

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

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	Councillor C Archibald, Councillor Kennedy
2.	Declarations of Interest	Alderman Callan and Councillor McMullan
3.	Minutes of previous Planning Committee Meeting held Wednesday 23 October 2024	Signed as a correct record
4.	Order of Items and Confirmation of Registered Speakers	
4.1	LA01/2024/0037/F, Referral, Lands to the immediate north and west of Nos. 5 & 6 Kilnadore Brae, Cushendall	Deferred for a site visit
5.	Schedule of applications	
5.1	LA01/2023/1247/RM, Major, Land Adjacent to Dunluce House, 87 Dunluce Road, Bushmills	Deferred to allow further consultation with Natural Environment Division of NIEA and DfI Roads
5.2	LA01/2024/1094/S54, Major, Unit 17 and adjoining vacant land, Riverside Regional Centre, Riverside Park North, Coleraine and existing Lidl store, No. 2 Riverside Park North, Coleraine	Approve subject to positive consultation response from NI Water
5.3	LA01/2023/0133/O, Referral, Lands adjacent and west of 15 Kilnadore Road, Cushendall	Disagree and approved
5.4	LA01/2022/1118/F, Referral, Lands 25m West of 24 Creamery Road, Coleraine	Disagree and approved
5.5	LA01/2023/0459/F, Referral, 140m NW of 19 Magheramore Road Garvagh	Disagree and approved
5.6	LA01/2023/0563/O, Referral, 20m NW of 16 Munalohug Road, Dungiven	Disagree and Approved
5.7	LA01/2023/00339/O, Referral, Approximately 50m NE of 92 Moneybrannon Road, Coleraine	Deferred for further consideration of policy CTY2a

5.8	LA01/2023/0270/O, Referral, Land between 100A & 102 Finvoy Road, Ballymoney	<i>Disagree and Approved</i>
5.9	LA01/2023/1053/F, Referral, Lands immediately North of 15 Loughermore Road, Ballykelly, Limavady	<i>Agree to defer the application to allow further consideration of the delivery of social housing</i>
5.10	LA01/2023/0417/F, Referral, 175m SSE of 23 Ballymacrea Road, Portrush	<i>Deferred for a Site Visit</i>
5.10	LA01/2024/0170/O, Referral, Approximately 35m South West of 344 Craigs Road, Rasharkin (5.12)	<i>Deferred for a Site Visit</i>
5.12	LA01/2024/0172/O, Referral, Approx. 75m South West of 344 Craigs Road, Rasharkin (5.13)	<i>Deferred for a Site Visit</i>
6.	Correspondence	
6.1	DfI – Evishagaran Wind Farm	<i>Noted</i>
6.2	DfC – Confirmation of Listing – 83 Castlenagree Road, Bushmills	<i>Noted</i>
6.3	DoJ – Consultation on the draft Fee Regulations (Northern Ireland) 2024	<i>Noted</i>
7.	Reports	
7.1	Report of the Assistant Commissioner for Standards against former LCCC Councillor	<i>Approve Option 1 – To note the contents of the Lisburn & Castlereagh City Council Review Report and AGREE to the amendment of paragraph 8.6 of the Protocol for the Operation of the Planning Committee to read: Should a Member declare an interest they must have regard to the Local Government Code of Conduct for Councillors. Member(s) cannot vote on the item where they have declared an interest and are required to remove themselves from the Chamber during the</i>

		<i>full discussion of the item and voting on such.</i>
7.2	Finance Report update Period 1	<i>Notes the content of this report for the Period 1-6 of 2024/25 financial year</i>
	FOR CONFIDENTIAL CONSIDERATION (Items 8-8.1 inclusive)	
8.	Confidential Items	
8.1	Update on Legal Issues	
8.1.1	Pre action Protocol Letter - LA01/2023/0804/F 90 Ballyreagh Road, Portstewart	<i>Agreed That Planning Committee provide approval for Council Officers to proceed in line with the Barrister's Advice</i>
8.1.2	Craigall Quarry	<i>Noted</i>
8.1.3	East Road Drumsurn	<i>Agreed That Planning Committee provide approval for Council Officers to proceed in accordance with direction provided by the Barrister</i>
9.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<i>None</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND
VIA VIDEO CONFERENCE
ON WEDNESDAY 27 NOVEMBER 2024 AT 10.30AM**

Chair: Alderman Hunter (C)

Committee Members: Alderman Boyle (C), Callan (C), Coyle (C/R), S McKillop (R),
Scott (R), Stewart (C)
Councillors Anderson (C), McGurk (R), McMullan (C),
Nicholl (R), Peacock (R), Storey (C), Watton (C)

Officers Present: D Dickson, Head of Planning (C)
S Mulhern, Development Plan Manager (C)
S Mathers, Development Management & Enforcement Manager (C)
J Lundy, Development Management Manager (C)
M Jones, Council Solicitor, Corporate, Planning and Regulatory (C)
J McMath, Senior Planning Officer (C)
M McErlain, Senior Planning Officer (C)
M Wilson, Senior Planning Officer (C)
R McGrath, Senior Planning Officer (C)
E Hudson, Senior Planning Officer (C)
K Dickson, Senior Planning Officer, Development Plan (R)
A Divin Planning Assistant, Development Plan (R)
J Keen, Committee & Member Services Officer (R/C)
S Duggan, Civic Support Officer (C/R)

In Attendance: R Finlay, ICT Officer (C)

Public 18no. including Speakers

Key: R = Remote in attendance C= Chamber in attendance

Registered Speakers

Item No	Name
LA01/2023/1247/RM	D Worthington
LA01/2024/1094/S54	D Monaghan (R)
LA01/2023/0133/O	Colin O'Callaghan (R) Ciaran O'Donnell (C) C O'Callaghan – (R) M McAllister – not in attendance

LA01/2022/1118/F	J Muldoon – not in attendance A Bradley – not in attendance J Wilson (R)
LA01/2023/0459/F	J Martin (R)
LA01/2023/0563/O	C Gourley (R)
LA01/2023/0339/O	J Martin (R)
LA01/2023/0270/O	J Martin (R)
LA01/2023/1053/F	W Orbinson KC (R) M Kennedy (R)
LA01/2024/0037/F	Emma-Lisa Knudsen (R) S Emerson
LA01/2023/0417/F	D Dalzell (C) C Mayrs (C)
LA01/2024/0170/O	J Martin (R)
LA01/02024/0172/O	J Martin (R)

The Head of Planning undertook a roll call.

The Chair reminded Planning Committee of their obligations under the Local Government Code of Conduct and Remote Meetings Protocol.

1. APOLOGIES

Apologies were recorded for Councillor C Archibald, Kennedy. Committee was advised Alderman Boyle and Councillor McGurk would join the meeting later.

2. DECLARATIONS OF INTEREST

Alderman Callan declared an interest in LA01/2023/1053/F, Referral, Lands immediately North of 15 Loughermore Road, Ballykelly, Limavady advising he had referred the application to Committee. Alderman Callan left The Chamber during consideration of the Item and did not vote.

Councillor McMullan declared an interest in LA01/2023/0133/O, Referral, Lands adjacent and west of 15 Kilnadore Road, Cushendall. Councillor McMullan left The Chamber during consideration of the Item and did not vote.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 23 OCTOBER 2024

Copy previously circulated.

Proposed by Councillor McMullan

Seconded by Alderman Coyle

- That the Minutes of the Planning Committee meeting held Wednesday 23 October 2024 are signed as a correct record.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

RESOLVED - That the Minutes of the Planning Committee meeting held Wednesday 23 October 2024 are signed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

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

4.1 LA01/2024/0037/F, Referral, Lands to the immediate north and west of Nos. 5 & 6 Kilnadore Brae, Cushendall

Proposed by Councillor McMullan

Seconded by Councillor Peacock

- That application LA01/2024/0037/F, Referral, Lands to the immediate north and west of Nos. 5 & 6 Kilnadore Brae, Cushendall is deferred for a site visit as the unique application ground is over 2 sites, Councillors would have a better knowledge if they had a site visit.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred for a Site Visit.

RESOLVED – That application LA01/2024/0037/F, Referral, Lands to the immediate north and west of Nos. 5 & 6 Kilnadore Brae, Cushendall is deferred for a site visit as the unique application ground is over 2 sites, Councillors would have a better knowledge if they had a site visit.

Councillor Storey stated that some may be concerned that if a site visit was not proposed at the start of the meeting that it could not be done later in the meeting and he advised that was not the case.

The Chair concurred, that any Elected Member could defer an application for a site visit during its consideration.

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2023/1247/RM, Major, Land Adjacent to Dunluce House, 87 Dunluce Road, Bushmills

Report, Presentation, Addendum and Speaking Rights Template for David Worthington were previously circulated, and presented by the Development Management and Enforcement Manager.

Major Application to be determined by Planning Committee

App Type: Reserved Matters

Proposal: Demolition of existing agricultural, storage and cafe/dining/retail buildings, erection of tourist/recreational/educational/hot food/retail/conference and office facilities to include a visitor centre building incorporating tourism, recreational, educational hot food, retail; conference and office uses and the creation of a new and amendment of an existing access onto Dunluce Road and ancillary development related to the proposal.

Recommendation

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

Addendum Recommendation

That the Committee note the contents of this Addendum and resolve to defer the application to allow further consultation with Natural Environment Division of NIEA and DfI Roads. This recommendation supersedes that at Paragraph 1.1 of the Planning Committee Report.

The Development Management and Enforcement Manager updated Committee with the revised addendum recommendation.

Proposed by Alderman Callan

Seconded by Councillor McMullan

- That the Committee note the contents of this Addendum and resolve to defer the application to allow further consultation with Natural Environment Division of NIEA and DfI Roads. This recommendation supersedes that at Paragraph 1.1 of the Planning Committee Report.

In response to Councillor Storey, the Development Management and Enforcement Manager, referring to dates within paragraph 8.39 of the Planning Committee Report, clarified the delay was with the Agent, and not due to NIEA/HED and that the information had now been submitted.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

RESOLVED - That the Committee note the contents of this Addendum and resolve to defer the application to allow further consultation with Natural Environment Division of NIEA and DfI Roads.

5.2 LA01/2024/1094/S54, Major, Unit 17 and adjoining vacant land, Riverside Regional Centre, Riverside Park North, Coleraine and existing Lidl store, No. 2 Riverside Park North, Coleraine

Report, Presentation, Site Visit Report, Addendum, Speaking Rights Template for Dermot Monaghan were previously circulated, and presented by the Development Management and Enforcement Manager.

Major Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Section 54 Application to vary the wording of Condition 15 of Approved Application LA01/2024/0527/S54:-

'No development shall progress beyond the foundation of buildings stage until it has been demonstrated to the satisfaction of the Council that the mains sewer and the receiving Waste Water Treatment Works has the capacity to receive the waste water and foul sewage from the development. No development shall be occupied until connection has been made to the public sewer and the Article 161 Agreement authorised'

to

'The uses hereby permitted of the existing building at No 2 Riverside Park North shall not become operational until it has been demonstrated to the satisfaction of the Council that the mains sewer has the capacity to receive the waste water and foul sewage from this part of the development. Reason: To ensure an adequate means of sewage disposal is provided and to ensure protection of the aquatic environment'.

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 resolve to defer the application to allow resolution of the Waste Water Impact Assessment (WWIA) and; that the Planning Department approve the application when NI Water confirm they are content. This recommendation supersedes that at Paragraph 1.1 of the Planning Committee Report.

Development Management and Enforcement Manager updated Planning Committee with the revised addendum recommendation.

The Head of Planning clarified the addendum recommendation, that if Elected Members were minded to approve the application they should hear the presentation from the speaker.

Alderman Callan stated that, following the advice, Planning Committee should proceed.

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

D Monaghan stated he was content with the recommendation to defer to allow the Planning Committee to approve. He advised NI Water had confirmed they were content that AECOM Waste Water assessment of the application had been resolved after years. There was agreement with NI Water on 2nd October who confirmed the storm water off setting was acceptable. NI Water would not sign off until Article 163 approved and that was only a matter of weeks away.

The Chair advised there were no questions for the speaker.

The Chair put the recommendation to Planning Committee.

Proposed by Councillor McMullan

Seconded by Alderman Callan

- That the Committee note the contents of this Addendum and resolve to APPROVE the application subject to positive consultation response from NI Water.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

RESOLVED - That the Committee note the contents of this Addendum and resolve to APPROVE the application subject to positive consultation response from NI Water.

Having declared an interest, the Chair invited Councillor McMullan to leave The Chamber.

* **Councillor McMullan left The Chamber at 10.59am.**

5.3 LA01/2023/0133/O, Referral, Lands adjacent and west of 15 Kilnadore Road, Cushendall

Report, Site Visit Report and Presentation, Addendum 2, Speaking Rights Template for Caoimhe/Colin O'Callaghan, Speaking Rights Template for Maeve McAllister/Ciaran O'Donnell were previously circulated, and presented by Senior Planning Officer, R McGrath.

Referral Application to be determined by Planning Committee

App Type: Outline

Proposal: Site for dwelling and garage

Recommendation

That the Committee has taken into consideration and agrees with 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

It is recommended that the committee agree to defer the application for one month to allow members the time to consider the additional information provided. This recommendation supersedes the recommendation provided in the Planning Committee Report.

Addendum 2

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraphs 1.1 and 9 of the Planning Committee report.

Senior Planning Officer presented via PowerPoint presentation as follows:

- Application LA01/2023/0133/O is for outline planning permission for a dwelling and a garage on land adjacent to 15 Kilnadore Road, Cushendall.
- The application was presented to Planning Committee in May, with a recommendation to Refuse. The Committee deferred the application for a site visit, which took place on the 22nd August. The application was deferred in September and October for further consideration of additional information.

- A 2nd addendum has been included with this item which considers the additional information.
- The site is located just outside of the settlement development limit for Cushendall, as identified in the Northern Area Plan (NAP) 2016. The site is within a visually sensitive landscape setting, in that it lies within the Antrim Coast and Glens AONB, the Court McMartin Local Landscape Policy Area (LLPA) and is just to the south of the Conservation Area.
- The principle of development is not considered acceptable under Policy CTY 1, as there are no overriding reasons why that development is essential and could not be located in a settlement.
- The proposal is considered to be ribbon development and therefore fails to comply with Policies CTY 8 and 14, and is contrary to CTY 15, in that the proposal mars the distinction between the settlement and the surrounding countryside and results in urban sprawl.
- The supporting information which accompanies the application acknowledges that the site is outside the settlement limit and that the application does not meet any of the exceptions outlined in policy CTY 1 of PPS21.
- Instead, the supporting information calls for consideration of what it calls, a different approach, based on planning theory and practice, supported by PAC decisions which referenced rounding off or consolidating development limits.
- It is important to stress, there is no provision under existing planning policy to permit the rounding-off of a town. The PAC decisions which the agent has put forward to support their argument do not establish a planning principle, rather they represent a small number of exceptions based on site specific characteristics.
- Settlement development limits are defined through the Local Development Plan process, following careful consideration of detailed evidence and in consultation with key stakeholders and local communities.
- The settlement limit for Cushendall has been through this democratic process, including examination in public. The application site was specifically considered as part of this process and dismissed by the PAC.

- If this application were to be approved, it would set a damaging precedent and would fundamentally undermine the purpose and function of the planning system and would potentially hamper the future expansion of the settlement.
- The PAC decisions provided by the agent use the term “rounding off” or “consolidation” to justify decisions which do not meet with planning policy.
- However, in each of the examples, the physical characteristics of the site limit the potential for a damaging precedent. This is not the case with the current application. It is also worth noting that none of the examples are within a sensitive environmental setting.
- If we look more closely at the examples, we will be able to see why they are distinct.
 - 2017/A0147 Tallaghans Road, Dunloy
 - The PAC concluded that given the build-up of development on and surrounding the site, that it already had the appearance of an integral part of Dunloy and “while the proposal would offend policy, if constructed no detriment to rural character would be visually apparent”. You will also note that the surrounding development would limit precedent.
 - 2008/A0342 The Burren
 - In considering 2008/A0147 the PAC made reference to “a logical rounding off” in their report. However, this is in the context of the planning history and the physical characteristics and constraints of the site. Half of the site was within the development limit, the site had planning permission and was in active use as a storage yard, and as such was of low environmental quality. The development to the immediate north of the site would also limit any precedent.
 - 2003/A070 The Straits
 - No.12 the Straits is not comparable as the development was on the edge of a hamlet which did not have a defined settlement limit. The PAC in their report stated: “the appeal site lies on the edge of Lisbane, a hamlet settlement designated in the North Down and Ards Area Plan 1984-1995. The Plan does not define limits for hamlet settlements but indicates that small scale housing development, which is principally rounding off and infilling in nature, will be permitted development, which is principally rounding off and infilling in nature, will be permitted.”

S/2014/0910/F & LA07/2016/0307/O

- These applications are not comparable due to the nature of development which includes, 123 dwellings to the south of Maghaberry Prison and the Erection of a new multi-franchise car showroom to include a car workshop and 3 adjoining showrooms.

Mullartown/Glassdrum

- The distinction here is highlighted in the consultation response from the LDP team which states “There would appear to be only scope for the provision of a single dwelling with no further extension of the ribbon being feasible.” This is due to the physical constraints of the site which limits the precedent and sets this site apart from the current application.

2021/A0068 Tullyroan Corner

- In this case the vast majority of the site is within the settlement limit and there is development to either side which limits potential precedent.
- If we return to the application site, the application seeks to develop one third of a larger agricultural field. There are no physical constraints that would prohibit this pattern of development being replicated across the remainder of the field. If approved this development would set a clear precedent for development on the edge of settlements across the borough and given the environmentally sensitive nature of this site, the precedent would be broad ranging and would seriously undermine the integrity of the planning process.
- We would therefore recommend that the committee support the recommendation to refuse for the reasons outlined in your report.

* **Councillor McGurk joined the meeting at 11.03am during presentation of the Item.**

The Chair invited questions for the Senior Planning Officer.

Councillor Storey stated it was useful to have the responses to the issues raised and the PAC decisions and comments. He stated one issue being faced was the language used, judged on as to whether right or wrong. Councillor Storey referred to emotive language, ‘*undermine*’, and, ‘*set a precedent*’, he stated that in the Officer’s opinion a risk if approval is the outcome. In relation to what was raised he stated that the Officer said this proposal would undermine fundamental planning policies and there was not a policy of rounding off. Councillor Storey stated yet another Officer in Newry and Mourne’s opinion is

that there is rounding off and he cited from the report. Councillor Storey stated the difficulty was being presented as an absolute and other jurisdictions had referred to the principle of rounding off, and stated this left him in a quandary, was there a principle or not a principle of rounding off? Councillor Storey queried whether there was absolutely no practical working principle of rounding off accepted in the Planning Department? The issue raised a concern, that one Planning Department has taken as a principle but not here and stated he had listened closely. Councillor Storey referred to the Scofield Judgment, his exercise of planning judgment had to be on a basis of what Officers were saying, other PAC reports had exercised judgement and now a contrary view. Councillor Storey queried whether there was such a principle as rounding off?

Senior Planning Officer acknowledged the difficulty of fact and degree, he stated he understood there was no Policy for rounding off and not an established principle. The principle used idea of rounding off could be expressed when certain characteristics were on the ground, looking at all the evidence and no harm could come. In this situation, it had been looked at in the round and came to a different conclusion that it is not supported with Policy. The distinction in this circumstance, this is one third of a larger field, extend beyond the settlement limit and difficulty put back into a box, there was nothing to define it from another proposal beside this site, no distinction. Site is in LLPA and AONB, fairness from point of view of precedent could be Borough-wide. Senior Planning Officer advised the Agent had not considered Borough-wide in looking at examples. Senior Planning Officer stated plans look at a lot of evidence and look at how to plan and strategically manage development limits. Referring to the Housing development – that had been looked at under different policies that allow social housing, here the idea of rounding off or making something neater did not apply.

The Chair invited Colin O'Callaghan and Ciaran O'Donnell to speak in support of the application.

C O' Donnell advised his wife had conveyed the case more passionately at the last meeting and she could not be in attendance today. They were building a family dwelling; they were not a property developer and wanted to raise their children in the area. C O'Donnell stated Planning would come up with a different argument or tailor arguments to suit. He stated a document had been placed on the planning portal last night, he had driven from Cushendall to the Chamber and had not had a chance to look at it. C O'Donnell stated 35 houses were being built across the road and the slides did not reflect that. It was on the edge of a hamlet, on family land. C O'Donnell referred to a David and Goliath battle. However, he had faith in getting heard by Elected Members and thanked Planning Committee.

C O'Callaghan stated last night was the first time he had sight of the Planning Department having considered the issues raised, he had provided documentary evidence where planning could be granted. C O'Callaghan stated he would argue the Settlement Limit meaningless, a flimsy line, a post and wire fence and had not been used when Planning Permission granted for 15 Kilnadore Road. He accepted that it is not the norm to depart from planning policy and referred to the Lamont judgement. Officers set aside rounding off of a town, he stated rounding off was a judgement when no Planning Policy support for a decision, but common sense. C O'Callaghan stated Officers decision was irrational. There was no comparable sites in Cushendall, other examples would be greater in scale. The Officer stated concern for the future expansion of the site but yet referred to the site as in an area of unspoilt beauty and refused. Appeals examples used to show examples of rounding off and not complying with policy.

Councillor Storey asked C O'Callaghan to comment on how he believed there was a principle of rounding off, following the reference made in a different jurisdiction to rounding off, to elaborate and give, how, could or would apply in this.

C O'Callaghan advised the principle of rounding off kicked in when obvious and right to do, not provided for in Planning Policy. C O'Callaghan advised Article 45 of the Planning Act to make sure have regard for the Local Development Plan and other material considerations, material considerations could be anything to do with this application. C O'Callaghan stated the principle is enshrined in planning practice by the PAC and other cases yet Planning Officers are saying it cannot be applied as it is not a planning policy. C O'Callaghan clarified any material consideration was members' own judgement, he referred to the star on the presentation slide.

C O'Callaghan stated precedent created was not likely as this was a family home. This site is unique as it is a wedge of land partially in front of and partially behind no 15, could not apply West or South West. He reiterated the principle is enshrined in practice, not a rule. C O'Callaghan stated an impression Officers would have you believe rounding off came down from space and did not bear truth, in reality Members' use own judgement and he has provided examples of site specific circumstances where it had been used. Would a new dwelling here round off the settlement better than a post and wire fence, rightful development limit slightly further out. Bigger issue Illustrates how small scale anomaly could be thrashed out through the planning process not directly comparable with one, two or three houses.

* **Councillor Anderson left the meeting at 11.30am during consideration of the above.**

Councillor Storey referred to Ribbon development that had been raised, he cited from the planning committee report stated was CTY8 not relevant.

C O'Callaghan stated ribbon Development under Policy CTY8 PPS 21, to be a ribbon, PPS 21 applied in the countryside, starting at this site, nothing outside the settlement limit, one building did not constitute a ribbon, no-one shared a common frontage.

Alderman Callan referred to rounding off and information the speaker had supplied around the Planning Department not documenting the principle of rounding off. Alderman Callan asked, during discussion with officials had there been a position acceptable on rounding off.

C O'Callaghan clarified, 'no', he stated that last night had been the first time there had been discussion on how the Planning Department had addressed the issue, the assessment had been bereft of consideration whatsoever. There had still been no acceptance or acknowledgement, had not received any formal acknowledgement. C O'Callaghan stated the principle of rounding off was site specific, standing on this site, a home beside and behind a dwelling, a housing development opposite and others further up the road and this wedge would close off this land. C O'Callaghan stated Planning may not agree with the principle binding but at least they could have showed the approach had been taken and not whimsical.

Alderman Callan referred to the point that had been made to give sound background to the principle of rounding off.

C O'Callaghan stated it was inevitable that this is site specific. Standing on this site not the same. Standing on this site looked at where the star was on slide on screen, there were houses behind, opposite North, opposite rounding off and would close off where the wedge shoots in and excluded the piece of land.

Alderman Callan sought further clarification on the reference made to material considerations.

C O'Callaghan advised that legally, a material consideration was anything applicable, he had still not heard that rounding off was a valid approach, but just not in this case. C O'Callaghan stated Planning Department failed to accept this point, failed to show regard, being foul of the Planning Act and have regard for Development Plan and anything relevant and cited from the document.

Councillor Nicholl asked for the position of the development for the 35 homes.

C O'Callaghan illustrated the star on the screen, below the brown zoning, the piece of land partially in the settlement development limit zoned for housing, planning permission granted had pushed the brown line out to edge of the land. The reality on the ground no. 10 zoning was pushed up tight to the lane.

The Chair invited questions for the Senior Planning Officer.

Alderman Callan referred to rounding off principle, he had heard from the applicant and agent that there had not been clear guidance. Alderman Callan asked had there been a conversation with the applicant that this was the approach, prior to today.

Senior Planning Officer stated the details of rounding off was not a principle in this case, can round off a cluster in the countryside but there was no Policy for rounding off a town. Senior Planning Officer stated there was no scope for rounding off in this case. This would set a precedent for other similar decisions across the Borough; need to make decisions in the public interest. Dating back 20 years, there were a handful of examples across Northern Ireland and not an established principle. Senior Planning Officer stated there were exceptions where characteristics offend Policy but approved as no harm caused but this was not the case here. Senior Planning Officer stated he had spoke to the Agent regarding this issue. This was one part of a larger field. We are not looking at a new settlement edge but looking at a site outside of settlement. Senior Planning Officer stated a better settlement edge may be so, but, would lose the ability to strategically plan and manage, one site would start a ribbon when accept one house. Senior Planning Officer stated in public interest, this could come back to bite. Regarding the points he had spoken to Colin yesterday, had considered the material considerations and did from the outset, the examples were not material to this, the site specific characteristics very different, this was a town not a hamlet as set out within the Northern Area Plan, there was not an established principle rounding towns.

Alderman Callan queried the key issues for refusal.

Senior Planning Officer stated the reasons for refusal are set out in the report.

Councillor Storey stated Senior Planning Officer had referred to a compact urban form and red line, slide at start, explain.

Senior Planning Officer advised the purpose of a settlement development limit is to contain development, for better sustainable use of land and not sprawl into the countryside. Balance environmental, economic and social considerations alongside key tourism asset of the Borough, manage the land to make best use of. Urban grain is the built up form within the settlement limit - sustainable use

of land, Pattern of development no. 15 and no 11 and no. 75 small plots, no. 15 a generous plot, half to one third the size of proposed development. A significant break away from the pattern of development and not in keeping with character. The settlement limit contains and promotes development.

The Chair put the recommendation to the floor.

Proposed by Councillor Storey

Seconded by Alderman Callan

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

- Have read and listened to the arguments and note asked a number of questions, it is important to exercise planning judgement. The point had been made in relation to material considerations. A wide remit of information - personal, environmental, also includes irrespective of the time limit the PAC decisions, Lamont Judgment, comments made by Planning Officers in other jurisdictions all gave to use material consideration that we should have access to, or been made aware of;
- Not exhaustive or completely definitive, by and large a subjective issue. The Lamont Judgment makes reference that Planning should “not slavishly follow Policy”. Do not accept the argument this application would set or undermine the fundamentals of planning policy because it is a modest application, there have been no objections, in view of and in sight of the build of 35 social homes approved by this Council in an AONB and not deemed detrimental to the landscape;
- Policy CTY 15 – proposal, “*refusal mars distinction*” exception “*where social under CTY5 acceptable.....*” Taking that into account, this application is well screened, does in no way cause detriment to the landscape, read against backdrop of development in this application;
- Rounding Off - There is no policy for rounding off but from comments made in The Chamber and documented practice, rounding off does take place in site specifics;
- Have not got Policy, have practice, has been site specific. Look at this site where planning judgement being exercised all component parts, all material considerations and my view that in those circumstances it should be approved;
- Will not add to, will not cause detrimental to rural character, a modest application.

The Chair invited the Head of Planning to indicate whether there was enough reasoning for the refusal reasons.

The Head of Planning cited Refusal reason no. 2 and no. 4 to the Planning Committee.

Councillor Storey added the following reasons:

- Ribbon Development had been covered, information from the Agent that CTY8 was not relevant, while material consideration would not create urban sprawl;
- Distinction - look at the site, if a layman was asked to look at the site to see a natural area where further expansion of settlement would be, this would be one of the areas to look at. Referred previous correspondence defined as a dog leg. On either side bounded by vegetation at top and south bounded by housing development and further expansion identified for social housing.

The Chair called for a Recorded Vote.

The Head of Planning reminded Planning Committee of the refusal reasons, that the Local Development Plan process is the mechanism to look at expansion of a Settlement Development Limit.

In response to a request for clarification on wording from Alderman McKillop, the Head of Planning clarified the refusal reasons stated.

The Chair put the motion to the Committee to vote.

6 Members voted For, 3 Members voted Against, 1 Member Abstained.

The Chair declared the motion carried and application approved.

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

- Have read and listened to the arguments and note asked a number of questions, it is important to exercise planning judgement. The point had been made in relation to material considerations. A wide remit of information - personal, environmental, also includes irrespective of the time limit the PAC decisions, Lamont Judgment, comments made by Planning Officers in other jurisdictions all gave to use material consideration that we should have access to, or been made aware of;
- Not exhaustive or completely definitive, by and large a subjective issue. The Lamont Judgment makes reference that Planning should “not slavishly follow Policy”. Do not accept the argument this application would set or undermine the fundamentals of planning policy because it is a modest application, there have been no objections, in view of and in sight

- of the build of 35 social homes approved by this Council in an AONB and not deemed detrimental to the landscape;
- Policy CTY 15 – proposal, “*refusal mars distinction*” exception “*where social under CTY5 acceptable.....*” Taking that into account, this application is well screened, does in no way cause detriment to the landscape, read against backdrop of development in this application;
 - Rounding Off - There is no policy for rounding off but from comments made in The Chamber and documented practice, rounding off does take place in site specifics;
 - Have not got Policy, have practice, has been site specific. Look at this site where planning judgement being exercised all component parts, all material considerations and my view that in those circumstances it should be approved;
 - Will not add to, will not cause detrimental to rural character, a modest application.
 - Ribbon Development had been covered, information from the Agent that CTY8 was not relevant, while material consideration would not create urban sprawl;
 - Distinction - look at the site, if a layman was asked to look at the site to a natural area where further expansion of settlement would be, this would be one of the areas to look at. Referred previous correspondence defined as a dog leg. On either side bounded by vegetation at top and south bounded by housing development and further expansion identified for social housing.

RESOLVED – that Conditions and Informatives are delegated to Officers.

Recorded Vote Table

For (6)	Alderman Callan, McKillop
	Councillors Nicholl, Peacock, Storey, Watton
Against (3)	Alderman Hunter, Stewart, Scott
Abstain (1)	Alderman Coyle

Councillor McGurk did not vote on the application as she advised she missed the start.

The Chair declared a recess at 12.08pm for 10 minutes.

* **The meeting reconvened at 12.35pm.**

The Head of Planning undertook a roll call.

- * **Councillor Anderson left the meeting and did not rejoin.**
- * **Alderman Coyle left the meeting in The Chamber with a view to rejoining remotely from home.**

5.4 LA01/2022/1118/F, Referral, Lands 25m West of 24 Creamery Road, Coleraine

Report, Presentation, Site Visit Report, Speaking Rights Template for Johann Muldoon/Aidan Bradley/Judith Wilson were previously circulated, and presented by Senior Planning Officer M Wilson.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Proposed single storey dwelling

Recommendation

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

Senior Planning presented via powerpoint presentation:

- Full planning permission is sought for a single storey dwelling.
- This is a local application and is being presented to Committee as it has been referred to the Planning Committee for decision. This application was previously presented to the October meeting of the Planning Committee and was deferred for a site visit. This site visit took place on Monday past, 25th November 2024. In your packs you have the Planning Committee Report and site visit note.
- (Slide) By way of an update, at the site visit there was a query relating to the history of site on opposite side of lane from the site which is the land just to the north or above the red star on the slide, and I advised Members I would provide a further update at this meeting. There is only an historical 1978 history and nothing more recent or relevant. Members should also note that the status of that land is different to the site under consideration as it is a previously developed site within the Settlement Limit of Ballyrashane.
- The site is located outside the Settlement Development Limit for Ballyrashane. The site adjoins the settlement limit but is located in the rural area and is not subject to any specific zonings or designations as set

out in the Northern Area Plan 2016. This is a satellite image with the site identified by the red star.

- (Slide) this next slide shows the red line of the application site, and other land in the applicants control shown in blue.
- (Slide) C/2010/0083/O was previously granted planning permission on a small part of this site. However, this is an older history, and that site is different to the site currently under consideration as you will see from this slide. C/2010/0083/O is the site on the right of the slide and the current application on the left. Therefore, any argument stating that the subject site was previously approved is misplaced as it was a different site and, importantly, it is a matter of fact that we do not know if the site in front of Committee today would have been granted permission in 2010/2011.
- Furthermore, the current application is being assessed under a different local development plan context, legislative and policy context. Of particular note and critical to the consideration was that since the 2010 application was approved, Ballyrashane has now been designated as a settlement under the Northern Area Plan. Section 45(1) of The Planning Act (NI) 2011 requires that consideration of this application must have regard to the Northern Area Plan. Members should be aware that weight cannot be attributed to previously adopted development plans when an adopted plan is in place. For members convenience, the matter of the planning history and policy and context changes are set out in Pages 9 and 10 of your Committee report at Paras 8.11-8.14. If this application were to be approved, it would set a damaging precedent and would fundamentally undermine the purpose and function of the planning system.
- The agent argues that the proposal is at a cluster but, for the purposes of Policy CTY2a, you cannot cluster with development inside the Ballyrashane Settlement Development Limit. It is a matter of fact the development relied upon is a settlement as shown in this slide [SLIDE] which is an extract from the Northern Area Plan and shows the site's relationship next to, but outside, the settlement limit.
- Appeal Decision 2012/A0225 provides interpretation of Policy CTY 2a outlining that reliance on development within the settlement development limit for the purposes of Policy CTY 2a is misplaced. This is a fundamental and critical difference to planning application C/2010/0083/O which is given very limited weight for the reasons set out, not least because it is largely a different site.

- There is however a planning history relating to the site under consideration, LA01/2021/1105/O, and greater weight is afforded to this which was subsequently withdrawn as it had been recommended for refusal.
- As there is no policy basis within PPS21 or the SPPS to allow such a proposal and the proposal does not fall within a type of development which may be considered acceptable, there is no overriding reason why this development is essential and could not be located in a settlement.
- The proposal creates a ribbon of development and urban sprawl, marring the distinction between open countryside and the settlement of Ballyrashane. The siting of the proposal does not integrate as it relies on new landscaping and is of detriment to rural character.
- (Slide) now turning to some pictures of the site, this is the access from Creamery Road onto the access lane which in turn accesses the site.
- (Slide) this next slide is taken from the lane and shows the views looking south east and north west along this lane.
- (Slide) these final photos just show the site itself and you can see the land steeply falls away and the open agricultural field the site is within.
- (Slide) this is a full application so all drawings have been submitted – this shows the proposed site layout which is included in the report and how the dwelling will sit on the land and then moving onto the proposed floor plans, showing how the split level single storey dwelling will be delivered on site, along with a cross section, and then finally [SLIDE] the proposed elevations.
- No representations have been received and no objections have been raised by any consultee.
- The proposal is contrary to the Northern Area Plan 2016, SPPS and Planning Policy Statement 21. The application is recommended for refusal.

The Chair invited questions for the Senior Planning Officer.

Councillor Storey sought the current status of C/2010/0083/O, whether a material start had been made or was it dormant.

Senior Planning Officer clarified it was an Outline approval established in principle and no reserved matters or full application submitted – permission has lapsed. Part of the 2010 application site lies within current settlement limit but this application is larger and outside the settlement limit in the countryside as defined in the NAP. The assessment of the 2 applications are distinguishable and not directly comparable given the planning policy context has changed and as such had been afforded little weight.

Councillor Watton stated he had a problem with the way settlements were drawn, what one would think is in the middle, was drawn out. He stated the proposal was not integrated however, he could not see this, as it was previously in a settlement and was passed, the settlement limit is irrelevant as passed before. Councillor Watton asked what was difference between the previous application and this, on the wrong side of the line and a few yards away from the Creamery.

Senior Planning Officer illustrated via slide presentation, to the right hand side the 2010 application parallel to the gable building, runs at an angle to the current application. The parcel not within and parcel within, they were two different sites not identical to 2010/2011 was no settlement Hamlets listed not until 2015 Ballyrashane within the settlement limit. Its purpose to contain development and allow for opportunity within. Senior planning Officer clarified paragraphs 8.11-8.14 of the planning committee report concerned this.

The Chair invited J Wilson to speak in support of the application. J Wilson advised the other speakers were not present.

J Wilson stated this should not be automatically dismissed under SPSS para.6.73 and Policy CTY1. The planning history included within the 2011 approval set a precedent for residential use in the area, and there have been no substantial policy changes. Proposed design integrates well and no significant impact on rural character. Design considered acceptable. Urban sprawl issue misinterprets settlement. Does not rely on artificial cluster. Need to consider the planning history as a material consideration carrying significant weight. Planning history – PPS 21 active at that time and considered acceptable and no radical change in rural policy. Should result in same outcome. The development is in keeping with policy CTY 13 in terms of overall scale, massing, siting and integration. This is a high quality design appropriate in the rural setting, due regard for local distinctiveness. There were no consultees objecting. History and context valid and unique aspects of proposal. Merits of application justified in current policies and justify consideration.

The Chair invited questions for the speaker.

Councillor Storey asked in relation to the previous application had the speaker idea of ownership of the existing application was it no longer going to be pursued.

J Wilson responded, the application expired, the application slightly moved the location and there was an updated design. There is now also an additional dwelling at the location. There is an overlap of the red lines of the two applications.

The Chair invited questions for the Senior Planning Officer.

Councillor Storey, referring to rounding off, sought clarification of a comment in relation to a settlement. Each application taken on its own merits, take address of application and previous application and not far away geographically.

Senior Planning Officer advised that under Policy CTY2a the Policy allows for land surrounded by development where it met certain criteria, where it is not classified as a settlement. He stated the 6 tests of policy CTY 2a, however, he stated this was a settlement and policy CTY2a did not apply.

The Head of Planning clarified Policy CTY2a did not apply to this application because in located within a settlement limit and not in a cluster of development in the countryside and could not take the settlement limit to be a cluster under Policy CTY2a.

Councillor Storey advised this was not a cluster, it was a settlement limit and cited "At an existing cluster" that it did not say "in".

The Chair put the recommendation to the Planning Committee.

Proposed by Councillor Storey
Seconded by Councillor Watton

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the following reasons:
- Raises the question how we are consistent in approach to this application. Seeks to be consistent and take application as it stands and appreciate clarification in relation to settlement limit as opposed to a cluster under planning policy;
- Agent put forward the reasons for approval of this application;
- No objections have been received from statutory consultees, and adjacent to junction and existing business.

- Will integrate into the surrounding area, enclosed as is visual from the slides; understanding of layout of proposed design will integrate, rural style and character;
- Design is acceptable by Planning Office cannot ignore this and take comments from officer in relation to planning history C/2010/0083/O even though small infringement it had been accepted as principle established and this is a material consideration.
- Principle is therefore accepted with previous permission granted. Policy context has not changed drastically. Policy CTY 15 in relation to urban sprawl, does not encroach upon but reflects character of Ballyrashane;
- Stress consistency. Have looked at other applications and applied planning judgement, same principles here looking at site specifics of this application.

The Head of Planning cited 5 refusal reasons from the Planning Committee report.

The Head of Planning recited the reasons for approval from Councillor Storey.

Councillor Storey stated the template the Agent supplied was useful, it had information for use in planning judgement to propose the approval.

Alderman Boyle pointed out the settlement boundary came after the first permission was granted, there is a small overlap on the planning history.

Councillor Storey stated he was happy, overlap of the previous application correct wording, infringement not the right word.

The Head of Planning stated she was happy to record what Alderman Boyle had said.

The Chair called for a Recorded Vote.

Recorded Vote Table

For (8)	Alderman Callan, McKillop
	Councillors McGurk, McMullan, Nicholl, Peacock, Storey, Watton
Against (3)	Alderman Boyle, Hunter, Stewart
Abstain (1)	Alderman Scott

During the call for the vote Alderman Coyle did not respond.

The Chair put the motion to the Committee to vote.
8 Members voted For, 3 Members voted Against, 1 Member Abstained.
The Chair declared the motion carried and application approved.

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

- Raises the question how we are consistent in approach to this application. Seeks to be consistent and take application as it stands and appreciate clarification in relation to settlement limit as opposed to a cluster under planning policy;
- Agent put forward the reasons for approval of this application;
- No objections have been received from statutory consultees, and adjacent to junction and existing business.
- Will integrate into the surrounding area, enclosed as is visual from the slides; understanding of layout of proposed design will integrate, rural style and character;
- Design is acceptable by Planning Office cannot ignore this and take comments from officer in relation to planning history C/2010/0083/O even though small infringement it had been accepted as principle established and this is a material consideration.
- Principle is therefore accepted with previous permission granted. Policy context has not changed drastically. Policy CTY 15 in relation to urban sprawl, does not encroach upon but reflects character of Ballyrashane;
- Stress consistency. Have looked at other applications and applied planning judgement, same principles here looking at site specifics of this application.

RESOLVED – That Conditions and Informatives are delegated to Officers.

The Chair declared a recess from 1.15pm-2.00pm for lunch.

- * **The Chair declared a recess for lunch at 1.15pm.**
- * **Civic Support & Committee and Member Services Officer left the Chamber at 1.10pm.**
- * **The meeting reconvened at 2.00pm.**
- * **Committee & Member Services Officer joined the meeting in the Chamber at 2pm.**

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

5.5 LA01/2023/0459/F, Referral, 140m NW of 19 Magheramore Road Garvagh

Report, Presentation, Site Visit Report and Speaking Rights Template for Jason Martin, previously circulated, were presented by Senior Planning Officer E Hudson.

Referral Application to be determined by Planning Committee

App Type: Full

Proposal: Proposed production/storage building and new access.

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 conditions set out in section 10.

Senior Planning Officer presented via PowerPoint presentation as follows:

- (Slide) Planning Application LA01/2023/0459/F. Is a full application for a production/storage building and new access at 140m NW of 19 Magheramore Road, Garvagh.
- There is an erratum to accompany your committee report correcting para 8.18 of the committee report.
- There was a site visit carried out on Monday.
- (Slide) This is the red line boundary of the site. The site is located within the open countryside as defined in the Northern Area Plan 2016. The site is located 140m NW of the applicants dwelling which is a roadside dwelling.
- (Slide) This is the site layout drawing. As the application is for an industrial use it falls primarily to be considered under the SPPS and PPS 4 policy PED 2 in relation to economic development in the countryside. The policy outlines that there is a need to restrict the level of new building for economic development purposes outside settlements. In general, new buildings for such uses in the open countryside will be strictly controlled. The policy outlines 4 exceptions to this where such development would be permitted. These include expansion of an established use, redevelopment of established use, major projects and small rural projects. All other proposals would only be permitted in exceptional circumstances. As the proposal does not meet any of these policies and is not considered an exception it fails to meet Policy PED 2 of PPS 4.
- The agent has presented a case under policy PED 3 expansion of an established economic use. The applicant is a building contractor. The agent has advised that the applicant utilises his dwelling at no. 19

Magheramore Road together with other agricultural buildings in the area for storage of vehicles and machinery. An extensive list of vehicles and machinery was provided including diggers, forklift, 7 work vans, cement mixers, scaffolding, welders etc. At the time of site inspection there was no evidence of any machinery being stored at the applicants dwelling. There is no planning permission or a CLUD for such a use. The site is also displaced from the applicants dwelling. No evidence was provided as to what other locations or facilities are being used and why this arrangement cannot continue. It does not meet policy PED 3.

- A project overview was submitted outlining the history of the business, turnover and staffing. The business overview states there are 2 full and 2 part-time employees with an additional 5 full time, 1 part-time employed in 2023. The building is used primarily for storage with only occasional production taking place e.g. building of a frame once or twice a month. As such, it is not considered that the proposed shed would relate directly to job creation.
- The application has also been considered under policy PED 6 Small Rural Projects. A firm proposal to development a small community enterprise park or centre or a small rural industrial enterprise on land outside a village or small rural settlement will be permitted where it is demonstrated that all criteria are met:
 - No suitable site within the settlement;
 - Proposal would benefit the rural economy or contribute to community regeneration
 - Development is clearly associated with the settlement but will not dominate it, adversely effect landscape setting.
- The proposed site is not located outside a village or smaller rural settlement, it is located in the open countryside. The proposal also fails to meet the sequential locational criteria as it is not located in close proximity to a settlement. The site is approximately 2 miles outside the settlement of Garvagh and approximately the same distance from the smaller settlement of Glenullin. Policy also advises that storage uses are only permitted where these are clearly ancillary to a proposal for community enterprise park or industrial use. As such it fails to meet this policy.
- As there are no exceptional reasons as to why this proposal needs to be located in the open countryside the principle of development is considered unacceptable.
- (Slide) This slide is just to illustrate the location of the site in relation to the neighbouring settlements. It is roughly half way between the 2 and not associated with either of them.
- (Slide) Proposed elevations and floor plan.

- (Slide) Photos.
- The site is set back from the public road and will be sited at a lower level than the roadside. It is considered that the proposal would not have an adverse in terms of integration and rural character.
- A recent view of the applicants dwelling. There are a number of buildings within the curtilage which don't benefit from planning permission. The cream coloured building to the right of the dwelling would appear to be there for more than 5 years however the use is not established as an industrial use. The small brown building to the left is a more recent addition.
- There are no consultee objections to the proposal.
- Proposal is contrary to Policy CTY 1 of PPS 21 as there are no over-riding reasons as to why it could not be located in a settlement. It is contrary to the SPPS and Policies PED 2, PED 3 & PED 6 of PPS 4, Planning & Economic Development, in that there are no exceptional circumstances as to why the proposal is required in this location.

In response to questions from Planning Committee, the Senior Planning Officer advised there is no evidence of what is stored in the shed on the site, there is no CLEUD and no planning permission for the business. The shed has been in place for more than 5 years but this does not determine economic or industrial use, the mechanism for this is through a CLEUD. The Senior Planning Officer advised that when presenting a case on established use this is based on planning permission or a CLEUD, the only planning permission on the site is for a dwelling.

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

J Martin stated that the report and refusal reasons detail paragraphs 6.73 & 6.88 of the SPPS but fails to mention paragraph 6.87. J Martin cited from paragraph 6.87 and stated that the SPPS can support the expansion/redevelopment of an existing business in the countryside.

J Martin stated that the applicant had provided a rationale as to why the proposal was to be located where it was, along with a list of their machinery and vehicles. J Martin cited from policy PED3 and stated that the design and access statement submitted with the application also outlined how it is not possible to relocate the business to the nearest settlement.

J Martin stated that the proposal seeks to consolidate an existing and thriving local business, and is doing so in a sensitive manner, making sure the new building would not be prominent in the countryside, the proposal is acceptable

under the provisions of the SPPS and Policy PED3 of PPS4. J Martin requested that the application is approved.

In response to questions from Planning Committee, J Martin stated that the applicant is a contractor, that business is growing and there is no dedicated space to store the machinery when it is not in use. This space provides a foundation for the business who have now employed 6 new employees. J Martin stated the business is growing year on year and the growth in turnover as being £2.8m in 2023 to over £4m in 2024 with further growth expected to continue, the increase in profits will result in increased jobs. J Martin stated that the proposed field is owned by the applicant with neighbouring field owned by a cousin. Alternative sites were considered but deemed not to be suitable for the needs of the business or the associated costs were too expensive, renting land was also considered but it was deemed not appropriate as there was no security.

In response to further questions from Planning Committee, the Senior Planning Officer stated that para. 6.87 is similar to policy PED2 of PPS4 which is the overriding policy for development in the countryside. SPPS follows PPS4 which allows for certain exceptions in the countryside. The exceptions were explored further in PPS4, there was nothing presented by the applicant to show these exceptions could be met.

Proposed by Councillor Mc Gurk
Seconded by Councillor Nicholl

- 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 subject to the conditions set out in section 1 for the following reasons
- The application meets policy PED3, there is existing economic activity on the site
- The applicant has provided details of the business which has been in place for the required timeframe and CLUD is not required.
- This is a growing business in the area.
- Under SPPS this is sustainability of a rural business and expansion.
- Displacement of site from existing dwelling and shed, where something is not normally acceptable can deem it acceptable where there is expansion
- It will not detract from the rural character, it is lower than the existing dwelling, it is hard to view and it integrates into the landscape.
- Access and carparking are deemed acceptable.
- There is no unacceptable impact on the residential amenity or on the natural heritage
- There are no objections from consultees.

The Head of Planning cited the reasons provided by Members for approving the application.

The Chair requested a Recorded Vote.

The Chair put the motion to the Committee to vote.

7 Members voted For, 2 Members Against, 3 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 the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE planning permission subject to the conditions set out in section 1 for the following reasons

- The application meets policy PED3, there is existing economic activity on the site
- The applicant has provided details of the business which has been in place for the required timeframe and CLUD is not required.
- This is a growing business in the area.
- Under SPPS this is sustainability of a rural business and expansion.
- Displacement of site from existing dwelling and shed, where something is not normally acceptable can deem it acceptable where there is expansion
- It will not detract from the rural character, it is lower than the existing dwelling, it is hard to view and it integrates into the landscape.
- Access and carparking are deemed acceptable.
- There is no unacceptable impact on the residential amenity or on the natural heritage
- There are no objections from consultees.

RESOLVED – to delegate conditions and informatives to Officers

Recorded Vote Table

For (7)	Alderman Boyle, Callan
	Councillor McGurk, McMullan, Nicholl, Peacock, Storey
Against (2)	Alderman Hunter, Stewart
Abstain (3)	Alderman Coyle, S McKillop
	Councillor Watton

5.6 LA01/2023/0563/O, Referral, 20m NW of 16 Munalohug Road, Dungiven

Report, Presentation, Site Visit Report and Speaking Rights Template for C Gourley, previously circulated, was presented by Senior Planning Officer M McErlain.

Referral Application to be determined by Planning Committee

App Type: Outline

Proposal: Proposed infill dwelling and garage

Recommendation

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

Senior Planning Officer presented via powerpoint presentation as follows:

- LA01/2023/0563/O is an Outline application for the provision of Infill dwelling and garage at lands 20m NW of 16 Munalohug Road, Dungiven.
- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning permission.
- This application was previously presented to the Planning Committee in October and was deferred to facilitate a site inspection which took place on Monday 25th November 2024.
- The site is located in the rural area as defined in Northern Area Plan 2016. The site is not located within any environmental designated sites.
- The application site as defined by the red line boundary encompasses the entirety of the field in which it is sited however, the indicative site plan indicates the proposed dwelling to be located in the northern portion of the site immediately adjacent to the roadside. Access to the site is proposed via the construction of a new access onto Munalohug Road.
- The application site is bounded to the northern (roadside) boundary by a post and wire fence and field gate, with only a small, minimal hedgerow present. The eastern boundary (adj. No. 16) is mainly defined by a timber fence with some tree/shrub planting along it. The western boundary comprises a post and wire fence and gorse hedgerow. The southern (Rear) boundary, as proposed, is undefined.
- There is previous planning history on the site. Application B/2000/0446/O which was for a dwelling was refused planning permission 16th January 2001.

- As this application has been submitted as an infill dwelling it falls to be determined under paragraph 6.73 of the SPPS and Policy CTY 8 of PPS 21.
- Policy CTY8 allows for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided these respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.
- To the south east of the application site are the dwelling at No. 16, an agricultural shed/yard, the dwelling at No 14 and the dwelling at No. 12. To the North West of the application are the dwellings at Nos. 22 and 26, which are separated from the application site by an agricultural field. All of the aforementioned plots have a direct frontage onto Munalohug Road. It is therefore accepted that there is a substantial and continuously built-up frontage at this location.
- The average frontage measurement along the substantial and continuously built-up frontage is 38m.
- Paragraph 5.34 of PPS21 outlines that the gap to be considered is between buildings (building to building).
- The gap (building to building) between the dwellings at No. 16 and No. 22 is approximately 137m.
- When assessed against the average plot widths along the frontage, the gap is more than three times the average plot width and capable of accommodating 3 dwellings. The gap is excessive in size when assessed against the existing character/pattern of development in the area.
- The average plot size of the plots within the built-up frontage = 1694sqm
- The application site, as indicated on Drawing No. 02 has a plot size of 3766sqm. This is significantly larger than both the average plot size along this stretch of Munalohug Road, and the largest plot within the built-up frontage (No. 12) (3208sqm).
- The proposal does not represent a small gap site capable of accommodating a maximum of two dwellings and is not reflective of the

established pattern of development within the frontage and again fails to comply with Paragraph 6.73 of the SPPS and Policy CTY8.

- Additionally, the infilling of this site and potential subsequent remaining site to the North-West would add to existing development along the road frontage, resulting in the addition to ribbon development, which is detrimental to the character, appearance and amenity of the countryside, which is also contrary to Policy CTY8.
- As this is an outline application no detailed plans have been submitted regarding the design of the dwelling.
- An indicative block plan was submitted which showed the dwelling sitting relatively in line with no. 16. The land rises in level towards the west, with the site apparent when travelling west along the frontages of nos. 12, 14 and 16. While a dwelling may appear slightly prominent in this location it would somewhat benefit from the backdrop of no. 22 and the relatively mature western field boundary.
- A single storey (bungalow) would be the maximum form of development considered acceptable in this particular location in relation to integration.
- When in the immediate vicinity of the application site, the proposed dwelling would be read/intervisible with the immediately adjacent built development which, in addition to the roadside development referenced at Paragraph 8.7 of the Planning Committee Report, includes the dwelling at No. 16a (to the rear of No. 16).
- The infilling of this gap which exists between the buildings to the south /south-east of the site and the buildings to the north-west of the site would remove an important visual break which provides visual relief to the built-up character in the vicinity, resulting in the further erosion and damage to the rural character of the area, through suburban style build-up.
- As outlined the proposal would result in the addition to ribbon development, which is detrimental to the character, appearance and amenity of the countryside. The proposal is fails to comply with Policy CTY14.
- Slide showing view of the application site when viewed from the Munalohug Road at the proposed site entrance/access.

- Slide showing view of the application site with the dwelling at No. 22 evident in the background.
- You will note the extent of the gap between the application site and No. 22.
- Slide showing view of the application site from the North Western corner/boundary.
- Slide showing view towards the application site from adjacent to No. 22.
- Again you will notice the size of the gap between the dwelling at No. 22 and No. 16 in the distance.
- You will also note how the intervening field and the field containing the application site provide visual relief to the built-up extent of development to the eastern side of the application site and maintains the rural nature and character of the area.
- Slide showing image of the dwelling at No. 16 and the adjacent agricultural shed. You can see that the residential curtilage of No. 16 is defined by the small wall and fence, which separates it from the adjacent plot containing the agricultural shed.
- This shows the access lane for the dwelling at No. 16a, sited to the rear of No. 16, and clarifies that the laneway is a separate entity to the adjacent agricultural shed and does not form part of the frontage of the shed and cannot be considered when determining the plot width for the shed.
- Consultation was carried out with DfI Roads, Environmental Health, NI Water and DAERA Water Management Unit who raised no concerns.
- In conclusion the proposal is contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policies CTY8 and CTY14 of PPS21 in that the application site is does not constitute/not within a small gap site within an otherwise substantial and continuously built-up frontage and the proposal would be detrimental to the rural character of the area by causing a suburban style build-up of development when viewed with existing buildings and would add to ribbon of development.
- In addition, no overriding reasons have been forthcoming as to why the development is essential, therefore the proposal is contrary to policy CTY1. Refusal is recommended.

There were no questions for the Senior Planning Officer.

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

C Gourley stated that the previous application that was refused in 2001 was based on an old rural planning strategy, this is now being considered under a different policy context.

Policy CTY8 requires gaps between buildings, Officers have measured a gap of 137m whereas she has measured 125m the two plots are similar in size to neighbouring bungalows. The domestic garage belongs to the owner of number 16 and is part of the same plot as the dwelling. The gap is sufficient for 2 dwellings. During the site visit those present will have viewed the generous plot sizes. On the map view of the road there is little visual awareness of variation of plot sizes. Judgement must be made in relation to the critical viewpoints. Weight should fall with the client due to the difference of opinion on the average plot size, doubt surrounding the plot size and the absence of a survey. Favour should lie with the applicant to allow him to build on family land and live close to his grandfather.

In response to questions from Planning Committee, C Gourley stated that in terms of layout, this site is wider at the front and narrower at the back. C Gourley stated that looking at the map it does not look well for the applicant. When travelling along the road number 12 is on a bigger plot, as is the house next to it, number 16 has a sizeable curtilage. There is an awareness of the size of the plots on approach to them. The application site is similar to these plots. C Gourley questioned where the demonstrable harm was. The gap size would accommodate 2 dwellings not 3.

In response to questions from Planning Committee, the Senior Planning Officer stated there is a variety of plot sizes and it is not possible to pick the largest or smallest to support an argument, the principle is that the average plot size is used. There is a dispute over the average plot sizes and the size of the gap site. It is not an exact science, a plot size of nearly three times the size is not regarded as a gap site.

Proposed by Councillor McGurk

Seconded by Councillor Nicholl

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

- There is a lot of discussion on average plot width, the garage and dwelling are viewed as one curtilage.
- Need to be careful with relying strictly on average plot size.
- The agent made a good point on what is seen on the ground, there are large spacious countryside dwellings.
- The gap will accommodate 2 not 3 plots therefore meets policy CTY8
- To include conditions put forward by the Agent – single storey dwelling and plot restriction

The Head of Planning recited the reasons for approving the application.

The Chair put the motion to the Committee to vote.

10 Members voted For, 1 Member voted Against, 1 Member Abstained.

The Chair declared the motion carried and application approved.

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

- There is a lot of discussion on average plot width, the garage and dwelling is viewed as one curtilage.
- Careful on relying strictly on averages
- The agent made a good point on what is seen on the ground, there are large spacious countryside dwellings.
- The gap will accommodate 2 not 3 plots therefore meets CTY8
- To include conditions put forward by the Agent - single storey dwelling and plot restriction

RESOLVED – that Conditions and Informatives are delegated to Officers

* **Senior Planning Officer, E Hudson, left the Chamber at 3:11pm**

5.7 LA01/2023/0339/O, Referral, Approximately 50m NE of 92 Moneybrannon Road, Coleraine

Report, Presentation, Site Visit Report and Speaking Rights Template for J Martin, were previously circulated, and presented by the Development Management Manager, J Lundy.

Referral Application to be determined by Planning Committee

App Type: Outline

Proposal: Proposed Cluster Dwelling & Garage

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.

Senior Planning Officer presented via powerpoint as follows:

- A site visit was carried out on Monday and a note has been circulated, there was a typo in the site note reference and it should read LA01/2023/0339/O.
- The application has been considered under PPS 21 Sustainable Development in the countryside Policies CTY 1, CTY 2A.
- The red line of the site located at the junction of the Moneybrannon and the Ballylntagh Road. The site is an open agricultural field that rises to the east. The red line of the site is outside the flood plain shown as a purple dotted line along the Moneybrannon Road.
- The application was considered under the cluster policy CTY 2a in PPS 21. The Policy states that planning permission will be granted for a dwelling at an existing cluster of development provided all the 6 criteria are met. The 6 criteria are listed in paragraph 8.4 of the Planning Committee Report for convenience.
 - the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
 - the cluster appears as a visual entity in the local landscape;
 - the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
 - the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
 - development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
 - development would not adversely impact on residential amenity.
- As set out in the report the cluster of development lies outside of a farm and consists of four or more buildings of which at least three are dwellings. This includes dwellings at no. 92, 94, 93, and approx. 16

terraced dwellings at Ballylintagh Crescent. As well as buildings at (no.96) and sheds to the north (no.20). The proposal is considered to comply with the first criteria.

- Given the amount of buildings in the area and their close proximity to each other, the cluster is considered to appear as a visual entity in the local landscape and meets the second criteria.
- The cluster is located at the crossroads of Moneybrannon and Ballylintagh Road and meets the third criteria.
- With regards to the 4th criteria the site is not bound by development on at least two sides. There is no development bounding the site to any boundaries. There is a roadside to the north and a roadside to the west. To the east and south there is the remainder of the field. The application fails to meet the fourth criteria in that it is not bounded on at least 2 sides with other development in the cluster which provides a suitable degree of enclosure.
- Views on the Ballylintagh Road approaching the junction, the site is on the left.
- The site from the junction.
- Some of the arguments have been made that the site is bound on two sides by development across the road. I have attached an appeal to the planning committee report for development in clusters.
- The PAC decision for Brisland Road 2019/A0214 was dismissed on similar grounds. In particular paragraph 8 where it states “the presence of the approximately 8m wide road separating the appeal site from the dwellings on the opposite side of the road results in them not providing a degree of enclosure... and that the development is only bound by development in the cluster to its western side.
- The two applications the agent referred to differ in that development in the cluster adjoin the site.
- In relation to the 5th criteria as the slides show the development of this site is not rounding off or consolidating development and will significantly alter its existing character and visually intrude into the open countryside.

- Again, this is similar as stated in the quoted appeal that stated “although there is considerable development along Brisland Road, it is absent to the east of the site resulting in the proposal being detrimental to the character, appearance and amenity of the countryside and re in force the built-up appearance.
- The application is recommended for refusal as it fails to meet all 6 criteria, is separated from the cluster by 2 roads and verges each more than 20m wide, fails to be enclosed, cannot be absorbed into the existing cluster through rounding off and consolidation, would visually intrude into the open countryside and if approved would result in a suburban style build-up of development which will erode rural character.

In response to questions from Planning Committee, the Development Management Manager clarified that the application satisfies 3 of the criteria – points 1 to 3 are satisfied, points 4 and 5 are not satisfied and point 6 does not apply to this application.

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

J Martin stated that the predominant reason for refusal relates to whether this application sits within the cluster. This application sits within the existing cluster. J Martin referred to appeal 2019/A214 and stated the rationale behind this refusal is not similar to this application, the site does not provide integration. J Martin referred to application LA01/2021/1215/F stating it was accepted after appeals. J Martin also referred to application LA01/2018/0370 which is bound on 2 sides when the location of the crossroads is considered. J Martin stated this application rounds off the cluster, is bound at 2 sides and meets the requirement of policy CTY2a.

In response to questions from Planning Committee, J Martin stated that application LA01/2018/0370 is identical to this site. When approaching from the north west the site is rounding off the cluster, when approaching from the other direction it is viewed on the backdrop of the Dfl Roads compound.

In response to questions from Planning Committee, the Development Management Manager stated that the policy sets out a number of criteria. At this site the number of buildings is met, visual entity is met, crossroads is clearly met. Suitable degree of enclosure and bound on 2 sides of the development is not met. The Development Management Manager referred to the 2018 application stating it is located at the railway crossing in Macfin, that it is bound to the north boundary and is enclosed on either side. The Development Management Manager referred to the PAC decision and stated that the road was 8m wide and cannot be considered as a boundary and

discounting sites on either side this road provides nearly 20m separation from the building to the site.

The Head of Planning clarified this site is not bound on 2 sides. There is a significant gap, the PAC decisions referred by the agent are not considered comparable to this application as it not bound on 2 sides.

It was proposed by Councillor Storey and seconded by Alderman Callan

- 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 for the following reasons
- Can accommodate the dwelling without detrimental impact on the rural character
- The PAC decision is not comparable, extended ribbon development and did not round off the cluster. This application does round off the cluster, there is vegetation and topography of the land, Google maps shows this.
- There is a suitable degree of enclosure. Under Policy CTY14 this is not unduly prominent and is not a suburban style build up.
- The whole area has farms, businesses and houses, this application does not add to ribbon development or damage the rural character.
- There are no objections from statutory consultees.
- There is a considerable amount of development. This application is what can be developed as a site. If it is accepted there is a cluster then there are other elements of how site is looked at.

When asked by the Head of Planning to address the refusal reason relating to not being bound at 2 sides, Councillor Storey withdrew his motion and proposed to defer the application to consider reason for refusal for being bound on 2 sides. Councillor Storey cited from policy CTY2a and stated this does not preclude policy CTY14, that this is a subjective matter, the site is not unduly prominent to one person and is to another, a definition of unduly cannot be provided, this is a matter of opinion.

Proposed by Councillor Storey
Seconded by Alderman Callan

- That Planning Committee defer application LA01/2023/0339/0 for further consideration of Policy CTY2a.

The Chair put the motion to the Committee to vote.

8 Members voted For, 3 Members voted Against, 1 Members Abstained.

The Chair declared the motion carried and application deferred.

RESOLVED – That Planning Committee defer application LA01/2023/0339/0 for further consideration of policy CTY2a

- * **The Chair declared a recess at 3.50pm.**
- * **The meeting reconvened at 4.10pm.**

The Head of Planning undertook a roll call.

5.8 LA01/2023/0270/O, Referral, Land between 100A & 102 Finvoy Road, Ballymoney

Report, Presentation and Speaking Rights Template for J Martin, were previously circulated and presented by Development Management Manager, J Lundy.

Referral Application to be determined by Planning Committee

App Type: Outline

Proposal: Proposed infill for two number dwellings

Recommendation

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

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraphs 1.1 and 9 of the Planning Committee report.

Development Management Manager presented via powerpoint as follows:

- Application LA01/2023/0270/O was presented to Planning Committee on 25 September 2024, following a site visit on the 23rd September, with a recommendation to Refuse. Planning Committee disagreed with the Recommendation and determined to Grant Permission.
- Three objections from (2no. objectors) have been received to the application prior to issuing. The application has been brought back to the Committee regarding this new material information. The objections are set out in your addendum and raise the following:
 - No 102 Finvoy Road was used recently as a property for an infill between 98 and 102, to permit development to the rear of 102 would be an infringement under ribbon development.
 - 102 does not have dual road frontage, how can it front the lane between 100a and 102.

- 100a the garage is parallel with the main dwelling, how would this comply with 3 dwellings in a row.
- The site to the rear of 102 is elevated which would mean the proposed dwelling would have an impact on privacy to the rear of 102.
- Object to the Planning Committee decision
- The report clearly states the proposal is ribbon development, it does not meet gap infill criteria nor does it comply as infill as there is not 3 buildings in a row. All of the above are in clear violation of the planning policy.
- What are the grounds for granting this development, when it is in breach of a number of planning regulations.
- P2 challenge to ownership of the laneway.
- The planning application for infill referred to in the objection was granted based on No. 102 being one of the three or more buildings providing a frontage onto the Finvoy Road.
- The points of objection relating to the status of No. 102 Finvoy Road for the purposes of policy CTY 8 and the garage at 100a were considered in the Planning Committee Report in paragraphs 8.8 and 8.9.
- The issue of impact on the amenity of the rear of No.102 Finvoy Road was not considered in the Planning Committee report. There is the potential for impact on amenity to No 102 due to the proposal for 2no dwellings, one of which will adjoin the rear boundary. However, design measures to reduce overlooking may be resolved at a reserved matters stage.
- The reasons for the Planning Committee disagreeing with the Officers Recommendation to Refuse are set out in the Planning Committee minutes.
- The objection relating to landownership has been addressed through the submission of a revised Certificate which followed the advertisement and neighbour notification process. As advised in all applications, planning permission does not confer title. It is the responsibility of the developer to

ensure that he controls all the lands necessary to carry out the proposed development.

- The new material information is set out in the addendum and its assessment is with members to also consider.

In response to questions from Planning Committee, the Development Management Manager stated that 1 objection was raised prior to the Planning Committee decision and was noted after the Committee meeting, the second objection was received on 15 October 2024. The Development Management Manager advised new material needs to be presented to the Planning Committee as the decision makers. The Development Management Manager advised that the P2 challenge was addressed prior to bringing the application before the Committee again.

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

J Martin stated that the application was previously approved, the principles have not changed and the certificate has been amended.

In response to questions from Alderman Callan the Head of Planning cited the reasons for approval from a copy of the Minutes of the Planning Committee Meeting held 25 September 2024.

Proposed by Alderman Callan
Seconded by Councillor Storey

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE planning permission subject to the conditions set out in section 10 for the following reasons
- The objections have not changed the reasons provided for the previous approval.
- Material considerations for approving remain
- The Agent covered everything well in terms of the issue with integration, frontage on the laneway and the subsequent issue of the certificate has been resolved.

The Council Solicitor suggested moving the meeting '*in committee*' in order to provide Legal opinion.

MOTION TO PROCEED '*IN COMMITTEE*'

Proposed by Alderman Boyle
Seconded by Councillor Watton and

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

- * **Press and Public were disconnected from the meeting at 4.29pm**
- * **Public left Gallery in the Chamber at 4.29pm**

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

Council Solicitor reminded Planning Committee of the decision making process, the importance of ensuring all information is given consideration and the need for reasons for the decisions to be clearly recorded.

Discussion ensued to enable Planning Committee to seek clarification and understand the legal opinion provided.

MOTION TO PROCEED *'IN PUBLIC'*

Proposed by Alderman Stewart
Seconded by Councillor Storey and

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

Alderman Callan stated the following reasons for approving the application
- To carry out the previous planning decision to approve the application taking on board objections made and the certificate being approved, the privacy issue can be dealt with and allows Council to continue with the decision made.

The Head of Planning recited the reasons for approving the application.

The Chair put the motion to the Committee to vote.
7 Members voted For, 4 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 conditions set out in section 10 for the following reasons
- The objections have not changed the reasons provided for the previous approval.
- Material considerations for approving remain
- The Agent covered everything well in terms of the issue with integration, frontage on the laneway and the subsequent issue of the certificate has been resolved.

- To carry out the previous planning decision to approve the application taking on board objections made and the certificate being approved, the privacy issue can be dealt with and allows Council to continue with the decision made.

RESOLVED – That Conditions and Informatives are delegated to Officers.

* **Having declared an Interest, Alderman Callan left the meeting at 4.45pm.**

5.9 LA01/2023/1053/F, Referral, Lands immediately North of 15 Loughermore Road, Ballykelly, Limavady

Report, Presentation, Addendum, Correspondence and Speaking Rights Template for M Kennedy and W Orbinson, were previously circulated, the item was presented my Senior Planning Officer, M Wilson.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Residential development consisting of 6no. detached and 2no. semi detached dwellings and garages. Access off Loughermore Road constructed in accordance with approval Ref: LA01/2018/0106/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 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 Paragraphs 1.1 and 9 of the Planning Committee report.

Senior Planning Officer provided a verbal addendum as follows:

- Following the publication of the planning report, the Agent submitted further information regarding the potential impact on Plot 2 and this has been dealt with by a written addendum.
- A further submission, which will now be dealt with as a verbal addendum, was received by email at 16:05 Tuesday (yesterday), from the Applicant's Agent stating that

“After further consultation with the Clients and more exploration of the potential of the site they have indicated they are now prepared to provide the two social houses as requested by Council.” It goes on to state “The

Architect has prepared a model sketch layout showing the proposed two social houses on Sites 1-2.”

- As the principle objection to the application is the requirement to deliver 2 social housing units, and the Agent has now indicated a willingness to do so and engage with Officials, in order to progress the matter, the Planning Department proposes that further consideration and consultation with the NIHE is carried out to deliver the social housing units on this site.
- It is therefore recommended that the Committee note the contents of this Verbal Addendum and agree to defer the application to allow further consideration of the delivery of social housing. This recommendation supersedes the recommendation provided in the Planning Committee Report.

Proposed by Councillor Nicholl

Seconded by Alderman Boyle

- That Committee note the contents of this Verbal Addendum and agree to defer the application to allow further consideration of the delivery of social housing.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion lost and application deferred.

RESOLVED – That Committee note the contents of this Verbal Addendum and agree to defer the application to allow further consideration of the delivery of social housing.

* **Alderman Callan returned to the Chamber.**

5.11 LA01/2023/0417/F, Referral, 175m SSE of 23 Ballymacrea Road, Portrush

Report, Presentation and Speaking Rights Template for D Dalzell and C Mayrs, previously circulated, were presented by Senior Planning Officer M McErlain.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Refurbishment and conversion (former workshop to a dwelling and former canteen to a garage) with associated landscaping and access

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 as follows:

- LA01/2023/0417/F is a Full application for the Refurbishment and conversion (former workshop to a dwelling and former canteen to a garage) with associated landscaping and access at lands 175m SSE of 23 Ballymacrea Road, Portrush.
- This is a local application and is presented to the Planning Committee as a referred item following a recommendation to refuse planning permission.
- Prior to presentation I would like to address two errors within the Planning Committee report. The first relates to the executive summary which outlines that the proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY4 of PPS21. To clarify the proposal meets with the requirements of Policy CTY4 as set out at Paragraph 8.13 of the Planning Committee Report.
- The second point relates to Paragraph 8.10 of the Planning Committee Report. The first sentence should read “The agent argues that while the buildings are of no special architectural merit in terms or their style etc”
- The site is located in the rural area as defined in Northern Area Plan 2016 and is not designated for any specific land use within the Area Plan – Part of the application site is located within the designated Craigahullier Area of Special Scientific Interest (ASSI), although the buildings subject to conversion are not within the designated area.
- The site comprises the two vacant buildings which are subject to this application namely the single storey canteen/toilet block and the larger workshop unit. The buildings are sited on an area of hardstanding and are bound by an existing access lane to the western side, and a steep rising rockface bounding the site to the eastern/north-eastern side.
- Access to the site is via an existing laneway onto Ballymacrea Rd which provides access to Craigahulliar Caravan Park, the application site and continues to the south to provide access to Craigahulliar landfill site located to the south/west of the application site.
- There is extensive planning history covering the application site and adjacent lands which largely relate to their former use as a quarry and

latterly a concrete blockworks as well as the current use of adjacent lands as a landfill site and holiday park.

- In response to questions the Senior Planning Officer advised that policy CTY4 allows for conversion and reuse of a suitable building. SPPS is more stringent, buildings have to be of local importance. Paragraph 1.12 of SPPS refers to when there is greater weight to the wording of SPPS where there is conflict between the retained policy and the SPPS and therefore locally important building criteria in SPPS applies. The Senior Planning Officer advised that the list provided in SPPS of the type of buildings of significant importance is not exhaustive and Planning Officers can apply community value, architectural merit, or historical input. The Senior Planning Officer advised that the wider site of the quarry is not a consideration, the buildings were subsidiary to the quarry and of no architectural or historical input.
- Application LA01/2023/0418/F - which relates to the refurbishment and conversion (former blacksmiths forge to dwelling and former shed to annex) with demolition of former showroom and weighbridge building, associated landscaping and access works is sited approximately 100m north of the application site. This application is currently under consideration by the Planning Department.
- As this application relates to the conversion and re-use of existing buildings it falls to be determined under paragraph 6.73 of the SPPS and Policy CTY 4 of PPS 21.
- Policy CTY 4 of PPS 21 states planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention.
- However, Paragraph 6.73 of the SPPS introduced a stricter policy test for the conversion and re-use of buildings, advising that provision should be made for the sympathetic conversion and reuse of a 'locally important building', noting that locally important buildings can include those such as former school houses, churches and older traditional barns and outbuildings.
- Paragraph 1.12 of the SPPS outlines that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. Therefore, the subject buildings must be deemed to be 'locally important'.

- The buildings under consideration for conversion are a former workshop (dwelling) and a former canteen (garage). Both buildings are constructed from blockwork with the workshop having a stepped flat reinforced concrete roof while the former canteen has a corrugated tin roof.
- Supporting information has been provided which details the historical background of the site and its quarry at an industrial scale from 1908-1960. The document advises that the workshop would have been erected in the period 1950 – 1966 while the canteen/toilet block would have been erected in the period 1966-1980
- The agent argues that while the buildings are of no architectural merit in terms of their style etc., the buildings have architectural interest in that the buildings have 'group value' when considered with the other buildings on the site. Additionally, it is argued that the buildings are of historical interest in terms of their authenticity and age.
- While the buildings may be approximately 60-70 years old the design and finishes of the buildings are not of any significant architectural merit or importance worthy of retention, nor do they make a valued contribution to the local setting.
- In regard to the historic merit of the subject buildings it is noted that these buildings were constructed, in particular, the canteen building, during the later stages of the quarries operational period, and as such any historical merit would be limited.
- Officials consider that the workshop and canteen are not 'locally important' buildings given the lack of architectural and historical merit. While the wider environs may have some economic importance historically, the proposed buildings do not in their own right.
- This assessment is in line with the Planning Appeals Commission's assessment of locally important buildings as set out in Planning Appeal 2019/A0056 (Appendix 1), notably Paragraph 10, which assessed the age, style and local importance of the subject building and found it to be of limited value, both in architecture and history, despite being approximately 80 years old.
- Officials are content that the proposal meets with criteria a-h of Policy CTY4.

- The scale and design of the proposed buildings, including the alterations and extensions proposed to both buildings are considered to be acceptable. As the proposal relates to the conversion of existing buildings the proposal will not have a significantly greater visual presence within the landscape than what currently exists. Views of the proposal will be largely limited to the immediate vicinity of the site, and from the adjacent Craighullier Holiday Park. The proposal is considered to be compliant with Policies CTY 13 and 14
- Consultation was carried out with DfI Roads, NI Water, Historic Environment Division and DAERA who raised no concerns.
- Environmental Health have highlighted that occupants may experience loss of amenity from noise from the holiday park and landfill sites and odour from the landfill site and from surrounding agricultural activities, but have not recommended refusal on these grounds.
- In conclusion the proposal is contrary to Paragraph 6.73 of the SPPS in that the buildings to be converted are not considered to be locally important buildings.
- In addition, no overriding reasons have been forthcoming as to why the development is essential, therefore the proposal is contrary to policy CTY1. Refusal is recommended.

Councillor Watton stated it would be beneficial to see the site and requested a site visit.

Proposed by Councillor Watton
Seconded by Alderman Callan

- That Planning Committee defer application LA01/2023/0417/F for a site visit to see what it looks like on the ground.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred for a site visit.

RESOLVED – That Planning Committee defer application LA01/2023/0417/F for a site visit to see what it looks like on the ground.

5.12 LA01/2024/0170/O, Referral, Approximately 35m South West of 344 Craigs Road, Rasharkin

Report, Presentation and Speaking Rights Template for J Martin, previously circulated, were presented by Senior Planning Officer R McGrath.

Referral Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Refurbishment and conversion (former workshop to a dwelling and former canteen to a garage) with associated landscaping and access

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 as follows:

- Outline planning permission sought for a new dwelling under policy CTY8.
- The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located Southwest of No. 344 Craigs Road Rasharkin.
- The site comprises a section of a wider agricultural field. The site is accessed off an existing private laneway which serves other dwellings/buildings. The topography of the site rises steadily from the south-west towards the north-east.
- The boundaries of the site are defined by a mix of hedging and post and wire fence, while the southwest boundary is physically undefined.
- Under policy CTY 8 planning permission will be refused for a building which creates or adds to ribbon development, however, allowance is made for the development of a small gap site, sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.
- A substantial and built-up frontage is defined as a line of 3 or more buildings along a road frontage without accompanying development to the rear.

- The site could not reasonably be characterised as a small gap within a continuously built-up frontage.
- No. 344 Craigs Road is the only dwelling with a frontage to the lane. As you can see from the site photos, the field which is the subject of the application, provides broad open views across the surrounding countryside and beyond.
- Policy CTY 8 allows for the infilling of small gaps within a built-up frontage on the principle that the development is absorbed into the frontage and consolidates the group (6.69). As you can see, this site does not meet with the required characteristics.
- The application argues that the buildings to the south contribute to the build-up. However, the gap between the buildings is much too large to be considered a small gap and the buildings at the end of the lane do not have frontage onto the laneway.
- It is clear that the laneway terminates once it reaches the buildings. These buildings are the subject of a current application for an off-site replacement, the existing dwelling is to be retained as part of the application.
- This plot and associated buildings are accessed from the laneway but do not have a frontage onto the laneway. The laneway terminates at the boundary where you enter the private curtilage of the site as can be seen from the photos.
- The policy also requires the gap respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.
- The plot width of No. 344 Craigs Road is significantly smaller than either of the two proposed sites and could accommodate more than 2 dwellings while respecting the existing plot sizes in accordance with policy CTY8.
- The pattern of development along the laneway would be detrimental to character of the rural area by creating ribbon development along this laneway resulting in a suburban style build-up of development, and as such is contrary to policy CTY 14 of PPS 21.
- The agent referred to appeal 2021/A0094 with regards including the garage of No. 344 Craigs Road within the assessment of a substantial and continuously built-up frontage. The Commissioner within the appeal stated that “the garage can be seen and sits in the landscape as a building in its

own entity that is clearly detached from the dwelling". In this case, the Council does not agree that the garage belonging to No. 344 Craigs Road has the same visual impact. The garage is small in size and scale and is easily missed when travelling along the laneway.

- The proposal is contrary to policies CTY 1, CTY8 and CTY14 of PPS 21
- Refusal is recommended.

There were no questions for the Senior Planning Officer.

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

J Martin stated that the predominant reason for refusal relates to the principle of ribbon development and the proposals adherence to this. J Martin cited paragraph 5.33 of PPS21 to support this. J Martin stated that Appeal 2021/A0094 was raised with the Planning Department but the precedent set within this has been dismissed as the garage at no. 344 Craigs Road is not large. J Martin stated that the proposal and the appeal are identical in these terms in that whilst it is a small garage, it is visible from the laneway and clearly detached from the dwelling at no. 344 Craigs Road. The dwelling at no.344 Craigs Road and the garage count as 2 buildings towards the 3. The final building is the old, detached farmhouse to the south west. The Planning Department have stated that the farmhouse accesses off the lane and does not front it, though it could be argued that the lane extends through the farm and travels for a further couple of fields. This would mean that there are 3 buildings which represent a ribbon of development and would comply with this element of the policy.

J Martin stated the second element of policy CTY8 is respecting the ribbon in terms of frontage and plot size. The frontage length of no.344 Craigs Road is larger than previously stated as the curtilage was extended under a previous application, which would mean the gap can only accommodate 2 houses in the gap between buildings and not 3, making it comply with Policy CTY8. J Martin stated he believes the application is within the provision of policies CTY8, CTY13 and CTY14.

In response to questions from Planning Committee, J Martin referred to the powerpoint slide illustrated on screen in the Chamber and stated that there is a garage to the North West of the white car shown, it is visible when travelling up the laneway but not visible when travelling down it. J Martin confirmed the curtilage of 344 Craigs Road has been extended to 40.5m. J Martin confirmed the average size of the plot is 41.5m and the gap will not accommodate 3 sites.

In response to questions from Planning Committee, Senior Planning Officer stated that the average plot size is clear, the new curtilage has not been implemented, he was on site last week. Senior Planning Officer confirmed the measurements taken are between the buildings and that the 2 largest boundaries are not defined. There is not a small gap in a continuously built-up frontage. The Senior Planning Officer advised that in terms of interpretation it is difficult to say this is a built-up frontage, there is one house in the laneway and there is a requirement for 3 buildings and a small gap.

Councillor Storey stated there is a connection between this application and the next one, LA01/2024/0172/O, Approx. 75m South West of 344 Craigs Road, Rasharkin, and proposed a site visit to see what is on the ground.

Proposed by Councillor Storey

Seconded by Councillor Watton

- That Planning Committee defer application LA01/2024/0170/O and application LA01/2024/0172/O for a site visit to see what is on the ground.

The Chair put the motion to the Committee to vote.

13 Members voted For, 0 Members voted against, 0 Member Abstained.

The Chair declared the motion carried and applications deferred for a site visit.

5.13 LA01/2024/0172/O, Referral, Approx. 75m South West of 344 Craigs Road, Rasharkin

Report, Presentation and Speaking Rights Template for J Martin were previously circulated.

Referral Application to be determined by Planning Committee

App Type: Outline

Proposal: Proposed Infill Dwelling and Garage

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 full planning permission subject to the reasons set out in section 10.

This application was deferred for a site visit as stated in previous application.

The Chair declared a recess at 5.30pm.

*** The meeting reconvened at 5.40pm**

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

6. CORRESPONDENCE

6.1 DfI – Evishagaran Wind Farm

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

Correspondence from Department for Infrastructure, dated 16 October 2024, regarding:

Proposal: Proposed Evishagaran Wind Farm Extension: A proposed extension to the operational Evishagaran Wind Farm (B/2013/0120/F) in Co. Derry/Londonderry comprising: up to 9no. three-bladed horizontal axis wind turbines, each up to a 150m maximum height above ground level; associated external electricity transformers; underground cabling; access tracks; turning heads; crane hardstandings and all ancillary works. The development also includes use of existing site entrance and access tracks.

Planning Committee NOTED the correspondence.

6.2 DfC – Confirmation of Listing – 83 Castlenagree Road, Bushmills

Copy Correspondence from Department for Communities, dated 8th November 2024 was presented by The Head of Planning.

Re: Eighty Fourth Addition to the List of Buildings of Special Architectural or Historical Interest in the Causeway Coast and Glens Borough Council

Planning Committee NOTED the correspondence.

6.3 DoJ – Consultation on the draft Fee Regulations (Northern Ireland) 2024

Copy correspondence from Department of Justice and Judicial Policy Division, dated 28 October 2024 was presented by The Head of Planning.

Re: Consultation on the draft planning fees regulations (Northern Ireland) 2024

Planning Committee NOTED the correspondence.

7. REPORTS

7.1 Report of the Assistant Commissioner for Standards against former LCCC Councillor

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

The purpose of this report is remind Members of their responsibility in relation to declarations of interest and to seek approval to amend para. 8.6 of the Protocol for the Operation of the Planning Committee in relation to leaving the Chamber during the discussion of the item they have declared an interest on.

Background

The Assistant Northern Ireland Local Government Commissioner for Standards issued a decision in relation to the matter of former Councillor Luke Poots, Lisburn & Castlereagh City Council in March 2024 in relation to declaration of interests at the Planning Committee.

Subsequently Lisburn & Castlereagh City Council undertook a review of the findings set out in the Assistant Commissioner's Report to consider any actions taken or additional learning that could improve processes further (attached at Appendix 1 (circulated)). This Report was brought to Lisburn & Castlereagh City Council in June 2024 and subsequently shared with other Councils through Solace NI in November 2024.

Details

The review set out a number of actions both for officers and Elected Members and provides a number of guidance and reminder points for Elected Members. Some of the actions are specific to Planning Committee meetings whilst others are relevant to all Committees and meeting of Council.

The matters considered by the review covered the following:

- The action Councillors should take once they have declared a pecuniary or significant non-pecuniary interest regarding a matter to be considered by the Council, Committees or sub groups;
- The actions Councillors on the Planning Committee should take once a relative or employer indicates an intention to make representation on a planning application;
- The steps Councillors should take where either they or their family submit a planning application where they have an interest in the land associated with the application;
- Early intervention that could be taken by Members or Officers where concerns regarding declaration of interest exists; and
- Increasing transparency in the declarations of interest held by the Council and in declarations of interest made during Planning Committee meetings.

Summary of the actions, guidance and recommendations from the review are set out at para. 9.0 of the Report. Those specific to the Planning Committee are listed in Table 1 below (circulated).

Proposal

It is proposed to change the wording of paragraph 8.6 of the Protocol for the Operation of the Planning Committee to read as follows:

Should a Member declare an interest they must have regard to the Local Government Code of Conduct for Councillors. Member(s) cannot vote on the item where they have declared an interest and are required to remove themselves from the Chamber during the full discussion of the item and voting on such.

Options

Option 1 – To note the contents of the Lisburn & Castlereagh City Council Review Report and AGREE to the amendment of paragraph 8.6 of the Protocol for the Operation of the Planning Committee to read: *Should a Member declare an interest they must have regard to the Local Government Code of Conduct for Councillors. Member(s) cannot vote on the item where they have declared an interest and are required to remove themselves from the Chamber during the full discussion of the item and voting on such.*

This would address the actions recommended within the Review Report that are specific to the Planning Committee.

Option 2 – To note the contents of the Lisburn & Castlereagh City Council Review Report and DISAGREE to the amendment of paragraph 8.6 of the Protocol for the Operation of the Planning Committee.

This would not address the actions recommended within the Review Report and may leave Councillors open to challenge under the Local Government Code of Conduct for Councillors and reported to the Northern Ireland Local Government Commissioner for Standards.

Recommendation

It is recommended that the Planning Committee APPROVE OPTION 1 – To note the contents of the Lisburn & Castlereagh City Council Review Report and AGREE to the amendment of paragraph 8.6 of the Protocol for the Operation of the Planning Committee to read: *Should a Member declare an interest they must have regard to the Local Government Code of Conduct for Councillors. Member(s) cannot vote on the item where they have declared an interest and are required to remove themselves from the Chamber during the full discussion of the item and voting on such.*

Proposed by Alderman Boyle
Seconded by Councillor Watton and

RESOLVED - that the Planning Committee Approve Option 1– To note the contents of the Lisburn & Castlereagh City Council Review Report and AGREE to the amendment of paragraph 8.6 of the Protocol for the Operation of the Planning Committee to read: *Should a Member declare an interest they must have regard to the Local Government Code of Conduct for Councillors.*

Member(s) cannot vote on the item where they have declared an interest and are required to remove themselves from the Chamber during the full discussion of the item and voting on such.

7.2 Finance Report Update Period 1-6

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 for the Period 1-6 of 2024/25 business year.

Details

Planning is showing a variance of just over £42k favourable position at end of Period 6 based on draft Management Accounts.

The favourable position at the end of Period 6 is due to favourable position in relation to wages and salaries expenditure of over £141k whilst pre-employment procedures continue to fill vacant posts. This favourable position in relation to wages and salaries is reduced by a deficit in income of over £42k. Although the number of planning applications received over this period has increased when compared to the same period last year, they are of a lesser fee category resulting in a decreased income when compared to the same period last year.

There are no other areas of concern at this time in relation to other expenditure codes.

Recommendation

It is recommended that the Planning Committee considers the content of this report for the Period 1-6 of 2024/25 financial year.

RESOLVED - that the Planning Committee notes the content of this report for the Period 1-6 of 2024/25 financial year

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McMullan

Seconded by Councillor Storey and

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

*

Press and Public were disconnected from the meeting at 5:48pm

The information contained in the following item is restricted in

accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

8. Confidential Items:

8.1 Update on Legal Issues

8.1.1 Pre action Protocol Letter - LA01/2023/0804/F 90 Ballyreagh Road, Portstewart, BT55 7PT

Council Solicitor advised Committee of a Pre Action Protocol letter that had been received by Council. Council Solicitor provided detail in relation to the correspondence and next steps to be taken by Council.

Council Solicitor provided a verbal recommendation that Planning Committee provide approval for Council Officers to act in line with the Barrister's Advice.

Proposed by Alderman Boyle
Seconded by Alderman Callan and

RESOLVED - That Planning Committee provide approval for Council Officers to proceed in line with the Barrister's Advice.

8.1.2 Craigall Quarry

Council Solicitor provided an update regarding judicial review challenge of the PAC decision and there was no action required from Council.

Planning Committee NOTED the verbal update.

8.1.3 East Road Drumsurn

Council Solicitor provided an update in relation to East Road Drumsurn.

Council Solicitor provided a verbal recommendation that Planning Committee provide approval for Council Officers to proceed in accordance with direction provided by the Barrister.

Proposed by Alderman Boyle
Seconded by Alderman Callan and

RESOLVED - That Planning Committee provide approval for Council Officers to proceed in accordance with direction provided by the Barrister.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor McMullan
Seconded by Councillor Storey and

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

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

There were no items of Any Other Relevant Business.

This being all the business the meeting closed at 6:01pm

Chair