

**PLANNING COMMITTEE MEETING WEDNESDAY 24 MARCH 2021**

**Table of Key Adoptions**

| <b>No.</b> | <b>Item</b>  | <b>Summary of Decisions</b>  |
|------------|--|--|
| <b>1.</b>  | Apologies  | <b><i>Nil</i></b>  |
| <b>2.</b>  | Declarations of Interest   | <b><i>Alderman Finlay</i></b>  |
| <b>3.</b>  | Minutes of Planning Committee meeting held Wednesday 24 February 2021                            | <b><i>Confirmed</i></b>  |
| <b>4.</b>  | Order of Items and Confirmation of Registered Speakers   | <p><b><i>LA01/2017/0539/F, Lands at Curran Strand, Portrush deferred for a Site Visit</i></b></p> <p><b><i>LA01/2019/0430/F, Rock House, 7 Rock Drive, Portstewart deferred for a Site Visit</i></b></p> <p><b><i>Order of Business Agreed</i></b></p> |
| <b>5.</b>  | Schedule of Applications:  | <b><i>That Planning Committee receive the presentation slides, electronically, in advance of the meeting</i></b>   |
|            | <b>5.1</b> LA01/2019/0891/F, Castlerock Golf Club, 65 Circular Road, Castlerock                  | <b><i>Approved</i></b>   |
|            | <b>5.2</b> LA01/2019/0758/F, Lands at Clare Park approx. 40m North of 62 Clare Road, Ballycastle | <b><i>Approved</i></b>   |
|            | <b>5.3</b> LA01/2020/1164/F, Site at the Corner of St Paul's Road & Fairview Park, Articlave     | <b><i>That the Planning Committee defer LA01/2020/1164/F for an amendment of the Scheme to remove the fence</i></b>  |

|           |  |   |
|-----------|--|---|
|           | <b>5.4</b> LA01/2020/0896/O, 4 Larkhill Road, Portstewart                                      | <b>Approved</b>   |
|           | <b>5.5</b> LA01/2019/0903/O, 55 Strand Road, Portstewart                                       | <b>Approved</b>   |
|           | <b>5.6</b> LA01/2019/0850/F, Lands adjacent to Willowfield Drive, Coleraine                    | <b>That Planning Committee defer consideration for clarity on culvert and impact on flooding; that Planning Committee hear from Rivers Agency and any consequences in relation to flooding</b>                            |
|           | <b>5.7</b> LA01/2020/0467/F, South of and adjacent to 11 Sunvale Park, Greysteel               | <b>That Planning Committee defer consideration to look at design, and siting and bring back to Committee for determination</b>  |
|           | <b>5.8</b> LA01/2019/0183/O, 12m East of 4 Larch Road, Ballyharigan, Dungiven                  | <b>Refused</b>  |
|           |  |   |
| <b>6.</b> | Development Management:  |   |
|           | <b>6.1</b> Update on Development Management and Enforcement Statistics – 01/04/20 – 31/01/2021 | <b>That the Planning Committee note the update on the development management statistics.</b>  |
|           | <b>6.2</b> Planning Applications Checklist   | <b>That the Committee agrees to the content of the Application Checklist and the publication it in the Planning section of Council's website;<br/><br/>that the correction is made to paragraph 2.3, 3 'working days'</b> |
|           |  |   |
| <b>7.</b> | Development Plan:  |   |
|           | <b>7.1</b> Verbal Update   | <b>Noted</b>  |
|           | <b>7.2</b> LDP 2035 – Revised Timetable  | <b>That Members agree to the Draft Revised LDP Timetable attached at Appendix 1 (circulated).</b>   |
|           |  |   |
| <b>8.</b> | Correspondence   |   |
|           | <b>8.1</b> Baranailt Residents Group V PAC – PAP Response                                      | <b>Information</b>  |

|            |  |   |
|------------|--|---|
|            | <b>8.2</b> DfC Publication – Listed Buildings – Common Myths & Queries                     | <b>Information</b>  |
|            | <b>8.3</b> DfI – Call for Evidence – Review of the Implementation of the Planning Act 2011 | <b>Deferred and hold a Workshop</b>   |
|            |  |   |
|            | <b>'In Committee' (Item 9.1)</b>   |   |
| <b>9.</b>  | Confidential Items   |   |
|            | <b>9.1</b> Planning Department – Budget Period 1-10 Update                                 | <b>That the Planning Committee notes the update provided on the Planning budget as of end of period 10 of 2020/21 financial year.</b>   |
|            |  |   |
| <b>10.</b> | Any Other Relevant Business (in accordance with Standing Order 12 (o))                     |   |
|            | <b>10 (i)</b> Review of Part B of Scheme of Delegation (Councillor McGurk)                 | <b>Bring a report back with original wording and proposed revised wording regarding additional information at Part B bullet point 2</b> |

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE  
HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND VIA VIDEO  
CONFERENCE ON WEDNESDAY 24 MARCH 2021 AT 10.40am**

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

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

**Officers Present:**

D Dickson, Head of Planning (C)  
 S Mathers, Development Management and Enforcement Manager (R)  
 S Mulhern, Development Plan Manager (R)  
 B Edgar, Head of Health and Built Environment (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)

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

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

Press (2 No.) (R)  
 Public (38 No.) (R)

**Key R = Remote                      C = Chamber**

**Registered Speakers in Attendance (All remote):**

| <b>Application No</b> | <b>Name</b>                     |
|-----------------------|---------------------------------|
| LA01/2019/0891/F      | B McKay<br>G Rice               |
| LA01/2019/0758/F      | G McGill                        |
| LA01/2017/0539/F      | C Fegan<br>C Shanks<br>K Calder |

|                  |  |
|------------------|--|
|                  | K Goodbun<br>I Paisley MP<br>C Vincent (consultee)<br>J Hanna (consultee)<br>R Mullan (consultee)<br>M Kearney (consultee)<br>A Gillan (consultee) |
| LA01/2019/0903/O | J Mullan<br>K Burns<br>T Robinson  |
| LA01/2019/0850/F | Councillor R Holmes<br>D McLaughlin<br>N Brown<br>R Sheehy   |
| LA01/2019/0430/F | M Bell   |
| LA01/2020/0467/F | I Lapsley<br>A Devlin  |
| LA01/2019/0183/O | C McIlvar  |

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

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**

There were no apologies recorded.

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

Declarations of Interest were recorded for Alderman Finlay in LA01/2020/0467/F, South of and adjacent to 11 Sunvale Park, Greysteel. Alderman Finlay left the meeting during consideration of the Item.

### **3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 24 FEBRUARY 2021**

Minutes, previously circulated.

Proposed by Alderman Baird

Seconded by Councillor MA McKillop

- That the Minutes of the Planning Committee meeting held Wednesday 24 February 2021 are confirmed as a correct record.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried unanimously.

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

The Chair advised there was no change to the Order of Business as set out.

Proposed by Alderman Duddy

Seconded by Alderman Baird

- that LA01/2019/0430/F, Rock House, 7 Rock Drive, Portstewart is deferred for a Site Visit, due to scale and change and massing of the new development.

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 defer for a Site Visit carried unanimously.

Proposed by Councillor Dallat O'Driscoll

Seconded by Alderman Boyle

- that LA01/2017/0539/F, Lands at Curran Strand, Portrush is deferred for a Site Visit to better see the extent of works and impact and rock armour.

#### Amendment

Proposed by Alderman Baird

Seconded by Alderman McKeown

- that Planning Committee hear the evidence today (LA01/2017/0539/F, Lands at Curran Strand, Portrush), in advance of the Site Visit.

The Chair put the Amendment to the Committee to vote.

4 Members voted For; 9 Members voted Against; 0 Members Abstained.

The Chair declared the Amendment lost.

At this point a speaker tried to interject and was disallowed by the Chair.

The Chair put the substantive motion to the Committee to vote.  
12 Members voted For; 0 Members voted Against; 1 Member Abstained.  
The Chair declared the motion to defer for a Site Visit carried.

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

### **5.1 LA01/2019/0891/F, Castlerock Golf Club, 65 Circular Road, Castlerock**

**App Type:** Full

**Proposal:** Retrospective application for reconfiguration of Castlerock Golf Course

Report, additional information received, and Addendum previously circulated, presented by Development Management and Enforcement Manager, S Mathers.

#### **Recommendation**

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

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve as set out in paragraph 9.1 of the Planning Committee Report.

During the initial presentation, an IT difficulty occurred and was shortly resolved.

Proposed by Councillor Scott  
Seconded by Alderman Duddy

- That Planning Committee receive the presentation slides, electronically, in advance of the meeting.

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

Alderman S McKillop asked that it was noted she was unable to cast her vote during the previous voting as she was unable to unmute her device.



Councillor Hunter stated receipt of electronic slides was not achievable for her personal situation.

Development Management and Enforcement Manager, S Mathers presented via PowerPoint presentation.

- The proposal comprises the reconfiguration of 6 of the 18 holes at Castlerock Golf Club. Retrospective permission is sought by the application.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside beyond the settlement development limit of Castlerock. The Northern Area Plan does not contain specific policies on recreation development, rather directing that regional policies apply.
- 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.
- Principle Of Development- Policy OS 3 of PPS 8 Open Space, Sport and Outdoor Recreation is the lead policy for this proposal which makes provision for such development subject to criteria including visual amenity, residential amenity, nature conservation and built heritage/ archaeology.
- Visual Amenity- The works involved re-turfing of greens and re-profiling of bunkers on the existing golf course. Photographs of the course before and after the works are undertaken were provided. There is no significant visual impact resulting from the works carried out and no buildings are proposed. Accordingly, the proposal is considered acceptable within the Binevenagh AONB and within the Castlerock Dunes LLPA.
- Residential Amenity- There are dwellings in proximity to the application site at Circular Road. While the construction works may have had the potential to cause disturbance, the Environmental Health Department confirmed that no complaints were received. The resulting works are unlikely to have effect on residential amenity.
- Natural Heritage- While the site is adjacent the Bann Estuary SAC, NIEA Natural Environment Division is content that the proposal will not have an adverse impact on this site. Natural Environment Division is content that the proposal is unlikely to have significantly impacted priority habitats during the construction works.
- Archaeology- While the 16<sup>th</sup> Hole is a Prehistoric Sandhill Site, no work was proposed at this location. Historic Environment Division are content with the proposal accordingly.

- Coastal Processes- NIEA Marine and Fisheries Division while content with the retrospective works had concerns with any future drainage and erosion control works. To address this issue, conditions have been added to require the prior consent of the Council (in consultation with NIEA Marine) before undertaking such work.
- Representations- The detail of these is considered in the report.

Conclusion- The proposal meets with the policy requirements for such a golf course development. Likewise it is considered acceptable having regard to other considerations as detailed in the Committee Report. Approval is recommended.

The Chair invited B McKay and G Rice to present in support of the application. G Rice addressed committee, she welcomed the recommendation to approve and commended the case officer. G Rice advised the renovations had taken place in 2018, were well established, bedded in and works praised within the industry. They were of clear benefit to Castlerock and the area. G Rice stated approval had been considered by all consultees and no objections raised and invited questions from Committee.

No questions were put to the speaker.

Proposed by Councillor Scott  
Seconded by Alderman S McKillop

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

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

## **5.2 LA01/2019/0758/F, Lands at Clare Park approx. 40m North of 62 Clare Road, Ballycastle**

**App Type:** Full

**Proposal:** Proposed extension to holiday park (including regularisation of as built minor amendments) comprising mobile caravans, bin stores, landscaping and ancillary site works.

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

### **Recommendation**

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

### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve as set out in paragraph 1.1 of the Planning Committee Report.

### **Erratum Recommendation**

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

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

- The proposal comprises both: seeking retrospective approval for some changes to the development already carried out at Phase 1 (which was approved on 28 January 2016) and; new development at Phase 2 of the Clare Park Caravan Park. 52 additional static caravans are proposed, adding to the 109 approved at Phase 1. No ancillary buildings are proposed in this Phase, having been provided at Phase 1.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside beyond the settlement development limit of Ballycastle. The Northern Area Plan does not contain specific policies on tourism development, rather directing that regional policies apply.
- 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.
- Principle of Development- Policies TSM 6 New and Extended Holiday Parks in the Countryside and TSM 7 Criteria for Tourism Development of PPS16 are the lead policies for this development proposal. The area does have the capacity to absorb the development without adverse impact on visual amenity by reason of its integration characteristics. Specifically, the site benefits from existing tree groups and the topography of the site is acceptable for the low elevation caravans. Only the east end of the site requires new planting which takes the form of proposed new tree belts. The

existing stone wall along the site frontage is being retained with a portion realigned to achieve visibility to the east of the site in the area of the new pedestrian crossing point. From critical views on Clare Road, the proposal will appear acceptable.

- **Layout & Open Space-** The overall layout does comply with policy as the development takes the form of discrete groupings or clusters of units. The overall provision of open space exceeds the 15% site area requirement specified by policy. A substantial open space area is proposed to the east side of the development.
- **Amenity-** There are dwellings in proximity to the application site at Clare Road and Moyle Road. The relationship of the proposal with these is considered acceptable having regard to the separation distances and proposed intervening landscaping.
- **Access-** The vehicular access to the site is that approved and developed for Phase 1 which accesses from Clare Road with a right turn lane. A connecting footpath is proposed which runs along the inside of the site then crosses Clare Road at a new pedestrian crossing point. DfI Roads are content with these arrangements.
- **Natural & Built Heritage-** The proposal is considered acceptable subject to construction mitigation measures regarding protected bird species in the area adjacent the cliffs. In terms of archaeology, the proposal is acceptable subject to conditions requiring a programme of archaeological works.
- **TPO Trees-** Trees on the site are subject to a Tree Preservation Order. These trees are mainly Austrian Pine, Sitka Spruce, Ash and Sycamore. The design and layout of the holiday park ensures that the treed character and visual amenity of the site is maintained.
- **Cliff Top Path-** The proposal makes provision for a cliff top public right of way/ path shown on the plans for information purposes.

**Conclusion-** The proposal meets with the policy requirements for a new caravan site/ holiday park in the countryside. Likewise it is considered acceptable having regard to other considerations detailed in the Committee Report. Approval is recommended.

In response to questions from Elected Members the Development Management and Enforcement Manager clarified- the cliff top path shown on the application did not form part of the application and was for information purposes. The Right of Way shown will not be compromised by the development. Phase 2 has not yet been developed. The red line of the boundary of the application site runs along the

top of the cliff and a fence is there for public safety. The Development Management and Enforcement Manager referred to the addendum Conditions and cited from the document.

The Development Management and Enforcement Manager clarified, in processing the application, a tree survey and report had been completed by the Agent. Two trees had been removed fronting Clare Road, opposite the old grave. Additional planting is detailed on the plans. Condition proposed for the submission of tree and shrub planting specification and programme of works before development is operational.

The Development Management and Enforcement Manager clarified the location of the new connecting footpath inside the existing stone wall and through to the vicinity of the T-junction on the Moyle Road at the Ballycastle end of the site and new pedestrian crossing point proposed. To achieve pedestrian visibility a Condition within the Erratum has clarified pedestrian access / footpath link to be provided before proposed development shall commence and cited from the document.

The Development Management and Enforcement Manager clarified the grave is reported at paragraph 8.36 within the Planning Committee report, and in consultation with HED, are content. Conditions regarding archaeology and progression of work are proposed. The development set back from the grave.

The Chair invite G McGill to speak in support of the application.

G McGill advised he concurred with the case officer recommendation to approve and was available to answer questions, he advised issues had been thoroughly covered.

In response to questions from Elected Members, G McGill clarified plans were set back off the graveyard and no development in close proximity and would work to protect the grave. He confirmed the applicant would have no objection to anyone accessing the grave, subject to checking with the Site Owner.

Proposed by Councillor MA McKillop

Seconded by Alderman Finlay

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

The Chair put the motion to the Committee to vote.

14 Members voted for; 0 Members voted Against; 0 Members Abstained.

The Chair declared the motion to approve carried.

### **5.3 LA01/2020/1164/F, Site at the Corner of St Paul's Road & Fairview Park, Articlave**

**App Type:** Full

**Proposal:** Alterations to existing fence and new paving associated with granite sculpture as per planning approval LA01/2019/0789/F.

Report, and addendum previously circulated, presented by Senior Planning Officer, M Wilson.

#### **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.

#### **Addendum Recommendation**

That the Committee note the contents of the objection and this Addendum, and agree with the recommendation to approve as set out in Paragraphs 1.1 & 9.1 of the Planning Committee Report.

Senior Planning Officer presented via powerpoint slides as follows:

- Full planning permission is sought for alterations to the existing fence and new paving associated with granite sculpture as per planning approval LA01/2019/0789/F.
- In terms of the Northern Area Plan, the site is located within the settlement development limits of Articlave
- This is a Local application and is being presented to the Planning Committee on the basis that the Council is the agent. One addendum circulated relating to an objection that was received on 12<sup>th</sup> March 2021, after the planning committee report had been published.
- Slide - The location plan showing the red line and photos of the site
- Photo - shows the application site in relationship to Fairview Park.
- Closer photos showing the sculpture and the existing fencing; the proposed fencing is to be sited around the sculpture.

- This is shown on the block plan and is a relatively small area close to the sculpture
- Considering the Principle of development - The proposed fencing is 1.2m in height and forms a rectangular enclosure around the 'Home to Roost' sculpture; the enclosure measures approximately 2.8m in width and 3.8m in length. The enclosed area is to be paved using Tobermore brick pavements.
- When assessed against Policy DES 2, the scale of the fencing is considered acceptable given the existing use of the land and will therefore not detract from the 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.
- The potential impacts of the proposal relate to an archaeological site and monument and Listed Building at St. Paul's Parish Church; Historic Environment Division has been consulted and it raises no objection to the proposal.
- There is one letter of objection as set out in your addendum. This is an objection from an Agent on behalf of their client and raises concerns about the need for a fence, disabled access, that the fence is ugly and unwelcomed and will obliterate the sculpture which will cheapen the expense of the sculpture and queries if the input of the artist of the sculpture was sought in relation to this proposal as it seems to be alien to the design of the sculpture. These matters are considered in your Addendum.
- Approval is recommended.

In response to requests from Members for clarification regarding the objection from the Agent on behalf of a client regarding the fence, the Senior Planning Officer referred to the Addendum - there is no Policy requirement to demonstrate need for a fence and reasoning is a matter for the Applicant, 1718 Articlave Group. He further responded, advising the principle of planting would not impact on visibility splays. The Senior Officer referred to permitted development rights for means of enclosure and that planning permission is not required for the planting of a hedge unless exempted by a condition of a previous planning approval. He advised that the land is owned by NIHE and notice served on it; the Sculpture has been previously approved; and, the application is for brick paving and a fence. Referring to a slide, the Senior Planning Officer showed Members the location of the road edge, grass and brick area of 3.8m x 2.8m.

Alderman Duddy proposed the recommendation without the inclusion of the fence, as is already a piece of open ground, to enable the sculpture to be open and accessible. A 1.2m fence would obstruct the sculpture and the reason it was put

there for historical nature. Alderman Duddy, after further consideration, withdrew his proposal.

The Head of Planning advised the current application could not be amended, the proposal was for a fence and new paving associated with it. Removal of the fence would require re-advertising, re-notification, a split decision to refuse part of the application could be considered.

The Head of Planning clarified the options available for Committee; to defer for a Site Visit; to defer for an amendment to the Scheme; to grant the application; to refuse the application.

Proposed by Councillor Anderson  
Seconded by Alderman Duddy

- That the Planning Committee defer LA01/2020/1164/F for an amendment of the Scheme to remove the fence.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion to defer to amend the Scheme carried.

#### **5.4 LA01/2020/0896/O, 4 Larkhill Road, Portstewart**

- \* **Alderman Duddy left the meeting at 12.07pm, re-joined at 12.08pm and did not vote on the application.**

**App Type:** Outline Planning

**Proposal:** Replacement Dwelling and retention of garage

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

#### **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 stated there had been 10 objections received to the proposal from 9 separate addresses. The main points of objection relate to: impact on residential amenity due to overlooking and loss of privacy, loss of light, overshadowing. Concerns relating to the proposed scale, height massing and the impact on the established character. These points are set out in section 5 of the Planning Committee Report.



The site is located in the Settlement Development Limit of Portstewart as defined in the Northern Area Plan. The proposal has been considered against the relevant planning policies in the Plan, the SPPS, PPS 3, PPS 7 and its addendum.

The Senior Planning Officer presented via powerpoint as follows:

- . The red line highlighting the boundaries of the site. Members may recall the assessment a few months ago with the site to the south No 6 which was approved as a replacement dwelling. As you can see the site is within an established residential area.
- . The replacement dwelling is on a sloping site. It is a modest dwelling with front extensions. The dwelling sits further back on the building line than the dwellings either side. The roof pitches step up Larkhill as can be seen.
- . The rear of the existing property.
- . Views from No 2 the neighbouring property looking towards the gable of the dwelling to be replaced.
- . The relationship and boundary treatment with No 2.
- . The stepped nature of the dwellings on Larkhill Road. The replacement of a residential property is acceptable in principle. As this is an outline planning application all details on the scale, massing, floor levels, windows, design will be considered under the reserved matters.

DFI Roads, NI Water and Environmental Health were consulted and raised no objection. The proposed conditions are set out in section 10 of the report. One of the conditions relate to DFI Roads information and the other conditions relate to the detail to be provided at RM stage relating to the design, siting, and proposed and existing levels. The points raised in the objection items will also be considered at that stage. Recommendation is to approve outline permission for replacement of this urban dwelling.

In response to requests for clarification from Members, the Senior Planning Officer advised issues raised by objectors would be considered at the Reserved Matters stage when the detail would be submitted. She outlined the red line of the site, and no idea of potential size, scale and massing. The initial application was outline for a 2-storey and the description was subsequently amended to replacement dwelling.

Proposed by Alderman Finlay  
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 **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.

## **5.5 LA01/2019/0903/O, 55 Strand Road, Portstewart**

**App Type:** Outline Planning

**Proposal:** Demolition of existing dwelling and erection of apartments.

Report, additional information received, site visit report and addendum, previously circulated, erratum and verbal addendum, presented by Development Management and Enforcement Manager, S Mathers.

### **Recommendation**

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

### **Addendum Recommendation**

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

### **Erratum**

Corrects the figures regarding footprint, retaining wall and shared areas.

Development Management and Enforcement Manager presented via powerpoint as follows:

- While an outline proposal, details of a scheme have been provided. These show that the proposal comprises redevelopment of the site with an apartment building and covered car parking to the rear with amenity space areas. The site is located within the suburbs of Portstewart in a residential area adjacent the coast.
- In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Portstewart. It is located on unzoned land. Relevant regional policies apply to assessment of the proposal.

- This is a Local application and is being presented to the Planning Committee on the basis that there were more than 5 objections from separate addresses.
- Character/ Context- The scheme, as amended, presents an acceptable design solution which fits into the character of the area. Key aspects of the design include: a garden/ lawn area to the front of building; the absence of visible car parking; an appropriate scale of building and successful elevation treatment. Collectively these design elements allow the development to not readily identify itself as an apartment development and for the proposal to assimilate into the street scene. The proposal retains the ridge height of the existing building, has a frontage less than that of the existing development and retains the building line. The provision of the car parking to the rear by means of excavation with the garden terrace over, presents an appropriate design solution which is not detrimental to the visual character of the area.
- Amenity Space- For apartment development, shared private amenity space provision is required. The private amenity space takes the form of the green terrace over the car parking area. The size of this area meets with the required space standards.
- Relationship With Adjacent Properties- The proposal is adjacent dwellings on three sides- to Strand Road to the north and south and to Prospect Road to the east. By reason of the scale of the building, levels, separation distances and boundary treatments, the proposal would not cause unacceptable harm to these adjacent dwellings by reason of dominance, overlooking or overshadowing. Detailed consideration of the design to take account of neighbouring properties will be required at reserved matters stage.
- Access/ Car Parking- The existing access point to Strand Road to the south corner of the site is to be relocated to the north corner. The visibility from this relocated access is acceptable to DfI Roads. Adequate car parking is proposed to serve the development.
- Representations- The detail of the representations are set out in the Planning Committee Report.
- Proposal is considered acceptable and recommendation is to approve.

Development Management and Enforcement Manager stated a Verbal addendum:

1. 3 further representations of objection have been received.

2. These raise issues regarding: the development being out of character with the area; precedent; traffic/ road safety concerns; the adverse effect on the amenity of neighbouring properties and; the impact of second home development on social provision in Portstewart.
3. These issues, with the exception of the latter, are addressed in the Planning Committee Report. In response to the concerns regarding second homes, the proposal is for apartments which would allow for permanent occupation i.e. the application is not for holiday accommodation. Whether prospective purchasers resolve to use the apartments for their own holiday use is a matter outside planning control.

Development Management and Enforcement Manager reported the Head of Health and Built Environment and Dfi Roads representatives were each in attendance.

In response to requests for clarification from Members, Development Management and Enforcement Manager clarified the following areas:

- Illustrating with the slide presentation, confirmed no.6 Prospect Road was the dwelling with the red roof, he outlined the silhouette of the existing development on the new development, the assessment, the proposal not adversely affecting no. 6. The building would be different and will have different massing, and some alterations to what they would see;
- Illustrating with the slide presentation, the levels, deck area and amenity area, the cross section levels relative to no. 6 and cross section 'CC'. The rear garden level no. 6 higher than the level of the amenity deck around the boundary. The difference in height between the decking and no. 6, the deck level 21.8m, the point of the boundary of the rear garden at no. 6, 22.2m approximately, a difference of 40cm to the lower point of the rear garden of no. 6; the back garden of no. 6 increase because of the building line;
- The car park semi-subterranean;
- No. 53 relationship is acceptable due to the levels, boundary treatment and separation distances;
- The semi-detached to the North, the curtilage adjacent to the new access;
- Condition 8 – the scheme generally accords with the specific drawings at Reserved Matters, accords with concept and detail assessment of finalised design would be made at that stage;
- No. 57 chalet bungalow to the South is below the application site, referring to the hard copy plans and measuring off plan the closest point between the building footprint and garage scaling off, 5m;
- Referring to the cross section of the drawing 'AA' existing garage no. 57, the existing boundary bank to be retained at that property, the existing

- development recessed down and acceptable, because of the way it is designed and the existing boundary treatment;
- The extent of the parking referred to in paragraph 8.53 of the Planning Committee report, is achievable and predicated by what the Scheme is showing and has to be designed around that.

The Head of Planning clarified the previous outline application heard earlier in the Planning Committee meeting had no drawings submitted. This application has detailed plans and conditioned to generally accord with the details submitted. Referring to Condition 5, Reserved Matters, parking and servicing requirements of the Department would be in line with current standards. If they cannot be achieved they reduce the numbers to reflect what can be achieved and clarified the reference to 10 apartments had been removed.

In response to a question from Members, A Gillen, DfI Roads clarified, the proposed access is capable of 2-way traffic within the development, he was not certain how many apartments there would be at this stage and 10 apartments assumed. 8-10 vehicle movements per day per unit, = 80-100. 2-way access suggesting 6m is sufficient to accommodate the level of traffic and capacity of the Strand Road is more than capable to accept this level of additional traffic.

The Chair invited J Mullan to speak in objection to the application.

J Mullan addressed Committee and advised she was speaking in objection to the application as a member of the public, a Portstewart Resident and on behalf of her mother who resided at no. 53. J Mullan stated there had been 21 objections, and would detail 3 areas 1) setting a very dangerous precedent for similar developments on the Strand Road, 2) density and character of the unique setting of Strand Road should be taken in isolation, 3) privacy, noise and amenity.

J Mullan stated there would be an undesirable precedent for the erosion of the character of the area as other areas of Portstewart had come under significant pressure for apartments and it could not be said who was going to move in. The area was not typified by apartments, the area being one of detached and semi-detached family homes and stated disagreement with the view the apartments as sympathetic to the character of the area.

J Mullan referred to paragraph 8.30 of the Planning Committee report states there will be overshadowing and loss of light. Regarding private amenity space – there will be overlooking of no. 53. J Mullan stated there had been upset that the views of the side garden were deemed not private and open to public views from the side road; she advised there would be multiple residency occupants and therefore the overlooking from these residents is not comparable to those from the public road or adjacent garden of family home. The noise from a small family garden is

not comparable to a large communal garden. J Mullan referred to Traffic – an increase in noise from the increase in the number of vehicles from the address entering and exiting and affecting houses at no 55 and for a number of properties. She stated concerns regarding road safety due to increase in number of vehicles entering and leaving the site.

J Mullan concluded, the apartments unacceptable, having a detrimental, irreversible impact on the existing residential character of the unique character of the Strand Road, Portstewart setting precedent. An increase in noise, disturbance, overlooking private amenity space and the apartments of no benefit to Portstewart.

The Chair invited K Burns and T Robinson to speak in support of the application.

K Burns advised there had been no objections until the last couple of days to design and stated disappointment raised at this stage.

K Burns addressed the following areas:

- Access – with regards to traffic and speed was content, a topographical survey undertaken, safe and adequate;
- It relocates a substandard location to a safer arrangement;
- Needs of parking are satisfied for maximum of 8no. apartments;
- Principle, there are many other apartments on the Strand Road; no Policy restricts the use of apartments and each application assessed on its own merit;
- No change to the character of the area, design of the proposed site at the current corner location, established residential character and in keeping with policy LC1 of Addendum to PPS7;
- Overshadowing assessment undertaken and no neighbouring development impacted including no. 53;
- Overlooking – negligible impact, the floor level 3.7m below; 30m separation distance; detailed plans will be submitted at reserved matters stage and designed with no windows to elevation to restrict overlooking. Rear garden is enclosed and therefore no overlooking from there;
- No. 53 private amenity space – a large site, open and prominent to side and front areas and overlooked from the Strand Road and not considered private amenity area; private amenity is to the rear;
- Noise – sections provided and relationship is appropriate. Proposal will have no demonstrable difference in size appearance, function, enclosure provision. Residential use and Environmental Health have no issues regarding noise.

K Burns concluded it was a robust recommendation and there were no reasons why it would not be supported and to avoid additional costs, with an appeal to the Commission.

Alderman Finlay proposed the recommendation.

A Member stated concern with loss of amenity, impact the development would have on the current character and residential area; whilst taking on board the full application in relation to noise assessment, it is not known what is going to be built. Access to and from with increased level of traffic, the close proximity of the new entrance would have to no. 53; he stated the Committee had heard from Mr Gillan, regarding traffic using the block, it was assumed 10no. apartments, downscaled to 8no. apartments. There is going to be overshadowing. The Member stated he did not accept the applicants points in relation to the private amenity space of no. 53 at the back, is not in the totality of the dwelling. Density of over development of the site will have impact on residential amenity. He raised concern that the details of the car parking was not fully before the Committee; could have up to 16 cars. He had further concern regarding the noise from the terrace at the back; the subterranean car park, the driveway to be dug out at depth.

A further Member concurred with the comments stating it would be setting a dangerous precedent and did not agree with the recommendation.

Proposed by Alderman Finlay  
Seconded by Councillor Nicholl

- 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.  
9 Members voted For; 3 Members voted Against; 2 Members Abstained.  
The Chair declared the motion to approve carried.

The Chair declared a recess for one hour at 1.10pm.

\* **The meeting reconvened at 2.15pm.**

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

\* **Councillor Anderson did not re-join the meeting.**

## 5.6 LA01/2019/0850/F, Lands adjacent to Willowfield Drive, Coleraine

**App Type:** Full

**Proposal:** Residential development of 32No.units - 2 no. bungalows, 8 No. detached and 22 No. semi-detached dwellings. The proposal includes access off Willowfield Drive, landscaping, car parking, garages and all associated siteworks.

Report, addendum and erratum documents and site visit report previously circulated, presented by, Senior Planning Officer, J Lundy.

### **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 to Committee via powerpoint presentation.

LA01/2019/0850/F full application at lands adjacent to Willowfield Drive Coleraine  
An erratum has been circulated amending the description to 32No. units - 1 no. bungalow, 3 No. detached and 28 No. semi-detached dwellings. The proposal includes access off Willowfield Drive, landscaping, car parking, garages and all associated site works.

Two addenda have also been circulated updating the landscaping conditions to revised landscaping plans that were submitted post agenda and the second addendum amending some of the typos in the report.

A site visit was also carried out on site.

The proposal is presented as an approval and is an objection item. The application has 32 objections and one petition. The objection points are set out in section 5 of the Committee Report and addressed throughout the assessment of the proposal. The objection points mainly relate to construction / pollution/ road safety, assess, traffic, visual impact and character, flood risk and sewerage infrastructure

- The application is outlined in red. The site is within the Settlement Development Limit of the Northern Area Plan and is unzoned land. As the site is above 1ha in size, Policy HOU 2 of the plan is enacted. Hou2 states that housing on such sites are required to contribute to the provision of social housing. Following consideration with the NIHE they are content that the social housing need will be met though already identified schemes.
- The site is bound by the railway track to the west and a watercourse runs along the southern and eastern boundaries. Further beyond the railway



tracks is the university. The character of the immediate locality is made up of single storey, chalet bungalows and a lesser number of 2 storey. The proposal has been considered against all material considerations set out in section 7 of the Committee Report and the points raised through representations and consultees.

- The proposed site layout. A triangular shaped site, the development is stepped off the boundaries to exclude an area of surface water flooding to the south east corner and to provide a 5m buffer zone along the water courses on the 2 boundaries of the site. The buffer zone is required by Rivers Agency to ensure access can be provided for maintenance purposes. The access is proposed through Willowfield Drive and a 10m stretch of the stream will be culverted which is also considerable acceptable in line with policy FLD 4.
- As identified on the site visit the site is set below the dwellings in Willowfield drive. The site falls north to south by approximately half a metre. The difference in levels from Willowfield and the site is around 1.3m. Working from the details provided within the drawings, for example site 9 and no 32 Willowfield Avenue the proposed ridge height is 1.76m higher than the ridge height of no 32. Due to the set back of the proposed dwellings of around 25m away from the existing dwellings this would not be considered to dominate, cause overlooking or loss of light.
- The layout is in accordance with Creating Places guidance, PPS 7 and its addendum and PPS 8 in relation to the open space provision. Two parcels of open space are provided, one central to the site and a smaller pocket to the south providing over 10% of the required public open space. The proposed dwellings are mainly 2 storey and all have good separation distances from existing dwellings that exceed planning guidance of 20m back to back ranging from 22 -30m. The boundary vegetation is mainly being retained and 1.8m fences screen the private amenity spaces of the proposed dwellings. The agent has confirmed following site visit that 1.8m fence is being provided along the boundary of the site with the railway line.
- The proposed service road is raised to approximately 1m as shown in the slide from the land either side. It is graduated to where it joins Willowfield Drive the difference of levels is section AA and DD points the road is 0.2 metres which would be considered a gentle slope across 30 metres.
- The section DD is taken across the open space, road to rear of site 6. The difference in the levels is. 0.70m and approximately 1m to the open space.
- Typical house types, with house type G designed as a double fronted dwelling onto corner site.

- Photo looking north across the site which is generally level and bounded by mature vegetation.
- Looking south of the site, 2 storey dwellings at Willowfield park just popping above the tree line.
- The water course
- The proposed access. DFI Roads have no objection to the proposal.
- Photos of the more open boundaries.

Consultations were carried out as set out in section 5.2 of the Committee Report, these included DFI Roads, Environmental Health Department, NI Water, DfI Rivers, DAERA NED, WMU, Land air and soil, SES and NIHE. All consultees have no objections subject to conditions as set out in section 10 of the Planning Committee Report. DFI Roads is also in attendance to answer any roads queries.

In response to requests for clarification from Elected Members, the Senior Planning Officer clarified the width of the culvert, 10m was permitted; the road width is 5.5m, footpath 2m either side and illustrated referring to a slide. She advised the drawing illustrating surface water flooding was indicative to show how the development excluded those areas. A drainage assessment was submitted and content the surface water flooding areas are excluded; that she would need to look up the flood maps in relation to a further request for clarification. The Ballysally Blagh drain meets the Island Vardin Drain and DfI Rivers content. Senior Planning Officer clarified there was no one from DfI Rivers in attendance at the meeting.

Referring to the slides, the Senior Planning Officer clarified the cross section 'DD' ending into the open space embankment, 3.5m slope after the footpath; the slope has a 1 in 3 gradient. Senior Planning Officer advised the slope acts as a buffer between the open space and road. The proposal provides over 10% openspace. The fence 1.8m close boarded timber fence, to boundary, next to the Railway line.

The Chair invited Councillor Holmes to speak in objection to the application. Councillor Holmes stated his objection is on ecological grounds, disagreed with building on green space. Councillor Holmes referred to flooding in a 1 in 100 year floodplain, and development is not allowed under policy FLD1 of PPS15 and account needs to be taken of latest information on climate change. He stated, culverting would increase flooding in the neighbouring properties, as the drain on the border of the site is in a 1 in 10 year fluvial floodplain. He advised that houses 3-8 are in the floodplain. Councillor Holmes referred to section 5.3 of PPS 15 and Regional Development Strategy RG9 which are material considerations – need to minimise development in areas of flooding using the latest information available.

Climate change map shows an increased area of flood risk in the area of the culvert. Paragraph 8.49 of the Planning Committee report, the impact of climate change has not been taken into consideration. In reference to the drainage assessment, Councillor Holmes advised that the culverting will have a knock-on effect on flooding elsewhere. He queried why give planning permission in an area where it may flood in future and difficulty getting home insurance.

Councillor Holmes advised that the current access to the site is from Culmore Road; Willowfield Drive is not the current access to the site and therefore should not be allowing culverting. He advised that he considered the culvert to be approximately 40m in length and the impact on storm drainage from the culvert has not been considered. He stated that the proposed access is dangerous due to the removal of the turning head at Willowfield Drive and the need to reverse down the road. He stated there are about 200 houses in the Willowfield and Culmore area.

In response to questions from Elected Members, Councillor Holmes advised Drawing 37 provision 3, dated 3 August 2020, illustrated the road and footpath, either side = 9m, but the culvert goes beyond that to 40m. He advised it had to be that width as there was a significant drop down into the drain, the width for safety of children. Councillor Holmes referred to the Rivers Agency Flood maps the Island Varin Drain and a 1 in 10 year fluvial floodplain. Councillor Holmes stated he did not know the answer to any tidal aspect of the River.

The Chair invited D McLaughlin, N Brown and R Sheehy to speak in support of the application. D McLaughlin advised the application for 32 dwellings, 1 bungalow, 3 detached and 28 semi-detached off the Atlantic Road, Willowfield Drive, Coleraine and within the settlement development limits of Coleraine as defined in the Northern Area Plan 2016. The layouts have in-curtilage driveways, garden areas in excess of the 70m<sup>2</sup> required in the guidelines, and two areas of public open space of more than 1200m<sup>2</sup>, low density of 21 dwellings per hectare, 8.5 per acre and compares favourably with the density of the surrounding area.

D McLaughlin advised objections raised have been considered by the officers and statutory consultees, no objections have been raised by the consultees, subject to planning conditions as recommended. The application is acceptable as it conforms to Planning Policy, the design and layout acceptable, will have no adverse impact, no overlooking, no loss of light, noise nor other disturbance. The application had been submitted nineteen months ago.

N Brown stated he had faith in the assessment and the development would bring £3.5m in construction development to the locality; local company that employs 30 and should be taken into consideration.

R Sheehy referred to the two small localised areas of flooding which are indicative as falling in a 1 in 100 floodplain. The watercourse has been modelled by Rivers Agency who were provided with maps, two smaller areas of flooding. The culvert misleading at 40m, the watercourse is 2m wide.

In response to requests for clarification from Members regarding design and size, D McLaughlin stated this is in a residential area, Willowfield, and rounding off the last parcel of land in the area. The site is within the Development Limit and the density is consistent with that in the area.

In response to further requests for clarification from Members, R Sheehy advised consent had been applied from DfI Rivers, the length of the culvert determined by a number of factors, safety, the embankment either side of the road. The culvert stretches to above 20m rather than 10m. He stated the detailed design of culvert of 20-25m long to form the road access and DfI Rivers approved. DfI Rivers determine the size of the culvert based on the flow and 1 in 100 year floodplain and no way would cause flooding upstream or downstream. DfI Rivers have modelled the watercourse and are content. R Sheehy clarified an ecological assessment of the site had been undertaken. Regarding the fence, it was an acoustic board and maintenance considered by home ownership.

In response to further requests for clarification from Members, the Senior Planning Officer stated the red line of the site shows the culvert of 10m; drawing 37 revision 3 showing culverting either side and outside of the red line of the application site. That outside of the red line of the application site had not been considered in the report. The Drainage Assessment does not provide details of the length of the culvert. The Senior Planning Officer referred to PPS 15 in relation to culverts, and states that culverting for access or engineering works is permitted. The Senior Planning Officer further stated it had only been considered and assessed development within the red line of the application site.

Referring to the slides the Senior Planning Officer illustrated the blue line, black line Fluvial FLD1, Rivers Agency had been consulted three times and content areas excluded from the site, surface water flooding freeboard provided and drainage. She advised Climate Change with reference to Policy PPS 15 does not apply but forms part of the informative.

In response to questions, the Head of Planning stated extending the red line for access purposes is permissible, anything else would require a separate Planning Application. A culvert is required for part of the access the red line could be extended to include it.

The Head of Planning advised Climate Changed will be taken forward within the new Local Development Plan.

The Senior Planning Officer showed the flood maps and advised that DfI Rivers were consulted on 3 occasions and are content; freeboard has been provided; and, PPS15 does not have policy regarding climate change.

It was proposed by Alderman Baird, seconded by Alderman McKeown - that consideration is deferred until Planning Committee received appropriate information in order to make an informed decision.

The Senior Planning Officer responded to further questions from Members. In response to reference to paragraph 8.56 of the Planning Committee report, NIEA WMU was aware of a pumping station and that the applicant may need to apply for a Water Order (1999) Discharge Consent for an emergency overflow. She further clarified the red lines does include the hammer head and is 25m wide at that point. Drawing 37 revision 3 shows the blue dashed line extends beyond the red line. The Senior Planning Officer stated it would not be able to be stamped approved for the 40m culvert as the development outside the red line and would have Planning outside it.

Alderman S McKillop proposed the Engineer be allowed to present. Planning Committee was interrupted by a member of the public. Alderman Duddy stated speakers should be advised of their allotted time and may not speak thereafter.

Alderman Baird restated her proposal with an addition.

Proposed by Alderman Baird  
Seconded by Alderman McKeown

- that Planning Committee defer consideration until it has received clarification on the culvert and impact on flooding; that Planning Committee hear from Rivers Agency and any consequences in relation to flooding.

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

Alderman Finlay queried whether speakers were being treated differently as he had seen speakers being brought back. The Chair advised a proposal had been on the table at the time.

## 5.7 LA01/2020/0467/F, South of and adjacent to 11 Sunvale Park, Greysteel

\* **Alderman Finlay, having declared an Interest, left the meeting and did not rejoin at 3.33pm.**

**App Type:** Full

**Proposal:** Proposed single storey dwelling with roof space accommodation

Report, site visit report, verbal addendum and additional information received previously circulated, presented by, Senior Planning Officer, J McMath.

### **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.

LA01/2020/0467/F Site visit took place on Monday.

She provided Verbal addendum - additional information was submitted on Friday 19<sup>th</sup> March which advised that

- proposal was similar in characteristics to other development
- scale and massing reduced to be more appropriate to Sunvale
- retaining walls are required and quotes other examples on Clooney Road
- planting has been provided
- overlooking to no 11 has been addressed with rotation and reduction in levels
- mentions overlooking at Vale Road/ Clooney Road
- mentions restricted amenity space at Tullyvery
- raises personal circumstances which have already been considered but now states that applicant and wife now reside at no. 11 Sunvale Park.

Senior Planning Officer presented via PowerPoint as follows:

- Map - Site is located just within Settlement Development Limit of Greysteel as provided for in Northern Area Plan, 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.
- Photographs - 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 Park 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 68 sq m 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. (9.5m from dwelling to end of embankment so maybe 7.5m wide).
- 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. (medical) however given the close proximity of the applicants address to no. 11 (was 3.9miles (8mins drive) away from information provided by agent on Friday this changed recently to now residing at no 11) and that it has not been demonstrated that alternative residential properties elsewhere in Greysteel have been considered, including any alternative form of development on the roadside of the site. The material considerations do not outweigh the policy objections to this proposal.

Refusal is recommended.

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

A Devlin advised he was aware Sunvale Park was single storey of linear level, he stated overall the Greysteel topography mixed with small gardens, retaining walls with steep drives traditionally. Greysteel has a different feel to it. Overlooking has mitigating circumstances as the applicants' mother and father are of ill-health and provide his wife is the main carer. The site is the perfect location for a carer. This is a genuine case and discretion should be used to get this application over the line. Regarding amenity space, he stated it was adequate, the retaining walls and embankment 8ft, will soften features with ivy and will not affect them. Regarding general disturbance – is a one-off bungalow construction and landscaping on boundary. It is very important for daughter to be close for the needs of the family.

In response to requests for clarification from Members, A Devlin advised the case officer had suggested this and if given a week or so will see if meets needs of his client. He clarified the care to be provided and future needs.

Proposed by Councillor Nicholl

Seconded by Councillor McGurk

- That Planning Committee defer consideration to allow the agent to look at redesign and siting and bring back to Committee for determination.

The Senior Planning Officer advised to change the red line may require a separate application.

The Chair put the motion to the Committee to vote.

10 Members voted For; 2 Members voted Against; 0 Members Abstained.

The Chair declared the motion to defer carried.



**5.8 LA01/2019/0183/O, 12m East of 4 Larch Road,  
Ballyharigan, Dungiven**

**App Type:** Outline Planning

**Proposal:** Outline planning application for a 2 storey dwelling, with detached garage and associated siteworks

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

**Recommendation**

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

Senior Planning Officer provide a verbal addendum, a new location map had been submitted.

- Rural site located outside any Settlement Development Limit and not located within any environmental designations
- Original site was situated at the junction of Larch and Altmover Roads but a new location map was submitted yesterday which stepped the red line back from Altmover Road by 10 to 12m.
- The topography is flat
- Half of the site now contains the agricultural shed and mature trees and the other half is part of an open field used for grazing.
- This is an outline application for a site for a 2 storey dwelling.
- Referred to paragraph 3.1 of the Committee Report which outlines the planning history on the site. A full application was submitted in 2011 for a 2 storey dwelling was refused and dismissed at appeal in 2013. While the entire farm of 10.98ha was contained within the red line of the 2011 application the block plan clearly showed the curtilage and siting of the proposed dwelling which encompassed the site which is subject of this application.
- PAC dismissed the application on all counts under policy CTY10 (physically separated from established group of buildings, policy CTY8 Ribbon Development, policy CTY13 prominence and lack of integration and policy CTY14 prominence and rural character.
- Planning policy has not changed and the planning history is a material consideration.

Senior Planning Officer turned to refusal reason.

- Policy CTY10 criteria (a) requires the farm to be active and established. In this case DAERA confirmed that whilst farm business has been in existence

for more than 6 years the farm has not claimed any payments in the last 6 years nor does it claim any currently and DEARA advise that the site is located on land associated with another farm business. DAERA does not confirm active farming over the required period.

- Applicant has advised that land is let out in conacre to a sheep farmer and applicant has provided a range of receipts (all are detailed in paragraph 8.7) to prove active farming. The information shows the applicant has cut hedges once, bought fencing once, bought grass seed once and carried out drainage. The information fails to demonstrate active farming over the required period. Applicant does not make a contribution that equates to the policy requirement. The proposal is contrary to criteria (a) of policy CTY10.
- Turning to criteria (c) of policy CTY10, while the PAC found the site to fail due to physical separation from established grouping in 2013, officials have considered the site in line with recent decisions and find the site to visually link with an established group of buildings on the farm.
- The original proposal was found to be ribbon development; the agent has reduced the red line yesterday to step back 10 to 12m from Altmore Road. The step back results in the site not having a road frontage with the existing development and is found to no longer be at odds with Policy CTY8.
- Under policy CTY13, the site is prominent on approach and lacks long established boundaries to NE to provide a suitable degree of enclosure and relies on new planting. This reason was upheld by the PAC in 2013 and the circumstances have not changed. The amended plan submitted yesterday reduces the site from 32m x 70-78m to 22m x 40-46m. The agent also states that the shed on site will be removed. The amended site comprises of approx. half yard and mature trees and half open field. No information has been provided to demonstrate what if any of the mature vegetation will be retained. With the reduction in site size it is unlikely that the mature trees will be retained, this reinforces the sites inability to integrate. The proposal is contrary to policy CTY13. The proposal is prominent and will result in suburban style build up.
- Finally a Biodiversity Checklist was submitted during the processing of the applications and indicated that no mature trees or buildings would be removed. The amended location map received yesterday reduced the red line. As the mature trees are located in centre of reduced site it is unlikely that a 2 storey dwelling, access, amenity and parking could be provided whilst maintaining the trees. Any loss of mature trees requires assessment by an ecologist therefore a new Biodiversity Checklist would be submitted to consider impact on protected priority species. As no updated Biodiversity Checklist was submitted with the amended location map the proposal would also be contrary to PPS2 or alternatively this issue will need to be explored further.
- Refusal is recommended.

In response to requests for clarification from Members, the Senior Planning Officer advised the biodiversity check list was with the original proposal and now with the reduced scale of the red line, there was concern whether vegetation would be retained, the mature nature of the trees, and an updated biodiversity checklist would be considered necessary under PPS 2 Natural Heritage and assessed.

Regarding dwelling on a farm, the test is active and established for 6 years. In consultation with DAERA, no single farm payment has been made and the land associated is a different farm business. Under the Policy there is an option for further information to be submitted, the nature of which is not stated and taken on a case by case basis. As limited information has been submitted, it has not been demonstrated that the farm business is active and established. There are receipts for grass, seed, fencing and hedge cutting and non agriculture operations over the required period of 6 years, but not confirmation of active farming over continual 6 years.

The Chair invited C Gourley to speak in support of the application. C Gourley stated the applicant has a Business ID number, 10 hectares of farm, a copy of the conacre agreement of 1 November 2012 and renewed every year by way of a lease to a farmer for 6 fields grazing for sheep farming. The applicant has responsibility for all maintenance of the land and major work carried out by the applicant as a landlord. Minimal improvements such as fertiliser, weed killer and gates put in place. C Gourley stated there is no reference to the need for a single farm payment in the Policy. Invoices and receipts each year for the required period for drainage, hedges and gates are within the contract agreement for the applicant's ground have been submitted. C Gourley stated agriculture activity, maintaining the land, does not outline man hours, nor discriminate against smaller farmers, less than a large farmer, the level of invoices will be less; she stated no weight has been given to the contract.

C Gourley referred to an Appeal, Townhill Road, Rasharkin, Mrs Boomer had concluded cutting hedges regardless of time or frequency was sufficient and Appeal allowed. As regards integration and rural character, C Gourley stated the shed would be retained for integration, keep the trees to the South, shed and north boundary.

In response to a request for clarification from Members, C Gourley stated that trees to the south would be retained and 2 storey house would allow for trees to north to be retained; revised biodiversity checklist could be submitted.

Proposed by Councillor McGurk  
Seconded by Councillor Nicholl

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **approve** planning permission for the reasons set out:
  - Reason 1 - evidence provided to show active farming and meets policy CTY10
  - Reason 2 - Withdrawn and satisfied ribbon development not an issue
  - Reason 3 & 4 – this is outline application, design incorporated to reduce impact of building, trees and farm building retained will screen dwelling and help integration

Alderman Duddy requested a Recorded Vote.

The Chair put the motion to the Committee to vote.  
5 Members voted For; 7 Members voted Against; 0 Members Abstained.  
The Chair declared the motion lost.

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

#### Recorded Vote Table

|                    |  |
|--------------------|--|
| For <b>(5)</b>     | Councillor Dallat O’Driscoll, McGurk, MA McKillop, McLaughlin, Nicholl |
|                    |  |
| Against <b>(7)</b> | Alderman Baird, Boyle, Duddy; McKeown, S McKillop                      |
|                    | Councillors Hunter, Scott  |

The Chair declared a recess at 4.24PM.

- \* **The meeting reconvened at 4.41pm.**

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

## **6. DEVELOPMENT MANAGEMENT**

### **6.1 Update on Development Management and Enforcement Statistics – 01/04/20 – 31/01/2021**

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 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 January 2021 is available on the Council's website at the link provided.

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 3 applications and the number of major applications decided has decreased by 6. 1 Major applications issued in the month of January. Taking account of restrictions relating to Covid-19 pandemic, average processing times are only 9 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.

The major application issued in January required the following consultations and was first presented to Planning Committee at the meeting held on 28 October 2020 - 13 consultations – 2 x Environment Health, 3 x DfI Roads, 2 x NI Water, 3 x DfI Rivers, 1 x HED, 2 x NIEA.

Table 2 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 14 applications and the number of decisions issued/withdrawn has decreased by 324 applications.

The restrictions imposed due to Covid-19 in Q1 and Q2 and the lack of resources to access the Planning Portal during that time are the main reasons for the drop in decisions issuing. With provision of resources to access Planning Portal remotely rolled out to staff by end August, decisions issuing increased to reflect the numbers for Q3 of last year. However, processing times are only 0.2 weeks slower than same period last year when operating in the normal working environment.

Table 3 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 99 and the number of cases brought to conclusion has decreased by 82

The statutory target for concluding 70% of enforcement cases within 39 weeks has not been met by our Enforcement team with 68.8% of cases YTD concluded within the statutory target a decrease of 18.9% 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 at the beginning of the pandemic restrictions and the knock-on effect that has had. Furthermore, focus for Q4 is to work to conclude older cases in the system which impacts on the conclusion target.

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 91.98% of applications determined were delegated under the scheme of delegation.

Table 5 detailed 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 14 out of 25 referred local applications had the officers' recommendation overturned at Planning Committee which is a 56% overturn rate for referred applications and a 25% 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.

Sixteen Planning Appeals decisions have issued by the PAC YTD of which the Planning Department has successfully defended its decision on 75% of appeals.

Table 7 provides the 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. 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.

The Head of Planning clarified two typing errors within the document; Sixteen Planning Appeals decisions have issued instead of Fifteen (para. 2.7) and 'January 2021' instead of December 2020 (para. 2.9).

## **6.2 Planning Applications Checklist**

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

### **Background**

The purpose of this Checklist is to provide advice on what information should be submitted with planning applications to assist in the processing of applications in a timely manner. It is important that the supporting information is accompanied with applications at the validation stage to reduce unnecessary consultation and delays.

### **Details**

From discussions with staff, one of the most significant factors contributing to the delay in the processing of planning applications is the omission of key supporting information required by planning policy and best practice on submission of planning applications. The results in inevitable delays as the information is sought and submitted. It also places unnecessary burdens on consultees reviewing incomplete applications.

In response to this problem a Planning Application Checklist has been developed which provides guidance to customers on what information they need to submit

with their application, depending on the type, scale and constraints of the area. The Application Checklist provides a structured approach to information requirements and is a means of front-loading the application process to improve processing times.

Information requirements are divided into two categories – Basic Requirements and Other Supporting Information. Applications will be checked at validation stage. If basic information is missing to make the application valid under legislation, the applicant is requested to submit it within 3 days otherwise the application is returned. If Other Supporting Information is missing, the applicant is requested to submit it within 15 working days. If the information is not submitted the application will be processed, without further request for the information, and may result in refusal.

**IT IS RECOMMENDED** that the Committee agrees to the content of the Application Checklist and the publication it in the Planning section of Council's website.

Alderman Baird commended the Head of Planning and staff for the comprehensive list of advice for Agents and others.

Councillor Scott advised it was something he had requested, was more detailed than expected, he referred to paragraph 2.3 and asked a correction was made to 3 'working' days. He stated that everyone will now know what to submit.

Proposed by Alderman Baird  
Seconded by Councillor Scott

- that the Committee agrees to the content of the Application Checklist and the publication it in the Planning section of Council's website;
- that the correction is made to paragraph 2.3 3 'working days'.

The Chair, Alderman Boyle, S McKillop, Councillors Nicholl, MA McKillop welcomed the checklist.

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.

## **7. DEVELOPMENT PLAN**

### **7.1 Verbal Update provided by the Development Plan Manager.**



- . 6month LDP Work Programme (Jan-Jun 2021): remains as presented and agreed at the February Committee.
- . LDP Member Workshops – Draft Plan Policy approach: Next Workshop will be held next Wednesday 31<sup>st</sup> March.
- . Project Management Team Meetings: Consultations on draft policy approach continue to take place electronically.
- . LDP Steering Group Meetings: Will reconvene as and when required.
- . Sustainability Appraisal/SEA: Revised costings still under consideration by all affected councils.
- . Evidence Paper updates: Ongoing – to feed into LDP Workshop papers.
- . Publication of Draft Plan Strategy: Revised LDP Timetable presented and agreed at February Committee – amended text required – contained at Item 7.2 on today’s agenda.
- . Quarterly update: Next verbal update will be June Committee.

## 7.2 LDP 2035 – Revised Timetable

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

It is a statutory requirement for the Council to prepare a Local Development Plan (LDP) and 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.

Guidance set out in Development Plan Practice Note 03: Timetable (DFI: April 2015) also advises that “Any revisions to the timetable should state the plan preparation progress to date, what remains to be completed, reasons for slippage of the timetable, and the implications this may have for the subsequent stages of plan preparation. This detail was omitted from the draft Timetable agreed at the February 2021 Committee Meeting. The timetable has now been updated to reflect this (at Section 6), and to amend dates throughout the document, where required, due to this revision. The amendment also adds “pandemic” to the risk management log at Table.1.

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

Proposed by Councillor Scott  
Seconded by Alderman Boyle

- 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 unanimously.

## **8. CORRESPONDENCE**

### **8.1 Baranait Residents Group V PAC – PAP Response from PAC**

Copy correspondence, previously circulated.

### **8.2 DfC Publication – Listed Buildings – Common Myths & Queries**

Copy correspondence, previously circulated.

### **8.3 DfI – Call for Evidence – Review of the Implementation of the Planning Act 2011**

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

#### **Background**

On 15 February 2021, the Department for Infrastructure commenced a review of the implementation of the Planning Act (Northern Ireland) 2011 as required by Section 228 of the Act. The DfI wrote to Council on 16 February 2021 inviting us to submit our views in response to the Call for Evidence by 4pm on 15 March 2021.

On 19 February 2021 the Head of Planning wrote to DfI requesting an extension to the timeframe for submission of views until 09 April 2021. This extension was agreed by DfI on 02 March 2021

On 08 March 2021, DfI wrote to Council advising that the timeframe for submission of views has further extended to 16 April 2021.

#### **Details**

The Northern Ireland planning system was fundamentally reformed in 2015 with the transfer of most major and local planning decisions, enforcement and plan making to local government. This also involved commencement of significant new primary legislation in the form of the Planning (NI) Act 2011, together with a raft of other supporting subordinate legislation to implement the reform.

The key aims of the reform were to:

- deliver Northern Ireland Executive decisions to transfer the majority of planning functions to the newly formed councils thus creating a two tier planning system; and
- bring forward short, medium and long term process improvements to modernise the system.

The main objectives for reforming and transferring planning were:-

- the continued formulation and co-ordination of planning policy by the Department;
- councils preparing local development plans;
- councils determining the majority of planning applications for development; and
- councils taking appropriate enforcement action where a breach of planning control may have taken place.
- further sustainable development;
- enhance community involvement in the planning process;
- make more timely decisions in ways which are transparent and demonstrably fair;
- Allow higher fines for planning offences; and
- Reform the planning appeals system

Section 228 of the Act requires the Department to review and publish a report on the implementation of the Act no later than 3 years after the commencement of Part 3 of the Act and at least once every 5 years thereafter. As required by Section 228(2) the Department made regulations on 12 October 2020 setting out the terms of the review. The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020 came into operation on 02 November 2020 and specified that the Review must:

- Consider the objectives intended to be achieved by the Planning Act;
- Assess the extent to which those objectives have been achieved; and
- Assess whether it is appropriate to retain, amend or repeal any of the provisions of the Planning Act or subordinate legislation made under the 2011 Act, in order to achieve those objectives.

The purpose and scope of the review is to provide a level of assurance that the legislative framework for the delivery of a reformed planning system has been implemented and in a timely fashion. The focus of the review is on the implementation of the Act and the extent to which the original objectives of the Act have been achieved. This will inform whether there is a need to retain, amend or repeal any provisions of the Act.

The review will also provide an opportunity to consider any improvements which may be required to the way in which the Act has been commenced and implemented in subordinate legislation. Issues that have surfaced as a result of the Coronavirus pandemic will likely be considered as part of the review.

The Minister is keen to look at how the provisions of the Act are working in practice and whether there are any changes that could be implemented to further improve the system for all stakeholders.

The Department is keen to hear views as set out in the key questions detailed in the attached Call for Evidence paper.

Any recommendations emerging from the review which might involve legislative changes will follow normal policy development process including public consultation on any frat proposals and Assembly scrutiny where appropriate.

**IT IS RECOMMENDED** that the Committee provides comments to Head of Planning by 09 April 2021 and the Head of Planning responds to the Call for Evidence to DfI by 16 April 2021.

The Head of Planning shared a draft response via MS Teams.

Alderman Baird stated her dissatisfaction with DfI short response timescale. Alderman Baird requested a workshop is held to consider the detail of the presentation and to work through response.

The Head of Planning advised a workshop could be held following the Local Development Plan Workshop, scheduled for the following week.

Proposed by Alderman Baird  
Seconded by Alderman S McKillop

- that consideration is deferred and Planning Committee hold a Workshop.

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 carried.

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

Proposed by Alderman Boyle  
Seconded by Councillor Scott and

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

\* **Press / Public were disconnected from the meeting at 5.27pm.**

***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**

### **9.1 Planning Department – Budget Period 1-10 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 10 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 10 of 2020/21 financial year.

**It was AGREED** - that the Committee notes the update provided on the Planning budget as of end of period 10 of 2020/21 financial year.

The Head of Planning provided Alderman Duddy an update on vacant posts.

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

Proposed by Alderman Boyle  
Seconded by Councillor Scott and

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

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

### **10 (i) Review of Part B of Scheme of Delegation (Councillor McGurk)**

*‘Review of Part B of Scheme of Delegation specifically in relation to the exception where other amendments/information has been requested but not submitted in time’.*

Councillor McGurk outlined what she felt were unintended consequences and referred to a recent application, the Agent had been engaging on further amendments however, a refusal decision had issued; she felt the spirit was for Agents that were not engaging and not the situation that had occurred.

Proposed by Alderman Duddy  
Seconded by Councillor Hunter

- that the Head of Planning bring a Paper to Committee, having looked at delegated authority for Planning Committee to agree changes to bullet point 2 of Part B of the Scheme of Delegation for agreement.

- That the report outline the original wording and proposed revised wording.

Alderman Duddy queried if there were many applications refused under delegated powers as a result.

The Head of Planning advised she did not know the actual number but considered the number to be low. It was her understanding from the workshop that was held to include this delegation to officers was because Members were of the opinion that design issues should not be coming before Committee as they should be resolved through amendments.

Councillor Hunter stated that the new rules was for design issues to be delegated to cut down agents not putting in amended designs. Need to see number of applications refused as a result before deciding amendments.

Alderman S McKillop stated an issue where an Elected Member informed an Agent they would refer an Item, however, did not meet the timescale for doing so and there were consequences for the Elected Member. She considered Planning Committee also look at a more robust administrative internal process surrounding this.

\* **Councillor Scott left the meeting at 5.51pm.**

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.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 5.55PM.

---

Chair