

PLANNING COMMITTEE MEETING HELD WEDNESDAY 27 OCTOBER 2021

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Alderman S McKillop</i>
2.	Declarations of Interest	<i>Alderman Finlay</i>
3.	Minutes of Planning Committee meeting held Wednesday 22 September 2021	<i>Confirmed</i>
4.	Order of Items and Confirmation of Registered Speakers	<i>Order Agreed</i>
5.	Schedule of Applications	
5.1	LA01/2019/0890/F, Existing Rigged Hill Windfarm site, 6km East/South of Limavady (Ref - see Item 5.15)	<i>Approved</i>
5.2	LA01/2016/1267/RM, Lands to the rear of and including 183 Roemill Road and to the East of 175 Roemill Road, Limavady	<i>Deferred</i>
5.3	LA01/2020/1349/F, Partial site of former University of Ulster Catering College, 35-43 Ballywillin Road, Portrush	<i>Approved</i>
5.4	LA01/2021/0948/LBC, Ballycastle Museum, 59 Castle Street, Ballycastle	<i>Approved</i>
5.5	LA01/2021/0969/F, Robert Dunlop Memorial Gardens, Castle Street, Ballymoney	<i>Approved</i>
5.6	LA01/2019/1105/F, Land south of Newton Road and West of 16 Crossnadonnel Road, Limavady	<i>Disagree and Approved, due to new information received during the</i>

		course of the Planning Committee meeting by NIW; Delegate Conditions and Informatives
5.7	LA01/2019/0641/O, Site adjacent to and west of 34a Dunlade Road, Greysteel	Disagree and Approved Delegate Conditions and Informatives
5.8	LA01/2019/0849/F, Lands 125m South West of No. 132 Clooney Road, Eglinton	Disagree and Approved Delegate Conditions and Informatives
5.9	LA01/2020/0550/F, Approx. 30m SW of 147 Mountsandel Road, Coleraine	Deferred for a Site Visit
5.10	LA012020/0347/O, 40m West of 1 Lisheegan Lane, Bendooragh Road, Ballymoney	Disagree and Approved Delegate Conditions and Informatives
5.11	LA01/2018/1402/F, 79b Finvoy Road, Ballymoney	Deferred
5.12	LA01/2021/0191/F, 46 Ballykelly Road, Limavady	Refused
5.13	LA01/2021/0401/O, 15m North of 27 Glen Road, Drumnacur, Glenariffe	Disagree and Approved Delegate Conditions and Informatives
5.14	LA01/2020/0692/MDA, Rear of 33 Glenann Road, Cushendall	Refused
5.15	Submission of Additional Information received - LA01/2019/0890/F, Existing Rigged Hill Windfarm site, 6km East/South of Limavady (Ref see Item 5.1)	That Planning Committee have considered the correspondence, do not need to visit the site and are content with the decision made by Planning Committee today
6.	Development Management	
6.1	Quarterly Report on Planning Performance	Note the Planning Departments Quarterly Report
7.	Development Plan	
7.1	Verbal update	Agenda Item withdrawn

7.2	BT Removal of Public Telephone Service at Bann Road, Bendooragh to allow adoption for Community Defibrillator	Option 1 Agree to support the removal of the existing service to allow adoption to install a community defibrillator
7.3	DfC – Advance notice of Listing	Option 1: Agree to support the listings
7.4	CARD Business and Public Perception Studies	Accept the CARD Public and Business Perception Surveys to inform the Local Development Plan preparation and the determination of relevant planning applications within the Borough.
7.5	LDP Project Management Team – Annual Monitoring	Accept this LDP Project Management Team Annual Monitoring Report
7.6	LDP Steering Group – Annual Monitoring Report	Accept this LDP Steering Group Annual Monitoring Report
8.	Correspondence:	
8.1	DfI Planning Advice Note – Response to DfI Minister	that Council write to the Minister welcoming the removal of the PAN and also outlining its concerns, to be placed on record.
8.2	Council Response – DfC Conservation Principles – Consultation Paper	Noted
8.3	Council Response – DfI Draft DPPN 11	Noted
8.4	Council Response – NIHE Reaching Rural Consultation	Noted
8.5	The Planning (Notification of Applications – Petroleum) Direction 2021	Noted
	'In Committee' (Items 9-11 inclusive)	

9.	Craigall TPO Request	<i>Note the report and agree not to serve a Tree Preservation Order on Craigall Rocks and agree to the Head of Planning responding to the DAERA Minister on behalf of the Council.</i>
0.	Confidential Items:	
10.1	Report for Noting Finance Period 1-5 2021 22 Update	<i>Note the update provided on the Planning budget as of end of period 5 of 2021/22 financial year.</i>
10.2	New Planning Portal IT System – Intelligent Client Function – Service Level Agreement	<i>Agree to the signing of this Service Level Agreement with Belfast City Council</i>
10.3	LDP draft plan strategy (SA SEA) Options	<i>note the contents of the paper and agree to the preferred option (3) - Direct Award to SES and signing of Service Level Agreement to continue their work through the Draft Plan Strategy Stage</i>
1.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<i>None</i>
11.1	Pre Action Protocol update (Councillor Hunter)	<i>Update received</i>

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

Chair: Alderman Baird (C)

Committee Members Present: Alderman Boyle (C), Duddy (C), Finlay (C),
McKeown (C)

Councillors Anderson (C), Dallat O'Driscoll (R), Hunter (R), McGurk (R), MA McKillop (R), McMullan (R), McLaughlin (R), P McShane (R), Nicholl (R) and Scott (C)

Non Committee Members Present: Councillor Callan (R)

Officers Present: D Dickson, Head of Planning (C)
S Mathers, Development Management and Enforcement Manager (R)
S Mulhern, Development Plan Manager (R)
E Hudson, Senior Planning Officer (R)
J McMath, Senior Planning Officer (R)
M Wilson, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
N Linnegan, Council Solicitor (R)
D Hunter, Council Solicitor (R)
S Duggan, Civic Support & Committee & Member Services Officer (R)
I Owens, Committee & Member Services Officer (C) (Items 1-5.6 inclusive)
J Keen, Committee & Member Services Officer (C) (Items 5.6-11.1 inclusive)

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

R Mooney, NI Water (Item 5.2 and 5.6)
R Moffitt, NI Water (Item 5.2 and 5.6)

Public (25 No. including Speakers) (R)

Key R = Remote

C = Chamber

Registered Speakers in Attendance (R):

Item No	Name
LA01/2019/0890/F	O Kirk V Ferry D Smith P Phillip
LA01/2016/1267/RM	C Kearney Loughrey
LA01/2020/1349/F	S McDowell J Scott
LA01/2019/1105/F	M Kennedy B Carey
LA01/2019/0641/O	L Kennedy A O'Kane
LA01/2019/0849/F	M Kennedy A Hunter
LA01/2020/0550/F	M Howe and Clarke Black 'In attendance'
LA01/2020/0347/O	B McConkey
LA01/2018/1402/F	W Orbinson QC
LA01/2021/0191/F	A Tate
LA01/2021/0401/O	W O'Kane

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

1. APOLOGIES

Apologies were recorded for Alderman S McKillop.

2. DECLARATIONS OF INTEREST

Alderman Finlay declared an interest in Item 5.5 – LA01/2021/0969/F, Robert Dunlop Memorial Gardens, Castle Street, Ballymoney, as member of the Dunlop Committee. Alderman Finlay left the meeting during consideration of the Item and did not vote.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 22 SEPTEMBER 2021

Copy, previously circulated.

Proposed by Councillor Scott
Seconded by Councillor Hunter and

AGREED – that the Minutes of the Planning Committee held Wednesday 22 September 2021 are confirmed as a correct record.

The Chair put the motion to the committee to vote.
Committee voted unanimously in favour.
The Chair declared the motion carried.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair advised in the event there were no requests for Site Visits, the order of items would be taken as presented on the Agenda.

- * **Alderman McKeown joined the meeting during discussion of Item 5.1 at 10.50am and did not vote on the application.**
- * **Alderman Duddy joined the meeting during discussion of Item 5.1 at 11.00am and did not vote on the application.**

5. SCHEDULE OF APPLICATIONS:

5.1 LA01/2019/0890/F, Existing Rigged Hill Windfarm site, 6km East/South of Limavady

Report, erratum and correspondence received, previously circulated, presented by Senior Planning Officer C McKeary.

App Type: Full Planning

Proposal: The Repower of the existing Rigged Hill Windfarm comprising the following main components; (i) Decommissioning of the existing 10 turbines

(ii) Removal and restoration of the existing substation building and compound
(iii) Removal and restoration of other redundant infrastructure (iv) 7 No. wind turbines with an output of around 29MW (v) Construction of approximately 4.82km of new access tracks; (vi) Upgrade of approximately 1.75km of existing access tracks; (vii) Construction of temporary and permanent hardstanding areas for each turbine to accommodate turbine component laydown areas, crane hardstanding areas and external transformers and/or switchgears; (viii) Temporary construction compound/laydown areas; (ix) Turning heads and passing places incorporated within the site access infrastructure; (x) New Road Junction with Terrydoo Road; (xi) Meteorological Mast; (xii) Substation with roof mounted solar panels, and associated compound (xiii) Removal of self-seeded trees in East of the Site and (xiv) all associated ancillary works.

Recommendation

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

Erratum Recommendation

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

Senior Planning Officer presented via PowerPoint presentation.

The Senior Planning Officer added a verbal addendum regarding a further objection received the previous day highlighting the issues raised in the representation and advised that these have been considered.

The Senior Planning officer presented as follows:

- This application reference LA01/2019/0890/F is for the Repowering of the existing Rigged Hill Windfarm. The repowering includes the removal of the existing 10 turbines which 57m high and their replacement with 7 turbines which will be 137m high to tip
- This item was the subject of an erratum, which showed that there were 5 letters of support and not 4. It also sets out the minor rewording of conditions 17, 39, and 40 and notes the removal of conditions 35, 39, and 40.
- The site is located approx. 6km east/southeast of Limavady on Rigged Hill, The land rises from the Terrydoo Road to the west of site to a summit of 377m (AOD).
- This is a major application due to the 29MW energy production. The applicant has submitted a Proposal of Application Notice and has carried

out the subsequent community consultation process. A voluntary Environmental Statement was also submitted along with the application which means that an EIA Determination was not required.

- The detailed proposal is for the “The Repower of the existing Rigg Hill Windfarm comprising the following main components; (i) Decommissioning of the existing 10 turbines (ii) Removal and restoration of the existing substation building and compound (iii) Removal and restoration of other redundant infrastructure (iv) 7 No. wind turbines with an output of around 29MW (v) Construction of approximately 4.82km of new access tracks; (vi) Upgrade of approximately 1.75km of existing access tracks; (vii) Construction of temporary and permanent hardstanding areas for each turbine to accommodate turbine component laydown areas, crane hardstanding areas and external transformers and/or switchgears; (viii) Temporary construction compound/laydown areas; (ix) Turning heads and passing places incorporated within the site access infrastructure; (x) New Road Junction with Terrydoo Road; (xi) Meteorological Mast; (xii) Substation with roof mounted solar panels, and associated compound (xiii) Removal of self-seeded trees in East of the Site and (xiv) all associated ancillary works.
- Renewal energy such as wind farms are dealt with under policy PPS18 where there is a presumption in favour of these projects subject to meeting certain criteria.
- The application has met all the required planning policies regarding, impact on the public, safety, human health, residential amenity, visual amenity, landscape character, biodiversity, nature conservation, and local natural resources.

Public safety, human health, or residential amenity

- The nearest turbine to a public road is turbine T4 which is at least 699m from the edge of Temain Road.
- There are no properties within the 1200m safety separation distance of a proposed turbine at both the indicated turbine location and the proposed micro-siting boundary.
- The proposed access to the windfarm is to be located on Terrydoo Road which is not a Protected Route. DFI Roads advised that and would require the construction of a number of intervisible passing bays to permit vehicle passing.

Human Health

- Environmental Health were consulted, as the competent authority on human health and have not raised any objections on these grounds.

Residential Amenity

- Environmental Health (EHO) have assessed the proposal and have no objection to the predicted noise levels at any of the receptor locations. EHO are content with the proposal, subject to conditions being applied in the event of an approval
- There are no dwellings within the 10 times rotor diameter therefore the potential for shadow flicker at any dwelling is likely to be low. (SLIDE)

Visual Amenity

- As part of the Environmental Statement a series of photomontages were submitted to show the indicative visual setting of the proposed development from a range of viewpoints (VP) in the near and wider landscape.
- The most critical views in respect of the visual impact of the development are from north to south on the western side of the development. (SLIDE)
- From a number of western viewpoints the development will appear as a prominent and skyline feature. The views selected for the presentation, show both long and close views of the proposal. Terrydoo Rd (VP1), (SLIDE) Roe Park Resort (VP4) (SLIDE), Beech Rd, Drumsurn (VP5), (SLIDE) North of Limavady (VP12) (SLIDE)
- In considering the proposal the Planning Department consider that the proposed development would have a significant visual impact, especially when viewed from in relative proximity to the site. However it is considered that the increase in visual impact when compared with the operational windfarm which currently occupies the site is not of a scale to merit refusal.

Biodiversity, nature conservation

- The Environmental Statement has assessed the impact of the development on designated sites, habitats and species through conducting extensive survey works and has provided mitigation measures to avoid significant adverse impacts.
- The site contains Northern Ireland priority habitats (NIPH) such as blanket bog, wet and dry modified bog, acid fen and flush, hedgerow and watercourse. The layout was designed to avoid or minimise effects on habitats of ecological value.
- A range of mitigation measures are proposed to minimise impacts on the habitats where possible such as Construction Environment Management Plans, while the draft Habitat Management Plan (HMP) sets out the objectives for the management of the site

- NIEA is satisfied that the development is unlikely to have a significant adverse impact on any of these species at a local or regional population level provided appropriate mitigation measures are implemented as outlined in the Environmental Statement
- A number of protected bird species and bats were recorded within the survey area including Snipe, Hen Harrier, Red Grouse, Buzzard, Sparrowhawk, Peregrine, Kestrel. The surveys have concluded that the proposed development will not have any significant impact on bird and bat populations or their habitats.

Local natural resources

- Environmental Statement assesses the impacts of the development on hydrology, hydrogeology, geology and peat. The statutory consultee is content with the detailed mitigation measures described in the Decommissioning and Construction Environment Management Plan, Water Construction Environment Management Plan, amended draft Habitat Management Plan and Peat Management Plan.
- There were 6 objections to the application and 5 letters of support. Consideration of objections is set out in the Committee report.

Conclusion

- When all matters are considered this application is recommended for approval subject to the proposed conditions because the proposal has been deemed to meet all the relevant policy requirements.

No questions were put to the Officer.

The Chair invited O Kirk and V Ferry to address Committee in support of the application.

O Kirk welcomed the recommendation to approve the application which did not present any adverse effects, pointing to the social benefits and benefit to the wider society in Northern Ireland, which had a role to play. O Kirk informed Elected Members the windfarm had a capacity of 29 megawatts of energy.

V Ferry referred to the initiative which would encompass a skilled workforce and local contractors as well as positivity in terms of job years and associated community benefits. V Ferry informed Elected Members that a commitment had been made to habitat and decarbonisation in a bid to meet zero targets and in closing welcomed the proposal from planners to approve the application.

The Chair called Maurice Bradley MLA, to speak in support of the application, however, he was not in attendance.

No questions were put to the speakers.

Proposed by Councillor Scott
Seconded by Alderman Finlay and

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

The Chair put the motion to the Committee to vote.
Committee voted unanimously in favour.
The Chair declared the motion carried unanimously and application approved.

5.2 LA01/2016/1267/RM, Lands to the rear of and including 183 Roemill Road and to the East of 175 Roemill Road, Limavady

Report, addendum, erratum and correspondence received previously circulated, presented by the Development Management and Enforcement Manager.

App Type: Reserved Matters

Proposal: Erection of 144 No. dwellings with associated new road system and landscaping

Recommendation

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

Addendum Recommendation

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

Erratum Recommendation

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

Development Manager and Enforcement Manager presented via PowerPoint presentation.

The Officer provided a verbal addendum - Two elected members have submitted e-mails supporting the content of the objection from Friends of the Roe Valley Group, addressed in the Addendum. The submissions recognise the need for new houses in Limavady. One supports the request for additional landscaping put forward by the Group while the other requests a gap between the lane accessing the Country Park and the new housing development.

This is one of three reserved matters applications (this being the final live one) for housing developments in the general location of the former Gorteen House Hotel, Limavady. 144 dwellings are proposed in this application.

While this is a major application, it was not required to be submitted after a PAN with community consultation as the associated outline application was submitted under the former planning system. The outline permission for the totality of the site was approved in 2011.

The scheme provides for a mix of house types comprising 50 detached and 94 semi-detached units. While the majority of house types are two storey, some 1 1/2 storey units are proposed. In addition, the scheme provides 5 main areas of open space and 2 local areas for play.

In terms of the Northern Area Plan 2016, the site is within the settlement development limit of Limavady. Most of the site is within housing zoning LYH 12. Therefore, the principle of housing is acceptable.

Main Issues

Context & Character- The proposed density averages 19.5 units per hectare. The form is reflective of the established suburban character in the area and reflects that in the approved schemes to the east.

Heritage & Landscape Features- HED are satisfied that development can proceed subject to a developer-funded programme of archaeological work. Significant trees are located mainly along the site boundaries and are subject to a Tree Preservation Order (TPO). The proposal has been designed to take account of the existing landscape features and proposes to retain most existing trees.

Open Space- 11.5% of the site is identified as open space. This exceeds the required area of 10%. While over 100 units are proposed, an equipped children's play area is to be provided to the immediate south of this site as part of scheme approved in 2019. 2 local areas for play are provided within the open space areas. All plots provide adequate private amenity space.

Access & Parking- In curtilage car parking is provided for the dwelling units. DFI Roads is content with the overall layout. The developer has entered into a

legal agreement with DfI Roads regarding financing roads improvements required to facilitate the development outside the site. One of these is provision of a right turn lane off Roemill Road from which the site will be accessed.

Relationship with other Properties- By reason of the specific design and separation distances, the relationship with approved and proposed dwellings is acceptable. The specific design features include the careful location of windows.

Sewage Connection- NI Water has advised that the public sewer located with Ballyquin Road cannot serve the development. This needs to be upgraded. To allow this upgrade to take place, an extended timeframe for the commencement of development is provided along with a condition limiting the extent of works that can take place until the upgrade or alternative provision is provided. This is considered appropriate in the circumstances.

Representations- The detail of these is provided in the report.

Conclusion- The proposal is considered acceptable and the recommendation is to approve.

The Chair invited questions from Elected Members to Officers.

In response to points of clarification raised by Members, the Development Management and Enforcement Manager referred to the images and confirmed there was a 10m buffer, widening in places to 30m, along the boundary and that some trees were being retained and those being removed were being replaced. Referring to the vicinity of tree '65' on the map the Officer stated that scaling off was around 50m from the boundary.

The Development Management and Enforcement Manager confirmed at the request of Alderman Boyle that if an increased buffer was recommended by Committee, a revised layout would need to be provided by the developer; additionally consultation would have to be undertaken with residents and DfI Roads and the proposal brought back to Planning for decision, which could take a few months.

The Development Management and Enforcement Manager advised it was a matter for the designer to propose a new scheme and at this time he would be unable to confirm the exact number of builds. The Officer referred Committee to the map and confirmed that the approximate size of the buffer to tree '65' would be approximately 50m.

Councillor Anderson asked that members in the Chamber be provided with a scale drawing. The Chair advised the provision of this to members in the Chamber would be unfair to those in attendance remotely. Councillor McGurk indicated she was content for the plans to be made available in the Chamber as they are available to view on the Planning Portal for those in attendance remotely. Subsequently all attending remotely were in agreement, having indicated via the MS Teams chat facility.

The Development Management and Enforcement Manager brought the plans to the Chamber for members to view in order to see the buffer on the landscape plan.

* **Alderman Baird, Boyle and McKeown and Councillors Anderson and Scott moved to view the landscape plan.**

In response to further points of clarification raised by Members, the Development Manager and Enforcement Manager confirmed that outline planning permission had previously been granted.

The Chair invited C Kearney Loughrey to address the Committee in objection to the application.

C Kearney Loughrey advised that he was speaking on behalf of like-minded residents living in Laurel Lane and said he had concerns around the buffer between the proposed new development and Laurel Lane. C Kearney Loughrey said the entry to Roe Valley Country Park had a rural feel and that the proposal would urbanise the lane and adversely affect the mental and physical well-being of residents, impact negatively on tourism and increase noise and pollution levels. C Kearney Loughrey wished to note that he was not objecting to the development but wished there to be an extra buffer by way of densely planted trees and consideration given to reducing the number of builds which would still allow the development proposal to proceed.

The Chair invited questions from Elected Members.

In response to a query from members regarding deferring the decision to give the opportunity for the developer to make amendments, the Development Management and Enforcement Manager confirmed the condition of the outline planning was that design should be similar and he considered the application meets with all conditions as a Reserve Matters planning application.

The Head of Planning advised that this was a Reserved Matters planning application, the buffer within the application meets with the conditions of the outline permission and PPS7 policy QD1 which requires a buffer of only 8-10m. The Head of Planning further advised that if Committee wished to have the buffer increased, the applicant may or not amend the plans and the application would be presented again to the committee for consideration.

The Head of Planning reiterated to the Committee that Officers considered the buffer was adequate and met planning policy.

Alderman Duddy referring to outline planning approved by the Planning Department some 11 years ago for this application understood that Officers were content with the buffer under Condition 18 and PPS7 in 2010 and further stated he had no issue with the development but was unhappy with the buffer.

Alderman Duddy suggested the application be deferred to give the developer the opportunity to consider the buffer and provide a revised scheme given the location of same.

Alderman Boyle further commented the committee could make specific recommendation on the size of the buffer and Alderman Duddy felt it would be prudent to ask for a 50m buffer.

Councillor Nicholl whilst agreeing with the deferral felt it would be unwise to put a stipulation on the buffer and Alderman Finlay concurred with his remarks.

Discussion ensued and the Chair sought confirmation that committee were not stipulating a specific buffer but wished to defer the application to give the developer an opportunity to reconsider it.

Proposed by Alderman Duddy
Seconded by Alderman Boyle and

AGREED - that the application be deferred for consideration to be given by the Developer to increasing the buffer up to 50m.

The Chair put the motion to the Committee to vote
Committee voted unanimously in favour.
The Chair declared the motion to defer carried unanimously.

* **The Chair declared a recess at 12.15pm.**

The meeting reconvened at 12.30pm.

5.3 LA01/2020/1349/F, Partial site of former University of Ulster Catering College, 35-43 Ballywillan Road, Portrush

Report and erratum previously circulated, presented by the Development Management and Enforcement Manager.

App Type: Full Planning

Proposal: Development of new Mill Strand Integrated Primary School and Nursery (relocation of existing school from Dhu Varren) to provide a new 14 No. classroom primary school building and double nursery unit. Associated hard and soft play areas. Minor relocation of existing entrance and new exit point on Ballywillin Road. Internal vehicular configuration to include car parking, pick up and drop off areas and zebra crossing points. Other work to include new underground drainage system and underground stormwater pipe along Ballywillan Road with installation of pre-cast constructed headwall to facilitate drainage to the tar burn, LPG and bin storage areas, fencing, landscaping, temporary construction compound areas and associated site works.

Recommendation

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

Erratum Recommendation

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

Development Manager and Enforcement Manager presented via PowerPoint presentation.

The proposal comprises the development of a new 14 classroom primary school, separate nursery unit, car parking and play areas. The site comprises part of the site previously occupied by Portrush Catering College, now demolished. The school is to be used to accommodate the Mill Strand Primary School, currently sited in the Dhu Varren area of Portrush. It is envisaged that the primary school shall accommodate 420 pupils, the nursery school 52 children and 40 staff.

In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Portrush. The site is not zoned for a specific use. The Northern Area Plan does not contain specific policies on community facilities development such as schools, 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.

Main Issues

Principle of Development- The principle of development for a school in a suburban residential area is acceptable subject to consideration of key issues including: design; residential amenity and access/ parking.

Scale And Design- Both the main school and nursery buildings are single storey. The majority of the main school building is of low elevation at 4.5 metres with a higher section to the front to accommodate the multi-purpose and dining halls at 7 metres. The main school building has a frontage width of approximately 29 metres. The design is modern with finishes using a combination of white render, brickwork and coloured panels. Given retention of mature trees to the Ballywillan Road frontage, critical views of the school are limited.

Residential Amenity- There are dwellings in proximity to the application site at Ballywillan Road and Randal Park. In addition, dwellings are proposed, through a separate application, in the remainder of the former catering college site. A noise impact assessment has been submitted and the relationship is considered acceptable, subject to the provision of acoustic fences which are regulated by condition.

Access/ Parking- Two vehicular access points are proposed to Ballywillan Road- one as an access and the other as an exit. This will provide efficient

traffic movement through the site. 54 car parking spaces are proposed along with 16 cycle stands. The application was accompanied by a Traffic Statement and DFI Roads are content with the access and parking arrangements.

Representations- None received.

Conclusion- The proposal meets with the policy requirements for development of a new school. Likewise, it is considered acceptable having regard to other considerations. Approval is recommended.

The Chair invited questions from Elected Members to Officers.

In response to points of clarification raised by Members, the Development Manager and Enforcement Manager advised the application included a landscape plan as follows:-

Some existing vegetation retained and some replaced with Scots Pine at site frontage;

- Lime trees breaking up the parking in the car park;
- Oak trees at the outside facade.
- Beech hedge trees at the boundaries;
- Rear vegetation to be retained;
- Mixed hedgerow to be placed adjacent to new housing development;
- Towards the road will feature Beech hedging

The Chair invited S McDowell to address Committee in support of the application.

S McDowell said she was speaking as agent on behalf of the trustees and welcomed the recommendation to approve the application. S McDowell referred to the Primary School established in 1987 which accommodated 420 pupils and has grown steadily resulting in the existing facilities lacking and not meeting with EU classroom and play guidelines.

S McDowell explained there had been 16 months of pre-application engagement and 10 months at application stage and assessments undertaken in relation to noise, pollution, traffic and drainage and all 28 pre-conditions had been fully met.

On behalf of the school trustees S McDowell thanked Committee for the opportunity to present.

Proposed by Alderman Duddy
Seconded by Councillor MA McKillop and

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

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.
The Chair declared the motion carried unanimously and application approved.

5.4 LA01/2021/0948/LBC, Ballycastle Museum, 59 Castle Street, Ballycastle

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

App Type: Listed Building Consent

Proposal: Proposed installation of telecoms apparatus to council sites, as per the attached plans, as part of the full fibre Northern Ireland project. Internal works only.

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 Grant Listed Building Consent subject to the conditions set out in section 10.

Senior Planning Officer presented via PowerPoint presentation as follows:

- Listed Building Consent is sought for the proposed installation of telecoms apparatus to council site as part of the full fibre Northern Ireland project. It is important to note that this relates to internal works only.
- This is a Local application and is being presented to the Planning Committee on the basis that the Council has an interest in the land.
- Slide of the site location plan showing the building where the works are proposed at Ballycastle Museum 59 Castle Street Ballycastle
- In the Northern Area Plan 2016, the site is located within the development limit of Ballycastle, it is also within the Town Centre, the Conservation Area, Area of Archaeological Potential and Antrim Coast and Glens Area of Outstanding Natural Beauty.
- Slide - a photo of the building where the works are proposed.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, and PPS 6.
- As the building is listed, Historic Environment Division, Historic Buildings Unit has been consulted as the competent authority on listed buildings. HBU has advised that it has considered the impacts of the proposal on the listed building and on the basis of the information provided, advises it is content with the proposal subject to a condition.
- No objections were received for this proposal.
- The Granting of Consent is recommended.

Proposed by Councillor McMullan
Seconded by Councillor Anderson and

AGREED - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies, guidance, and consideration in sections 7 and 8 and resolves to Grant Listed Building Consent subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried unanimously and Listed Building Consent granted.

- * **Alderman Duddy left the meeting at 12.50pm and re-joined the meeting at 12.55 pm and did not vote on the application.**

5.5 LA01/2021/0969/F, Robert Dunlop Memorial Gardens, Castle Street, Ballymoney

- * **Alderman Finlay having declared an interest left the Chamber at 12.55 pm for the during of this item and did not participate in discussion or vote.**

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

App Type: Full

Proposal: Proposed new statue and associated paving.

Recommendation

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

Senior Planning Officer presented via PowerPoint presentation as follows:.

- Full planning permission is sought for a proposed new statue and associated paving in Robert Dunlop Memorial Gardens, Castle Street, Ballymoney.
- This is a Local application and is being presented to the Planning Committee on the basis that the Council is the applicant.
- Slide - The site location plan showing the proposed site which is located on Castle Street, just west of the junction with Seymour St and Main St.
- In the Northern Area Plan 2016, the site is located within the settlement development limits of Ballymoney. The site is just outside the Town Centre limit and lies within an Area of Archaeological Potential, and an LLPA.
- Slide - This is a photograph of the Memorial Gardens taken from Castle Street, and now a picture within the Gardens.

- The proposal is a statue of William Dunlop which will sit on a black granite plinth and it is to be roughly located between the two existing structures as showing in this photograph. There will also be new paving.
- Slide - Now turning to the proposal, you can see the proposed layout and siting of the Robert Dunlop Statue, and an indicative illustration of the actual statue which will be approx. 1.85metres from ground level including the plinth – the statue height is approximately 1.75metres.
- Turning to the policy consideration, when assessed against policy DES 2, the paving and scale of the statue are considered acceptable, and will not detract from the existing character and respects the immediate and wider area, providing a positive contribution to it.
- DfI Roads and Historic Environment Division have been consulted and raise no objection.
- There are no third party representations to the proposal.
- Approval is recommended.

Proposed by Councillor McMullan
Seconded by Alderman McKeown and

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

The Chair put the motion to the Committee to vote.
Committee voted unanimously in favour.

The Chair declared the motion carried unanimously and application approved.

* **Alderman Finlay re-joined the meeting at 1.05 pm.**

5.6 LA01/2019/1105/F, Land south of Newton Road and West of 16 Crossnadonnel Road, Limavady

Report and additional information received previously circulated, presented by Senior Planning Officer, J McMath.

App Type: Full

Proposal: Two detached dwellings with detached garage

Recommendation

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

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

Erratum Recommendation

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

Addendum recommendation

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

Senior Planning Officer presented via PowerPoint presentation.

This is a full application for two detached dwellings and detached garages at land south of 10 Newton Road and west of 16 Crossnadonnell Road, Limavady.

Brought before committee in June 2021 but was deferred to allow applicant to submit further information. The submitted information has been uploaded and has been circulated to members.

Slide - Site is located within an existing residential area within the settlement development limit of Limavady as provided for by Northern Area Plan 2016.

Slide - The application site comprises a flat parcel of land within the existing residential area.

Slide - Northern boundary with 40 Newton Road and 16 Crossnadonnell is defined by a 2m fence.

Slide - The south and western boundaries are defined by the footpath along both Newton and Crossnadonnell Roads.

Slide - Surrounding area is residential.

1 objection was received which questioned the address, and raised concerns about the speed of traffic on Crossnadonnell Road and access over the footpath and safety. The address was corrected during the processing of the application and readvertised and neighbour notified accordingly. DFI Roads were consulted on the objection and have advised that the access meets the standard requirements and confirmed that Roads do not have any safety concerns.

Slide - This is a full application for two detached dwellings with detached garages. The details of the layout, scale, mass, design and finishes are considered to comply with PPS7, PPS7 Addendum, DCAN 8 and Creating Places.

NIW have advised that while WWTW is presently available, the network is at capacity and therefore NIW cannot approve any further connections.

The applicant's case is that

- (i) Full Planning permission was granted for B/1997/0314 for serviced plots and has been implemented on site
- (ii) Material start has been made with installation of pipes
- (iii) Agent advises that Article 17 has been implemented and site has been serviced for 1 dwelling and no further consent is required for one dwelling.
- (iv) Applicant acknowledges that second site is not covered by 1997 permission but refers to Gorteen application and states that a negative condition can be used for the second dwelling.

Officials would refer to the planning history section of the Planning Committee report.

B/1997/0314 granted full pp for the layout of associated roadways for 61 serviced plots but B/1997/0314A granted outline planning permission only for site for housing development of 61 serviced plots. No full or Reserved Matters permissions have been obtained for a house type on this site therefore it is not possible to make a material start on this site, there is no extant permission and the time to submit a Reserved Matters has expired.

Under the Article 17 agreement the sewers have been adopted and NIW have advised that an Article 17 no longer exists, the full adoption which took place did not include the site as there was nothing approved on the site to connect to. Therefore there is no connection for this site and as the proposal is for 2 dwellings NIW cannot permit connection.

Regarding the use of a negative condition for the second dwelling, Officials in association with NIW have considered the matter and cannot accept the use of a negative condition in this case as there is no guarantee that that NIW will upgrade the network within the life time of a full approval. This stance was also agreed with Planning Committee on a previous application LA01/2019/0990/F.

There is no extant approval and the applicant has sought an increase in numbers from 1 to 2 dwellings. The Article 17 agreement has been adopted but did not include the proposed site as nothing was built on the site with which to connect. NIW offered opportunity to submit Waste Water Impact Assessment but applicant has chosen not to take this opportunity as cost and delay would make 2 dwelling scheme unviable. As there is no network capacity available for this development and no alternative the opinion remains to refuse.

The proposal is contrary to SPPS in that it has not been demonstrated that there is adequate Waste Water Network capacity available or that an alternative arrangement is available to serve the proposal.

The Chair advised a representative from Northern Ireland Water was present to answer questions from Elected Members.

The Chair invited M Kennedy to address Committee in support to the application.

M Kennedy thanked Committee for the opportunity to present and pointed out that the report was for full and not outline planning approval as noted by Officers and encompassed sewer and provision of works. M Kennedy stated that all requirements required under Article 23(1) of the Planning Act 2011 were fully met and implemented and on principal housing on this site had already been agreed.

Regarding the first dwelling, M Kennedy said that a sewer was connected and the second dwelling would not impact negatively on the sewer provision. He referred to para. 8.34 of the Planning Committee Report and the use of a negative condition, similar to that used for the Gorteen lands application LA01/2016/1267/RM.

The Chair invited B Carey to address the Committee in support to the application.

B Carey thanked Committee for the opportunity to present and although drainage application had been dealt with Northern Ireland Water still require a waste water impact assessment which would result in further delay and my require third party agreements. B Carey suggested that as an alternative to accommodate all parties so that planning could be approved, and as it is confirmed that the upgrade will take place between 2021-27, an extended commencement timeframe could be conditioned.

The Chair invited questions from Elected Members.

The Chair observed M Kennedy had remote connectivity issues and the question was answered by B Carey.

In response to questions from Members, B Carey advised that under Article 17 NI Water had granted the necessary permissions and he considered that there were no need for additional requirements from the developer in this regard.

M Kennedy re-joined the meeting at this point and referred to Article 23(1) of the Planning Act 2011 advising that full planning permission had been granted for 61no. properties in 1997 which included the use of the public sewer and provision of utilities including engineering operations. M Kennedy in closing said that the application being discussed was the last 2 remaining sites in the same development not yet complete at this time.

Members queried if a material start had been made in 1997 why was there a requirement for further permission and M Kennedy said while the dwelling itself required planning permission the issue was about the permission for accessibility to use the sewer as determined by Northern Ireland Water.

Members asked for clarity from a representative from Northern Ireland Water.

The Chair asked the Senior Planning Officer to make contact with Northern Ireland Water (NIW) who were no longer in attendance.

Members questioned whether it was possible for the representative to speak having not heard the discussion which had just taken place and suggested the NIW representative be briefed in advance of being asked to comment on this application once they re-join the meeting.

The Chair felt it was crucial in order to proceed with the application that Northern Ireland Water be party to the discussion and be able to comment and suggested adjourning for lunch to give them the opportunity to re-join the meeting.

The Chair advised that there could have been an assumption on the part of Northern Ireland Water that they were not required until after the lunch recess given earlier comments in relation to planned recess times.

The Chair sought legal advice from Council Solicitor the item could be adjourned until after the recess.

Council Solicitor provided Opinion that he agreed this would be in order given the circumstances.

* **The Chair declared a recess at 1.40pm.**

* **The meeting reconvened at 2.30pm.**

Members requested M Kennedy repeat his statement regarding the foul sewerage.

M Kennedy addressed Committee and repeated his statement.

The Chair invited R Mooney, NIW to speak. R Mooney clarified the consultation response dated 04 November 2019; he had reviewed and has no issue with capacity and with future connection, there was available capacity at the treatment works. R Mooney apologised to the Client and Developer, the issue had been reviewed in light of a number of issues and a decision had now been taken that it could connect.

Senior Planning Officer clarified recent communication between Planning Department and NI Water that were contrary to those stated, having requested a Waste Water Impact Assessment prior to considering whether a negative condition would be considered acceptable.

In response points of clarification from Members, the Head of Planning clarified that due to the new information received from NI Water, an overturn in any decision would be based on the new response from NI Water heard at the meeting today.

Proposed by Alderman Duddy
Seconded by Councillor Scott and

AGREED - 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 full planning permission subject to the reasons;

- New information declared by Northern Ireland Water during the course of the Planning Committee meeting resolving the infrastructure issue.

The Chair put the motion to the Committee to vote.
Committee voted unanimously in favour, 14 Members voted For.
The Chair declared the motion carried and application approved.

AGREED – that Conditions and Informatives be delegated to Officers.

5.7 LA01/2019/0641/O, Site adjacent to and west of 34a Dunlade Road, Greysteel,

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

App Type: Outline Planning
Proposal: Site for dwelling within existing cluster of development, (infilling of gap site)

Recommendation

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

Addendum Recommendation

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

Addendum 2 Recommendation

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

The Chair invited Senior Planning Officer to present via powerpoint.

Slide - The site is located in the rural area, outside any settlement development limit or environmental designations as provided for by Northern Area Plan 2016.

The surrounding area is agricultural with residential and outbuildings situated to the NE along the lane and SW onto Dunlade Road.

Slide - The site is the eastern part of a larger field, approximately 40m back from Dunlade Road.

Slide - Eastern boundary is defined by wall with no.34a

Slide - Western boundary is undefined

Slide - Northern boundary shared with lane is defined by 1.8m high embankment with 0.5 hedge

Slide - Access is from a shared laneway.

The topography is generally flat but the site is positioned above the lane and Dunlade Road.

Southern boundary is defined by mature trees and hedges

Critical views from Dunlade Road on approach from North travelling south and from laneway.

The proposal is for a site for a dwelling within an existing cluster of development infilling of gap site. Therefore the proposal falls to be determined under policies CTY2a and CTY8.

Under policy CTY2a, policy makes provision for a dwelling at an existing cluster providing it meets all 6 criteria. PAC decision 2017/A0035 advises that the first three criteria give an indication of what constitutes a cluster. In this instance the first criteria is met in that the site lies outside of a farm and consists of four or more buildings of which at least 3 are dwellings. The second criteria is met as the cluster appears as a visual entity and criteria 6 could also be met in terms of impact on residential amenity.

The site however fails to comply with criteria 3, 4 and 5.

The site is not associated with a focal point such as a social/community building/facility and is not located at a cross roads. PAC 2017/A0035 provides clarification that a focal point is an identifiable entity used by the community for gatherings or activities with social interactions. The site is not associated with any such focal point.

Slide - The submitted DOC 1 states that there is a crossroads where Dunlade Road crosses a road to an old flax mill / sluice. On the ground this is 2 separate private laneways off Dunlade Road, one partly tarmacked leading west to a dwelling at no.33 at which it terminates and the other stoned lane leading east to agricultural land where it terminates. The lanes are private with no public

access and are not maintained by DFI Roads. The point where two separate lanes meet the Dunlade Road would not be a crossroads as required by the policy.

The site is bounded on two sides with development, however there is insufficient enclosure as the site is open to a field and does not round off or consolidate and extends development into an open field. Therefore it fails to comply with criteria 3, 4 and 5. The proposal is contrary to policy CTY2a.

Precedent cases raised by the agent have been considered within the Planning Committee report but a later PAC gave more up-to-date clarification of the issue of focal point.

Turning to policy CTY8, the site accesses onto a shared lane and is at the end of a row of 4 detached dwellings with which it shares a common frontage to the lane. The supporting statement which accompanied the application states that the application is a gap site as the substantial and continuously built up frontage starts at no.44 and includes no.s 42, 40 and 38 which all have a common frontage and access directly onto Dunlade Road. It extends to no.34 and includes no.s 34A, B and C all of which have a common frontage and access onto the lane. However, the site accesses onto the lane and shares a common frontage with the existing dwellings on the lane but the site and other properties along the lane do not share a common frontage with the existing properties on Dunlade Road, nor do they visually link with these properties on Dunlade Road due to the topography and intervening vegetation.

Slide - The proposal is at the end of a row of buildings and is not a gap site and would add to the existing ribbon of development.

No overriding reasons have been forthcoming therefore the proposal is contrary to policy CTY1.

Slide - The site is situated above the lane and Dunlade Road and would be viewed in an elevated prominent position above the road when travelling from the NW. When considered cumulatively with existing development the proposal would add to the ribbon of development and would erode rural character. The proposal is contrary to policies CTY13 and CTY14.

Slide - Due to the presence of mature trees and vegetation on the site, NED have identified that the site is suitable habitat for bats, badgers and bird and have requested a Preliminary Ecological Assessment. The agent is aware of the request but did not wish to put the client to expense until the principle was accepted. In the absence of this information the proposal is contrary to PPS2.

The proposal is recommended with a refusal for the reasons stated in the Planning Committee report.

The Chair invited L Kennedy and A O'Kane to speak in support of the application.

L Kennedy stated the application should be approved under Policy CTY2A or CTY 8 and meets all six bullet criteria. Point 3 associated with a focal point, social centre or cross roads is not specific. This is a built up rural area with a strong build-up of development of some 36 buildings of which 17 are dwellings and 1 kitchen workshop. It is therefore identified as a cluster or small hamlet in a tight nucleus with a strong focal point in the rural landscape and street lighting. L Kennedy referred to application LA01/2017/0555/O, a similar application approved in October 2018 by the Planning Committee.

L Kennedy advised in relation to criteria 4 and 5, that the site is bounded on two sides by development and absorbed into the overall cluster.

L Kennedy referred to policy CTY8 paragraph 5.3 advising that the road frontage includes a footpath or private lane and does not need individual accesses. He advised there is a ribbon of development from no.34 -44 Dunlade Road with 11 dwellings all visually linked. The site can accommodate two dwellings. NIEA preliminary ecological assessment that can be provided if the principle of development is accepted.

A O’Kane addressed the Committee in support of the application, stating she was a twenty-seven year old professional and wished to now settle in her community having obtained job security. A O’Kane advised the site is next door to her parents who rely on their only daughter in the country for support. The land belongs to her father and is the only land available.

In response to questions from Elected Members, L Kennedy clarified:

Historically the area was a Mill at the Faughanvale River and housed workers’ cottages. The overall build-up of the development is a focal point in the landscape, with roadside street lighting, dwellings on each side of the road and is a strong focal point in its own right. In October 2018 a similar application was approved by Planning Committee due to the level of build-up in the area and no focal community building – Ringrash Road, Macosquin.

In response to requests for clarification the Senior Planning Officer clarified The Roads NI Order definition of a Public Road and cited from the Order. She advised there was no definition of a cross roads, suggested crossing of public roads. She had viewed a series of laneways accessing individual houses, individual land, groups of houses and illustrated via aerial photograph.

Senior Planning Officer stated the terminology of the PAC regarding a focal point was an entity used by the community for social interactions and did not accept a group of buildings as a focal point in its own right, The Policy has six criteria, and a grouping of buildings may be a visual entity but not a focal point.

The Head of Planning clarified Section 250 of the Planning (Northern Ireland) Act 2011 refers to the definition of a road referring to the Roads Order.

Referring to the Ringrash Road comparison, the Senior Planning Officer advised this was the first occasion the comparison had been put to Planning

Department by the Agent and had not been considered, nor had an opportunity to review it.

The Head of Planning sourced the Minutes of the meeting held and read the decision to Committee. The Planning Committee had considered the six criteria in line with policy CTY2A and interpretation of a community focal point, previous decision was a cross roads and dwellings in a cluster.

The Head of Planning recalled PAC decisions under Policy CTY2A which advise that all six criteria are required to be met.

Proposed by Councillor Nicholl

Seconded by Councillor McMullan

- 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:
 - there are overriding reasons why this development is essential in this rural location and could not be located within a settlement as it is a family home and working from home and Covid has compounded this;
 - it does cluster and rounding off and will not visually intrude into the open countryside;
 - it will not create ribbon development, the aerial photograph illustrates development already there;
 - the proposal will integrate into the surrounding landscape around the focal point;
 - the focal point referenced LA01/2017/7555/O PAC states that a focal point is not necessary; there is street lighting etc;
 - development is already there and so will not be detrimental to species and can request preliminary ecological assessment if the principle of development is accepted.

The Chair put the motion to the Committee to vote.

8 Members voted For; 3 Members voted Against; 2 Members Abstained.

The Chair declared the motion carried and application approved subject to submission of satisfactory preliminary Ecological Assessment.

AGREED – that Conditions and Informatives are delegated to Officers.

- * **Councillor P McShane arrived at the meeting at 3.16pm during consideration and did not vote on the Item.**

5.8 LA01/2019/0849/F, Lands 125m South West of No. 132 Clooney Road, Eglinton

- * **Alderman Finlay left the meeting.**

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

App Type: Full Planning

Proposal: Retention of existing farm shop for Longfield Farm, ancillary storage of farm produce and car parking.

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.

Erratum Recommendation

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

Addendum Recommendation

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

Addendum 2 Recommendation

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

Senior Planning Officer presented via Powerpoint presentation.

Subject to erratum which streamlines refusal reason to remove reference to use of existing building.

The proposal is contrary to Policy CTY 11 of PPS 21 Sustainable Development in the Countryside in that it is not satisfactorily integrated with an existing group of buildings.

Addendum - outlines the information received on 20th September 2021 which included a supporting letter from the agent and letters of support from the Ulster Farmers Union and letters of support from 6 customers.

Addendum 2 - disregard reference to PAN.

Slide - Site located SW of 132 Clooney Road in rural area outside any Settlement Development Limit or environmental designation.

Slide - Circular shaped site, 18m back from Clooney Road site contains a rectangular metal container/ structure on a concrete base, with an area of parking and turning.

Slide - Site is accessed from an existing lane which serves the farm.

Slide - The proposal is for the retention of existing farm shop for Longfield Farm,

Slide - Proposal also contains ancillary storage of farm produce and car parking. (Measures 6.1m x 3.1m x 2m)

Slide - Boundaries are defined with 1 m high P&W fence with no vegetation on boundaries.

Slide - view from SW

Slide - view from SW

Slide - view from road

Slide - view from road

Slide - view from SE

The proposal falls to be determined under the SPPS and PPS21. The SPPS expresses a town centre first approach to retailing but provides an exception for development such as farm shops and states that such retail facilities should be required to be located within existing buildings. The farm shop is located in a metal container/structure on a concrete base within a stoned area that was previously part of an agricultural field. The proposal is not located in an existing building and is located approximately 135m from the closest farm building.

Policy CTY11 of PPS21 entitled farm diversification supports a diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm and it meets various criteria. DAERA have confirmed that the farm business is currently active and established however policy CTY11 states that proposal will only be acceptable where they involve the re-use or adaptation of existing farm buildings, exceptionally a new building may be permitted where there is no existing building available to accommodate the use. Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

The case made by the applicant is that the existing buildings are all in use and cannot accommodate the farm shop and a site to integrate with the existing group of buildings is not possible due to bio-security, health and safety, farm security, integration, floodplain and surface water flooding. Each of these have been explored in detail in the committee report.

Taking these factors into account the applicant has demonstrated that the reuse and adaptation of existing farm buildings is not possible in this instance however the policy still requires a new building to integrate with an existing group of buildings. No determining reason has been forthcoming as to why the site for the farm shop cannot integrate with an existing group of buildings as required by the policy. Other lands closer to the existing group of buildings exist which would integrate with the buildings as required by the policy and which would not affect bio-security, health and safety or farm security. The flood plain is to the north of the existing farm yard and surface flooding on the lane could be addressed with appropriate drainage solutions.

In terms of character and scale, the metal container/structure on a concrete base used to house the farm shop is not appropriate to the site as it is open, prominent with no mature boundaries, is cut from a larger agricultural field with critical views from the South and SW along Clooney Road which fails to integrate and respect the character of the area.

In addition as no overriding reasons have been forthcoming as to why the development is essential the proposal is contrary to policies CTY1, CTY11 and SPPS and refusal is recommended.

The Chair invited M Kennedy and A Hunter to speak in support of the application.

M Kennedy addressed Committee stating the principle of the building is acceptable and the only concern is its location. The applicant had been seasonally selling produce for twenty years, and had started at the time of Foot and Mouth outbreak. A farm shop to the south, west and east is not suitable and land regularly floods; south is private front gardens. An extension to the farm lane across the house is not suitable and would be close to the location of the free range chickens. This is a small building designed to integrate and there are mature trees and hedgerows with a mature backdrop to the west and north boundaries. Happy to provide a landscaping plan with retention of the existing vegetation. Farm building integrates and is surrounded by mature vegetation two sides and photographs demonstrate this. It states the building 'should' integrate and therefore there is discretion.

A Hunter addressed Committee in support of the application. He stated the site is not visible at the roundabout. The trees can continue to grow. A hawthorn hedge could be planted around the boundary would look well. To move the concrete base and building to the north onto arable land is a waste of good land and in regards to climate change was not recommended. DAERA 'farm to Fork' acknowledges zero food miles and vegetables are not transported from California or Northern Europe.

In response to questions from Elected Members, A Hunter advised he had the existing premises for over three years. The previous trailer had been there from June to September and operated by students. A Hunter advised he would like to diversify. He has free range hens and seven acres of land for potatoes. There have been no complaints made to him over this time.

Proposed by Councillor Nicholl
Seconded by Alderman Duddy and

AGREED - 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:

- Policy allows to have the farm shop in the countryside; it has been in operation for twenty years and provides sustainability of the rural community.

- The following paragraphs in the Planning Committee report state the rationale for why the Farm Shop is located there – para.s 8.78, 8.8, 8.9, 8.10;
- It will not be prominent, is bounded on two sides as was clear from the site visit held and will not be a detrimental change to the countryside.
- The Farmyard is active and acceptable contrary to the officers report the reasons why it cannot be located there because of the reasons stated by the Agent/Applicant;
- Policy CTY2A the business is currently active and established for twenty years.
- It does not have an adverse impact on natural heritage nor built heritage, small in character and scale; brief glimpses when travelling in either direction
- Not practical to have it on the farm due to health and safety, farm security.
- There is an obligation to diversify and build on a rural economy.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

AGREED – that Conditions and Informatives are delegated to Officers.

* **Alderman Boyle left the meeting at 4.10pm.**

The Chair declared a recess at 4.10pm.

* **The meeting reconvened at 4.20pm.**

* **Alderman Finlay re-joined the meeting.**

5.9 LA01/2020/0550/F, Approx. 30m SW of 147 Mountsandel Road, Coleraine

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

App Type: Full Planning

Proposal: Proposed split level dwelling and garage

Recommendation

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

Senior Planning Officer presented via powerpoint presentation.

The application site is located on lands associated with No. 147 Mountsandel Road. The site is accessed via an existing vehicular access onto Mountsandel Road.

The site is bound to the north by No. 147 Mountsandel Road, to the south vegetation leading to the River Bann, and to the west a public pathway to Mountsandel forest.

The site for the dwelling is located mainly outside of the Settlement Development Limit as designated in the Northern Area Plan 2016. Part of the retaining wall and edge of the proposed garage appears to be on and within the Settlement Development Limit. The existing access to No. 147 is to be shared with the proposed dwelling. The existing access to No. 147 is within the Settlement Development Limit. Outline planning permission for a dwelling has been approved to the front of the site within the Settlement Development Limit for a 2 storey dwelling June 2022.

The Senior Planning Officer referred to the slides as follows:

- Slide - adjacent to the location plan is the relevant extract from the Northern Area Plan 2016 showing the extract from the map for the town of Coleraine. As you can see the settlement development limit runs to the rear of Sandewood Avenue and across the land to the rear. The green hatch relates to LLPA CEL 13 designated in the Plan and detailed on page 8 paragraph 8.11 of the Committee Report. This sets out the features of the designation namely the SLNCI to the east and the lower density housing and extensive and visually significant woodland on the steep slopes rising from the Bann.
- An aerial photo of the area providing the site context. The star marks the location of the site for the dwelling. As the site is located within the countryside Policy CTY 1 of PPS 21 is applicable.
- The agent has argued under the submitted Design and Access Statement that the development is partially on and outside the settlement development limit. The statement refers to No. 155a which they say is partially on the line. The statement also refers to a boat house on the river and a CLUD approved on the application site.
 - No 155a was approved by the PAC 17 years ago when the land was within the Settlement Development Limit of the North East Area Plan 2002. These dwellings were considered under a different planning context and are therefore not relevant to this application.
 - The CLUD is considered under para 8.21 of the Committee Report. The Permitted Development for a small ancillary shed is not justification for a dwelling in the rural area.
 - The boat house to the rear of No.s 173 to 175 referred to by the agent. We have been unable to find any history to this site.

As the proposed dwelling is located outside the Settlement Development Limit it does not meet with the exceptions listed under policy CTY 1 of PPS 21 and no overriding reasons have been considered to demonstrate why development is essential in this location and could not be located in the Settlement Development Limit.

- The submitted block plan. Shows the site in context with No. 147. The vegetation and contours of the land falling to the River Bann. The site falls 5m

from the proposed retaining wall to the front of the dwelling. A 2m retaining wall is proposed to the rear along the shared boundary of No. 147 with 3m high retaining walls extending beyond to the east and west gables.

- The existing access from Mountsandel Road. The building in the fore of the garage to be demolished to make way for a new dwelling. The ridge of No. 147 is just seen in the tree line.
- Part of the dwelling will be sited in these grounds 10m from the rear of No. 147
- Access to the pedestrian path to Mountsandel forest
- Views from the path into the site
- Views of the site from the path. From here there will be some views of the western elevation, the 2 storey dwelling and extensive grounds works.
- Views of the site and slope towards the River Bann
- Looking up at the existing house
- Looking across the site west to east. A preliminary ecological assessment was submitted and NIEA NED and SES have no objection subject to conditions if approved.
- 2 storey dwelling, built on a platform with 3m high retaining walls though views are limited we still have concern with the dominance of the proposed dwelling in this rural area extending beyond the Settlement Development Limit.
- A section of the site detailing the levels of cut required.

The application has been recommended for refusal in that the proposal would also be liable to adversely affect the features of the LLPA and the design of the building is inappropriate for the site and fails to blend with the landform contrary to policy CTY 13. It does not meet with the exceptions of policy CTY 1 for a house in the countryside and would if approved result in urban sprawl and contrary to policy CTY 15 of PPS 21.

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

M Howe stated the application is a retirement home. The rural site had twenty-nine neighbour notifications and 0 objections. It is situated North within the settlement development limits and to the South outside it. The settlement development limit is a 8.5m thick line in the Northern Area Plan and the site is 1.5m within it. He referred to PAC decision 2012/A0127 clearly indicates if the site is within the thickness of the black line it is considered within the settlement development limits. Planning accept backland development. If site is 40% within the settlement development limit there is the presumption in favour of development.

Urban sprawl - settlement development limits are to promote and contain development. This is a short stretch of road where the gardens are cut-off by the development limit. Most would believe the river to be the boundary. Across the river Castleroe is within the development limit. This does not look like or feel like a rural site.

LLPA – dwelling not unduly prominent in the landscape not suburban style. Certificate of Lawful Development can be obtained for permitted development rights without the need for planning permission as it is wholly within their rights

to build within their curtilage permitted development. The proposed development will have no greater impact than what can be built under permitted development. Planning can reduce the red line of the planning application so that 60% is within the development limit and it is therefore no longer a rural site.

In response to questions from Elected Members, M Howe clarified the Planners can ask for a reduction in the red line of the application site but they haven't engaged on what the threshold is. The PAC decision related to development that was within the boundary line thickness. Referring to the Senior Officer slide, M Howe advised other development was approved prior to the change in Planning; 2 houses are part inside and part outside the development limit.

The Head of Planning clarified the inside of the black line is considered to be the extent of the settlement development limit. The PAC decision referred to was the Larne Area Plan. The Head of Planning cited from PAC decision 2012/A0127 paragraphs 5-7. She advised that the other dwellings referred to were approved under the North east Area Plan, a different policy context to the current site under the Northern Area Plan adopted September 2015.

The Senior Planning Officer advised only half of the garage is within the settlement limit.

In response to a question from a Member, M Howe referred to the slide illustrated, and advised that the inner edge of the development limit is nonsense as the vast majority of the gardens of houses further down are in the countryside.

Proposed by Alderman Finlay
Seconded by Councillor Scott and

AGREED – that Planning Committee defer consideration hold a Site visit to see where the boundary line is and how it affects other developments in relation to the settlement development limit.

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

5.10 LA012020/0347/O, 40m West of 1 Lisheegan Lane, Bendooragh Road, Ballymoney

Report and addendum previously circulated, presented by Senior Planning Officer, E Hudson.

App Type: Outline Planning
Proposal: Proposed Residential Dwelling House and Garage.

Recommendation

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

Addendum Recommendation

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

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to withdraw refusal reason 5 and refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.

Senior Planning Officer presented via powerpoint presentation.

Slide - Planning Application LA01/2020/0347/O. This is an outline application for dwelling and garage.

A site visit was previously carried out at this site and report circulated to Members. There are 2 addendums to the Committee report. The application was deferred at the August Planning Committee to allow for the submission of a biodiversity checklist. A Preliminary Ecological Appraisal was subsequently submitted and consultation carried out with NIEA NED. NIEA have considered the impacts on designated sites and other natural heritage interests and on the basis of the information provided has no concerns subject to recommendations as outlined in Addendum 2 of the Committee report. As such, and as advised in Addendum 2, we have removed refusal reason 5 relating to impact on natural heritage issues. The remaining 4 refusal reasons as outlined in Part 10 of the Committee report still remain

Slide - The site is located 40 m west of no. 1 Lisheegan Lane, Ballymoney. The site is located in the open countryside as defined in the Northern Area Plan. The site location plan shows the site outlined in red. The site has a corner location with Lisheegan Lane running along the north east boundary of the site and Bendooragh Road running along the western boundary.

Slide - This is a view along the Bendooragh Road with the site on the left of the photograph.

Slide - This is a view along the other frontage of the site along Lisheegan Lane towards the junction which adjoins the Bendooragh Road.

Slide - This is a view along the site frontage again from the opposite direction along the Bendooragh Road.

Slide - This is a longer distance view of the site taken from the same direction along Bendooragh Road. This shows the road junction with Lisheegan Lane at the corner of the site.

Slide - This is a view towards the corner of the site taken from the road junction.

It is considered that the proposal does not meet any of the policy exceptions that would permit a dwelling in the countryside under Policy CTY 1 of PPS21. The proposal is not considered to meet the criteria for a dwelling in a cluster as prescribed under Policy CTY2a. It is not considered that the cluster appears as a visual entity in the local landscape. The road layout together with existing vegetation and screening makes development appear dispersed rather than appearing as a visual entity. The proposal is not associated with a focal point or a cross roads. The junction of Bendooragh Road and Lisheegan Lane could not be considered as a cross roads for the purposes of the policy. A meat factory building is located in the vicinity of the site but is not a social/community building for the purposes of the policy. The site is not located within an existing cluster and would visually intrude into the open countryside. As such the proposal fails to comply with Policy CTY 2A.

In terms of an infill opportunity under policy CTY8, the site would not be considered to be a small gap within either frontages of Lisheegan Lane or the Bendooragh Road. The intervening road junction along the Bendooragh Road means the extent of development along this portion of the road could not be considered as a continuous built up frontage. Likewise the site is not a gap within a continuous built up frontage along the Lisheegan Lane. The proposal fails to meet policies CTY 8 and CTY 14 as it would create a ribbon of development and result in a suburban style of build-up.

Recommendation is to refusal permission for the reasons outlined in Part 10 of the Committee report amended as set out in Addendum 2.

The Chair invited B McConkey to speak in support of the application. B McConkey addressed Committee on the following:

The site is located in an established cluster under Policy CTY2A PPS 21 and complies with the criteria. A total of eight dwellings are visually linked which is a sign of visual entity in the landscape. The build-up is obvious with the majority of the 8 dwellings having a road frontage and only 4 dwellings are required for a cluster and the 90° bend consolidates the cluster.

The site is in close proximity to a meat factory, an employment focal point in the area and complies with cluster policy.

B Mc Conkey referred to a PAC decision reference, 2017/A0222 which considered a Plant Hire business to satisfy the focal point criteria; there is no difference between it and a meat factory.

B McConkey stated that there is no impact on residential amenity; the site is enclosed on 2 sides and also falls within the infill criteria as the site frontage is at a road junction which is 30m wide and in a gap sufficient for maximum of 2 dwellings. He considered that the plot ratio complies with the surrounding context and there are only transient views. The site therefore complies with policy. He considered there to be no impact on the existing character of the area, no impact on habitats and any trees removed can be replaced.

In response to questions from Elected Members B McConkey advised the application fulfils the Policy for both a cluster and an Infill.

Proposed by Alderman Finlay

Seconded by Councillor McLaughlin and

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

- Refusal 1 is over-ridden as this meets both infill and cluster policies as there are plenty of houses there.
- Very much appears as a visual entity, marring together 2 groups ; focal point is similar to that in the appeal quoted.
- Policy CTY8 – will not extend development as it is in the middle of the development and will not create ribbon development. Planning appeal regarding focal point in that if all other criteria is met it does not need a focal point, but the meat factory is a focal point similar to the Plant Hire Business in the PAC decision.
- Will not change the rural character when driving down the road.
- This is a fair application in the right place and will infill rather than extend ribbon development.

The Chair put the motion to the Committee to vote.

9 Members voted For; 2 Members voted Against; 1 Member Abstained.

The Chair declared the motion carried and application approved.

AGREED – that Conditions and Informatives are delegated to Officers.

- * **Councillor Scott left the Chamber at 5.24PM**
Councillor McLaughlin disconnected from the meeting at 5.26pm

5.11 LA01/2018/1402/F, 79b Finvoy Road, Ballymoney

Report, addendum, erratum and additional information received, previously circulated, presented by Senior Planning Officer E Hudson.

App Type: Full Planning

Proposal: Retrospective Application for Existing Workshop/Store and Office for industrial use pertaining to the research, development and testing of overland slurry distributors, RHI Boiler and Flue.

Recommendation

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

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to obtain a consultation response from DFI Rivers and in turn provide advice to the Planning Committee. This recommendation supersedes that 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 defer the application in accordance with Paragraph 3.1 of the Addendum to the Planning Committee Report.

Senior Planning Officer presented via PowerPoint presentation.

Verbal Addendum

Further correspondence was received by the agent on Friday 22nd October.

This submission included a statement outlining why the applicant/agent believes it is unreasonable to consider this application prior to the determination by the PAC of a concurrent enforcement appeal for the site. This has been considered and outlined in the written addendum to the Committee report.

The submission goes onto consider how part of the subject development is immune from enforcement action. The specific statutory scheme of the determination of lawful use or development is as set out in case law namely - *Saxby v Secretary of State for the Environment and Westminster City Council (1998)*, and is the issue of a lawful development certificate (CLUD). In the absence of a CLUD, the lawfulness of proposed development cannot be conclusively presumed. An alternative means to demonstrate lawfulness is through an enforcement appeal.

It makes a number of comments in response to the Committee report:

- There have been no 3rd party complaints to the site;
- The proposal complies with Policy PED 3 of PPS 4;

- The applicant is willing to remove the RHI Boiler and Flue if necessary;
- The site has no impact on rural character;
- Slurry spreading is only for the testing of new equipment. Air modelling is not required as the applicant had previous agreement to do this. Air modelling can be provided if deemed necessary;
- It contributes to the local economy;

The submission also included the appellants SOC to the PAC for the concurrent Enforcement Appeal. This appeal is still under consideration by the PAC. This statement of case presents a case for the proposal under farm diversification. This was never presented as part of this application. In order to consider the case under farm diversification would require consideration under the SPPS and Policy CTY 11 and consultation with DARD.

As outlined in the written addendum a Drainage Assessment has been recently submitted and consultation with DFI Rivers ongoing. Taking into account the need to consider the farm diversification case and the outstanding Rivers consultation recommendation is to defer determination of the application to consider these outstanding matters.

Proposed by Councillor McMullan
Seconded by Alderman Finlay and

AGREED – that Planning Committee defer consideration for Officers to consider these outstanding matters.

The Chair put the motion to the Committee to vote.
10 Members voted For; 0 Members voted Against; 0 Members Abstained.
The Chair declared the application deferred.

5.12 LA01/2021/0191/F, 46 Ballykelly Road, Limavady

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

App Type: Full Planning
Proposal: Proposed 2.0m high security fence to front boundary

Recommendation

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

Senior Planning Officer presented via Powerpoint presentation.

- Full Planning permission is sought for a 2.0m high security fence to front boundary

- This is a Local application and is being presented to the Planning Committee on the basis that the agent sought referral to the Planning Committee.
- A similar proposal, LA01/2019/0421/F, which included the works subject of this application, along with further fencing, was presented to the Planning Committee in November 2019 and was deferred for a site visit. Following the site visit, the applicant withdrew that application.
- A Proposed Certificate of Lawful Development was subsequently submitted for those works, excluding the road side fencing, as it was considered to be permitted development within the General Permitted Development Order. This CLUD was then certified as permitted development on 12.02.2020. As a 2.0 metre high fence adjacent to a road is not permitted development, a planning application is required which this application is seeking permission for.
- Slide - The site is located in open countryside, between the settlement development limits of Ballykelly and Limavady, along the Protected Route. The site is not subject to any other specific designations or zonings within the Northern Area Plan.
- Slide - a location plan showing the site and its boundary.
- Slide - the site plan and the pink indicates the line of the proposed fence.
- Slide - photo showing the front of the site and another photo showing where the fence is to be sited in relation to the road. The proposal seeks to enclose the area to the front of the existing buildings with 2m fencing along the front elevation. This slide gives an illustration of the proposed fencing.

It is considered that the proposed fencing is unsympathetic in the rural location and is unduly prominent from the public road and has an unacceptable impact on rural character. DfI Roads and NED have been consulted and raise no objection.

The proposal is contrary to Paragraph 6.70 of the SPPS in that it does not integrate into its setting, respect rural character and is not appropriately designed. Refusal is recommended as set out in the Committee Reports.

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

A Tate advised the area is open to passing traffic and high value stock left unattended and unsupervised and security measures were required for business insurance. In 2017 there was a refusal for retention of parking area and fence and more to do with operational development. This application solely for the erection of a fence as the use is immune from enforcement action. Impact on rural character is eroded by the existing activities on the site. it is

difficult to sustain a refusal of the fence due to detrimental impact on rural character when the remainder of the site has the same fence erected. A tate provided examples of other similar fencing in the area – Faughanvale GAA, O’ Hara Motors, NI Water and the Vale Centre. Viewed in the overall context of the development and the remainder of the site, this is the same fencing.

In response to questions from Elected Members, Senior Planning Officer clarified a softer approach had been suggested rather than a harsh fence, the applicant was not keen. The Agent had a hedge to the front of the fence but within visibility splays and had to be removed. It had been expected to run along the line behind the visibility splays to achieve a softer element.

Proposed by Councillor Nicholl
Seconded by Councillor McGurk

That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to approve permission subject to the reason set out;

- There has been a CLUD on the site demonstrating remainder of the site bounded with the same fence for a rural business and will assist in the sustainability of the rural business.
- It is not detrimental to the rural character of the area as there are examples of other fences along Clooney road, so it will integrate with the rural character.

The Chair put the motion to the Committee to vote.

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

The Chair applied her Casting Vote Against.

The Chair declared the motion lost and application refused.

In response to Councillor McMullan, the Head of Planning clarified the vote, 8 Members being in attendance.

5.13 LA01/2021/0401/O, 15m North of 27 Glen Road, Drumnacur, Glenariffe

Report, erratum and correspondence received, previously circulated, presented by Development Management and Enforcement Manager.

App Type: Outline

Proposal: Single detached dwelling with detached garage and upgrade to sub-standard sight-lines at no. 27 Glen Road

Recommendation

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

Erratum Recommendation

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

Addendum Recommendation

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

Senior Planning Officer presented via powerpoint presentation.

This outline proposal is for a dwelling, detached garage and new paired access with No. 27 Glen Road. Regarding the principle of development, the proposal is put forward as a dwelling on a farm.

In terms of the Northern Area Plan 2016, the site is located in the open countryside beyond the settlement development limit of Glenarriffe. The Northern Area Plan does not contain specific policies on the countryside, rather directing that regional policies apply.

This is a "Local" classified planning application and is presented to the Planning Committee as a referred item.

Principle Of Development- Policy CTY 10 of PPS 21 sets out the tests for a dwelling on a farm. The proposal meets with these on the basis that the farm business is active and has been established for 6 years; there has been no sell-offs and; the site is visually linked or sited to cluster with an established group of buildings on the farm. However, at issue is the specific site selected.

Integration- The site is not visually integrated into the surrounding landscape. The hedge removal required at the site frontage would exacerbate the open nature of the site. Critical views are on either direction of travel along the site frontage and on approach from the north. By siting next to no. 27, The proposal would create a ribbon of development along the road which would cause harm to rural character. An acceptable site could be identified elsewhere on the farm.

Access- A new paired access point is proposed in the middle of the site onto Glen Road. This complies with technical requirements and is acceptable to DfI Roads.

Conclusion- The proposal does not meet with the policy requirements for a dwelling in the countryside. Refusal is recommended.

In response to questions from Elected Members, Development Management and Enforcement Manager clarified there could be other potential sites on the farm,

site selection was not undertaken by Planning Department, the application site does not achieve integration.

The Chair invited W O'Kane to present in support of the application.

W O'Kane stated the Planning Department had advised the application meets 3 criteria under Policy CTY10 and there have been no objections. Weight has been given to the concerns regarding integration and rural character.

W O'Kane advised that there is a backdrop to the site and referred to the approval at no. 53 Glen Road which has the same backdrop is the same. He referred to a site which was refused for same reason and PAC commissioner overturned. He advised that PPS 21 does not state that buildings have to be invisible and he is committed to planting. The buildings along Glen Road are mostly all road frontage and the ribbon of development already exists.

Building on Tradition, refers to forms of traditional pattern of settlement. He advised that where there is ambiguity in the policy it should be considered in the favour of the applicant.

W O'Kane advised that the land rises to the rear in the distance and there is no noticeable difference between this and others approved and consistency must be applied. He advised to site on the other side of the road is unsuitable as he does not control the land for sight lines, there are 2 streams that flood and that the proposed site is for him and his wife. The development will pair with the existing access and improve the sight lines and will meet the needs of the rural community. He stated that section 6(4) of the Planning Act allows for material considerations to offset policy.

PPS21 development meets essential needs for a vibrant community.

In response to questions from Elected Members, W O'Kane advised the planning references of the applications he referred to are LA01/2019/0026 and 2019/A0260.

In response to questions from Elected Members, Development Management and Enforcement Manager clarified that application LA01/2019/0026 was for a single dwelling approved under policy CTY8 and framed by the existing development as an infill dwelling. In relation to integration, it was carefully designed to respect the building line and could successfully integrate with vegetation to the boundary. The appeal was for 2 no. infill sites with a visual backdrop of buildings with mature vegetation and rising topography in the distance; framed by existing development and distinguishable from this application site.

W O'Kane wished to speak. The Chair stated he could not address Committee again.

Proposed by Councillor McMullan
Seconded by Councillor MA McKillop and

AGREED - That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and

guidance in sections 7 and 8 and resolves to Approve planning permission subject to the reasons set out:

- The application does comply with policies CTY13 and 14. It is only divided from the Farm cluster by the Glen Road, which is approximately 5m wide. The proposed site is approximately 6m from the rest of the farm cluster.
- SE side of Glen Road is not suitable site and would impede expansion of the farm business and expect to build another sheep house under permitted development. There would be health and safety issues if the site was behind these buildings.
- Policy CTY14 all buildings bar 2 are road frontage dwellings, barns and 4 businesses on the Glen Road. All sympathetically integrate into the area; the Glen road is the vein of the area.
- A Hen House has been approved and there was no integration; you can see across Glenariffe
- This is an outline application and can condition sympathetic siting with softer approach to assist integration.
- This house will be no different to other houses on the Glen Road.
- Glen Road leads into Manor Lodge a restaurant in the area; nothing can be hid due to the unique setting of the area.

The Chair put the motion to the Committee to vote.

7 Members voted For; 0 Members voted Against; 1 Member Abstained.

The Chair declared the motion carried and application approved.

AGREED – that Conditions and Informatives are delegated to Officers.

5.14 LA01/2020/0692/MDA, Rear of 33 Glenann Road, Cushendall

Report, addendum and correspondence received previously circulated, presented by Senior Planning Officer, E Hudson.

App Type: Modification/Discharge of Planning Agreement

Proposal: Original application reference E/1998/0238 dated 1/9/2000, Planning agreement restricting use of proposed holiday cottages to holiday letting accommodation.

Recommendation

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

Addendum Recommendation

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

Senior Planning Officer presented via Powerpoint presentation.

Slide - Planning Application LA01/2020/0692. This is an application to discharge a planning agreement which was attached to a 1998 outline planning application for 3 holiday cottages to the rear of 33 Glenann Rd, Cushendall. The Planning Agreement stated that the proposed holiday cottages shall be used as holiday letting accommodation only. This application is seeking to remove this agreement so that the buildings can be used for permanent residential use.

The agent provided additional supporting information which has been circulated and an addendum to the Committee will also be included.

Slide - The red line boundary of the site. The site is located in the open countryside and within the Antrim Coast and Glens AONB as defined in the NAP.

Slide - Aerial view of the site is show the existing arrangement. The properties are still be rented out as holiday cottages.

Slide - This shows the access into the site off a laneway from the Glenann Road.

Slide - This is a view along the front of the 3 cottages which form a small terrace of 3 single storey dwellings.

Slide - A view in the opposite direct towards the entrance gate. This area to the front would currently be used for parking to visitors staying at the cottages. In terms of the principle of development the proposal is seeking the permission for 3 permanent residential dwellings and therefore would need to comply with Policy CTY 1 of PPS 21. Supporting information was submitted for consideration. It advises that the 3 cottages will provide affordable housing stock to this area for the local community as well as providing sustainability for the local Glenann Primary school which is within walking distance. However it has not been demonstrated how the proposal would meet any of the policy exceptions for housing in the countryside and as such the proposal fails to meet Policy CTY1.

Slide - This is a view along the rear of the cottages. As the proposal is for more than one dwelling Policy PPS 7 Quality residential environments is also applicable. The proposed amenity space falls well below the required 70 sq m and the small patio areas shown in the slide are between 35 –37 sq m. The amenity spaces are separated by close boarded timber fence but as can be seen by the photos are open with each other by gates which link all 3 spaces.

This is probably required too to allow the middle cottage to bring their bin around to the front as if these were permanently blocked their only option would be to bring through the property which would be unacceptable. It is considered the proposal is contrary to Policy QD 1 as it lacks private amenity space and does not afford an acceptable level of privacy.

Slide - Show that the narrow depth of amenity space. The area to the side is open and used for turning of vehicles. The dwellings are also below the required space standards for a 5 person 3 bed dwelling and so would be contrary to Policy LC 1 of the Addendum to PPS 7.

Recommendation to refuse the discharge of the planning agreement as it does not meet any of the policies for dwellings in the countryside and is also contrary to PPS 7 in terms of amenity and privacy and the Addendum to PPS 7 in terms of adequate space standards.

In response to questions from Elected Members, Senior Planning Officer clarified the application below space standards, the floor plans originally for five people and show up to seven people, 3 bedroom, 5 person 80-85m² falls below as is 78m² The outside space in the middle enclosed with no rear outside access other than through other properties.

The Head of Planning clarified the application to amend a Planning agreement for permanent holiday accommodation only. A formal planning application would be required to apply for a replacement dwelling to replace the building, justification for single dwellings in the countryside has not been forthcoming.

Propose by Alderman Duddy
Seconded by Alderman Baird and

AGREED - That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to REFUSE the discharge of a planning agreement for the reasons set out in section 10.

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

* **Councillor MA McKillop left the meeting at 7.15pm.**

5.15 Submission of Additional Information received LA01/2019/0890/F, Existing Rigged Hill Windfarm site, 6km East/South of Limavady

The Chair advised Committee late information had been received during the course of the meeting in relation to the Application that had earlier been granted planning permission.

Correspondence had been received from Alderman Robinson in objection to the application and whether Planning Committee wished to visit the Drumsurn area to visit the landscape.

The Head of Planning invited Committee to consider whether they wished to consider a Site Visit, there had been no discussion at the Order of Items at the beginning of the meeting.

Proposed by Councillor Nicholl
Seconded by Councillor McGurk and

AGREED – that Planning Committee have considered the correspondence, do not need to visit the site and are content with the decision made by Planning Committee today.

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

6. DEVELOPMENT MANAGEMENT

6.1 Quarterly Report on Planning Performance

The following report was presented as read by The Head of Planning.

Report, previously circulated.

Background

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

The statutory targets are:

- Major applications processed from date valid to decision or withdrawal within an average of 30 weeks
- Local applications processed from date valid to decision or withdrawal within an average of 15 weeks

- 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The First Quarter 2020/21 Statistical Bulletin was published on 30 September 2021 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

Details

Website link 1

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-june-2021> provides the link to the published bulletin.

Development Management Planning Applications

Table 1 below provides a summary of performance in relation to the statutory targets for major development applications and local development applications for the first quarter of 2021-22 business year and provides a comparison of performance against all 11 Councils.

In the Q1, Causeway Coast and Glens Borough Council issued the highest number of major planning applications out of the 11 councils, 100% of which were approved. These decisions granted permission for 2no. schools, a hotel, an open farm and a total of 306 residential units.

The overall approval rate for decisions on planning applications was 95.9%, 1.1% above the Northern Ireland average. For residential applications, the approval rate was 97.2%, 4th highest out of the 11 Councils and 1.9% above the NI average. However, the negotiations on planning applications to achieve a scheme that is acceptable under planning policy causes delay to the processing times of applications. Although average processing times for both major and local applications are below the Northern Ireland average, they are an improvement on the end of year position for the previous business year (quicker by 2.2 weeks and 1.6 weeks respectively), indicating continual improvement towards meeting the statutory performance indicators.

In terms of live applications, this Planning Department has the 4th highest live applications with the 4th highest percentage of live applications over 12 months in the system. The percentage of live applications that are over 12 months in the system has reduced by 2.5% when compared to the end of year position of 2020/21. The number of applications in the system over 12 months will continued to be monitored over this business year.

Enforcement

Table 2 below shows statistics in relation to enforcement for Q1 of the 2021/22 business year. Of note is that the Enforcement Team had the highest number of prosecutions out of the 11 Councils accounting for 75% of prosecutions by all 11 Councils. The percentage of cases concluded within the statutory target of 39 weeks continues to be achieved sitting 5.2% above the NI average.

Percentage of Local applications determined under delegated powers Table 3 below details 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 97% of applications determined were delegated under the scheme of delegation.

Number of applications taken to Planning Committee and percentage of Committee decisions made against officer recommendation

Table 4 provides details on the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including Major, Council and Local applications. This is taken from the date of the Planning Committee meeting. To note is that all referred local applications had the officers' recommendation overturned at Planning Committee which is a 100% overturn rate for referred applications and a 35% overturn rate in total.

Percentage of appeals against refusals of planning permission that are dismissed

Table 5 below details the number of appeal decisions issued YTD of 2021/22 business year. Please note that these figures relating to planning appeal decisions are unvalidated statistics extracted from internal management reports.

Number of claims for costs received by the PAC and number of claims awarded

Table 6 provides the details 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. Costs were partly awarded in this case due to the retrospective planning application relating to the enforcement notice being capable of being issued prior to the appeal hearing and therefore the requirement for the hearing would not have been necessary.

Total number of referrals requested

Table 7 details 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.

Other Activity by Planning Department

Tables 8 below indicate the level of other activity carried out by the Planning Department over Q1 of 2021/22 business year.

In addition to the formal applications received, the Planning Department received 51 other types of applications relating to planning applications. The number of Proposals of Application Notices received is double that received for the same period last year and 2/3rds of those received for the whole of the last business year. This providing an indication of the number of major planning applications likely to be submitted over the next number of months, showing continuing interest in investment in this Borough.

Income

Table 9 below provides a breakdown of the income generated by the Planning Department in Q1 of 2021/22. Taking account of both the planning application fees and property certificates fees, income is 18% higher than predicted for this period.

Conclusion

In conclusion, performance within the Planning Department continues to steadily improve towards meeting the statutory targets. Recruitment of staff to fill vacant posts continues which will assist in reducing workloads and improving average processing times for both planning applications and enforcement cases. Agreements on Standing Advice with statutory consultees to seek agreement on the reduction of statutory consultations continues, again assisting in the reduction of timeframes for processing planning applications.

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

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

7. DEVELOPMENT PLAN

7.1 Verbal Update

The item was withdrawn from the Agenda.

7.2 BT Removal of Public Telephone Service at Bann Road, Bendooragh to allow adoption for Community Defibrillator

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

Purpose of Report

To present a BT consultation to remove the public telephone service at Bann Road, Bendooragh BT53 7JA (02827663134) to allow adoption of the red phone kiosk to house a community defibrillator.

Background

BT wrote to the Council on 2nd August 2021 to advise of their proposal to remove the public telephone service at Bann Road, Bendooragh (see Images 1 & 2 circulated) and to allow Bendooragh & District Community Association to adopt the red telephone kiosk to install a community defibrillator.

BT have advised that they are meeting their obligation to provide a Universal Service as there are other kiosks remaining in the vicinity. The nearest alternative kiosk is at Culcrow Park, Coleraine. There is also full mobile network coverage.

BT affixed a 42-day public notice on the subject kiosk, which expired on 13th September 2021. The Planning department received no comments in response to this.

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

It is recommended that the Planning Committee agree to one of the following options:

- **Option 1:** Agree to support the removal of the existing service to allow adoption to install a community defibrillator: or
- **Option 2:** Agree to oppose the removal of the existing service; and to the Head of Planning responding to BT on behalf of the Council.

Proposed by Alderman Duddy
Seconded by Alderman Baird and

AGREED – that Planning Committee approve Option 1 - to support the removal of the existing service to allow adoption to install a community defibrillator.

The Chair put the motion to the Committee to vote.
6 members voted for unanimously.
The Chair declared the motion carried.

7.3 DfC – Advance notice of Listing

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

Purpose of Report

To present the Department for Communities: Historic Environment Division (DfC) advance notice of listings to the Council.

Background

DfC wrote to Council on 17th September 2021 seeking comment (by 29th October 2021) on a number of proposed listings within the Borough, under Section 80 (1) of The Planning Act (Northern Ireland) 2011 (see Appendix 1, circulated).

The proposed listings are as follows:

HB03/05/035 County Boundary Stone, 30
Rectory Road, Ballyversal, Coleraine;
HB03/06/021 County Boundary Stone, 264
Loughan Road, Colebreene, Coleraine;
HB03/06/022, County Boundary Stone, 104
Seacon Road, Drumaduan, Ballymoney;
HB03/07/021, County Boundary Stone, 11
Magherabouy Road, Ballywillian, Portrush;
HB03/07/023, County Boundary Stone, 116
Gateside Road, Ballywillian, Coleraine
HB04/01/016, County Boundary Stone, 27
Ballywindelland Road, Ballymoney

Options

Option 1: Agree to support the listings: or

Option 2: Agree to oppose the listings.

It is recommended that the Planning Committee agree to either Option 1 or Option 2 (above) and agree to the Head of Planning responding to DfC:HED on behalf of Council.

Proposed by Councillor Hunter
Seconded by Alderman Duddy and

AGREED – that Planning Committee approve Option 1: Agree to support the listings.

The Chair put the motion to the Committee to vote.
6 members voted for unanimously.
The Chair declared the motion carried.

7.4 CARD Business and Public Perception Studies

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

Purpose of Report

To present updated public and business perception studies for 12no. towns within the Borough.

Background

Under the provisions of the Strategic Planning Policy Statement (SPPS) and in preparation of its Local Development Plan (LDP), Councils are required to undertake an assessment of the need or capacity for retail and other main town centre uses across the plan area, and to prepare town centre health checks.

Retail capacity work and some aspects of town centre health check work are specialisms within planning, and, therefore, in recognition of the requirement to undertake this work as part of the LDP process, and of the need in relation to the determination of planning applications for retail development within the Borough, the Council appointed two consultants back in November 2016 to prepare two separate but related pieces of work, as follows:

- Nexus Planning - Retail and Leisure Capacity Study; and
- Sproule Consulting - Public and Business Perception Studies

In late 2020 the Council commissioned Nexus Planning to update the retail (only) part of the 2016 Retail and Leisure Capacity Study, to provide an updated evidence base to inform the LDP preparation and to assist in the determination of a number of planning applications within the Borough. This update was presented and agreed at the 25th November 2020 Planning Committee.

In March 2021, the Council appointed Client Analysis & Relationship Development (CARD) Group Ltd to carry out updated public and business perception surveys in 12 designated towns within the Borough (see individual reports attached at Appendix 1, circulatef). The aim of the survey was to assess how people and businesses perceive these towns in order to assist both the Council's Planning and its Prosperity & Place departmental operations.

The study is broken into twelve separate reports – one for each of the following towns:

- Ballycastle
- Ballykelly
- Ballymoney
- Bushmills
- Coleraine
- Cushendall
- Dungiven

- Garvagh
- Kilrea
- Limavady
- Portrush
- Portstewart

Each report sets out the following:

- Visitor sample size
- Trader sample size
- Date of survey
- Caveat re restrictions in place at the time of survey

Visitors

- Visitor Profile
- Origins & travel
- Associated mapping
- Reasons for visiting
- Opinions
- Pre and post-COVID use

Traders

- Trader Profile
- COVID Impact
- Opinions
- Appendix 1: Terminology and Clarification
- Appendix 2: ACORN & Sentiment explained
- Appendix 3: Results explained
- Disclaimer

It is recommended that the Planning Committee accept the CARD Public and Business Perception Surveys to inform the Local Development Plan preparation and the determination of relevant planning applications within the Borough.

Proposed by Alderman Baird
Seconded by Alderman Duddy and

AGREED - that the Planning Committee accept the CARD Public and Business Perception Surveys to inform the Local Development Plan preparation and the determination of relevant planning applications within the Borough.

7.5 LDP Project Management Team – Annual Monitoring Report

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

Purpose of Report

To present the Local Development Plan (LDP) Project Management Team (PMT) Annual Monitoring Report (AMR) as set out in the attached Terms of Reference (TOR).

Background

The Council's Development Plan team is currently preparing an LDP for the Borough, a statutory requirement for the Council. In preparing its LDP the Council must provide a 15-year plan framework to support the environmental, economic and social needs of the Borough in line with regional strategies and policies, and with the objective of promoting 'sustainable development'.

The LDP is subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA).

The purpose of the PMT is to facilitate key consultee co-operation in the plan-making process (see TOR at Appendix 1, circulated). The objective is to provide expert input (in an advisory role) in line with the Council's published 'Statement of Community Involvement in Planning' (SCI).

At Preferred Options (POP) Stage key consultees provided information and advice on key strategic issues that the LDP should address.

The invite to participate in the PMT also extends to all party leads (or a nominee) and Council Directors.

LDP Timetable

It is a statutory requirement to prepare, and keep under review, a timetable for the preparation and adoption of the LDP. The timetable must include indicative dates for each stage of the LDP preparation and the publication of the POP and the development plan documents (Draft Plan Strategy and Draft Local Policies Plan) as well as accompanying documents such as the SA/SEA.

Members agreed a revised LDP Timetable at the 24th March 2021 Planning Committee. Following agreement with the Planning Appeals Commission (PAC) on 6th May 2021 and DfI on 13th May 2021, the revised timetable was published in 'The Chronicle' for two consecutive weeks, on weeks commencing 24th and 31st May 2021, and on the Council's website on 25th May 2021.

In line with this timetable the Development Plan team is currently working towards the publication of the LDP Draft Plan Strategy in spring/summer 2022.

Face to face meetings have not been possible due to government/public health guidelines, so the PMT has been regularly consulted (electronically) throughout the reporting period for input and advice on the Council's draft LDP policy approach.

LDP Evidence Base

The LDP must have a robust and sound evidence base.

The Council's Development Plan team continues to update the evidence base to inform the draft LDP policy approach which is presented for agreement to Members at the ongoing suite of topic-based LDP Workshops.

Sustainability Appraisal (SA)

Once agreed, the LDP draft policies will be subject to SA/SEA.

Impact on LDP Timetable

It is important to note that the Northern Ireland LDP process is totally new. Although it was anticipated that the new regime would take some time to settle down, it is fair to say that it has been a much steeper learning curve than was originally anticipated, for all 11 councils and the key consultees and stakeholders, and in particular for the Department for Infrastructure (DfI) with its oversight role.

DfI has, during the LDP process to date, issued a number of guidance documents that the Council has had to take account of in its LDP preparation. DfI advises that this is likely to continue throughout the entire process as the NI LDP process matures.

IT IS RECOMMENDED that Members accept this LDP Project Management Team Annual Monitoring Report.

AGREED - that Planning Committee accept this LDP Project Management Team Annual Monitoring Report.

7.6 LDP Steering Group – Annual Monitoring Report

Report, previously circulated.

Purpose of Report

To present the Local Development Plan (LDP) Steering Group Annual Monitoring Report (AMR) as set out in the attached Terms of Reference (TOR).

Background

The Council's Development Plan team is currently preparing an LDP for the Borough, a statutory requirement for the Council. In preparing its LDP the Council must provide a 15-year plan framework to support the environmental, economic and social needs of the Borough in line with regional strategies and policies, and with the objective of promoting 'sustainable development'.

The LDP is subject to a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA).

In line with the Council's published 'Statement of Community Involvement in Planning' (SCI), the LDP Steering Group was established, comprising the Planning Committee and the Head of Planning (see TOR at Appendix 1, circulated), to:

- Ensure overview and strategic input in the Plan process, on behalf of the whole community, as well as from planning officials and the wider council.
- Deliver the LDP in accordance with the published Timetable whilst meeting statutory requirements and various tests of 'soundness'.
- Ensure the engagement of Elected Members in the LDP process.
- Agree policy options to be taken forward for assessment under the Sustainability Appraisal/Strategic Environmental Assessment.

At Preferred Options (POP) Stage the LDP Steering Group was consulted on key issues arising within the Borough and for agreement on the publication document.

LDP Timetable

It is a statutory requirement to prepare, and keep under review, a timetable for the preparation and adoption of the LDP. The timetable must include indicative dates for each stage of the LDP preparation and the publication of the POP and the development plan documents (Draft Plan Strategy and Draft Local Policies Plan) as well as accompanying documents such as the SA/SEA.

Members agreed a revised LDP Timetable at the 24th March 2021 Planning Committee. Following agreement with the Planning Appeals Commission (PAC) on 6th May 2021 and Department for Infrastructure (DfI) on 13th May 2021, the revised timetable was published in 'The Chronicle' for two consecutive weeks, on weeks commencing 24th and 31st May 2021, and on the Council's website on 25th May 2021.

In line with this timetable the Development Plan team is currently working towards the publication of the LDP Draft Plan Strategy in spring/summer 2022.

The LDP Steering Group has not met throughout this reporting period, as the LDP Workshops to agree the draft planning policy approach to development remain ongoing, with all Members invited to attend/input. However, the group will reconvene as and when required to progress the Draft Plan Strategy to publication.

Regular verbal updates on the LDP progress are provided by the Plan Manager to the Steering Group, at the Planning Committee.

LDP Evidence Base

The LDP must have a robust and sound evidence base.

The Council's Development Plan team continues to update the evidence base to inform the draft LDP policy approach which is presented for agreement to all Members at the ongoing LDP Workshops, prior to agreement with the Steering Group.

Sustainability Appraisal (SA)

Once agreed, the LDP draft policies will be subject to SA/SEA.

Impact on LDP Timetable

It is important to note that the Northern Ireland LDP process is totally new. Although it was anticipated that the new regime would take some time to settle down, it is fair to say that it has been a much steeper learning curve than was originally anticipated, for all 11 councils and the key consultees and stakeholders, and in particular, DfI, with its oversight role.

DfI has, during the LDP process to date, issued a number of guidance documents that the Council has had to take account of in its LDP preparation. DfI advises that this is likely to continue throughout the entire process as the NI LDP process matures.

IT IS RECOMMENDED that Members accept this LDP Steering Group Annual Monitoring Report.

AGREED - that Planning Committee accept this LDP Steering Group Annual Monitoring Report.

8. CORRESPONDENCE

8.1 DfI Planning Advice Note – Response to DfI Minister

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

Background

This Report is to seek agreement on the response to the DfI Minister on the Implementation of Strategic Planning Policy on Development in the Countryside Planning Advice Notice (PAN).

The PAN was previously presented to Planning Committee at its meeting held on 25 August 2021. At that meeting Members resolved to hold a workshop to discuss the content of the PAN and input into the response to the Minister on the PAN.

Details

At the workshop held on 08 September 2021, attended by 7 Planning Committee Members, the following points were raised to be included within the response:

Dwelling on a farm:

- Concern regarding the impact the guidance will have in relation to out-farms where there are no buildings and will be very damaging to the farming community;*
 - Does not take into account the changing farming practices in relation to the Young Farmers Scheme to encourage the handover of farms to younger farmers. Consideration should be given to next generation of farmers who have signed up to the Scheme but do not have an active farm business for 6 years;*
 - Clustering on a farm is not always possible due to rights of way on access.*
 - Consideration needs to be given to smaller farms where there are only dwellings and garages; these are buildings on the farm. Dwelling on farm should be allowed to cluster with these buildings on a farm; policy does not state otherwise.*
 - Should be able to consider sequential test of: buildings, building, no building, including where the building is a dwelling on the farm.*
 - Impact on rural communities struggling for housing solutions;*
- Infill policy:*
- Domestic garages can be substantial in size and can have as great a visual impact as the main dwelling. Domestic garages to the side and of substantial size should not be excluded from contributing to the assessment of a substantially and continuously built up frontage.*
- Implementation*
- Should be a lead in time for those applications in the system.*
 - Do not consider the PAN to be a fair interpretation of the policy or to consider future rural needs.*

Subsequent to the workshop correspondence was received from Ulster Farmers Union (UFU) (Appendix 1, circulated). The UFU raises concerns with the PAN and states that “Whilst the primary legislation has not changed, what

has changed is councils' freedom to interpret and apply policy to planning applications in their area." The UFU are greatly concerned about the potential effects this PAN will have on rural dwellers and communities requesting Council write to the Minister requesting that the PAN is withdrawn.

Correspondence has also been received from Lisburn and Castlereagh Council (Appendix 2 circulated) asking for confirmation of support regarding their letter to the Permanent Secretary. They further request confirmation that should they proceed with formal action against the Department that this Council and other Councils, agree to share the costs that may arise. The correspondence further advises that NILGA support the view that the Department ought to review their approach to the introduction of this guidance note.

Option 1

Council writes to DfI Minister outlining this Council's concerns and asking that the PAN is withdrawn and further consideration given to the needs of rural communities and the changing the changing farming practices.

Option 2

Council writes to the Minister as per Option 1 and in addition support the UFU asking for the withdrawal of the PAN.

Option 3

Council writes to the Minister as per Option 2 and writes to Lisburn and Castlereagh Council offering support to their letter to the Permanent Secretary asking for the PAN to be withdrawn.

Option 4

Council writes to the Minister as per Option 3 and agrees to financially support Lisburn and Castlereagh Council in any legal challenge to the PAN.

The preferred Option would be Option 3 as both UFU and Lisburn and Castlereagh Council are agreeing with Members that the PAN should be withdrawn. Option 4, supporting financial costs in relation to any legal challenge may be costly and there is no provision within the Planning Department budget to cover such costs. The Minister states the PAN is guidance and not policy. Council's interpretation of the policy is largely in line with the guidance with the exception of dwellings on a farm. The wording of the policy in relation to 'buildings' under policy CTY 10 remains.

IT IS RECOMMENDED that the Committee **agrees** to the Head of Planning issuing the attached letter to the DfI Minister as per **Option 3**.

The Head of Planning updated Committee, on 15 October 2021 the PAN had been withdrawn by the Minister and recommended the Council response be amended.

The Head of Planning advised welcoming the withdrawal of the PAN however, the content of the correspondence would stay the same to reflect the current situation and to retain key points in response to the Minister.

Councillor McGurk welcomed the rescinding of the PAN, that Committee should still send correspondence and place its concerns on record.

Councillor Hunter concurred, Council was a rural Borough and issues should be kept on the radar of the Minister and thanked the Head of Planning for her work on the report.

Proposed by Councillor McGurk
Seconded by Councillor Hunter and

AGREED – that Council write to the Minister welcoming the removal of the PAN and also outlining its concerns, to be placed on record.

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

8.2 Council Response – DfC Conservation Principles – Consultation Paper

Copy previously circulated.

8.3 Council Response – DfI Draft DPPN 11

Copy, previously circulated.

8.4 Council Response – NIHE Reaching Rural Consultation

Copy, previously circulated.

8.5 The Planning (Notification of Applications – Petroleum) Direction 2021

Copy, previously circulated.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Alderman Duddy
Seconded by Councillor McGurk and

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

- * **Public were disconnected from the meeting at 7.46pm.**

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

9. CRAIGALL TPO REQUEST

Confidential report, previously circulated, presented by the Development Plan Manager.

Purpose of Report

To present the Council's consideration of a request to serve a Tree Preservation Order (TPO) on Craigall Rocks and its vicinity.

Background and further detailed information was provided within the confidential report circulated.

It is recommended that the Planning Committee note the content this report and agree not to serve a Tree Preservation Order on Craigall Rocks and agree to the Head of Planning responding to the DAERA Minister on behalf of the Council.

10. CONFIDENTIAL ITEMS

10.1 Report for Noting Finance Period 1-5 2021 22 Update

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

Background

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 5 of the 2021/22 business year. Further detail was provided within the confidential report.

IT IS RECOMMENDED that the Committee notes the update provided on the Planning budget as of end of period 5 of 2021/22 financial year.

AGREED – that Planning Committee notes the update provided on the Planning budget as of end of period 5 of 2021/22 financial year.

10.2 New Planning Portal IT System – Intelligent Client Function – Service Level Agreement

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

The purpose of this paper is to provide seek agreement to sign up to this Service Level Agreement between Belfast City Council and Planning Authorities on how the new Planning IT System will be managed, when operational, from Spring / Summer 2022 (Appendix 1 circulated). The full business case (which included the role of the ICF) has already been approved by Council.

The ten local Councils and the Department for Infrastructure (DfI) have been working collaboratively to deliver a new Planning IT System. Following an open procurement process for a new Planning IT system, the 11 Planning Authorities awarded a contract to TerraQuest (TQ), in June 2020. The contract with TQ is to deliver a new Planning IT System plus the support and maintenance of the System until June 2030 (and potentially to June 2040).

Further detail was set out within the confidential report.

IT IS RECOMMENDED that the Committee agrees to the signing of this Service Level Agreement with Belfast City Council.

Proposed by Alderman Duddy
Seconded by Councillor McGurk and

AGREED - that Planning Committee agrees to the signing of this Service Level Agreement with Belfast City Council.

10.3 LDP draft plan strategy (SA SEA) Options

Confidential report, previously circulated, presented by The Head of Planning.

Purpose of Report

To outline the key options available for undertaking the Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) of the Council's Local Development Plan (LDP): Draft Plan Strategy and seek agreement to sign the amended Service Level Agreement with Shared Environmental Services.

Further background information was set out within the confidential report.

There are 3 Options presented for consideration, as follows:

Option 1 – Employ a permanent member of staff to incorporate this SA/SEA specialism;

Option 2 – Open procurement to engage Consultants; or

Option 3 – Direct Award to SES to continue their work through the Draft Plan Strategy Stage.

IT IS RECOMMENDED that the Planning Committee note the contents of the paper and AGREE to the preferred option (3) - Direct Award to SES and signing of Service Level Agreement to continue their work through the Draft Plan Strategy Stage.

Proposed by Alderman Duddy
Seconded by Alderman Baird and

AGREED - that the Planning Committee note the contents of the paper and AGREE to the preferred option (3) - Direct Award to SES and signing of Service Level Agreement to continue their work through the Draft Plan Strategy Stage.

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

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

11.1 Pre Action Protocol (Councillor Hunter)

Councillor Hunter requested an update on last month's Pre Action Protocol (PAP) to the Council dated 03 September 2021 regarding LA01/2020/1235/O Proposed infill site for dwelling between 51 and 53 East Road, Drumsurn at site adjacent to no.53 East Road, Drumsurn.

Council Solicitor, N Linnegan, clarified notification had been issued of the Council decision and subsequently the party has agreed to accept and lodged an application for the planning permission to be quashed. Council are awaiting a Court date and an update will be brought to Committee on the agreed position.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor McMullan
Seconded by Councillor McGurk and

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

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 8.13pm.

Chair