

PLANNING COMMITTEE MEETING HELD WEDNESDAY 22 JUNE 2022

Table of Key Adoptions

| No. | Item | Summary of Decisions |
|------------|--|--|
| 1. | Apologies | <i>Alderman Boyle, Alderman McKeown</i> |
| 2. | Declarations of Interest | <i>Alderman Finlay, Councillor Scott</i> |
| 3. | Minutes of Planning Committee Meeting held Wednesday 25 May 2022 | <i>Signed as a correct record</i> |
| 4. | Order of Items and Confirmation of Registered Speakers | <p><i>Applications LA01/2021/0293/F 75 Main Street, Bushmills and LA01/2021/0294/LBC75 Main Street, Bushmills withdrawn from the Agenda</i></p> <p><i>Application LA01/2021/0090/F, 17 Taughey Road, Ballymoney withdrawn from the Schedule</i></p> <p><i>Application LA01/2020/0160/O, Lands North of 131 Baranailt Road, Limavady deferred for a Site Visit</i></p> |
| 5. | Schedule of Applications: | |

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|-------------|--|--|
| 5.1 | LA01/2021/1539/F, Lands at and NW of Armstrong Medical, Wattstown Business Park, Newbridge Road, Coleraine | Approve |
| 5.2 | LA01/2021/1197/F, Coleraine Grammar School, 33 Castlerock Road, Coleraine | Approve |
| 5.3 | LA01/2021/1196/LBC, Coleraine Grammar School, 33 Castlerock Road, Coleraine | Grant |
| 5.4 | LA01/2021/0681/F, Gaelscoil Leim An Mhadaidh, 57 Church Street Limavady | Approve |
| 5.5 | LA01/2021/0638/F, 227 Baranait Road, Limavady | Disagree and Approve Conditions and Informatives are delegated to Officers |
| 5.6 | LA01/2021/0569/O, Within the curtilage of 285 Moyarget Road, Mosside Ballymoney | Deferred for a Site Visit |
| 5.7 | LA01/2021/1407/F, 3 Ballygelagh Village, Portstewart | Disagree and Approved Conditions and Informatives are delegated to Officers |
| 5.8 | LA01/2021/0588/F, 53 Ballymaconnelly Road, Rasharkin | Refused |
| 5.9 | LA01/2020/0356/F, 16m South East of 18 Moneybrannon Road Clarehill, Aghadowey, Coleraine | Refused |
| 5.10 | LA01/2020/0966/F, Unit 4 Ballybrakes Business Park, Ballymoney | Approved subject to stated Conditions |
| | | |
| 6. | Development Plan | |
| 6.1 | DfC District Council Heritage Support Scheme | Information |
| | | |
| 7. | Correspondence: | |
| 7.1 | Planning Improvement Workshop | Information |
| 7.2 | DCS dPS Stakeholder Letter | Information |
| 7.3 | Mineral Prospecting Licences – Dalradian Gold Ltd | Information |
| 7.4 | Portrush Heritage Group – BPN Ballywillin National School, Magherabuoy Road, Portrush | Information |

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|------------|--|--|
| 7.5 | New Planning Portal (NIPP) Update | Note the update |
| | | |
| 8. | Confidential Items | |
| 8.1 | Update on Legal Issues | Note the update |
| 8.2 | Finance Period 1 -12 Update 2021/22 | Information |
| 8.3 | LDP Steering Group | Note the content of this report and agree the attached draft policies to proceed to Shared Environmental Services for appraisal through SA/SEA and to the designation of Banagher cASAI through the LDP |
| | | |
| 9. | 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 JUNE 2022 AT 10.30am**

Chair: Councillor McMullan (C)

Committee Members Present: Alderman Baird (C), Duddy (C), Finlay (R), S McKillop (R),
Councillors Anderson (R), Dallat O'Driscoll (R), Hunter (R),
MA McKillop (R), McLaughlin (R), McGurk (R), Nicholl (R)
and Scott (C)

Non Committee Members Present: Councillors Callan (R), McAuley (R)

Officers Present: D Dickson, Head of Planning (C)
S Mathers, Development Management and Enforcement Manager (R)
E Hudson, Senior Planning Officer (R)
J McMath, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
S O'Neill, Senior Planning Officer (R)
D Hunter, Council Solicitor (R)
N Linnegan, Council Solicitor (R)
S Duggan, Civic Support & Committee & Member Services Officer
(C)
I Owens, Committee & Member Services Officer (R)
J Keen, Committee & Member Services Officer (R)

In Attendance: A Gillan, Dfl Roads (R)

A McDermott, Planning Officer (R)

J Winfield, ICT Manager (C)

A Lennox, Mobile Operations Officer (C)

C Ballentine, ICT Operations Officer (C)

Public / Registered Speakers 17 no.(R)

Key R = Remote C = Chamber

Registered Speakers in Attendance (R):

| Application No | Name |
|-----------------------|--|
| LA01/2021/1539/F | A Larkin L Shannon S Henderson R McAdam |
| LA01/2021/1197/F | S McDowell |
| LA01/2021/1196/LBC | S McDowell |
| LA01/2021/0638/F | D Donaldson |
| LA01/2020/0160/O | M Kennedy A Roarty |
| LA01/2021/0569/O | S Bailey |
| LA01/2021/1407/F | H McCloy |
| LA01/2021/0588/F | L O'Neill |
| LA01/2021/0090/F | L Ross |
| LA01/2020/0356/F | J Simpson |
| LA01/2020/0966/F | J Simpson |

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

The Chair thanked former Chair, Alderman Baird for her past year and professionalism.

1. APOLOGIES

Apologies were recorded for Alderman Boyle and McKeown.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

Councillor Scott in LA01/2021/0090/F, 17 Taughey Road, Ballymoney. The Item was later withdrawn from the Schedule.

Alderman Finlay in LA01/2021/0569/O via the 'chat' facility on MS Teams immediately prior to consideration of the Item. Alderman Finlay left the meeting and did not participate in the Item.

**3. MINUTES OF PLANNING COMMITTEE MEETING HELD
WEDNESDAY 25 MAY 2022**

Copy, previously circulated.

Proposed by Alderman Baird

Seconded by Alderman Duddy

- that the Minutes of the Planning Committee Meeting held Wednesday 25 May 2022 are confirmed as a correct record.

The Chair put the proposal to the Committee to vote.

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

The Chair declared the motion carried.

Councillor MA McKillop advised she was not in attendance at the meeting and abstained from the vote.

RESOLVED - that the Minutes of the Planning Committee Meeting held Wednesday 25 May 2022 are confirmed as a correct record.

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

The Head of Planning advised:

Applications LA01/2021/0293/F 75 Main Street, Bushmills and LA01/2021/0294/LBC, 75 Main Street, Bushmills had been withdrawn from the Schedule as they were no longer Council Interest and Authority was Delegated;

Application LA01/2021/0090/F, 17 Taughey Road Ballymoney was withdrawn from the Schedule in conjunction with the Chair, deemed exceptional circumstances.

Proposed by Councillor Scott

Seconded by Alderman Duddy

- That Application LA01/2020/0160/O, Lands North of 131 Baranailt Road, Limavady is deferred for a Site Visit, in order to see how the buildings sit on the site especially the garage indicated to be on it.

The Chair put the proposal to the Committee to vote.

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

The Chair declared the motion carried.

RESOLVED - That Application LA01/2020/0160/O, Lands North of 131 Baranailt Road, Limavady is deferred for a Site Visit, in order to see how the buildings sit on the site especially the garage indicated to be on it.

5. SCHEDULE OF APPLICATIONS:

5.1 LA01/2021/1539/F, Lands at and NW of Armstrong Medical, Wattstown Business Park, Newbridge Road, Coleraine

Report, addendum previously circulated, presented by Senior Planning Officer, S Mathers.

Reason for presenting to Planning Committee: Major Application

App Type: Full Planning

Proposal: Proposed expansion of existing medical manufacturing facility to provide additional manufacturing floorspace, warehousing floorspace, ancillary offices, staff parking, extended service yard, marshalling and storage yard, waste water treatment plant and associated ancillary development.

Recommendation

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

Addendum Recommendation

That the Committee notes 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.

Development Management and Enforcement Manager via PowerPoint presentation:

- The proposal comprises the main elements of a new production facility, a storage warehouse extension, parking area and service yard within an extended site to the existing Armstrong Medical premises.
- In terms of the Northern Area Plan 2016, the site is zoned for economic development within the settlement development limit of Coleraine.
- This is a major application so it was preceded by a PAN. The application was accompanied by the submission of 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 lead policy for this proposal is PPS 4 Economic Development Policies PED 1 Economic Developments in Settlements and PED 9 General Criteria. This broadly permits economic development in settlements where the scale, nature and form are appropriate to the location. The proposal is acceptable on this basis.
- Visual Amenity- The proposed buildings are high at approximately 14.5m. However, this is reflective of the scale of existing buildings on the site and is acceptable given the land use zoning and immediate character of the area. The existing landscape buffer along the Newbridge Road dual carriageway is to be retained which will soften the appearance of the development.
- Residential Amenity- Housing is approved on the other side of the Newbridge Road dual carriageway. To assess the impact on these and other dwellings, a noise assessment was provided to demonstrate that the proposal was acceptable. A condition requires the submission of a Construction Environmental Management Plan (CEMP) to limit impacts during the construction phase.
- Car Parking & Access- The proposal includes two access points onto the Wattstown Business Park service road. No vehicular access is proposed onto the Newbridge Road. The car park provides an additional 72 car parking spaces which is adequate considering the limited anticipated increase in staff.
- Sewage- Given that the foul sewage network has reached capacity, a separate sewage treatment plant is proposed.
- Conclusion- The proposal is an acceptable extension to a manufacturing use on land zoned for economic development. The recommendation is to approve.

* **Alderman Finlay joined the meeting remotely at 10.48am.**

In response to a request for clarification, Development Management and Enforcement Manager referred to, and cited from, paragraph 8.39 of the Planning Committee Report regarding Condition 7.

The Chair invited the speakers to present in support of the application.

L Shannon spoke on behalf of the speakers. She stated statutory consultees had no objections, subject to implementation of the conditions. The site is within the Coleraine Settlement Development Limit, identified within an existing area of economic development and economic zone CEED 06, and complies with the Northern Area Plan. The recommendation to approve complies with the required legislation. As a consequence of covid, there has been an increase in respiratory medical products required. The extension will enable them to meet

current demand and further product development in this specialised area. It will allow subsequent growth of the business and be of direct economic benefit to the local economy. L Shannon advised that members of the project team were in attendance to answer questions.

Proposed by Alderman Duddy
Seconded by Councillor Scott

- 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 proposal to the Committee to vote.

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

The Chair declared the motion carried and application approved.

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

5.2 LA01/2021/1197/F, Coleraine Grammar School, 33 Castlerock Road, Coleraine

Report, erratum previously circulated, presented by Senior Planning Officer, S Mathers.

Reason for presenting to Planning Committee: Major Application

App Type: Full Planning

Proposal: Redevelopment of Coleraine Grammar School. Works to include demolition of headmasters house and former dormitories. New two storey building for the provision of classrooms, learning support, sixth form and music accommodation with solar panelling on roof. Single storey extension of technology block, refurbishment of existing music suite, art department and media studio. Refurbishment of existing B1 listed building for the provision of new fitness suite, changing facilities and maintenance workshop.

Reconfiguration of internal vehicular routes to introduce new car parking, one way traffic system and new entrance and exit points off Castlerock Road to service a dedicated bus pick up and drop off area. Works to include security lighting of car parking and bus pick up and drop off area, landscaping, retaining walls, underground drainage system to include a cesspool tank, pedestrian crossing points 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 proposed development in accordance with paragraph 1.1 of the Planning Committee Report.

Development Management and Enforcement Manager clarified the content of the erratum and presented via PowerPoint presentation:

- The proposal comprises the main elements of a new part single, part two storey classroom building, a single storey extension to an existing building, refurbishment of existing buildings, additional car parking, a new bus pick up and drop off facility and accesses to Castlerock Road. The proposal is to facilitate the amalgamation of the Lodge Road and Castlerock Road campuses onto the one site, serving a total of 1068 pupils and 70 staff.
- In terms of the Northern Area Plan 2016, the site is located on a Local Landscape Policy Area designation within the settlement development limit of Coleraine.
- This is a major application so it was preceded by a PAN. The application was accompanied by the submission of a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Main Issues

- Principle of Development Within LLPA- The site is located within the "Coleraine Inst. LLPA designation CEL 21" designated in part due to the wooded grounds and mature trees along Castlerock Road. While the proposal will result in the removal of trees adjacent Castlerock Road, this is considered acceptable on the basis that other options have been explored and there is no other solution to achieve the bus drop off/ pick up area. Replacement planting is proposed which shall maintain the integrity of the designation.
- Open Space- The proposal will result in some loss of open space, currently a portion of the lawn area to the front of the existing buildings. While PPS 8 Policy OS1 seeks to retain existing open space, an exception is made for development that would result in community benefits. In this case, the exception test is met and the loss of open

space is less than 2% of the total open space on the site.

- Listed Building- The original school building is a Grade B1 listed building. The new development, by reason of its specific siting, scale and use of materials is considered to respect the setting of the listed building. The new detached building is of contemporary design, part single storey and part two storey with a butterfly type roof arrangement. The extension complements the design of the main building being extended.
- Car Parking & Access- The overall proposal, including the additional parking comprising 38 spaces, provides a total of 132 car parking spaces. This complies with the published Car Park standards. The proposal includes the improved facility for buses with appropriate quality finishes used so that this area has an acceptable appearance. The new accesses to Castlerock Road meet relevant standards.
- Sewage- Given that the foul sewage network has reached capacity, a cesspool tank is proposed as an acceptable interim measure until the foul sewage network is upgraded.
- Conclusion- While the proposal shall result in the loss of existing trees and open space, on balance giving weight to mitigation, the community benefits and lack of other viable options, the proposal is considered acceptable. The recommendation is to approve.

In response to a request for clarification of the objections, Development Management and Enforcement Manager referred to paragraph 5.1 of the Planning Committee Report, main issues.

He advised:

- 38 trees were being removed and 38 being replaced;
- The Car Park Standards document published by the Department details car parking allowances for staff and pupils and is acceptable;
- there are pedestrian and cycle accesses;
- A detailed traffic impact assessment considered by DfI and accepted, buses would stop in the main body of the site and traffic flow would be improved;
- New access onto Castlerock Road only; access via Queen's Park was not part of the proposal, and advised the Speaker may be able to comment on Queen's Park.

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

S McDowell stated she spoke on behalf of the College and Governors of the School, and thanked Council's Planning team, welcoming the recommendation to approve. S McDowell stated Coleraine College had 1063 pupils in September at Coleraine Inst and Coleraine High School, now a split site over

two areas, years 8,9,10,14, 470 pupils on the Lodge Road site and Years 11 12, 13, 598 pupils on the Castlerock Road site, the site split unsustainable. In 2018 was successful in an enhanced proposal for accommodation for a school located on a single site, with 12 bus areas to improve safety, a major investment. All Planning material considerations have been met, a full pre application PAD for 9 months undertaken, consultation, a number of objections have been considered, 12 Conditions and 2 Listed Building Consent.

In response to a request for clarification, S McDowell stated the pick up point for cars is the existing point, there will be internal reconfiguration for buses, entrance on the Ballycairn Road maintained, no knock on effects, the gate at Queen's Park remains locked, impact will be reduced by bringing buses off the Castlerock Road.

Proposed by Alderman Duddy

Seconded by Councillor Scott

- 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 proposal to the Committee to vote.

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

The Chair declared the motion carried and application approved.

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

5.3 LA01/2021/1196/LBC, Coleraine Grammar School, 33 Castlerock Road, Coleraine

Report, previously circulated, presented by Senior Planning Officer, S Mathers.

Reason for presenting to Planning Committee: Major Application

App Type: Listed Building Consent

Proposal: Listed Building Consent for amendments to basement of B1 Listed Building for the provision of new fitness suite, changing facilities and maintenance workshop including a new external access ramp. Curtilage listed consent also requested for the demolition of former headmaster's house and dormitories, new two storey building for the provision of classrooms, learning support, sixth form and music accommodation, single storey extension of

technology block and the refurbishment of existing music suite, art department and media study suite. Reconfiguration of internal vehicular routes to introduce new car parking, one way traffic system, new entrance and exit points off Castlerock Road to serve a dedicated bus pick up and drop off area and all associated site works

Recommendation

That the Committee has taken into consideration and agrees with the recommendation set out in 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** Listed Building Consent subject to the conditions set out in section 10

Development Management and Enforcement Manager via PowerPoint presentation:

- This application is a Listed Building Consent application which was processed in parallel to the main full application.
- The original school building or “Old School Block” is a Grade B1 listed building. The proposal involves the reuse of the basement area of this building for the provision of a fitness suite in addition to a new external ramp. Subject to the submission of further details regarding the conservation, repair or otherwise of the historic fabric of the building, Historic Environment Division are content with the proposal.
- In curtilage consent for demolition is required for the removal of the former headmaster’s house and dormitories. As these buildings are not considered to be of historic interest, their demolition is acceptable as part of the overall proposals.
- Conclusion- The detail of the proposal is acceptable having regard to the character of the listed building. The recommendation is to grant listed building consent.

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

S McDowell stated she had no further comments to add, than that made at the previous application at Item 5.2.

Proposed by Alderman Duddy

Seconded by Alderman Baird

- That the Committee has taken into consideration and agrees with the recommendation set out in 9 and the policies and guidance 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 proposal to the Committee to vote.

12 Members voted For; 0 Members voted Against; 0 Members Abstained.
The Chair declared the motion carried and application granted.

RESOLVED - That the Committee has taken into consideration and agrees with the recommendation set out in 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** Listed Building Consent subject to the conditions set out in section 10.

5.4 LA01/2021/0681/F, Gaelscoil Leim An Mhadaidh, 57 Church Street Limavady

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

Reason for presenting to Planning Committee: Objection Item

App Type: Full Planning (Temporary Permission)

Proposal: Demolition of 10.5 linear metres of existing brick boundary wall. Installation of new 2.4m high wire mesh gate to grant temporary vehicular and pedestrian accesses via Scroggy Park to Gaelscoil until reinstatement works. Estimated reinstatement June 2024.

Recommendation

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

Addendum Recommendation

That the Committee notes 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.

Senior Planning Officer presented via PowerPoint presentation:

- Temporary permission is sought to demolish 10.5 linear metres of existing brick boundary wall with the installation of a new 2.4m high wire mesh gate to grant temporary vehicular and pedestrian accesses via Scroggy Park to Gaelscoil until reinstatement works take place – the estimated date of reinstatement is June 2024.
- The application was at the February Planning Committee and deferred for a site visit. The application was also deferred at the March meeting to allow clarification on the methodology used by DFI Roads and for them to be in attendance. An Addendum has been circulated setting out DFIs response.

- This is a Local application and is being presented to the Planning Committee on the basis that there are more than 5 objections to the proposal. Planning Committee Report previously circulated, and as there was a site visit on Monday 21st March, the site visit report has also been circulated.
- (Slide) A satellite image of the site which is highlighted by the red star on the screen and this is the red line of the site.
- (Slide) A more detailed block plan showing the proposed layout of the access and the position of pedestrian and vehicle accesses, and the access.
- It is accepted that there is likely to be increased congestion and traffic movements around certain times of the day. As there is no objection from Dfl Roads, the times of greater traffic movements is limited, and the proposal is for a temporary period of time, it is considered, on balance, that the access arrangements are acceptable and meet Policy AMP 2 of PPS 3.
- As the wall is not listed, within a conservation area or conditioned, its removal is acceptable.
- (Slides) Photographs of the site.
- There have been 36 objections from 27 objectors.
- There are no letters of support.
- Dfl Roads has been consulted as the competent authority on road matters and it raises no objection.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 3.
- Approval is recommended.

In response to requests for clarification, Senior Planning Officer advised the reason the entrance needed had been detailed on page 8, paragraph 8.5 of the Planning Committee Report. This is a temporary access due to a clause in the lease to obtain access via Scroggy Park. She referred to condition 03 and drawing 5 which details the reinstatement of the wall in similar toning facing brick and advised that if members considered it necessary, this could be amended to request that it ties in and matches the rest of the existing wall. The work to be completed within 3 months of the school no longer operating on the site.

The Senior Planning Officer referred to correspondence of end of March 2022 seeking timelines for progression of the application and advised there was no indication that the application was to be withdrawn or varied. The School have indicated the access is temporary until June 2024. The Applicant is fully aware the Planning Committee meeting being held and presented.

The Chair invited Dfl Roads representative to address Committee.

Dfl Roads representative stated he was available to answer questions. In response to questions, the representative advised the assessment of the application considered traffic calming on Scroggy Park, counters were placed along Scroggy Park to assess the volume and speed towards the end of 2021. The 24hour average at Scroggy Park was 1,000 vehicles with an average speed of 18mph. He did not have the exact location of the counters however, advised that could be established. There would be a 6% increase in the traffic using Scroggy Park, the impact of this proposal is not considered significant, and accepted it would be busy at certain times of the day. He advised that approximately half of the traffic to the school would go down Scroggy Park and the same number of vehicles will be accessing the school grounds. The Dfl Roads representative referred to the TAF and 6% increase is not considered significant. He stated that it is accepted that it is busy at certain times of the day but 6% increase is not considered significant and the majority of traffic goes into the school. He advised that traffic congestion at school peak times is similar to any other school, is limited to a short period of time and is not considered to be a significant impact on the road network.

* **Councillor Anderson joined the meeting remotely at 11.29am during above consideration.**

Proposed by Councillor Scott

Seconded by Alderman Finlay

- 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 **Refuse** planning permission for the following reasons:
 - Do not believe the entrance is necessary;
 - Buildings on site where they say there is large machinery moving about and a danger to staff no longer exist;
 - There are no large vehicles;
 - Staff use the Church Street entrance to get access to the car park;
 - Concerned for the residents of Scroggy Park;
 - Small increase in traffic in a very congested area for residents in a small area;

- Given more weight to the concern for the residents than the Schools' need for a new entrance.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion lost and application Approved.

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

- * **Councillor Anderson joined the meeting remotely at 11.29am during consideration of the Item.**

5.5 LA01/2021/0638/F, 227 Baranailt Road, Limavady

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

Reason for presenting to Planning Committee: Referred Item by Councillor Callan

App Type: Full Planning

Proposal: Agricultural Shed for the purpose of storing farm machinery and farm implements

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.

Senior Planning Officer via PowerPoint presentation:

- The site is within the rural area outside any environmental designations.
- The site is SW of no 227 Baranailt Road, no 227 has been built on a raised plinth and the shed is proposed on lower ground.

- Access is from the existing access serving the dwelling.
- The site is part of a larger field and the site boundaries are undefined.
- The site is screened by the house, pillars and vegetation from the north but the critical views of the site are from the public road from the south at which point the site is open and exposed.
- The proposal is a full application for an agricultural shed for storing farm machinery and farm implements. The shed measures 15m x 10m x 5.2m.
- 11 representations were received 9 of which objected to the proposal, the issues raised can be summarised as
 - Development will create ribbon development
 - Inadequate neighbour notification
 - Finished floor levels
 - The Farm activity level is low
 - Noise and traffic
 - Overlooking/loss of privacy
 - Natural heritage issues
 - Environmental impact of shed
 - Shed will devalue adjacent properties
 - Inappropriate design and visual impact/ lack of integration
 - Odour
 - An agricultural building already exists on the holding

All issues raised by the third parties are dealt with in detail in the planning report.

- The proposal falls to be determined under the SPPS and PPS21. Policy CTY12 supports development on an active and established agricultural holding where the development is necessary for the efficient use of the agricultural holding.
- DAERA have confirmed that the farm business has been in existence since 1992 and is in receipt of payments but that the site is not on land for which payments are being claimed. The applicant clarified that this is due to poor agricultural quality of land which no longer meets DAERA requirements. The land was on farm maps in 2015 and is still part of holding. The site is part of the established farm holding.
- Regarding the current farming activity, the applicant has confirmed that there are no animals and that the farming activity amounts to environmental practices relating to ploughing and having land for wild birds. The site inspection confirmed that the lands have not been

ploughed this year. The current farming activities are very small scale activities which may have been ongoing in the absence of a building for some time and the farming activities could continue without a new shed.

- The applicant has stated that the shed is necessary to keep machinery and implements secure, to protect them from the weather and for insurance purposes and listed various vehicles and pieces of machinery. Due to the small scale farming activity it may be the case that the equipment listed are not required to carry out the current level of farming activity. During the processing of the application the applicant was asked where the vehicles and machinery are currently stored the applicant advised that they are not currently stored and later advised that the JCB is parked at his dwelling at no. 227 and he did not know where the other vehicles or machinery are stored. None of the listed vehicles or machinery were evident on the farm lands during any of the site visits. As a JCB would not be required to carry out the current farming activity, as there is a lack of information on where the other items are currently stored it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding. The proposal is contrary to policy CTY12. No overriding reasons have been forthcoming as to why the development is essential, the proposal is therefore contrary to policy CTY1.
- Turning to the visual assessment the site boundaries are open and undefined. No landscaping is proposed. Critical views are from the south and SW from the public road. From the south the building would be located at the centre of a larger field, would fail to possess natural boundary definition, a sense of enclosure and would fail to integrate. The proposal is contrary to policies CTY12 and 13 of PPS21.
- Policy CTY12 also requires that the applicant must demonstrate that no suitable existing buildings exist on the holding which can be used. The applicant has indicated that there are no other farm buildings. A third party objection alleges that the applicant owns a small shed to the rear of no. 214, that this land was sold as one lot and that work on the building was carried out by one of the applicants. The matter was raised with the applicant who stated that he did not own the shed and while he knew who did no further details were forthcoming. A land registry check was non conclusive. There is no conclusive evidence that there are other suitable existing buildings on the holding.
- The principle of development has not been established, the applicant has failed to demonstrate that the proposal is necessary for the efficient use of

the agricultural holding and the proposal fails to integrate. Refusal is recommended for the reasons provided.

In response to a request for clarification, Senior Planning Officer stated 2021 maps indicated 4 fields, 14.95 hectares, there was no garage beside the dwelling and would check if a garage was part of the previous planning approval.

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

D Donaldson put forward the following matters:

- The agricultural shed required for storage of farm machinery on an implemented active Farm Business;
- Refusal has not been demonstrated;
- There is no dispute the Farm Business established on the farm holding
- The shed is 1500m² and will blend with contours;
- There would be no impact on natural built environment; the design is acceptable and there is no impact on residential amenity;
- Key issues – considered not required. PPS 21 objective is to meet the needs of a vibrant rural community and meet operational needs of the agricultural entity. Does not require to be essential for the efficient use of the holding, only whether a farm of this size can operate without sheds;
- There are no farm sheds that he is aware of on the farm and there is a consequence in terms of no security for the storage of machinery and fertiliser;
- Paragraph 2.2 refers to shed not required for low level activity;
- Retired gentleman and son a farmer and to say he is not entitled to a shed is wrong;
- Key question is how 80 acres of land can operate without a purpose built shed that meets the policy objectives:
- It is accepted that the shed is modest, policy CTY 12 does not require established boundaries;
- Significant landscaping already undertaken with planting of hundreds of trees and can plant more;
- Ridge height is below ridge height of existing dwelling, is not prominent or intrusive; it is set well back from the road and will cluster with the dwelling;
- Policy CTY13 is not about invisibility; design and visual integration; well enclosed and set against backdrop
- Members are entitled to exercise judgement and weigh consideration of the agricultural need and integration;
- To deny the shed is to frustrate operational efficiency;
- Balance must be in favour of applicant.

In response to requests questions from Elected Members D Donaldson advised:

- The shed at the rear of no. 214 opposite, is not owned by the applicant or active partner.
- Machinery is currently being stored at various locations, the New Line area is divorced from the dwelling, there are no other sheds on the farm.
- There are other parcels of land, at Glenconway, Limavady and New Line, a holding of 100 acres, and not all in receipt of farm payments.
- The applicant farming since 1992 but low level activity. Still is an extensive farm carrying out farming activity - drainage, mowing, silage; investment has not been not significant;
- Purpose of shed is to allow further investment to operate more efficiently and actively than in the past;
- The Farm ran by the Applicant currently on part-time basis; it will be in the name of his son as a natural transition; shed is part and parcel of the farm business due to size of the farm and drive to improve efficiency;
- The shed will house not only machinery but also fertiliser and grass seed;
- Under Policy CTY 12 meets optimal needs of farming enterprise; not essential, but necessary for the efficient use of the holding;
- The holding of this scale cannot operate efficiently if cannot put machinery in a safe and secure environment encouraging efficient use of agricultural land;
- It is not a livestock farm; once used for wild birds; clearly also fields mowed and silage taken;
- There are 3 main plots, Baranait, New Line and Glenconway and a few more pieces of land; there are no sheds on the land and he understands that there are no ground rented or leased with sheds.

Proposed by Alderman Duddy

Seconded by Alderman Baird

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission for the reasons:
- Interesting application give the 30 year history of the farm and farm business;
- Given the extent of the farm at 100 acres and looking at the small 37 acre element it is an established farm business; it may not be high level activity but it is still a farm business in the name of 2 individuals with natural succession which may change the nature of the farming activity; business may be ready to ramp up and be an economic benefit;
- There is an economic necessity for the sheds for farm machinery etc for the Farm Business, which is about to change to be more active, than current low intensity.

- Meets policy CTY 12(a) is necessary for the efficient use of the agricultural holding and (c) will integrate into the local landscaping and additional landscaping can be provided, allows the business to develop and sustain in the future;
- A modest application for the efficient operation of land, emphasis on tree planting with a number already planted;
- Condition further planting to integrate better into the landscape;
- Farm more environmentally sustainable business into the future;
- Support the farming community to help thrive, for a vibrant community.

The Chair put the proposal to the Committee to vote.

9 Members voted For; 4 Members voted Against; 0 Members 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** planning permission for the reasons:

- Interesting application give the 30 year history of the farm and farm business;
- Given the extent of the farm at 100 acres and looking at the small 37 acre element it is an established farm business; it may not be high level activity but it is still a farm business in the name of 2 individuals with natural succession which may change the nature of the farming activity; business may be ready to ramp up and be an economic benefit;
- There is an economic necessity for the sheds for farm machinery etc for the Farm Business, which is about to change to be more active, than current low intensity.
- Meets policy CTY 12(a) is necessary for the efficient use of the agricultural holding and (c) will integrate into the local landscaping and additional landscaping can be provided, allows the business to develop and sustain in the future;
- A modest application for the efficient operation of land, emphasis on tree planting with a number already planted;
- Condition further planting to integrate better into the landscape;
- Farm more environmentally sustainable business into the future;
- Support the farming community to help thrive, for a vibrant community.

AGREED: that Conditions and Informatives are delegated to Officers.

The Chair declared a comfort break at 12.25pm for 5 minutes.

* **The meeting reconvened at 12.30pm.**

The Head of Planning undertook a roll call.

- * **Alderman Finlay declared an interest in LA01/2021/0569/O via the 'chat' facility on MS Teams at this point in the meeting.**

5.6 LA01/2021/0569/O, Within the curtilage of 285 Moyarget Road, Mosside Ballymoney

Report, erratum previously circulated, presented by Senior Planning Officer, S O'Neill.

Reason for presenting to Planning Committee: Referred Item by Councillor McAuley

App Type: Outline

Proposal: Dwelling

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 proposed development in accordance with paragraph 1.1 of the Planning Committee Report.

Senior Planning Officer presented via PowerPoint presentation:

- (Slide) This application is for an infill dwelling within the curtilage of 285 Moyarget Road Mosside Ballymoney. The site is located between the dwellings at 285 and 283 Moyarget Road. This is a referred item. No objections have been received and the consultees are all content subject to conditions. The site is located within the open countryside as designated in the Northern Area Plan 2016.
- The proposal was considered against the policies in the Northern Area Plan, the SPPS and PPS 21 with particular regard to Policy CTY 8, 13, and 14.
- Within Policy CTY 8 of PPS 21 it is stated 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 this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

- (Slide) This is an indicative block plan showing the layout of a potential dwelling. It also shows a new shared access arrangement between the new dwelling and the dwelling at 285 Moyarget Road. Moyarget Road is a protected route therefore Consequential Amendment to Policy AMP 3 Access onto Protected Routes in PPS 21 is a relevant policy consideration. Although the Policy does not specifically allow for the relocation of an access, in this instance this is acceptable as the existing access to 285 Moyarget Road will be closed up and a shared access between the proposed dwelling and the dwelling at 285 Moyarget Road will be provided. Given this, there will be no increase in the number of accesses onto the protected route.
- In terms of Policy CTY 8 it is accepted that there is a continuously built-up frontage which is made up No's 13 and 14 Elizabeth Place and No's 281, 283, 285, 287 and 289 Moyarget Road. The policy requires the gap site to be small in that a maximum of two dwellings could be accommodated within the resulting gap. The gap between the dwellings at 285 and 283 Moyarget Road in this instance is 106 metres. The average frontage along this road is 27.72 metres. Given this, it is considered that the gap in question is too large and could accommodate at least 3 dwellings. The application site is not a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The proposal would therefore add to a ribbon of development along Moyarget Road. It is also considered that the gap between the dwellings at 283 and 285 Moyarget Road provides an important visual break in the developed appearance of the local area. The proposal also fails to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The proposal therefore fails Policy CTY 8.
- It is considered that the proposal complies with Policy CTY 13 given the existing hedging and existing development located along the road frontage. However, it is considered that the infilling of this gap will be detrimental to the rural character of the area and would add to the linear

form of ribbon development along this road. Given this the proposal also fails Policy CTY 14.

- (Slide) This photograph shows the site with no. 285 and no. 283.
- (Slide) This photograph shows the site travelling the other direction as you can see there is a hedgerow and several trees located along the boundary of the site.
- (Slide) This photograph is taken from the dwelling at 283 Moyarget Road looking down toward the site.
- (Slide) This is the current site.
- Refusal is recommended.

In response to questions from Elected Members, Senior Planning Officer clarified the application outside the Settlement Development Limit; Deffrick is not classified as a settlement within the Northern Area Plan; although potentially, within the road speed limit it is not classified as a settlement within the settlement hierarchy. The application is assessed under the relevant policies.

Proposed by Alderman S McKillop

Seconded by Alderman Baird

- That Planning Committee defer the application and hold a Site Visit, in order to see the proposed location to assist in determining the application.

The Chair put the proposal to the Committee to vote.

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

The Chair declared the motion carried.

RESOLVED – That Planning Committee defer the application and hold a Site Visit, in order to see the proposed location to assist in determining the application.

The Chair declared a lunch break at 12.45pm for one hour.

- * **The meeting reconvened at 1.45pm.**

The Head of Planning undertook a roll call.

- * **Councillors MA McKillop and McGurk had left the meeting.**

5.7 LA01/2021/1407/F, 3 Ballygelagh Village, Portstewart

Report, previously circulated, presented by Senior Planning Officer, S O'Neill.

Reason for presenting to Planning Committee: Referred Item by Alderman Finlay

App Type: Full

Proposal: Proposed alterations to front elevation and installation of a small galvanised balcony from bedroom and study area on first floor

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:

- (Slide) This application is located at 3 Ballygelagh Village Portstewart. The application includes proposed alterations to the front elevation and installation of a small galvanised balcony from bedroom and study area on 1st floor.
- This is a referred item. No objections have been received. The site is located within the open countryside as designated in the Northern Area Plan 2016.
- (Slide) This shows the proposed floor plans and elevations of the balcony. As you can see it is chamfered and it includes a privacy screen, a frameless balustrade and support structures which project beyond the existing building line.
- The key Policy in regard to this application is Policy EXT 1 of Addendum to Planning Policy Statement 7: Residential Extensions and Alterations. Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met: (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area; (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents; (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and (d) sufficient space

remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. In terms of criteria (a) of Policy EXT 1 it is considered that the design and external materials of the proposal are not sympathetic with the built form and appearance of the existing dwelling and will detract from the appearance and character of the surrounding area. A similar application C/2014/0431/F was refused as it was found that the balcony and support structure would dominate the host property and would not be subordinate to the main dwelling. The site under this application is also on a more prominent location and can be viewed on approach to Ballygelagh Village. The proposal therefore fails to comply with criteria(a) of Policy EXT 1.

- In terms of criteria (b) the proposal is considered acceptable as the balcony is chamfered to restrict any levels of overshadowing on neighbouring dwellings. The balcony will also incorporate a privacy screen to restrict any feelings of being overlooked for the neighbouring property at No. 2 Ballygelagh Village. There are no concerns in regard to criteria (c) or (d) of Policy EXT 1.
- (Slide) This photograph shows the existing dwelling.
- (Slide) This shows the existing dwelling in context with the neighbouring dwelling.
- (Slide) This shows the context of development located within Ballygelagh Village.
- Refusal is recommended.

In response to requests for clarification from Elected Members, Senior Planning Officer stated the structure would project 3.4m beyond the existing building line, indicating on the slide where the supporting structure would be in front of the dwelling; content there would be no unacceptable overshadowing / overlooking; with regards to no. 24, the other balconies are to the side as opposed to the front, there were no other balconies projecting beyond the main building line.

The Chair invited H McCloy to speak in support of the application.

H McCloy raised the following matters:

- the estimation of the size of protrusion of 3.4m beyond the front of the building, is overhanging the porch, and therefore does not extend 3.5m from the front of the building; the overhang and white post is 1m-1.5m from the white post.

- The balcony does not overshadow or overlook the closest property at no. 2.
- There is planning precedence of similar designs with metal posts, balcony and glazing. He did not agree it would detract from the character of the area as several other balconies were already in place and this is in keeping with established balconies in Ballygelagh Village.
- Planning wasted time by asking for a reduced size, a light test, privacy screen, initially stating it would be acceptable before presenting to a Senior Planner. The initial square balcony with 45° angle taken from it, subsequently informed 60° was required to be taken from it. Planning rejected the application and took back the decision.
- Balcony refused at no. 15a is of a different design. This is similar design to balcony at No. 24 which had been granted permission; whether a room would be required to be built below to make it acceptable but he did not require a room below.
- Planning view rejected, no matter what; disillusionment that other balconies were permitted, and referred to Metropole Corner LA01/2021/0254/F.
- This is a Holiday Village with seasonal and full time residents.
- Disagreed with the decision regarding scale, massing.

In response to questions from Elected Members, H McCloy advised there was a detached dwelling to the rear of no. 4 with a balcony, no. 24 and one in the middle of the Village. The 3.5m is to the front edge of the house; there is an overhang of 1.2-1.5m, estimation probably would not extend 2m beyond. The original square rejected due to light intrusion on the neighbouring property, the angles proposed next were 45°, subsequently informed 45° not acceptable and submitted and moved to 60° and reduced projection to 3m. This will leave 3-4m to the front boundary.

In response to requests for clarification from Elected Members, Senior Planning Officer stated the balcony was just over 3m from the front elevation, first floor level, 2 m beyond. 60° angle of the balcony was in relation to potential overshadowing and asked to reduce further and had been done and now acceptable in terms of overshadowing. There had always been concern regarding design to the front of the property as it would be dominant, projects forward of the building line, no other similar design and location of balcony in Ballygelagh Village, and not in keeping with the character of the area.

Proposed by Alderman Duddy

Seconded by Alderman S McKillop

- 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:

- The overall projection is 3m;
- There has been agreement on the angle;
- Screening has been introduced and is acceptable;
- Design and materials – given the location of the site and the block plan, when taking a look at other properties, scale and massing, it will not be a dominant feature when travel around from the South to the property;
- No objections to the application from neighbours.

The Chair put the proposal to the Committee to vote.

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

The Chair declared the motion carried and application approved.

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 subject to the reasons:

- The overall projection is 3m;
- There has been agreement on the angle;
- Screening has been introduced and is acceptable;
- Design and materials – given the location of the site and the block plan, when taking a look at other properties, scale and massing, it will not be a dominant feature when travel around from the South to the property;
- No objections to the application from neighbours.

AGREED: That Conditions and Informatives are delegated to Officers.

5.8 LA01/2021/0588/F, 53 Ballymaconnelly Road, Rasharkin

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

Reason for presenting to Planning Committee: Referred Item by Councillor McAuley

App Type: Full Planning

Proposal: Proposed replacement of existing timber fence and gates and new perimeter fence to commercial yard consisting of 2m high polyester powder coated welded mesh fence and gates

Recommendation

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

consideration in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in section 10.

Senior Planning Officer presented via PowerPoint presentation:

- Full planning permission is being sought for the replacement of existing timber fence and gates and new perimeter fence to commercial yard consisting of 2m high polyester powder coated welded mesh fence and gates
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. Planning Committee Report previously circulated. A site visit was also carried out on Monday and the note of the site visit has been circulated.
- (Slide) The site is located within the open countryside and is not within any designations or zonings adopted in the Northern Area Plan 2016 --- here is a satellite image showing the location of the site in relation to Rasharkin.
- (Slide) This is the site location plan showing the site outlined in red. The proposal seeks to enclose the site area with a 2m fencing and gates at the two accesses along the front elevation.
- Now looking at some photos of the site, (slide) this photo shows the site as you travel along Ballymaconnelly Road and you can see the site sited along the roadside.
- (Slide) This photo shows the site from the opposite side of the road, and you will note the open nature of this, and the existing low level boundary treatment. The large structure has been reroofed and is now complete on the site. There appears to be no planning permission for these works and this is being pursued by Planning.
- (Slide) This photo shows the site from the other side and again you will note the appearance of the site and the hedges/walls which currently appear in this area and are not overly dominant or prominent in the area.
- (Slide) This slide shows the proposed style of the fence and gates proposed and the siting of the fencing and gates which is delineated by the green line shown on the slide. At the last Committee meeting the applicant indicated that they wish to create a new business selling cars, tyres and valeting services. It should be noted that no planning permission for this change of use has been submitted. The Planning Use Classes

Order NI 2015 lists the sale of cars as a sui generis use and would require planning permission.

- 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.

In response to questions from Elected Members, Senior Planning Officer advised fencing in the form of a post and wire fence, native planting would be acceptable and has not been submitted and stated at the office meeting to introduce planting but this was not submitted.

The Chair invited L O'Neill to speak in support of the application.

L O'Neill stated there were twelve businesses within Causeway Coast and Glens that had the fencing, JF Car Sales Finvoy and Woodland Farm Rasharkin were the same height. The site originally had scrap lorries and neighbour commended the improvement to the site. There have been no objections. At the planning meeting there was no mention of shrubs – wouldn't want planting as want to see the cars. Trying to start a car sales business but getting knocked down; can't have a business without secure fence where people can view cars. L O'Neill stated there are other fences without planning permission.

Proposed by Councillor Scott

Seconded by Alderman Baird

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

The Chair put the proposal to the Committee to vote.

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

The Chair declared the motion carried and application refused.

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

* **Alderman Baird left The Chamber at 2.33pm.**

5.9 LA01/2020/0356/F, 16m South East of 18 Moneybrannon Road Clarehill, Aghadowey, Coleraine

Report, previously circulated, presented by Senior Planning Officer,

Reason for presenting to Planning Committee: Referred Item by Alderman Fielding

App Type: Full Planning

Proposal: Infill dwelling and garage

Recommendation

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

Senior Planning Officer presented via PowerPoint presentation:

- (Slide) Planning Application LA01/2020/0356. This is a full application for a dwelling at 16m South East of 18 Moneybrannon Road, Clarehill, Aghadowey.
- This is the red line boundary of the site. The site is located in the settlement development limit of Clarehill which is a small rural hamlet as designated in the Northern Area Plan 2016.
- (Slide) This is the proposed site layout drawing. The planning history of the site and surrounding area is of relevance to this application. The 5 dwellings located immediately south of the site were granted permission in 2014 and are now completed. As part of this permission the application site was included in the red line of the site and shown undeveloped and landscaped. Then a subsequent application for a single dwelling was approved in 2018 in the linear piece of land to the west of the application site and again on this permission the application site was undeveloped and landscaped. The original submission of this later application was for 5 dwellings and included a dwelling on this application site. This was considered unacceptable and subsequently removed and approved as open space. This application also placed a condition on the planning approval that the area should remain as public open space associated with the surrounding housing development and would remain as such.

Details of the management and maintenance of this area of communal open space were to be submitted upon occupation of the dwelling to the west of the site. To date these details haven't been submitted to the council and we are investigating this further. As the site is an area of open space and it has not been demonstrated that the loss of open space will bring substantial community benefits or alternative provision has been made the proposal is contrary to Policy OS 1 (Protection of open space) of PPS 8.

- (Slide) Looking at some photographs of the site. This is along the site frontage. The proposed dwelling has its own access which is adjacent to the access road serving the housing development.
- (Slide) This is taken from the back of the site looking towards the front. You can see neighbouring properties either side.
- (Slide) Another view of the frontage with the housing development to the rear.
- As well as the loss of open space it is considered that a dwelling on this site would not provide a quality residential environment and as such is contrary to Policy QD 1 of PPS 7. Planning policy encourages dwellings to have an attractive outlook. This photo illustrates how the dwellings located to the rear of the site would be orientated towards the rear and side of the proposed dwelling. This arrangement with a dwelling located on the site as previously presented on the 2014 application was considered unacceptable and removed. The layout of the access road and the orientation of the dwellings to the south were considered acceptable because they were facing towards an area of open space therefore it was considered intrinsic to the overall development of the site at that time and provided an attractive outlook as well as an area of amenity value.
- The area of open space would also provide an attractive setting to the small housing development when travelling through Clarehill which has a distinct rural character. Prior to the housing development being constructed the larger site context, including the housing development, had 1 detached dwelling on site which was set back off the road within a well landscaped curtilage and garden. The area of open space is considered necessary to provide an acceptable outlook to neighbouring dwellings as well as softening the impact of the development from along the Moneybrannon Road when taken in the context of this small rural hamlet. The existing and proposed arrangement with limited landscaping

and use of close boarded timber fences is considered unacceptable.

- In summary, refusal is recommended as this area of land is open space as identified in 2 previous planning permissions for surrounding residential development. As such it is protected as open space under Policy OS1 of PPS 8. Policy OS 1 has a presumption against development which would result in the loss of open space irrespective of its physical condition and appearance. An exception to this would be where redevelopment would bring substantial community benefits, or in the case of open space of 2 hectares or less alternative provision is made by the developer. The proposal meets neither of these exceptions and as such is contrary to Policy OS1 of PPS 8. The proposal is also contrary to Policy QD1 of PPS 7, the Addendum to PPS 7 as well as supporting planning guidance DCAN 8 and Creating Places as development of this site fails to take account of local character, amenity and does not provide a quality residential environment.

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

J Simpson put forward the following matters:

- the measurement of the area is 0.1 hectare and is located within the settlement of Clarehill;
- there were no objections;
- the section had never been labelled Open Space in previous permissions;
- Policy OS2 PPS 8 provide open space only if 25 or more dwellings and over 1 hectare site, this was less than 25 dwellings and under 1 hectare; there is no requirement for open space for a single dwelling and there are no restrictions to the land;
- The application clusters with the residential area on the Moneybrannon Road. PPS7 quality residential environment - total 8.4 acres and this new development is 0.11 acre; this site is similar size to others in the immediate locality;
- Plot size is adequate for a 2-storey dwelling;
- Design style - No 18 adjoins the site; there are more windows on the northern side; mitigation in terms of orientation of building and fencing to protect views. The dwelling is 28m from neighbouring properties. Scale and mass is no greater than those recently approved.
- Site integrates successfully with other dwellings
- Previous application not subject to policy OS2
- Historical dwellings on stamped approved drawings do not show open space area;

- Meets part c of the policy; will not create conflict; separation and orientation of windows to prevent overlooking; similar design to others and complies with policy QD1
- Can condition to plant boundaries with hedging

In response to questions from Elected Members, J Simpson clarified Policy OS2 PPS8 requirement to provide open space if 25 or more dwellings or more than 1 hectare, and if approved this will be a total of 7 dwellings; therefore open space is not required. There is open space across the road at another housing development. There can be additional space provided but it is not within the red line of the application site. The back garden is 150m² and can reduce the garden to 70m² to provide open space for the site.

Senior Planning Officer clarified the site previously zoned open space in 2007 permission for 5 dwellings and later in 2014 permission defined as Open Space and Condition 7 required a maintenance and management plan to be submitted after occupation. Outside of the red line is blue land, with no opportunity for public open space. Previous application had higher density and open space was provided to rear of other site but this was considered isolated with no surveillance. Therefore, this application site requires to remain as open space and therefore there is a presumption against development. as part of a previous higher density.

In response to questions from Elected Members, Senior Planning Officer advised Policy OS2 of PPS8 Public Open Space is required for a residential development of 25 or more and/or 1 hectare; smaller residential schemes the provision of open space will be considered on an individual basis. The planning history and condition attached to those permissions established this land as open space and therefore presumption against development unless exceptional under policy OS1.

Proposed by Alderman Duddy

Seconded by Councillor Scott

- 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.

The Chair put the proposal to the Committee to vote.

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

The Chair declared the motion carried and application refused.

RESOLVED - 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.

* **Alderman Baird re-joined the meeting at 2.58pm.**

5.10 LA01/2020/0966/F, Unit 4 Ballybrakes Business Park, Ballymoney

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

Reason for presenting to Planning Committee: Referred Item by Alderman Fielding

App Type: Full Planning

Proposal: Retrospective application for change of use from sales of kids toys to gym on ground floor with changing areas and offices on first floor.

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 reason set out in section 10.

Senior Planning Officer provided a Verbal Addendum:

- **Previous Recommendation**
Application LA01/2020/0966/F was presented to Planning Committee on 24 November 2021 with a recommendation to refuse on the basis that the proposal does not comply with the town centre first approach and is unacceptable in principle. The recommendation was based on the fact that the proposal relates to a town centre use outside a town centre location and no information had been submitted indicating that a sequential consideration of the proposal had been undertaken by the applicant or that alternative sequentially preferable sites do not exist within the whole catchment area.
- Refusal was recommended for the following reason:
“The proposal is contrary to paragraphs 6.273 and 6.280- 6.281 of The Strategic Planning Policy Statement for Northern Ireland (SPPS) 2015, in that the proposal has not complied with the sequential test for a main town centre use in that alternative sequentially preferable sites exist within the proposal’s whole catchment”.
- The application was deferred to facilitate submission of the necessary sequential test report.

Update

- On 05 January 2022 the applicant submitted a cover letter and drawing indicating the existing uses of buildings identified within the designated town centre of Ballymoney. The additional information highlighted those which were currently vacant and identified the largest available building within the study area as approximately 230 sqm. The submission also indicated that there were no available buildings suitable to accommodate the current proposal (Question 24 of the P1 form states the gross floor area of the unit is 897.4 sqm).
- The submitted information did not show the full extent of the town centre and includes areas outside of the town centre. Of the area surveyed, the agent suggests there are only 4 vacant units in the area surveyed, in contrast to the Council's survey in 2021.
- The current proposal incorporates both ground floor and first floor accommodation, which was not taken into consideration in the submitted assessment of potential alternative town centre sites. The submitted information was considered limited in extent and analysis, and further information deemed necessary to determine if alternative town centre sites are available in line with policy.
- On 07 March 2022 the agent submitted additional information incorporating a supporting statement and Concept Plan highlighting existing available premises within the town centre and indicating existing available floorspace and perceived restrictions / limitations relative to the proposal.
- The supporting information states that there are no similarly sized alternative premises within the town centre capable of accommodating the gym as it currently operates. The supporting information also highlights that the premises currently in use are located within a commercial business park incorporating a variety of commercial uses with car parking facilities capable of accommodating the 300 patrons identified.
- Supporting Information also states that the proposal attracts patrons from further afield as part of special events which increases footfall in the town centre and works with a number of local organisations, sports and charity groups.

Assessment

- The SPPS requires councils to adopt a Town Centre First approach for both retailing and other main town centre uses, which would include leisure uses such as a gym. The SPPS encourages flexibility in seeking to accommodate development onto sites with a constrained footprint, and applicants are expected to identify and fully demonstrate why alternative sites are not suitable, available or viable.
- In relation to the additional submitted information it is noted that a number of previous permissions at Ballybrakes would have pre-dated the SPPS focus on Town Centres. Additionally, vacant town centre premises may

be suitable for a range of uses in principle and are not restricted to retail use only.

- The agent has discounted a number of town centre locations on the basis that there is no or limited parking. The applicant's website indicates that the busiest time is after 6 pm and it is inherent in the SPPS and the Town Centre First approach that private parking is not expected in town centres as car parking is normally provided communally, e.g. via public car parks. The gym is busiest outside of normal town centre working hours and therefore the availability of parking in the town centre is unlikely to be an issue.
- The agent has only considered town centre sites in carrying out the assessment. The SPPS is clear regarding the need to consider sites based on the order of preference, namely;
 - Primary retail core;
 - Town centres;
 - Edge of centre; and
 - Out of centre locations, only where sites are accessible by a choice of good public transport modes.
- Edge of town centres are identified within the SPPS as those areas within 300m from the town centre boundary (although Council's may set other thresholds). The application site represents an out of centre location which would result in minimal, if any, contribution to the town centre. Sequentially, under the SPPS, it is the least preferable location and is required to be accessible by a choice of good public transport modes, which is not the case.
- The submitted information indicates that the gym currently operates within a property extending to 897.4 sqm and it would appear that the level of facilities offered extend to this area. Therefore, it would appear self-evident that only alternative, sequentially more preferable sites capable of facilitating this level of accommodation would be considered feasible.
- A gym is identified as a suitable town centre use in line with the SPPS. Assessment of the supporting information indicates that it remains limited in scope and no assessment has been carried out in relation to edge of centre locations as a sequentially more preferable option identified in the SPPS. Additionally, as the busiest operating times are identified as outside the normal working day the identification of limited car parking facilities is not a determining factor.
- An examination of property to let in Ballymoney town centre in May 2022 indicates that the majority of units are small and do not offer the opportunity to accommodate a use of this size. The largest unit is at 18-20 Church Street, and totals 562 sqm of ground floor space which is around 335 sqm less than the currently operating business.

- The catchment area of a facility of this nature is determined to be of medium range and would not extend to larger towns (and relative catchment areas) within the plan area. The appropriate assessment area is restricted to Ballymoney Town.
- Consideration of the submitted information in conjunction with assessment of the catchment area (including existing edge of centre locations and out of centre locations where sites are accessible by a choice of good public transport modes), indicates that alternative sites which would be considered both capable of accommodating the current use and more preferable in terms of the sequential test are not available. The proposal is therefore considered appropriate in terms of the town centre first approach and does not raise any other planning or environmental concerns.
- **Recommendation**
That the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the application subject to the following conditions:
This approval is effective from the date of this decision notice and is issued under Section 55 the Planning Act (Northern Ireland) 2011.
Reason: Retrospective application.

The development hereby granted shall be used only for the purposes specified and for no other use within The Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To support the vitality and viability of existing centres in accordance with the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS).

Proposed by Alderman S McKillop

Seconded by Councillor Scott

- That the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the application subject to the following conditions:
- This approval is effective from the date of this decision notice and is issued under Section 55 the Planning Act (Northern Ireland) 2011.
Reason: Retrospective application.
- The development hereby granted shall be used only for the purposes specified and for no other use within The Planning (Use Classes) Order (Northern Ireland) 2015.
Reason: To support the vitality and viability of existing centres in accordance with the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS).

The Chair put the proposal to the Committee to vote.

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

The Chair declared the motion carried.

RESOLVED - That the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the application subject to the following conditions:

- This approval is effective from the date of this decision notice and is issued under Section 55 the Planning Act (Northern Ireland) 2011.
Reason: Retrospective application.
- The development hereby granted shall be used only for the purposes specified and for no other use within The Planning (Use Classes) Order (Northern Ireland) 2015.
Reason: To support the vitality and viability of existing centres in accordance with the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS).

The Chair declared a comfort break at 3.06pm for 5 minutes.

* **The meeting reconvened at 3.11pm.**

6. DEVELOPMENT PLAN

6.1 DfC District Council Heritage Support Scheme

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

Background

The Department for Communities has opened a “District Council Heritage Development Support Scheme”. DFC wrote to the Council on 7th June 2022 advising of the short grant scheme that the Department is opening this year. £10k is available (per council) to carry out heritage development work. The extent of the work that can be supported is deliberately wide.

Only one application can be processed from each council but more than one proposal can be supported up to the £10k cap. The underlying aim of this scheme is to support and encourage the work of the Council to increase the understanding, protection, conservation and celebration of our built heritage and the wider historic environment.

The scheme was set out within the graphical image circulated.

The Scheme details are set out below:

- A fund up to a maximum of £10k per district to support district councils to carry out heritage development activity.
- Development work can include the following:
 - a. Work to research and improve community knowledge of heritage assets.

- b. Work to encourage the maintenance of historic buildings and monuments.
 - c. Work to encourage the best practice management of heritage assets.
 - d. Work to tackle heritage at risk including urgent interventions.
 - e. Work to develop and encourage heritage led regeneration projects.
 - f. Work to encourage the sustainable reuse of heritage assets.
 - g. Work to increase participation and engagement with the historic environment in the Council area.
- Only work completed by 31 March 2023 will be supported.
 - Proposals to support third parties to undertake development activity via a small grant scheme can be considered.
 - In the event of oversubscription, applications will be assessed relative to their ability to deliver against the five main HEF criteria:
 - a. Conservation and enhancement of the historic environment (20%)
 - b. Economic impact – contribution to tourism and to supporting communities (20%)
 - c. Economic impact - supporting the construction and associated industries (20%)
 - d. Social benefits – creating broader and deeper understanding of our heritage (20%)
 - e. Social benefits – enhancing public engagement with the historic environment (20%)
 - All awards will be published on the HED website and social media.

Schemes eligible for funding and those not considered eligible are set out in the 'Eligibility' section of the document.

The application form and process are also set out in the document. The closing date for submissions is 5.00pm on 15th July 2022. Identification of projects to be supported is expected in mid-August, with successful applicants being notified shortly afterwards to enable agreement on the finer details of the proposals.

Financial Implications

None. Up to £10,000 is available. See further details set out at paragraph 2.2 above.

IT IS RECOMMENDED that Members note the content of this report and the attached DFC District Council Heritage Support Scheme and advise the Head of Planning of any proposals that may be eligible for this scheme.

The Head of Planning advised proposals may be submitted within the next week.

7. CORRESPONDENCE:

7.1 Planning Improvement Workshop

Copy previously circulated.

7.2 DCS dPS Stakeholder Letter

Copy previously circulated.

7.3 Mineral Prospecting Licences – Dalradian Gold Ltd

Copy previously circulated.

7.4 Portrush Heritage Group – BPN Ballywillin National School, Magherabuoy Road, Portrush

Copy previously circulated.

7.5 New Planning Portal (NIPP) Update

Report, previously circulated, presented as read.

Background

This Report is to provide Members with an update on the progress of implementation of the new regional Planning IT System to be shared by Causeway Coast and Glens Borough Council and 9 other councils and the Department for Infrastructure (DfI). Mid Ulster Council is the only council not involved in the project.

Details

The existing Northern Ireland Planning Portal (NIPP) contract is coming to an end on 31 December 2022. The new regional Planning IT System contract is with Terra Quest Solutions (TQ) and is for an initial 10 years until 2030 with 5 and +5 year options to extend according to performance.

Staff are regularly involved in regional design and configuration testing of the new system. The Head of Planning sits on the regional Planning Portal Governance Board which has oversight of the project. The regional project is led by DfI with the Department's Deputy Permanent Secretary as the Senior Responsible Officer (SRO) for the project and chairs the regional Planning Portal Governance Board meetings.

The new Planning IT System is scheduled for 'go-live' as a single 'Big Bang' implementation on 17 October 2022. Work is ongoing in relation to Change Implementation Plans and Transition Plans in preparation for the implementation of the new system. It is anticipated that the current NIPP will be switched off at the end of September and data migrated in preparation for implementation of the new system. This will impact on the ability of Planning staff to issue decisions and other work on planning applications and enforcement cases during this time.

Dfl have issued a Planning Portal newsletter (attached at Appendix 1) to update customers on the implementation of the new regional Planning IT System.

The projected costs for the new regional Planning IT System remains within that set out in the Full Business Case.

IT IS RECOMMENDED that the Committee notes the update provided on the new regional Planning IT System.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Scott
Seconded by Alderman Baird and

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

* **Press and public were disconnected from the meeting at 3.06pm.**

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.

8. CONFIDENTIAL ITEMS:

8.1 Update on Legal Issues

Council Solicitor provided a verbal update in respect of the Judicial Review proceedings relating to Craigall Quarry. The Court's Directions had been complied with regards to submission to Skeleton Argument and the matter was listed for a Leave Hearing on 27th June 2022. The Committee would be updated once a leave decision had been reached by the Court.

* **Alderman S McKillop left the meeting at 3.06pm and re-joined at 3.16pm.**

8.2 Finance Period 1 -12 Update 2021/22

Confidential report, previously circulated.

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 12 of the 2021/22 business year.

IT IS RECOMMENDED that the Committee notes the update provided on the Planning budget as of end of period 12 of 2021/22 financial year.

8.3 LDP Steering Group

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

Purpose of Report

To present to Members:

- those draft policies agreed at the Council's LDP Steering Group Meeting on 26th May 2022 - to proceed to Sustainability Appraisal incorporating Strategic Environmental Assessment; and
- Proposed designation of Banagher cASAI through the LDP.

IT IS RECOMMENDED that Members note the content of this report and agree the attached draft policies to proceed to Shared Environmental Services for appraisal through SA/SEA and to the designation of Banagher cASAI through the LDP (see Appendix 2).

Proposed by Alderman Baird

Seconded by Councillor Scott

- that Members note the content of this report and agree the attached draft policies to proceed to Shared Environmental Services for appraisal through SA/SEA and to the designation of Banagher cASAI through the LDP (see Appendix 2).

The Chair put the proposal to the Committee to vote.

7 Members voted For; 0 Members voted Against; 0 members Abstained.

The Chair declared the motion carried.

RESOLVED - that Members note the content of this report and agree the attached draft policies to proceed to Shared Environmental Services for appraisal through SA/SEA and to the designation of Banagher cASAI through the LDP (see Appendix 2).

* **Alderman Finlay re-joined the meeting at 3.21pm.**

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Scott

Seconded by Alderman Duddy and

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

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

There were no Items of Any Other Relevant Business.

The Chair advised of the Date of the Next Meeting, 24th August 2022.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 3.22pm.

Chair