Causeway Coast & Glens Borough Council

PLANNING COMMITTEE MEETING HELD WEDNESDAY 22 DECEMBER 2021

Table of Key Adoptions

No.	Item	*Summary of Decisions*
1.	Apologies	***None***
2.	Declarations of Interest	***None***
3.	Minutes of Planning Committee meeting held Wednesday 24 November 2021	***Confirmed***
4.	Order of Items and Confirmation of Registered Speakers	***LA01/2019/0629/O, Land at 29 Drumavoley Road, Ballycastle deferred for the reasons set out.*** ***LA01/2018/1158/F, Approx 30m South East of 20 Glenariffe Road, Glenariffe deferred for a Site Visit for the reasons set out.***
5.	Schedule of Applications:	
5.1	LA01/2021/1207/F, Waterside Carpark, Castle Lane, Coleraine	***Approved***
5.2	LA01/2021/1065/F, Existing planter to west of Coleraine Town Hall, The Diamond, Coleraine	***Approved***
5.3	LA01/2021/1055/A, on the pavement directly outside 3 Railway Road, Coleraine	***Granted Consent***
5.4	LA01/2021/0023/O, Adjoining No 37 Dunlade Road, Greysteel	***Disagree and Approved Delegated Conditions and Informatives***
5.5	LA01/2021/0418/O, Land approx. 38m east of the junction of	***Disagree and Approved***

	Churchfield Road and Ballynagard Road (Losset Corner) Ballycastle	***Delegated Conditions and Informatives***
5.6	LA01/2020/0156/F, 99 Dowland Road,	***Deferred for two months in order to allow time to submit outstanding material and subsequently to make a final determination, by end February 2022.***
6.	Development Management and Enforcement	
6.1	NI Planning Monitoring Framework 2020/21	***Information***
6.2	Planning Review – Action Plan	***Information***
6.3	Review of the "Protocol for the Operation of the Planning Committee"	***That Planning Committee defer consideration and bring a report on a review of the Timetable of Meetings to Council.***
7.	Development Plan	
7.1	Quarterly Verbal Update	***Information***
8.	Correspondence:	***Noted (Items 8.1-8.10 inclusive***
8.1	DAERA Single Dwelling Standing Advice	
8.2	DAERA Planning Authority intention to proceed with a decision without DAERA advise	
8.3	Correspondence to DAERA Minister re: consultation responses	
8.4	Response to DAERA Minister re: TPO at Craigall	
8.5	Response from DfI Minister re: PAN	
8.6	Correspondence to DfI Minister re: submission of representations late in the planning process	
8.7	FODC Draft Plan Strategy Correspondence – Representation	
8.8	FODC Draft Plan Strategy Correspondence – Consultee	
8.9	DC&S DC – Correspondence re: dPS focused changes & revised	

	LDP timetable	
8.10	Signed Shared Environmental Services (SES) SLA – SASEA	
	'In Committee' **(Items 9-9.3 (iii) inclusive)**	
9.	Confidential Items:	
9.1	Report for Noting Finance Period 1-7 2021 22 Update	***Information***
9.2	Planning Budget estimate 2022/23	***Information***
9.3	Legal Update	
(i)	Pre-Action Protocol Letter in relation to Planning Permission LA01/2020/0756/F	***Update received***
(ii)	Judicial Review – Infill Site at East Road, Drumsurn	***Update received***
(iii)	Hartland's Judgment	***Update received***
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	***None***

MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND VIA VIDEO CONFERENCE ON WEDNESDAY 22 DECEMBER 2021 AT 10.31AM

Chair:	Alderman Baird (C)
Committee Members Present:	Alderman Boyle (C), Duddy (C), Finlay (C), S McKillop (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)
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 (C) J Keen, Committee & Member Services Officer (C) A Lennox, Mobile Operations Officer (C) Public (7 No. including Speakers) (R)

Key R = Remote **C =** Chamber

Registered Speakers in Attendance (R):

Item No	**Name**
LA01/2019/0629/O	M Smyth
LA01/2021/0023/O	A Tate A McGurk
LA01/2021/0418/O	S McHenry
LA01/2018/1158/F	C Cassidy

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

The Chair read extracts in relation to the Remote Meetings Protocol and reminded the Planning Committee of their obligations under the Local Government Code of Conduct.

1. APOLOGIES

There were no apologies recorded.

The Chair advised the following Members would arrive late to the meeting – Alderman Boyle, S McKillop and Councillor McLaughlin.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 24 NOVEMBER 2021

Copy, previously circulated.

Proposed by Councillor Scott
Seconded by Councillor McMullan

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

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

RESOLVED - That the Minutes of the Planning Committee meeting held Wednesday 24 November 2021 were confirmed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

Proposed by Alderman Baird
Seconded by Councillor P McShane

- That Application LA01/2019/0629/O, Land at 29 Drumavoley Road, Ballycastle is deferred for a consideration of an issue raised by an objector that needs to be investigated.

The Chair put the motion to the Committee to vote.

12 Members voted For; 0 Members voted Against; 0 Member Abstained.
The Chair declared the motion carried.

RESOLVED - That Application LA01/2019/0629/O, Land at 29 Drumavoley Road, Ballycastle is deferred for consideration of an issue raised by an objector that needs to be investigated.

Proposed by Councillor McMullan
Seconded by Councillor P McShane

- That Application LA01/2018/1158/F, Approx 30m South East of 20 Glenariffe Road, Glenariffe is deferred for a Site Visit, due to wishing to see the site in order to gain a better understanding of the context; there may be new information.

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

RESOVLED - That Application LA01/2018/1158/F, Approx 30m South East of 20 Glenariffe Road, Glenariffe is deferred for a Site Visit, due to wishing to see the site in order to gain a better understanding of the context; there may be new information.

The Chair advised the Agenda would be considered in the order as presented.

5. SCHEDULE OF APPLICATIONS:

5.1 LA01/2021/1207/F, Waterside Carpark, Castle Lane, Coleraine

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

App Type: Full
Proposal: NI Water carried out maintenance within their existing pumping station buildings and required temporary land surrounding the station to accommodate this work. The surrounding land was used for site accommodation and to facilitate the works on agreement with the council which began on 5th July 2021 running till 27th August 2021.

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 retrospective planning permission is sought for NI Water carried out maintenance within their existing pumping station buildings and required temporary land surrounding the station to accommodate this work. The surrounding land was used for site accommodation and to facilitate the works on agreement with the council which began on 5th July 2021 running until 27th August 2021.

- The site is located within the Settlement Development Limit of Coleraine, Coleraine Town Centre, an Area of Archaeological Potential and a Local Landscape Policy Area as defined in the Northern Area Plan 2016.

- No objections were received for this proposal from third parties and approval is recommended.

Proposed by Alderman Finlay
Seconded by Councillor Hunter

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

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

RESOLVED - 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.

5.2 LA01/2021/1065/F, Existing planter to west of Coleraine Town Hall, The Diamond, Coleraine

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

App Type: Full
Proposal: Erection of stainless steel sculpture.

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 installation of a stainless steel sculpture at an existing planter to the west side of Coleraine Town Hall. Slide of the location plan showing the site outlined in red.
- This is a Local application and is being presented to the Planning Committee on the basis that the Council is the applicant. The Planning Committee report has been circulated.
- Slide showing the site located within the settlement development limits of Coleraine and within Coleraine Town Centre and lies within an Area of Archaeological Potential, and an Area of Townscape Character (ATC) as designated In the Northern Area Plan 2016.
- The site is close to some listed buildings. Slides showing photographs of the site. A photograph showing the context of the site in relationship to the town hall and another photograph shows the planter where the sculpture will be sited.
- The proposed artwork is a stainless steel sculpture, beginning with an initial unified wave, which will then separate, to rise upward in six individual curved trajectories. Slide showing an image and the dimensions of the proposal and part of the memorial inscription.
- The steel will be welded to a plate which will be bolted into a concrete base slipped into an existing planter.
- When assessed against policy DES 2 and the ATC, the proposed sculpture is considered acceptable and will not detract from the existing character and respects the immediate and wider area, providing a positive contribution to it. This is an artist's impression of the sculpture on the planter.
- DfI Roads and Historic Environment Division have been consulted and raise no objection.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS6 and PPS3.
- There are no third party representations to the proposal.
- Approval is recommended.

Proposed by Councillor Scott
Seconded by Councillor Anderson

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

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

RESOLVED - 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.

*** Alderman S McKillop arrived in The Chamber at 10.54am and did not vote on the application.**

5.3 LA01/2021/1055/A, on the pavement directly outside 3 Railway Road, Coleraine

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

App Type: Advertisement Consent
Proposal: Engraved memorial plaque constructed from honed granite with a non-slip finish. Laid within existing pavement.

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 CONSENT** for the advertisement consent application.

Senior Planning Officer presented via powerpoint presentation as follows:

- Advertisement Consent is sought for an engraved memorial plaque constructed from honed granite with a non-slip finish to be laid within existing pavement on Railway Road, Coleraine.

- This is a Local application and is being presented to the Planning Committee on the basis that the Council is the applicant. Planning Committee report has been circulated.

- The site is located within the settlement development limits and town centre limit of Coleraine and lies within an Area of Archaeological Potential as designated within the Northern Area Plan 2016. Slide showing the location map indicating the location of where the plaque will be sited, and a slide showing of the satellite image showing the approximate location of the plaque as identified by the red star.

- Slide showing a photo of the pavement on Railway Road where the plaque will go.

- The overall width of the plaque is approximately 60cm. This is to be constructed from honed granite with a non-slip finish and text to be inscribed with plaque.

- Slide showing the image of the plaque showing the dimensions and inscription on the plaque.

- When assessed against Policy AD 1 of PPS 17 & SPPS, the plaque has limited visual impact and will not adversely affect amenity or public safety, including road safety as the views are very limited and restricted to those viewing it on the pavement.

- Slide showing a photomontage and artists impression of the plaque in the pavement.

- DfI Roads, Environmental Health and Historic Environment Division have been consulted and raise no objection.

- There are no third party representations to the proposal.

- The Granting of Consent is recommended.

Proposed by Alderman Finlay
Seconded by Councillor Hunter

- 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 Consent for the advertisement consent application.

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.

RESOLVED - 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 Consent** for the advertisement consent application.

5.4 LA01/2021/0023/O, Adjoining No 37 Dunlade Road, Greysteel

Report**,** Site Visit report, correspondence from Agent previously circulated, presented by Senior Planning Officer J McMath.

App Type: Outline
Proposal: Proposed site for dwelling & garage.

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

Senior Planning officer presented via powerpoint presentation as follows and provided a Verbal addendum regarding an email dated 20th December 2021

- Slide showing the location of the site located in rural area outside any Settlement Development Limit as defined in NAP 2016.
- Slide showing the site. The site is a portion of field to immediate W/SW of no 37 Dunlade Road, Greysteel.
- Slide showing the two storey dwelling currently under construction to immediate west, now at a further stage of construction than shown on photos.
- Slide showing the topography of the site to be flat
- Slide showing North, West, South boundaries as undefined
- Slide showing the site accessed via laneway. The East boundary is defined by Post & Wire fence.

The application is an outline for a dwelling and garage. As the description did not indicate which policy the application was submitted under and as no specific case was made, the proposal was considered primarily under policy CTY1.

The proposal is not a replacement; there are no special person or domestic circumstances; this is not for a non-agricultural business, there is no farm information; the proposal therefore does not comply with policies CTY3, 6, 7 and 10. The proposal was therefore considered under policies CTY2a and CTY8.

Policy CTY 2a notes that planning permission will be granted for a dwelling at an existing cluster of development provided 6 criteria are met.

PAC 2017/A0035 outlines that the first 3 criteria of policy CTY2a give an indication of what constitutes a cluster and defines a focal point.

Under the first criteria the site lies outside of a farm, no 37, and its garage is to the east and a new dwelling (under construction at the time of the site visit is to the west. Therefore there is not a cluster of 4 of more buildings outside of a farm holding of which at least 3 are dwellings at this site. The group of buildings along Dunlade Road are physically and visually separated by an agricultural field therefore the site does not form part of the grouping along Dunlade Road. The site is not located at a cluster and does not appear as a visual entity.

PAC 2014/A0148 found that a site assessed under policy CTY2a needed to be in physical proximity as well as have visual linkage to be part of the visual entity.

Focal point: identifiable entity used by the community for gatherings or activities with social interaction.

The site is not associated with a focal point or located at a cross roads.

The site is bound on two sides with development and is able to obtain a suitable degree of enclosure and a dwelling at this location would not be detrimental to residential amenity.

As the site is not located at a cluster of development it cannot be absorbed into an existing cluster through rounding off and consolidation. The proposal is contrary to policy CTY2a.

Policy CTY 8 notes that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage. For the purpose of the policy a substantial and continuously built up frontage relates to 3 or more buildings.

No. 37 and the garage are located to the east of the site. The garage does not contribute to the assessment of substantial and continuously built up frontage as it is subordinate and does not have a frontage. To the west is a dwelling which at the time of inspection was under construction. Other development further along the lane is physically and visually separated from no 37 and the site and therefore does not contribute to the assessment of a substantial and continuously built up frontage. The proposal fails to comply with the exception as there is no substantial and continuously built up frontage at this location as required by the policy.

In addition, no 37 is accessed via a lane which terminates at no 37. The only frontage of no 37 to the laneway is at its access point. No 37 does not have a frontage to the lane and cannot be counted in the built up frontage.

The dwelling under construction to the west does not have a frontage to the same lane as no 37 as a separate spur has been created off the lane, the only frontage this property has to that spur off the lane is also at the access point. This cannot be counted in the built up frontage.

The proposed site does not have a frontage to the existing lane as a new spur off a lane will be provided to access the site and the only frontage to that lane is at the access point.

The site is not considered to be a gap site, it is not located at a substantial and continuously built up frontage which includes a line of 3 or more buildings along a road frontage and the site does not share a common frontage to the same lane as no 37 or the building under construction. The proposal is contrary to policy CTY8 and will constitute ribbon development.

No overriding reasons have been forthcoming as to why the development is essential and the proposal is contrary to policy CTY1.

In response to Elected Member requests for clarification, the Senior Planning Officer advised some PAC decisions are made by Independent Commissioners and some are made by a group of Commissioners, weighed as related to the application and evolution of decision making may be more relevant as regarding precedent. Senior Planning Officer clarified the location within the aerial photograph slide.

The Head of Planning advised PAC clarification of interpretation of Policy in recent decisions carry more weight as they set out clearly the Commission's position that all 6 criteria apply to the Policy.

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

A Tate advised the area is very built up and has a strong rural cluster. There are 36 buildings including 17 dwellings which forms a strong focal point. Under PPS 21 Policy CTY 2a 6 the criteria are met.

- Criteria 1 – there are clearly more than 4 buildings of which 3 are dwellings outside a farm;
- Criteria 2 - there is no mature planting, the shed is the furthest away at 129m which is only a short distance. The Policy does not state that the focal point must be visually linked to the site; Referred to paragraph 8.7 of the Planning Committee Report, the PAC decision refers to a focal point further away and is therefore not comparable.
- Criteria 3 - precedent is a material consideration. Planning Committee decision in September 2021 approved LA01/2019/0641/O, west of 34a Dunlade Road, Greysteel without a focal point and precedent set;
- Criteria 4 - site has suitable enclosure, bounded by 2 sides;
- Criteria 5 -development site is absorbed into the cluster and will not alter the character of the area. Referred to paragraph 8.9 of Planning Committee Report, page 17 of the Planning Committee report, the site can be absorbed;
- Criteria 6 -referred to paragraph 8.10 of the Planning Committee report, the dwelling would not cause harm to residential amenity.

A McGurk advised both her and her partner were from the area and did not wish to leave it. She provided information on their areas of employment and family history associated with the site ownership. The site is beside immediate family members, one of which required daily living assistance. A McGurk advised the site is within a cluster of 3 dwellings, bounded on 2 sides by development. Precedent set by application LA01/2019/0641/O and PAC appeal decision 2010/AO202. The application would round off and consolidate and not cause harm and was very important to herself and her husband.

Proposed by Councillor Nicholl
Seconded by Councillor McGurk

- 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 for the following reasons:
- There are overriding reasons why it is acceptable as outlined by the Agent and meets the 6 criteria as there is a focal point;
- (Refusal reason 1) outlined proximity to family and would assist family cohesion, issue of personal circumstances and medical reasons provided, considered to be exceptional circumstances and

are given significant weight. If approved would support family care, it is important rural families are given support in this regard;
- (Refusal reason 2) has a focal point, LA01/2019/0641/O will not alter existing character of a cluster and will round off;
- (Refusal reason 3) is bounded on both sides, the distance from the visual entity is not clearly stated in Policy just that there is a visual entity;

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

RESOLVED - That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** full planning permission for the following reasons:
- 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 for the following reasons:
- There are overriding reasons why it is acceptable as outlined by the Agent and meets the 6 criteria as there is a focal point;
- (Refusal reason 1) outlined proximity to family and would assist family cohesion, issue of personal circumstances and medical reasons provided, considered to be exceptional circumstances and are given significant weight. If approved would support family care, it is important rural families are given support in this regard;
- (Refusal reason 2) has a focal point, LA01/2019/0641/O will not alter existing character of a cluster and will round off;
- (Refusal reason 3) is bounded on both sides, the distance from the visual entity is not clearly stated in Policy just that there is a visual entity;

AGREED – That Conditions and Informatives are delegated to Officers.

* **Councillor MA McKillop could not be contacted during the vote.**
* **Councillor McLaughlin joined the meeting at 11.36am during consideration and did not vote on the Item.**

The Chair declared a recess at 11.36am

* **The meeting reconvened at 11.50am.**

The Head of Planning undertook a roll call.

5.5 LA01/2021/0418/O, Land approx. 38m east of the junction of Churchfield Road and Ballynagard Road (Losset Corner) Ballycastle

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

App Type: Outline
Proposal: Application for outline permission for the siting of a modest dwelling within an existing cluster, required due to personal and domestic circumstances and compliant under CTY2A and CTY6 of PPS21

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

Senior Planning Officer presented via powerpoint presentation as follows:

Outline planning permission is sought for a dwelling within an existing cluster, required due to personal and domestic circumstances under policies CTY2A and CTY6 of PPS21.

A site visit was carried out and a note of the visit circulated to Members.

In consideration of the proposal in line with Policy CTY 2a, the policy lists 6 criteria which the development must meet.

- Slide - the site location; the 1st bullet point has been met in that the cluster of development lies outside of a farm and consists or 4 or more buildings of which 3 are dwellings.

- The proposal also meets the 2nd criterion even though due to mature vegetation restricting the intervisibility of the dwellings there is still an awareness of the concentration of the 4 dwellings.

- The proposal fails to meet the 3rd criterion that the cluster is associated with a focal point. The agent has argued that the site is related to the nearby listed historic park. The edge of this is located over 300m. There is no association with this either physically or visually.

- The most recent PAC decision relevant was also used by a Senior Commissioner in the RPTI Planning Law review last week and is set out in

para 8.10 of the Planning committee Report. Referring to the wording of the bullet point which states that a cluster is associated with a focal point such as a social/community building/facility, or is located at a cross roads, the PAC stated that the cross roads is an alternative option to a focal point. A T-junction is not a cross roads and cannot be considered a cross roads to meet this criterion of the policy. Furthermore this is not a social or community building/facility as listed as the exceptions under policy.

- The 4th point relates to enclosure and that the site is bound on at least 2 sides with other development in the cluster. The site has development to the west and south. It also has some degree of enclosure and found acceptable in assessment of this criterion.

- The 5th criterion requires the proposal to be absorbed into the existing cluster through rounding off and consolidation and not significantly alter the existing character, or visually intrude into the open countryside. The proposal fails this criteria in that it would extend the development eastwards in to the countryside.

- The 6th criteria is met in that it would not impact on residential amenity.

- The proposal fails to meet with policy CTY2a in that the site is not associated with a focal point and would fail to consolidate the existing cluster would, if approved, intrude into the open countryside.

- The agent has also submitted the application to be considered under policy CTY 6 which permits a dwelling in the countryside where there are compelling and site specific reasons related to the applicants personal or domestic circumstances and provided the 2 criteria are met.

- The agent has provided information from GP and health providers on the personal circumstances of the applicants. Most of the case made by the agent is that the applicants would suffer from isolation and contrary to documents of rural isolation detailed in the Planning Committee Report. The applicants currently reside at the farm. Planning permission was also allowed under policy CTY 11 for farm diversification for a barn to self-catering accommodation. It is unclear what is happening to the existing farm home. Policy CTY 6 requires details of what alternatives to a new dwelling in the countryside have been considered and why such alternatives are not considered practical to meet the specific need. From the site to a central location in the settlement limit of Ballycastle is just over 2 miles, and Ballyvoy 1 mile. No evidence of a site specific need that

a new dwelling is a necessary response to the particular circumstances of the case have been provided. The proposal fails to meet with this policy.

- The proposal would create ribbon development and would have a detrimental change to the rural character of the area and also ribbon development and is therefore contrary to policies CTY 8 and CTY 14.

The Chair invited S McHenry to speak in support of the application.

S McHenry advised there were no objections from public or statutory consultees, letters of support from Doctors, rural support, Ulster Farmers Union and Nurse. The application is assessed under PPS 21 policies CTY2a and CTY 6.

S McHenry stated that he is surprised regarding the refusal on visual intrusion. The eastern boundary aligns with the boundary of 2 properties and will consolidate and round off development in this section. He referred to para. 8.38 of the Planning Committee Report which states that a dwelling on the site will integrate. He advised that land to the rear of the site is developed - no. 58 Churchfield Road and therefore it cannot be considered as ribbon development based on the definition of ribbon development and the appeal decision is not transferrable.

S McHenry advised that the subjective element is the focal point and referred to Minister Atwood supporting statement on PPS21. He advised that there are 2 focal points, the registered historic park and garden and the tea point at Losset Corner, a community meeting point. He advised that there are numerous PAC decisions where this criteria has been overruled and set a precedent; the overall thrust of the policy has been met.

S McHenry referred to policy CTY 6 and referenced medical issues, rural isolation due to long dark agricultural lane to existing home and wholly aligns to policy. He advised that the Ulster Farmers Union advocate for this application. He advised that the applicants are still capable of independent living in a rural community and will still contribute to working on the farm. He advised that the refusal of the dwelling will result significant hardship under Policy CTY6 based on medical experts advice.

In response to queries for clarification from Elected Members, S McHenry advised other potential sites had been looked at on the existing farm under Policy CTY10 but they do not address the need to

be beside a community and reduce social isolation. The applicants wish to live in the rural community in the existing development cluster away from an isolated site down a long laneway. He advised that other sites would have much greater landscape impact and this site is sensitive to the AONB location with negligible impact on landscape impact. This is the best and most appropriate response to site specific issues.

Proposed by Councillor McMullan
Seconded by Councillor MA McKillop

- 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 following reasons:
- Social needs, it is proven there is rural isolation in the area, and will meet policy CTY1 by providing sustainable development in the countryside.
- There is an historical site a few hundred metres away from the site which is a focal point. There is flexibility in policy regarding cross roads and been proven before; it is located at a T-Junction;
- Applicants have lived there all their lives and wish to live beside their community; rural isolation is a big issue for senior members of the farming community;
- There is support from the medical profession; the site is adequate for the clients because of their medical conditions;
- Other sites on the farm would not increase social contact and meet the needs of the applicants. It will provide suitable accommodation for long term health problems and meet rural needs.

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

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

- Social needs, it is proven there is rural isolation in the area, and will meet policy CTY1 by providing sustainable development in the countryside.
- There is an historical site a few hundred metres away from the site which is a focal point. There is flexibility in policy regarding cross roads and been proven before; it is located at a T-Junction;

- Applicants have lived there all their lives and wish to live beside their community; rural isolation is a big issue for senior members of the farming community;
- There is support from the medical profession; the site is adequate for the clients because of their medical conditions;
- Other sites on the farm would not increase social contact and meet the needs of the applicants. It will provide suitable accommodation for long term health problems and meet rural needs.

AGREED – That Conditions and Informatives are delegated to Officers.

*** Alderman Boyle arrived in The Chamber at 12.15pm and did not vote on the application.**

*** Councillor MA McKillop left the meeting at 12.17pm.**

5.6 LA01/2020/0156/F, 99 Dowland Road, Limavady

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

App Type: Full
Proposal: Proposed storage unit for storage of finished products

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 as follows:

Site is located outside any settlement development limit but within an existing industrial estate in rural area. The site is identified as an area of existing economic development within Aghanloo Industrial Estate which is identified in Northern Area Plan 2016. Note the set back position of all buildings from Dowland Road.

Site comprises an area of grass and some landscaping. The site is positioned in front of the existing industrial building between the existing building and the road. The site is roadside, with no screening and critical views are possible from both directions when travelling along the Dowland Road.

Topography of site is flat with exception of a small bund. The boundaries are not defined as the site is within the grassed area in front of the existing building.

The proposal is for a storage unit for the storage of finished products manufactured in the existing industrial unit. The proposed building measures 50m x 25m x 9.4m high and 6m to eaves. The first 2.2m of the building are open and the remainder of the building is finished in cladding coloured black. The proposal removes an existing low earth bund to facilitate the siting position and proposes to reinstate the bund roadside of the building. No landscaping details have been forthcoming.

The proposal falls to be determined under the SPPS, PPS2, 4, 15 and 21. The proposed storage unit is located on lands identified as an existing area of economic development. The proposal complies with the key site requirement of Northern Area Plan and policy PED7 of PPS4 in that the access utilises the existing access onto Dowland Road and the use compliments the use of the existing building by providing storage for the finished products manufactured within the existing building.

Policy PED9 of PPS4 requires the layout, design, associated infrastructure and landscaping to be of high quality. The building is proposed on the roadside in front of the existing building measuring 25m x 50mx 9.4m high and finished in black cladding. The adjoining host building is 8m high and is finished in light grey. The scale, mass and siting of the proposal being higher than the existing host building, positioned in front of the existing building and to the roadside and finished in black cladding would result in a building which is out of character with the existing building and layout of the wider site and industrial estate. In addition no details of any landscaping has been provided. These issues were raised with the agent and suggestion made of alternative siting and design on 24/11/2020 and no amendments were received. The proposal is therefore contrary to policy PED9 of PPS4.

Policy requires all proposals to be compatible with surrounding landuses, not harm the amenities of nearby residents and not create a noise nuisance. Although the site is located within an existing industrial estate, the proposal extends the built commitment and business activity closer to residential properties specifically No 96 on the opposite side of road. In addition the proposed building has open walls for the first 2.2m on all 4 sides and EHO as the competent authority on such matters requested a Noise Impact Assessment. As a NIA was not forthcoming despite being drawn to the agent’s attention on 24/11/20 it is considered that the amenity of residents may be adversely affected as the applicant has failed to demonstrate that the proposal would be compatible with adjacent residential properties. The proposal is contrary to policy PED9 of PPS4 and SPPS.

Policy PED9 of PPS4 and policy NH2 of PPS2 and the SPPS require the proposal to not adversely affect features of the natural or built heritage. Given

the history of industrial use, airport and military use NIEA-LSA raised concerns about ground contamination and sought a Preliminary Land Risk Assessment (PRA) regarding land contamination. In addition, SES are unable to carry out a HRA until NIEA have received and commented on a PRA. The agent was advised of such matters on 24/11/20 but no PRA was provided. Proposal is contrary to the SPPS, policy PED9 of PPS4 and policies NH2 and 5 of PPS2.

Policy PED9 of PPS 4 and Policy FLD3 of PPS15 requires the development not to be in an area of flood risk and not exacerbate flooding. Due to the size and nature of the development (floor area exceeds 100 sq.m.) a Drainage Assessment was required under policy FLD3 of PPS15. DfI Rivers assessed the Drainage Assessment and require further information showing consent to discharge at a specified rate and information on maintenance and responsibility of the unadopted drainage system. The agent was advised of the required information on 24/11/20 and to date nothing has been forthcoming. Therefore it has not been demonstrated through a Drainage Assessment that the proposal would not be a flood risk. The proposal is contrary to policy PED9 of PPS4 and policy FLD3 of PPS15.

The agent was advised of the concerns regarding the scale, siting, design and finish as well as the issues raised by consultees regarding, noise, contamination and surface water on 24/11/20, and no further information was received.

The proposal is recommended for refusal for the reasons set out in the Planning Committee Report.

In response to requests for clarification from Elected Members, Senior Planning Officer referred to the P1 form submitted; the average number of persons employed was 74 and an increase of nil. Regarding reports not submitted, Senior Planning Officer advised there are various issues including siting, design, finish, scale, suggested an alternative location, and issues raised by consultees.

Proposed by Councillor Scott
Seconded by Alderman S McKillop

- That Planning Committee defer consideration for two months in order to allow time to submit outstanding material and subsequently to make a final determination, by end February 2022.

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

RESOLVED - That Planning Committee defer consideration for two months in order to allow time to submit outstanding material and subsequently to make a final determination, by end February 2022.

*** Councillors Dallat O'Driscoll and P McShane did not respond during casting of the vote.**

6. DEVELOPMENT MANAGEMENT AND ENFORCEMENT

6.1 NI Planning Monitoring Framework 2020/21

Councillor McMullan proposed accepting the reports as read, however, withdrew, in light of being advised a forthcoming Item was for decision.

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

Purpose
The purpose of this report is to provide Members with an analysis of the Northern Ireland Planning Monitoring Framework Annual Report 2020/21 published 02 December 2021 by the Department for Infrastructure.

Background
The Northern Ireland Planning Monitoring Framework sets out the reporting arrangements to the Department of Infrastructure which came into effect on 1st April 2019. This is the third Northern Ireland Planning Monitoring Framework Bulletin published. The Framework includes the three statutory planning indicators in addition to non-statutory indicators.

Details
Website link https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-monitoring-framework-202021 provides a link to the full Framework publication. The Statistical Tables are attached at Appendix 1.

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

Table 1 below details the performance against each Indicator and how this compares to all 11 Council's performance. The impact of restrictions due to Covid at the beginning of the year had an impact on the progression of planning applications and enforcement cases due to restrictions on site visits and access to laptops with VPN access. However, this was resolved towards

the end of the second quarter of the year and performance improved throughout the remainder of the period.

Focus continues to reduce the average processing times for both major and local applications and meet the statutory target for concluding 70% of enforcement cases within 39 weeks. Recruitment of staff is nearing completion and with a stable workforce this will also assist in improving performance.

Table 1 Performance was circulated within the report.

IT IS RECOMMENDED that the Planning Committee **Note** the attached Planning Monitoring Framework Report.

*** Councillor Dallat O'Driscoll indicated she had rejoined the meeting at 12.39pm.**

6.2 Planning Review – Action Plan

Report, previously circulated presented by the Head of Planning.

Purpose
The purpose of this report is to deliver the action points from the independent review of Planning.

Background
Council at its meeting held on 01 September 2020 ratified the recommendation of the Corporate Policy and Resources held on 25 August 2020 as follows:

"Given the strategic significance of planning to Causeway Coast and Glens Borough Council – this Council calls for a full Independent review of Planning processes by an appropriate qualified body or Group, to include Service Users, Agents and Applicants; and for this to be carried out within a 6 months' timescale."

On 01 December 2020 Council approved a direct award contract to Mr Jim Mackinnon to provide the full independent review.

The report was presented to Corporate Policy and Resources Committee at the meeting held on 28 September 2021 and ratified by Council at its meeting held on 05 October 2021. Council further resolved at that meeting that a working group be established of 8 Members to meet bi-monthly to take the action plan forward.

The first meeting of the working group was held on 29 November 2021.

IT IS RECOMMENDED that the Planning Committee **Note** the attached Planning Review Report Action Plan.

6.3 Review of the "Protocol for the Operation of the Planning Committee"

Report, previously circulated.

Purpose
The purpose of this report is to amend the Protocol for the Operation of the Planning Committee to include reference to lobbying and reflect the onus on Members to consider whether they have heard sufficient information to enable them to make a determination of a planning application/report. The revised Protocol also includes clarification on the procedures for applications returning to the Planning Committee for decision.

Detail
A recent judicial review decision (Hartlands (NI) Ltd v Derry City and Strabane District Council) states that it is not lawful for Council to disqualify certain members from voting on the basis that they had not attended a pre-determination hearing, site visit etc. It is a matter for each individual member's personal responsibility under the Northern Ireland Local Government Code of Conduct for councillors to determine, having regard to council advice and guidance. It is appropriate for officers' to provide advice about increased legal risk. As a result reference within the existing Protocol restricting voting by members has been removed. The amendments also includes elaboration of declarations of interest, lobbying of Members and provision of reasons for a decision contrary to the Planning Officers' recommendation.

A section has been included in relation to procedures for applications returning to Planning Committee for decision and clarity on other procedures. The reason for an application returning to Planning Committee may be due to it being deferred for example, for the submission of further information/amendments, due to new information being received prior to decision issuing, or due to call-in procedures. It does not include those applications that were deferred for site visit or deferred for further consideration prior to the presentation of the application by officers and speakers where the officers and speakers have not yet been afforded the opportunity to present.

The revised Protocol includes amended dates for requests for speaking rights and verbal addendums. This is subject to Members agreeing to the issuing of Planning Committee papers on the Wednesday prior to the date of the Committee meeting (i.e. one week prior) rather than the current 2 weeks prior. This is to assist in relieving some of the workload pressures on staff due to the current short period from end of one Committee meeting and preparation of reports for the next meeting. It will also allow for further information received within this 1 week period to be included within the Planning Committee Report and only the information in the intervening period to require a written/verbal addendum. The amendments provide clarity on speaking rights and the allocation of time when multiple speakers are registered to speak.

IT IS RECOMMENDED that the Planning Committee **AGREE** to the issuing of reports to Members one week prior to the date of the Planning Committee meeting and agree the revised Protocol for the Operation of the Planning Committee.

Elected Members considered areas within the report and provided specific feedback in relation to the timing of the Planning Agenda being issued, consideration of a wider review of Committee meetings scheduling, whilst appreciating the heavy workload for staff and circulation of additional information.

Proposed by Councillor McGurk
Seconded by Alderman Boyle

- That Planning Committee defer consideration and bring a report on a review of the Timetable of Meetings to Council.

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

RESOLVED - That Planning Committee defer consideration and bring a report on a review of the Timetable of Meetings to Council.

*** Alderman Finlay left the meeting at 1.00pm.**
*** Councillor Anderson left the meeting at 1.00pm.**

7. DEVELOPMENT PLAN:

7.1 Quarterly Verbal Update

Development Plan Manager updated Committee:

- Update of evidence base is ongoing and is feeding through into our draft policy approach papers. This includes updated monitors and surveys.

- LDP Member Workshops on draft policy approach are ongoing.

- Project Management Team Meetings (which includes government bodies/key stakeholders): Consultations on draft policy approach continue to take place electronically.

- LDP Steering Group Meetings: Scheduled for January and May 2022.

- CC&GBC Landscape Study: Informing the LDP draft policy approach re protection of the Borough's landscapes & natural heritage assets.

- Sustainability Appraisal/SEA: Development Plan team are currently working with Shared Environmental Services on the LDP SA/SEA.

8. CORRESPONDENCE:

Copies, circulated, presented by The Head of Planning as read.

8.1 DAERA Single Dwelling Standing Advice

8.2 DAERA Planning Authority intention to proceed with a decision without DAERA advise

8.3 Correspondence to DAERA Minister re: consultation responses

8.4 Response to DAERA Minister re: TPO at Craigall

8.5 Response from DfI Minister re: PAN

8.6 Correspondence to DfI Minister re: submission of representations late in the planning process

8.7 FODC Draft Plan Strategy Correspondence – Representation

8.8 FODC Draft Plan Strategy Correspondence – Consultee

8.9 DC&S DC – Correspondence re: dPS focused changes & revised LDP timetable

8.10 Signed Shared Environmental Services (SES) SLA – SASEA

The Head of Planning clarified the SLA was as previously agreed by Committee with the addition of Schedule 3 template.

The Chair advised that Planning Committee shall proceed to the end of the business at this stage.

MOTION TO PROCEED '*IN COMMITTEE*'

Proposed by Councillor Scott
Seconded by Councillor MA McKillop and

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

*** Members of the Public were disconnected from the meeting at 1.11pm.**

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. CONFIDENTIAL ITEMS:

9.1 Report for Noting Finance Period 1-7 2021 22 Update

Confidential report, previously circulated.

Background
This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 7 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 7 of 2021/22 financial year.

9.2 Planning Budget estimate 2022/23

Confidential report, previously circulated.

The purpose of this report is to provide Members with initial information on the Planning Zero Based Budgeting Position for Estimates 2022/23.

Further detail was provided within the confidential report.

IT IS RECOMMENDED that the Committee notes the ZBB draft estimated budget for 2022/23.

9.3 Legal Update

Council Solicitor provided an update.

9.3 (i) Pre-Action Protocol Letter in relation to Planning Permission LA01/2020/0756/F

A new Pre-Action Protocol Letter has been received in relation to Planning Permission LA01/2020/0756/F which was granted on the 17th September 2021.

A formal reply in accordance with the Pre-Action protocol was drafted on behalf of Council setting out the Council's position and intention to contest any challenge to the permission granted.

9.3 (ii) Judicial Review – Infill Site at East Road, Drumsurn

Officers await further directions from the Court.

9.3 (iii) Hartland's Judgment

At its last meeting an update was brought making the Committee aware of recent judgment that was likely to impact all Councils. Some of the required changes that relate solely to the operation of the Planning Committee can be dealt with by the revised changes to the Protocol. Some further changes will be required in relation the operation of Council's Standing Orders applying to all Committee matters.

MOTION TO PROCEED '*IN PUBLIC*'

Proposed by Councillor Scott
Seconded by Alderman S McKillop and

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

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

There were no matters of Any Other Relevant Business.

The Chair thanked everyone for their attendance and wished everyone a Happy and Healthy Christmas.

The meeting concluded at 1.20pm.

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Chair