

**PLANNING COMMITTEE MEETING HELD  
WEDNESDAY 28 FEBRUARY 2024**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
<b>1.</b>	Apologies	<b><i>Councillor Nicholl</i></b>
<b>2.</b>	Declarations of Interest	<b><i>Nil</i></b>
<b>3.</b>	Minutes of Planning Committee meeting held 24 January 2024	<b><i>Confirmed as a correct record, as amended</i></b>
<b>4.</b>	Order of Items and Confirmation of Registered Speakers	
<b>4.1</b>	LA01/2021/1548/F, Referral, 76 Fivey Road, Ballymoney	<b><i>Deferred for one month</i></b>
<b>4.2</b>	LA01/2022/0905/F, Referral, Site 220m SW of 61 Kilnadore Road, Cushendall	<b><i>Deferred for one month</i></b>
<b>5.</b>	Schedule of Applications:	
<b>5.1</b>	LA01/2020/0559/F, Council Interest, 3 Berne Road, Portstewart	<b><i>Agree and Refuse</i></b>
<b>5.2</b>	LA01/2020/1390/F, Objection Item, Approx. 50m NE of 1 Gortaclee Road, Cushendall	<b><i>Agree and Approved</i></b>
<b>5.3</b>	LA01/2023/0129/O, Referral, Lands immediately west of 17 Glebe Road, Garvagh	<b><i>Disagree and Approved</i></b>
<b>5.4</b>	LA01/2022/0779/F, Referral, Lands at 200m NW of 293 Drumsurn Road, Drumsurn	<b><i>Disagree and approve the planning permission in principle, subject to receipt of further flood information</i></b>
<b>5.5</b>	LA01/2021/1351/F, Referral, 60m NE of 45 Glenedra Road, Feeny	<b><i>Disagree and Approved</i></b>
<b>5.6</b>	LA01/2023/0513/F, Referral, 110a Causeway Street, Portrush	<b><i>Disagree and Approved</i></b>
<b>5.7</b>	LA01/2023/0117/O, Referral, 248m South West of 97 Cashel Road, Macosquin, Coleraine	<b><i>Disagree and Approved</i></b>
<b>5.8</b>	LA01/2023/1101/F, Referral, Lands at 1 Somerset Road, Coleraine	<b><i>Disagree and Approved</i></b>
<b>5.9</b>	LA01/2022/0082/O, Referral, Site/s between 15 and 17 Dunlade Road, Greysteel	<b><i>Deferred for a Site Visit</i></b>

<b>5.10</b>	LA01/2022/0176/F, Referral, Approx 250m SE of 24 Carten's Road, Limavady	<b>Agree and Refused</b>
<b>5.11</b>	Receipt of Further Information - LA01/2020/1390/F, Objection Item, Approx. 50m NE of 1 Gortaclee Road, Cushendall	<b>Agree and Approved</b>
<b>6.</b>	Correspondence	
<b>6.1</b>	DfI – Public Consultation on the Review of the Development Management Regulations	<b>Noted</b>
<b>6.2</b>	DfI – Long-term Water Strategy for Northern Ireland	
<b>6.3</b>	NIEA – Update on DAERA actions to improve consultation responses	
<b>6.4</b>	DAERA – EIA Consent Decision – Curran Strand, Portrush	
<b>6.5</b>	BT – Adopt a Scheme – 61 Priestlands Road, Bushmills	
<b>7.</b>	Reports	
<b>7.1</b>	Finance Report – Period 1-9 Update	<b>Noted</b>
<b>8.</b>	Local Development Plan (LDP)	
<b>8.1</b>	6 month LDP Work Programme	<b>Noted</b>
	<b>FOR CONFIDENTIAL CONSIDERATION (Item 9)</b>	
<b>9.</b>	Confidential Items	
<b>9.1</b>	Update on Legal Issues	<b>Noted</b>
<b>10.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<b>None</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND  
VIA VIDEO CONFERENCE  
ON WEDNESDAY 28 FEBRUARY 2024 AT 10.30AM**

**Chair:** Councillor McMullan (C)

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

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

**In Attendance:** A Gillan, Department for Infrastructure (R)

A Lennox, ICT Officer (C/R)

C Ballentine, ICT Officer (R)

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

Press 2 no (R)

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

## Registered Speakers in Attendance

Item No.	Name
LA01/2020/0559/F	M Worthington
LA01/2020/1390/F	J Martin
LA01/2022/0779/F	N Lamb T Lamb
LA01/2021/1351/F	Professor D Hassan
LA01/2023/0513/F	P Fletcher
LA01/2023/0117/O	J Simpson
LA01/2023/1101/F	A Heasley
LA01/2022/0905/F	P McAlister

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 recorded for Councillor Nicholl.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. MINUTES OF PLANNING COMMITTEE MEETING HELD 24 JANUARY 2024

Copy previously circulated.

Alderman S McKillop stated that on page 58 she left the Chamber for Item 7.3 and returned at Item 7.4 and would like the Minutes to reflect this.

Proposed by Alderman S McKillop  
Seconded by Councillor Storey

- That the Minutes of the Planning Committee meeting held Wednesday 24 January 2024, are signed as a correct record, as amended.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

**RESOLVED** - That the Minutes of the Planning Committee meeting held Wednesday 24 January 2024, are signed as a correct record, as amended.

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

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

- \* **Councillor Peacock joined the meeting remotely at 10.36am, during consideration of this item.**

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

Proposed by Councillor Storey

Seconded by Councillor Anderson

- That application LA01/2021/1548/F, Referral, 76 Fivey Road, Ballymoney is deferred for one month, as the representative has requested more time to provide more information.

In response to questions Councillor advised that he did not know what the additional information is.

In response to questions the Head of Planning referred to the Planning Protocol to advise that individuals can register for speaking rights at future Planning Committee meetings and to note there are no registered speakers for this application at present.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred.

**RESOLVED** - That application LA01/2021/1548/F, Referral, 76 Fivey Road, Ballymoney is deferred for one month, as the representative has requested more time to provide more information.

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

Proposed by Councillor McMullan

Seconded by Councillor C Archibald

- That application LA01/2022/0905/F, Referral, Site 220m SW of 61 Kilnadore Road, Cushendall is deferred for one month for more information to be provided

In response to questions, the Chair advised the additional information was from the architect in relation to the plans.

The Chair put the motion to the Committee to vote.  
13 Members voted For, 0 Members Against, 1 Members Abstained.  
The Chair declared the motion carried and application deferred.

**RESOLVED** - That application LA01/2022/0905/F, Referral, Site 220m SW of 61 Kilnadore Road, Cushendall is deferred for one month for more information to be provided.

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

### **5.1 LA01/2020/0559/F, Council Interest, 3 Berne Road, Portstewart**

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

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

**App Type:** Full Planning

**Proposal:** External ground works to improve site access and levels, proposed canopy & extraction pipe for internal ventilation and external adjoining store.

#### **Recommendation**

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

#### **Addendum Recommendation**

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

#### **Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to: withdraw refusal reason 2 set out in section 10 of the Planning Committee Report, and to Refuse the application in accordance with refusal reason 1 of section 10 of the Planning Committee Report.

The Senior Planning Officer presented via Power point as follows:

- Item 5.1 is for LA01/2020/0559/F for Retrospective application to provide level access, installation of pergola frame with retractable canopy, adjoining store and ventilation extraction pipe. Bench seating to walls.
- The application was initially brought to the October Planning Committee meeting in 2022 as a refusal. Information outstanding relating to the refusal reasons had been requested on numerous occasions and related to an amended P1 form, an odour assessment, noise assessment and response to DFI Roads refusal reason as detailed in the first Addendum.

- The application was then brought to the August 2023 Planning Committee as set out in the addendum, the P1 form changing the description had been received and a noise assessment submitted. As advised in paragraph 2.4 of the addendum information relating to the odour and DfI Roads refusal reason still was not submitted. A noise assessment was then submitted the day before the August Planning Committee and it was recommended that it be deferred again to allow consideration of the information and consultation with Environmental Health.
- Addendum 2 prepared for today's committee advises that the odour assessment has now addressed the concerns raised by Environmental Health and the refusal reason has been withdrawn.
- The application is brought to Committee with the roads refusal reason remaining.

To recap on the application itself:

- The application is within the Settlement Development Limit of Portstewart as designated in the Northern Area Plan. The building was previously a toilet block and permission was granted for the change of use to a café. I refer to the planning history in section 3 of the Planning Committee report.
- The premises is adjacent a public car park and bound to the north east and south by residential properties.

The works to the café are retrospective.

- There have been 2 letters of support for the proposal and 75 letters of objection. The objection points are set out in the Committee report and mostly relate to odour, noise and traffic.
- The café as previously approved under C/2014/0493/F and amended LA01/2018/1340/F had limited seating indoors and outside.
- The proposed changes to the café include an outside store, extraction system, fixed outdoor seating and retractable awnings. The P1 form indicates a 50% increase in customers. No noise or odour assessment were submitted with the application despite repeated requests over a significant time period. Following progression to the Planning Committee the noise and odour assessments have been submitted. Environmental Health advised that on review of the background levels, no complaints having been received and the hours of operation it was recommended that the refusal reason relating to noise could be withdrawn.
- The submitted odour assessment has also been submitted and reviewed by Environmental Health. It finds that on the basis of the mitigation measures, odour impact is anticipated to be low. Environmental Health have recommended approval subject to conditions.

- The increase in seating also has an impact on the need for additional car parking. The objectors employed their own consultants and carried out surveys in 2020. The survey taken over two weeks showed that the the car park is extensively and heavily parked with little or no availability for additional parking. It concluded that the cars were parked on the only footpath restricting pedestrian access to the footway and forcing pedestrians onto the road. The consultants report was also accompanied by photographs demonstrating the extent of on street parking available. DFI roads recommend a refusal and as set out on paragraph 2.3 of addendum 2 the recommendation to refuse remains.
- (Slide) Photo of the external seating, rear extension, flue and canopy.
- (Slide) Front elevation with seating.

There is one speaker on this application and DFI Roads are in attendance.

The Chair invited questions for the Officer.

In response to questions, the Senior Planning Officer advised that a significant number of objections to the planning application included parking, traffic, noise and odour concerns; there was not solely one objection reason provided. The Senior Planning Officer confirmed the applicant did employ a consultant to complete a traffic survey.

In response to questions, the Head of Planning confirmed surveys completed by external organisations are a material consideration; it was the responsibility of the decision maker to decide what weight of consideration to give to the surveys.

The Chair invited M Worthington to speak in objection of the application.

M Worthington stated this application dates back to April 2020; the time period for immunity against enforcement action is fast approaching and after that date no action can be taken. M Worthington represented some of the residents on Berne Road who have had their living conditions impacted. M Worthington stated this application has been presented a couple of times before; that traffic concerns have not been addressed. M Worthington highlighted the concerns regarding road safety which include the traffic which has been generated as a result of of the café; people are drawn from a wide area to use the café and are therefore driving to it; adequate carparking cannot be provided, cars are parking on the street and partially blocking the footpath making it difficult for pedestrians including those with prams. Large vehicles servicing the café do not have space to turn and reverse – Berne Road is narrow, steep and has bends making access for the large vehicles difficult. This is also particularly relevant to emergency vehicles. M Worthington noted that until 2015 the building the café is in was a toilet block. M Worthington stated that the Planning Department had consistently refused this planning application and implored the Planning Committee to agree with the recommendation to refuse the planning application.



There were no questions put to the speaker.

Proposed by Alderman Stewart

Seconded by Councillor C Archibald

- That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Refuse planning permission subject to the reasons set out in section 10.
- That the Committee note the contents of this Addendum and agree with the recommendation to Refuse the application in accordance with sections 1 and 9 of the Planning Committee report.
- That the Committee note the contents of this Addendum and agree with the recommendation to: withdraw refusal reason 2 set out in section 10 of the Planning Committee Report, and to Refuse the application in accordance with refusal reason 1 of section 10 of the Planning Committee Report.

The Chair put the motion to the vote.

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

The Chair declared the motion carried and application refused.

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

- That the Committee note the contents of this Addendum and agree with the recommendation to Refuse the application in accordance with sections 1 and 9 of the Planning Committee report.
- That the Committee note the contents of this Addendum and agree with the recommendation to: withdraw refusal reason 2 set out in section 10 of the Planning Committee Report, and to Refuse the application in accordance with refusal reason 1 of section 10 of the Planning Committee Report.

## **5.2 LA01/2020/1390/F, Objection Item, Approx. 50m NE of 1 Gortaclee Road, Cushendall**

Report, erratum, addendum, speaking rights and objections, previously circulated, were presented by Senior Planning Officer, E Hudson

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

**App Type:** Full Planning

**Proposal:** Proposed distillery/tourist Visitor Centre with ancillary restaurant, function space, gift shop and storage

### **Recommendation**

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

### **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

The Senior Planning Officer presented via Power point as follows:

- (Slide) Planning Application LA01/2020/1390/F is a full application for a Proposed distillery/tourist Visitor Centre with ancillary restaurant, function space, gift shop and storage approximately 50m NE of 1 Gortaclee Road Cushendall. The application is being presented as an Objection Item.
- Erratum and Addendum to Committee report. The addendum relates to 4 additional objections received following publication of the Committee report.
- (Slide) Red line boundary of the site. The site is located within the settlement development limits of Cushendall.
- There have been a total of 34 objections to the application, 15 letters of support and 2 petitions of support. Objections relate to amenity concerns in relation to noise, odour and air quality. Also impact on overlooking, traffic, parking and design.
- The proposed development has been considered against all relevant policy including the Northern Area Plan 2016, SPPS, PPS 4, PPS 2, PPS16 and PPS3 and those outlined in Part 7 of the Committee report. Our recommendation is to approve planning permission.
- The application was accompanied by a Design and Access Statement, Drainage Assessment, PEA, Noise, odour and air quality assessment.
- (Slide) This is an extract from the Northern Area Plan. The site is zoned for economic development. The primary use of the site as a distillery would be compatible with this zoning and as such is in accordance with the area plan. The proposal will enhance the tourism amenities in the area.
- (Slide) Site layout drawing. The site is located in a mixed use area. There is residential development to the north and south and established industrial development, Red Bay Boats to the west, adjoining the western boundary. There is an existing storage building located in the north west part of the site which is to remain on site. Access to the site is taken off the existing access from the Gortaclee Road.
- (Slide) Elevational details of the building. The building is set over 2 floors and is approx. 9.5 m in height at its highest point. The building has a number of staggered narrow elements to give the appearance of narrow gables as opposed to one larger industrial type unit. Finishes include

metal panels and black frame windows. The ground floor front elevation as a large glazed area into the cask room within the distillery which will also assist in breaking up the massing of the building. The building is of a contemporary design and when taken in the context of the industrial zoning is considered acceptable along the streetscape.

- (Slide) The floor plans for the proposal. The ground floor comprises the distillery, tasting room together with a small visitors gift shop. The first floor comprises a restaurant, bar, business function area. There are also 2 balconies located on the southern boundary of the building facing the Gortaclee Road. The proposal includes a number of plant and equipment associated with the distillery which is located to the rear of the building. This includes a cooling tower, a number of tanks, oil tank and malt silo. These are screened from view along the boundary by a 4m masonry wall.
- Despite the site being zoned for economic development the site is directly surrounded by residential properties along Coast Road and Bellisk Park to the south. As such, consideration of amenity in terms of impact on noise, odour and overlooking were of primary consideration in assessment of the application. It is necessary to attach a number of conditions to protect the amenity of surrounding residents. These are outlined in Part 10 of the committee report. Conditions relate to the use of the restaurant which will be in association with the distillery and will not be available to separate hire or functions open to the general public. The opening hours are 09:00 am to 9:30pm. Mon-sat and 09:00 am to 7pm on Sundays. Restrictions are also in place for use of the balconies together with conditions relating to the control of noise and odour from the site. Environmental Health are content in relation to noise, odour and air quality with conditions.
- (Slide) View along the boundary with Gortaclee Road. The site will utilise this existing access. The 2 storey storage building will remain on site.
- (Slide) Another view along this boundary. The buildings are far enough removed from properties on Bellisk Park that overlooking is not considered unacceptable. The 2 proposed balconies at first floor level face this direction. Use of these is limited and conditioned in line with the opening hours. The existing wall along this boundary will be built up to 1.2 m with a 0.8m acoustic fence on top. This is considered acceptable in order to protect amenity.
- (Slide) A view of the corner of the site where the Gortaclee and Coast Road meet. No. 61 Coast Road (marked here with the red arrow) is a single storey dwelling directly abutting the northern boundary of the site. Currently a 2 storey industrial building sits along this boundary to the rear. The proposed building is approximately 17 m from the side elevation of this dwelling with the dwelling sitting at a slightly higher ground level. There are no windows on the side elevation of the proposed building which would create direct overlooking. The objectors have raised issues in relation to adverse impact on their property in relation to a masonry wall and impact on overshadowing. The building may create a degree of

overshadowing however this would be towards the gable elevation of the building and not towards any outside private amenity space. The part of the building which directly abuts this boundary has been dropped by 1 metre. This part of the building will sit 0.3m higher than the ridge of no. 61. It is considered the separation distance is adequate. The roadside boundary along this part of the site will remain as existing with the low wall finished in a white render. This is considered acceptable.

- (Slide) A view towards the site from along Coast Road. Objectors have raised issues regarding parking and safety of accessing the site. There is a short fall of around 35 spaces within the site itself. Overspill parking is to be provided at the adjacent GAA club. A letter has been provided by the club advising that this arrangement is acceptable and notice has been served on them. A condition has been included to ensure this arrangement is in place prior to operation. The footpath from the GAA club to the site is not continuous along this side of Coast Road. Patrons would therefore have to cross to the other side of the road and back to access the site. This is not considered unreasonable given the nature of the area and reduced speed limit.
- (Slide) A view towards the boundary with no. 61.
- (Slide) Another view along frontage with Coast Road.
- There have been no objections from any statutory consultees. Our recommendation is to approve planning permission with conditions.
- Also, Environmental Health Officer and DfI Roads also available for any queries.

The Chair invited questions for the Officer.

In response to questions A Gillan, DfI Roads, confirmed there were pedestrian crossing points; DfI Roads were content with the crossing facility in place; there is no signage but there are dimpled flags and dropped kerbs on both sides of the road.

In response to questions, the Senior Planning Officer advised the building as proposed will suffice for the entire process for the distillery; Planning Department has not been advised of any further storage or maturation sheds. Senior Planning Officer referred to Addendum paragraph 2.5 to confirm amended plans were submitted in February 2022 to reduce the height of the building by 1metre.

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

J Martin stated this was a massive investment in the local economy and welcomed the approval of the application.

In response to questions J Martin provided detail of pedestrian access to the distillery; it was intended that pedestrians can walk via Middlepark Avenue to the distillery; this can be advertised on the website. J Martin stated he was content to look at developing a Traffic Management Plan and additional signage at the pedestrian crossings. J Martin confirmed there was no parking available on the Gortaclee Road.

Proposed by Councillor Kennedy  
Seconded by Councillor Anderson

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

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

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

- 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

\* **Please refer to Item 5.11 for a further Planning Committee determination with regards to this Application.**

### **5.3 LA01/2023/0129/O, Referral, Lands immediately west of 17 Glebe Road, Garvagh**

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

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

**App Type** Outline

**Proposal:** New dwelling and garage on a farm (application to relocate dwelling position on site and changes to site access as approved LA01/2020/1385/O)

#### **Recommendation**

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

Senior Planning Officer presented via powerpoint presentation as follows:

- This is an outline application for a dwelling on a farm, which proposes to relocate the dwelling position and change the site access previously approved under LA01/2020/1385/O.
- The site is located immediately west of 17 Glebe Road, Garvagh. The site is in the countryside outside any environmental designation. The proposed siting is shown in green.
- The proposal falls to be determined under the SPPS and PPS21, under policy CTY10 the principal of development is acceptable, however the site is unacceptable.
- The north and eastern boundaries are currently defined by a hedgerow, the southern and western boundaries are undefined and open to the field.
- The proposal proposes demolition of an existing roadside outbuilding to create a new access through a steep embankment.
- The site is roadside and the field in which the site is positioned at a much higher level than the road (2m) and is approximately 2–3 m higher than no 17. Critical views from SW would view a dwelling as roadside, prominent which would break the skyline and which would fail to have adequate enclosure and integration.
- Views from the east would see a dwelling in a skyline position above the existing dwelling.
- The site (field) rises away from the road in a southerly direction. The site is elevated and prominent.
- Critical views would be exacerbated by vegetation removal for visibility splays and the access arrangements / driveway would involve significant ground works which would further open views from the east.
- The proposal is contrary to the SPPS and PPS 21, Policy CTY 1, Policy CTY 13 & CTY 14 in that a dwelling at this location would be prominent in the landscape and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape.

- This slide shows the current proposed location map and the location map of the approved site in 2020.
- By way of background, the site was subject to an outline application in 2020 which originally proposed a farm dwelling to be positioned on the western half of the site, as proposed under this current application. However, the siting was amended by the applicant/agent during the processing of the 2020 application to the lower eastern half of the site when concerns were raised about prominence and integration. The approved site offered acceptable integration due to its position relative to farm buildings, topography and limited critical views. The siting to the eastern half of the site was approved and conditioned accordingly. The current proposal reverts back to the original siting to the west of the site and concerns still remain as raised in the previous application. The proposed site would be significantly more prominent than the 2020 approval. The 2020 approval however is still considered an appropriate alternative.
- An elected representative on behalf of the applicant raised difficulty in obtaining finance due to proximity to farm buildings and potential flooding as the reasons for re-siting, however no information has been forthcoming to demonstrate that funding was not available from any lender and the new site is a similar distance from the farm buildings than the 2020 approval. Therefore, little weight is given to this reason for alternative siting and determining weight is given to the failure to comply with policy and prominence and failure to integrate. As previously stated concerns about flooding have not been substantiated.
- Refusal is recommended.

The Chair invited questions for the Senior Planning Manager

In response to questions, the Senior Planning Officer cited from Policy CTY1 to confirm all planning proposals must be sited and designed with the underlying theme of Integration and Character.

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

O Dallas stated there was previous approval on the site which the applicant was glad to obtain, although due to the location being beside other farm buildings, it has been impossible for the applicant to secure finance. The applicant outlined the matters with the Development Management and Enforcement Manager and provided details of why a mortgage could not be obtained. He advised a staff member from Progressive completed a site visit with the applicant and stated the site with planning permission was too close to the existing large farm buildings and there were concerns with flooding and access; the current location was where a mortgage would be considered for.

O Dallas stated that critical view points on the Gebe Road from the east could only be seen from 200m along the road; only the gable end is facing that

direction and behind the existing farm house. To test this there was a 6m post erected and only the top 6ft was visible. Once further along the road, the bungalow cannot be seen; it is only at the entrance that the building can be seen. When approaching the site from the west, the road rises to be looking down, so the building is not on the skyline; the dwelling is set 20–30m from the edge of the road. This is a very narrow road with limited traffic due to the farmland. There is a crown in the field and when standing on the road only the roof can be seen. When standing on the site, the land rises on 3 sides and it is not visible from the Churchtown Road.

The Chair invited questions for the speaker.

In response to questions, O Dallas stated that the building was integrated and finance cannot be obtained on the site where the current planning application is for. The only position the building can be viewed is from directly in front of it. The dwelling is 20m – 30m from the road and the gable end is facing down the road. This is a minor road and there is only a fleeting view of the building. O Dallas confirmed the field rises for 8m and levels off; where the proposed building is to be built is completely level; the only place where the dwelling has more impact is standing at the entrance.

In response to questions the Senior Planning Officer stated the level of the field rises from the road; the position of the barn was at a much lower floor level, there will not be screening from the west. The impact of the dwelling was higher than the field; the removal of the outbuilding increases the height by 2 – 3m and is onto the road; there has been no detail provided on the difference in the levels.

Proposed by Councillor Storey  
Seconded by Councillor Wallace

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

- That the Committee note the contents of this Addendum and disagrees with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report for the following reasons

- In accordance with policy CTY1 as the building can be sited and designed to meet integration and other environmental considerations
- Betterment in relation to access
- In relation to policy CTY14; having been at the site it is not unduly prominent and will not result in suburban style development; it will respect the traditional settlement pattern. It will not create ribbon development. The impact of ancillary works will not damage the rural character.
- In relation to SPPS; the building can be integrated and appropriately designed. The principle of a dwelling on a farm is acceptable as per report.

The Chair put the motion to the Committee to vote.



13 Members voted For, 0 Members Against, 1 Members Abstained.  
The Chair declared the motion carried and consent granted.

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

- That the Committee note the contents of this Addendum and disagrees with the recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report for the following reasons:
  - In accordance with policy CTY1 the building can be sited and designed to meet integration and other environmental considerations
  - Betterment in relation to access
  - In relation to policy CTY14; having been at the site it is not unduly prominent and will not result in suburban style development; it will respect the traditional settlement pattern. It will not create ribbon development. The impact of ancillary works will not damage the rural character.
  - In relation to SPPS; the building can be integrated and appropriately designed. The principle of a dwelling on a farm is acceptable as per report.

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

The Chair declared a recess for a comfort break at 11:53am.

- \* **The meeting reconvened at 12.00pm.**
- \* **Councillor Storey joined the meeting at 12.02pm.**

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

#### **5.4 LA01/2022/0779/F, Referral, Lands at 200m NW of 293 Drumsurn Road, Drumsurn**

Report, site visit report, addendum and erratum, previously circulated, were presented by Development Management and Enforcement Manager

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

**App Type:** Full

**Proposal:** A new one and a half storey dwelling on a farm. With associated ancillary works and water treatment system.

#### **Recommendation**

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

### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application as set out in Section 1 of the Planning Committee report.

Development Management and Enforcement Manager presented via powerpoint presentation as follows:

- The application proposes a dwelling on a farm under Policy CTY 10 of PPS 21 Sustainable Development in the Countryside.
- This application is presented as a referred item and following deferral in January, a site visit took place on Monday.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside. The Northern Area Plan does not contain specific policies on housing in the countryside, directing to regional policy. Accordingly, PPS 21 is the lead policy to assess the proposal.
- The application site is located approximately 250m from the established group of buildings on the farm. Policy CTY 10 requires a dwelling on a farm to be visually linked or sited to cluster with an established group of buildings on a farm subject to specified exceptions. One of the specified exceptions is demonstrable health and safety reasons. A twofold argument has been put forward to argue that the exception test applies. Firstly, noise, odour and pests arising from activities associated with the farm complex. Secondly, noise generated by use of the sports pitch.
- Policy CTY 10 requires a proposed dwelling on a farm to be visually linked or sited to cluster with an established group of buildings. Inherent to this is the potential for a lower level of amenity relative to a displaced site. No specific reasons have been put forward to justify engaging the exceptions test.
- Regarding use of the sports pitch, it is not a continuous source of noise to result in a significant loss of amenity. Other dwellings are located close to the sports pitch and any application site visually linked or sited to cluster with the farm complex would not necessarily need to site directly beside the sports pitch.
- The application site is located adjacent the Castle River and a mill race. The consultation response from DfI Rivers states that the application site is not within the 1:100 year fluvial flood map. However, it goes on to state that as the topographical information indicates the flood map is inaccurate, a river model is required to verify the accurate extent of the floodplain. While this position was put to the Agent subsequent to the DfI Rivers response in November 2022, they resolved not to provide the information.

- Alternative Site- The Planning Department suggested an appropriate alternative site at Field 19 across the lane from the two dwellings. This could accommodate a modest dwelling, would be outside flood areas and provide a reasonable separation distance from the sports pitch and farm buildings while still meeting the visually linked/ sited to cluster test. The separation distance of 70- 90m could be achieved from the sports pitch as indicated in the noise report provided by the applicant.
- Without prejudice to the above, the proposal is acceptable in terms of access, integration and design.
- No representations have been received.
- The recommendation is to refuse on policies CTY 1, CTY 10 and CTY 13 of PPS 21 and Policy FLD 1 of PPS 15.

There were no questions put to the Officer.

The Chair invited N Lamb to speak in support of the application.

N Lamb stated that the planning application does meet policy CTY10 and planning permission should be approved, subject to siting. N Lamb stated it was not possible to add to the cluster on 3 of the 4 sides within the floodplain; there is a GAA pitch nearby with floodlights and noise causing an issue. Only other land is in the field opposite which is not desirable as it is contrary to planning policy; it is prominent and the design does not integrate, this site also lacks long established boundaries. This prominent citing is contrary to policy CTY13, the visual link to 293 and 293b is a blurred distinction. An alternative site demonstrates health and safety issues. A noise impact assessment has been submitted to the Environmental Health Officer; issues need to be addressed in relation to noise, odour and light; the noise impact assessment recommends a buffer distance. In relation to policy FLD 1, the site is not within the floodplain, further information that is required could be a condition of the planning permission. N Lamb referred to planning application LA01/2022/0233 stating this application was approved, even though a small portion was in a floodplain. Other sites were not acceptable under planning policy and this application should be accepted.

In response to questions regarding the application where the site was partially in a flood plain, N Lamb stated the site was within an industrial estate; it was agreed this could be overlooked and conditions applied. The applicant owns and lives on the land and is not concerned about a flooding risk. N Lamb stated flood maps were within the presentation; the site was outside the floodplain by 60m. DfI Rivers consider the map to be inaccurate, the topographical map shows the flood plain would move further away. In response to further questions N Lamb stated the other site was on a more prominent landscape and vegetation was limited, whereas, the site chosen has more mature landscaping. The boundary at 293b and the GAA pitch were within the settlement development limit.

In response to questions, the Development Management and Enforcement Manager referred to application LA01/2022/0283 stating the site was outside the fluvial and coastal floodplain; access upgrade works can be carried out without impact on the floodplain, the issue was with storm water. Topographical information show the flood map is inaccurate therefore river modelling was required. The Development Management and Enforcement Manager confirmed that no. 295 was inside the settlement limit and 293b was substantially outside the limit due to the location of the farm buildings. In response to further questions regarding having received sufficient evidence, the Development Management and Enforcement Manager advised that an insufficient case had been presented; he appreciated there was noise from the sports pitch, but the noise impact assessment report referred to a buffer which could be achieved at the alternative site suggested; a modest dwelling could be developed, although not at the scale proposed.

In response to questions, the Head of Planning confirmed the approach to request for flood modelling, the application could be deferred for submission of flood modelling if the other reasons for refusal were overturned.

Councillor Storey expressed concern regarding Dfl Rivers providing information they could not stand over and how the onus was on the applicant/agent to provide the information. He stated Flood Map NI provide information and could be used as a source of information.

Councillor McMullan and Alderman Hunter concurred with Councillor Storey's frustration regarding Dfl Rivers providing information they could not stand over.

\* **Councillor Watton joined the meeting in the Chamber at 12:32pm**

It was proposed by Councillor Storey and seconded by Alderman Hunter that Planning Committee invite Dfl Rivers to attend a Planning Committee to discuss the general issue of the provision of flood maps as soon as reasonable practicable so that Elected Members can be better involved.

The Head of Planning advised that this would be a matter of inviting Dfl Rivers to a deputation to Full Council.

Proposed by Councillor McGurk  
Seconded Councillor C Archibald

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE in principle planning permission for the following reasons
  - Approve the planning permission in principle subject to receipt of further flood information
  - Locals will have more information; have worked the land; Planning Committee need documentary evidence to support the development on this site.

- Planning Committee in the past has looked at health and safety reasons and moving away from farm buildings and land is largely on the floodplain.
- If the policy is considered as a whole and at the sites left; the chosen site is best benefit in terms of amenity and integration.

Alderman Hunter requested a Recorded Vote.

The Chair put the motion to the Committee to vote.

12 Members voted For, 2 Members Against, 1 Members Abstained.

The Chair declared the motion carried and application granted, in principle, subject to receipt of further flood information.

**Recorded Vote Table**

For (12)	Alderman Boyle, Coyle, S McKillop, Stewart
	Councillors Anderson, C Archibald, Kennedy, McGurk, McMullan, Peacock, Storey, Wallace
Against (2)	Alderman Hunter, Scott
Abstain (1)	Councillor Watton

**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 in principle planning permission for the following reasons

- Approve the planning permission in principle subject to receipt of further flood information
- Locals will have more information; have worked the land; Planning Committee need documentary evidence to support the development on this site.
- Planning Committee in the past has looked at health and safety reasons and moving away from farm buildings and land is largely on the floodplain.
- If the policy is considered as a whole and at the sites left; the chosen site is best benefit in terms of amenity and integration.

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

**5.5 LA01/2021/1351/O, Referral, 60m NE of 45 Glenedra Road, Feeny**

Report and site visit report, previously circulated, were presented by the Development Management and Enforcement Manager

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

**App Type:** Outline

**Proposal:** Proposed 1.5 storey dwelling house with detached garage at an existing cluster of development assessment under CTY 2a of PPS 21.

### **Recommendation**

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

Development Management and Enforcement Manager presented via powerpoint presentation as follows:

- The application proposes a dwelling in a cluster under Policy CTY 2a of PPS 21 Sustainable Development in the Countryside.
- This application is presented as a referred item and following deferral in January, a site visit took place on Monday.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside. The Northern Area Plan does not contain specific policies on housing in the countryside, directing to regional policy. Accordingly, PPS 21 is the lead policy to assess the proposal.
- The application site is located outside a cluster comprising a cross-roads, a church, primary school and several dwellings. The site is not bound on any side by development within the cluster as it is displaced by both the Glenedra and Coolnamonan Roads both of which are substantial with white lining in the centre. No. 45 Glenedra Road, bounding the site to the south-west is completely displaced from the other development and does not form part of the cluster. Policy CTY 2a only makes provision for a dwelling in a cluster. As the site lies outside a cluster, it fails to meet the principle of development test. In addition, by virtue of its location, it would alter the existing character and visually intrude into the open countryside.
- The application site is open and is devoid of substantive boundaries or other features to assist integration. From the critical views on the four main approaches to the crossroads, the proposed dwelling would be highly conspicuous and would simply appear out of place. Its incongruous nature would be compounded by the extensive size of the site. Given this, the proposal would cause harm to rural character.
- Without prejudice to the above, the proposal is acceptable in terms of access, amenity, archaeology and setting of a listed building.
- No representations have been received.
- The recommendation is to refuse on policies CTY 1, CTY 2a, CTY 13 and CTY 14 of PPS 21.

The Chair invited questions for the Development Management and Enforcement Manager.

In response to questions, the Development Management and Enforcement Manager explained via powerpoint the extent of the cluster; the site breaks out of the cluster and does not have a boundary on 2 sides with development within the cluster; development is considered to be buildings not a road; no 45, further along the road is not part of the cluster. The Development Management and

Enforcement Manager advised if the site was at the crossroads it would not meet the criteria, as it does not have a boundary at one side. He stated Planning Appeal Commission decisions have shown development was buildings, not roads, therefore this application was not acceptable. The criteria in policy CTY2a states a cluster is associated with a focal point for example a crossroads or social/community building. There is a cluster, this is not disputed, the site is outside the cluster; the identified site should be bounded on 2 sides by other buildings within the cluster.

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

D Hassan stated he was a co-applicant with his father; the dwelling was a modest 1½ storey dwelling for family on land which has been in the family for generations. D Hassan stated the intention was to take over the running of the family farm; there have been no new houses built in the area for over 20 years; young people have emigrated from the area. In relation to policy CTY2a, there has been substantial discussion on the cluster; the Planning Committee report confirms there is a cluster at this location making reference to the church and school, the site could not be closer to the church or school which are associated with the focal points at the crossroads. In relation to vegetation D Hassan stated that planting non-native vegetation would be out of character for the area. Development is limited on the site due to powerlines running across the field; it will only be this house constructed on the site; there is no infill. D Hassan referred to a similar planning application determined by Planning Committee and requested this application was dealt with in a similar manner; the community were supportive of this application.

There were no questions put the the speaker.

Proposed by Councillor McGurk  
Seconded by Councillor C Archibald

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

- The laneway does not beak the development
- The cluster is contained
- The topography of the road network will not allow critical views of the site and it will read with other buildings
- In respect of integration boundaries can be strengthened by further landscaping
- Policy CTY8 would fall if cluster policy applied.

The Chair put the motion to the Committee to vote.

14 Members voted For, 1 Members voted Against, 0 Members Abstained.

The Chair declared the motion carried and application approved.

**RESOLVED** – That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and

guidance in sections 7 and 8 and resolves to APPROVE planning permission subject to the reasons set out in section 10 for the following reasons:

- The laneway does not beak the development
- The cluster is contained
- The topography of the road network will not allow critical views of the site and it will read with other buildings
- In respect of integration boundaries can be strengthened by further landscaping
- Policy CTY8 would fall if cluster policy applied.

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

\* **The Chair declared recess for lunch at 1:15pm**

\* **The meeting reconvened at 2.01pm.**

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

#### **5.6 LA01/2023/0513/F, Referral, 110a Causeway Street, Portrush**

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

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

**App Type:** Full

**Proposal:** Demolition of existing dwelling & replacement with 2 no. apartments

#### **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.

Senior Planning Officer presented via powerpoint presentation as follows:

- The site comprises a 2-storey modest mono-pitch dwelling currently under demolition. The building is located to the rear of 110 Causeway Street, Portrush, a 2-storey terraced dwelling. The site is within the Settlement Development Limit for Portrush. It is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016.
- The surrounding area is characterised predominately by 2 and 3 storey terraced dwellings.
- Many of the dwellings on Causeway Street have buildings, mostly garages, to the rear. An access lane runs along the rear of terrace with adjacent public amenity.



- The block plan shows the proposed floor plans for the apartments at ground floor and 1<sup>st</sup> floor.
- Immediately adjacent the site to the south is St Patrick's Hall, a large barn roofed building and to the other side, the garden of the neighbouring dwelling No 108.
- Full planning permission is sought to replace the existing dwelling on site with a 2-storey building comprising 2 apartments with an amenity area to the rear/ side. The proposed ridge height will match the highest part of the neighbouring hall.
- In relation to amenity space Creating Places states that, in the case of apartment or flat developments, communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10sqm per unit to around 30sqm per unit. However, at 26sqm between the two apartments, shared with bin storage, abutting proposed bedroom windows and with the level of overlooking, adequate provision has not been made for private open space. 110 Causeway Street would be left with an amenity area of just 11sqm. Due to their very limited size, the lack of light and overlooking of the amenity areas (of both the proposed apartments and 110 Causeway Street) the amenity provision would be ineffective. There is also no boundary treatment between the proposed amenity area and that of 110 Causeway Street, further compounding the ineffectiveness of these areas as private amenity. Planning appeal 2020/A0041 is pertinent in the consideration of this proposal. In the appeal decision the Commissioner found the proposal to be contrary to criterion (c) of QD1 as the proposed amenity area was not of an adequate size and was hemmed in by development on all sides, limiting sunlight. The Commissioner concluded that the proposed communal amenity area would not provide a quality 'open' space to adequately cater for the private amenity requirements of the proposed flats. In this case the amenity area will be enclosed by 2 and 3 storey development on three sides, limiting the daylight to the area and it would be unacceptably overlooked. The proposal does not satisfy criterion (c).
- The proposed development will unduly affect the private amenity of 110 Causeway Street and 108 Causeway Street. One of the proposed first floor windows will be located at a distance of approximately 2.9m from the opposing windows of 110 Causeway Street. The same window will be located approximately 3.2m from the amenity area associated with 110 Causeway Street. The window to bedroom 1 on the first floor will be located just 4m from opposing windows at 108 Causeway Street.
- Given the position and scale of the existing dwelling, adjacent hall and other surrounding development, the proposal will hem in 110 and 108 Causeway Street resulting in an unacceptable impact to light. Due to the proximity to other development the proposal will appear dominant

particularly from the rear windows and amenity areas of 110 and 108 Causeway Street.

- Overall, the proposed development will create a conflict with adjacent land uses in terms of overlooking, loss of light, dominance, and associated impact to amenity. The proposed development therefore does not meet this criterion c & h of PPS 7.

There were no questions put to the Senior Planning Officer.

The Chair invited P Fletcher to speak in support of the application.

P Fletcher stated the proposal to replace a building that had been derelict for the past fifteen or twenty years, to the rear of Causeway Street Lane, adjacent to a Church Hall, the development to the rear of an existing apartment development. The development had been amended twice, in height, scale and roof consideration of no. 110, windows overlooking. There have been no objections, the neighbours at number 110 and 108 next door are delighted due to the derelict building and all had hoped it would have been built by now. NI Water, DfI and statutory bodies have no objections. The beach and green area in front are within walking distance. Apartments at no. 96 Causeway Street have no amenity space and are smaller. There is adequate amenity space for storage of bicycles and bins. The derelict building is unsafe and had to be demolished. P Fletcher asked for reconsideration.

In response to questions from Planning Committee Members, P Fletcher advised the neighbours were delighted with the proposal, the long term rental was very important for Portrush and to change it, economically it would not stack up. The building had been a house, it is so old there is no inside toilet, according to the neighbours at number 110, it has been derelict for fifteen to twenty years. The roof had to come off when the chimney fell down and it is now demolished. P Fletcher clarified there are five apartments in Causeway Lane that have no amenity space outside the apartment area whatsoever, whereas these apartments have a small amenity area.

In response to questions from Planning Committee Members, Senior Planning Officer advised that the amenity space of the existing number 110 has to be taken into consideration as well as the two-storey. The amenity space of the apartment is a range 10m<sup>2</sup> per apartment and the small infill site 30m<sup>2</sup>, weighing up Policy requirements, a minimum 10m<sup>2</sup> private amenity space is required. Senior Planning Officer referred to an Appeal in 2020 at Princess Street Gardens, opposite Ramore Head, the Commissioner required 10m<sup>2</sup>. An Appeal subsequently at Eglinton Street, opposite the Open Space where the Commissioner required 10m<sup>2</sup>, taking into consideration the required private shared yard for bins and amenity value, lack of light needed at least 10m<sup>2</sup> and more generous for the house.

Senior Planning Officer clarified the current position for the two apartments and illustrated via the powerpoint slides – 11m<sup>2</sup> for 110a dwelling Causeway Street, the two-storey apartment block bins, patio, window of the main house and

apartments. Measurement 26m<sup>2</sup> was not adequate, due to the circulation of the yard space. More intimate, is overlooked and beside bins, is not a quality amenity space and referred to the matter of light.

Proposed by Councillor Anderson  
Seconded by Alderman Stewart

- 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:

- The minimum amenity space of 10m<sup>2</sup> has been met, and 26m<sup>2</sup>, it does not say in Policy this is not quality;
- Give weight to the fact there have been no objections, and sufficient to leave that up to the people of the area.

During consideration of the reasons for approval, the Head of Planning referred to the reason for refusal, "if approved create a conflict with adjacent land uses in terms of overlooking, dominance and impact to amenity".

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

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

- The minimum amenity space of 10m<sup>2</sup> has been met, and 26m<sup>2</sup>, it does not say in Policy this is not quality;
- Give weight to the fact there have been no objections, and sufficient to leave that up to the people of the area.

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

#### **5.7 LA01/2023/0117/O, Referral, 248m South West of 97 Cashel Road, Macosquin, Coleraine**

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

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

**App Type:** Outline

**Proposal:** Site of dwelling and garage on a farm

#### **Recommendation**

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

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

Senior Planning Officer presented via powerpoint presentation:

- (Slide 1) This is a local application which has been referred to the Planning Committee for decision. The application was presented to members last month where the decision was taken to defer the application for a site visit. A note of the site visit is included in your packs.
- (Slide 2) Outline planning permission is sought for a dwelling on a farm, on lands 248m south west of 97 Cashel Road. The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016.
- The proposal has been assessed against the relevant policies within Planning Policy Statement 21, which include policies CTY 10, CTY 13 and CTY 14 as set out in the Report.
- The proposal fails to meet criterion C of policy CTY 10, which requires the proposal to visually link or cluster with the existing buildings on the farm. The proposal is also contrary to policies CTY 13 and 14 in that the proposed dwelling fails to integrate and would detract from the character of the rural area.
- (Slide 3) This slide shows the site as outlined in red. You will note that the proposal is sited beside an existing dwelling, which is 105 Cashel Road. This property is in 3<sup>rd</sup> party ownership and is not associated with the application or the operation of the farm holding.
- At the site visit members sought clarification on the planning history associated with 105 and we can confirm that it was approved in 1994 under the provisions of the previous planning policy in the Planning Strategy for Rural Northern Ireland - C/1994/0704 (outline), and C/1995/0220 (RM).
- (Slide 4) The next slide shows the site on approach from the north along Cashel Road. You can see that the site is fairly prominent and any dwelling would be sited on the elevated portion of ground outlined in red.
- (Slide 5) Criterion C of policy CTY 10, requires the proposal to visually link or cluster with the existing buildings on the farm.

- Members will note that the application site is located 1 mile to the north of the existing farm buildings.
- Criterion C allows in exceptional circumstances for consideration of an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - demonstrable health and safety reasons; or where there are
  - verifiable plans to expand the farm business at the existing building group(s).
- (Slide 6) A Planning Statement was submitted on 7th April 2023 stating the applicant is unable to provide a safe access to the public road at 129 Cashel Road as this would require visibility splay across 3<sup>rd</sup> party lands.
- The availability of visibility splays would not be considered as an exception on grounds of a demonstrable health and safety reason. The PAC in their consideration of a similar case, Appeal Ref: 2016/A0214 did not accept the argument as being related to safety, but rather land ownership – which is a civil matter between parties.
- (Slides 7 and 8) The next two slides show the existing access at 129 Cashel Road which we visited at our site meeting on Monday. You will note from the pictures that the visibility is in place on the critical right hand side and that there is capacity to increase the left hand side, subject to agreement with the third party owner.
- (Slide 9) A further Planning Statement was submitted on 22nd August 2023 which states that the lands at the farm holdings are being retained for future farm buildings which will be grouped with the existing farm buildings. However, there are no verifiable plans to expand the farm business and there are no constraints to the extension of the existing farm grouping as you can see from the final slide.
- Therefore, the proposal fails to meet the criteria C of Policy CTY10 of Planning Policy Statement 21, in that a dwelling fails to visually link or cluster with the existing buildings on the farm.
- The proposal fails Policy CTY 13 of Planning Policy Statement 21 in that the proposal would fail to visually integrate with existing buildings on the farm.
- Given the open nature of the site and the relationship to the adjacent 3<sup>rd</sup> party dwelling, the proposal also fails Policy CTY14 in that if approved, it

would result in a suburban style build-up of development causing a detrimental change to the rural character of the area.

- DFI Roads, Environmental Health, NIEA's Water Management Unit and NI Water were consulted on the application and raised no objection.
- There are no objections to the proposal.
- The application is recommended for Refusal.

In response to questions from Planning Committee Members, Senior Planning Officer stated third party land could achieve visibility splays.

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

J Simpson stated there had been no objections, there had been no sites approved in the past ten years, there was Farm Business ID number for 142 acres, established for six years. The application is required for the growth and development of the Farm business for the son and daughter. Health and Safety reasons for an alternative site. Herd is continuously rotated and this is why the alternative site has been picked. Dairy cows need 1 hectare grazing and needs the grazing at the home farm. Milk fever and other issues need management. Policy CTY 13 – case officer's report refers to the backdrop of trees. A dwelling with a modest low ridge height of 5m would integrate into this area. It will not harm the rural character and will not be unduly prominent due to the natural topography; it will respect the traditional pattern of development. At Reserved Matters it will incorporate new landscaping, existing landscape to be retained. There is not a safe means of access at the other site due to visibility splays. Road Service confirmed the applicant does not control lands at the entrance of no. 129. Application site picked for the health and safety of the animals, provide safe access and would integrate in the landscape. Farming is part of sustaining the rural community. Not contrary to policies CTY 10, 13 or 14 and is the only available option to meet farm health and safety reasons.

In response to questions from Planning Committee Members, J Simpson clarified the 142 acres of ground have been owned for a number of years and within the current farm maps.

Proposed by Councillor Storey

Seconded by Councillor Kennedy

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the following reasons:
- Policy CTY 10 – safety, it is clear from what has been said access requirement for third party land will not be forthcoming, forcing to look at an alternative site.
- It can visually integrate with modest low ridge dwelling.

- It will not conflict with policy CTY 14 as is not unduly prominent, read against the existing property.
- It will not result in suburban style build up, will not create ribbon development.
- Another challenge to endeavor to sustain rural communities.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

**RESOLVED** - That the Committee has taken into consideration and 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:

- Policy CTY 10 – safety, it is clear from what has been said access requirement for third party land will not be forthcoming, forcing to look at an alternative site.
- It can visually integrate with modest low ridge dwelling.
- It will not conflict with policy CTY 14 as is not unduly prominent, read against the existing property.
- It will not result in suburban style build up, will not create ribbon development.
- Another challenge to endeavor to sustain rural communities.

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

Alderman Scott stated he did not cast his vote as he had left the meeting during consideration of the Item.

\* **Alderman Scott left the meeting at 2.29pm-2.33pm during consideration of this Item.**

#### **5.8 LA01/2023/1101/F, Referral, Lands at 1 Somerset Road, Coleraine**

Report, and speaking rights template were previously circulated, and 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:** Reconfiguration of the rear amenity spaces for Units 01, 34 and 39. Retention of brick piers and completion of boundary in metal railings, hedging and fencing associated with approved social housing development granted under planning permission LA01/2021/1198/F

#### **Recommendation**

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

Senior Planning Officer presented via powerpoint presentation as follows:

- The application site is located at the north western end of Somerset Road where it adjoins Dunhill Road roundabout and is on the site of the former Pinetrees Country Club which was demolished and the site cleared. An approved housing development is currently being constructed at this location in accordance with planning permission LA01/2021/1198/F for 39 residential units.
- The previously approved plans for this housing development showed Units 1, 34 and 39 with their rear amenity space enclosed by a render wall onto Somerset Road to provide privacy while also ensuring an appropriate aesthetic appearance onto Somerset Road. Landscaping was also proposed in the form of trees in front of these render walls as well as hedging. The approved front boundary treatment onto Somerset Road comprised a 0.45m plinth red brick wall with railings on top at an overall height of 1.1m as well as red brick pillars 1.35m high.
- The proposed boundary treatment along Somerset Road will comprise red brick pillars 1.35m high and railings in between at a height of 1.1m. Behind this is to be a 1.8m high close boarded timber fence with existing and proposed hedging in front to act as a screen. At other sections along Somerset Road at the entrance, the boundary treatment is to be 1.8m high close bow top galvanized and polyester powder coated black railings. The walkway into the housing development was previously open onto the pavement along Somerset Road but this proposal now seeks to have a gate with railings at this pedestrian entry.
- As set out in the planning committee report paragraph 8.10 and paragraph 4.21 of PPS 7 “The Department will expect use of appropriate hedge planting and well designed walls or railings as opposed to the wholesale use of close boarded fencing.”
- A 1.8m high timber fence at the front which effectively is cutting off the housing development from the road is not an appropriate design solution. Timber fencing is not a suitable boundary treatment at the front of housing developments. Although hedging is proposed behind the railings, this would take time to be established and would not screen the whole fence out so visibility would remain. Would be concerned that the hedging would grow in such a confined space.
- As set out in paragraph 8.11 of the Planning Committee Report the 1.8m fence is proposed 116m along this prominent frontage.
- In addition, the change to railings instead of the dwarf wall and railings is not considered a good choice as there is more chance of rubbish gathering at the bottom of these railings which would look unsightly.

The Chair invited questions for the Senior Planning Officer.



Councillor Watton stated he had no issue with the fencing.

The Chair ruled Councillor Watton should not give a personal opinion at this stage.

Councillor Anderson proposed Planning Committee accept the Officer recommendation.

The Chair ruled Planning Committee should hear the speaker first.

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

A Heasley advised Choice Housing was responsible for ongoing management and maintenance to deliver thirty-nine social homes and there had been no objections. The application to amend the boundary treatment differed from originally approved. Applicant proceeded to ensure handover of homes. There has been a change due to ground conditions, an engineer report submitted had not been uploaded to the Portal. Secure by Design – security to reduce anti-social behaviours – required under design. Irrespective of the need to amend There is a difference in the Planning Committee Report and the Development Management report, A Heasley reputed the terminology 'fortress'. There is an existing commercial premises adjacent, this would be much softer for the residential character. Regarding the lands between the rail and planting, landscape growth will be ½m to 1m growth per year. Railings is a standard boundary treatment, the boundary will be retained and managed. A Heasley requested support to grant permission, a quality finish appropriate to the area, consistent with new residential developments. Support local significant social housing development, quality finish, not in a conservation area. Auto Zone, Community Rescue Service with 2m high security fencing. Typical of new residential developments.

In response to questions from Planning Committee Members, A Heasley stated it would improve the standard of finish of the residential area. Choice Housing will manage all communal areas including boundary treatment through a management company. The original approval for a dwarf wall and railing, the engineers could not put the wall in as it would require piling, already a hedge there and the final layer will be a close boarded timber fencing. He referred to the requirements under Secured by Design, retain attractive street frontage and retain hedging, which has been signed off formally by a design process. The three properties affected will have reconfigured back gardens, close boarded wooded fencing; at the side there is a stretch to the roundabout side of communal open space and footpath.

Proposed by Councillor Kennedy

Seconded by Councillor Watton

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

- Boundary treatment will reflect the character of the area and complies with PPS& Quality Residential Environments.

- Close boarded wooded fencing will be screened by planting and is a Secure by Design requirement; it will improve with time as hedging grows.
- Not a conservation area or area of townscape character
- Treatments consistent with other residential developments.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and referred to Planning Officers.

**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:

- Boundary treatment will reflect the character of the area and complies with PPS& Quality Residential Environments.
- Close boarded wooded fencing will be screened by planting and is a Secure by Design requirement; it will improve with time as hedging grows.
- Not a conservation area or area of townscape character
- Treatments consistent with other residential developments.

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

At this point in the meeting Councillor Watton stated he was struggling with the acoustics in The Chamber and could not hear.

The Chair agreed to have the issue looked at.

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

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

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

**App Type:** Outline

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

**Recommendation**

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

**Addendum Recommendation**

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

Senior Planning Officer presented via power point presentation:

- The site is situated in the open countryside South East of Greysteel outside any environmental designations. The site is located between numbers 15 and 17 Dunlade Road.
- The roadside site is 0.84ha in size and rises steeply from north to the crest of the south.
- Western, Southern and part of Eastern boundary are defined by post and wire fence and vegetation. The Northern boundary is defined by a ranch fence.
- The proposal is an outline application for 2no. one-and-a-half storey infill dwellings with associated garages and a shared access laneway.
- The proposal falls to be determined under the SPPS and PPS21 in particular policies CTY1 and 8.
- For a site to qualify as an infill opportunity certain criteria must be met, firstly there must be a substantial and continuous built up frontage which is defined as a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- In this instance 17 and 19 (south) have a frontage to the road and can be included in the frontage for the purposes of policy CTY8. However no 15 (north) is set back from the road with only the access lane meeting the road. An access point does not constitute a frontage. The watercourse and a dense band of vegetation separates the site from having a common frontage to the road, therefore as no 15 does not have a frontage it does not contribute to the substantial and continuously built-up frontage.
- As no 15 does not have a frontage, there is no substantial and continuously built-up frontage to the north within which to infill. As there is no gap the proposal fails to meet the principle policy test of policy CTY8.
- For completeness, policy CTY8 also requires consideration of the size of the gap and whether it respects the existing development pattern.
- In this case and as per the settled position of the PAC, the gap between 17 and 15 is approximately 150m. The applicant's submission takes the average site width to be 63m. Therefore the gap is not small as it more than 2 dwellings. In terms of plot size the average is 0.31ha and as the site is 0.91ha is not small, it is substantial and could accommodate 3 dwellings. The site provides relief and is a visual break. The proposal does not infill a small gap within an otherwise substantial and continuously built-up frontage and would ribbon development and is contrary to policy CTY8. As no overriding reasons have been forthcoming as to why this development is essential the proposal is contrary to policy CTY1.

- Critical views are available on approach from the North and South and from which the site is open, prominent, has no enclosure and lacks integration by virtue of its size and lack of adequate integration and relies heavily on new landscaping. The proposal is contrary to policies CTY13 and 14 and refusal is recommended.

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

In response to questions from Planning Committee Members, Senior Planning Officer referred to a powerpoint slide. She clarified no. 15 access point and curtilage, vegetation and watercourse which was causing separation of no. 15 frontage to the road. Senior Planning Officer clarified that whether this was in ownership was not relevant, only the area of access point itself. No 15 has not been counted in the number of buildings for the substantially and continuously built up frontage. The application site in red shows an infill site 1 and 2 Dunlade Road.

The Head of Planning invited the Senior Planning Officer to zoom into the slide.

Senior Planning Officer illustrated Dunlade Road, Infill 1 and 2 frontage, the area of trees, site no. 15, domestic curtilage, watercourse, area of trees, no 15 access point abuts the road and not the site, illustrated the proposed site, no. 17 and no. 19.

Proposed by Alderman Scott

Seconded by Councillor Storey

- That LA01/2022/0082/O, Referral, Site/s between 15 and 17 Dunlade Road, Greysteel is deferred and site visit held as not clear from google earth whether trees and watercourse are within curtilage of site; on the edge of the road it looks like garden fencing, rather than part of a field.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

**RESOLVED** – That LA01/2022/0082/O, Referral, Site/s between 15 and 17 Dunlade Road, Greysteel is deferred and site visit held as not clear from google earth whether trees and watercourse are within curtilage of site; on the edge of the road it looks like garden fencing, rather than part of a field.

During the course of the vote, it was noted that Councillor Wallace had left the meeting.

#### **5.10 LA01/2022/0176/F, Referral, Approx 250m SE of 24 Carten's Road, Limavady**

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

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

**App Type:** Full

**Proposal:** Demolition of existing cottage and replacement with 2 storey dwelling, double garage and associated landscaping

**Recommendation**

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

Senior Planning Officer presented as follows via powerpoint presentation.

- The site is located on Cartens Road, Limavady close to the junction with Baranailt Road. The site is in the open countryside and is outside any other environmental designation as provided by Northern Area Plan 2016.
- Topography of site is relatively flat.
- The North, West and East boundaries are defined by sporadic hedge and trees.
- The site is accessed via an existing lane which serves as access to other dwellings.
- The site is large measuring approximately 1.85ha.
- The proposal is a full application for the demolition of the existing structure and replacement with a 2 storey dwelling with double garage.
- The proposal falls to be determined under the SPPS and PPS21 in particular policies CTY1 and 3.
- For a building to qualify as a replacement it is required to exhibit the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.
- In this case the candidate building has one gable however the roof has long since been removed and the remaining walls are ruinous and internal walls do not exist. The structure is ruinous and does not meet the criteria in that all external walls are not substantially intact.
- Regarding essential characteristics, there is no defined curtilage as would be expected for a dwelling, there are no windows or doors existing. The only characteristics is a brick built hearth/chimney which is built in a completely different material than the rest of the building and it is unknown if this is an original part of the structure or whether it was added at later date. The hearth in itself is insufficient to demonstrate that the candidate

building is eligible for replacement under policy CTY3. The structure no longer exhibits the essential characteristics of a dwelling house and all external walls are not substantially intact and is contrary to policy CTY3.

- DFI Roads have advised that it has not been demonstrated that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic, the proposal is therefore contrary to policy AMP2 of PPS3 as it would intensify the use of an existing access at which visibility splays of 2.4 x 60m cannot be provided in accordance with the required standards.
- No overriding reasons have been forthcoming as to why this development is essential and the proposal is recommended for refusal as it is contrary to policies CTY1, 3 and AMP2 of PPS3.

There were no questions for the Senior Planning Officer.  
The Chair advised there were no speakers on the application.

Proposed by Councillor C Archibald  
Seconded by Alderman Boyle

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

The Chair put the motion to the Committee to vote.  
8 Members voted For, 0 Members voted Against, 3 Members Abstained.  
The Chair declared the motion carried and application refused.

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

During the course of the vote, it was noted that Alderman Stewart and Councillor Storey had left the meeting.

#### **5.11 Receipt of Further Information - LA01/2020/1390/F, Objection Item, Approx. 50m NE of 1 Gortaclee Road, Cushendall**

The Head of Planning advised that further information had been received at 11.03am in relation to application LA01/2020/1390/F, Approx. 50m NE of 1 Gortaclee Road, Cushendall, on behalf of objectors, and she cited from the correspondence.

The Head of Planning invited Planning Committee to consider the correspondence, whether there would be any change to the previously approved planning permission that had been determined on the morning of the meeting.

\* **Councillor Storey rejoined the meeting at 3.41pm.**

The Chair put consideration of the further information to Planning Committee.

In response to questions from Planning Committee members, the Head of Planning advised that Planning Committee must consider all material considerations and whether this new representation would now change Planning Committee's previous determination.

Alderman Scott felt some Planning Committee members who were present in the morning were now not present and sought a Legal Opinion.

Alderman Boyle, Hunter and Councillor McGurk stated satisfaction they had not noted any new information in the correspondence, that points in the objectors' correspondence had been emphasised previously.

**MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Archibald  
Seconded by Councillor Storey and

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

\* **Press and Public were disconnected from the meeting at 3.47pm.**

Council Solicitor referred Planning Committee to its decision making process, that it was up to Planning Committee whether to attach weight to the further information, now received.

In response to the Chair, the Head of Planning referred Planning Committee to the tests of the Conditions in relation to the planning permission.

Senior Planning Officer cited Condition 8, the Head of Planning put it to Planning Committee whether they were content with the wording of the Conditions, or whether an addendum should be brought back for consideration, in order to address this issue raised.

In response to a questions from Planning Committee, the Head of Planning clarified the author of the objection correspondence.

**MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Storey  
Seconded by Alderman Scott and

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

\* **Press and Public were connected to the meeting at 4.00pm.**

The Head of Planning summarized the discussion, she advised Planning Committee considered the detail of the Objection surrounding Condition 8 and Condition 10 and Officers advised had met the test for the Conditions. The Head of Planning stated Planning Committee could consider the information and whether they wish to change their decision, from this morning.

Senior Planning Officer cited Condition 8, she advised the Conditions were drafted with the development Management and Enforcement Manager and were enforceable in line with the SPPS and if breached would be a matter for Enforcement to investigate.

Senior Planning Officer cited Condition 10, advising that it was enforceable and if breached would be a matter for Enforcement to investigate.

The Head of Planning cited from SPPS page 37, paragraph 5.65, having considered Tests meet Planning Condition.

The Chair enquired whether Planning Committee were content with what they had heard.

Alderman Scott stated his assurance from the Senior Planning Officer over Condition 8 and 10 that were enforceable, he advised information had been from the Development Management and Enforcement Manager, he was content with the discussion at the earlier meeting and had taken the Conditions into consideration in the discussion.

Proposed by Alderman Scott  
Seconded by Councillor C Archibald

- That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission subject to the conditions set out in section 10.
- 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.
- That the Committee note the contents of this further submission and agrees with the recommendation to approve the application as set out in Section 1 of the Planning Committee report.

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

\* **Press and Public were readmitted to the meeting at 4.00pm.**

Councillor Watton stated he did not cast his vote as he was not present to hear the full details.



## **6. CORRESPONDENCE**

- \* **Alderman Boyle left the meeting at 4.08pm.**

The Head of Planning presented the correspondence Items as read.

### **6.1 DfI – Public Consultation on the Review of the Development Management Regulations**

- Department for Infrastructure, Dr Kathryn McFerran, (Acting) Director, Public Consultation on the review of the Planning (Development Management) Regulations (Northern Ireland) 2015 (the Development Management regulations), dated 11 December 2023,

### **6.2 DfI – Long-term Water Strategy for Northern Ireland**

- Department for Infrastructure, Water and Drainage Policy Division, Julie Ann Dutton, dated 23 January 2024.

Re - Sustainable Water – A Long term Water Strategy for Northern Ireland (2015-2040) – Seventh Annual Progress report.

### **6.3 NIEA – Update on DAERA actions to improve consultation responses**

- Northern Ireland Environment Agency, Natural Environment Division, Mark Hammond, Head of Natural Environment Operations, dated 30 January 2024.

Re - Update on DAERA Actions to Improve Planning Consultation response Timeframes and Engagement on the Need to facilitate Prioritisation Requests.

Councillor Storey stated DAERA mask inefficiency, do nothing and present as helpful.

### **6.4 DAERA – EIA Consent Decision – Curran Strand, Portrush**

- Department of Agriculture, Environment and Rural Affairs, Marine & Fisheries Division, 26 January 2024, Chris Moore.

Re - The Marine Works Environmental Impact Assessment Regulations 2017 (as amended) EIA Consent Decision for an Extension to Existing Sea Defences at Curran Strand, Portrush.

## 6.5 BT – Adopt a Scheme – 61 Priestlands Road, Bushmills

Jim Blanch, The BT payphones team, 23 January 2024.

- Re - Decision on payphone kiosk Adoption.

Alderman McKillop welcomed the report, that would improve visual impact and was being taken over by Moycraig Young Farmers.

The Head of Planning advised she would include the comments in the response.

Planning Committee NOTED correspondence items 6.1-6.5 inclusive.

## 7. REPORTS

### 7.1 Finance Report – Period 1-9 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 9 of the 2023/24 business year.

#### **Details**

Planning is showing a variance of over £54k favourable position at end of Period 9 based on draft Management Accounts.

The favourable position at the end of Period 9 is due to increased income from planning applications and property certificates resulting in an increase in income of over £112k from that predicted for this period (Budget £990,000 v Actual £1,102,791).

In terms of expenditure, Salaries and Wages (including Agency staff) are showing an overspend of just under £102k largely due to payment of the backpay.

The increase in income continues to offset the deficit in salaries and wages. The favourable position in other expenditure codes will be reduced throughout the year as some payments are made on an annual basis and legal challenges to planning decisions continue.

#### **Recommendation**

**It is recommended** that the Planning Committee considers the content of this report for the Period 1-9 of 2023/24 financial year.

Committee NOTED the report.

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

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

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

#### **Purpose of Report**

To present, in line with Section 5 of the Council's current published LDP Timetable, the 6-month indicative LDP Work Programme (attached at Appendix 1) which outlines the work areas to be carried out by the Council's Development Plan team within this programme (Jan-Jun 2024).

#### **Background**

##### Revised LDP Timetable

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

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

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

An all-Member workshop was held on 7<sup>th</sup> December 2023 at which it was agreed that a subcommittee/working group would be set up to further consider the Council's LDP.

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

##### LDP Project Management Team & LDP Steering Group

Consultation with the LDP Project Management Team (key consultees and stakeholders) on our draft policy approach closed with the presentation of the dPS to the 1<sup>st</sup> November 2022 Full Council Meeting. However, given the deferral of the dPS for further consideration, this consultation process is likely to be reopened at a future date.

Through our quarterly verbal updates and 6-month indicative work programmes the LDP Steering Group (Planning Committee) continues to be updated on the Plan-making process.

##### Working Groups/Collaborative Working

The Development Plan Working Group will continue throughout this programme.

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

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

#### Sustainability Appraisal

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

#### Settlement Appraisal

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

#### Landscape Study

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

#### Annual Monitors

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

#### Building Preservation Notices (BPNs)

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

#### Trees

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

#### Other work

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

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

#### **Recommendation**

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

Committee NOTED the report.

**MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Storey  
Seconded by Alderman Scott and

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

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

\* **Press and Public were disconnected from the meeting at 4.13pm.**

**9. Confidential Items**

**9.1 Update on Legal Issues**

**(i) East Road Drumsum**

Council Solicitor advised East Road Drumsum had been heard in October 2023, Judge Scoffield would deliver his Judgment prior to the Easter period.

**(ii) Rigged Hill Windfarm**

Council Solicitor advised Rigged Hill Windfarm was heard at the Court of Appeal, the Judge dismissed Mr McLaughlin's case. The Judge would provide written reasons and an application has been made for costs.

Council Solicitor advised the reports would be made available to Planning Committee in due course.

**MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Alderman Scott  
Seconded by Councillor Storey and

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

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

There were no matters of Any Other Relevant Business.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 4.15pm.

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Chair