

PLANNING COMMITTEE MEETING WEDNESDAY 24 FEBRUARY 2021

Table of Key Adoptions

No.	Item	Summary of Key Decisions
1.	Apologies	Alderman S McKillop; Councillor McGurk
2.	Declarations of Interest	Nil
3.	Minutes of Meeting held Wednesday 27 January 2021	
	3.1 Correction to the Minutes (Correspondence from Claire Bailey MLA – PAC Decision – Baranait Road, Limavady (Item 6.2))	Confirmed, subject to the correction to the vote as set out
4.	Order of Items and Confirmation of Registered Speakers	LA01/2019/0850/F, Lands adjacent to Willowfield Drive, Coleraine deferred for a Site Visit LA01/2019/0903/O, 55 Strand Road, Portstewart deferred for a Site Visit
5.	Schedule of Applications:	
	5.1 LA01/2020/1004/F, Cloonavin, 66 Portstewart Road, Coleraine	Approve
	5.2 LA01/2020/1091/F, Roemill Recreation Grounds, Roemill Road, Limavady	Approve
	5.3 LA01/2020/0918/F, Lands to the rear of The Castle, 145 Main Street, Dungiven	Approve
	5.4 LA01/2020/0467/F, South of & adjacent to 11 Sunvale Park, Greysteel	Deferred for a Site Visit
	5.5 LA01/2020/0749/O, Land to the South of 239 Drumsurn Road, Limavady	Refuse

	5.6 LA01/2019/0600/O, Between 271 & 273 Townhill Road, Rasharkin	<i>Disagree and Approve That Conditions and Informatives are delegated to Officers.</i>
	5.7 LA01/2019/0208/F, Approx. 150m South East of 81 Drumsaragh Road, Kilrea	<i>Disagree and Approve That Conditions and Informatives are delegated to Officers.</i>
6.	Development Management:	
	6.1 Update on Development Management and Enforcement Statistics – 01/04/20 – 31/12/2020	<i>That the Planning Committee note the update on the development management statistics.</i>
	6.2 Quarterly Report on Planning Performance	<i>That the Planning Committee note the Planning Departments Quarterly Report.</i>
7.	Development Plan:	
	7.1 Verbal Update	<i>That Members note the update and agree to a quarterly LDP update going forward.</i>
	7.2 Local Development Plan: 6-month indicative LDP Work Programme - Jan-Jun 2021	<i>That Members note the content of this report and agree to the 6-month (indicative) work programme attached at Appendix 1.</i>
	7.3 BT consultation to remove the public telephone service from Cozies Road Junction, Castlecat Road, BT53 8AP, to allow the Parish/Town Council adopt the K6 red telephone box for the local community	<i>That Members agree Option 1 above to the proposed removal of the phone box and to the Head of Planning responding to BT on behalf of Council.</i>
	7.4 Local Development Plan 2035 – Revised Timetable	<i>That Members agree to the Draft Revised LDP Timetable attached at Appendix 1.</i>
	7.5 Revised Statement of Community Involvement in Planning (SCI)	<i>That Members agree to the revised SCI, attached at Appendix 1, and that a public</i>

		consultation exercise will not be carried out.
8.	Correspondence	
	8.1 Derry City & Strabane District Council LDO 2030 dPS – Council’s response	Information
	8.2 DFC – Draft Information Guide for Local Councils – Listed Buildings – Council’s response	Information
	‘In Committee’ (Item 9, 9.1)	
9.	Confidential Items	
	9.1 Planning Department – Budget Period 1-9 Update	Information
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	Nil

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS
AND VIA VIDEO CONFERENCE
ON WEDNESDAY 24 FEBRUARY 2021 AT 10.30am**

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

Committee Members Present: Alderman Baird (R), Boyle (C) Duddy (C), Finlay (R), McKeown (R) Councillors Anderson (C), Hunter (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 and Enforcement Manager (R)
S Mulhern, Development Plan Manager (R)
D Hunter, 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)
S Duggan, Civic Support & Committee & Member Services Officer (C)

P Donaghy, Democratic & Central Services Manager (R)
J Keen, Corporate Support Assistant (R)

A Lennox, Mobile Operations Officer (C)
J Winfield, ICT Manager (C)

Press (1 No.) (R)
Public (13 No.) (R)

Key R = Remote C = Chamber

Registered Speakers In Attendance (All remote):

LA01/2019/0850/F	D McLaughlin N Brown R Sheehy Councillor R Holmes
LA01/2019/0903/O	K Burns

LA01/2019/0600/O
LA01/2019/0208/F

T Robinson
J Carey
M Bell

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 S McKillop and Councillor McGurk.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 27 JANUARY 2021

Minutes previously circulated.

3.1 Correction to the Minutes

Correspondence from Claire Bailey MLA – PAC Decision – Baranailt Road, Limavady (Item 6.2)

Councillor Scott advised he had voted against the recommendation, and it had not been recorded in the Minutes of the Planning Committee meeting.

The Head of Planning stated she had recorded an 'abstention' vote for Councillor Scott.

The Head of Planning further clarified the initial draft of the unconfirmed minutes, had an error at Item 6.2 that was re-drafted to read, '*8 Members voted for*', rather than '*6*' Members voted for.

Proposed by Alderman Duddy
Seconded by Alderman Finlay

- that the Minutes of the Planning Committee meeting held Wednesday 27 January 2021 are confirmed as a correct record, subject to the correction, that the vote at Minute Item 6.2 read, '*8 Members voted For; 1 Member voted Against; 1 Member Abstained*'.

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 unanimously.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

Proposed by Alderman Baird
Seconded by Councillor Hunter

- That Application LA01/2019/0850/F, Lands adjacent to Willowfield Drive, Coleraine, is deferred for a Site Visit as she is unfamiliar with the site and would like to view the site in its context.

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 carried.

Proposed by Alderman Duddy
Seconded by Alderman Baird

- That Application LA01/2019/0903/O, 55 Strand Road, Portstewart is deferred for a Site Visit due to look at the height, scale and massing, impact on residential amenity and parking at the site.

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.

* **Council Solicitor arrived at the meeting.**

5. SCHEDULE OF APPLICATIONS:

5.1 LA01/2020/1004/F, Cloonavin, 66 Portstewart Road, Coleraine

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

App Type: Full

Proposal: Installation of replacement lighting to include 30no. 8m and 12no. 6m lighting columns along existing public pathways and car parks to satisfy lighting regulations.

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 **APPROVE** planning permission subject to the conditions set out in section 10.

The Senior Planning Officer presented as follows:

- The site is located within the settlement development limits of Coleraine as defined in the Northern Area Plan 2016. Part of the site falls within a major area of open space and within the University LLPA under designation CEL 04.
- The scheme consists of the Installation of replacement lighting to include 30no. 8m and 12no. 6m lighting columns along existing public pathways and car parks to satisfy lighting regulations.
- When assessed against the SPPS and policy DES 2, the scale and design of the development is considered acceptable, in that, it will not detract from the existing character of the immediate context and is of a replacement nature. The scheme will respect the existing townscape at this location.

In response to a question from an Elected Member, the Senior Planning Officer clarified, in connection with biodiversity and the River Bann, NED had been consulted and were content.

Proposed by Alderman Baird
Seconded by Councillor Anderson

- 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 **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.

12 Members voted For; 0 Members voted Against; 0 Members Abstained.
The Chair declared the motion to approve carried unanimously.

5.2 LA01/2020/1091/F, Roemill Recreation Grounds, Roemill Road, Limavady

Reports, previously circulated and presented by Senior Planning Officer M Wilson, via PowerPoint presentation.

App Type: Full
Proposal: Provision of security fencing and ball stop fencing, and replacement of the existing site entrance gate

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 **APPROVE** planning permission subject to the conditions set out in section 10.

The Senior Planning Officer presented as follows:

- Full planning permission is sought for the provision of security fencing, ball stop fencing, and the replacement of the existing site entrance gate at Roemill Recreation Grounds, Roemill Road, Limavady.
- In terms of the Northern Area Plan, the site is located within the settlement development limits of Limavady which also designates the site as a major area of existing open space and it is situated within the Roe Park Local Landscape Policy Area (LYL 02).
- This is a Local application and is being presented to the Planning Committee on the basis that the Council is the applicant.
- Slide - of where the application is proposed. Satellite image showing the site within Limavady.
- Slides - The location plan showing the red line and a more detailed plan showing the proposed siting in relation to the existing pitches and layout.
- Considering the Principle of development - The proposed security palisade fencing is 2.4m in height, the ball stop fencing is 8m in height and the site replacement entrance gates measure 2.4m in height. The site entrance gates are finished in steel, the ball stop fencing is finished in double mesh wire fencing and netting, and the security palisade fencing, finished in steel and to

be hot dip galvanised and polyester powder coated.

- When assessed against Policy DES 2 of the Rural Strategy and Policy OS 1 of PPS 8, the scale of the fencing is considered acceptable given the existing use of the land and will therefore not detract from the existing character of the open space. The proposal respects the immediate and wider built form of the surrounding area, and will contribute positively to the existing land use and to the local community.
- As the proposal lies within an LLPA, it meets Policy ENV 1 and the policy requirement of Designation LYL 02 as set out in NAP.
- Photographs –shows part of the land to give a sense of where the security fencing will be located; tree belt and the neighbouring dwellings sitting on much higher land, photograph showing one of the locations where the ball stop will go; behind the goal, and then a wider view showing the playing fields in context with the immediate area.
- There are no letters of objection and 1 letter of support.
- Approval is recommended.

In response to questions from Elected Members, the Senior Planning Officer clarified the location of the fence and access gates and means of enclosure, the ball stop nets unaffected by the access gate, he advised no tree survey had been carried out, and on balance, considered all matters and application capable of approval.

Proposed by Councillor Nicholl

Seconded by Councillor MA McKillop

- 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 **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion to approve carried unanimously.

5.3 LA01/2020/0918/F, Lands to the rear of The Castle, 145 Main Street, Dungiven

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

App Type: Full Planning
Proposal: Proposed temporary double mobile classroom with associated siteworks

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 **APPROVE** planning permission subject to the conditions set out in section 10.

Senior Planning Officer presented as follows:

- Map - Site is located within settlement limit of Dungiven as defined within the NAP.
- Map - Site is also located within Area of Archaeological Potential; is located in close proximity to the listed castle building (B1); partly within Dungiven Castle LLPA; and is partly within a major area of existing open space
- Map - Site 46m SE of Dungiven Castle which is currently used as a post primary Irish school. Site is on a tarmacked area and accessed from existing access from Main Street.
- Photographs - Proposal is retrospective it seeks temporary permission for a period of 4 years for a single storey mobile building which provide 2 classrooms and ancillary facilities. Building measures 22.8m x 7.25m x 3.9m
- With regards the use, the surrounding area has a diverse range of land uses. The Castle received permission to be used as a school in 2015, with an additional modular building approved in 2017 and extension of the temporary permission granted in 2019 for a further 10 years. Officials are currently considering a live application for building comprising 12 classrooms.
- The current application is due to the expansion of pupil intake until permission is sought for a more permanent solution. The use of the temporary class rooms is an appropriate land use in a mixed use area in close proximity to the existing school.
- The southern portion of the site and the proposed building is part of a major area of open space which includes the environmental park and castle gardens. The proposal is considered under PPS8, Policy OS1. Proposal meets one of the exceptions as redevelopment will bring substantial community benefits that

decisively outweigh the loss of open space. During the processing of the application, the applicant has advised

- (i) The area is not public open space, it is land leased to school with no requirement to provide access to public.
 - (ii) Community benefit, School is major flagship educational project with a hinterland from Strabane to Toome.
 - (iii) School is a pioneering project in Irish Median Education.
 - (iv) Temporary accommodation pending development of longer term solution
 - (v) Benefit to Irish speaking community in Dungiven and for whole catchment
 - (vi) Important to Department of Education
 - (vii) Regional and local significance of school which fulfils an important community and social benefit
 - (viii) Support for new school established during PAN for live application outweighs need to retain private land
- Proposal meets Policy OS1 of PPS8 in that the community benefits outweigh the loss of open space.
 - LLPA is protected from all non-essential development. The use for a classroom building at an established school facility.
 - Proposal will not have any adverse impact on key features of LLPA designation or intrinsic value or integrity of LLPA. Complies with policy ENV1 of NAP
 - Built Heritage - Historic Buildings were consulted and have confirmed that the proposal poses no greater demonstrable harm to the setting of the Listed Building and complies with PPS6 and SPPS.
 - Historic Monuments were consulted on the impact on the Area of Archaeological Potential and are content that the proposal complies with PPS6 and SPPS.
 - DfI Roads have confirmed that the proposal complies with PPS3.
 - As the proposal is 140m away from the nearest residential properties Environmental Health have confirmed that the proposal poses no impact on residential amenity.
 - Despite the site being within a TPO designation site, the two trees adjacent to the site are excluded from the protection of the TPO.

- The proposal is considered acceptable in this location having regard to area plan and other material considerations, and is considered appropriate in terms of use, design, scale, and materials.

Proposed by Councillor Nicholl

Seconded by Councillor MA McKillop

- 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 **APPROVE** planning permission subject to the conditions set out in section 10.

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 to approve carried unanimously.

- * **Alderman Duddy left the meeting at 11.10am, re-joined at 11.18am and did not vote on the application.**
- * **Councillor Scott left the meeting at 11.11am, re-joined at 11.14am and did not vote on the application**
- * **Councillor Anderson left the meeting at 11.14am and did not note on the application.**

5.4 LA01/2020/0467/F, South of & adjacent to 11 Sunvale Park, Greysteel

- * **Councillor Anderson re-joined the meeting at 11.21am.**

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

App Type: Full

Proposal: Proposed single storey dwelling with roof space accommodation

Recommendation

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

Senior Planning Officer presented as follows:

- Map - Site is located just within Settlement Development Limit of Greysteel as provided for in NAP, it is not located within any other environmental designations.

- Site is located south and adjacent to 11 Sunvale Park within the side and rear garden.
- The established character of the area is residential with modest semi detached chalet bungalows with detached garages fronting onto the road with no development of the land to the immediate rear. There is an established building line, orientation, plot size and siting.
- Photograph - The north, east and western boundaries are defined by timber fence. The southern (rear) boundary is defined by mature vegetation.
- Photograph - The topography of the site rises steeply from the road to the rear of the site by approximately 9m.
- This is a full application for 1 dwelling with roof space accommodation. The dwelling measures 7.1m in height from the front elevation and 6.3 from the rear.
- One letter of support has been received from the occupants of no 11 (family members).
- The proposed development fails to respect the surrounding character of the area. The proposed dwelling is set to the rear of no 11 approximately 35m from the road not reflective of character of area. The dwelling is positioned on much higher ground than the other properties along Sunvale with a FFL 2.77m higher than no 11 which will result in dominance. The orientation and presence of first floor gable (bedroom) windows will result in overlooking from an elevated position to adjacent properties and amenity space to the east and west.
- Photograph - The design concept is to cut into the slope by almost 3m resulting in retaining structures surrounding the dwelling on 3 sides. This results in the primary living space (kitchen and office) looking out over a limited depth of amenity space onto retaining structures and embankments of 3m in height.
- Private Amenity space of 68m² is proposed, this is acceptable in numeric terms however the amenity space will be surrounded on three sides with retaining structures and embankments of nearly 3m in height which fails to provide a quality residential environment.
- The position of the dwelling, parking and circulation space above no. 11 will result in general disturbance from noise.

- The proposed dwelling does not respect the surrounding context, is not appropriate to the character of the area and topography of the existing site, it does not respect streetscape and fails to provide a quality residential environment and will result in dominance and overlooking.
- During the processing of the application the applicant raised personal circumstances as material considerations in support of the application however given the close proximity of the applicants current address to the proposed site and fact that it has not been demonstrated that alternative residential properties elsewhere in Greysteel have been considered. The material considerations do not outweigh the policy objections to this proposal.
- Refusal is recommended.

No questions were put.

Proposed by Alderman Finlay
Seconded by Councillor Nicholl

- That application LA01/2020/0467/F, South of & adjacent to 11 Sunvale Park, Greysteel, is deferred for a Site Visit due to other applications that have been approved with overlooking issues and therefore would like to view on site.

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 to defer for a site visit carried unanimously.

5.5 LA01/2020/0749/O, Land to the South of 239 Drumsurn Road, Limavady

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

App Type: Outline

Proposal: 1 No proposed new residential dwelling.

Recommendation

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

Erratum Recommendation

That the Committee note the contents of this Erratum and agree with the

recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

Senior Planning Officer presented as follows:

- Map - The site is located within the rural area outside of any settlement limit or environmental designation as provided for by NAP.
- Photograph - Site is on land to the south of 239 Drumsurn Road, Limavady within a narrow field located between no. 241 and 239 Drumsurn Road, fronting onto the Drumsurn Road.
- Topography is flat.
- Photograph - Roadside boundary is defined by 1m high fence
- Photographs - North, South and West boundaries are defined by post & wire fence, with mature vegetation and trees outside the site boundary to the North and South.
- Plan - An outline application for a dwelling, an indicative block plan, elevation and floor plans have accompanied the proposal which indicate a detached 2 storey hipped roof dwelling positioned to the rear of the site with an access lane through site and a large front garden.
- The proposal is contrary to policy CTY 2A in that it is not located at a cluster of development, as it does not consist of four or more buildings of which at least three are dwellings, is not a visual entity and the cluster is not associated with a focal point and it is not located at a cross-roads.
- The site is not a gap site, as it is not located within a substantial and continuously built up frontage which is defined by policy as a line of 3 or more buildings along a road frontage without accompanying development to the rear. Numbers 241 and 239 have a road frontage but the associated garages and workshops are subordinate, set back and do not have a road frontage. As the gap is located between 2 dwellings with a road frontage it fails to meet policy CTY 8 and 14 of PPS21 and would create ribbon development.
- No overriding reason has been forthcoming that this development is essential and could not be located within a development limit the proposal is therefore contrary to policy CTY1.
- Elevations - The indicative plans and elevations submitted show a large scaled hipped roof dwelling which would be unsympathetic to the character of this rural area. The submitted design is inappropriate for the site and its locality and fails criteria (e) of policy CTY 13.
- Refusal is recommended

In response to questions from Elected Members the Senior Planning Officer clarified the design, indicative elevations and floor plans were submitted in processing application, and therefore formed part of the decision making on the application.

Proposed by Alderman Duddy

Seconded by Alderman Baird

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

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.

5.6 LA01/2019/0600/O, Between 271 & 273 Townhill Road, Rasharkin

Reports and Additional Information received were previously circulated and presented by Senior Planning Officer E Hudson, via PowerPoint presentation.

App Type: Outline

Proposal: Proposed 1 & ½ storey infill dwelling and garage

Recommendation

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

Senior Planning Officer presented as follows:

- Slide - This is an outline application for a 1 ½ storey infill dwelling. The site is located between nos. 273 and 271 Townhill Road, Rasharkin. The site is located in the open countryside as defined in the NAP.
- A verbal update on information received in support of the application and circulated to all members was provided. A letter of support was received yesterday from Robin Swann MLA's office. By way of a summary the letter outlines how they believe the proposal meets the policy requires of Policy CTY 8 of PPS 21 and meets the policy requirements for an infill opportunity. It states that planners have disregarded the front gardens of the adjacent

properties when coming to a conclusion that they do not have a road frontage. It states there is clearly a building line with gardens making up the road frontage. It goes on to make reference to integration and that a new dwelling will not be prominent in this location, with only localised views and will not add to the perception of ribbon development. The letter also makes reference to our consideration of the proposal under CTY 6 of PPS 21 (Domestic and Personal Circumstances). Stating that the application was not submitted as a policy CTY 6 application and as such a refusal reason linked to this is superfluous and could negatively impact on the committee's consideration of the application.

- The Senior Planning Officer clarified Policy CTY 6 was considered as the agent had submitted by way of an email in March of last year details of the medical condition of the applicants mother and had requested that the planning department look at this additional information favourably as they considered all alternative proposals had been considered and genuine hardship would be caused. In light of this the correct assessment of this would be consideration of the proposal under Policy CTY 6 which is why it forms part of officers consideration and is included in the recommended reasons for refusal.
- Slide - The application site lies immediately south of the applicant's property at no. 273 Townhill Road which has a frontage to the road. The application relies on the 2 dwellings located to the south of the site (nos. 271 and 269a) to meet the criteria for a small gap within a continuously built up frontage. The definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage.
- The dwellings at no. 271 and 269a are accessed off a shared laneway off the Townhill Road.
- Slide - The shared laneway and how the sites are separated from the road frontage by a dense belt of vegetation. The 2 planning permissions for these dwellings were only approved with the shared laneway adjoining the public road.
- Slide - The approved boundaries for these 2 sites and their curtilages set back from the road with the garden areas not extending down to the road frontage but rather sitting behind a dense area of vegetation. These 2 dwellings read as being physically separated from the road frontage. It is only the shared access laneway which connects with the road and not the plot on which the dwellings sit. A shared access point alone does not constitute a built up frontage and this is supported by a number of PAC decisions some of which are referred to in para 8.5 of your Committee report.

- As there is only 1 dwelling with a road frontage there is not a substantial and continuously built up frontage and the proposal is therefore contrary to Policy CTY 8. As it is not considered to be within a continuous built up frontage the proposal is considered to be ribbon development and as such is also contrary to Policy CTY 14.
- Slide - Photographs of the site showing the applicants existing dwelling at no. 273 with the site sitting adjacent to this.
- Slide – Taken looking back towards no. 269a showing the 2 dwellings are set back from the road frontage and behind the dense area of vegetation.
- Slide - A view looking up the shared laneway towards nos, 271 and 269a. The entrance to both these dwellings, demarked by these stone pillars and gates is set off the laneway again demonstrating that they do not have frontages onto the road.
- Supporting statement by agent:
The agent made reference to a large garage at no. 271 and this should be considered as a separate building for the purpose of road frontage building. On inspection of this the garage is attached to no. 271 so would not be considered a separate building along the frontage.

Personal information was submitted in support of the application. The case advanced under this is that the applicant wishes to reside close to his elderly mother at no. 273. Planning permission was approved recently for alterations to the existing dwelling at no. 273. Having considered this under Policy CTY 6 relating to personal and domestic circumstances it is considered that the extension and alterations to the existing dwelling offer an alternative solution which would meet the circumstances of the case advanced and therefore there are no compelling site specific reasons for a dwelling on this site. The proposal is considered contrary to Policy CTY 6.

- The recommendation is to refuse planning permission for the reasons out in Part 10 of the Committee report.

In response to questions from Elected Members, the Senior Planning Officer clarified the recent application for alterations at no. 273. Illustrating the slides, the Senior Planning Officer presented views along the Townhill Road, the gable at 269a, progressing up, vegetation only, the shared access and moving further along no. 273, the site itself open, 2 dwellings set back off the road. When looking at an aerial photograph of four houses, house at bottom of slide with the laneway coming up from it, has curtilage set back and no road frontage.

The Chair invited J Carey to present to Committee in support of the application. J Carey advised of an infill dwelling located on the Townhill Road. This application site is located between no.273, no. 271 and no. 269a. The area in front of no. 271, no. 269a between the plot and road is heavy vegetation; clearly 3 buildings in a line for infill policy.

J Carey referred to the photograph illustrated travelling North, there had been no photograph illustrated travelling South. The aerial photograph of the plot clearly shows the site with 3 buildings in the row. J Carey stated access alone was not endorsed as road frontage by the PAC but the curtilage meets the public road. There are definitive boundaries and legal registered folios show both dwellings meet the public road.

J Carey advised the land use with the garden and trees is long established as the residential amenity and legal folios for the land clearly shows this. He advised that the laneway is 12m and not 18m from the public road. There is a group of trees to the front of the house and a smaller insignificant area of trees. All 3 dwellings share common frontage to the road. The application meets policy CTY8 for a gap site, and policies CTY1, CTY13.

J Carey advised it was not asked for the application to be considered under Policy CTY6, it was not re-advertised nor re-consulted, the refusal reason therefore is not appropriate and should be removed and concluded there are no objections. The Policy is met, there are mature established boundaries to give a degree of enclosure, limited long distance views and site is suitable for a design of modest building and will integrate into the landscape.

In response to Elected Member queries, J Carey clarified the red lines when approved in 2003 and 2018 was set back from road behind the group of trees. Since then the trees have been used as part of the front garden and curtilage of the dwellings extends to the road as shown in the folio maps. J Carey clarified the laneway for the two houses. He stated that it is implied the two houses are up a long laneway some distance with a shared access. J Carey clarified the road edge is beyond the first access, 12m in length and measured with a wheel. The planning committee report stated 18m. J Carey clarified the two folio deeds show each curtilage right to the road and these were provided to Planning Department.

E Hudson clarified the measurement of the laneway had been taken from the site location plan and further clarified ownership and curtilage. E Hudson stated the extension to the curtilage from that approved need planning permission, the applicant may own the land coming down Townhill Road but does not form part of the approved curtilage. In connection with no. 269a, planning permission for a garage, the red lines submitted are back off the road. E Hudson clarified the application for the garage was within the last year to two years.

Alderman Duddy requested a Recorded Vote.

Proposed by Alderman Finlay

Seconded by Councillor McLaughlin

- 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:
 - Consideration of the aerial view shows clear frontage of houses to the road;
 - Substantial frontage to the road in terms of Policy and another building will not affect the character and will integrate into the countryside very well
 - Existing building
 - 3 existing frontages to the road meeting policy CTY8
 - Modest dwelling, modest gap site and will be sustainable development meets Policy.

The Chair put the motion to the Committee to vote.

8 Members voted For; 2 Members voted Against; 2 Members Abstained.

The Chair declared the motion to approve carried.

It Was Agreed – that Conditions and Informatives are delegated to Officers.

Recorded Vote Table

For (8)	Alderman Baird , Finlay, McKeown
	Councillor Hunter, MA McKillop, McLaughlin, McMullan, Nicholl
Against (2)	Alderman Duddy
	Councillor Anderson
Abstain (2)	Councillor Dallat O’Driscoll, Scott

- * **Alderman Boyle joined the meeting at 12.04pm and did not vote on the application.**

5.7 LA01/2019/0208/F, Approx. 150m South East of 81 Drumsaragh Road, Kilrea

Reports and Additional information received were previously circulated and presented by Senior Planning Officer E Hudson via PowerPoint presentation.

App Type: Full Planning

Proposal: Retrospective application for agricultural storage shed and portion of yard

Recommendation

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

- Slide - Planning Application LA01/2019.0208.F. This is a full retrospective application for an agricultural storage shed and a portion of yard area at approximately 150 m SE of 81 Drumsaragh Road, Kilrea.

Before moving into the presentation the Senior Planning Officer provided a verbal update on information received in support of the application this week and which had been circulated to all members. The supporting statement provides justification for the development and responses to the refusal reasons. The Bradley family regularly show their collection of agricultural and industrial relics from the past at public shows, individually or in small groups.

It is stated that the machinery needs to be located close to the family home for maintenance purposes and the logistics of moving the machinery for showing. In relation to the land surrounding the farm holding it is stated that this is valuable for farming and the lands and yard are sloping making it unsuitable. The current shed is on low lying flat ground making it easier for loading. The shed is not visible from the public road and is less intrusive if it were to be built around the farm buildings. The vehicles are of museum quality and should be kept within the townlands of Kilrea. The supporting statement includes a number of photographs of historic vehicles. The supporting statement goes on to address issues regarding the restoration of adjacent peatlands and tree planting. It states that work is ongoing to remove threat to the peat land. It also states that the Bradley family have undertaken tree planting at the farm with around 1700 trees planted. There is also a copy of a letter from Shanes Castle Vintage Steam Group which advises that the Bradley family have been a major part of the Shanes Castle May Day steam rally for many years.

By way of clarification, the photographs of the vehicles included in the supporting statement do not show the vehicles housed in the shed subject to this application.

The Senior Planning Officer presented the slides as follows:

- Slide - The red line boundary of the site. The site lies within the open countryside as defined in the Northern Area Plan. The site is accessed via an existing laneway off the Drumsaragh Road.
- Slide - An aerial view of the site including the existing farm grouping at no 81 Drumsaragh Rd and the retrospective works of the shed and hardsurfaced

yard area. The existing farm buildings form a close grouping typical of our rural landscape while the retrospective shed and yard area is physically removed from this grouping at a distance of approximately 182 metres.

- Policy CTY 12 of PPS 21 is the relevant policy consideration for an application for an agricultural storage shed. It has been confirmed by DARD that the applicants' farm business is active and established. Criteria (a) of this Policy refers to the development being necessary for the efficient use of the agricultural holding however the vehicles, which this shed is proposing to store, are vintage, just used for showing and are considered a hobby use therefore they are not needed for the efficient use of the farm holding and criterion (a) of PPS 21 has not been met.
- Policy CTY 12 goes on to say that where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:
 - There are no suitable buildings on the holding or enterprise that can be used;
 - The design and material are sympathetic and
 - The proposal is sited beside existing farm buildings.

The vintage vehicles are currently being stored in existing buildings on the farm holding which would negate the need for this separate shed. The storage shed is also located away from the existing farm grouping and not beside existing buildings. As such this part of the policy has not been met. Exceptional consideration may be given to an alternative site away from the existing grouping provided there are no other sites available at another group of buildings on the holding and where;

- It is essential for the efficient functioning of the business; or
- There are demonstrable health and safety reasons.
- In terms of integration the site is screened from public viewpoints by existing vegetation. However, the shed and hardstanding are remote from the existing farm grouping and as such do not respect the existing pattern of development in the area and as such is contrary to part (c) of CTY 14 and part (b) of CTY 12.
- Slide - Photographs of the site; the existing shed on site and a portion of the hard surfaced yard area.
- Slide - A photograph looking in the other direction showing the existing extent of the yard area. The application site is located partially on land adjacent to a priority habitat. DAERA had raised concerns in relation to the retrospective works on the priority habitat and requested a Phase 2 habitat survey. This

clarified that the agricultural building appears to be off the bog but some of the associated hard standing is within it. Natural Environment Division would be content subject to the reparation works outlined in the Phase 2 habitat survey which indicates the removal of an area of hard core and the repair of the area with a view to supporting wetland habitat. An objection letter was also received in relation to the environmental impacts of these works.

- Slide - A photograph of the existing farm grouping at 81 Drumsaragh Road. Although it is slightly elevated from the road the grouping itself appears to be on a relatively flat plateau and the surrounding lands are not sloping to such an extent that would suggest the exceptional circumstances of siting away from this grouping. Paragraph 5.52 of PPS 21 advises that where permission is sought for a new building the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist. It is not considered that this has been fully explored.

The recommendation is to refuse planning permission for the reasons out in Part 10 of the Committee report.

In response to Elected Member queries and referring to a photograph, the Senior Planning Officer clarified the retrospective shed could not be seen, it was sited further back and not visible from the Drumsaragh Road. The application for an agriculture storage shed was assessed under Policy CTY12. It was not submitted as a tourism type application. The Senior Planning Officer clarified the supporting statement was only received this week along with a letter from Shanes Castle.

The Senior Planning Officer advised a Phase 2 survey showed the area of hardstanding to be removed leaving only a turning area in front of the shed and remainder was to be brought back into wetland / peat habitat. This would be a required as a condition on any approval decision notice. The Senior Planning Officer advised that the principle of development was unacceptable and forms reasons for refusal. The Agent had submitted a Phase 2 Habitat Survey addresses habitat issues. Vintage vehicles does not meet Policy CTY 12 as the vehicles will not be used in conjunction with the agricultural holding and does not meet Policy; The vehicles are not being used as part of the farm, they are being used to show at events and rally's. The criteria within policy is to look at use of existing sheds, then new sheds clustering with existing buildings and exceptionally shed not clustering with existing buildings.

The Chair invited M Bell to speak in support of the application.

M Bell advised J Bradley and family had vital relics, important for all of society for learning at school and fond memories for older generations. M Bell referred to refusal reason 1. He advised it was a significant safety risk to keep the vehicles

anywhere but at the family home. M Bell referred to the photographs showing the scale of the vehicles and flat ground was required for their transportation.

M Bell advised the photograph of the Drumsaragh Road is looking up the hill from Drumsaragh Road and shows the sideways slope of the land. He advised that flat ground is required in both directions for transportation purposes. He advised that the agricultural fields are heavily used, the sheds low lying and the adjacent peatland. He advised that the shed is invisible from the Drumsaragh Road and is located on scrub land. The issue of the peat lands has been acknowledged and corrected with the retrospective planning application and has been signed off by DAERA.

In response to questions from Elected Members, M Bell clarified the trees within the farm demonstrate commitment to tree planting. The area of hard core removal is ongoing to restore back to peatland with work underway to scrape away the gravel. The shed has a low loader that facilitates moving the vintage machinery. There is inadequate turning circle and flat land at the existing sheds to facilitate movement of the machines. M Bell clarified the farm buildings are full, the farm active and the additional shed required to facilitate the vehicles.

During consideration the Chair clarified the photographs from the Agent had been emailed on Monday at 1.20PM.

Proposed by Alderman Duddy
Seconded by Alderman Baird

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission for the reasons:
- Regarding the topography of the site, the shed is hid and out of sight due to the topography of the land;
- There is complexity in moving the machinery from the current farm yard as it does not allow for access for the low loader due to lack of flat land and room to manoeuvre;
- Shed is detached from the farm yard but is required for safeguarding tourist assets under PPS16 which are transported across the countryside stimulating tourism growth;
- photographs of the vehicles indicate that they could be used for agriculture;
- reinstating piece of in accordance with recommendations and planted substantial landscaping.

Councillor Hunter requested a Recorded Vote.

The Chair put the motion to the Committee to vote.
 12 Members voted For; 1 Member 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 (12)	Alderman Baird, Boyle, Duddy, Finlay, McKeown Councillor Anderson , Dallat O’Driscoll, MA McKillop, McLaughlin, McMullan, Nicholl, Scott
Against (1)	Councillor Hunter
Abstain (0)	

The Chair declared a recess at 12:51PM.

* **The Meeting reconvened at 2.00pm.**

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

Councillor McMullan did not re-join the meeting at this time.

6. Development Management

6.1 Update on Development Management and Enforcement Statistics – 01/04/20 – 31/12/2020

Reports, previously circulated and 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 December 2020 was circulated on a website link within the report.

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 circulated detailed the number of Major planning applications received and decided, as well as the average processing times. In comparison to the same period last year, the number of major applications received has decreased by 5 applications and the number of major applications decided has decreased by 7. 2 Major applications issued in the month of December. Taking account of restrictions relating to Covid-19 pandemic, average processing times are only 0.5 weeks slower when compared to same period last year. Although this is significantly above the statutory indicator for major applications, focus continues to reduce the number of older major applications in the system which inevitably will have a negative impact on average processing times.

Table 2 circulated detailed 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 increased by 4 applications and the number of decisions issued/withdrawn has decreased by 306 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 0.2 weeks slower than same period last year when operating in the normal working environment.

Table 3 circulated detailed 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 92 and the number of cases brought to conclusion has decreased by 77. The Head of Planning drew Committees attention to a misprint on the final line of paragraph 2.4 which should have read '77', not '677'.

The statutory target for concluding 70% of enforcement cases within 39 weeks continues to be met by our Enforcement team with 72.7% of cases YTD concluded within the statutory target. However, of note is that the number of cases concluded within 39 weeks has decreased by 13.7% 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 at the beginning of the pandemic restrictions.

Table 4 circulated detailed the total number of Local applications determined under delegated powers. Determined is taken as the date the decision issued and excludes withdrawn applications. Dfl 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 92.30% of applications determined were delegated under the scheme of delegation.

Table 5 circulated 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 26.3% overturn rate in total.

Table 6 circulated 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.

Fifteen Planning Appeals decisions have issued by the PAC YTD of which the Planning Department has successfully defended its decision on 80% of appeals.

Table 7 circulated detailed 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 circulated 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. At end of December 2020 almost 50% of contentious applications were referred to Planning Committee for determination.

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

AGREED - that the Planning Committee note the update on the development management statistics.

6.2 Quarterly Report on Planning Performance

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

Background

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases.

The statutory targets are:

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

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The Second Quarter 2020/21 Statistical Bulletin was published on 17 December 2020 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

Details

The Website link circulated provided the link to the published bulletin.

Development Management Planning Applications

Table 1 provides a summary of performance in relation to the statutory targets for major development applications and local development applications for the second quarter of 2020-21 business year and provides a comparison of performance against all 11 Councils.

Of note is that we issued the 3rd highest number of major planning applications out of the 11 Councils in Q2 and have the 4th highest number of live applications. However, there has been a reduction in the number of decisions issued when compared to the same period last year due to the restrictions imposed due to Covid-19. In terms of decisions issued in Q2, although this has increased when

compared to Q1 we are 8th out of 11 Councils in terms of the number of decisions issued in this quarter.

In terms of average processing times in Q2, we sit mid-ranking in terms of local applications average processing times but were the 3rd highest (i.e. longest time) for major applications.

Table 2 provides the YTD position at end of Q2. Causeway Coast and Glens Borough Council sits mid-ranking in terms of applications received, live cases and percentage of live cases over 12 months old. Performance has also improved in relation to the average processing time for local applications. Major planning application processing times were impacted by the postponement of Planning Committee meetings in March, April and May and no Committee meeting in July, impeding the progression to decision of the major applications.

Focus on the over 12 month applications in the system is required to reduce the number of older applications in the system. This will be assisted by the recruitment of additional staff in Q4. Therefore, progress in relation to the reduction of over 12 month applications is unlikely to be forthcoming until Q1 of 2021/22 business year.

Enforcement

Table 3 detailed statistics in relation to enforcement for Q2 of the 2020/21 business year and Table 4 shows the position year to date at end of Q2. Of note is that the Enforcement Team continues to meet the statutory target to conclude 70% of cases within 39 weeks. To note, the enforcement team closed the 5th highest number of cases with over 35% as a result of no breach of planning control being identified. Furthermore, the Enforcement team had the 2nd highest number of prosecutions in Q2 out of the 11 Councils. The Enforcement Team have the 5th highest number of live enforcement cases with the 4th highest percentage of cases over 2 years in the system.

Other Activity by Planning Department

Tables 5 and 6 circulated detailed indicate the level of other activity carried out by the Planning Department over Q2 and year to date at end of Q2 of 2020/21 business year.

In addition to the formal applications received, YTD at end of Q2 the Planning Department received 109 other types of applications relating to planning applications, 36 FOI/EIR requests, 304 general correspondence and 34 complaints at varying stages.

Income

Table 5 circulated detailed a breakdown of the income generated by the Planning Department in Q2 of 2020/21. Income (including Property Certificates but excluding DfC Covid Fund) is 69% of that predicted for this period.

Conclusion

In conclusion, performance within the Planning Department continues to steadily improve towards meeting the statutory targets even during the tight restrictions imposed by the Northern Ireland Executive due to Covid-19 pandemic. However areas of concern remain with the number of applications in the system over 12months and the length of time taken to process local applications. With the recruitment of additional staff in Q4 it will be Q1 of 2021/22 before any impact of the additional staff will be achieved.

IT IS RECOMMENDED that the Planning Committee note the Planning Departments Quarterly Report.

AGREED - that the Planning Committee note the Planning Departments Quarterly Report.

7. Development Plan:

7.1 Verbal Update

Presented by the Development Plan Manager.

- 6month LDP Work Programme (Jan-Jun 2021): An updated programme is presented at Item 7.2.
- LDP Member Workshops – Draft Plan Policy approach: Member workshops re-commenced back in September 2020 and will continue throughout most of 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, discussion are ongoing with SES & other affected councils regarding the revised costings. Correspondence recently received on this will be considered.
- Evidence Paper updates: Update of evidence base is ongoing. This is feeding through into our draft policy approach and LDP Member Workshops.

- Publication of Draft Plan Strategy: Revised LDP Timetable presented at Item 7.4.
- **Quarterly update going forward:** Given the repetitive nature of the monthly update a quarterly update will be provided going forward.

The Development Plan Manager provided a verbal recommendation to Committee – **that Members note the update and agree to a quarterly LDP update going forward.**

Councillor Nicholl voiced frustration regarding the legislative requirements for the LDP. He advised of a robust response to be made to Stormont regarding timelines of plans.

The Head of Planning stated the Review of the implementation of the Planning Act Call for Evidence Consultation opened on 15 February 2021 and closing date 15 March 2021. She has written to DfI to request extension to date to submit a response beyond the four week provided and await a reply.

Proposed by Councillor Nicholl
Seconded by Alderman Baird

- that Members note the update and agree to a quarterly LDP update going forward.

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

7.2 Local Development Plan: 6-month indicative LDP Work Programme - Jan-Jun 2021

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

The 6-month indicative Work Programme (attached at Appendix 1) outlines the work areas to be carried out by the Development Plan team within this programme.

DETAIL

As per the Council's existing LDP Timetable, published on 25th November 2019, the indicative date for publication of the Draft Plan Strategy is Autumn/Winter 2020.

From Monday 23rd March 2020 the Development Plan team has been (mostly) working from home, updating the LDP evidence base to inform the preparation of the Draft Plan Strategy.

Consultation with the LDP Project Management Team (key consultees and stakeholders) on the draft planning policies has continued electronically due to ongoing government guidance. This is also likely to remain in place for the duration of this work programme.

The LDP Steering Group (the Planning Committee) receives a verbal monthly update on the LDP work programme. Ad hoc Steering Group meetings will be held throughout the programme, as required.

Member Workshops (face to face) commenced in January 2020, however these were also impacted, for much of 2020, due to government advice. However, virtual workshops re-commenced in September 2020.

LDP Timetable

As highlighted in the previous 6-month work programme update (agreed at the August 2020 Planning Committee Meeting), Members will be aware of the knock-on impact of this on both the original workshop programme and to the overall LDP preparation. This will be further explored in the Revised LDP Timetable paper, which is also for discussion this month.

This matter will be kept under review and Members updated accordingly.

LDP Independent Examinations by the PAC

Members will be aware that the LDP documents (Plans Strategy and Local Polices Plan) are subject to Independent Examination before they can be adopted by the Council.

Working Groups/Collaborative Working

Virtual meetings of the NI Development Plan Working Group continued during the previous work programme and will do so throughout this one. The next meeting is scheduled for 15th March 2021.

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

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

- Sperrin AONB Group.

Sustainability Appraisal

A Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA) of the LDP is an iterative process, continuing throughout the entire Plan-making programme. Members are aware that Shared Environmental Services (SES), working out of Mid & East Antrim Borough Council, are employed to undertake the SA/SEA of the LDP on behalf of the Council (through a Service Level Agreement {SLA}).

On 4th June 2020 SES issued a revised SLA to the Council. However, as the substantial increase in costs is not considered reasonable, legal advice was sought and further detailed information has been requested from SES. We await a substantive response from SES. Members will be updated on this matter following receipt of this information.

Settlement Appraisal

During the precious work programme, the Development Plan team, working in partnership with the consultant, has appraised the Settlements within the Borough. In line with the Evaluation Framework set out in the Regional Development Strategy (RDS) 2035, further work on this will continue throughout this work programme, to inform the LDP preparation.

Landscape Study

Given the level of landscape and environmental designation covering the Borough (over 40% coverage), this study is a key piece of evidence required to inform our LDP policy approach. The Study will provide a robust 'sound' evidence base that will inform the draft LDP policies and proposals.

Reviews

Members will be aware of the recent update to the CC&GBC Retail & Leisure Capacity Study (2017) by Nexus, completed during the last work programme (Jul-Dec 2020). This is now informing both the LDP preparation and planning decisions within the Borough.

Annual Monitors

Preparatory work on the Council's annual monitors will commence within this work programme (subject to completion of other work areas).

Building Preservation Notices (BPNs)

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

Trees

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

Other work

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

IT IS RECOMMENDED that Members note the content of this report and agree to the 6-month (indicative) work programme attached at Appendix 1.

Proposed by Alderman Duddy
Seconded by Councillor Scott

- that Members note the content of this report and agree to the 6-month (indicative) work programme attached at Appendix 1.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

- * **Alderman Finlay left the meeting at 2.36PM.**
- * **Councillor McMullan, having regained connection, re-joined the meeting at 2.37PM.**

7.3 BT consultation to remove the public telephone service from Cozies Road Junction, Castlecat Road, BT53 8AP, to allow the Parish/Town Council adopt the K6 red telephone box for the local community

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

BT consulted the Council on 5th February 2021 on the removal of the public payphone service at the junction of Cozies Road/Castlecat Road (see photos on page 2) and to allow the Ballylough Living History Trust to adopt the K6 red telephone box for the local community (see Appendix 1).

Detail

BT have advised that it has received a request from June Trill, CEO, Ballylough Living History Trust, to adopt the K6 telephone kiosk 02820741374.

BT have advised that they are meeting their obligation to provide a Universal Service as there are other kiosks remaining in the area. The nearest alternative kiosk is at Orby Drive, Luscolman. Ballymoney, BT53 8EB, which is 2951 meters away.

BT have an obligation to consult with the relevant public bodies on the proposed removal and require a response within 90 days.

Options

Option 1: Agree to support the removal: or

Option 2: Agree to oppose the removal.

IT IS RECOMMENDED that Members agree either Option 1 or 2 above to the proposed removal of the phone box and to the Head of Planning responding to BT on behalf of Council.

Proposed by Councillor Hunter
Seconded by Alderman Duddy

- that Members agree Option 1 above to the proposed removal of the phone box and to the Head of Planning responding to BT on behalf of Council.

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.

7.4 Local Development Plan 2035 – Revised Timetable

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

Background

It is a statutory requirement for the Council to prepare a Local Development Plan (LDP). In preparing its LDP the Council must provide a 15-year plan framework to support the economic and social needs of the Borough in line with regional strategies and policies, while providing for the delivery of sustainable development.

It is a statutory requirement to prepare, and keep under review, a timetable for the preparation and adoption of the LDP. The timetable must include indicative dates for each stage of the LDP preparation and the publication of the Preferred Options Paper (POP) and the Development Plan Documents (the Draft Plan Strategy and Draft Local Policies Plan) as well as accompanying documents such as the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA).

Detail

Prepared within the context of the Council's Strategy and Community Plan, the initial LDP Timetable was approved at the 26th June 2016 Planning Committee. It was agreed (as legislatively required) by both the Planning Appeals Commission (PAC) and the Department for Infrastructure (Dfi) prior to its formal publication on 29th November 2016.

The timetable was revised in December 2017, only to update the planning office address following the move from County Hall to Cloonavin.

A more recent revision was published in November 2019, just prior to the COVID-19 pandemic.

Members will be aware, from monthly updates to the Planning Committee, the impact that the COVID restrictions have had on council working practices, and in particular, the impact on the Development Plan team. This resulted in a postponement of the face to face Member LDP Workshops and Project Management Team meetings (with our consultees and key stakeholders) as well as a delay in carrying out the site visits required to inform the Draft Plan Strategy preparation, including the final stage of site visits by the consultant, required to complete the various parts of the Council's Landscape Study.

Members will also be aware of the knock-on effect of the pandemic on the Council's Planning Department, due to the government restrictions on access to the office. Planning staff were not classed as "essential". This also had a knock-on effect in securing the IT resources required to enable staff to carry out their work at home. However, once established, staff were able to carry out their normal duties.

In addition to the above issues, given the time that has now passed since the publication of the POP, a number of reports require updating to ensure that we prepare a "sound" Plan, based on robust and up to date evidence. This includes an update of the retail element of the Council's (2017) Retail & Leisure Capacity Study (agreed at the November 2020 Planning Committee) and an update of the 2017 Business and On-Street Perception Studies (due to commence within this financial year).

Members are also aware of the revised SLA, with increased costings, received from Shared Environmental Services, for the provision of the LDP Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA). This issue remains under review.

The Council has a small Development Plan Team, working through all of the various pieces of work required to inform the LDP Draft Plan Strategy. Based on the resources currently available, the revised indicative timeframe for the publication of the Draft Plan Strategy is now Spring/Summer 2022.

Other factors

There are a number of additional factors that could potentially impact upon the LDP preparation. These are set out at Section 5 of the revised timetable (attached at Appendix 1), including the steps and safeguards to manage the plan-making process and to highlight any potential impacts to Members.

The Revised Timetable

It is important to note that the new LDP process is totally new in Northern Ireland. No Council has undertaken a full cycle of Plan preparation (including the POP, Plan Strategy & Local Policies Plan), therefore it is not yet possible to benchmark this process.

Although it was anticipated that the new planning regime would take some time to settle down, it is fair to say that it has been a much steeper learning curve than was originally anticipated, for all 11 NI Council's, Members, DfI and the PAC.

As an evolving process it is anticipated that further up to date DfI guidance will be published. The Council has a statutory duty to take account of such guidance, and a failure to do so could result in the LDP being found 'unsound' at IE or lead to a legal challenge.

This, in turn, has the potential to impact on the LDP timetable as it may result in additional stages of LDP preparation and/or increased workloads or costs.

Review

The LDP Timetable will be kept under review. Under the Planning Act 2011, the Council may carry out a revision, which must be agreed with both the PAC and DfI and publicised in the local newspaper and made available to view on the Council's website.

IT IS RECOMMENDED that Members agree to the Draft Revised LDP Timetable attached at Appendix 1.

Proposed by Alderman Duddy
Seconded by Alderman Baird

- that Members agree to the Draft Revised LDP Timetable attached at Appendix 1.

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.

7.5 Revised Statement of Community Involvement in Planning (SCI)

Reports, previously circulated and presented by the Development Plan Manager.

INTRODUCTION

Councils are required, under Section 4 of the Planning Act (Northern Ireland) 2011 to prepare a Statement of Community Involvement in Planning (SCI). A SCI sets out how a Council proposes to engage with interested parties, including the local community and key stakeholders, in exercising its planning functions.

The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 set out the minimum requirements for an SCI including its form, content and availability. It also lists the SCI as one of many “submission” documents to be submitted for Independent Examination during the Local Development Plan process.

Public consultation on an SCI is not mandatory, therefore a decision to undertake it is at a Council’s discretion. If it does take the decision to consult, a Council must make appropriate arrangements to do so and take into account any representations received.

DETAIL

The Council first published its SCI in November 2016, following an 8-week public consultation exercise, during which it received no representations.

An updated SCI was published in December 2017. As the update related only to a change of contact details, following the Planning Department’s move from County Hall to Cloonavin, it was considered (in consultation with the Department for Infrastructure) that it was not necessary to take a decision on whether or not to publish it for comment.

Need for a Revised SCI (2020)

Following the Covid-19 outbreak and subsequent government advice re social distancing measures, a revision to the SCI is required to ensure that the Council’s advice and guidance remains up to date, and the Council can carry on its planning functions in line with government advice.

The revised SCI (attached at Appendix 1) provides an update of how Council proposes to engage with interested parties in the current circumstances. The revisions mainly relate to the Development Management process, particularly finding alternatives to face-to-face meetings and public consultation events. They may also impact on other key areas, e.g. LDP public meetings/workshops, etc.

The SCI has been kept under review considering the ongoing Covid-19 situation and prevalent government and public health advice.

Revised SCI

Following agreement on the previous Revised SCI at the June 2020 Planning Committee further discussions have taken place regarding how the Council can continue to provide its range of services whilst ensuring compliance with prevailing government and public health guidelines. This has resulted in the need to further update the SCI text.

Public Consultation

At the June 2020 Planning Committee Members agreed that (discretionary) public consultation would not take place, given that the Council received no representations during the original SCI public consultation exercise back in 2016. As it is not a mandatory requirement to undertake such consultation, it is recommended that on this occasion also, a public consultation exercise is not undertaken.

Any revision must still be formally agreed with DfI before being advertised in the local paper and made available to view on the Council's website.

IT IS RECOMMENDED that Members agree to the revised SCI, attached at Appendix 1, and that a public consultation exercise will not be carried out.

Proposed by Alderman Duddy
Seconded by Councillor Anderson

- that Members agree to the revised SCI, attached at Appendix 1, and that a public consultation exercise will not be carried out.

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 unanimously.

8. Correspondence

Correspondence, previously circulated and presented by the Development Plan Manager

8.1 Derry City & Strabane District Council LDO 2030 dPS – Council’s response

Circulated.

8.2 DFC – Draft Information Guide for Local Councils – Listed Buildings – Council’s response

Circulated.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor Anderson
Seconded by Alderman Boyle and

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

* **Press were disconnected from the meeting at 2.54pm.**

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

9. Confidential Items

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

9.1 Planning Department – Budget Period 1-9 Update

The report provided Members with an update on the financial position of the Planning Department as of end Period 9 of the 2020/21 business year.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Alderman Boyle
Seconded by Alderman Baird and

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

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

There were no Items of Any Other Relevant Business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 2.56PM.

Chair