

**PLANNING COMMITTEE WEDNESDAY 27 JANUARY 2021**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
1.	Apologies	<b><i>Alderman McKeown, Councillor Anderson</i></b>
2.	Declarations of Interest	<b><i>Councillor Dallat O'Driscoll in LA01/2019/0420/F, 165m NE of 58 Movanager Road, Kilrea;</i></b>  <b><i>Councillor Hunter in ART 4 Direction at Giant's Causeway World Heritage Site</i></b>
3.	Minutes of Planning Committee meeting held Wednesday 16 December 2020	<b><i>Confirmed</i></b>
4.	Order of Items and Confirmation of Registered Speakers	<b><i>Agreed</i></b>
5.	Schedule of Applications:	
	<b>5.1</b> LA01/2018/1106/F, Unit 17 and adjoining land Riverside Regional Centre, Castleroe Road, Coleraine	<b><i>Refuse</i></b>
	<b>5.2</b> LA01/2019/0182/F, 24m NE of 50/51 Kerr Street, Portrush	<b><i>That Planning Committee consider the 'new information' presented is not significantly materially different to that already received and does</i></b>

		<b><i>not change the Planning Committee decision of 25 November 2020 and agree to the Planning Committee decision of 25 November 2020 to approve.</i></b>
	<b>5.3</b> LA01/2019/0420/F, 165m NE of 58 Movanager Road, Kilrea	<b><i>Refuse</i></b>
	<b>5.4</b> LA01/2020/0026/F, 12-19 The Promenade, Portstewart	<b><i>Approve</i></b>
	<b>5.5</b> LA01/2019/1087/F, 6 Larkhill Road, Portstewart	<b><i>Approve</i></b>  <b><i>NOTED – that the Site Visit’s Schedule document the proposer and seconder of each Site Visit.</i></b>
	<b>5.6</b> LA01/2019/0363/F, Approx 400m north of 60 Gelvin Road, Dungiven	<b><i>Approve</i></b>
	<b>5.7</b> LA01/2019/1181/O, Site adjacent to no. 293 Drumsurn Road, Drumsurn	<b><i>Refuse</i></b>
	<b>5.8</b> LA01/2019/1197/O, Site between 293 & 293B Drumsurn Road, Drumsurn	<b><i>Refuse</i></b>
	<b>5.9</b> LA01/2019/1300/O, Lands 30m West of 5 Presbytery Lane, Dunloy	<b><i>Disagree and Approve</i></b>  <b><i>Conditions and Informatives be delegated to Officers</i></b>
	<b>5.10</b> LA01/2018/0993/F, 9 Victoria Street, Ballymoney	<b><i>Refuse</i></b>

	<b>5.11</b> LA01/2018/0989/DCA, 9 Victoria Street (John Street Junction), Ballymoney	<b>Refuse</b>
<b>6.</b>	Development Management	
	<b>6.1</b> Update on Development Management and Enforcement Statistics – 01/04/20 – 30/11/2020	<b>Noted</b>
	<b>6.2</b> Correspondence from Claire Bailey MLA – PAC Decision – Baranailt Road, Limavady	<b>Council do not proceed to judicially review the PAC decision;</b>  <b>That Council co-operate as an Interested Party</b>
	<b>6.3</b> Planning Monitoring Framework – Annual Report	<b>Noted</b>
<b>7.</b>	Development Plan:	
	<b>7.1</b> Verbal Update	<b>Noted</b>
	<b>7.2</b> DFC Draft Information Guide For Councils - Listed Buildings	<b>Note the contents of the draft guide and agree to the Head of Planning responding to DfC: HED on behalf of Council to include the comments from Alderman S McKillop noted above.</b>
<b>8.</b>	Correspondence:	
	<b>8.1</b> ART 4 Direction at Giant's Causeway World Heritage Site	<b>Planning Committee write to the Director of Leisure and Development to encourage this Council to sit down with all those concerned and interested Parties in regards to Parking at the Giants Causeway World Heritage Site and come up with a permanent solution.</b>
	<b>8.2</b> Chief Planner's Update 7	<b>Noted Items 8.2-8.16 inclusive</b>
	<b>8.3</b> CAA/DfT Circular on Control of Development in Airport Public Safety Zones Consultation and ICCAN consultation	

	<b>8.4</b> DAERA Green Growth - Strategic Overview	
	<b>8.5</b> DAERA – Impact of the end of EU Transition on the protection of designated nature conservation site in Northern Ireland	
	<b>8.6</b> DAERA - Launch of Discussion Document on Environmental Plans, Principals, and Governance in Northern Ireland	
	<b>8.7</b> DFC Confirmation of listing (HB02 03 034 A) Mill House & Byre	
	<b>8.8</b> DFC Confirmation of listing (HB02 03 034 B) Dromore Mills Lower	
	<b>8.9</b> DFC Confirmation of Listing (HB02 03 034 C) Dromore Mill	
	<b>8.10</b> DFC Confirmation of listing (HB05 10 021) Fishermans House Carrick a Rede	
	<b>8.11</b> Mid & East Antrim DC – Availability of dPS Reps	
	<b>8.12</b> MUDC – dPS (Counter Reps) – Council’s Response	
	<b>8.13</b> FODC – Submission to DFI and availability of submission documents	
	<b>8.14</b> Northern Ireland Planning Conference 2021	
	<b>8.15</b> Correspondence from member of the public – Battery Energy Storage Systems	
	<b>8.16</b> Together for Our Planet – Digital Toolkit	
<b>9.</b>	Confidential Items	
	<b>9.1</b> Planning Department – Budget Period 1-8 Update	<b>Noted</b>
<b>10.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<b>Nil</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE  
PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC  
HEADQUARTERS AND VIA VIDEO CONFERENCE  
ON WEDNESDAY 27 JANUARY 2021 AT 10.30am**

**In the Chair:** Councillor Dallat O'Driscoll (C)

**Committee Members Present:** Alderman Baird (R), Boyle (R) Duddy (C), Finlay (C), S McKillop (C); Councillors Hunter (R), McGurk (R), MA McKillop (R), McLaughlin (R), McMullan (R), Nicholl (R) and Scott (C)

**Non-Committee Members in Attendance** Alderman Robinson (R)

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

**In Attendance:** R Pearson, Nexus Planning (R) (Item 5.1)  
K Morgan, Barrister (R) (Item 5.1)  
A Gillan (R) (Item 5.2)

P Donaghy, Democratic & Central Services Manager (R)  
J Keen, Corporate Support Assistant (R)  
I Owens, Committee & Member Services Officer (R)

A Lennox, Mobile Operations Officer (C)  
C Ballentine, ICT Officer (R)

Press (2 No.) (R)  
Public (8 No.) (R)

**Key R = Remote C = Chamber**

## Registered Speakers In Attendance (All remote):

<b>LA01/2018/1106/F</b>	A Stephens J Hamill S Beattie QC E Loughrey M Kelly
<b>LA01/2019/0182/F</b>	D Donaldson D McCaffrey K McShane C Grossie B Minford
<b>LA01/2020/0026/F</b>	C Bell G Rolston
<b>LA01/2019/1087/F</b>	Jane Burnside James Burnside
<b>LA01/2018/0363/F</b>	J McKernaghan
<b>LA01/2019/1300/O</b>	G McPeake
<b>LA01/2019/0420/F</b>	J Simpson

The Chair read the following in connection with the Remote Meetings Protocol and Local Government Code of Conduct:

*'Welcome to the Planning Committee Meeting.*

*I extend a welcome to members of the press and public in attendance. You will be required to leave the meeting when Council goes into committee. You will be readmitted by Democratic Services Officers as soon as the meeting comes out of committee. I would also remind you that the taking of photographs of proceedings or the recording of proceedings for others to see or hear is prohibited.*

*If you are having technical difficulties try dialling in to the meeting on the telephone number supplied and then Conference ID code which is on the chat feature.*

*If you continue to have difficulties please contact the number provided on the chat at the beginning of the meeting for Democratic Services staff and ICT staff depending on your query.*

*The meeting will pause to try to reconnect you.*

*Once you are connected:*

- *Mute your microphone when not speaking.*
- *Use the chat facility to indicate to that you wish to speak. The chat should not be used to propose or second.*
- *Please also use the chat to indicate when you are leaving the meeting if you are leaving before the meeting ends.*

- *Unmute your microphone and turn your camera on when you are invited to speak.*
- *Only speak when invited to do so.*
- *Members are reminded that you must be heard and where possible be seen to all others in attendance to be considered present and voting or your vote cannot be counted.'*

## **Local Government Code of Conduct**

The Chair reminded the Planning Committee of their obligations under the Local Government Code of Conduct.

*'I would remind Members of your obligation under the Northern Ireland Local Government Code of Conduct for Councillors in relation to Planning matters.*

*Under Part 9 of the Code I would remind you of your obligation with regard to the disclosure of interests, lobbying and decision-making, which are of particular relevance to your role as a Member of this Planning Committee.*

*You should also bear in mind that other rules such as those relating to the improper use of your position, compromising impartiality or your behaviour towards other people, also apply to your conduct in relation to your role in planning matters.*

*If you declare an interest on a planning application you must leave the Chamber for the duration of the discussion and decision-making on that application'.*

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

### **1. APOLOGIES**

Apologies were recorded for Alderman McKeown, Councillor Anderson.

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

Declarations of Interest were recorded for:

- Councillor Dallat O'Driscoll in LA01/2019/0420/F, 165m NE of 58 Movanagher Road, Kilrea, Councillor Dallat O'Driscoll departed from the Chair and left the meeting during consideration of this Item;

- Councillor Hunter in, Correspondence, ART 4 Direction at Giant's Causeway World Heritage Site, Councillor Hunter left the meeting during consideration of this Item.

### **3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 16 DECEMBER 2020**

Minutes previously circulated.

Proposed by Alderman Duddy  
Seconded by Councillor Hunter and

**AGREED** – that the Minutes of the Planning Committee meeting held Wednesday 16 December 2020 are confirmed 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.

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

**AGREED** – That there are no changes to the Order of Business.

Alderman Boyle, having received email correspondence from Tara Lamb, queried whether LA01/2019/1181/O, site adjacent to no. 293 Drumsurn Road, Drumsurn and LA01/2019/1197/O, site between 293 & 293B Drumsurn Road, Drumsurn were being withdrawn from the Agenda.

The Chair advised the request to withdraw the applications from the Agenda had not been granted, as it had not been considered as exceptional circumstances.

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

#### **5.1 LA01/2018/1106/F, Unit 17 and adjoining land Riverside Regional Centre, Castleroe Road, Coleraine**

Reports, addendum documentation, Legal Opinions and Additional Information submitted were previously circulated and presented by S Mathers, Development Management and Enforcement Manager via PowerPoint presentation.

App Type: Full



Proposal: Construction of a 40,000 sq ft gross approx (3716 sqm gross approx) retail warehouse unit and an associated 8000 sq ft gross approx (743 sqm gross approx) garden centre to seek a bulky goods permission incorporating alterations and extension to existing Unit 17, along with general ancillary site works.

#### Recommendation

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

#### Addendum 1 Recommendation

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

#### Addendum 2 Recommendation

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

#### Addendum 3 Recommendation

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to obtain the advice of an independent planning barrister to in turn provide advice to the Planning Committee. This recommendation supersedes that set out in Paragraph 1.1 of the Planning Committee Report.

#### Addendum 4 Recommendation

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

#### Addendum 5 Recommendation

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

#### Verbal Addendum

Mr Stephens has made a further submission setting out details of vacancy at Riverside Regional Centre. He presents a total of 3782 sq.m. (40,712 sq.ft.) of vacant floorspace and comments that the proposal could be accommodated through the existing vacant units.

#### Verbal Erratum

Paragraph 5.4 of the main report regarding the date of the pre-application public consultation event requires correction. The correct date was 01 June 2018 (as set out in Paragraph 5.7) and not 25 May 2018 as stated.

The Development Plan and Enforcement Manager presented as follows:

1. Proposal comprises two main elements: a 3716 sq.m gross retail warehouse and a 743sq.m garden centre. In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Coleraine but outside the town centre boundary. The Northern Area Plan states that the future development of Riverside Regional Centre is to be complementary to, rather than competing with, the town centres and does not adversely affect the vitality and viability of the latter. In terms of retail site classification, the site is out of centre.
2. This is a major planning application so it was preceded by a PAN accompanied by a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.
3. Planning History- The most recent planning histories on the application site are an approval of 3329 sq.m gross floor space in 2010 and a further approval for 762 sq.m gross additional floor space in 2011. Neither of these approvals were taken up and have long since expired. While these are a material consideration in assessment of the application, the approvals date now from almost a decade ago in different circumstances and before the introduction of the SPPS with its added emphasis on a town centre first approach. An earlier 2008 approval applied a condition on the extent of retail floorspace on the overall site, including that subject to the current application. However, there were no detailed plans for the part of the site subject of this application. This 2008 approval has been discussed in detail in Addenda 2, 3 & 4 which conclude that a fall-back position is not definitively available to the developer.
4. Alternative Sites- The SPPS requires that a sequential test must be adopted to planning applications for such proposals. This sequential test, which applies to a proposal's whole catchment, is for the primary retail core, then town centres, then edge of centre, then out of centre locations. The policy requires that applicants are required to fully demonstrate why alternative sites are not suitable, available and viable. In this case, the Planning Department is not satisfied that it has been demonstrated that the proposal could not be accommodated on the edge of centre opportunity site at Meetinghouse Street, Ballymoney.
5. Retail Impact Assessment- Given that the proposal exceeds 1000 sq.m gross, the Agent has prepared a retail impact assessment. This concludes that the proposal would result in an 8% impact on existing bulky goods

operators within Coleraine Town Centre. This has been reviewed by a retail planning consultant on behalf of the Council. This review has looked at the methodology used by the Agent and has identified: a much lower spend on bulky goods meaning that there is less bulky goods expenditure available and; that there has been an under-estimation of likely trade diversion from Coleraine Town Centre with an over-estimation of likely trade diversion from Riverside Regional Centre. The retail planning consultant report prepared for the Council shows a 23% trade diversion from Coleraine town centre, resulting in a 16.6% retail impact. This level of retail impact is considered to be significantly adverse. Retail impact is more than a figure- it is probable that some bulky goods shops in Coleraine town centre would not be able to withstand this level of turnover impact. This has real implications for the closure of businesses, loss of jobs, vacancies and blight. Vacancies in Coleraine Town Centre are now almost at 20%.

6. Assessment of Need -The SPPS requires an assessment of need to accompany such an application. In this case an insufficient case of need has been presented on the basis of both there being existing retail floorspace within Coleraine Town Centre likely to outstrip demand and that there is very limited opportunity for “claw back” of leakage of spend on bulky goods outside the catchment. As part of the need assessment, the Agent has stated that there will be economic benefits comprising an investment of £4 million, 80 jobs and 60 construction jobs. However, given that the proposal is speculative, it is difficult to come to terms of how this figure was calculated with meaningful accuracy. In any case, this figure has not been expressed on a full time equivalent basis. Our figures calculate 33 FTE jobs. Employment benefits at this location are likely to be offset by losses in the town centre and at existing retailers at Riverside Regional Centre.
7. Design - A modern, contemporary design is proposed. This is in keeping with other buildings within the retail park and is appropriate for the area.
8. Access & Parking- The existing access and car parking arrangements are to be used. DfI Roads has been consulted and have found this acceptable.
9. Representations- The detail of these are set out in the report and addenda.

Conclusion- The proposal is considered contrary to the town centre first approach. An alternative sequentially preferable site is available to accommodate the proposal, there is an insufficient case of need and the impact on Coleraine town centre is considered to be significantly adverse. Our recommendation is to refuse the application.

In response to questions from Elected Members, the Development Management and Enforcement Officer clarified the preferred Edge of Town Centre site of

Ballymoney is one of the refusal reasons, the report does not state that if it went here, it would be acceptable, as it needs to be assessed.

The Chair invited A Stephens and J Hamill to speak in objection to the application.

A Stephens stated he was speaking on behalf of Retail NI; J Hamill was in attendance representing Coleraine BID and supportive of the report recommendation. A Stephens referred to C/2007/0587/F planning permission where there was a clear error within the Conditions. He advised that there was no fall back and did applicant did not verify the fall back through a CLUD. A Stephens stated that if there was merit in the claim made by the applicant regarding fall back, why was this application submitted at all.

A Stephens advised that the primary plan for the Riverside Regional Centre was to complement, not compete with the Town Centre. This is in conflict with the Northern Area Plan 2016 and the impact on vitality and viability of the Town Centre. He referred to PAC decisions 2015/A0139 and 2009/A0266. A Stephens referred to the Nexus Retail report to Planning Committee on 25 November 2020 stating there was no capacity for competing goods until 2035 and this was endorsed by the Planning Committee. A Stephens advised that the focus is on maintaining the status quo or improving upon it; a 16.6% impact would have devastating consequences. Planning is evidence based and this must be provided by the applicant. It would make the town centre less attractive and reduce footfall. 40,000m<sup>2</sup> floorspace is already vacant at Riverside. Regarding the alternative site, no economic assessment has been applied to support the claims and the application is speculative. There is a distinction between existing employment and new job creation. A Stephens advised that there would be job displacement and that the wrong weight has been given to the economic speculative benefits by the applicant and no material consideration to the Development Plan. He advised that there is a need to balance the net economic benefits and no material considerations have been put forward that outweigh the refusal.

In response to Elected Member questions, A Stephens clarified; 25% job displacement was a generalised figure across the board for Town Centre schemes. He advised within the Council addendum it looked at retail units vulnerability at 16.6% impact; the application did not provide economic assessment of job losses against new job claims; the jobs are speculative. The NI average vacancy rate is 14-15%. No Retail Impact Assessment has been carried out for the Ballymoney site. Coleraine Town Centre is policy protected. If proposal went to Ballymoney edge of centre site, there would be linked trips to Ballymoney Town Centre and would bolster the Ballymoney Town Centre offer. Impact on Coleraine 10 miles away, would be less impact than if in this out of town site where there is clear competitiveness. Cannot speculate on numbers.

In response to Elected Member questions, J Hamill clarified he could not quantify the impact Riverside Regional Park has had on Coleraine Town Centre but in the last number of years, there has been continued depreciation of retail in the town and haemorrhaging from Out of Town retailing. J Hamill listed the loss of retail stores and advised Riverside was developed for bulky goods and was not being adhered to.

The Development Management and Enforcement Manager clarified Addendum 3, paragraph 1.2 and cited from the report with regard to references to employment figures.

The Chair invited S Beattie QC, E Loughrey and M Kelly to speak in support of the application.

S Beattie stated he had not seen Council's legal opinion. The extant permission was valid and due consideration to be given to it. Council had told the PAC the permission was valid and this is an important material consideration. Three additional units are the fallback position. Nothing in the conditions that divide the units, work has started and importantly no phasing had been implied. S Beattie made three points; 1) A material start of 12-17 buildings, 2) Permission has been implemented and 3) there is not a legal requirement to obtain a CLUD. S Beattie stated the Officer had a misunderstanding of the fallback position. There is evidence of a material start before February 2014 as the concrete drainage is in place. S Beattie referred to the Blackwood Judicial Review and consideration of an access as a material start and that Justice McCloskey's view was binding.

E Loughrey advised the extant permission of three retail units was a material consideration of significance. The Riverside Regional Centre complements the Town Centre. He referred to Planning Case Law. E Loughrey referred to the Nexus Retail report 2017, where it stated Coleraine Town was in good health and in 2020 above average for non-bulky goods; he advised the vacancy rate were Covid figures and not accurate. E Loughrey advised there is a commercial desire to develop the site; the application complies with NAP and SPPS. He stated that the development will employ 80 people, create 60 construction jobs and £150k in rates per annum. The Riverside is a sub-regional attraction and the floorspace is set out in the previous permission. NAP allows for retail warehousing and therefore this application complies with NAP. The Riverside is identified in NAP as providing for bulky goods. He stated that the site in Ballymoney is not suitable as it is too small. This proposed development will only sell bulky goods. He advised a level of displacement would only occur if there was a harmful diversion of trade. To use the Council evidence, a retail impact on Coleraine Town Centre is only 1.6% and therefore no harmful retail impact. There is a qualitative need. This major application complies with the SPPS and should be allowed.

In response to questions from Elected Members S Beattie referred to the Heaney PAC Decision. He stated that the permission has been implemented and there has been no change in law since. In terms of construction, each unit is divisible. S Beattie referred to 2018 Blackwood JR decision which referenced the foundations and access route regarding commencement of development; foundations were in the wrong place. He referred specifically to para. 25 of the judgement and the relevant factors for commencement.

In response to questions from Elected Members E Loughrey clarified the Ballymoney site would require two floors and would struggle to get carparking, lacks commercial visibility and the height restriction in the area. This is an application for a sub-regional shop that needs to draw from the sub regional area. Coleraine is the principal Town in the Causeway Coast and Glens area and wished to stay in Coleraine as Ballymoney will not have the same draw. The choice for the Planning Committee is the edge of centre or site that compliments Coleraine Town Centre. E Loughrey advised that 80 jobs would be created some of which may be part-time. He stated that the level of displacement will only occur if shops close down. The retail impact on Coleraine Town Centre will only be 2%. Some jobs will be lost and gained in the town centre but this will not be attributable to this permission; not quantifiable. He advised that there are around 500 jobs at the Riverside currently and the proposal will not result in any of these jobs being lost. It will boost Riverside and Coleraine Town Centre. He did not envisage any harm to those retailers in Riverside.

S Beattie referred to the Head of Planning obtaining the Blackwood JR referred to.

The Head of Planning shared the Blackwood Judicial Review Judgment, paragraph 25 on screen via MS Teams and cited the paragraph from the Judgment.

The Development Management and Enforcement Manager advised R Pearson was in attendance to clarify the period of the vacancy figures referred to for Coleraine Town Centre, along with clarification of the effect of the proposal on the existing Riverside Centre. The Development Management and Enforcement Manager clarified it was not stated the Edge of Town Centre site at Ballymoney would be permitted, there were three reasons for refusal for the application and that was one alternative site. A Ballymoney Retail Impact Assessment on that site and demonstration of need would be required.

The Head of Planning advised it was a matter for Planning Committee to consider if they wished to ask questions of R Pearson.

In response to questions from Elected Members, R Pearson responded to the reference from E Loughrey regarding the period of vacancy figures for Coleraine Town Centre. He clarified the period of August 2019 and pre Covid. R Pearson advised of 17% in 2016. The impact of Riverside would be 30.9% impact on existing traders at Riverside Centre and impossible to be precise about which job losses so look at trade diversions. Can only say it is likely that there will be some job loss. The proposal has not specified the occupant of the proposed unit. In the assessment of a no named Trader, a common method is agreed of - floor space multiplied by average sales density of bulky goods retailers. Based on a turnover of £13.8m per annum, £3.2m will be drawn from Coleraine Town Centre, £9.7M other and £1.1M other places. The impact on Ballymoney and other satellite towns such as Limavady have been considered; limited impact of £0.7m from other centres. Impact if this was an edge of centre site has not been assessed as this is not the proposal but would expect limited impact.

In response to an Elected Member comment, the Development Management and Enforcement Manager clarified the original report identified a Town Centre site at The Mall as an alternative site however this was withdrawn due to a previous planning approval; the Edge of Centre site, Ballymoney is the only alternative site.

**MOTION TO PROCEED ‘IN COMMITTEE’,**

Proposed by Alderman Duddy  
Seconded by Councillor Scott and

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

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

\* **Press and Public were disconnected from the meeting at 12.12pm.**

Barrister, K Morgan, provided Legal Advice to Committee regarding the Blackwood Judgment and application and responded to queries from Elected Members.

The Head of Planning further shared the Blackwood Judgment.

**MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Councillor MA McKillop  
Seconded by Alderman Duddy and

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

\* **Press and Public were admitted to the meeting at 12.41pm.**

In response to Elected Member queries, the Development Management and Enforcement Manager stated the appropriate mechanism to confirm whether works had commenced was a CLUD, outside that context, could not be definitive. The position without a CLUD is uncertain and referred to paragraph 1.7 of Addendum 4.

Proposed by Alderman Baird  
Seconded by Councillor Hunter and

**AGREED** - 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.

Alderman Baird requested a Recorded Vote.

The Chair put the motion to the Committee to vote.  
9 Members voted For; 3 Members voted Against; 0 Members Abstained.  
The Chair declared the motion to refuse carried.

Recorded Vote Table

For <b>(9)</b>	Alderman Baird, Boyle
	Councillors Dallat O’Driscoll, Hunter, McGurk, MA McKillop, McLaughlin, McMullan, Nicholl
Against <b>(3)</b>	Alderman Duddy, S McKillop
	Councillor Scott

Following the vote, Alderman Finlay requested information on Planning refusal reasons regarding adverse effect on other businesses.

The Head of Planning advised on the SPSS sequential test referred to within the Policy.

\* **Alderman Finlay arrived at the meeting at 11.15am during consideration of the Item and did not vote on the application.**

\* **The Chair declared a recess at 12.50pm.**



The meeting resumed at 2PM.

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

## **5.2 LA01/2019/0182/F, 24m NE of 50/51 Kerr Street, Portrush**

Reports, Addendum, Erratum, Site Visit report and Additional Information submitted were previously circulated and presented by J Lundy, Senior Planning Officer via PowerPoint presentation.

App Type: Full Planning

Proposal: Proposed 2 storey, 3 bedroom cottage with pitched roof and single storey side projections and front porch and a double domestic store with covered log store.

### Recommendation

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

### Addendum Recommendation

That the Committee note the contents of this Addendum and the amended refusal reason 1 set out in Para 2.2 above and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.

### Addendum 2 Recommendation

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

### Addendum 3 Recommendation

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

### Erratum Recommendation

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

### Addendum 4 Recommendation

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

Senior Planning Officer presented as follows:

- Proposed 2 storey, 3 bedroom cottage with pitched roof and single storey side projections and front porch and a double domestic store with covered log store. The application was presented at the November Committee meeting where the members approved the proposal. Before the application was signed and posted further correspondence was received.
- 2 pieces of correspondence from an objector were received on the 30th November. Whilst this information was being assessed to determine if it raised new material information a further objection was received on the 4th December. This representation raised further information in relation to a near miss of an accident. This was considered new information, in accordance with Kides Case law and the Belfast City Council JR in that any new information must be presented to the Planning Committee prior to the decision issuing. A letter from Carson McDowell has also been circulated to members and uploaded that disputes the materiality of the new information. The new information is as set out in Addendum 3.
- Erratum to addenda 3 to the number of representations received, 4 letters of objections were received not 6. The previous addenda and Planning Committee Report refers to no recorded accidents at the access. The objection letter refers to a near miss of a child and car. This is new information that should be brought to the attention of the Planning Committee prior to the issuing of the decision.
- The letter from Carson McDowell also queries the status of the application and that it was shown as granted on the 30th November. To clarify the application decision notice was printed on the 30th November, printing a decision automatically populates the planning portal status however the application is not granted until the application is signed and the system updated to date issued. It is up to the Members to consider the information submitted in the additional addenda and whether this alters their decision.
- There have now been 40 objections received during the processing of this application. The objection points are set out in the Planning Committee report and addenda and mainly relate to roads safety, access, habitat, drainage, site used for the occasional boat storage, not industrial/brownfield land.

- Addendum 1 relates to further information from the agent relating to the access and rebutting DFI Roads comments. Further sections were also provided and a revised layout. Objection letters are also covered by this addendum relating to traffic, construction, overlooking, comments reading the layout, fencing and private amenity spaces, smoke pollution. The assessment is set out in the addendum. Due to the section showing the relationship with the Atlantic apartments provided from the agent we have amended refusal reason 2 to remove the overlooking from the Royal Court apartments to the private amenity space to the rear of the proposed dwelling.
- Addendum 2 relates to a letter of objection from the management company of the Royal Court apartments, raising concern relating to the proximity of the development and overlooking, that the access would delay emergency vehicles to the site in case of a fire.
- Addendum 3 relates to 2 objections received. The issues raised are: Overlooking, and the intrusion to their rear of the property on Kerr Street, loss of light, devaluation of property, noise/smoke pollution, site access and gates opening onto existing car park, more than 1 car as parking for 4 cars, hazardous and dangerous access and refer to an accident that occurred in Sept 19, error in the plans relating to the private car parking at the rear being for 48/51 Kerr Street only when it is for 50/51 Kerr Street. Overlooking, loss of light is as set out in the Planning Committee report and addenda. In response to the devaluation of property the SPPS advises that the aim of planning is not whether someone would experience financial loss but whether the proposal would unacceptably affect the amenities and the existing use of land and buildings that ought to be protected in the public interests.
- Addendum 4 relates to further objection relating to the access and photographs of a vehicle using the access submitted last week and has been circulated to Members.
- Verbal Addendum -A further email from an objector was also received and has been circulated. The email refers to a previous letter of objection that they advise that the issues raised in it were not addressed. In relation to the construction and excavation for the sewage and water infrastructure this is set out in para 3.2 of the initial addendum. The management of the construction works is outside of the planning process and the involvement of landowners during the construction phase would be a civil matter. The objection also queries the statement made by the agent that the dwelling is sustainable. Sustainable development is at the heart of the SPPS and the planning system and encompasses all planning policies which this application has been assessed on.

- A site visit was also carried out on this site in September and a note of the site visit has been circulated.
- To the site itself (slides):
  - The asterisk marking the site in the peninsula of Portrush.
  - The red line marking out the backland site located just off Kerr Street. The site is within the settlement development limit of Portrush and the NAP - ATC designation PTH 02. The proposal has been considered under PPS 7 and its addendums, PPS 6 and PPS 3 and DCAN 15.
  - The existing access to the site from Kerr Street approximately 2.8m wide.
  - The access to the rear of the existing dwellings which DfI Roads have considered to be unacceptable.  
The points of concern raised in the objections letters, the agents arguments and DfI Roads comments are detailed in paras 8.29 to 8.31 of the Committee report paras 2.9, 2.10, 2.11, 3.7, 3.8 of the addenda.
  - The proposed site is located in the area behind the fencing. The car parking shown here is for the properties on Kerr Street.
  - The site and the Royal Court apartments above on Main Street and Mark Street
  - Photograph of the site looking towards the rear of the properties on Kerr Street. DCAN 8 provides guidance for backland development as referred to in paragraph 8.34 of the Committee report.
  - Slide showing the proposed design of the building.

Recommendation to refuse for the reasons set out in section 10 relating to the substandard width of the access and failing to meet with Policy QD1 of PPS 7 and its addendum in that it fails to provide a quality residential environment.

Andrew Gillan, DfI Roads, is available to answer any queries relating to the access.

In response to Elected Member queries, The Head of Planning advised permission had been granted on 25 November 2020, prior to issuing, further information had been received on 30 November 2020 and 04 December 2020. The decision had not issued and therefore application brought back to Planning Committee in light of the further information received and taking account of the recent Judgment Belfast City Council that the decision is made when the applicant has been notified in writing on issuing of the signed Decision Notice. All material information must be considered by the Planning Committee if received prior to issuing the signed decision notice. It is up to Members whether they consider the weight to be given to the new information received and whether this changes their decision made on 25 November 2020.

In response to Elected Member queries, Senior Planning Officer advised objectors had provided additional information, a near miss accident where a child had ran out in front of a car exiting from the site that had not been before the Committee previously.

The Chair invited C Grossie and B Minford to speak in objection to the application.

C Grossie stated he was a resident of no. 48-49 Kerr Street and five generations of the Grossie family had lived there. William Gregg was a boat builder to the rear of 50-51 and ceased in the late 1970's, and it was never an industrial unit. It was sold to Martin Jeffers in 1985 and nothing became of the backland post period other than seasonal boat storage. On 25 November 2020 the refusal was overturned, DfI Roads guidelines stated it failed to meet requirements; there was a site visit and objections. The vote disagreed entirely with policy and guidelines and undermined DCAN 15 for roads and the recent instance.

B Minford stated lack of adherence to DfI Roads and professional officer's assessment and as a consequence the entrance visibility is not achieved, the buildings are not aligned, pedestrians are blind to cars approaching. There have been 3 accidents, there are obstructions at the entrance - views at an angle, a street light pole and balcony. There is perception of overlooking, the ability to hear and see or be aware. The apartment block is 23.5m and overlooked by the Onshore Pub smoking area. There is a narrow entrance. There are other vacant sites in Portrush that can be developed.

In response to Elected Member questions, C Grossie clarified the rear outhouse converted to a loft which is no longer there; the building did not have the footprint of the planning area. The rear was cleared after houses in the front were knocked down and six apartments built and returned to a wild garden for thirty-five years. Boat owners were permitted to store boats, has never been a boat yard, only for maintenance, in September and October and in the Spring and no other activities. C Grossie stated boat building had finished in the late 1970's.

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

D Donaldson stated he was perturbed following the decision to approve, the Decision Notice printed and granted on 30 November. Quality and access had been debated and Site Visit held and now appears for the third time; none of the latest objection raises new material consideration. Referring to Addendum 3 and 4 there are no new issues and established case law on when the application should be returned to Committee. The return of this application to Committee is without lawful foundation as these are the same material issues already considered and there is nothing new.

D Donaldson stated the access is a minor access there was visibility availability. He advised that DfI Roads consideration that the proposal is contrary to DCAN15 and PPS3 does not refer to visibility. The only significant issue is the width of access. Committee has agreed with the access subject to the specific circumstances of this site. The width would still not accommodate 2-way, Kerr Street is one way and vehicles slow down before turning in. The access will not impinge on car parking. D Donaldson advised the return to Committee was stark and unlawful, there was no new material consideration of significance.

In response to Elected Member questions, D Donaldson stated Carson McDowell had written to Council regarding Kides Case Law – distinction between new information and new material consideration. The material consideration is the access and visibility and the new information says more of the same. He advised that the access is 2.8m at its narrowest, guidance in DCAN 15 is 3.2m so it is slightly narrower for one-way system. Even if widened by 400mm would not be wide enough for 2 cars to pass. It is adequate to accommodate a car going in or going out.

In response to Elected Member questions, The Head of Planning stated the correspondence from Carson McDowell had been received at 4.31pm the previous day and circulated to Committee at 5.13pm. The Head of Planning shared the correspondence on screen and read out the correspondence. She further advised she had not had time to receive a Legal Opinion on the correspondence.

In response to further questions from Elected Members, The Head of Planning clarified further information on a near miss had not been before the Planning Committee and given the concerns of DfI Officers and key points in relation to the access, it was not a matter for Officers to determine the weight to be given to this incident and was brought back to Planning Committee to determine.

In response to questions from Elected Members, Senior Planning Officer clarified an objection on 23 November provided detail of a car damaged and a cyclist and an email on 4 December, from a third party, of a near miss of a child who ran in front of a car exiting, there was no PSNI report attached.

An Elected Member wished to hear Legal Opinion and Roads Service.

In response to an Elected Member, the Head of Planning clarified Planning test could not be met in relation to encouraging householders to communicate with the applicant.

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

Proposed by Alderman Baird  
Seconded by Alderman Duddy and

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

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

- \* **Press and Public were disconnected from the meeting at 3.19pm.**

Council's Solicitor provided Legal Advice on application of the Planning Committee Protocol and consideration of any new information received.

**MOTION TO PROCEED *'IN PUBLIC'***

Proposed by Councillor MA McKillop  
Seconded by Alderman Finlay and

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

- \* **Press and Public were admitted from the Lobby at 3.56pm.**

Motion 1

Proposed by Alderman Finlay  
Seconded by Alderman S McKillop

- That Planning Committee consider the 'new information' presented is not significantly materially different to that already received and does not change the Planning Committee decision of 25 November 2020 and agree to the Planning Committee decision of 25 November 2020 to approve. He stated that the issues of access and dangers had been considered in reaching the decision of 25 November 2020.

Motion 2

Proposed by Alderman Baird  
Seconded by Alderman Boyle

- That Planning Committee ask Council's Legal Department to provide an Opinion in writing, to be brought back to Committee.

Alderman Baird requested a Recorded Vote.

The Chair presented Motion 2 to the Committee to vote.  
 3 Members voted For; 9 Members voted Against; 1 Member Abstained.  
 The Chair declared the motion lost.

Recorded Vote Table (Motion 2)

For <b>(3)</b>	Alderman Baird, Boyle
	Councillor Hunter
Against <b>(9)</b>	Alderman Duddy, Finlay, S McKillop
	Councillors McGurk, MA McKillop, McLaughlin, McMullan, Nicholl, Scott
Abstain <b>(1)</b>	Councillor Dallat O'Driscoll

The Chair put Motion 1 to the Committee to vote.  
 9 Members voted For; 4 Members voted Against; 0 Members Abstained.  
 The Chair declared the motion to approve carried.

A member of the remote gallery interrupted the meeting, heckling could be heard.

Proposed by Alderman Duddy  
 Seconded by Councillor Scott

- That the member of the public be removed from the meeting.

The Chair advised the member of the public could not be identified.

In light of the information provided, Alderman Duddy, with the approval of the Councillor Scott, withdrew his proposal. Alderman Duddy stated a public meeting was governed in any event of a breach of public order.

The Chair declared a recess at 4PM.

\* **The meeting reconvened at 4.33PM.**

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

**AGREED** – To Change The Order of Business, to receive LA01/2019/0420/F 165m NE of 58 Movanager Road, Kilrea next on the Agenda of Business.



- \* **Chair, Councillor Dallat O’Driscoll, having declared an Interest departed from the Chair, Vice-Chair Alderman S McKillop assumed the Chair for the application.**

### **5.3 LA01/2019/0420/F, 165m NE of 58 Movanagher Road, Kilrea**

Report and Site Visit report were previously circulated and presented by M Wilson, Senior Planning Officer via PowerPoint presentation.

App Type: Full

Proposal: Retrospective Application for existing roadside pillars and area of tarmac & stone to be used as a storage yard. Items to be stored include portacabin, shipping container, lorry, road roller digger and cars

#### Recommendation

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

Senior Planning Officer presented the application as follows:

- Full planning permission is sought for Retrospective permission for existing roadside pillars and area of tarmac & stone to be used as a storage yard. Items to be stored include portacabin, shipping container, lorry, road roller digger and cars. The Proposal is primarily for a storage yard but also seeks permission for the specific elements set out in the description.
- In terms of the Northern Area Plan 2016, the site is located outside any settlement development limit. The Northern Area Plan does not contain specific policies on economic development uses other than zoning land for this use in larger settlements. Therefore relevant regional policies apply.

#### Slides:

- Site is located on Movanagher Rd north of Kilrea.
- Local application and is being presented to the Planning Committee on the basis that the application was referred.
- Considering the Principle of Development - The Agent advised on 05/08/19 that no business is being run from the site, a further letter from a second Agent on 18/10/19 advised that the site was “primarily developed to provide additional storage for Richard Patterson Motors.” This is an established vehicle sales business located approximately 140 meters away from the site with intervening land use between. Vehicle sales is a retailing use that in policy terms is not assessed using PPS 4. For policy purposes, vehicle sales is not an established economic development use. The lead policy for a

storage and distribution use is Policy PED 2 of PPS 4 Planning and Economic Development. In turn, this makes provision for four different types of development proposals: 1. The expansion of an established economic development use; 2. The redevelopment of an established economic development use; 3. Major industrial development; 4. Small rural projects associated with a settlement. The proposal meets none of these. Therefore there is no policy basis to allow the principle of development. No exceptional circumstances have been demonstrated.

- Environmental Impacts- Given the nature of the use DAERA Water Management Unit has expressed concern that there is the potential for leaching/ spillage of pollutants. It has not been demonstrated that the proposal would not result in an adverse impact on groundwater.
- Access- The arrangements are acceptable to DfI Roads.
- Amenity- The storage yard is in close proximity to dwellings, the nearest one being no. 54 Movanager Road 40m away. To protect residential amenity operational hours would need to be restricted in the event that the application were to be approved.
- Representations- There are 3 objections from 2 objectors' and the detail of these is set out in the report.
- Conclusion- The proposal is considered unacceptable and the recommendation is to refuse.

In response to an Elected Member question, Senior Planning Officer clarified the car sales was some 150m away from the site. There was concern cars at the end of their life will cause a problem due to spillage and leakage. There were car parts missing and the potential for oil, petrol and diesel to leak out and the potential for damage to ground water and surface water. It has not been demonstrated that there will not be spillage and leakage into the ground with potential for pollution.

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

J Simpson stated on the Movanager Road there was a mature hedge, the site falls away from the road and vehicles are not noticeable from the road. The site has been hardcored since 2006 when the go-kart track was built next door to the site. The agriculture land was used for access during construction of the go-kart track. This is a retrospective application. This site is a storage area for the cars as there is no room at the car sales. Old vehicles were there short term until the cars are taken to the sales yard to be sold, oil is removed. This is an essential use in a rural location. There are no issues to the surface water. Roads Service have no

objections. It operates Monday – Friday and Saturday by appointment only and not on a Sunday same as car sales. A neighbour parks a lorry he drives on this and there is no connection to the car sales. The application complies with policy and there is no objection regarding the access.

There were no questions to the speaker.

In response to Elected Member queries, Senior Planning Officer clarified an EIA determination was not required. No information had been submitted regarding surface and groundwater impact. He stated he did not know where the water drainage finished. Senior Planning Officer stated vehicles need to be driven to the site and therefore are only drained when at the site. The vehicles had the characteristics of end of life/near end of life vehicles. Principle of development is not acceptable in this case in the countryside. The site was used during the construction of the go-kart track for access and there is evidence in aerial photographs that the site has been overgrown since May 2016. The Senior Planning Officer referred to paragraphs 8.6-8.9 of the Planning Committee report, there was no construction traffic now. It appears that the site is an interim place for the cars before being moved on, towards their end of life, they do not appear to be in showroom condition.

In response to Elected Member query regarding Conditions, the Head of Planning clarified the Principal of Planning in the Countryside must be met, and referred to policy PED2 of PPS4 Storage and Distribution. A condition regarding oil, water, petrol and batteries would be difficult to enforce and monitor. A visibility splay condition was not a comparable condition, it could easily be checked and enforced.

Alderman Baird requested a Recorded Vote.

Proposed by Councillor Hunter

Seconded by Councillor Nicholl and

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

The Chair put the motion to the Committee to vote.

8 Members voted For; 1 Member voted Against; 1 Member abstained.

The Chair declared the motion to refuse carried.

Recorded Vote Table

For <b>(8)</b>	Alderman Baird, Boyle
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	Councillors Hunter, McGurk, MA McKillop, McLaughlin, McMullan, Nicholl
Against (1)	Councillor Scott
Abstain (1)	Alderman Finlay

The Chair, Councillor Dallat O’Driscoll, Alderman Duddy and Alderman S McKillop did not vote on the application.

- \* **Vice-Chair Alderman S McKillop departed from the Chair and Councillor Dallat O’Driscoll assumed the Chair for the remainder of the business, the time being 5.10PM.**

#### **5.4 LA01/2020/0026/F, 12-19 The Promenade, Portstewart**

Report previously circulated and presented by J Lundy, Senior Planning Officer via PowerPoint presentation.

App Type: Full Planning

Proposal: Redevelopment of existing buildings to provide a four and a half storey building comprising ground floor retail, 22 apartments above, widening of existing vehicular access and provision of surface level parking to rear

#### Recommendation

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

Senior Planning Officer presented the application as follows:

Redevelopment of existing buildings to provide a 4 and half storey building comprising ground floor retail and 22 apartments, widening of an existing access and provision of surface level parking to the rear.

Verbal Erratum – The Executive Summary and para. 5.1 of the Planning Committee Report states that there has been 17 objections, this should read 18 objections.

The objection points are set out in para 5.1 relating to Right of Way, land ownership, pairing and access, design scale and massing, residential amenity, proposed use of the ground floor and discrepancies in the plans.

The proposal is located within the town centre boundary of Portstewart as designated in the NAP.

Slides:

- The red line of the application site.
- The 3 properties to be redeveloped.
- The rear of the properties
- The rear and existing access that is to be widened.
- The site when viewed from Upper Heathmount.
- The rear again and the adjacent property of the fashion shop with upper and rear accommodation.
- Heathmount sits elevated above the Promenade
- Views from the neighbouring properties.
- The existing buildings to be demolished
- The buildings adjacent to the south.
- The proposed floor plan. Includes a retail unit which is acceptable and meets with planning policy and the town centre first approach. The entrance to the apartments and the vehicle entrance to the parking at the rear. 25 spaces have been provided, 3 for the shop and 1 for each of the apartments. This is considered acceptable taking into consideration the town centre location and proximity to the bus stops.
- This shows the extent of the site and roof plan, the hatched area on the plan is where some of the rock face is to be removed to provide the car spaces.
- The proposed elevations in context with the buildings on the promenade. The central block is 4.5 stories and its steps down to the existing development on either side. The height has been set by the redevelopments along the Promenade.
- The front elevation has been broken up vertically to reflect the character of the Promenade. The design uses different window treatments with some projecting and some recessed to break up the façade. The 3storey and 4,5 storey elements on the left are stepped above the retail unit to respect the building line of the adjacent property and to reduce any potential loss of light or overshadowing to the front 1<sup>st</sup> floor windows.
- The rear amenity. Most of the amenity provision is to the rear of the block and provided by private balconies. The bulk of the return has been centralised to reduce the appearance of the massing from the public viewpoints.
- The elevation from Heathmount. Only part of the roof shall extend above. The bottom elevation shows the rear in context with the adjacent properties.
- The section to the side of No.11 and the Fashion shop. The proposed gable is narrow and reflects the existing gables of properties on the Promenade. The building has been amended to reduce any potential impact on the amenities of the residential property at No.11. There are no windows that would overlook; the flat roof part is of a similar scale and massing to the existing outbuildings on the site. The main consideration is to the larger

return with the grey metal cladding. This is stepped of the boundary by 4m. It may cause further overshadowing to the rear of the property. However as this is already overshadowed and dominated by the existing buildings the change is not been considered to be so adverse to warrant a refusal, also considering the large remaining garden that will not be affected.

- There is no considered impact to the amenity of the properties on Heathmount above the site as shown in the section
- The agent has also provided photomontages of the site looking form the harbour.
- And photomontages from the Crescent.

In response to a question from an Elected Member, Senior Planning Officer clarified there was no overlooking. Overshadowing already exists from the existing building direct into adjacent property but not into the formal green space area. The residential unit on the first floor above the fashion shop and small side element have been considered in regards to overlooking from window to window but it is so narrow and the windows are not positioned and does not warrant refusal. She clarified the façade was not Listed.

The Chair invited C Bell and G Rolston to speak in support of the application.

G Rolston stated they were available to answer questions.

Proposed by Alderman S McKillop  
Seconded by Alderman Finlay and

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion to approve carried unanimously.

\* **Alderman Boyle left the meeting at 5.29pm and did not re-join.**

## **5.5 LA01/2019/1087/F, 6 Larkhill Road, Portstewart**

Report and Site Visit report, were previously circulated and presented by J Lundy via PowerPoint presentation.

App Type: Full Planning  
Proposal: Proposed Replacement Dwelling and Garden Stores

### Recommendation

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

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

The proposal is to replace an existing single storey dwelling with a 2 storey dwelling. The application is an objection item with 18 objections from 8 different properties. The objection points relate mainly to: overlooking, the height of the building, the character and context, breach of the building line, overbearing, dominance, use of hard standing to the front of the dwelling. The points are set out in section 5 of the Committee report.

The site is located within the settlement development limit of Portstewart as set out in NAP and in an established residential area. The relevant planning policies that have been considered in the determination of the application are the SPPS, PPS 7 and its addendum and PPS 3.

Slides:

- Larkhill is a steeping rising road with the dwellings on the north side of the road elevated above the road.
- The slide showing the existing footprint of the dwelling and the dwellings either side of then the proposed foot print. The existing dwelling sits forward of no 4 by 2.8m.
- No 4 is set further back from the road than the adjacent dwellings. The proposed dwelling is sited forward 3.4 m from no 4 and 5.4m to the gable projection. In relation to No. 8 the proposal is set back behind the front of the dwelling to the eastern boundary. The block plan shows the car parking to the front, a raised patio area to the front of the dwelling, access to the rear along the sides to a garden with store and terraced decking to the rear. The dwelling is 2 storey and comprises 3 linked pitched 2 storey bays.
- The front elevation is shown in the top left corner of the slide. This shows the bays and their extension to the ridge. The bay to the right is a covered balcony and has been enclosed on the south eastern boundary with walling to limit views of the neighbouring property. The top right elevation is the rear elevation. The middle is a section through the site from no 8. The proposals have used high level windows to retain the privacy of the neighbouring property. The bottom section of the elevation to no 4 again the only windows on this elevation are bathroom windows that are obscured glazing to ensure no overlooking.
- The existing single storey dwelling between no's 4 and 8. This photo shows the topography and the rising lands. To the north and east.
- The rear of the site
- The existing relationship with No. 4 and the stepped nature of the dwellings on Larkhill Road. The ground levels are being altered to facilitate this development. The proposed floor will be 0.3m lower than No. 4. This is considered a small difference which would not be readily noticed when

viewed from Larkhill Road. The proposed 3 storey dwelling has a new ridge height approx.1m higher than the existing ridge height of the existing dwelling.

- The corner of the existing garage, No 4 and No 2. Concern has been raised with the impact on the window of No 2. Any perceived overlooking or loss of light will be limited by the separation distance of 32m.
- The existing relationship with No. 8 Larkhill Road. The consideration of the relationship and impact is set out in section 8.25 of the Planning Committee report. Due to the boundary treatment of a 2m high wall and high level windows on the first floor there is no adverse impact in terms of overlooking.
- Objections are also received from dwellings on the Coleraine Road, due to the large separation distances of 52m building to building; the separation distances are considered acceptable to not warrant refusal.
- The proposed dwelling in context with the existing dwellings on Larkhill Road. The proposed site within the context of the dwellings. The proposed contemporary dwelling is not considered to have any significant impacts on the adjacent dwellings or character of the area.

Alderman S McKillop advised she was unable to consider the application as she had not attended the Site Visit.

Following Alderman S McKillop's comment,

**It was NOTED** – that the Site Visit's Schedule document the proposer and seconder of each Site Visit.

The Chair invited Jane Burnside and James Burnside to speak in support of the application.

Jane Burnside addressed Committee, she stated Larkhill was a suburban area, outdated for modern needs. The two-storey house original submission had not been accepted and has been redesigned reducing floor levels. The design is a 3-linked pitched pavilion forming double storey bays typically found along the Portstewart frontage. This is a contemporary house using traditional shapes and traditional materials.

Proposed by Alderman Finlay  
Seconded by Councillor Scott and

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



The Chair put the motion to the Committee to vote.  
10 Members voted For; 0 Members voted Against; 0 Members Abstained.  
The Chair declared the motion to approve carried unanimously.

- \* **Alderman Duddy left the meeting at 5.31pm-5.32pm during consideration of the Item and did not vote on the application.**
- \* **Alderman S McKillop left the meeting at 5.32pm during consideration of the Item and did not vote on the application.**

## **5.6 LA01/2019/0363/F, Approx 400m north of 60 Gelvin Road, Dungiven**

Report previously circulated and presented by J McMath, Senior Planning Officer via PowerPoint presentation.

App Type: Full Planning  
Proposal: Alternative 250kw wind turbine in replacement of existing installed 250kw wind turbine. Proposed tower height to be 36m and proposed blade diameter to be increased to 39m from original planning approval B/2010/0333/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 APPROVE planning permission subject to the conditions set out in section 10.

Senior Planning Officer presented as follows:

- This is a replacement wind turbine on Gelvin Road on the same site as the existing turbine which was approved under B/2010/0333/F.
- Rural area as defined in NAP
- Accessed from existing agricultural lane
- No environmental designations but the site is adjacent to Oakhill SLNCI.
- Paragraph 3 of the Committee report which outlines the relevant planning history.
- Planning permission was originally granted on this site for a wind turbine under B/2010/0333/F with a 31m hub height, 15m blade length which made it 48m to blade tip.

- A CLUD was submitted under LA01/2018/1540/LDE which certified that a tower of 36m in height, 15.5 m blade length, rotor diameter of 31m which had a blade tip height of 53.2m.
- The current proposal is for a 36m tower with a 39m blade diameter which is an increase in blade length of 4m or rotor diameter of 8m from the turbine that was certified under the CLUD.
- 49 objections have been received from 20 separate addresses.
- The objections raised
  - Increased height and visual impact of turbine
  - Noise impact
  - Shadow flicker
  - Electrical interference
  - Cumulative impact
  - Threat to wildlife
  - Incorrect information regarding site coordinates limiting the ability of consultees to provide an accurate response
  - Proximity to ASSI
  - Proximity to AONB
- The proposal has been considered under NAP, PPSs 2, 3, 6, 18, 21 and the SPSS
- Issues raised by third parties and in policy have been considered in detail within the Committee report include:
  - Visual Impact – the modest increase in rotor diameter (8m) (4m blade length) means it will not have any significant detrimental impact on visual amenity of LCA than what currently exists.
  - Residential amenity – Noise Impact Assessment submitted and amended to reflect reduced size and properties and extant permissions that were missed out. NIA concludes noise does not exceed day and night time limit for noise therefore conclude not adverse noise impact.
  - Shadow Flicker – no property would experience Shadow Flicker beyond the 30 hours per year or 30 minutes per day as outlined in best practice guidance
  - Electromagnetic – all consultees have cleared consultations and have not raised objection.
  - Cumulative impact – this is a replacement turbine
  - Biodiversity – Natural Heritage - bat survey concluded that low bat activity and negligible impact on bats. An objection raised that the 2018 bat survey was no longer valid. Having reconsulted NED they advised

that given results of bat survey and time line NED are content that it is unlikely that there will be any significant impact on bats.

- Outside SLNCI
  - No other species
  - NED , SES no objection
  - Safety – consultees relevant to aviation safety were reconsulted to address concerns from objectors regarding accuracy of coordinates provided on consultations and none raised objection
  - ASSI/AONB – the proposal will not have a significant impact on ASSI and the site is not located within the AONB.
  - Other issues considered under policy also include
    - Public safety
    - Human health
    - Air and water quality
    - Public access to the countryside
    - Landslide or bog burst
    - Access arrangements
    - Archaeology
    - Tourism
- All objections have been considered.
- The proposal is considered acceptable at this location having regard to NAP and all other material consideration and approval is recommended.

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

J McKernaghan advised this application is for a wind turbine replacing that already there and operating for five years. The turbine has a tower height of 36m and blade increase from 31m-39m. The separation distance from any third party dwelling and road - to the East 370m, West 465m, North 680m, South 490m, and roads 430m. The application meets the guidance of PPS18 for noise and shadow, an increase is minimal and will be visually unnoticed. This is a more modern and efficient turbine. Other turbines in the area are higher with larger blades. There are operational wind farms in the area. The benefits of the replacement wind turbine will be that it will be more efficient than the existing turbine and will make best use of the grid connection generating more capacity for green electricity.

In response to questions from an Elected Member, J McKernaghan stated the guidance shows shadow flicker beyond 10m diameter is not an issue, shadow flicker does not occur to the south. The North, West and East area within 390m would be affected however the nearest property is to the West 460m, to the East 470m, North 680m. J McKernaghan further advised there is a misconception

regarding noise as modern wind turbines have a slower rotator speed and is not a problem for noise; likely to be quieter than existing.

Proposed by Alderman Finlay  
Seconded by Councillor McGurk and

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

The Chair put the motion to the Committee to vote.  
11 Members voted For; 1 Member voted Against; 0 Members Abstained.  
The Chair declared the motion to approve carried.

#### **5.7 LA01/2019/1181/O, Site adjacent to no. 293 Drumsurn Road, Drumsurn**

Report, Addendum, Site Visit report were previously circulated and presented by J McMath, Senior Planning Officer via PowerPoint presentation.

App Type: Outline Planning  
Proposal: Outline application for a new storey and a half dwelling (incl. detached garage) as part of an existing cluster

##### Recommendation

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

##### Addendum Recommendation

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

##### Verbal addendum,

The agent emailed Councillors on 25/01/21 and enclosed two attachments one for LA01/2019/1181/O and one for LA01/2019/1197/O. The attachments were a response to the Planning Committee report. These documents were already received by Planning on 07/01/21, and have been uploaded onto the Portal and were the subject of the written addendum circulated with the January agenda. The cover letter made reference to the current covid pandemic and the construction industry. Covid and the construction industry is not a material consideration to be given determining weight in this application.

The agent emailed planning and Councillors on 26/01/21 seeking withdrawal of LA01/2019/1181/O and LA01/2019/1197/O, from the January agenda for submission of additional information which in their opinion would materially affect the outcome of the application and they mentioned a Flood Risk Assessment. A Flood Risk Assessment is not required for this application and does not form a refusal reason on LA01/2019/1181/O. The agent has been advised that the reason for withdrawal from the agenda is not exceptional and was declined by the Chair.

Senior Planning Officer further presented the application slides as follows:

- Site is located in open countryside outside any Settlement Development Limit as provided for by NAP. The map shows the position in relation to the two nodes of Drumsurn Settlement Development Limit.
- Site adjacent to no. 293
- Accessed from a lane which serves 3 other dwellings
- Site is part of a field
- Northern portion of site contains mature trees along N and W boundary and within main body of site
- West boundary is part post and wire fence and part laurel hedge
- South and west boundary undefined
- This is an outline application for a one and a half storey dwelling and detached garage which has been submitted as a dwelling within a cluster and therefore falls to be determined under policy CTY2a of PPS21 and the SPPS.
  
- The site is in rural area and relies on 3 dwellings, GAA pitch and church and school as community buildings for the purposes of clustering. However only 1 of the dwellings is in the rural area, 2 of the dwellings and the GAA pitch, church and school are all located within the Settlement Development Limit of Drumsurn and development within the development limit cannot be taken to represent buildings within or contributing to the formation of a rural cluster. This stance is consistent with that of the PAC who have stated that reliance on buildings in the Settlement Development Limit is misplaced as they are in the urban settlement.
  
- PAC have gone on to say that countryside is land lying outside the Settlement Development Limit. The PAC determines that in considering what constitutes a cluster under policy CTY2a the consideration must relate to buildings in the open countryside as reliance on buildings in Settlement Development Limit would result in development that would mar the distinction between town and country.
  
- As only one dwelling exists in the countryside at this location there is no existing cluster of development, the proposal is therefore contrary to policy CTY2a and the SPPS.

- Turning to the other elements of the policy, the site is located beside no.293 and is physically and visually separated from the other development which is all located within the Settlement Development Limit. Even if no. 293b and no.295 were considered to be part of a cluster for the purposes of the policy, the site would not form part of a compact visual entity and the site is not bounded on 2 sides with development and is not absorbed into an existing cluster through rounding off and consolidation.
- No overriding reasons have been forthcoming as to why the development is essential and could not be facilitated within a settlement.
- The proposal fails to meet policy CTY2a as there is not the required number of buildings or focal point within the countryside to form a cluster of development with which to associate with. There are no overriding reasons why this development is essential and could not be facilitated within the Settlement Development Limit. The proposal is contrary to paragraphs 6.73 of the SPPS and policies CTY1 and CTY2a of PPS21.

In response to a question from an Elected Member, Senior Planning Officer clarified the bungalow at number no. 293 gained outline planning permission in 2001 and 2005 and Reserved Matters in 2007 and was looked at under the 'Planning Strategy for Rural Northern Ireland' and different policy context to PPS 21.

The Head of Planning advised Councillor McLaughlin had seconded the site visit proposal and did not attend and therefore could not vote on the application.

Proposed by Alderman Duddy  
 Seconded by Alderman S McKillop and

**AGREED** - 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.

The Chair put the motion to the Committee to vote.  
 7 Members voted For; 3 Members voted Against; 1 Member Abstained.  
 The Chair declared the motion to refuse carried.

Councillor McLaughlin did not vote on the application.

## **5.8 LA01/2019/1197/O, Site between 293 & 293B Drumsurn Road, Drumsurn**

Reports, Addendum and Site Visit report were previously circulated and presented by J McMath, Senior Planning Officer via PowerPoint presentation.

App Type: Outline Planning

Proposal: Outline application for a new storey and a half dwelling (incl. detached garage) as part of an infill application

#### Recommendation

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

#### Addendum Recommendation

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

#### Verbal addendum

The agent emailed Councillors on 25/01/21 and enclosed two attachments one for LA01/2019/1181/O and one for LA01/2019/1197/O. The attachments were a response to the Planning Committee report. These documents were already received by planning on 07/01/21, have been uploaded onto the Portal and were the subject of the written addendum circulated with the January agenda. The cover letter made reference to the current covid pandemic and the construction industry. Covid and the construction industry is not a material consideration to be given determining weight in this application.

The agent emailed planning and Councillors on 26/01/21 seeking withdrawal of LA01/2019/1181/O and LA01/2019/1197/O, from the January agenda for submission of additional information which in their opinion would materially affect the outcome of the application and they mentioned a Flood Risk Assessment. The agent has been aware of the need for the FRA since the return of the Rivers Agency consultation on 11/12/19, the case officers report dated 18/2/2020, the refusal reasons on the weekly list in Feb 2020 and a formal request for the FRA on 09/09/2020 to which the agent agreed to but later requested that the application be brought before Committee to establish principle before providing a FRA. The agent has been advised that the reason for withdrawal from the agenda is not exceptional and has been declined by the Chair.

Senior Planning Officer further presented slides of the application as follows:

- Located in countryside outside Settlement Development Limit as provided for by Northern Area Plan
- A large portion of the site is located within the Floodplain

- Site is located between no.293 and no.293b. No. 293B was approved in Settlement Development Limit and 293 within open countryside approval dates back to outline approval in 2001 and 2005 with Reserved Matters in 2007 under the Planning Strategy for Rural Northern Ireland, a different policy context to PPS21.
- Access is obtained via a private lane that serves 3 dwellings.
- Site is in the western part of an agricultural field
- Northern boundary is defined by mill race
- West boundary is defined by Post & Wire fence
- Southern boundary is defined by mature trees
- South East boundary is undefined
- This is an outline application for a one and a half storey dwelling and detached garage and store which falls to be determined under policies CTY1 and 8 as an infill dwelling.
- The site is located in the rural area and relies upon development both inside and outside the Settlement Development Limit of Drumsurn with which to infill. However buildings within the Settlement Development Limit cannot be taken to represent buildings within or contributing to the formation of a substantially and continuously built up frontage for the purposes of policy CTY8.
- The preamble of PPS21 states that PPS21 sets out planning policies for development in the countryside and clarifies that "For the purposes of this document the countryside is defined as land lying outside of settlement limits as identified in development plans. The provisions of this document will apply to all areas of NI countryside".
- The PAC settled position is that development in Settlement Development Limit cannot be included when considering development proposals under policy CTY8 as it occupies a different context in planning terms.
- As there is only 1 dwelling in the countryside at this location there is no substantially and continuously built up frontage of development and subsequently therefore there is not gap within which to infill.
- Turning to the other elements of the policy, the site would also fail to meet the other criteria.
- Site is 130m but the gap (building to building) is 180m
- The gap could therefore accommodate 6 dwellings or even if replicating the largest site could accommodate 4 dwellings.
- The site is not a small gap site within a substantially and continuously built up frontage and is contrary to policies CTY8 and 14 of PPS21.



- No overriding reasons have been forthcoming as to why this development is essential in this location therefore the proposal is contrary to policy CTY1.
- The site, although located within the rural area is 15m from the Settlement Development Limit of Drumsurn. The site would extend the built development outwards from the Settlement Development Limit into the countryside and would provide a visual link between the defined urban context and the rural dwelling at no.293; this would mar the distinction between the settlement and the countryside and would result in urban sprawl.
- In terms of integration, despite the site being 230m back from the public road, no significant boundaries exist along the Northern and Western boundaries. From Drumsurn Road the site would appear open lacking in vegetated boundaries to provide screen or enclosure.
- From Gortnagross Road the site would appear conspicuous given the lack of boundary definition and from the laneway the site would appear prominent without enclosure or adequate integration.
- The proposal is therefore contrary to policies CTY13 and 14.
- A large portion of the site is located within the fluvial flood plain. To overcome this the proposal was reduced from 2 dwellings to one. Rivers Agency have advised that a Flood Risk Assessment and Drainage Assessment is required to provide a more accurate extent of fluvial floodplain and to determine if the site remains in the floodplain or otherwise and to assess the structural integrity of the mill race.
- The applicant has been advised of the need for the reports in order to establish whether the site is suitable for development or otherwise however they did not wish to submit at this time. In a later submission dated 07/01/21 they advised that they wished the matter to be dealt with via condition. However PPS15 is a precautionary policy and such matters must be explored via this outline and cannot be dealt with via condition.
- Therefore the site is located within the fluvial flood plain and as it is not one of the permitted exceptions it would be contrary to policies FLD1 and 3 unless in this case a Flood Risk Assessment verifies that the site is outside the floodplain.
- The site is hydrologically linked to the River Roe and Tributaries SAC. SES require additional information in the form of the Flood Risk Assessment and comments from Rivers Agency and Natural Environment Division before a

HRA can be completed. As the agent asked that the application be considered in the absence of the FRA, SES are unable to complete the necessary HRA and therefore cannot determine if there will be any likely significant effect on the designated sites. The proposal is therefore contrary to PPS2.

- The proposal is recommended with refusal for the reasons listed in the Committee report.

Alderman S McKillop requested a Recorded Vote.

Proposed by Alderman S McKillop  
 Seconded by Councillor Scott and

**AGREED** - 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.

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

Recorded Vote Table

For <b>(6)</b>	Alderman Baird, S McKillop, Duddy Councillors Dallat O’Driscoll, Hunter, Scott
Against <b>(4)</b>	Alderman Finlay Councillors McGurk, McMullan, Nicholl
Abstain <b>(1)</b>	Councillor MA McKillop

**5.9 LA01/2019/1300/O, Lands 30m West of 5 Presbytery Lane, Dunloy**

Report previously circulated and presented by E Hudson, Senior Planning Officer via PowerPoint presentation.

App Type: Outline Planning  
 Proposal: Infill sites for two dwellings and detached garages at Presbytery Lane, Dunloy, Co. Antrim

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 further presented the slides as follows:

- Planning Application LA01/2019/1300. This is an outline application for infill site for 2 dwellings and detached garages.
- The site is located between no's 1 and 3 Presbytery Lane, Dunloy. The site is located in the open countryside as defined in the Northern Area Plan. This is the site location plan with the site outlined in red. The site is a roadside field.
- An indicative layout plan submitted with the application. It shows the proposed location of the 2 detached dwellings and detached garages. A shared access is proposed off Presbytery Lane located in the middle of the site.
- An aerial view of the site with the distance between the adjacent buildings highlighted in red. As the application has been submitted as an infill opportunity it therefore falls to be assessed under Policy CTY 8 of PPS 21. Policy CTY 8 permits the development of a small gap within an otherwise substantial and continuously built up frontage and provided it respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.
  
- It is considered that the extent of the development and number of buildings along this side of Presbytery Lane, adjacent to the site would represent a continuously built up frontage as defined in policy CTY 8. The gap between the opposing dwellings adjacent to the site is approximately 124 m and when considered in the context of surrounding development it is considered that the gap could accommodate more than 2 dwellings in a manner that would respect the existing development pattern along the frontage. As such the site does not constitute a small gap as defined within policy CTY 8 and would create an extensive ribbon of development along this side of Presbytery Lane which is already under pressure from development. The proposal is contrary to policy CTY 8.
  
- Policy CTY 8 also requires that the proposal meets other planning and environmental requirements and therefore that it integrates satisfactorily with the surrounding landscape and that it will not harm rural character. This is a view taken from the road across the site to no. 5. You can see that the site sits at a higher level than the road with a grass verge running between the site and the road. Critical views of the site are achieved travelling along Presbytery Lane from the junction with Bridge Road, across the site and until you pass no. 5.
  
- A view along the site frontage. You can see that the road dips down towards development further along Presbytery Lane with the site remaining above the

level of the road. The roadside boundary includes a belt of semi mature trees positioned fairly centrally relative to the overall frontage. The proposed paired access will require the removal of a number of these trees and additional regrading of the verge will require further removal of vegetation as well as undermining existing vegetation.

- A view looking up from the other direction along Presbytery Lane. You can see the belt of trees here along the frontage directly opposite no. 6 Presbytery Lane where the proposed paired access is to be located. The remainder of the roadside boundary is made up of very low vegetation which affords little screening and you can see that the site at this part is elevated again from the road and open views across the site will be achieved. There is a lack of boundaries along the rear and the site lacks long established natural boundaries which will provide a suitable degree of enclosure. The concept plan indicates new planting however Policy CTY 13 states that a building on an unacceptable site cannot be successfully integrated into the countryside by the use of landscaping. The proposal is contrary to Policy CTY 13.
- The proposal is also contrary to Policy CTY 14 as it would result in the creation of a ribbon of development between no. 1 and 5 Presbytery Lane. The proposal would also result in a suburban style of build up when viewed with existing development and would be detrimental to the character of the surrounding rural area.
- Refusal recommended.

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

G McPeake described the application as an infill site, a gap site within a substantial built up frontage. Travelling down the road there are two dwellings, a gap site and two further dwellings and two factories; a total of nine dwellings, a garage and a factory in the area. To the left-hand side, three dwellings originally with approvals totalling five. There is an infill directly opposite. He advised of further applications that had been approved in the Borough during the course of this application. He referred to a recent Appeal in 2019 for two infill dwellings on Tullaghans Road Dunloy which the PAC approved. He stated that it is not always possible to meet all policy and it would not have a detrimental effect on the Countryside. Plot sizes range from 25-51m, with an average of 39m. The plot size of this application is 40m in width. G McPeake concluded an application has been made for a small modest dwelling and consider it merits an infill.

In response to a query from an Elected Member, G McPeake clarified this would form an infill.

Proposed by Alderman Finlay

Seconded by Councillor MA McKillop and

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

- Under Policy CTY1 and 8 of PPS 21 it does justify an infill and does not therefore add to ribbon development, meets infill Policy as there are already other houses and buildings there with similar size of sites;
- Under Policy CTY 13, Integration, there are other buildings there which help it integrate and does not stick out;
- Under Policy CTY 14 it does not add to build up as meets infill criteria. It ties in with the existing pattern of development and integrates with existing buildings.
- Condition to additional planting;

In response to an Elected Member, Senior Planning Officer clarified the issue of the gap between buildings of 124m which can accommodate more than two dwellings, a consistent approach with infill applications should be applied. The Policy for more than two does not constitute a small gap.

Alderman Baird requested a Recorded Vote.

The Chair put the motion to the Committee to vote.  
8 Members voted For; 4 Members voted Against; 0 Members Abstained.  
The Chair declared the motion to approve carried.

**It was AGREED** – that Conditions and Informatives be delegated to Officers.

#### Recorded Vote Table

For <b>(8)</b>	Alderman Finlay, S McKillop
	Councillor Dallat O’Driscoll, McGurk, MA McKillop, McLaughlin, McMullan, Nicholl
Against <b>(4)</b>	Alderman Baird, Duddy
	Councillors Hunter, Scott

\* **Alderman Finlay left the meeting at 6.44pm and did not re-join the meeting.**

#### **5.10 LA01/2018/0993/F, 9 Victoria Street, Ballymoney**

Report, previously circulated and presented by E Hudson, Senior Planning Officer via PowerPoint presentation.

App Type: Full Planning

Proposal: Alteration of Existing Ground Floor Retail Unit, Including Demolition of Existing Warehouse and Rear Ancillary Accommodation, Change of Use of Ground Floor Domestic Accommodation to Retail Unit, Reconfiguration of Upper Floors to Provide 4 No. Apartment Units. Construction of 10.New Build Apartments with Associated Car Parking and Landscaping

#### Recommendation

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

Senior Planning Officer further presented the slides as follows:

- A full application for the Alteration of Existing Ground Floor Retail Unit, Including Demolition of Existing Warehouse and Rear Ancillary Accommodation, Change of Use of Ground Floor Domestic Accommodation to Retail Unit, Reconfiguration of Upper Floors to Provide 4 No. Apartment Units. Construction of 10.New Build Apartments with Associated Car Parking and Landscaping and this is at 9 Victoria Street, Ballymoney.
- This is the location of the site. Located in Ballymoney Town Centre. The site is also within the Ballymoney Conservation Area and is designated as a committed site for housing in the Northern Area Plan. The site is also within an Area of Archaeological Potential and in proximity to a Listed Building.
- The application proposes the retention of No. 9 Victoria Street which is the end building in this terrace row. Includes retention of the ground floor retail unit which most recent use was as a laundry and the Change of Use of a small adjacent flat to a retail unit and reconfiguration of the upper floors to provide 4 no. apartments.
- The application also proposes the demolition of the stone warehouse building at no's 1 – 3 John Street which extends for approx. 34 m along John Street and then forms the corner to Church Lane which is a small back lane which largely accesses the rear of properties along Victoria Street.
- Another view looking up John Street with the warehouse building on the left of the photograph. It is proposed that this warehouse building would be replaced by 10 no. new building apartments which will extend along John Street as well as turning the corner and including a block which will extend along Church Place.
- The principle of the proposed retail units in the Town Centre complies with the SPPS and the creation of residential units is considered acceptable in principle.
- However the demolition of the warehouse building which is considered to be a key and prominent building which contributes to the character and setting of the Ballymoney Conservation Area is considered unacceptable. The buildings appear to be dated back to 1880 and were built in the grounds

surrounding St Patricks Church and they are referenced in the Ballymoney Conservation Design Guide.

- There are a number of other outbuildings comprising rear returns from the main frontage along Victoria Street. These are set within a less prominent backland environment and are of less historical and architectural merit. There is no objection to the demolition of these outbuildings.
- The SPPS and Policy BH 14 of PPS 6 has a general presumption against the grant of Planning permission for demolition in the Conservation Area and will only be permitted where the building makes no material contribution to the character or appearance of the area. It is considered that this building does make a positive contribution to the Conservation Area and should be retained.
- There is a current extant planning permission on the site for conversion of the warehouse and buildings on Victoria Street to form a shop unit, office and 6 no. apartments. This application worked towards the retention of these buildings and it was recognised as part of the Ballymoney Townscape Heritage Initiative as a priority project.
- Slide showing the proposed new build apartment development to the rear and the existing buildings to be retained at the corner of Victoria Street and John Street. The proposal involves the creation of a new access off John Street into the rear of an area of car parking. You can see that the building extends along John Street and then continues along Church Place.
- The top image is the proposed elevation to Church Place and the lower image is along John Street with the retained buildings on Victoria Street attached.
- This is a number of other elevations of the site from the carpark towards the rear elevations of the new build and then one of the retained building on Victoria Street.
- A view along Church Place including some of the other outbuildings and lean to structures which extend along the rear of the site and adjoin the rear of the building at Victoria Street.
- The larger warehouse building in the foreground with the smaller outbuildings to the rear along Church Place. And then the Listed St Patricks Church viewed in the distance.
- A view looking down Church Lane and across the rear of the site with the other outbuilding.
  
- The agent undertook a structural report and comparison exercise as part of the application. The submitted information indicates that the warehouse building is capable of retention, refurbishment and conversion albeit at a cost. The cost comparison report concludes that the difference in costing between the new build proposed as part of this application and the conversion approved under the extant permission equates to approx. £100,000. PPS 6 states that proposals for demolition in a Conservation Area

should be made to the same broad criteria for the demolition of a Listed Building and not because it is economically more viable. Based on the evidence provided it is apparent that the building is capable of being retained and as such the proposal to demolish is contrary to the SPPS and PPS 6.

- As well as the primary concerns over the demolition of the warehouse building there are also a number of issues in relation to character, design and amenity.
- The proposed archway onto John Street is not consistent with those in the locality or as detailed in the design guide and the roller shutter door is inappropriate. More detail is required in terms of doorways and shopfronts.
- The proposed apartment block does appear subordinate to the terrace along Victoria Street however the greater variety in the fenestration neither reflects the character of the existing building or the wider Conservation Area.
- There is a lack of amenity space provided for the apartment development and the proposed apartments back onto the car park creating a sterile outlook. The space offers no communal open space and only a 1 metre narrow landscaping scheme between the car park and the rear elevation of the apartments. A bin storage area is located around 1 metre from the main bedroom window of one of the units creating an amenity and odour issue. There are potential overlooking concerns between opposing kitchen and bedroom windows.
- Consultees have also raised a number of outstanding issues: Consultation with DAERA and Environmental Health have indicated that former activities on site including recent commercial use as a dry cleaners may have resulted in the site being affected by contamination. Additional information is necessary to assess the extent of contamination on site. To date this information has not been submitted.
- A drainage assessment is required to ensure that storm water run-off from the site can be appropriately discharged. To date this has not been submitted.
- NIEA have advised that the existing buildings may have bat roost potential they have requested the submission of a biodiversity checklist to assist in the consideration of potential impacts on natural heritage interests. To date this has not been submitted.



- DFI Roads have raised concerns in relation to a shortfall in car parking, visibility, and details of proposed footpath. These issues have not been addressed by the agent.
- As outlined in Part 9 and 10 of the Committee report recommendation is to refuse planning permission:

Proposed by Alderman Duddy  
 Seconded by Councillor Scott and

**AGREED** - 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.

The Chair put the motion to the Committee to vote.  
 10 Members voted For; 0 Members voted Against; 1 Member Abstained.  
 The Chair declared the motion to refuse carried.

\* **Councillor McLaughlin left the meeting at 7PM and did not re-join.**

#### **5.11 LA01/2018/0989/DCA, 9 Victoria Street (John Street Junction), Ballymoney**

Report previously circulated and presented by E Hudson, Senior Planning Officer via PowerPoint presentation.

App Type: Conservation Area Consent  
 Proposal: Demolition of warehousing and stores along John Street and Church Lane. Demolition of stores and ancillary accommodation associated with existing retail unit along Victoria Street.

#### 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 Consent subject to the reasons set out in section 10.

Senior Planning Officer further presented the application slides:

- This is a demolition consent application for demolition of warehousing and stores along John Street and Church Lane. Demolition of stores and ancillary accommodation associated with existing retail unit along Victoria Street.
- The location of the site within Ballymoney Town Centre and within Ballymoney Conservation Area. The application is associated with the previous application for a full application relating to redevelopment for 10no. apartments.

- The extent of demolition with the structures to be demolished outlined in a dashed blue line.
- Buildings to the rear
- Another slide showing the warehouse building to be demolished and the retention of the building on Victoria Street.
- The warehouse in its context along the streetscape. In order to facilitate the 10 new build apartments and vehicular access associated with the full application the application proposes the demolition of the warehouse building fronting John St and the remaining outbuildings with the rear yard.
- The SPPS and Policy BH 14 of PPS 6 has a general presumption against the grant of Planning permission for demolition in the Conservation Area and will only be permitted where the building makes no material contribution to the character or appearance of the area. For reasons stated with the previous application and its consideration as a prominent building in Ballymoney Conservation Area. It is considered that this building does make a positive contribution to the Conservation Area and should be retained.
- The remaining ancillary buildings including rear returns extending from the main frontage and sheds/outbuildings to the rear have minimal architectural or historical value and are set within a less prominent back-land environment. They are considered to provide a minimal contribution to the Conservation Area and there is no objection to the demolition of these sheds and outbuildings.

In summary the recommendation would be to refuse demolition consent as the warehouse building is contrary to paragraphs 6.18 and 6.19 of the SPPS, Policy BH14 of PPS 6 and the Ballymoney Conservation Area Guide in that the proposal would result in the loss of a building which currently contributes to the existing character and historic built form of the Conservation Area.

Proposed by Councillor Scott  
 Seconded by Alderman Baird and

**AGREED** - 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 Consent subject to the reasons set out in section 10.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion to refuse carried.

- \* **Alderman Duddy left the meeting for a short time and re-joined at 7PM during discussion of the Item and did not vote on the application.**

## **6. DEVELOPMENT MANAGEMENT**

### **6.1 Update on Development Management and Enforcement Statistics – 01/04/20 – 30/11/2020**

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

#### **Background**

The ‘Protocol for the Operation of the Planning Committee’ sets out the requirement to provide monthly updates on the number of planning applications received and decided

The Northern Ireland Planning Monitoring Framework sets out the new reporting arrangements to the Department of Infrastructure. DfI’s Analysis, Statistics and Research Branch (ASRB) publishes the official statistics on a quarterly and annual basis. The Framework includes the three statutory planning indicators in addition to new non-statutory indicators.

This Monthly Statistical Report provides Members with unvalidated statistics in relation to how Council’s Planning Department and Committee are performing against the Framework indicators.

#### **Details**

A list of planning applications received and decided by Causeway Coast and Glens Borough Council for November 2020 is available on the Council’s website.

Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded from the reports to correspond with official validated statistics published by DfI.

Table 1 detailed the number of Major planning applications received and decided, as well as the average processing times. Please note that these figures are unvalidated statistics. In comparison to the same period last year, the number of major applications received has decreased by 4 applications and the number of major applications decided has decreased by 9. 2 Major applications issued in the month of November. Average processing times are only 0.5 weeks slower when compared to same period last year.

Table 2 below details the number of Local planning applications received and decided as well as the average processing times. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of applications received has decreased by 14 applications and the number of decisions issued/withdrawn has decreased by 294 applications. However, with staff largely working from home, processing is slower than when in the office and this is reflective in the decrease in local decisions issuing.

When compared with the same period last year, the impact of working from home is largely in relation to the number of decisions issuing. However, processing times are only 0.4 weeks slower than same period last year when operating in the normal working environment.

Table 3 below details the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of cases opened has decreased by 83 and the number of cases brought to conclusion has decreased by 69.

The statutory target for concluding 70% of enforcement cases within 39 weeks continues to be met by our Enforcement team with 73.8% of cases YTD concluded within the statutory target. However, of note is that the number of cases concluded within 39 weeks has decreased by 12.9% when compared to the same period last year. The length of time to bring these cases to target conclusion is due to the delays in site visits.

Table 4 detailed the total number of Local applications determined under delegated powers. Determined is taken as the date the decision issued and excludes withdrawn applications. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 93.52% of applications determined were delegated under the scheme of delegation.

Table 5 detailed on the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including Major, Council and Local applications. This is taken from the date of the Planning Committee meeting. To note is that 13 out of 19 referred local applications had the officers' recommendation overturned at Planning Committee which is a 68.42% overturn rate for referred applications and a 30% overturn rate in total.

Table 6 detailed the number of appeal decisions issued YTD of 2020/21 business year. Please note that these figures relating to planning appeal decisions only are unvalidated statistics extracted from internal management reports.

Thirteen Planning Appeals decisions have issued by the PAC YTD of which the Planning Department has successfully defended its decision on 76.9% of appeals.

Table 7 provides detail of the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs.

Table 8 detailed the number of contentious applications which have been circulated to all Members and the number of applications subsequently referred to the Planning Committee for determination.

**IT IS RECOMMENDED** that the Planning Committee note the update on the development management statistics.

**It was Noted** - that the Planning Committee note the update on the development management statistics.

## **6.2 Correspondence from Claire Bailey MLA – PAC Decision – Baranailt Road, Limavady**

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

### **Background**

An enforcement notice relating to the unauthorised development of an anaerobic digester, combined heat and power plant, ancillary equipment and structures and associated hardcore area at land 35m NW of 133 Baranailt Road, Limavady was issued by Council in March 2018. The enforcement notice was appealed to the Planning Appeals Commission. The PAC issued its decision on 19 November 2020 granting planning permission underground (a) that planning permission ought to be granted in respect of the breach of planning control (report attached).

### **Details**

In correspondence to Council dated 25 November 2020, Claire Bailey MLA and Rachel Woods MLA encourage Council to judicially review the PAC decision. They advise that they are seriously concerned that the PAC did not adequately consider nor deal with serious risks to the health of local residents and to nearby Natura 2000 sites and the operation is larger than that initially approved by Planning. They would also like to highlight existing levels of nitrogen deposition at nearby Ballynahone Bog SAC, which already exceed the critical load for that site and point to the requirement under Article 6 of the EU Habitats Directive for a

project to proceed only having ascertained that it will not adversely affect the integrity of the site concerned.

A judicial review is the way in which a decision has been made rather than the rights and wrongs of the conclusion reached. The three grounds of a judicial review are:

- Illegality
- Procedural unfairness
- irrationality

It is considered that the serious concerns raised in the correspondence have been addressed in the PAC Decision. The health impact of the development was considered at para.s 30-36. The assessment sets out the clear justification for the PAC consideration of this issue. The impact on nearby residents is further set out in para.s 37-85. All parties to the appeal had the opportunity to set out their evidence for the PAC to consider.

The impact on Natura 2000 sites is set out in para.s 86-89, 103-139. All parties to the appeal had the opportunity to provide evidence for the consideration of the PAC. Again the PAC clearly set out their consideration of this issue and endorses the conclusions of NIEA regarding the Habitats Regulation Assessment and all parties had the opportunity to submit their evidence on this issue.

The consideration of the planning history on the site and comparison with previous planning permission for and AD Plant were considered by the PAC at para.s 12-22 and para. 28 of the PAC decision. Each party had the opportunity to put forward their evidence on this issue. The PAC set out its consideration of this issue and the weight apportioned to this issue.

Whether or not we agree with the decision of the PAC is not a matter of a judicial review. It is not considered that the PAC erred in terms of the three grounds for judicial review. To proceed to judicially review the PAC decision would be high risk and if lost Council would be liable to pay for the costs of the PAC defending its decision. This could be in the region of £40,000 plus on top of Council's own costs. An unsuccessful challenge would possibly cost Council an estimated £100,000 or greater.

The judicial review procedures do not prevent Claire Bailey MLA and Rachel Woods MLA judicially reviewing the PAC decision if they so wished to do so.

**IT IS RECOMMENDED** that the Planning Committee agree that Council do not proceed to judicially review the PAC decision.

The Head of Planning provided a further update, correspondence had been received, from a third party regarding a Pre Action Protocol for Judicial Review against the PAC. Council is listed as an interested party.

Proposed by Alderman Duddy

Seconded by Councillor Hunter and

**AGREED** – that Planning Committee agree that Council do not proceed to judicially review the PAC decision;  
That Council co-operate as an Interested Party.

The Chair put the motion to the Committee to vote.  
8 Members voted For; 0 Members voted Against; 2 Members Abstained.<sup>1</sup>  
The Chair declared the motion carried.

<sup>1</sup> *At the Planning Committee meeting held Wednesday 24 February 2021 a correction to the Minutes was unanimously agreed that the vote should read **8 Members voted For; 1 Member voted Against; 1 Member Abstained.***

### **6.3 Planning Monitoring Framework – Annual Report**

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

#### **Background**

The ‘Protocol for the Operation of the Planning Committee’ sets out the requirement to provide monthly updates on the number of planning applications received and decided.

The Northern Ireland Planning Monitoring Framework sets out the new reporting arrangements to the Department of Infrastructure which came into effect on 1<sup>st</sup> April 2019. DfI’s Analysis, Statistics and Research Branch (ASRB) will continue to publish the official statistics on a quarterly and annual basis. The second Northern Ireland Planning Monitoring Framework 2019/20 Annual Statistical Bulletin was released on 22 December 2020. The Framework includes the three statutory planning indicators in addition to non-statutory indicators.

#### **Details**

A link to the full statistical bulletin was provided.

The Statistical Bulletin provides details on performance across the three statutory targets along with a suite of additional indicators that are intended to provide a more comprehensive assessment of planning activity. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded from the reports to correspond with official validated statistics published by DfI.

Table 1 detailed the performance against each Indicator and how this compares to all 11 Council's performance.

**IT IS RECOMMENDED** that the Planning Committee note the update on the development management statistics.

**It was Noted** - that the Planning Committee note the update on the development management statistics.

## 7. DEVELOPMENT PLAN

### 7.1 Verbal Update

The Development Plan Manager provided the following update:

- **6month LDP Work Programme** (Jan-Jun 2021): An updated programme will be brought to the February Committee.
- **LDP Member Workshops** – Draft Plan Policy approach:  
Member workshops re-commenced back in September 2020 and will continue throughout this year.
- **Project Management Team Meetings** (which includes government bodies/key stakeholders): Consultations on draft policy approach continue to take place electronically.
- **LDP Steering Group Meetings:** Will reconvene as and when required throughout 2021.
- **CC&GBC Landscape Study:** Informing the LDP draft policy approach re protection of the Borough's landscapes & natural heritage assets.
- **Sustainability Appraisal/SEA:** As members are aware from last month's paper, we are currently in discussion with SES & other affected councils regarding the revised costings.
- **Evidence Paper updates:** Update of evidence base is ongoing. This is feeding through into our draft policy approach and LDP Member Workshops.
- **Staffing:** We currently have a small team working on the LDP.
- **Publication of Draft Plan Strategy:** The Draft Plan Strategy will not be published in A/W 2020. An updated 6month Work Programme and Revised LDP Timetable will be brought before Members at the February Committee.



Councillor Nicholl considered the following areas also be taken into consideration: Farm Diversification, Working From Home, relocation to rural areas, Broadband connectivity, glamping etc. Councillor Nicholl agreed to discuss further with the Development Plan Manager.

## **7.2 DFC Draft Information Guide For Councils - Listed Buildings**

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

### **Background**

The Department for Communities: Historic Environment Division (DfC:HED) has published a “Draft Information Guide for Local Councils on Listed Buildings” seeking comment, prior to publication of the final document.

The guidance was presented at the 16<sup>th</sup> December 2020 Planning Committee. Members sought an extension of time from DFC to consider the guidance in more detail.

DFC agreed to the extension until after the 27<sup>th</sup> January Planning Committee.

### **Detail**

The Department for Communities (DfC) wrote to the Council on 16<sup>th</sup> November 2020, seeking comment on its “Draft Information Guide for Local Councils on Listed Buildings”, prior to publication of the final version (see Appendix 1).

The draft guide (see Appendix 2) sets out the following:

- Why buildings are listed.
- How buildings are listed.
- Understanding the criteria for listing.
- Objecting to a listing/de-listing.
- Making changes to listed buildings.
- Further information and guidance.

The guidance also includes a case study/example of a DfC listing report, which Members will be familiar with from previous presentations of “Advance Notice of Listings” to this Committee by council planning officers. These are usually as a result of the “Second Survey” of Northern Ireland, as detailed at paragraph 1.4 of the attached draft document.

Members will also be aware that one listing within the Borough has been in response to the serving of an Emergency Building Preservation Notice, on 1<sup>st</sup>

June 2017, on the Londonderry Arms Hotel, Portrush. This process is set out at paragraph 2.1 of the draft document.

**IT IS RECOMMENDED** that Members note the contents of the draft guide and agree to the Head of Planning responding to DfC: HED on behalf of Council.

Alderman S McKillop referred to Section 4 Part 3, she advised not all Listed Buildings were period homes and referring to the Forum on Page 3, Alderman S McKillop suggested the representation was too narrow and at least three other skill sets should be involved; an Elected Member, Architect Practitioner and a local Historian.

Proposed by Alderman Duddy  
Seconded by Councillor Scott and

**AGREED** – that Planning Committee note the contents of the draft guide and agree to the Head of Planning responding to DfC: HED on behalf of Council to include the comments from Alderman S McKillop noted above.

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 carried.

## **8. CORRESPONDENCE**

Correspondence, previously circulated, presented as read by The Head of Planning.

\* **Councillor Hunter, having declared an Interest, left the meeting at 7.40PM.**

### **8.1 ART 4 Direction at Giant's Causeway World Heritage Site**

Correspondence from Minister Nichola Mallon to Head of Planning dated 14 December 2020.

Proposed by Alderman Duddy  
Seconded by Alderman S McKillop and

**AGREED** – that Planning Committee write to the Director of Leisure and Development to encourage this Council to sit down with all those concerned and interested Parties in regards to Parking at the Giants Causeway World Heritage Site and come up with a permanent solution.

The Chair put the motion to the Committee to vote.

9 Members voted For; 0 Members voted Against; 0 Members Abstained.  
The Chair declared the motion carried unanimously.

## **8.2 Chief Planner's Update 7**

Correspondence from Department for Infrastructure, Angus Kerr, Chief Planner and Director of Regional Planning dated 16 December 2020.

## **8.3 CAA/DfT Circular on Control of Development in Airport Public Safety Zones Consultation and ICCAN consultation**

Email correspondence, Airport Public Safety Zones Consultation dated 8 December 2020

## **8.4 DAERA Green Growth - Strategic Overview**

Department of Agriculture, Environment and Rural Affairs

## **8.5 DAERA – Impact of the end of EU Transition on the protection of designated nature conservation site in Northern Ireland**

Department of Agriculture, Environment and Rural Affairs Impact of the end of the EU Transition on the protection of designated nature dated 14 December 2020 Mark Hammond, Natural Environment Division, NIEA.

## **8.6 DAERA - Launch of Discussion Document on Environmental Plans, Principals, and Governance in Northern Ireland**

Department of Agriculture, Environment and Rural Affairs email correspondence dated 10 December 2020, advising the Consultation is now open.

## **8.7 DFC Confirmation of listing (HB02 03 034 A) Mill House & Byre**

Copy correspondence circulated.

## **8.8 DFC Confirmation of listing (HB02 03 034 B) Dromore Mills Lower**

Copy correspondence circulated.

## **8.9 DFC Confirmation of Listing (HB02 03 034 C) Dromore Mill**

Copy correspondence circulated.

## **8.10 DFC Confirmation of listing (HB05 10 021) Fishermans House Carrick a Rede**

Copy correspondence circulated.

#### **8.12 MUDC – dPS (Counter Reps) – Council’s Response**

Copy correspondence circulated.

#### **8.13 FODC – Submission to DFI and availability of submission documents**

Copy Correspondence dated 12 January 2021 circulated.

#### **8.14 Northern Ireland Planning Conference 2021**

Thursday 11<sup>th</sup> February 2021 9am-4pm. £145.00 + VAT.

#### **8.15 Correspondence from member of the public – Battery Energy Storage Systems**

Copy correspondence, dated 7 December 2020 circulated.

#### **8.16 Together for Our Planet – Digital Toolkit**

Copy Toolkit correspondence circulated.

**It was NOTED** – that Planning Committee Note correspondence Items 8.2-8.16 inclusive.

\* **Alderman Duddy left the meeting at 7.48PM.**

### **10. CONFIDENTIAL ITEMS**

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

Proposed by Councillor Scott  
Seconded by Councillor Nicholl and

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

#### **9.1 Planning Department – Budget Period 1-8 Update**

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

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 8 of the 2020/21 business year.

**IT IS RECOMMENDED** that the Committee notes the update provided on the Planning budget as of end of period 8 of 2020/21 financial year.

**It was NOTED** - that the Committee notes the update provided on the Planning budget as of end of period 8 of 2020/21 financial year.

**MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Scott

Seconded by Alderman S McKillop and

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

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

There were no matters of Any Other Relevant Business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 7.51PM.

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Chair