wooden fence on the right.

(Slide) A closer photograph of the access to commence 1m after the BT pole.

(Slide) A view looking towards Strand Road of the access. In this image you can see the change in levels from the footpath to the land to the rear. The change is around 1.2m. The proposed entrance road is to have a maximum 1:25 gradient. A section has been provided of existing and proposed levels in the previous slide and is included on the last page of the committee report for your information.

(Slide) The existing lane to No 93A Strand Road.

(Slide) Drawing No 3 indicating the 3 trees and hedgerow to be removed with 2 no birch trees to be planted either side of the new access. NIEA were consulted with the submitted ecological survey and have raised no objection to the access works requesting that the works are completed outwith the bird breeding season.

Any future application submitted for housing on the zoned land will be assessed in accordance with PPS 7 and Creating Places and all other relevant policies and guidance with public advertisement and neighbour notification carried out in accordance with the legislation.

This application is solely to consider the access to zoned housing land. The proposed access has been assessed by DFI Roads the competent authority and found to be acceptable in accordance with the guidance and policy and set out in the PCR.

The Senior Planning Officer advised Members that a representative from DFI Roads is available to answer any questions regarding the access.



There were no questions put to the Senior Planning Officer.

The Chair invited R Agus to speak in objection of the application.

R Agus stated that the Department of Infrastructure, Roads, have given their blessing for this application and have not followed normal practice when considering this application. R Agus stated the residents paid to complete a speed survey rather than the applicant; normal practice would be for the applicant to pay for the speed survey.

The Chair invited D Collins to speak in objection of the application.

D Collins raised concerns in relation to safety as the access opens onto a narrow and curved road. D Collins also referred to ownership of the access road. A return from a Freedom of Information request failed to show Council held records of maintenance, a previous enquiry to Council stated this information was shared. D Collins stated N Smith owns the access; she has received ground rent since 1961; she holds title and deeds and McAuley Wray Solicitor has confirmed this so she can prove ownership.

In response to questions from Elected Members R Agus stated that he is normally asking the Department for Infrastructure Roads to be more lenient stating that normally a 10 metre radius is required but in this case it was a 6 metre radius. He advised that the first response was based on a 3.2 metre wide access. He stated that the Department for Infrastructure were content to not make changes to the proposed access. He advised that dashcam footage was provided and this was not considered; the speed survey was only accepted when the residents organised it. R Agus referred to the Newmills Road and stated that normal practice is to start with the standard speed and work back which did not happen here. R Agus wanted to highlight the difference the Department for Infrastructure have made in this scheme. R Agus stated there was a small section of the road is straight between two bends; there are restrictions to visibility, the bends do slow traffic down. R Agus questioned why the information was not sought from the applicant.

In response to questions from Elected Members D Collins stated that the field is a separate issue; what is being considered in this application is the access. The ownership of the access was unclear; the owner became aware of the planning application once it was in the public domain; McAuley Wray have the document to prove ownership of the access road; the land was transferred either through trust or sale. D Collins stated Addendum 2.3 states all material considerations have been fully considered; he questioned how this could proceed when the access is owned by a private individual further stating the field is landlocked which greatly diminishes its value.

In response to questions from Members, Senior Planning Officer, J Lundy, stated Addendum 2 addressed land ownership; notice was served on 4 September 2023 on N Smith as the landowner; permission does not confirm title. Notice was served to all the relevant people.

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

G Jobling stated the proposal is to enable access to housing on land which has been in the Area Plan for 15 years and confirmed the application is solely for access; the application for the homes will be separate. G Jobling stated access over third party land is required. A detailed traffic assessment has been completed based on surveys to demonstrate access can be accomplished; the Department of Infrastructure Roads have confirmed the plans are fully compliant to policy and guidance. This road is the only means of access to provide much needed family homes for the area.

The Chair invited S Warke to speak in support of the application. S Warke was in attendance online; he could not be heard. The Chair invited G Jobling to speak on his behalf.

G Jobling stated that access is in accordance with DCAN 15 based on surveys and general character. The speed threshold is 25mph; the speed survey that was completed showed speeds of 19 – 21mph so the Department for Infrastructure is content but have increased sight lines to 37mph. G Jobling confirmed the radii is in accordance with guidelines; it is a minor road that is lightly travelled; Laurel Hill is also 6m radii. This has been robustly assessed by the Department of Infrastructure Roads to ensure a safe means of access.

Proposed by Councillor C Archibald  
Seconded by Councillor McGurk

- 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.  
10 Members voted For; 4 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

In response to questions the Head of Planning advised a representative from the DfI Roads was in attendance to answer questions, but no questions were put to the representative.

\* **Councillor Anderson returned to the Chamber at 11.56am**

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

Report Addendum and Erratum, site visit report and speaking rights, previously circulated, was presented by Senior Planning Officer, E Hudson.

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

**App Type:** Full

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

#### **Recommendation**

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

#### **Addendum Recommendation**

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

#### **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 Senior Planning Officer presented via Power point as follows:

(Slide) Planning Application LA01/2020/0957F. This is a full Retrospective application for change of use from ancillary dwelling areas and wooden shed to surfing training, equipment hire facility and cafeteria area. Retrospective change of use from detached dwelling accommodation to cafe. Retrospective provision of seated cafeteria areas, open timber structure providing covered seating area and timber hut coffee servery.

There is an Erratum to accompany your committee report which corrects the wording of condition no. 5 of the committee report. There are also 2 addendum. One referring to comments made by the applicant following the Planning Committee in September; the other to include an additional condition in relation to NI Water infrastructure.

(Slide) This is the red line boundary of the site. The site is located to the rear of no. 11 Main Street, Castlerock and within the Settlement Development Limit of Castlerock which is defined as a village in the Northern Area Plan 2016. The site fronts onto the promenade which runs along the coast line.

This application is being presented as an objection item to Committee. There have been 18 letters of objection (from 8 separate addresses) and one letter of support. The application has been assessed having regard to the NAP, SPPS, PPSs 2 and 3, the PRNI and other supplementary guidance together with letters of representation and consultee advice and our recommendation is to approve planning permission with conditions.

(Slide) This slide shows the site layout. The layout to the left is the lower ground floor plan and the drawing to the right is the upper ground floor plan. The proposed use is confined to the lower ground floor level.

(Slide) This is a section of the site. The site slopes down from the dwelling towards the footpath. The structures on site are low level.

(Slide) A section from the neighbouring property. The bottom image shows the structures on site and screened hedging from the neighbour's garden.

(Slide) Looking at some photos. This is taken from the pedestrian entrance. The coffee servery hut is located adjacent to the entrance.

(Slide) This shows some of the covered seating areas.

(Slide) This is a view into another covered seating area and also where the surf hire and training is carried out. The surf training area and seating area was previously in use as ancillary living accommodation. These steps lead up to a raised deck which is also currently a seating area for customers and has been used for other uses including yoga classes.

(Slide) This is taken from this upper area looking towards the shared boundary with the neighbouring property. Objection has been raised in terms of impact on residential amenity on this neighbouring property which is the other half of the semi-detached block. Having considered this we would agree that there is an adverse impact on the neighbouring properties amenity when customers are sitting in this upper level and in such close proximity to the immediate front of their property which is adjacent to the boundary.

(Slide) This is taken from the neighbouring front door area. In amended plans this upper deck is to be returned to a private area only to be used by residents of the property. This would have been the historic use of this part of the garden. A condition has been attached to this effect.

(Slide) There is a substantial hedgerow between the properties which aids privacy and screening. The structures do not project above this hedgerow.

(Slide) Gives an idea of the height of the hedge.

(Slide) Looking at some images from along Main Street. The rear of these properties along Main Street are open in nature largely due to the elevated nature of the sites as well as facing towards the promenade. As such the level of privacy experienced by residents is already compromised. The lower tiers of the development which comprise the coffee hut, seating area and surf training are separated from the immediate front of both properties and due to the low nature of the structures views from the neighbouring properties will look down on top of these structures and with the upper tier returned to private domestic use would ensure no direct overlooking occurs.

(Slide) A view from across the road showing the stepped down nature of the development.

(Slide) View further along the Promenade. Objections have been raised in terms of impact on the character, the proposed use and precedent. In terms of character, it is considered the site is located within a mixed-use area. There are residential properties on either side but it is also located within close proximity of other commercial uses associated within the village including Berthas Bar and other uses along Sea Road. The site is also located adjacent the Promenade and other amenities opposite the site with convenient access to the beach for the surf training activities.

(Slide) A view down Sea Road before turning the corner to the site. Shows a number of commercial properties.

(Slide) The properties along Main Street have a dual frontage with vehicular access to the front of the dwellings. This part of the site is generally more private in nature as it is the same level as the road and would have generally less footfall. This is reflected in both properties having patio areas on this part of the site. The property has an adequate level of private amenity space retained.

For the reasons outlined in your committee report our recommendation would be to grant planning permission with conditions.

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

In response to questions from Elected Members Senior Planning Officer, E Hudson, confirmed the upper deck of the property is for private residential use only; the presence of surf boards would depend on if they were for private use or part of the commercial premises. Senior Planning Officer, E Hudson, advised that it has been conditioned that a noise management plan be provided within 3 months of a decision; this will be considered with the

Environmental Health Department to ensure the residential amenity is protected.

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

U Nutt stated she was shocked at how quickly this application has returned to Planning Committee and the little time she had to prepare. U Nutt stated the site visit was completed at a time when the business was not in operation; it was impetuous to do so. There are 16 apartments adjacent to the property which may give rise to further objections. U Nutt objected strongly that her previous statement was considered dishonest; this is an attempt to deflect from the real issues; she did not state there was dinner parties every weekend but gave factual evidence and gave rise to the high noise levels to the point her daughter could not hear the television. U Nutt stated there was a total disregard to the neighbours, the night her husband was buried the applicant held a Halloween cabaret night with no regard for their feelings or grief. U Nutt stated the applicant is to apply for an entertainment licence. U Nutt stated that there was a wedding party of more than 50 guests, there was a large catering vehicle parked which was impacting on traffic. The area at the top is being used for yoga classes and storing equipment; U Nutt expressed concerns regarding security and use of the garden in privacy. There is a continuation of business along Sea Road; there is a difference between Sea Road and the Promenade; the Promenade should be enjoyed by everyone.

The Chair invited questions from Elected Members for the Speaker.

In response to questions from Elected Members U Nutt stated that the planning conditions need to be adhered to; in the past these have been flouted and questioned how the conditions would be monitored. U Nutt stated she is due to move into the property in a few months and is dreading it as she is concerned that this business will not be policed or monitored. U Nutt further stated that the presentation implies that all the activity is occurring at the lower level of the property and that the hedge is a screen but the staff are going back and forward to the building and surfers are using the facilities contained in the building; this occurs frequently.

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

L Lyons stated the U Nutt's statements are misleading and sometimes defamatory. L Lyons stated there was one occasion in May at 8:30pm she was asked to turn the music down which she did; during the summer there were 3 dinner evenings on the lower deck which all finished before 10:30pm. L Lyons confirmed the upper deck will be returned to residential use. There was a wedding which was a family friend; drinks were provided by the wedding party, and everyone had left after 6pm. L Lyons stated she is now aware of the process for gaining an entertainment licence; she stated she did not say she will be applying for one. There were 2 weddings during Covid when numbers were restricted to 30 guests; these were one off events; there was no amplified

music and L Lyons has decided not to host more weddings at the property. L Lyons stated there is continuous mention of evidence gathered over 3 years, but the upper deck has not been used; there is restricted use; the last yoga class was in June. L Lyons stated this is a family business and they are long-time residents of Castlerock and they fully intend to comply with the conditions.

In response to questions from Elected Members L Lyons stated that 2 small Bluetooth speakers are used to play music on the lower deck and would rather not do without the music; it cannot be heard on the top deck.

Proposed by Councillor Watton  
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** full planning permission subject to the reasons set out in section 10

The Chair put the motion to the Committee to vote.  
7 Members voted For; 4 Members voted Against; 4 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** full planning permission subject to the reasons set out in section 10

- \* **Having declared an interest in the Item Councillor Storey left the Chamber at 12:27pm during consideration of the Item**

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

Report and addendums and site visit reports, previously circulated, was presented by Senior Planning Officer, E Hudson.

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

**App Type:** Outline

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

### **Recommendation**

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

### **Addendum Recommendation**

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

### **Addendum 2 Recommendation**

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

### **Addendum 3 Recommendation**

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

The Senior Planning Officer presented via Power point as follows:

(Slide) Planning Application LA01/2020/0975F. This is a full application for 2 no. infill dwellings and garages with a shared access at land south of 56 Lisnagrot Road, Kilrea.

The application was deferred at the Planning Committee in September 2022 to allow for a site visit to take place and for the consideration of amended access proposals. A site visit took place in October 2022.

There are 4 addendum accompanying your committee report. These addendum refer to supporting information received during the processing of the application since its original presentation to Committee in September 2022. These include consideration of amended access arrangements for the site. Removal of a reason for refusal in relation to integration.

A further site visit took place on Monday 23<sup>rd</sup> October following deferral at September meeting. At the site visit members queried whether there had been any history of planning permission on land adjacent to the access. There is no history on this land and this is clarified in Addendum 4.

(Slide) This is the red line boundary of the site. The site is located in the open countryside. The access is taken from the Drummerick Road running along the rear boundary of no. 6 Drummerick Road. Previous submissions had the access directly off the Lisnagrot Road.

(Slide) This is the site layout drawing. The proposed dwellings are detached storey and a half.

(Slide) Elevations of the proposed dwellings.

(Slide) Aerial site view with the red star marking the site.



The application has been submitted as an infill and as such falls to be assessed under policy CTY 8 of PPS 21. An infill site will be acceptable where it is a small gap site sufficient only to accommodate a maximum of 2 houses within an otherwise substantial and continuously built-up frontage. For the purposes of policy CTY 8 a substantial and continuously built-up frontage includes a line of 3 or more buildings along a road frontage. This site is not located within a substantial and continuously built-up frontage. There are only 2 buildings which make up the frontage and not 3 – 1 to the north and 1 to the south. Both these dwellings have ancillary buildings however they are all set behind the rear elevation of the dwellings and as such read as subordinate and ancillary and do not form part of the substantial and continuously built-up frontage for the purposes of the policy. This is the established position of the Planning Dept with other cases such as this and there are also a number of PAC decisions which support this position. The frontage lengths of the neighbouring properties to the north and south have been reviewed which is outlined in addendum 3 of your Committee report. Taking into account these reviewed figures, the proposed frontage lengths of the 2 dwellings the gap between building could accommodate no more than 2 dwellings and this would be in keeping with the existing pattern of development exhibited in the area. Notwithstanding this the principle of development is still considered unacceptable as the site is not within a continuously built-up frontage and as such is contrary to Policy CTY 8.

(Slide) Number of photos of the site.

(Slide) A petition of support has been received and 15 letters of objection have been received in relation to the application. Issues raised in objection include principle of development, road safety, removal of vegetation, drainage, noise and odour.

Reasons for refusal are in relation to Policies CTY 1 and 8 as the proposal would create a ribbon of development long Lisnagrot Road. Refusal in relation to policy CTY 14 as it would have an adverse impact on rural character and results in ribbon development.

There were no questions put to the Senior Planning Officer.

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

J Muldoon stated there is no textbook examples; that there has been 2 objectors to this application and 50 letters of support. J Muldoon stated that the applicants are the farmers son and daughter, one a doctor and one a physiotherapist, both wanting to remain working in the area and reside close to family members. There are 5 sites for sale in this area of Kilrea and this application does not offend policy. J Muldoon stated that the site is between 2 plots; that balance and judgement are required and there is no harm being caused; there is no detrimental change to the rural character of the area. J Muldoon stated the sites at either side have ancillary buildings and this site will

fit in well with the local area; housing is required in the Causeway Coast and Glens area. J Muldoon asked Committee Members to overturn the recommendation and allow family members to remain in Causeway Coast and Glens.

The Chair invited questions for the Speaker.

In response to questions J Muldoon stated the site will accommodate no more than 2 dwellings; there are a number of ancillary buildings which can be seen from the road; there will be no harm and that this is not a textbook case. When asked for clarity J Muldoon advised when driving along the road numerous buildings can be seen; an application does not need to tick all the policy. There are significantly more than 3 buildings when the ancillary buildings are considered and this is sustainable development in the countryside. This application is in the spirit of PPS21. J Muldoon stated all buildings are accessed from the Lisnagrot Road.

In response to questions from Elected Members Senior Planning Officer, E Hudson, confirmed the closest building at no 56 is 40m from the road; the dwelling sits 20m from the road. Senior Planning Officer, E Hudson, cited policy CTY8; a building should have frontage in its own right; ancillary buildings to the rear of a dwelling do not have frontage; an infill opportunity requires 3 buildings with frontage onto the Lisnagrot Road with gap sufficient to accommodate a maximum of 2 dwellings. Senior Planning Officer, E Hudson, confirmed there is no planning history on this site.

Proposed by Alderman Stewart  
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 REFUSE outline planning permission subject to the reasons set out in section 10.

The Chair put the motion to the Committee to vote.  
8 Members voted For; 4 Members voted Against; 1 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 REFUSE outline planning permission subject to the reasons set out in section 10.

**\*The Chair declared a recess for lunch at 1pm**  
**\*The meeting reconvened at 1.45 pm**

The Head of Planning undertook a roll call.

## **5.6 LA01/2023/0287/F (Referral) 11-13 Newal Road, Ballymoney**

Report, addendum, speaking rights and supporting information, previously circulated, was presented by Senior Planning Officer E Hudson.

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

**App Type:** Full

**Proposal:** Proposed two storey Psychological Services building to replace 2no. existing buildings and extension to existing carpark

### **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.

### **\*Councillor Watton rejoined the meeting in the Chamber at 1.53 pm.**

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

(Slide) Planning Application LA01/2023/0287. Proposed two storey Psychological Services building to replace 2no. existing buildings and extension to existing carpark. This site is located at nos. 11-13 Newal Road in Ballymoney.

There is an addendum to your committee report considering supporting information submitted by the agent last week.

(Slide) This is the red line boundary of the site. The site is located within the Settlement Development Limits of Ballymoney. Newal Road is generally characterised as a long established residential area. The Robinson Hospital is also located along Newal Road with the main building located behind and to the north of the application site and a number of other buildings located either side of the application site. This application is for a building associated with the Robinson Hospital.

(Slide) This is the site layout drawing. The proposal includes one large building set over 2 floors and additional car parking to the rear. Access to the site would be via the existing access to the Robinson Hospital.

(Slide) This is one of the floor plans for the building. The building comprises consulting rooms, office spaces and multipurpose rooms.

(Slide) This is the front elevation along Newal Road and the side elevation. There are concerns over the overall scale and massing of the proposed building when taken in the context of the existing long established buildings fronting Newal Road. The building has an overall height of 9.75 m and although the accommodation is over 2 floors it has the appearance of a much larger building. The eaves level sits above those of the adjoining buildings and this, compounded by the 3 very dominant gable fronted elements, will make the building appear out of place and dominant and have a detrimental impact on the character of the street.

The overall frontage length of the building is approx. 24 metres and the gable depth is around 20m. This will appear out of place when viewed from along Newal Road.

(Slide) View of the rear elevation which is of similar design to the frontage.

(Slide) Contextual drawing.

The character of the area is of buildings with smaller frontages set within smaller plots. In supporting information, the agent considers the gable fronted elements are reflective of other dwellings and buildings along Newal Road. However, those are of a scale which are traditionally more residential in character. The 3 large gable fronted elements with flat roof between does not draw on any features of the surrounding context. The proposed materials include a large element of standing seam zinc to the upper portion of the site with the lower half and set back element pale brick. This extensive use of standing zinc on the upper portion of a building is uncharacteristic of the area and will appear dominant and top heavy.

(Slide) Looking at some photos of the area. This is the site showing the existing single storey dwellings on site.

(Slide) This photo is from the other side of the road. You can see the 2 neighbouring buildings. These buildings are conversions of former dwellings and provide health care provision. As such, the principle of the use of the site for health care provision is acceptable however the scale, massing and design of the building proposed is considered unacceptable.

(Slide) View looking down Newal Road towards the junction of Queen Street.

(Slide) Looking up the other direction. Buildings have a stepped down approach towards the town centre. The existing buildings on site sit forward of the neighbouring building to the south and the proposed building will also sit forward of this building by around 4 metres. It is not discernible at present as these buildings are single storey however the proposed building will appear very dominant from this approach due to it's overall scale and massing.

(Slide) View from the rear of no. 8 Knocklayde Park which is located to the rear of the application site. This property and no. 6 back onto the site. There is approx. 12.5 m from the rear elevation to the common boundary. There is concern regarding the overlooking from 1<sup>st</sup> floor windows into the site and the overall dominance this building will have from the rear of these properties.

There has been 2 letters of support and one letter of objection to the application. There are no statutory consultee objections to the application.

Our recommendation is to refuse planning permission as the proposal is contrary to para 4.27 of the SPPS and policy DES 2 of the PSRNI in that the development if permitted would not be sensitive to the character of the surrounding area in terms of design, scale and massing.

The proposal is also contrary to para 4.12 of the SPPS as it would cause unacceptable dominance and overlooking to neighbouring properties.

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

At the request of an Elected Member the Senior Planning Officer advised that in terms of design the application was inconsistent with para. 4.27 of SPPS. The Elected Member referred to the geographic elements of the area and questioned if consideration had been given to close proximity to Trinity Presbyterian Church, Sure Start, Job Centre, and multi-use complex including Armour Day Centre, Library and Roddens Nursing Home. The Senior Planning Officer explained that the context of the Newal Road being a residential area was considered in reaching a recommendation and not the wider elements of Ballymoney Town.

The Elected Member stated that the landscape of this area of Newal Road had changed due to the existence of the Robinson Memorial Hospital, which was a valuable part of the Northern Health and Social Care Trust and referred to limitations on buildings on this site over the years due to constraints on site and spoke of this need for the provision proposed.

The Senior Planning Officer advised that while the principle of health care is acceptable, scale, massing and design is a concern as the other buildings in this health care provision respect the character.

At the request of an Elected Member the Senior Planning Officer advised amended plans with minimal changes had been submitted post PAD but that the changes were minimal and referred to the Addendum and two of the five core Planning Principles which were Health and Wellbeing and Supporting Good Design

An Elected Member made reference to comments in Supporting Information from Agent and the Senior Planning Officer clarified that the Agent was aware

of Recommendation proposed and still wished the application to be considered at this meeting due to timescales involved.

An Elected Member spoke of the need for sustainable development to strengthen society and the impact on local economy of mental health issues and related sickness absences.

Alderman Hunter wished to make a proposal that due to issues relating to scale and massing and the minimal changes made by agent that the application be deferred for one month to allow for further changes to be made.

With the agreement of Alderman Hunter, the Chair ruled that the Agent should be heard before proceeding to a vote.

R Hunter was invited to speak in support of the application.

R Hunter stated this is a physiological facility for adults and centre for autism. This application is supported and will be operated by the NHSCOT who are struggling to find a site in Ballymoney. This project is funded by Robinson Memorial Hospital charity the Chair D Robinson, is in attendance in the Chamber. Due to involvement with PAD this application is timebound. The cost of building supplies has increased from £180,00 - £200,00 since inception of this application and the cost will be borne by the Charity. The case officers report relies largely on SPPS policy. Sustainable development is at heart of this application. I am not in agreement with the Officer's report which I consider to be flawed. The core planning principles in paragraphs 4.1 – 4.3 have been met and this is not made reference to within the report. There is much detail within the report regarding design. I have many years of experience in Planning. If overlooking was a factor there would be no Robinson Hospital and there is no evidence of demonstrable harm. The design respects the character of the area, is in accordance with scale and change of size cannot be accommodated.

The Chair invited questions for the speaker from Elected Members.

Elected Members said that this was a much needed facility.

At the request of Elected Members the Speaker clarified that some changes had been made to the design since the PAD and said that comments cited in the Officer's report were incorrect. The context of the application site is the perception as one travels up and down the Newal Road. There is no established character and the building is designed to reflect appearance of residential properties across the road.

R Hunter said that Senior Planning Officer referred to application being 4m forward and this is not the case. The eaves are slightly higher than the neighbouring properties, not substantially higher and this is required to accommodate plant in the roof space. If we reduce further the needs of the

Trust will not be met. Most of the elevation is below the height of 2 adjacent structures and no further reductions are possible.

At the request of an Elected Member R Hunter advised that various material had been used to reflect the residential buildings to include masonry walls, rough cast painted, smooth render red brick. There is no common theme and many different types of buildings of varying material and size on the Newal Road.

This is a straightforward application. The context of the building required by NHSCT is that it is a component part of the overall complex and a one-stop for health provision in Ballymoney and in whole becomes greater than the sum of its parts and there is a great need for this facility.

Every stage in the application design process was undertaken in conjunction with health professionals at the Trust and is the continuation of expansion of quality services for a local area that should be in quality buildings.

Alderman McKillop wished to make an amendment proposal and the Chair ruled that as Alderman Hunter had made a proposal that he advised he would come back to, it should be considered first.

Proposed by Alderman Hunter  
Seconded by Alderman Boyle

- That application be deferred for one month to give the agent the opportunity to come back with amends to design to include eaves reduction.

The Chair ruled that legal advice was required 'in committee' as there was now an Amendment with a Proposer and a further Proposal with seconder to consider.

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

Proposed by Alderman McKillop  
Seconded by Alderman Scott and

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

**\* Press and Public left the meeting at 3 pm**

***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.***

The Solicitor advised that under Standing Order 16 Alderman McKillop's recommendation was not an amendment but a completely different proposal and that a seconder was required. The Solicitor advised that if the amendment

was unsuccessful Alderman McKillop's proposal could be considered subject to a seconder.

**MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Peacock  
Seconded by Councillor Archibald

**AGREED** – that Planning committee move 'In Public'

**\* Press and Public were re-admitted to the meeting at 3.05 pm**

The Chair confirmed the proposal from Alderman Hunter as follows:-

Defer the application for one month to allow for amendments to include eaves reduction and better integration to the area. Consideration to be given to prevent windows overlooking and ensure balance and integration in surrounding area.

The Chair put the Amendment to the Committee to vote  
5 members voted For; 9 Members voted Against; 0 Members Abstained  
The Chair declared the Motion Lost

The Chair invited Alderman McKillop to confirm her Amendment and sought a Secunder.

Proposed by Alderman McKillop  
Seconded by Alderman Scott

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the following reasons:-
  - o Meets para.s 4.27 and 4.12 of SPPS and PPS2 of PSRNI
  - o This application is being funded by a Charitable organisation.
  - o More weight needs to be given to the aspect of health and well-being and less focus on mass, use of material and scale issues as the matter is subjective.
  - o There is a need for this provision to be effective and efficient to accommodate requirements and there has been an attempt to emulate some design features in terms of peaked frontage which will read satisfactorily in the context of surroundings.

Councillor Anderson requested a Recorded Vote

The Chair put the motion to the Committee to vote.



13 Members voted For; 1 Member voted Against; 0 Member Abstained.  
The Chair declared the motion carried and the application approved.

Recorded Vote Table

|             |   |
|-------------|---|
| For (13)    | Alderman Boyle, S McKillop, Scott, Stewart  |
|             | Councillor Anderson, Archibald, McGurk, McMullan, Nicholl, Peacock, Storey, Wallace, Watton |
| Against (1) | Alderman Hunter   |
|             |   |

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

- Meets para.s 4.27 and 4.12 of SPPS and PPS2 of PSRNI
- This application is being funded by a Charitable organisation.
- More weight needs to be given to the aspect of health and well-being and less focus on mass, use of material and scale issues as the matter is subjective.
- There is a need for this provision to be effective and efficient to accommodate requirements and there has been an attempt to emulate some design features in terms of peaked frontage which will read satisfactorily in the context of surroundings.

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

**\*Alderman McKillop left the Chamber at 3.20 pm**

**5.7 LA01/2021/0928/F (Referral) 2 Ballygelagh Village, Portstewart**

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

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

**App Type:** Full

**Proposal:** Section 54 application to further amend Condition 1 of Planning Permission C/1996/0485/F (as already varied under LA01/2016/1158/F) from The unit(s) hereby approved, except for No 3 Ballygelagh Village, Portstewart, shall be used only for holiday accommodation and shall not be used as a permanent place of residence. To read: The unit(s) hereby approved, except for Nos 2 and 3 Ballygelagh Village, Portstewart, shall be used only for holiday accommodation and shall not be used as a permanent place of residence.

## **Recommendation**

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

Senior Planning Officer presented as follows:

LA01/2021/0928/F is a Section 54 application to further amend Condition 1 of Planning Permission C/1996/0485/F to allow unit no 2 to be used as a permanent place of residence.

(Slide) The application site is located at Ballygelagh Village outside the settlement development limit of Portstewart and located in the countryside. Ballygelagh village mostly comprises holiday accommodation. No 2 and No 3 was previously a dwelling which was sub divided into 2 holiday units as part of a wider holiday development approved under C/1996/0485/F as detailed in section 3 of the PCR.

(Slide) An aerial shot of the village set back off the Ballyreagh Road to the rear of the Pitts. The Village is characterized by terraced and semi-detached 1.5 and 2 storey white washed tourist accommodation with shared surfaces and little to no private amenity spaces.

(Slide) No 2 shown here with the blue door has some amenity to the front and vehicle access to the rear. There is no policy basis in the countryside to allow for the change of use from tourist accommodation to permanent residential accommodation within PPS 16. Both the PSRNI which this application was approved under and now PPS 16 seek conditions to be used to prohibit permanent residential accommodation.

(Slide) The relevant policy basis for residential accommodation in the countryside is policy CTY 1 of PPS 21 Development in the Countryside. The proposal fails to meet any of the listed policy tests in its own right.

(Slide) This slide shows no 2 and no 3 which was once the one residential unit. No 3 was permitted under the 2016 application, set out in section 3, to revert back to residential accommodation on the basis of a one for one dwelling. The 2016 application was refused on the basis of the lack of amenity space provision. The commissioner stated in the decision that the use of the condition restricting occupation was correct. The appeal was allowed in that the commissioner was content that there was adequate amenity space and buyers would be aware.

(Slide) The commissioner did not debate the removal of the occupancy restriction as no arguments were presented to this.

(Slide) No 3 was permitted as an exception on a one for one basis also the core elements of the original house fell into No 3. To approve No 2 would set a precedent for tourist accommodation in the countryside. This consistent approach is also endorsed in the application to modify a Planning agreement to allow for permanent accommodation for a site in Cushendall. This was refused by the Planning Committee and dismissed at appeal in July as is set out in paragraph 8.15 of the PCR. The commission stated there is no justification in principle to deviate from this permitted and restricted use.

On this basis we have recommended refusal.

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

At the request of Elected Members the Senior Planning Officer explained that at the 2016 application the appeal to the PAC for No 3 Ballygelagh Village, weight was given to the original dwelling and the Commissioner stated no arguments had been put forward and that the adjustment was permitted on a one for one basis.

Elected Members questioned that a precedent had been set when this decision was reached in 2016 and felt that it was a case of which of the two homes, previously one home, made the application first were at a distinct advantage.

The Senior Planning Officer advised that in 1996 a bungalow was converted and assessed under PSRNI.

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

D Donaldson advised he was seeking to remove holiday occupancy status on a semi-detached building. This case is different with a unique planning history. C/96/0495 was a conversion of bungalow to 2 holiday units and 5 new holiday homes in 1996. No 3 applied to remove 'holiday accommodation' to 'permanent place of residence' and this was not considered to be contrary to policy. Conditions were varied to permit No 3 to be used as a permanent dwelling. Both nos 2 and 3 were part of an original dwelling and no precedent has been set as this is a unique set of circumstances. Under SPPS and the fairness yardstick there is a requirement for consistent application of policy. How can it be consistent for No 3 and not No 2 when identical planning history applies. There needs to be consistency in decision making. Only Nos 2 and 3 were as a result of conversion and no precedent has or will be set.

The Chair invited questions from Elected Members for speakers.

At the request of an Elected Member the Senior Planning Officer advised that if the address had never been used for holiday accommodation that under PPS21 it would not be permitted to be converted into two dwellings unless it meets exceptions under Policy CTY1.

The Senior Planning Officer advised she was not aware of an application in Causeway Coast Glens Borough Council to date where there had been a request for sub-division of a property for self-catering. There could be precedent opportunity for other similar types of cases.

Councillor Watton made a recommendation to agree with Officers recommendation which he subsequently withdrew.

Proposed by Councillor Storey  
Seconded by Councillor Watton

- That Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the following reasons:-
  - Reference SPPS fairness should be demonstrated.
  - This is a stand alone application as previously a dwelling subdivided into two and different to other five units so a precedent has already been set for this block.
  - Unfair application of policy as circumstances the same as what was permitted for No 3. previously.

The Chair put the proposal to the Committee to vote  
12 Members voted For; 1 Member voted Against; 0 Members Abstained  
The Chair declared the Motion Carried

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

- Reference SPPS fairness should be demonstrated.
- This is a stand alone application as previously a dwelling subdivided into two and different to other five units so a precedent has already been set for this block.
- Unfair application of policy as circumstances the same as what was permitted for No 3. previously.

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

## 5.8 LA01/2023/0147/F (Referral) 22 Greenhall Manor, Coleraine

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

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

**App Type:** Full

**Proposal:** Change of use of the space within a 21m<sup>2</sup> Garage to a 15m<sup>2</sup> Beauty Salon, leaving 6m<sup>2</sup> remaining as Garage space.

**Recommendation**

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

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

The site is located within the Coleraine Settlement Development Limit as designated within the Northern Area Plan 2016 and located within a residential area.

The proposal is a main town centre use. Planning policy requires main town centre uses to be located within a town centre.

The proposal seeks to retain the usage of a domestic garage as a business. The extent of operations is not considered to justify homeworking in that it is not considered ancillary to its use as a single dwelling and the proposal does not have support under the SPPS Town Centres and Retailing planning policies to be operating in this location.

Approval of the proposal will set a negative precedent for this form of development.

DFI Roads have recommended refusal. Environmental Health and NI Water have raised no objection.

The proposal does not meet Departmental Parking Standards; 3 spaces are required for the dwelling and 2 spaces for the business.

The proposal is considered to be contrary to the provisions of the Northern Area Plan 2016, SPPS and PPS 3.

The application is recommended for refusal.

The Chair invited questions for Senior Planning Officer

At the request of an Elected Member the Senior Planning Officer advised that there may be car parking issues and there should be a town centre first approach in relation to this application and that the building should be able to be reverted back for residential use.

Elected Members said that the driveway could hold up to 3 cars and it was likely that there would be no more than one customer at any time and referred to the financial burden on small businesses and that this application would not affect anyone adversely.

There were no speakers for this application.

Proposed by Councillor Watton  
Seconded by Councillor Peacock

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the following reasons:-
  - Directly comparable to 2021/A02111.
  - There will be 3 to 4 clients daily and building can easily be reverted back to residential.
  - Only likely to be one car at a time which is not excessive.

The Chair put the Proposal to the Committee to Vote  
13 Members voted For; 0 Members voted Against; 0 Members Abstained.  
The Chair declared the Motion Carried.

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

- Directly comparable to 2021/A02111.
- There will be 3 to 4 clients daily and building can easily be reverted back to residential.
- Only likely to be one car at a time which is not excessive.

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

**\*The Chair declared a comfort break at 4 pm**

**\*The meeting reconvened at 4.10 pm**

The Head of Planning undertook a roll call.

**\*Councillor Watton rejoined the meeting in the Chamber at 4.10 pm**

## **6. Development Plan**

### **6.1 Dfl – Planning Improvement Programme – Review of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015**

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

### **Purpose of Report**

To present the Council's response to the Department for Infrastructure's (DfI's) request for input into their review of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

### **Background**

Following the review of the implementation of the Planning Act (Northern Ireland) 2011 and the recommendations made in the Northern Ireland Audit Report and the Public Accounts Committee Report on Planning in Northern Ireland, a Planning Improvement Programme, agreed by both local and central government, encompassing regulatory improvements and legislative changes to the planning system, is being taken forward.

One of the agreed legislative actions is a review of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (the "Regs").

DfI wrote to the Council on 1<sup>st</sup> September 2023 (see Appendix 1, previously circulated) inviting comment on our operational experience of the Regs, along with our recommendations and supporting evidence for any changes.

The review covers five key areas in the plan-making process, as follows:

- Consultation;
- LDP Timetable;
- Publicity;
- Notification; and
- Submission of documentation.

Completion of the feedback form (see draft at Appendix 2, previously circulated) allows the Council to influence and shape, at this early stage, any proposed revisions to the Regs, to ensure that they are practical and appropriate in the Northern Ireland/local government context.

Following the review DfI intends to consult with the public and wider stakeholders on any proposed changes (early in 2024), at which stage the Council will have further opportunity to comment.

The closing date for submission is 27<sup>th</sup> October 2023.

### **Financial Implications**

The proposed changes would assist in streamlining the plan-making process. This will help to reduce the overall costs to local councils – particularly advertising, printing, copying and postal costs.

### **Other Implications**

In streamlining the plan-making process the proposed changes would assist in preventing onerous work practices and delays in the plan-making process. Changes would also provide clarity and focus for the public on the key stages of the LDP process, and manage expectations.

### **Recommendation**

It is recommended that the Planning Committee note the content of this report and agree to the Head of Planning issuing a response, along the lines of that attached at Appendix 2, previously circulated, on behalf of the Council.

Elected Members felt that the report scope was limited with the wording quite restrictive. The Head of Planning advised that the closing date for submission of response was 27 October 2023 and that there would be wider consultation in this regard early 2024.

Proposed by Councillor Archibald  
Seconded by Councillor McGurk

- That Planning Committee note the content of this report and agree to the Head of Planning issuing a response, along the lines of that attached at Appendix 2, previously circulated, on behalf of the Council

The Chair put the Proposal to the Committee to vote  
12 Members voted For; 0 Members voted Against; 0 Members Abstained  
The Chair declared the Motion Carried.

**\*Councillor Storey, having declared an interest, left the Chamber at 4.20 pm.**

## **6.2 Works to Trees – Dark Hedges**

Report and Addendum, previously circulated, was presented by the Head of Planning.

### **Purpose of Report**

To present for consideration application LA01/2023/0979/WPT: Consent for Tree Works to Trees within Tree Preservation Order (TPO) Ref: TPO/2004/009, at “The Dark Hedges”, Bregagh Road, Armoy, an important tourist asset within Causeway Coast and Glens Borough and the wider region.

### **Background Information and Context**

The mature trees along Bregagh Road, known as “the Dark Hedges”, are considered an exceptional landscape feature which have high public amenity value and tourist interest. The Beech trees at the Dark Hedges are believed to have been planted around 1775 by the Stuart family to provide an entrance feature for the avenue to Gracehill House and, at the time, the avenue was said to have included around 150 trees. Over the years, whilst gracing the local landscape, the Beech trees have declined in number through natural causes



and various storms, not helped by the exposed location and linear planting form, to the current number of 86 trees. These remaining trees are now approaching 250 years old and may be considered to be Over Mature for Beech trees and coming towards the end of their expected Life Cycle.

Site Location map was previously circulated.

### **TPO Designation**

In terms of the Tree protection afforded to the Trees, the former Department of the Environment (DoE) placed a Tree Preservation Order (TPO) (Ref: TPO/2004/009), on the site on 29th March 2004. At the time of this designation a total of 102 trees (101 beech and 1 Ash), were surveyed by an Arboriculturist, with the condition of the trees reported to be mainly in Poor to Fair Condition, which is typical and expected due to the age structure of the trees.

It is important to note that not all of the Beech trees within the Dark Hedges are covered by the TPO. Of the 102 trees surveyed, 52 were considered of appropriate quality to be confirmed and worthy of TPO protection, with the remaining 50 excluded due to their poor physical condition and defects. Appendix 1, previously circulated, attached includes a copy of the TPO documentation and associated maps, with the TPO schedule and Map B indicating the specific trees covered by the TPO at the time of designation.

### **Management of the Trees**

As the Dark Hedges trees are within private ownership, the responsibility for their management and protection ultimately lies with the landowners. The Dark Hedges Preservation Trust was set up in 2009 and, in partnership with the Causeway Coast and Glens Heritage Trust and other stakeholders, aims to actively preserve and enhance the trees. This has included previous remedial works and re pruning works carried out to the trees in 2014. In 2017, the Department for Infrastructure (DfI) published a Banning Order on cars/buses/coaches using a designated stretch of Bregagh Road to address the traffic impact caused by tourist related traffic on the trees.

### **Public Interest**

The trees at the Dark Hedges have been subject to increased public attention and interaction largely as a consequence of them featuring as the King's Road in the Game of Thrones series. It is a popular destination and is considered an important regional tourist asset and attraction within the Causeway Coast and Glens Borough, and the wider region.

### **Consent for Works to TPO Trees**

Under legislation, there is a formal process for anyone wishing to carry out remedial works to any protected trees covered by the TPO with a requirement to apply to the Council's Planning Authority for Consent.

Consent has to be requested in writing through the completion of Tree Work Form (TW1) and generally includes an Arboriculturist Health and Condition

Report and associated Map, identifying the trees involved, along with the reasons for and the extent of works involved. In considering any potential works to trees, a general stance would be to explore the option of sensitive remedial works rather than the complete removal of trees, but judgement on this is dependent on the information and justification provided in each specific case, such as the condition of the trees and the reasons for the works. On submission of a valid Consent Form, the Council will assess and consider the application and may grant Approval, grant Approval subject to Condition or refuse Consent.

## **Proposal and Assessment**

### **Tree Works Consent**

DFI Roads, as part of their arboricultural management, commissioned a qualified Arboriculturist to carry out a Tree Survey in line with good practice, dated October 2022, on the trees along Bregagh Road at the Dark Hedges. This report inspected the current condition of all the trees, along with recommendations for remedial works. As some of the trees involved were covered by the TPO, a Formal Request for Works was submitted, which included a TW1 Form, Tree Survey and corresponding maps (Appendices 2-4, previously circulated). This Tree Works application (Ref: LA01/2023/0979/WPT) was received by the CCGBC Planning office on 25<sup>th</sup> September 2023. DFI Roads have advised that they have been actively engaging and will continue to work with the Dark Hedges Trust and landowners regarding these tree management issues.

### **Tree Survey Details**

The Arboriculturist surveyed all trees on site (both TPO and non-TPO trees) 86 Trees in total, with 49 covered by the TPO and 37 not covered by it. 60% (52) of the trees are now reported to be in Poor Condition with 38% (33) considered to be Fair Condition. This further deterioration is expected given the age profile of the maturing Beech trees.

### **Detailed Assessment of Consent for Works**

The Arboriculturist's report also advises that the trees show many health and structural issues which are common in maturing Beech and occur naturally over time, with issues such as fungal colonies, decay, weak forks and storm damage to be expected. The relatively exposed nature of the site and recorded history of tree failures has resulted in gaps in the tree line. With the site being a popular tourist attraction, as well as used by local traffic, there is concern over the potential of tree failure and risk of harm in relation to a number of identified trees.

The report has identified 6 TPO trees and 5 non-TPO trees (11 trees in total) in Poor Condition with a current risk to the public that require removal. Remedial pruning works, including works involving the proposed Removal of Deadwood, Severing Ivy at Base, Crown Thinning and Crown Reduction, is proposed for 71 of the trees (43 covered by TPO and 28 Non-TPO trees). It is important to

note that the Planning Authority can only consider works to TPO trees as part of this Tree Works Consent. However, the survey indicates that the vast majority, 85% (73 in number), of the Dark Hedges trees have an estimated life expectancy of 10+ years.

It is important to note that Consent is only required from the Planning Authority to carry out works to protected trees. Therefore, while the table includes all of the trees, (TPO and non-TPO trees), the remit of the assessment of the requested Consent for Works is focused on these TPO trees identified in green in the following table.

The Arboriculturist's report was assessed on site. From the site inspection, the condition and identified defects in the trees are evident, particularly when considering the age profile of the trees and content of previous surveys carried out. The proposed remedial works and pruning to trees are also considered appropriate. The context of the site, with the daily public and tourist interactions within the Dark Hedges is an important consideration and the issues raised in the report regarding health and safety concerns in association with potentially dangerous and structurally compromised trees are considered to be valid. In this regard, it is important to note that there are exceptions in the Tree Legislation that are relevant to this situation.

### **TPO Legislative Exemptions**

Under Tree (TPO) Legislation (Section 127 of the Planning Act (Northern Ireland) 2011) and The Planning (Trees) Regulations (Northern Ireland) 2015), there are certain exemptions with Consent not required from the Planning Authority for the removal of a dead or dangerous tree(s) covered by a TPO. In these exceptional circumstances, where there is imminent danger, an applicant (having evidence to demonstrate the case), may proceed, at risk, with works immediately.

There are also certain exemptions for Government Departments under the Tree (TPO) Legislation (Section 127 of the Planning Act (Northern Ireland) 2011). This allows provision for a statutory undertaker to carry out works to trees without consent, under Schedule 3 Part 2(b) of The Planning (Trees) Regulations (Northern Ireland) 2015.

### **Replacement Planting**

The TPO legislation requires the replacement planting of any TPO tree that has to be removed. Therefore, any tree on site required to be removed should be replaced by 1 No. Beech Tree of Heavy Standard (approximately 12-14cm girth, 3.0m-3.5m in height), at the time of planting. The location of the replanting shall be as near as is reasonably practicable to the original tree's position and shall be carried out during the first available planting season following any removal.

The following section provides information on the 6 TPO trees identified as requiring removal in the survey, as the Consent for Works is limited to TPO

trees only. It should be borne in mind that another 5 unprotected trees are recommended for removal by the Arboriculturist.

### **Details of TPO trees to be Removed Due to Condition**

The following includes details and site inspection photographs of the 6 TPO trees identified to be removed due to condition. The current survey references are used, eg Tree 24, while the TPO references are shown in brackets, eg (TPO ref 70 & 559). The associated commentary is taken from the Arboriculturist's report.

#### **Tree 24 (Beech)**

(TPO ref 70 & 559)

Poor crown with very poor stem structure and loss of vigour, 50% dead – Recommended to Fell within 3 months

#### **Tree 42 (Beech)**

(TPO ref 92 & 581)

Poor unbalanced crown with fractured limbs and storm damage, with Ganoderma at base – Recommended to Fell within 6 months

#### **Tree 48 (Ash)**

(TPO ref 92 & 581)

Ash Dieback 20% – Recommended to Fell within 3 months

#### **Tree 49 (Beech)**

(TPO ref 1 & 490)

Poor crown with loss of vigour, overhangs adjacent road and path, deadwood in crown, old decay pocket at site of previous failure, decay pockets at site of previous surgery, Ganoderma main stem, compacted roots system – Recommended to Fell within 6 months

#### **Tree 59 (Beech)**

(TPO ref 13 & 502)

Poor and partially suppressed crown, overhangs adjacent road and path, deadwood in crown, old decay pocket at site of previous failure, decay pockets at site of previous surgery, exposed, Ganoderma at the base – Recommended to Fell within 1 month

#### **Tree 68 (Beech)**

(TPO ref 22 & 511)

Partially suppressed Crown, overhangs adjacent Road, deadwood in crown, old decay pockets at site of previous failure, decay pockets at site of previous surgery, Giant Polypore at base – Recommended to Fell within 6 months

### **Summary**

The Dark Hedges are a well-known local landmark and tourist attraction and, in acknowledgement of their amenity and public interest, a number of them were served with a Tree Preservation Order by the DoE in 2004. The Dark Hedges

Preservation Trust aims to actively preserve and enhance the trees. However, the trees are nearing 250 years old and, like all trees, require management. A number of trees have been removed in recent years due to, for example, storm damage or disease. Although not all of the trees are subject to a TPO, the DfI commissioned Arboriculturist report provides a comprehensive management programme for all of the trees at the Dark Hedges, whether they are subject to protection or not. The report highlights their existing condition, their anticipated life expectancy, and that works are required to the majority of the remaining trees to help secure this expectancy and to ensure the safety of road users and traffic. It also indicates that 6 protected trees are recommended for felling in a time span of between 1 and 6 months, from October 2022.

### **Financial Implications**

No financial implications for the Council for the works to be carried out.

### **Update**

Further information was submitted by the applicant, DfI Roads, on 20<sup>th</sup> and 23<sup>rd</sup> October 2023. The Addendum provides Members with an update on ongoing discussions between DfI and stakeholders and potential implications for the current Consent to Works application.

### **Information Provided by DfI**

This information advised that DfI received correspondence in October 2022 claiming that the trees on Bregagh Road (the Dark Hedges) posed a risk to the public, at which point the Department commissioned an Arboriculturist's report, and shared its results with The Dark Hedges Preservation Trust (DHPT) and the landowners. DfI has advised there has been engagement between it, DHPT and landowners throughout in the form of correspondence and meetings.

DfI confirmed its intention to carry out works to the trees in June 2023 by serving a Formal Notice, in accordance with the Roads (Northern Ireland) Order 1993, on the three landowners, to address the issue of public safety. Shortly after the notice was issued, the Department received confirmation that an independent tree survey had been commissioned by Causeway Coast & Glens Heritage Trust (CCGHT) on behalf of DHPT. DfI requested that this second report be shared with it. The Department submitted an application for Consent to Works to TPO trees to the Council on 25th September 2023 to progress the required works. DfI is conscious that the autumn season tends to have windier and more unsettled weather, and wrote to DHPT and the landowners to inform them of its intention to proceed with the works to fell the 11 trees (6 TPO trees, and 5 non-TPO trees). At this stage CCGHT shared the second report with the Department.

A meeting took place between DfI Roads, CCGHT and DHPT on 18<sup>th</sup> October 2023, where the potential to carry out a hybrid approach between the two reports to lessen the impact and reduce the risk was discussed. As a consequence, DfI is now currently considering the possibility of felling only 5 of the 11 trees (one of which, no 24, is a TPO tree) originally identified in its Arboriculturist's report that accompanied the Consent to Works to Protected Trees application. Works to the remaining 6 trees would be carried out in accordance with the CCGHT second report. However, these proposed works are dependent on further discussions and agreement between DfI, PHPT, CCGHT and the landowners. The Council has not received this second Arboriculturist's report.

#### Clarification by DfI of Planning Committee Report on the Extent of Proposed Works to Trees.

DfI has also sought to clarify comments in Section 3 of the Planning Committee report that refers to the carrying out remedial works to the remaining trees and has advised that DfI would not be undertaking the remedial works, as these do not fall within its statutory role. DfI's plan is to mitigate the risk posed by the dangerous trees only, and it would then be up to the CCGHT, DHPT and landowners to carry out all the recommended remedial works, etc, as part of their own Tree Management Plan.

#### **DfI Current Position**

DfI has confirmed its current position remains to fell the 6 TPO trees which are deemed to pose a risk to the public, as outlined in the TPO application (with 11 trees felled in total), with works scheduled to commence in the coming weeks. However, if DfI receives satisfactory confirmation and commitment, as outlined in paragraph 1.6 above, then the proposed works will be limited to the felling of 1 TPO tree (5 trees in total) and the carrying out of remedial works to the remaining 5 TPO trees (6 trees in total), again in the coming weeks.

#### **Works to the Other TPO Trees at the Dark Hedges**

There are another 43 TPO trees at the site, which do not form part of the current application. A new Request for Consent application would be required for proposed remedial works to these trees, and this would come forward from the landowners, the DHPT or CCGHT, or a combination of these parties, as it is not the responsibility of DfI to undertake this work and it does not form part of the current application.

#### **Update on the Committee Report Options and Recommendation**

The original Planning Committee report presented two options to Members, and the principle of both remain valid. This addendum has provided Members with an update on the current situation with regard to the identified 6 trees that are subject to the TPO designation originally requested for felling, and that the situation is still evolving. It should be noted that a revised schedule of works may come forward, as outlined in the above paragraphs, subject to the

outcome of ongoing dialogue between the stakeholders. However, Dfl has indicated its intention to commence works to fell the identified trees that pose a risk to public safety in the coming weeks.

The two options presented to Members in the Planning Committee report remain appropriate.

### **Recommendation**

That the Committee note the contents of this Addendum and consider the Two Options presented in the Planning Committee report.

### **Options**

Two options are presented for Members' consideration.

**Option 1:** Resolve to Approve the Consent for Tree Works as detailed above. This approach would be in line with the recommendations prepared by Arboriculturist commissioned by Dfl Roads. Dfl has followed the legislative and Council procedure regarding Consent to Works to Protected Trees. The proposed works should help secure the continued presence of the majority of the protected trees, with an indicated life span of over 10 years. It will allow for replacement planting of the protected trees with an appropriate species by variety and size. It would also demonstrate to the public that the Council is a participant in attempting to secure this important asset in the longer term, and that public safety is an important consideration.

**Option 2:** Resolve Not to Approve the Consent for Tree Works as detailed above.

This approach would set aside the recommendations of the Dfl commissioned Arboriculturist. Although the Arboriculturist's report was prepared in October 2022, Dfl has sought to follow the due process with regard to works to protected trees. There would remain public safety risks associated with the identified protected trees that require work/felling. It should be borne in mind that, under the relevant TPO legislation, exemptions exist for situations where works to trees may be carried out where there is imminent danger, and in relation to Government Departments as a statutory undertaker, such as Dfl Roads. This approach may cause concern regarding the Council's commitment to public safety.

### **Recommendation**

**It is recommended** that Members agree to either Option 1 or 2 above.

Proposed by Councillor Peacock  
Seconded by Alderman Scott and

- That Tree No 24 be felled and further discussions take place between Dfl Roads and CCGHT regarding the felling of further trees.

At the request of Alderman Hunter the Proposer agreed to add that consideration be given to remedial works required.

The Chair spoke of the associated dangers at this stretch of road.

The Head of Planning advised that responsibility for carrying out remedial works and replanting is within the remit of the Causeway Coast and Glens Heritage Trust, Dark Hedges Preservation Trust and land owners.

The Chair put the proposal to the Committee to vote  
12 Members voted For; 0 Members voted Against; 0 Members Abstained  
The Chair declared the Motion Carried.

- **RESOLVED** – That Tree No 24 be felled and further discussions take place between Dfl Roads and CCGHT regarding the felling of further trees and consideration be given to remedial works required.

**\*Councillor Storey rejoined the meeting in the Chamber at 4.30 pm**

## **CORRESPONDENCE**

### **7.1 Correspondence from Dfl – S26 – Evishagaran Windfarm Extension**

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

Committee NOTED the correspondence.

### **7.2 Correspondence from Northern Ireland Housing Council**

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

Committee NOTED the correspondence.

### **7.3 Correspondence from NIEA – Planning Consultations for Agricultural Developments**

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

Some Elected Members referred to the poor response received from NIEA in respect of agricultural developments saying that it was unclear what had



changed and the reasoning for the decision and questioned the timeframe and status of responses outstanding at this time.

Proposed by Alderman Hunter  
Seconded by Councillor Nicholl

- That the Head of Planning write to the NIEA to seek further information on the timeframe for responses outstanding and the rationale for the decision being taken.

The Chair put the Proposal to the Committee to vote  
11 Members voted For; 0 Members voted Against; 0 Members Abstained  
The Chair declared the Motion Carried.

Committee NOTED the correspondence.

#### **7.4 Correspondence to Dfl – Re: DfC Housing Supply Strategy – Building 100,00 Homes**

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

Committee NOTED the correspondence.

#### **7.5 Craigall Quarry – Court of Appeal Judgement**

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

Committee NOTED the correspondence.

#### **7.6 Correspondence from Mid and East Antrim Borough Council – Adoption of LDP 2030 – Plan Strategy**

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

Committee NOTED the correspondence.

#### **7.7 Draft Transmission Development Plan for NI 2023-2030 (TDPNI) Consultation**

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

Committee NOTED the correspondence.

**\*Alderman Boyle left the Chamber at 4.30 pm**

## **8. REPORTS**

### **8.1 Finance Report – Period 1-5 Update**

Report previously circulated, presented by The Head of Planning.

#### **Purpose**

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 5 of the 2023/24 business year.

#### **Details**

Planning is showing a variance of over £23k favourable position at end of Period 5 based on draft Management Accounts.

The favourable position at the end of Period 5 is due to increased income from planning applications and property certificates resulting in an increase in income of under £105k from that predicted for this period (Budget £533,056 v Actual £638,810.58).

In terms of expenditure, Salaries and Wages (including Agency staff) are showing an overspend of over £59k. The adverse position in other expenditure codes will be reduced throughout the year as some payments are made on an annual basis. Legal cases remain ongoing at this time.

The adverse position in salaries and wages (£59k) and favourable position in income (£105k) and adverse position in other expenditure codes (£23k) results in an overall favourable position of £23,216.14 at end of Period 5.

#### **Recommendation**

**It is recommended** that the Planning Committee notes the content of this report for the Period 1-5 of 2023/24 financial year.

Committee NOTED the report.

### **8.2 NIPSO – TPO Overview Report**

Report previously circulated, presented by The Head of Planning.

The Chair asked as part of the consultation replacement of trees be in a similar species and style.

Committee NOTED the report.

### **8.3 Q1 Planning Statistical Report**

Report previously circulated, presented by The Head of Planning.

## **Background**

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases. The Planning Department Business Plan 2023-24 sets out the key performance indicators to progress towards improving Planning performance against these targets:-

The statutory targets are:

- Major applications processed from date valid to decision or withdrawal within an average of 30 weeks
- Local applications processed from date valid to decision or withdrawal within an average of 15 weeks
- 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The First Quarter 2023/24 Statistical Bulletin was published on 12 October 2023 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

## **Details**

Website link 1 <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-june-2023> provides the link to the published bulletin.

## **Development Management Planning Applications**

Table 1, previously circulated, below provides a summary of performance in relation to the statutory targets for major development applications and local development applications for the first quarter of 2023-24 business year and provides a comparison of performance against all 11 Councils and against Business Plan KPIs.

In the Q1, Causeway Coast and Glens Borough Council issued one major planning application for 2no. broiler units within the 30 week statutory target (18.8 weeks) and had 1 legacy major application for pig farm withdrawn (396 weeks), resulting in an average processing time of 207.2 weeks, not meeting the statutory target or Business Plan target during this period.

Over the same period 215 local category applications were decided or withdrawn. This was a decrease in numbers when compared to the same period last year due to the 2no. vacant Planning Officer posts. Although not

meeting the statutory target, the Business Plan target of 30 weeks was met with 58 applications in the system over 12 months concluded.

Although a total of 59 applications in the system over 12 months were concluded, the number of applications within this time category rose by 10 applications, thereby not meeting the Business Plan target. This is largely due to the high caseloads of staff due to the 2no. vacant posts and the number of applications delayed due to awaiting statutory consultation responses.

### **Enforcement**

Table 2, previously circulated, below shows statistics in relation to enforcement for Q1 of the 2023/24 business year. The statutory target for bring to a conclusion enforcement cases is not reported on at this time due to inability to extract the accurate information from the system; work is ongoing to resolve this issue. Progress has been made in terms of increasing the number of cases concluded to moving closer to a position where cases closed exceed cases opened in order to reduce live cases to a manageable level. At this time at end of q1, the Business Plan target to reduce live cases has not been met.

Of the cases closed, 27% were remedied/resolved, 15.4% had planning permission granted; 28.8% were closed as not expedient; and 28.8% had no breach identified.

### **Stable Staff Resource and Reduction in Staff Caseloads – Business Plan KPI - Not Met**

Work continues to decrease case loads of staff to a manageable level. This has proved difficult in Q1 due to 2 vacant Planning Officer posts. Case loads in both Enforcement Team and Development Management Teams remain excessively high and with the recruitment of Agency staff to cover vacant positions these case loads will continue to be monitored.

### **Reduction in vacant posts – Business Plan KPI – on target to be met**

Work is ongoing to recruit agency staff to fill vacant posts. This is processing with aim of filling posts in Q2 in line with KPI target.

### **Training Plan - Business Plan KPI – Met**

In additional to mandatory training for all staff, in Q1 the following training was attended by staff:

- Planning for Minerals,
- Planning Development Air Quality Impacts;
- Wind Farms,
- Rural Expressions of 20 minute neighbourhoods
- Enforcement Statement taking
- RTPI NI Annual Planning Conference

### **Draft Plan Strategy – Business Plan KPI - on target to be met**

Workshops with Party Groups arranged for Q2. Other KPIs in relation to the draft Plan Strategy will follow the completion of these workshops with Members.

Number of cases where Ombudsman determines maladministration is less than 0.4% of all decisions made - Business Plan KPI – on target to be met.

There have been no cases in the Q1 period of cases where the NIPSO has determined maladministration on planning decisions made. There have been no decisions by NIPSO during this period.

### **Recommendation**

**It is recommended** that the Planning Committee note the Planning Departments Quarterly Report.

The Head of Planning referred Elected Members to Table 1 within the report, previously circulated.

Committee NOTED the report.

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

Proposed by Alderman Scott

Seconded by Councillor McGurk and

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

**\* Press and Public left the meeting at 4.45 pm.**

***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.***

## **9. Confidential Items:**

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

The Council Solicitor, Corporate, Planning and Regulatory, provided a verbal update as follows:-

- (i) Craigall Quarry – Judgement circulated and claim for costs successful to value of £3k. There has been no application for leave to appeal submitted.
- (ii) Rigged Hill – Appeal hearing at Court of Appeal scheduled for 24<sup>th</sup> January 2024.

- (iii) East Road, Drumsurn – Substantive Hearing to scheduled for 26<sup>th</sup> October 2023.

Committee NOTED the update.

**MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Alderman Scott  
Seconded by Councillor Watton

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

**10. Any Other Relevant Business (in accordance with Standing Order 12 (o))**

There were no matters of Any Other Relevant Business notified.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 4.50 pm.

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Chair

