

**PLANNING COMMITTEE WEDNESDAY 26 AUGUST 2020  
RECONVENED THURSDAY 17 SEPTEMBER 2020**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
<b>1.</b>	Apologies	<b><i>Alderman Duddy and Councillor MA McKillop</i></b>
<b>2.</b>	Declarations of Interest	<b><i>Alderman Finlay in LA01/2018/0134/F</i></b>
<b>3.</b>	Minutes of meeting held Wednesday 24 June 2020	<b><i>Confirmed</i></b>
<b>4.</b>	Order of Items and Confirmation of Registered Speakers	<b><i>As listed</i></b>
<b>5.0</b>	Schedule of Applications	
<b>5.1</b>	Major LA01/2019/0525/F Lands adjacent and North of Eoghan Rua GAC, 101 Agherton Lane, Portstewart	<b><i>Approve</i></b>
<b>5.2</b>	Major LA01/2017/0905/F Land between 55 Loguestown Road and 122 Atlantic road, Portrush	<b><i>Disagree and Approve</i></b>
<b>5.3</b>	Council LA01/2018/1193/F Old Life Boat Shelter, Ramore Avenue, Portrush	<b><i>Approve</i></b>
<b>5.4</b>	Council LA01/2018/1184/LBC Old Life Boat Shelter, Ramore Avenue, Portrush	<b><i>Grant</i></b>
<b>5.5</b>	Objection LA01/2018/0134/F Lands 6 metres South of 43 Ballyclogh Road, Bushmills	<b><i>Approve</i></b>
<b>5.6</b>	Objection LA01/2019/0281/F Land at Asda, 1 Ring Road, Coleraine	<b><i>Defer</i></b>

<b>5.7</b>	Objection LA01/2019/0182/F 24m NE of 50/51 Kerr Street, Portrush	<b><i>Defer for Site Visit</i></b>
<b>5.8</b>	Referral LA01/2018/1497/F 118 Drumcroon Road, Blackhill, Coleraine	<b><i>Refuse</i></b>
<b>5.9</b>	Referral LA01/2019/0381/O 80 metres North West of 83 Muldonagh Road, Claudy	<b><i>Disagree and Approve</i></b>
<b>RECONVENED THURSDAY 17 SEPTEMBER 2020</b>		
<b>5.10</b>	Referral LA01/2019/0861/O Land immediately north east of 150 Torr Road, Cushendun	<b><i>Disagree Approve</i></b>
<b>5.11</b>	Referral LA01/2019/0383/O Between 15 and 17 Mostragee Road, Stranocum, Ballymoney	<b><i>Withdrawn from the Agenda</i></b>
<b>5.12</b>	Referral LA01/2019/0416/O 56m NW of 42 Bregagh Road, Armoy	<b><i>Disagree Approve</i></b>
<b>5.13</b>	Referral LA01/2019/0755/O Between 42 & 56 Drumsurn Road Limavady	<b><i>Disagree Approve</i></b>
<b>5.14</b>	Referral LA01/2019/0990/F Adjacent to 66 Coolestan Walk, Limavady	<b><i>Withdrawn from the Agenda</i></b>
<b>5.15</b>	Referral LA01/2019/0818/O Land adjacent to 'The Whins', 58 Straid Road, Ballycastle	<b><i>Disagree Approve</i></b>
<b>6.</b>	Development Management:	
<b>6.1</b>	Update on Development Management and Enforcement Statistics 01/04/20 – 30/06/20	<b><i>Note</i></b>
<b>7.</b>	Development Plan:	
<b>7.1</b>	Local Development Plan Update	<b><i>Note</i></b>
<b>7.2</b>	Northern & Western Regional Assembly (NWRA) (ROI): Publication of Regional Spatial & Economic Strategy (RSES)	<b><i>Note</i></b>
<b>7.3</b>	Local Development Plan: 6-month indicative LDP Work Programme (July-December 2020)	<b><i>Note</i></b>
<b>8.</b>	Correspondence	

<b>8.1</b>	Correspondence from Mid Ulster District Council re: Extension to closing date of the re-consultation on LDP 2030	<b>Note</b>
<b>8.2</b>	NILGA condensed planning programme for Councillors 2020	<b>Note</b>
<b>8.3</b>	Correspondence from Fermanagh & Omagh District Council re: LDP Draft Plan Strategy – Consultation on proposed changes	<b>Note</b>
<b>9.</b>	Annual Report and Business Plan	
<b>9.1</b>	Planning Department Performance Annual Report 2019/2020	<b>Note</b>
<b>9.2</b>	Planning Departments Business Plan 2020/2021	<b>Agreed</b>
	<b>IN COMMITTEE (ITEM 10)</b>	
<b>10.</b>	Planning Department Budget Period 1-3 Update	<b>Note</b>
<b>11.</b>	Any Other Relevant Business (In accordance with Standing Order 12 (o))	

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE  
PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC  
HEADQUARTERS AND VIA VIDEO CONFERENCE  
ON WEDNESDAY 26 AUGUST 2020 AT 2PM**

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

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

**Officers Present:** D Dickson, Head of Planning (C)  
S Mathers, Development Management & Enforcement Manager (R)  
J Lundy, Senior Planning Officer (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)  
D Allen, Committee & Member Services Officer (C)  
S Duggan Civic Support & Committee & Member Services Officer (R)  
J Richardson, Head of Capital Works, Energy & Infrastructure (R)  
B Edgar, Head of Health & Built Environment (R)

**In Attendance:** A Gillan, Department for Infrastructure, Roads (R)  
J Winfield, ICT Operations Manager (C)  
A Lennox, Mobile Operations Officer (C)  
C Thompson, ICT Operations Officer (C)

Press (1 No.) (R)

**Registered Speakers:**

- LA01/2019/0525/F John Fulton (objector)  
Tom Stokes, Agent (support)  
Damien McLaughlin (support)  
Councillor Mark Fielding (objector)
  
- LA01/2017/0905/F Thomas Bell, Agent (support)  
Stewart Beattie, QC (support)

Mervyn Storey, MLA (support)

- LA01/2018/1193/F John McNally, Portrush PBT (objector)  
Wayne Hall, applicant (support)
- LA01/2018/1184/L Wayne Hall (support)
- LA01/2018/0134/F Johnny Stewart (objector)  
Alexander Whiteside (objector)  
David Adams (objector)  
Gavin McGill, Clyde Shanks (support)  
Hugh Morrison, architect (support)  
Desmond Orr, applicant (support)  
Alderman Finlay (objector)
- LA01/2019/0281/F Norma Wilkinson, Lodge Hotel (Objector)  
Niall Hennessey, McDonalds (support)
- LA01/2019/0182/F David Donaldson, Planning Consultant (support)  
Darren McCaffrey, Project Architect (support)  
Karen McShane, Roads Consultant (support)
- LA01/2018/1497/F Keith Rosborough, applicant (support)  
Stephen Atkinson (support)
- LA01/2019/0381/O Donal Healey, agent (support)  
Gabriel Hegarty, applicant(support)

All registered speakers attended remotely

**R** = Remote      **C** = Chamber

### **LOCAL GOVERNMENT CODE OF CONDUCT**

The Chair reminded the Planning Committee of their obligations under the Local Government Code of Conduct.

*"I would remind Members of your obligation under the Northern Ireland Local Government Code of Conduct for Councillors in relation to Planning matters.*

*Under Part 9 of the Code I would remind you of your obligation with regard to the disclosure of interests, lobbying and decision-making, which are of particular relevance to your role as a Member of this Planning Committee.*

*You should also bear in mind that other rules such as those relating to the improper use of your position, compromising impartiality or your behaviour towards other people, also apply to your conduct in relation to your role in planning matters.*

*If you declare an interest on a planning application you must leave the Chamber for the duration of the discussion and decision-making on that application”.*

### **PROTOCOL FOR REMOTE MEETINGS**

The Chair reminded Members of the Protocol in relation to Remote Meetings:

- Camera should show non-descript background or virtual background.
- Video should be turned off and microphone muted when not speaking.
- Chat facility to be used to request to speak on an item.
- Members to speak only when invited to do so.
- Only one Member to speak at a time.
- Members to turn on video and microphone and state name before speaking remotely.
- When referring to a specific report, page or slide, Members to mention the report, page or slide so that all Members have a clear understanding of what is being discussed at all times.
- All Members in the Chamber to keep microphone off when speaking and just speak directly into Chamber microphone.

### **STANDING ORDER 8 (5)**

The Chair reminded Members of Standing Order 8 (5) in relation to the taking of photographs.

*‘Taking photographs of proceedings or the recording of proceedings by any other means by members of the press and the public to enable persons not present to see or hear any proceedings (whether at that time or later) shall be prohibited unless expressly permitted by the Council.’*

## 1. APOLOGIES

Apologies were recorded for Alderman Duddy and Councillor MA McKillop.

## 2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded as follows:

Alderman Finlay in:

- Objection LA01/2018/0134/F Lands 6 metres South of 43 Ballyclogh Road, Bushmills – (Speaking on behalf of the objectors)

## 3. MINUTES OF MEETING HELD WEDNESDAY 24 JUNE 2020

Proposed by Councillor Scott  
Seconded by Alderman Boyle and

**AGREED** - that the Minutes of the Meeting held Wednesday 24 June 2020 be confirmed as a correct record.

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

The Chair advised Members that there was no change in the Order of Items as presented.

## 5. SCHEDULE OF APPLICATIONS

### 5.1 Major LA01/2019/0525/F Lands adjacent and North of Eoghan Rua GAC, 101 Agherton Lane, Portstewart) (*Agenda item 5.1*)

Planning Committee Report and Site Visit Report, previously circulated was presented by the Development Management and Enforcement Manager, S Mathers via PowerPoint presentation.

The Development Management and Enforcement Manager described the site and its context for Full Planning for a proposed playing pitch with 2 no. ball stops, 2 no. dugouts, perimeter fencing, landscaping, seating and viewing areas, pathways, information boards, outdoor exercise equipment stations and all associated site works.

The Development Management and Enforcement Manager provided Members with a verbal Addendum:

**Condition 6** – Condition 6 to be amended to add the requirement to provide a noise report demonstrating the requirements of Condition 6 when the proposal first became operational.

The proposal comprises the key element of a new playing pitch with other ancillary development including fencing and outdoor equipment stations. The proposal seeks to expand the range of facilities approved initially in 2003.

In terms of the Northern Area Plan 2016, the site is located in the open countryside beyond the settlement development limit of Portstewart. The Northern Area Plan does not contain specific policies on sports facility development, rather directing to regional policies- specifically PPS 8 Open Space, Sport and Outdoor Recreation.

This is a major planning application so it was preceded by a PAN. The application was accompanied by the submission of a Pre-Application Community Consultation Report. In addition, as a major application, it was accompanied by a Design and Access Statement.

**Principle of Development** -The planning history is of particular relevance here with the 2003 approval setting out development in phases. One of these, phase 3, was the delivery of a training pitch to the north of the pavilion. This was not provided. The pitch proposed in this application partially overlaps that approved previously. Policy OS 3 referring to outdoor recreation in the countryside is the lead policy in assessment of this proposal- the detail of which is set out in the report.

**Access/Parking** - The existing access to Agherton Lane is to be used. Passing bays have been provided previously on Agherton Lane. The proposal includes the provision of a car park layout for 100 cars and 2 coaches. Provision of this area is to be regulated by planning condition.

**Archaeology** - An archaeological impact assessment was submitted with the application. This has been considered by Historic Environment Division (HED) and has been found acceptable subject to a developer funded programme of archaeological work.

**Amenity** - The nearest residential properties to the proposal are 199 Coleraine Road at 63m west of the ball stop fencing and three holiday let properties at Cappagh More Court which are 36m west of the ball stop fence. A Sound Level Impact Assessment report was submitted with the application and Environmental Health was consulted. Environmental Health are content with the proposal subject to conditions limiting use of the pitch



between 7am and 11pm as well as limiting the noise levels when measured from a façade of a neighbouring dwelling.

**Visual Amenity** - The main elements of the proposal in visual terms are the pitch itself and the ball stop fences which are considerable structures measuring 11m high by 30m in length. However, given the footprint and visual impact of the existing development, the additional development would not appear out of character with the surrounding locality. Therefore the proposal is considered acceptable in terms of visual amenity.

**Representations** - The detail of representations is set out in the Planning Committee Report.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The original consent for the sports facility included two pitches, therefore the principle of the development, car parking provision, access arrangements was considered acceptable previously. The impact on amenity has been duly considered and the impact is not considered detrimental. The proposal is otherwise acceptable with regard to other policy considerations including archaeology, natural heritage and flood risk. Approval is recommended.

The Development Management and Enforcement Manager clarified that the only photographs in relation to the exit of the shared road were those that had been presented to Members.

In response to a Member's query the Development Management and Enforcement Manager informed Members that no lighting had been proposed within this scheme, this would require the applicant to submit a separate application.

In relation to a query from a Member regarding pitch opening times the Development Management and Enforcement Manager referred Members to Condition 7 of the Planning Committee Report:

*'The pitch hereby permitted shall not be in use outside the following hours 07:00 to 23:00 hours.'*

He clarified that the stipulated finishing time of 23:00 hrs referred to the actual use of pitch and did not include the time taken for the pitch to be cleared.

The Chair invited John Fulton to address the Committee in objection to the application.

J Fulton made the following points:

- He currently lived at in close proximity to the site.
- The peace and tranquillity he had worked so hard for to enjoy would be greatly affected by excessive noise and lighting.
- The proposed development would be 50m from his house.
- The proposed development is very close to the boundary.
- The applicant was offered alternative suitable ground but this was rejected.
- Agherton Lane is narrow which makes it difficult for vehicles to pass. This would cause a problem if buses/coaches and additional traffic were to use the lane.
- The exit junction on Coleraine Road and Agherton Road is extremely busy – an accident waiting to happen. This has been highlighted to DFI Roads.
- The passing bays on Agherton Road already created have not been maintained and are full of pot holes.
- The proposed 100 car parking spaces for 100 cars plus 2 coaches is inadequate. On 1 August 2020 158 cars left the site and 30 were still parked in the car park; some were even parked on an area of the new pitch.
- The lane is a busy agricultural lane servicing farms.

J Fulton raised concerns that Environmental Health and DFI Roads only visited the ground on a quiet Sunday morning in January and that this would not have given a true indication of the number of vehicles likely to attend and the potential noise levels associated with a match day. The noise level assessment was measured on a typical training session.

J Fulton informed Members that his quality of life would be affected if this development were to go ahead.

The Chair invited Tom Stokes, Agent and Damien McLaughlin to address the Committee in support of the application

T Stokes made the following points:

- The club had been in existence since 1957.
- The club relocated in 2007 to cater for more junior teams and also adult teams and operates over twenty teams in Gaelic football, hurling and camogie from junior through to adult level.
- The proposed new playing pitch is an expansion to the existing sports facility to accommodate the club's current and future demand for growth.
- The community consultation took place in August 2018 at Portstewart Town Hall; 226 comment cards were left.
- A petition of support was received with over 500 signatures.
- There were a small number of objections in relation to;

**Noise** - The application was supported by a Noise Assessment; the assessment acknowledged that the level of noise would not have a significant negative impact. Condition 6 could be amended to add the requirement to provide a noise report demonstrating the requirements of Condition 6 when the proposal first became operational.

**Car Parking** – 100 car parking spaces allocated plus two for coaches in order to meet demand; DFI Roads viewed concerns and recommended for approval.

- No objections from consultees.

In response to Members query in relation to the comment from J Fulton that on 01 August 2020 over 150 cars were seen leaving the grounds and 30 still parked, D McLaughlin informed Members that this was the first game since COVID-19 which accounted for the large attendance; this would not be the norm. He also clarified that any cars would be parked on the existing area; the site is in poor state and can't park cars on it. Cars will be parked on area of hard standing.

Members requested clarification that the proposed pitch was to be used for training purposes and not for matches. D McLaughlin stated that it isn't intended to be used for matches but may be used for the Youth Teams to bring the younger members together not for senior matches.

In response to a Member's query T Stokes informed Members that there would be no stewards standing at the end of the road conducting traffic into the ground. He clarified that all games would be ticket only brought through a ticket app. If members of the public did not have a ticket they would be stopped at source, in response to the current COVID-19 guidelines.

T Stokes confirmed that one neighbour had expressed concerns in relation to traffic and a subsequent meeting took place with the Planning Department.

The Development Management and Enforcement Manager informed Members that a Meeting took place 26 June 2018 with Mr and Mrs Fulton, the Planning Officer and Alderman Fielding. The point summarised in the Planning Committee Report were the issues raised by Mr and Mrs Fulton. DFI Roads considered these concerns. No member from the Club was present at the meeting.

The Development Management and Enforcement Manager stated that the meeting referred to in Item 4.13 of the report was a separate issue between the resident and the Club.

In response to a Member's concern re the potential increase in traffic D McLaughlin referred Members to Section 8.10 of the Planning Committee Report detailing the planning permission for C/2003/0190/F which granted consent for two pitches (the existing pitch and a training pitch) and pavilion. It was planned as part of phase 3 of the development along with car parking spaces for 100 cars plus 2 coaches; this was intended to serve two pitches and the pavilion.

T Stokes stated that the Club was trying to facilitate younger members and would expect families for the under 10's to arrive and leave on an hourly basis from 6pm to approximately 8pm. He did not envisage a huge increase on traffic on match days involving junior members, however under COVID-19 guidance all members attending matches must arrive in separate vehicles.

In response to a Member's query D McLaughlin informed Members that games would be played in daylight hours; there would be an overlap between hurling and camogie on Mondays and Wednesdays which would finish approximately 10pm. Occasionally Committee Meetings would be held at the Club after matches and would finish between approximately 11pm and 11.30pm.

D McLaughlin also clarified that on most occasions play would finish around 10pm but on some occasions play may stop at 10.30pm; this would only take place over a 5 week period during the summer in the longer evenings as there is no floodlighting and therefore can only play in daylight hours.

The Chair invited Alderman Fielding to address the Committee in objection to the application.

Alderman Fielding made the following points:

- The proposal site is 50m from the nearest residential property.
- Play over 7 days per week would result in an increase in noise levels.
- Condition 6 should be amended to add the requirement to provide a noise report demonstrating the requirements of Condition 6 when the proposal first becomes operational.
- The proposal is ambiguous. It states a playing pitch with 2 No. dug outs is proposed; a playing pitch is different from a training pitch.
- If the club is expanding the extra parking spaces proposed is insufficient.
- The lane is too narrow and is used by agricultural vehicles.
- Although consultation had taken place as detailed in Section 4.13 and 4.14 of the Planning Committee Report consultation cannot be just about the numbers who attended, some of the nearby residents have resided in the area for over 35 years.
- Section 4.14 of the Planning Committee Report refers to the advertising of the consultation event, however he did not receive a telephone call as stated.

In response to a Member's query J Fulton confirmed that if the club had accepted the alternative lands proposed this would have taken the pitch further away from residential properties..

D McLaughlin informed Members that discussion took place with the land owner in relation to the alternative land proposed but this would have required that the pitch be offset at a 90 degree angle. A feasibility study did take place on this location but was not viable for the club and it would not have received support from the Planning Department.

The Development Management and Enforcement Manager clarified that he was not aware of any application being submitted on the alternative ground offered for the development.

In response to a Members query A Gillan, DFI Roads stated that he was not aware of main traffic survey referred to being carried out on 06 January 2020. He was not aware of that survey or any survey on that road. A traffic count survey was not carried out. He would need to check of surveys were carried out on Agherton Lane.

In response to a Member's query in relation to the nearly holiday cottages the Development Management and Enforcement Manager clarified that a Reserved Matters Planning application for 12 No holiday cottages was submitted in December 2002; these were for holiday use only and not for permanent residency. The condition would exist until a Section 54 application would be submitted to vary the condition and this would then be considered.

In response to the Members query raised earlier in the meeting in relation to further traffic surveys A Gillan, DFI Roads stated that the nearest traffic count survey to the site was up from Agherton Lane on Coleraine Road between 8 and 15 September 2015.

Councillor Anderson read out Policy AMP 2 of PPS to Members.

### **Amendment**

Proposed by Councillor Anderson

Seconded by Councillor Scott

- to recommend that the application be **REFUSED** as it has not been demonstrated that the proposed development would not have a detrimental impact on road safety or cause detrimental flow of the traffic.

The Chair put the Amendment to the Committee to vote. 6 Members voted For, 7 Members voted against and 0 Members abstained.

The Chair declared the Amendment **LOST**.

The Head of Planning confirmed to Members that, therefore the recommendation as 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 conditions set out in section 10 is granted as this is a direct opposite of the proposal.

\* **T Stokes and D McLaughlin left the meeting.**

## **5.2 Major LA01/2017/0905/F Land between 55 Loguestown Road and 122 Atlantic road, Portrush (*Agenda Item 5.2*)**

Planning Committee Report, Addendum, Addendum 2 and Addendum 3 were previously circulated and presented by the Development Management and Enforcement Manager, S Mathers via PowerPoint.

The Development Management and Enforcement Manager described the site and its context for full planning for a proposed holiday park comprising static caravans, touring caravan pitches, glamping pods, open space, children's play area, site office, welfare building, landscaping and access.

The Development Management and Enforcement Manager informed Members that:

**Addendum 1** covers the submission of the reduced scheme.

**Addendum 2** updated to reflect the amended scheme submitted in 2019

**Addendum 3** is a submission from the Agent and responses of issues related therein.

The proposal, as amended, comprises five main elements: an area for 12 touring caravans; 71 static caravan units; 13 glamping units; amenity and site office buildings and; an equipped children's play area.

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

This is a major planning application so it was preceded by a PAN accompanied by a pre application community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

**Principle of Development** - Policies TSM 6 New and Extended Holiday Parks in the Countryside and TSM 7 Criteria for Tourism Development are the lead policies for this development proposal. The area does not have the capacity to absorb the development without adverse impact on visual amenity and rural character by reason of its integration characteristics. Specifically, the site is open with extensive critical views from Atlantic Road and Loguestown Road when travelling to and from Portrush. While a comprehensive landscaping plan has been submitted to assist with integration, this in itself would look out of place given the open character of the landscape.

**Setting of Portrush** - The development by reason of its scale and imposition on the open landscape around Portrush would have an adverse effect on the setting of the settlement.

**Layout and Open Space** - The overall layout does comply with policy as the development takes the form of discrete groupings or clusters of units. The overall provision of open space exceeds the 15% site area requirement specified by policy.

**Amenity** - There are dwellings in proximity to the application site at Atlantic Road and Loguestown Road. The relationship of the proposal with these is considered acceptable having regard to the separation distances and proposed intervening landscaping. The proposal is considered acceptable with the school as an adjacent land use across Atlantic Road. Environmental Health did not express any dissatisfaction with these relationships.

**Access** - The site vehicular access is proposed to Loguestown Road with traffic flow to and from the site improved by the provision of 5 passing bays. The proposal includes a pedestrian access to Atlantic Road. The connecting footpath to Portrush is subject of an associated planning application, the acceptability of which remains under consideration.

**Flood Plain** - A small portion of the site adjacent to the north and east boundaries is within a flood plain. However, this is unaffected by the proposal.



**Monuments** - There is an archaeological site and monument in the form of a cairn adjacent the site. HED were consulted and are satisfied pending a developer-funded programme of archaeological works.

**Economic Benefits** - An Economic Benefits Statement was provided in support of the application. While the proposal would offer such benefits in the form of employment and visitor footfall, these benefits are decisively outweighed by the harm to rural character.

Detail of the representations are given in the Planning Committee Report.

In conclusion, the proposed development is considered unacceptable in this location having regard to the NAP 2016 and other material considerations, including the SPPS. The proposal has been considered against the policy tests set out for tourism development in the countryside. The location of the proposal is inappropriate in that the proposed development would have a detrimental impact on the character of the area as it fails to integrate into the surrounding landscape. The proposed development includes informal layout of discrete clusters of static caravans, touring caravans and glamping pods separated through the use of appropriate soft landscaping. The proposal will have a detrimental impact on the landscape of the countryside which mars the distinction to the settlement of Portrush. It has also not been demonstrated that the development would not have a detrimental impact on road safety or significantly inconvenience the flow of traffic. Refusal is recommended.

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

**Addendum Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE**, as set out in paragraph 9.1 of the Planning Committee Report.

**Addendum 2 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE**, as set out in paragraph 9.1 of the Planning Committee Report.

**Addendum 3 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE**, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair invited Thomas Bell, Agent, Richard Agus, Transport Engineer and Stewart Beattie QC to address the Committee in support of the application.

S Beattie QC made the following points:

- Planning Policies are a matter for interpretation and law.
- It is disappointing that no draft planning conditions were included in the Planning Committee Report.
- The capability to absorb is relevant to the softening of the impact.
- The only issue is as detailed in Section 2.2 of the Planning Committee Report – in that lands surrounding the site are used predominantly for agricultural purposes; a number of dwellings in proximity to the site; Carnalridge Primary School and Ballywillan Presbyterian Church are located close to the site; Hilltop Caravan Park is located to the north of the site opposite Loguestown Road.
- The proposed planting is an extension of the existing planting and can be of a mature nature if required.
- The application submitted does not mention the NW200 – the only reference to the NW200 is in Addendum 3 Section 1.13.
- The fencing proposed is unique to the area and is only mentioned in Addendum 3.

T Bell address the Committee and made the following points:

- No assessment has taken place which quantifies how much of the boundary is missing.
- Caravans are only 3m high structures.
- The topography differs from East to West but is not prominent.
- The boundary on Atlantic Road when quantified is 70% existing and screened.
- There would be a landscape buffer set back between the dwellings and proposed site.

- Concern regarding additional planting is irrational.
- The proposed development will have many economic benefits especially at a time when staycations are being promoted.

S Beattie QC stated that he was unhappy with the refusal reason in relation to planting and that in considering the application Members should give weight to the planting that has been proposed. Members are entitled to look at the ability of the surrounding area to absorb the development including the absence of designations, proposed planting.

In response to questions from Members, T Bell agreed that a comparison be made in relation to the boundaries around Kellys and the Skerries caravan parks which have a harder boundary than the landscaping proposed here.

S Beattie QC advised that the area to absorb the development falls to be determined by the Planning Committee and that the comparison with other sites and whether there is effective integration rests with the Committee.

The Chair invited Mervyn Storey MLA to address the Committee in support of the application.

M Storey made the following points:

- The proposal has the support from 108 local businesses and the NW200 organisers and would provide social and economic benefits to the area. Economic benefits greatly outweigh the negative visual impact.
- COVID-19 was still prevalent; the general public would take more domestic holidays and this would provide additional accommodation.
- In relation to the NW200 safety for drivers and the public was their main concern.
- The applicant has made several concessions since 2017; the applicant is prepared to do whatever is required to alleviate any of the highlighted concerns.
- DFI Roads has no objections.

- Three metre high structures are proposed and drive to plant more trees
- The planting scheme and the proposed site would be depressed below the road with all boundaries contained with exception of Atlantic Road.
- The proposed development is not out of character within the landscape.
- The current economic climate facing Causeway Coast and Glens Borough Council has been exacerbated by the cancellation of the NW200 with the local economy being hit, so Members of the Planning Committee should consider to approve this development; they must make up their own minds.

A Member posed a question to the Development Management and Enforcement Manager in that taking into consideration caravan sites can easily be view on the Bushmills Road into Portrush, what argument could be given that the proposed site would be prominent in the landscape.

The Development Management and Enforcement Manager informed Members that the caravans on the Bushmills and Portstewart Road pre-date the 2013 policy requirements. The new policy is trying to avoid the proposed development being as prominent as the aforementioned.

In response to a Member's query the Development Management and Enforcement Manager referred Members to Policy TSM6 of PPS 16 criterion (b) in that the proposed site does not have sufficient existing or natural features to allow for integration in to the existing landscape.

S Beattie QC stated that the where appropriate further landscaping can be used to soften and assist in the integration; 70% of the proposed site already consisted of natural planting.

The Development Management and Enforcement Manager informed Members that refusal reason 1 to be amended as below.

Delete the words '*... the site selected does not have...*' and replace with '*...the site is not located in the area that has ...*'.

Refusal No 1 should therefore read:

The proposal is contrary to paragraph 6.266 of the Strategic Planning Policy Statement and Policy TSM 06 of Planning Policy Statement 16 in that the site is not located in the area that has capacity to absorb the holiday park development and would if approved have an adverse impact on visual amenity and rural character and; the proposal is unable to secure effective integration through the utilisation of existing natural or built features.

The Head of Planning informed Members that due to the debate on the emphasis of the wording of Policy TSM6 she shared the Policy with the Members on their screens so that they were able to determine the wording in their own minds. She also made reference to Appendix 4 which Members also viewed.

### **Amendment**

Proposed by Alderman Finlay

Seconded by Councillor Anderson

- that the Committee has taken into consideration and **disagrees** with the reasons for recommendation to refuse as set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the reasons set out:

- The proposal would provide huge economic benefit to tourism in the local area.
- A condition be added to the proposed planning in that there be adequate planting of trees which would assist the integration into the landscape.

The Chair put the Amendment to the Committee to vote. 11 Members voted For, 0 Members voted Against and 2 Members Abstained.

The Chair declared the Amendment to **APPROVE** carried.

**AGREED** – that Conditions and Informatives are delegated to Officers.

- \* The Chair declared a recess at **4.25pm**.
- \* The meeting reconvened at **4.45pm**.

### **5.3 Council LA01/2018/1193/F Old Life Boat Shelter, Ramore Avenue, Portrush (Agenda Item 5.3)**

Planning Committee Report was previously circulated and presented by the Senior Planning Officer, J Lundy via PowerPoint.

The Senior Planning Officer described the site and its context for Full Planning, for the provision of a single storey side extension to an existing vacant building, including internal refurbishment for the change of use to a licensed restaurant.

There are 16 objections from 11 objectors.

In relation to 2 further pieces of correspondence received this week there is also a verbal addendum. The submitted documents have been uploaded on to the planning portal. They relate to the former Coleraine Borough Councils Landsdowne Master Plan, correspondence from an objector, and email and letter from DAERA to an MLA.

In response to the Landsdowne Master Plans comments, the objectors contend that it was agreed that under the former Council regeneration plans that any future development would be associated with the future use of Portadoo Harbour. An extract of the Committee Meeting has been attached to their correspondence; this has been addressed in paragraphs 8.13 of the Planning Committee Report.

DAERA in their letter to the MLA dated 28 June 2019, advised of the location of the application on the coast and the planning policy contained within the SPPS and the Marine development statement that advises against development in areas. They also advised that the proposal is adjacent to the ASSI. NED have commented on the ASSI and consider the proposed works would unlikely result in significant damage to the earth science features due to the absence of critical exposures within the application site.

The submission also shows photographs of the storm event 2014/2015 and state that during this event the seaward doors of the shelter were damaged and breached with seawater and interior glass doors destroyed. As set out in the Planning Committee Report the site is on the periphery of the 1 in 200 year coastal flood plain and policy FLD 1 does not apply. Modelling has also been undertaken by the agent taking into account climate change and the submitted FRA shows the FFL 2m above the 2050 predicted sea level. Furthermore the FRA advises that flood resilience measures will be built into the design, finishing and materials used onsite. A flood management plan is to be maintained on site for future site occupants in the event the proposed restaurant is in use during the Q200 coastal flood event. There is no policy basis to refuse on this matter and significant weight has been

given to the importance of the listed building and its sustainable reuse to maintain it for the future. This is as set out in paragraphs 8.21 to 8.25 of the Planning Committee Report.

The principle of the proposal has been found acceptable ensuring the retention and upkeep of a listed building for future generations in accordance with planning policy and supported by Historic Environment Division.

The asterisk marks the site in the context of the Portrush peninsular. The site is located in close proximity to the Skerries and Causeway SAC and is within the Ramore Head and Skerries ASSI and Portrush ASSI and the Ramore Head LLPA. The site is located outside of the Portrush Settlement Development Limit.

The life boat shelter is in a prominent location on the coastline and a grade B2 listed building.

The existing South Eastern gable shows the existing extensions housing the public toilets and the seaward elevation showing the slipway, existing small balcony and boarded up opening were shown to Members.

With regards to the proposed extension, the main doors will be bi-fold with glass set behind them. A glass, wood and stone extension to the side gable will house the kitchen, toilets and entrance.

The South East elevation will remain the same. To the rear glazed and aluminium framed doors will be provided.

The floor plans show the balcony to the rear and the proposed terrace on the roof of the extension accessed from a mezzanine floor.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal meets the requirements of the SPPS and PPS 21 in terms of the conversion of a locally important building in the countryside. The change of use and proposed extensions are compatible with the listed building status and meet with the provisions of PPS 6. The location of the proposed development and climate change have been fully assessed and weight has been given to the elevated position and securing the upkeep and retention of a listed building with an economically viable use. Approval is recommended.

**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.

The Chair invited John McNally, secretary of Portrush Buildings Preservation Trust to address the Committee in objection to the application.

The Chair reminded J McNally that he would not be permitted to show Members any additional documentation.

J McNally made the following points:

- Planning system needs to adapt to and change to take account of climate change.
- An earlier letter from DAERA dated 8 February 2019 did not consider this proposal to be a viable long term option.
- The Planning Department considers this proposal to be at a low risk of wave action breaching the 2m existing freeboard.
- On 10 December 2014 a storm breached the storm doors and glass door and water entered the building and on to the road. Council should consider viewing the damage report from the storm in December 2014 and consider ramifications of architects design.
- The Architect for the proposed restaurant said that it would complement the Landsdowne Master Plan – this is misleading as it will not compliment the Master Plan objective.
- The application does not reflect the visual aspiration for this area and should be deferred for further review.

A Member requested more information on the Landsdowne Master Plan.

J McNally stated that the Landsdowne Master Plan was a consultation document and hosted a joint session with Council where all the plans were on view with 4 or 5 options. The vision for Landsdowne would link to a Maritime theme.



£2.7M would be given to the recipient harbour and to open the East Bay of Portrush Harbour in order to create cruise tourism. 50% of the liners would not be able to dock on the West side so would have to dock on the East side.

If the building is converted to a restaurant then it will be given on a long lease and be taken out of consideration for East Bay cruise liners. This proposal is a short term cash grabbing and asset selling plan stifling a longer term plan.

The Chair invited Wayne Hall, Applicant, to address the Committee in support of the application.

W Hall made the following points:

- A full Flood Risk Assessment has been submitted for the proposed development which demonstrated that there is no risk to the building and the extension.
- The 2m existing freeboard is within the predicted Q200.
- HED have no objections to the design of the proposal.
- Material choice is sympathetic to the area; the building is structurally sound; and, flooding previously was only aesthetics.

In response to clarification from a Member W Hall stated that the Flood Risk Assessment was carried out on 21 October 2019 and there was deemed to be no major structural impact on the building.

In reply to a Member's question with reference to the sale of the building by Council, W Hall stated that a report was taken to Council by John Richardson, the Head of Capital Works, Energy & Infrastructure; the report did not specifically refer to the sale of the building. The future development and design focussed on keeping existing windows for light and a flexible layout for future use. The decking to the rear of the property would be removable so the heritage of the existing slipway would be retained.

The Head of Planning advised Members that should the occasion arise that the building was to be reverted back to a boat house after it had been converted to use of a restaurant, then a further planning application would be required to be submitted to be considered.

W Hall informed Members that there was a summary of works that was required to be completed after the storm damage. This was mainly low routine maintenance, there was no major structural damage.

In response to Members' queries W Hall advised Members that he could not confirm if the damage had been caused by the storm and sea water entering the building as he was not present at that time.

W Hall stated that the Landsdowne Master Plan was under the jurisdiction of Coleraine Borough Council at that time and that he was not aware of it being adopted. He re-iterated that there was a Flood Risk Management Plan in place.

J McNally informed Members that the Landsdowne Master Plan had been previously been adopted by Council; it was proposed by Alderman Fielding and seconded by Councillor Fitzpatrick at the time.

He informed Members that this building is situated in the middle of where the damage took place in the storm of December 2014. He informed Members that after the storm the doors of the building were off their rails, stones were washed in to the street and the waves were half way up to the building. Portrush Buildings Preservation Trust tried to secure funding to do the East side.

J McNally informed Members that the proposal submitted was a short term solution and the proposal by Portrush Buildings Preservation Trust was a long term proposal. It has the potential to be another East Stand Promenade.

J McNally informed Members that in 2015 Portrush Buildings Preservation Trust had put in an expression of interest to the Council to undertake the Old Life Boat Shelter at no cost to Council; Council would receive a share of the profits. It was a community led solution to get the building back in use. He confirmed that no feasibility study took place but the proposal was submitted to an engineering company to prepare drawings and costings. These costings were submitted to Council.

In response to a Member's query J McNally clarified that the potential flood risk associated with the proposal would not apply to the Portrush Buildings Preservation Trusts proposed use of the building as a substantial storm door for first line protection would be in place.

In response to a Member's clarification request the Head of Planning informed Members that the Planning Department would not have been involved with the potential adoption of the Landsdowne Master Plan.

Proposed by Councillor Anderson  
Seconded by Alderman S McKillop

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

The Chair put the proposal to the Committee to vote. 11 Members voted For, 1 Member voted against and 1 Member abstained.

The Chair declared the Motion to **APPROVE** carried.

Councillor McGurk raised concerns that the Planning Committee would not be able to complete all the items to be discussed on the agenda, taking into consideration that the Planning Committee had only complete 3 of the planning applications due to be discussed. She highlighted that there were speakers present who had registered to speak later in the meeting, and were still waiting on line to address the Committee.

\* **Press left the meeting at 5.35pm.**

#### **5.4 Council LA01/2018/1184/LBC Old Life Boat Shelter, Ramore Avenue, Portrush (Agenda Item 5.4)**

Planning Committee Report, was previously circulated and presented by the Senior Planning Officer, J Lundy via PowerPoint.

The Senior Planning Officer described the site and its context for Listed Building Consent for the provision of a single storey side extension to an existing vacant building, including internal refurbishment for the change of use to a licensed restaurant.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan and other material considerations. The proposed use and alterations will secure the upkeep and retention of the lifeboat shelter which has an important social history and is a good example of architectural style of the mid nineteenth century. The proposal is considered acceptable having regard to the policy guidance set out in the SPPS and PPS 6. Approval is recommended.

**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** Listed Building Consent subject to the reasons set out in section 10.

The Chair invited Wayne Hall to address the Committee support of the application.

W Hall was not present to address the Committee.

Proposed by Alderman McKillop  
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 and guidance in sections 7 and 8 and resolves to **GRANT** Listed Building Consent subject to the reasons set out in section 10.

The Chair put the Motion to the Committee to vote. 13 Members voted For, 0 Members voted against and 0 Members abstained.

The Chair declared the motion to **GRANT** carried.

The Head of Planning informed Members that only 4 planning applications had been discussed and completed at this time and under the Protocol for the Operation of the Planning Committee the Planning Committee should conclude at 8pm unless otherwise agreed by Members. Members must consider and agree when it is reasonable to conclude the meeting, which would then be reconvened on Thursday 17 September at 10am.

Alderman S McKillop felt that Members should continue to Item 5.9 and then attend to other urgent business on the agenda as issues had arisen from the Corporate Policy and Resources Committee the previous evening.

As some Members were not aware of the discussions taken place at the Corporate Policy and Resources Committee the previous evening, they felt that the proceedings be stopped after Item 5.9 and then the remainder of the agenda be discussed at the reconvened Planning Committee Meeting to take place on 17 September 2020.

Proposed by Alderman S McKillop  
Seconded by Alderman Boyle

- that discussions on the Planning Applications cease after Item 5.9 and the Planning Committee then discuss other matters outside of the Planning Applications.

The Chair put the Motion to the Committee to vote. 6 Members voted For, 7 Members voted against and 0 Members abstained

The Chair declared the Motion **LOST**.

Alderman S McKillop expressed her discontent with the decision as failure to discuss the proceedings from the Corporate Policy and Resources Committee Meeting would have an impact on financial constraints within the Planning Department which are not made available in the reports.

Proposed by Councillor McGurk  
Seconded by Councillor Hunter

- that proceedings of the Planning Committee Meeting be stopped after Item 5.9 with the remainder of the agenda to be discussed at the reconvened Planning Committee Meeting to take place on 17 September 2020 at 10am.

The Chair put the Motion to the Committee to vote. 9 Members voted For, 0 Members voted against and 4 Members abstained

The Chair declared the Motion **CARRIED**.

\* **Alderman Finlay left the meeting.**

#### **5.5 Objection LA01/2018/0134/F Lands 6 metres South of 43 Ballyclogh Road, Bushmills (*Agenda item 5.5*)**

Planning Committee Report, Erratum, Erratum 2, Erratum 3, Addendum, Addendum 2, Addendum 3, Appeal Decision and Site Visit Report Monday 20 January 2020 were previously circulated and presented by the Senior Planning Officer, J Lundy via PowerPoint.

The Senior Planning Officer, described the site and its context for Full Planning for a proposed infill dwelling, access, landscaping and ancillary site works.

32 objections have been received from 8 different addresses. The objection points are fully considered in the circulated papers and mainly

cover topics relating to the plans, the forms, impact on residential amenity, design, biodiversity, drainage and sewage, access and processing and procedural issues. There is substantial correspondence between the parties and the Council. The objectors have asked correspondence relating to complaints be made available for the Members to view, these are available to view in the office.

**Addendum 1** relates mainly to correspondence from Council to the objectors, consent to discharge of effluent with associated maps, case officer report and a site location map.

**Addendum 2** relates to 3 further letters of correspondence received querying issues around the content of the application form, previous case officers involvement, clarification on the processing and assessment of the application, the design and the PAC decision on infill which clarified the term road frontage.

**Addendum 3** relates to further correspondence received. It relates to the processing of the application, missing files and a submitted sunlight and shadow study.

The first erratum corrects an error in paragraph 8.10, the second erratum corrects the dates of the planning histories and the separation distance between the garage and the shared boundary and the third erratum removes reference to a 2002 planning history from paragraph 8.8.

The principle of the dwelling on the site was accepted in the previous planning histories as set out in Section 3 of the Planning Committee Report. At the time of validation of this application there was an extant approval for an infill dwelling on this site. In the recommendation of this application significant weight has been attached to the previous approval. However it is for the Planning Committee to decide on the determining weight they attribute to the planning history in the assessment of this application.

The application is located with the countryside as designated in the NAP 2016.

Members were presented with the following slides:

- The site shown in relation to Ballytober.

- The site plan showing the location of the site and the visibility splays required.
- Aerial shot of the site in the context of the adjacent dwellings, the Ballyclogh Road and the River Bush.
- The block plan showing the footprint of the dwelling its relationship with the adjacent dwellings No 43, and No 41 Ballyclogh Road. The contours depicting the fall of the site from the road to the River Bush. The block print also shows the distance of the proposed dwelling from No43 Ballyclogh Road. Using the 60 degree or 45 degree rule of PPS 7 which is the only guidance available to assess overshadowing/loss of light, from the rear of No 43 there would be no adverse impact in terms of overshadowing or loss of light.
- Photograph of the site taken from the road with the rooftop of No. 43 visible.
- View of the site travelling north, the boundary of No. 41 and the site.
- Travelling south, the access to No. 43; the existing hedge will be retained for the exception of the access point, the trees to the side of No 41.
- The site in context with No. 43; the boundary hedging is to be retained. The proposed garage is 11m off this boundary and the main side elevation 22m off the boundary.
- Photograph looking across the site. The separation distance is 53m measured form the corner of No. 41's rear elevation and the corner of the front elevation of the new dwelling. A new hedge is to be planted along the post and wire fence which marks the southern boundary with No. 41.
- The bottom of the site looking up to the proposed location and the roof of No. 41 set back nearer the road.
- The proposed front and rear elevation. The front elevation is mainly two storey with a one storey extension and detached garage. The two storey rear return is stepped down the site gradient.
- The side elevation facing No. 41 Ballyclogh Road. The only 1<sup>st</sup> floor window is to be obscured glazing. Roof Velux and solar panels are

shown on the rear return.

- The side elevation facing No. 43 Ballyclogh Road, use of high level window on the kitchen. The corner window is forward of No. 43 to not cause overlooking.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. Assessment concludes the site does not represent an infill opportunity and is contrary to Policy CTY 8 of PPS 21. However, the principle of this development is acceptable attributing significant weight to the planning approval on the site with the most recent permission still being extant at time of submission of this application.

The design of the dwelling is satisfactory and will not detract significantly from the character of the local area. The dwelling and garage will not unacceptably harm neighbouring residential amenity. The site can accommodate this development without eroding rural character. The proposal has adequate measures for on-site sewage treatment and will not create a pollution risk and the discharge consent application has been approved.

The proposal does not prejudice road safety or significantly inconvenience the flow of traffic. Access and parking requirements are satisfactory. The proposed development is acceptable from a drainage and flood risk perspective. The proposed development is unlikely to significantly impact the designated sites or protected and priority species or habitats. Mitigation measures are in place to protect the integrity of the site features and conservation objectives of the Skerries and Causeway SAC. Approval is recommended.

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

**Addendum Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

**Addendum 2 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning



Committee report.

**Addendum 3 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

The Chair invited Jonny Stewart, Alexander Whiteside and David Adams to address the Committee in objection to the application.

J Stewart stated that the application process and planning history in the Planning Committee Report contained inaccuracies and inconsistencies and made the following points:

- The site did not represent an infill opportunity; although outline planning permission had been granted there was no justification to continue in the same vein.
- The Full Planning application does not conform to the measurements stated in previous outline conditions, so therefore should be considered as a different planning proposal.
- The design of the proposed dwelling is unacceptable and had been reassessed by senior management considering it to be unacceptable in scale and massing, overbearing, inadequate separation distances and differences in levels; the applicants amendments were minor (a re-design of the dwelling has not occurred).
- The proposed dwelling is unacceptable in the locality, would be overbearing, suburban in form and have a significant visual impact. Proposed dwelling would be larger than neighbours with a large rear return that is comparable in size to the front block.
- There would be overshadowing and the blocking of light to No 43 Ballyclogh Road.
- Dispute the accuracy of plans. The proposed separation distance on the South elevation at 7m is unacceptable. Minimum separation distance should be 10m.
- Significant concerns of objectors that proposal falls short of acceptable design and integration.

The Chair invited Gavin McGill, Agent Clyde Shanks, Hugh Morrison, Architect and Desmond Orr, Applicant to address the Committee in support of the application.

G McGill made the following points:

- The proposed dwelling fully complies with Outline Planning approval which was extant at time of submission.
- The Planning Officers consideration was robust and thorough.
- Council had previously recommended for approval in 2018 and there had been no change to planning policies in the interim period.
- Numerous consultations had taken place and there were no objections to the proposal from statutory consultees.
- The proposed dwelling has been re-orientated within the site.
- The windows have been relocated.

H Morrison made the following points:

- Site visit for Members has been held.
- The site was purchased in April 2017, based on the assumption that some sort of residential development would be approved on the site.
- The proposed dwelling complies with the conditions of the outline approval as stipulated in the Planning Committee Report.
- The Applicant has an essential right to develop the land and Members should uphold the recommendation to approve.

D Orr made the following points:

- His wife was raised on a farm in Ballywillan Road; she has recently retired from the NHS and wishes to relocate to Bushmills.
- Outline Planning permission had already been granted to the farmer who previously owned the land.
- Tranquil, private river setting.

- No.43 is used infrequently.
- Elected Members previously visited the one and a half acre site which was well able to accommodate the proposed dwelling.

In response to a Member's query in relation to the separation distance H Morrison clarified that the separation distance was slightly coloured by a dispute over the boundary of the site. He stated that where the boundary lies is immaterial at this moment in time.

G McGill clarified that planning does not confer title. Boundary is circa 11m from dwelling.

In response to a Member's query in relation to the boundary, the Senior Planning Officer informed Members that the proposed planting would be along the boundary of the applicants land; the planned planting had been measured and checked at 11 metre separation distance from garage to common boundary. Red line of application site does not confer title.

The Chair invited Alderman Finlay to address the Committee in objection to the application.

Alderman Finlay stated that the application should have been submitted under a reserved matters application, this did not happen and a new application was submitted. The proposed dwelling was larger than originally proposed, therefore under Policy CTY 8 this was not an infill site and can't understand why Planners want to make 2 bad decisions. This is a brand new application and should have been turned down automatically.

Alderman Finlay made the following points:

- The proposed dwelling was much larger than one expected in the countryside, the bedrooms were located on 3 different floors, this was not an average dwelling.
- This is a huge house with the proposed garage to be 1.5 storeys high. It would result in a loss of natural light and privacy to neighbouring properties and for that reason alone should be rejected.
- Although it was stated that the separation distance would be 11m, he was in receipt of an email from one of the Planners stating that in

fact there would only be an 8m separation distance in some places.

- It was unfair for the applicant to build such a large property so close to these people which would greatly affect private amenity space to neighbouring properties, in particular No. 43 Ballyclough Road.
- There is currently a boundary land dispute.
- Asked why is this being approved if contrary to policy CTY8?

Alderman Finlay read out to Members the email he had received from an officer of the Planning Department in relation to the alleged 8m separation distance.

\* **Alderman Finlay left the meeting at 6.25pm.**

In reply to a Member's query in relation to a reserved matters application the Senior Planning Officer informed Members that since the Outline Planning Permission was granted under Policy CTY 8, which was relevant at that time, the Policy has not changed but the PAC interpretations have now changed.

The Head of Planning advised Members that the Planning Committee Report had given significant weight to the outline planning permission that was extant at the time of submission of this full planning application. However, the judgement on the weight to be attached to this extant permission lies within the remit of Members to decide and they may give it different weight to that considered by officers.

The Senior Planning Officer stated that the Outline Planning Permission was granted with conditions relating to the proposed dwelling frontage to be 13m, the gable depth 8.5m and the ridge height 8m. The Full Planning Application submitted had met with these conditions. She advised that this is a sloping site and clarified the separation distances.

Proposed by Councillor Nicholl  
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 **APPROVE** planning permission subject to the conditions set out in section 10.

- that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

- that the Committee note the contents of Addendum 2 and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

- that the Committee note the contents of Addendum 3 and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

The Chair put the proposal to the Committee to vote. 11 Members voted For, 1 Member voted Against and 0 Members Abstained.

The Chair declared the motion to **APPROVE** carried.

\* **Councillor Anderson and Alderman McKeown left the meeting at 6.35pm.**

\* The Chair declared a recess at **6.35pm.**

\* The meeting reconvened at **7.05pm.**

#### **5.6 Objection LA01/2019/0281/F Land at Asda, 1 Ring Road, Coleraine (Agenda Item 5.6)**

Planning Committee Report, Addendum and Erratum, Addendum 2, Appeal Decision and Site Visit Report Monday 24 August 2020 were previously circulated and presented by the Development Management & Enforcement Manager, S Mathers via PowerPoint.

The Development Management & Enforcement Manager, described the site and its context for Full Planning for the erection of a freestanding single storey restaurant with car parking, drive thru, landscaping and associated site works to the site. Installation of 2 No. customer order displays (COD) with canopies and a children's play area and reconfigured car parking. The site is located within a portion of the car park next the Ring Road which serves the Asda.

**Addendum and Erratum** relates to the operating hours and further letter of objection.

**Addendum 2** relates to further letters of objection and the deletion of Condition 11 – regarding provision of a close boarded fence for noise attenuation as details of a 2.5m acoustic barrier.

In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Coleraine. It is located on unzoned land. The Northern Area Plan does not contain specific policies on restaurants. Therefore relevant regional policies apply.

The Development Management & Enforcement Manager informed Members of a verbal Erratum in relation to paragraph 8.18 of the Planning Committee Report which should read *'The rear of the proposed building is located approximately 20 metres from the side elevation of the Lodge Road Hotel.'*

The Development Management & Enforcement Manager also informed Members of a verbal Addendum which relates to 2 additional conditions from the Environmental Health Department in relation to external lighting.

- (i) Light levels from the exterior lighting to be installed shall not exceed 10 lux pre curfew (up to 11pm) and 2 lux post curfew (after 11pm) at the closest receptors.
- (ii) Following installation of the proposed lighting a post verification assessment shall be undertaken by a competent person to verify that light levels do not exceed those stipulated in condition 1 at the closest receptors.

This is a local application and is being presented to the Planning Committee on the basis that there were more than 5 objections from separate addresses.

**Principle of Development** - The SPPS provides specific policies for retailing and other main town centre uses. This Policy directs a town centre first approach. As the SPPS sets out what "other main town centre uses" comprise and as this list does not include restaurants/ cafes, this policy provision does not apply to this proposal. Therefore, the proposed use is considered acceptable in principle at this out of centre location.

**Amenity Considerations** - The nearest receptors to the proposal are the Lodge Hotel and the Cottage Nursing Home. The side façade of the Lodge Hotel is close to the proposal. The distance between the side façade of the proposal to the boundary is approximately 14.5 meters. Given that the distance from the side façade of the Lodge Hotel is

approximately 6 meters from the boundary, this gives an overall separation distance, building to building of just over 20 meters. Noise and odour assessments have been submitted and considered by the Environmental Health Department. Subject to a range of mitigating measures including installation of abatement equipment, an acoustic barrier, restricted opening hours and restricted servicing times, the Environmental Health Department as the competent authority is content. Having considered other considerations such as overlooking and overshadowing, the proposal is not considered to present an unacceptable relationship with existing neighbouring development.

**Access and Parking** - The access to the restaurant is through the existing main access to the Asda supermarket and the existing internal car park. No new access to the Ring Road is proposed. The proposal shall result in the loss of approximately 60 existing car park spaces which are peripheral to the Asda supermarket building. 6 new car park spaces are proposed. The application was accompanied by a Transport Assessment. After consideration of amendments to the Transport Assessment, DfI Roads as the competent authority are content with the impact of the proposal on the road network and the provision of car parking, both to the proposal and to the existing Asda supermarket.

**Design** - The proposed building is single storey. It is of modern, contemporary design and is finished using panel systems. Given the suburban location where there are a variety of building styles, this is considered acceptable. The appearance of the proposal will be enhanced through hard and soft landscaping.

**Employment Considerations** - Information supplied with the application states that 65 full and part time staff are to be employed at the new restaurant.

**Representations** - The detail of the representations are set out in the report.

In conclusion, the proposed development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. Through the implementation of conditions relating to noise and the implementation of a high level odour abatement system there are no concerns in regard to noise and odour. Given the mixed character of the area and mix of different uses within this area the proposed design is considered acceptable. Approval is recommended.

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

**Addendum Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

**Addendum 2 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 9.1 of the Planning Committee report.

In response to a Members query in relation to the possible re-orientation of the proposed development the Development Management & Enforcement Manager advised Members that this could be requested if Members thought it appropriate to do so. He clarified that the distance between the building to building façade was just over 20 metres, the width of the edge of the proposed drive through to the boundary edge was 10m and the distance from the boundary to the façade was approximately 16m. The acoustic wall would be located 7m from façade of restaurant, 3m from the outer edge of the drive through lane.

The Development Management & Enforcement Manager clarified that trees were outside the application site red line boundary; the red line boundary is 9m from Asda car park to The Lodge Hotel. The existing trees and landscape to remain undisturbed.

The Development Management & Enforcement Manager informed Members that there would be 16 No external lights on 6m high lighting columns. The Head of Health & Built Environment re-clarified the proposed lux lighting levels as previously discussed,

The Chair invited Norma Wilson, one of 3 partners in The Lodge Hotel to address the Committee in objection to the application.

N Wilkinson made the following points:

- She has been a partner in the Lodge Hotel for over 40 years; the hotel currently employs over 100 staff.



- The proposed development at the proposed site would have a negative impact on business and employees.
- The Lodge Hotel objected to the proposed location for the McDonalds site and requested that it be moved to the North East area of Asda car park.
- The proposed site is beside the accommodation and conference area; construction of the development would be very noisy; the hotels potential clients would not be understanding.
- The accommodation area and Conference Centre would be hugely impacted during construction and would result in loss of business.
- There would need to be liaison between the construction company and the hotel.
- The proposed opening hours for McDonalds were 6am to 11pm Monday to Sunday and would affect residents of the hotel in relation to noise of cars going through the drive thru and also smell. The proposed 2.5m fence would not stop this.
- It has been stated that no delivery of goods will take place before 8am; who will legislate this?
- The Lodge Hotel are concerned that in the future there may be an application for McDonalds to operate on a 24 hours service.
- The Lodge Hotel are not asking for the application to be refused just moved to another location. The proposal will create jobs and they are not against competition but the proposed site is a threat to their business.

In response to a Members question N Wilkinson confirmed that the bedrooms and Conference Room at The Lodge Hotel would be affected by excessive noise and light and that would lead to complaints by residents.

The Chair invited Niall Hennessey, McDonalds's Franchise Consultant of Northern Ireland to address the Committee in support to the application.

N Hennessey made the following points:

- McDonalds had worked closely with Planning Officers in relation to the proposed application.
- McDonalds will create a use that is a good neighbour, supporting local groups and charities and the PSNI would alleviate any anti-social behaviour problems that may potentially arise.
- McDonalds will help to make the local community vibrant and safe.
- McDonalds operate a zero tolerance in regards to anti-social behaviour.
- McDonalds would be working extremely hard to keep the area litter free; they are a member of Keep Northern Ireland Beautiful.
- Three daily clean ups would be undertaken in the immediate area.
- 65 new flexible jobs for the local area would be created; McDonald's invest £43m in staff training.
- Accords with planning policy.

In response to a Member's query in relation to the proposed development, N Hennessey stated that the proposed site was the site of the Asda Car Park that which Asda had offered McDonalds and which suited the site profile for McDonald's. There would have to be further negotiations with Asda to enquire if an alternative site within the car park would be possible. Points to take into consideration were traffic flow, the drive thru as the site offered was the best to accommodate this. If the restaurant was to be re-orientated then this would create delivery problems which would mean deliveries would then be nearer to the hotel.

Some Members raised concerns that as orders can be taken up until 11pm there would be potential problems with the revving of engines and radios blasting loudly from cars. N Hennessey clarified that McDonalds do not tolerate anti-social behaviour. Some Members felt that a re-orientation of the restaurant would be an alternative to alleviate some of the problems outlined.

Proposed by Councillor McLaughlin  
 Seconded by Councillor Scott

- that the application be deferred for the applicant and Agent to enquire if an alternative site within Asda car park can be offered for development.

The Chair put the proposal to the Committee to vote. 10 Members voted For, 0 Members voted Against and 0 Members Abstained.

The Chair declared the Motion to **DEFER** carried.

**5.7 Objection LA01/2019/0182/F 24m NE of 50/51 Kerr Street, Portrush (Agenda Item 5.7)**

Planning Committee Report was previously circulated and presented by the Senior Planning Officer, J Lundy via PowerPoint.

The Senior Planning Officer, described the site and its context for Full Planning for a proposed 2 storey, 3 bedroom cottage with pitched roof and single storey side projections and front porch and a double domestic store with covered log store.

The Senior Planning Officer informed Members that there had been 18 objections from 9 objectors received during the processing of this application. The objection points are set out in the Planning Committee Report and mainly relate to road safety, access, habitat, drainage, site used for the occasional boat storage, not industrial.

**\* Councillor McMullan left the meeting at 7.50pm.**

Members were presented with the following slides:

- The site marked with a red asterisk in the peninsular of Portrush.
- The red line marking out the backland site located just off Kerr Street within the Settlement Development Limit for Portrush and the Northern Area Plan 2016 Area of Townscape Character designation PTH 02. The proposal has been considered under PPS 7 and its addendums.
- The existing access to the site from Kerr Street is approximately 2.8m wide.
- The access is to the rear of the existing dwellings and a number of objections have been raised to the use of this site for access.

DFI Roads have advised that the width of the existing access renders it unacceptable for the intensification of use and would, if approved, prejudice the safety and convenience of road users. The Agents have argued that this area was used for boat storage so have an existing use attributed to it. The Agents also submitted a study of the area as an industrial area and modelled based on the size, resulting in a daily flow of 14 vehicles. Creating Places accounts for a single dwelling of 10 movements a day. The argument is made that approval of the dwelling would result in betterment of the site.

There is no planning history on the site for any industrial use and no Certificate of Lawful Development has been submitted. The access width falls well short of the required width which is essential to enable drivers emerging from the minor road to see and be seen by drivers proceeding along Kerr Street. Where the access crosses a footway it is also important to have intervisibility between pedestrians and emerging motorists. In these circumstances there should normally be visibility splays between the drivers viewpoint 2m back into the access and a distance measured along the back of the footway on each side.

The points of concern raised in the objections letters, the agent's arguments and DFI Roads comments are detailed in paragraphs 8.29 to 8.31 of the Planning Committee Report.

- The proposed site is located in the area behind the fencing.
- The site and the Royal Court apartments above on Main Street and Mark Street.
- The site looking towards the rear of the properties on Kerr Street. DCAN 8 provides guidance for backland development as referred to in para 8.34 of the Planning Committee Report. It states that backland development on plots less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character and where careful design can overcome concerns of overlooking and day lighting. It is considered that the proposal fails to provide a positive outlook for potential occupiers. The distance from the frontage of the proposed dwelling and the rear of the apartments is 23 metres and would result in overlooking of the rear windows of the apartments.

- A block plan of the proposed dwelling and garden. Adequate provision of amenity space is provided. Concern is also set out regarding potential overlooking from the apartments above is also set out in the Planning Committee Report paragraph 8.11.
- The proposed design of the building. There are no objections to the design, scale and massing of the proposed dwelling.

In conclusion, the proposed development is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. An intensification of the existing access is not acceptable and will have an adverse impact on road safety. The proposal fails to provide a quality residential environment and would impact on the amenity of the existing and new residents. The proposed dwelling will be adversely impacted by overlooking from existing development located around the site and the proposed development fails to provide an acceptable outlook. Refusal is recommended.

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

In response to a request by a Member for clarification on scale, design and size the Senior Planning Officer stated that the proposed development fails to provide an adequate outlook and is adversely impacted upon by overlooking and overshadowing from existing development.

In response to a Member's question in relation to the possibility of altering the design in order to alleviate the overlooking problem the Senior Planning Officer informed Members that the main problem is the extensive overlooking of an existing apartment block, which is located just 2 metres from the site boundary.

She stated that the proposed site is located 40-45metres from the established building line on Kerr Street, which falls well short of the recommended distance of 80m as stated in DCAN 8.

The Chair invited David Donaldson, Planning Consultant and Darren McCaffrey, Project Architect and K McShane, Roads Consultant to address the Committee in support to the application.

D Donaldson made the following points:

- The proposed site is a previously developed brown field site.
- SPPS states at para. 3.8 that sustainable development should be permitted provided it does not cause demonstrable harm to interests of acknowledged importance.
- The site will be bounded by existing walls and a 1.9m high replacement wall as well as grasses, hedging and trees.
- The proposed dwelling will have provision for 200 square metres of private amenity space which is extremely generous.
- Potential overlooking at 50 and 51 Kerr Street: the 23m separation distance referred to in paragraph 8.5 of PCR is in fact 25m – the recommendation in Creating Places is 20m.
- Overlooking from the proposed dwelling onto the apartments will be restricted; the balconies associated with the apartments look over the top of Kerr Street and the Harbour.

K McShane made the following points:

- Policy AMP 2 of PPS 3 Access, Movement and Parking; in regard to the proposed development the use of the proposed access would not '*significantly*' prejudice the safety and convenience of road users.
- Adoption standards do not apply to private driveways.
- No recorded accidents at access which already serves 9 spaces and a garage.
- Private driveway is no different to access to garages and adequate sightlines are provided.

The Head of Planning confirmed that no Site Visit had been carried on this application.

In response to a Member's query the Senior Planning Officer clarified that DFI Roads was consulted in regard to the proposed development and recommended refusal as the existing access was deemed inadequate. Should there be two vehicles wishing to enter/exit the dwelling at the same time, as the width of the access was very narrow, one vehicle would have to reverse to allow the other to pass. There would also be an impact

on pedestrian access. This is detailed in the refusal reasons on page 20 of the Planning Committee Report.

The Senior Planning Officer advised Members that a representative from DFI Roads had been in attendance remotely at the meeting earlier but had to leave early.

The Senior Planning Officer clarified that there were 9 car parking spaces in the existing car park onto Kerr Street which would be retained. As access to the proposed dwelling would be through the car park there would be an unacceptable intensification of the use of the lane. She confirmed that in the plan provided two car parking spaces have been allocated for this development.

In response to a Members query in relation to intensification the Head of Planning referred to DCAN15 Paragraph 1.2 which states that *'Intensification is considered to occur when a proposed development would increase the traffic flow using an access by 5% or more.'*

Proposed by Councillor Nicholl  
Seconded by Councillor McGurk

- that the application be deferred and a Site Visit be held in order for Members to view the existing access.

The Chair put the proposal to the Committee to vote. 9 Members voted For, 0 Members voted Against and 0 Members Abstained.

The Chair declared the motion to **DEFER** carried.

\* **Councillor McLaughlin and Alderman Baird left the meeting at 8.11pm.**

\* **Alderman S McKillop left the meeting at 8.12pm.**

#### **5.8 Referral LA01/2018/1497/F 118 Drumcroon Road, Blackhill, Coleraine (Agenda Item 5.8)**

Planning Committee Report, Addendum, Addendum 2 and Site Visit Report 24 August 2020 were previously circulated and presented by the Senior Planning Officer, E Hudson via PowerPoint.

The Senior Planning Officer, described the site and its context for Full Planning for a proposed agricultural supplies/general purpose store.

The Senior Planning Officer informed Members that a site visit was carried out on this site on Monday 24 August 2020 and that there were 2 Addendums along with the Planning Committee Report.

The site is located in the open countryside as defined in the Northern Area Plan 2016.

The first Addendum outlines the consideration of an amended scheme which was submitted in January of this year. The submission was for consideration of a domestic garage in lieu of the agricultural supplies store. As this is considered to be a completely different proposal including a new access, this would need to be considered under a separate application and cannot be considered an amendment to this application. The second addendum relates to a letter submitted to the Council from the applicant in March 202 relating to the impact Covid-19 has had on his business and how this operates. A petition of support has also been received on this application details of which are outlined in section 5.1 of the Planning Committee Report.

A slide was shown to Members outlining the red line boundary of the application. The proposed access to the site is off an existing agricultural access which leads onto the Drumcroon Road which is a protected route.

The site layout with the proposed building was indicated to Members in red and the applicants dwelling adjacent to this. The layout also shows the access point into the site branching off the existing agricultural laneway.

The Senior Planning Officer presented further slides on the elevation of the shed measuring 16 metres x 9 metres and a height of 4.8m; the proposed access point to the site which is taken off an existing agricultural laneway; a view of the site from the Drumcroon Road with the applicants dwelling and the site adjacent to this and a view of the site with the proposed building to be sited adjacent to the existing fence.

The applicant currently runs his agricultural supplies business from a local merchants shed approximately 5 miles from his home. He is looking to relocate this business to this site beside his dwelling. The applicant has confirmed that customers would not visit the site, rather that he would deliver orders from this premises to the customers. As such the use of the proposal is considered to be that of storage and distribution. Policy CTY 1 directs developments for this type of use to be considered under PPS 4 as well as the SPPS.



Policy PED 2 of PPS 4 relates to Economic Development in the Countryside and that proposals for economic development uses in the countryside will be permitted in accordance with the provisions of one of the relevant policies. It goes on to state that proposals for economic development in the countryside will only be permitted in exceptional circumstances. Policy PED 6, most closely reflects this case and refers to small rural projects which would permit a small community enterprise park or a small rural industrial enterprise where it has been demonstrated there are no suitable sites in a settlement; the proposal would benefit the local economy or contribute to community regeneration; and the development is clearly associated with the settlement. Storage and distribution uses will only be permitted where these are clearly ancillary to a proposal for a community enterprise park or an industrial use.

The proposed development does not meet any of these policy tests. It is not a small rural industrial enterprise, it has not been demonstrated that this use cannot be accommodated in a settlement, it is not ancillary to an existing industrial use and no exceptional case has been made as to why these policies should be set aside.

The proposed access to the site is taken off an existing agricultural access which accesses onto a Protected Route. As the proposal is unacceptable in principle and the proposal is not making use of an existing vehicular access it is contrary to the Protected Routes Policy AMP 3 and is also contrary to Parts (g) and (h) of Policy PED 9 of PPS 4.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not meet the relevant criteria under the SPPS, PPS 21 and Policies PED 2, PED 6 and PED 9 of PPS 4 as there are no overriding reasons why it could not be located within a settlement. The proposal would conflict with Policy AMP 2 and AMP 3 of PPS 3 as the proposal would involve direct access onto a Protected Route and it does not meet any of the exceptions outlined in Policy AMP 3. Refusal is recommended.

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

**Addendum Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE**, as set out in paragraph 9.1 of the Planning Committee Report.

**Addendum 2 Recommendation** - that the Committee note the contents of Addendum 2 and agree with the recommendation to **REFUSE**, as set out in paragraph 9.1 of the Planning Committee Report.

In response to a Member's query the Senior Planning Officer confirmed that customers would telephone in their order and the applicant would then deliver the order to the customer's premises. No customers would visit the site. She also clarified that there was no intensification of the use of an existing access but the application was contrary to AMP3 if the existing vehicular access was not used.

The Chair informed Councillor Scott that he would be unable to take part in the vote on this application as he had not attended the Site Visit but could take part in the discussion.

The Chair invited Keith Rosborough, Applicant and Stephen Atkinson, Agent, to address the Committee in support of the application.

\* **Councillor Scott left the meeting at 8.22pm during consideration of this application.**

S Atkinson made the following points:

- The application was submitted 10 December 2018.
- The applicant has a small scale agricultural supplies to support and sustain the agricultural community.
- The application fails to meet with the principle for Economic Development in the Countryside under PPS4 – as the business is agricultural sales there should be some flexibility in this Policy.
- Refusal on outline planning permission would have a detrimental effect on the applicant's agricultural business.
- The proposed agricultural store would not be detrimental to the local area.
- The proposed store cannot be located within a settlement as there is no suitable site available.

- The proposed store would be situated adjacent to the applicant's home, this would be a better option than the applicant having to travel to Garvagh, as he does at present and would result in quicker delivery to customers.
- The design, size and scale of the proposed store is appropriate and would integrate into the area.
- The existing agricultural access is safe and suitable for this development.
- There would be minor vehicular traffic from this location.
- Policy AMP3 does not provide sufficient clarification on access.
- Farms shops, craft shops, tourist shops and recreation businesses have been allowed in this area; therefore this application should be accommodated in the countryside.

Proposed by Alderman Boyle  
 Seconded by Councillor Dallat O'Driscoll

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

- that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE**, as set out in paragraph 9.1 of the Planning Committee Report.

- that the Committee note the contents of Addendum 2 and agree with the recommendation to **REFUSE**, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair put the proposal to the Committee to vote. 2 Members voted For, 0 Members voted Against and 3 Members Abstained.

The Chair declared the Motion to **REFUSE** carried.

\* **Alderman Boyle left the meeting at 8.30pm.**

## **5.9 Referral LA01/2019/0381/O 80 metres North West of 83 Muldonagh Road, Claudy (Agenda Item 5.9)**

Planning Committee Report and Site Visit Report 24 August 2020 were previously circulated and presented by the Senior Planning Officer, J McMath via PowerPoint.

The Senior Planning Officer described the site and its context for Outline Planning for a proposed off site replacement dwelling to include the retention of existing dwelling to be replaced.

The site is situated west of Foreglen in the rural area outside any defined settlement limit and there are no specific zonings or designations affecting the site as provided for by NAP.

The site is located at a group of farm buildings adjacent to 83 Muldonagh Road and includes a number of white washed stone buildings. Part of an existing agricultural field exists on the opposite side of Muldonagh Road.

The topography of the site falls away from Muldonagh Road to the south side of the road past the buildings to be replaced into the farm yard. The land on the northern side of Muldonagh Road rises away from the road across the agricultural field which is subject of the off-site siting. The site is positioned 2 to 3 metres above road level.

This is an Outline Application for an off-site replacement dwelling to include the retention of the existing building. The alternative site for the replacement is located 50m to the NW of the building to be replaced on the opposite side of Muldonagh Road.

Policy CTY 3 of PPS 21 provides for replacement dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact and clarifies that buildings designed and used for agricultural purposes such as sheds or stores are not eligible for replacement under the policy. In addition, replacements are also required to meet 5 criteria to comply with policy.

The building which is subject of replacement comprises 3 outbuildings. The external walls are substantially intact. There is an interconnecting door between the 2 smaller buildings.

The larger building has a central door opening and one window and one higher level window on front elevation and no other window or doors to the rear, no internal division of rooms and is in agricultural use with metal

drinking troughs fixed to two internal walls. It is devoid of any characteristics or features of a dwelling and fails to exhibit the essential characteristics of a dwelling house.

The two smaller buildings are interconnected one has a door on two separate elevations, the other has a large agricultural access door on the gable.

The small building is used for storage purposes, a stove and flue is evident; there is no fireplace or chimney or other essential characteristics of a dwelling required by policy and is contrary to policy CTY 3. Two letters have been provided citing that the building was used as living space however the policy requires the existing building exhibits the essential characteristics of a dwelling and as Officers have found the building to fail to possess the essential characteristics, the proposal is contrary to policy. A stance supported by the PAC.

The proposal involves the off-site location for the new dwelling, the site is elevated 2-3m above road level and rises to the north, the nature of the proposed site on the opposite side of the road would result in any new dwelling being elevated, with ground works for construction and to achieve access arrangements would result in a visual impact greater than the dwelling to be replaced and would be elevated, prominent and fail to blend into landscape and erode rural character. The proposal is therefore contrary to policies CTY 3, CTY 13 and CTY 14 of PPS 21.

No overriding reasons have been forthcoming as to why the development is essential and why development cannot be located within a settlement the proposal is therefore contrary to policy CTY 1.

In addition the agent has failed to demonstrate that the proposal would not result in an unacceptable adverse impact on habitats, species or features of natural heritage as a biodiversity checklist has not been provided.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21 including having regard to the specific policy for replacement dwellings as outlined in Policy CTY 3. In addition, a new dwelling would fail to integrate and have an adverse impact on rural character. The proposal is contrary to Policies CTY13 and CTY 14 of PPS 21. The applicant has failed to demonstrate that the proposal would not result in an unacceptable impact

on habitats, species or features of Natural Heritage Importance. The proposal is contrary to Policy NH 5 of PPS 2. Refusal is recommended.

**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.

In response to a Member's query on why the small stove with the flue attached, but not currently connected, could not be considered as a dwelling feature, the Senior Planning Officer clarified that all aspects of the building were looked at and assessed. Although the small building had a stove it did not exhibit any other essential characteristics of a dwelling.

The Chair invited Donal Healey, Healy McKeown architects and Gabriel Hegarty, Applicant to address the Committee in support to the application.

D Hegarty made the following points:

- Outline Planning Permission is sought for a proposed off-site replacement dwelling.
- The proposed dwelling cannot be relocated to an alternative site due to Health and Safety reasons. The only possible location is on the North side of the farm; a site cannot be located across the road due to the privacy of neighbouring properties.
- The applicant is a relative to the uncle's family farm which has been active and in operation for generations.
- The agent was in possession of signed affidavits from neighbours that the building was previously used as a residence by the uncle.
- Most modern houses have stoves but don't have chimneys.
- All external walls are substantially intact.
- The rates office had been contacted but couldn't confirm if rates had been paid for the building.
- No biodiversity check was requested, but this can be accommodated if it is required.

In response to a Member's query in relation to a biodiversity check the Senior Planning Officer clarified that the issue of biodiversity was raised, however the applicant did not wish to provide one due to the financial cost.

Proposed by Councillor McGurk  
Seconded by Councillor Nicholl

- that the Committee has taken into consideration and **disagrees** with the reasons for recommendation to refuse as set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the reasons set out:

- The proposal meets with the requirement of Policy CTY 1 and 3 of PPS21 in that there is evidence that the building was used as a dwelling and exhibits the essential character of a dwelling, for example, a stove and flue currently exists.
- Refusal reasons No 4 and No 5 as stated in the Planning Committee Report - these can be taken into consideration under reserved matters in terms of the scale and design of the dwelling.
- A biodiversity check list for the site will be completed by the agent/applicant and if acceptable decision can issue.

The Chair put the proposal to the Committee to vote. 3 Members voted For, 1 Member voted Against and 0 Members Abstained.

The Chair declared the motion to **APPROVE** carried.

The Chair declared the meeting closed at this point, as previously **AGREED** to be reconvened on Thursday 17 September 2020 at 10am to consider items 5.10 onwards.

The Chair thanked everyone for their attendance and the meeting concluded at **8:55pm**.

**MINUTES OF THE PROCEEDINGS OF THE RECONVENED MEETING OF  
THE PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC  
HEADQUARTERS AND VIA VIDEO CONFERENCE  
ON THURSDAY 17 SEPTEMBER 2020 AT 10AM**

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

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

**Officers Present:** D Dickson, Head of Planning (C)  
S Mulhern, Development Plan Manager (R)  
E Hudson, Senior Planning Officer (R)  
J McMath, Senior Planning Officer (R)  
M Wilson, Senior Planning Officer (R)  
D Allen, Committee & Member Services Officer (C)  
S Duggan Civic Support & Committee & Member Services  
Officer (R)

**In Attendance:** J Winfield, ICT Operations Manager (C)  
A Lennox, Mobile Operations Officer (C)  
C Thompson, ICT Operations Officer (C)

Press (1 No.) (R)

**Registered Speakers:**

- LA01/2019/0861/O Theresa Cassidy, Agent (support)
- LA01/2019/0416/F John Simpson, Agent (support)
- LA01/2019/0755/0 Carol McIlvar, (support)
- LA01/2019/0990/F Ryan Byrne, Applicant (support)
- LA01/2019/0818/0 Bert Chambers (support)  
Arthur Acheson, Agent (support)

All registered speakers attended remotely.

**R = Remote**

**C = Chamber**



Apologies were received from Alderman Boyle, Alderman Duddy and Councillor McLaughlin.

### **LOCAL GOVERNMENT CODE OF CONDUCT**

The Chair reminded the Planning Committee of their obligations under the Local Government Code of Conduct.

*“I would remind Members of your obligation under the Northern Ireland Local Government Code of Conduct for Councillors in relation to Planning matters.*

*Under Part 9 of the Code I would remind you of your obligation with regard to the disclosure of interests, lobbying and decision-making, which are of particular relevance to your role as a Member of this Planning Committee.*

*You should also bear in mind that other rules such as those relating to the improper use of your position, compromising impartiality or your behaviour towards other people, also apply to your conduct in relation to your role in planning matters.*

*If you declare an interest on a planning application you must leave the Chamber for the duration of the discussion and decision-making on that application”.*

### **PROTOCOL FOR REMOTE MEETINGS**

The Chair reminded Members of the Protocol in relation to Remote Meetings:

- Camera should show non-descript background or virtual background.
- Video should be turned off and microphone muted when not speaking.
- Chat facility to be used to request to speak on an item.
- Members to speak only when invited to do so.
- Only one Member to speak at a time.
- Members to turn on video and microphone and state name before speaking remotely.
- When referring to a specific report, page or slide, Members to mention the report, page or slide so that all Members have a clear understanding of what is being discussed at all times.
- All Members in the Chamber to keep microphone off when speaking and just speak directly into Chamber microphone.

The Chair reminded Members that they should use the chat facility if they wished to speak.

The Chair informed Members that Application **LA01/2019/0818/O** would be considered first in the order of business.

Alderman Finlay requested to speak before the commencement of consideration of the Planning Applications.

Alderman Finlay stated that following the Planning Committee Meeting held on Wednesday 26 August 2020, he had sent an email to the Head of Planning requesting a meeting to discuss some concerns that he had. Initially the Head of Planning had provided him with two potential dates but subsequently informed him that following legal advice he should forward his concerns in writing, and that the request would be further considered.

He requested that it be put on record that this was not in the best interests of the Planning Department.

Alderman Finlay stated that there are one or two issues at planning Committee that he is not happy. He stated that planning officers are making erroneous statements, are misrepresenting planning applications and only highlighting part of a policy and not the whole policy.

In response to a query from the Chair if his comments related to one particular application, Alderman Finlay stated that it is a general one.

Alderman Finlay also raised concerns on how he felt people had been treated; in relation to the application that he had spoken on. He felt that the objectors had a raw deal and that if they were not happy then their only option would be to go to for a Judicial Review which is very expensive.

Alderman Finlay made reference to a Judicial Review and wished to make comment on this case. He referred to the Judge's findings at para. 70 from a previous Judicial Review dated 24 January 2018 where he had found the '*Head of Planning and the Planning Officer had been misleading and erroneous.*' Alderman Finlay asked how he could be sure this meeting will not be the same?

The Chair informed Alderman Finlay that it was not the platform for this to be discussed and that if he wished to complain then there was a Complaints Procedure that they could go through.

The Head of Planning addressed Members and strongly refuted the serious allegations made by Alderman Finlay against herself and her staff who she

stated have always been professional in their work. She stated that her staff had a difficult job to do and that each report highlights the key issues on the application. She reminded Members that the reports are circulated two weeks prior to the meetings and that Members should have read the report. The Planning Officer will not take Members through the full report but highlights the key issues from it. However, if this were going to be misconstrued in future staff will refer to the report previously circulated and take members through the slides via Powerpoint describing the site and context.

Alderman Finlay stated that he was still concerned regarding misrepresentations of applications.

Alderman Baird and S McKillop suggested that Planning Officers continue to recap the key issues as they had previously been doing until the Planning Committee could meet and decided on how to move forward as it may impact on the assessment of the application.

Alderman Finlay wished it to be recorded that he had raised this issue and a sufficient answer had not been supplied to resolve the matter.

#### **5.10 Referral LA01/2019/0818/O Land adjacent to 'The Whins', 58 Straid Road, Ballycastle (Agenda Item 5.15)**

Planning Committee Report was previously circulated and presented by the Senior Planning Officer, M Wilson via PowerPoint.

The Senior Planning Officer described the site and its context for Outline Planning for a single new dwelling on a farm with associated site works and entrance from existing lane.

The site is located within the countryside, outside of any defined settlement development limits as defined in the Northern Area Plan 2016.

He advised Members that an email had been received on 24 August 2020 from the Agent with a review of the Planning Committee Report, a further second report was then also received by email on 28 August 2020. The Senior Planning officer informed Members that he would address these reports separately by way of a verbal addendum as required under the Planning Committee Protocol.

In the review of the Planning Committee report received on 24 August 2020, the Agent argues that the review indicates a fundamental error in report and that this is not a matter of professional judgement, but of fact.

A summary of the review is provided below:

The Agents review sets out that Policy CTY10 criterion (c) states that the building must be visually linked or sited to cluster with an established group of buildings on the farm. Policy CTY10 criterion (c) allows the applicant to demonstrate health and safety reasons to exceptionally *not* visually link or cluster with existing buildings on the farm. The Professional Planning Report paragraph 8.7 accepts the health and safety reasons, stating:

*“Having reviewed this specific case, officials are of the opinion that, given the health and safety reasons, it would not be appropriate to have a site that clusters with an established group of buildings on the farm.”*

Policy CTY10 criterion (c) permits “an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm”. The agent confirms there is no other group of buildings on the farm and there is no out-farm. An alternative site is therefore permissible and Policy CTY10 Criterion (c) is satisfied.

The exception allowing an alternative site does not require any clustering or visual linkage with the farm buildings. It requires compliance with Policies CTY13 (a) to (f), CTY14 and CTY16.

The Agent goes on to explain that the report does not query compliance with Criteria (a) to (f) of CTY 13 and, therefore, this matter is also accepted. The Agent expands stating that as compliance with CTY 10 is achieved, the proposal does not have to comply with criterion g in CTY 13. The review goes on to state that there is no objection from Officials regarding policies CTY 14 and 16 and these are also complied with.

In regards to other matters the Agent states that these are also satisfied with the exception of the refusal reason relating to Policy NH2 of PPS 2. The Agent also states that while a ‘Preliminary Ecological Assessment’ was not sought during the processing of this application the he confirms the Applicant’s willingness to supply this information upon request.

The Agent concludes stating that Policy CTY 10 in its entirety has, therefore, been met. Meeting Policy CTY10 automatically satisfies Policy CTY1 and that notwithstanding all other policies have been met, Policy PPS2 NH2 can be met by supplying a Preliminary Ecological Assessment at the request of the Council.

In response to this review and the arguments posed, the Senior Planning Officer referred Members to Paragraph 8.3 of the Planning Committee Report criterion (c) to provide some amplification.

Policy CTY 10 states permission will be granted for a dwelling on a farm where criteria (a) to (c) can be met. So turning to (c), which requires that:

*(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.*

This sets out 2 policy tests within the first part of the policy: (1) a dwelling can either visually link or (2) it can be sited to cluster with an established group of buildings. The reason policy seeks to deliver this is to help minimise the impact a dwelling has on the character and appearance of the landscape.

Therefore when assessing a dwelling on a farm, consideration must be given if a dwelling can cluster or visually link. If a dwelling was to cluster with an existing group of buildings, such a dwelling would be positioned sensitively with an established group of buildings on the farm, so as to form an integral part of that particular building group. Whereas, if a dwelling is to visually link, the test set out is a dwelling that is visually interlinked with the group of buildings, with little appreciation of any physical separation that may exist between them. Therefore this visual linkage test is not seeking the dwelling to form an integral part of the established buildings.

Before alternative sites can be considered elsewhere, sites that cluster and visually link must be assessed first. On this occasion, the Agent on behalf of the Applicant, submitted health and safety information which officials have considered. This is set out in Paragraph 8.7 of the Planning Committee Report. The findings of the Health and Safety report very strongly recommend clear and adequate separation from the hazards identified within the report's assessment when choosing a site for any new dwelling on this farm. Furthermore, at an office meeting that was held on the 11 November 2019, the Agent advised that the author of the Health and Safety Assessment recommended not to site next to the yard. Having regard to this, officials have not asked the Applicant to look at an alternative site which clusters with the existing farm buildings or is sited next to the yard.

That said, while it may not be appropriate to cluster, having considered the Health and Safety information presented, it has not been

demonstrated that compliance with CTY 10 cannot be achieved through the siting of a dwelling in a field that would visually link with an established group of buildings on the farm. This is covered in Paras. 8.8 and 8.9 of the Planning Committee Report. Officials considered it important to provide a full explanation why a site which clustered with the buildings was not being sought, rather a site which visually links. This summarises the first part of the consideration of policy CTY 10 (c).

Policy CTY 10 (c) then goes on to state that:

*Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:*

- *demonstrable health and safety reasons; or*
- *verifiable plans to expand the farm business at the existing building group(s).*

While the Agent has submitted health and safety reasons which are considered within the Planning Committee Report, officials consider that there is an available site which can visually link with the group of buildings on the farm. For this reason, the Applicant does not need to consider an alternative site elsewhere on the farm. It is possible to achieve a site which visually links with the group of buildings while complying with the recommendation of the health and safety officer by not being sited next to the yard, and provides clear and adequate separation from the buildings. Also, it meets with the Policy requirements of CTY 10. The SPPS also refers to the 2 potential siting's - either clustering with buildings, or visually linking with these.

The Agent has stated that Policy CTY 10 Criterion (c) allows the Applicant to demonstrate health and safety reasons to exceptionally not visually link or cluster with existing buildings on the farm. However, officials would disagree with this interpretation. In reading policy, where an applicant cannot achieve a site that either visually links or clusters, they will only be able to avail of a site elsewhere on the farm in exceptional circumstances which are – Health and Safety Reasons or verifiable plans to expand the farm at the group of buildings. As this Applicant has land which will allow a dwelling to visually link, while having regard to the health and safety reasons presented, it is unnecessary to trigger the exceptional circumstances.

A second report was submitted by the Agent on 28 August 2020. This report was prepared in response to the Planning Committee Report and correspondence between the Agent and Council Officials on 24 and 25 August 2020 regarding the submission of the first report just detailed.

The first point in the 28 August 2020 report states that the principle of development is accepted by the Council subject to 3 outstanding issues:

- 1) the siting of the dwelling on the farm
- 2) requirement for a preliminary Ecological Assessment (to check for badgers) and
- 3) conditions to be applied to any grant of planning permission.

The second matter raised in this report states Farm Dwelling Policy contains an exception if there are health and safety risks. These risks have been demonstrated to the satisfaction of Planning Officers whose report indicates that it would not be appropriate to site the dwelling to cluster with the existing buildings on the farm.

The third point discusses the matter of the proposed site is away from/removed from the farm buildings and that Planning Officials have suggested an alternative site. It is stated that this is not appropriate for three main reasons:

- 1) the site suggested by the Planning Officers is not available as it is actively used for dairy farm grazing purposes
- 2) access by the main farm lane would contravene the Health and Safety Policy of the farm; at least one recent tragic accident in the Council area testifies to the risk and
- 3) even if it were available, the ground is peaty and therefore unsuitable for building on.

The report then makes the point that if a site is considered an exception under policy CTY 10 (c) then it does not have to meet the requirement set out in policy CTY 13 which requires visual linkage or clustering. The report then goes on to raise a matter that the Planning Officials require the site, if not sited to cluster, to be visually linked to the existing group of buildings on the farm.

Photographs were then provided within the Report illustrating visual linkage between the site and the group of buildings on the farm.

In response to the second report received from the Agent on 28 August 2020, the principle of development has not been accepted by Council Officials for the reasons set out in the Planning Committee Report. While planning officials accept that the health and safety report does not require the site to cluster with the group of buildings, it is still considered necessary for the site to visually link to comply with Policy.

The report then refers to planning officials requiring the site to visually link if it does not cluster. However, it is planning policy which requires a site to visually link or cluster.

In response to the 3 reasons stated why an alternative site is not suitable it should be noted that it is a prerequisite of policy that a farm must be active to comply with policy, so an argument that land cannot be developed as it is currently farmed would carry little weight.

There is an argument presented that the access would contravene health and safety. However it is not unusual for a dwelling or dwellings to be accessed from an access that is also used by farmers, or by farm traffic using the access or lane. Although Policy CTY10 (c) states that access should be from an existing lane it does not preclude the potential to explore alternatives which has not been done in this instance.

There are various construction methods and techniques in constructing a building, so the argument that the ground is unsuitable for building on carries little weight in the consideration of this application and this is not an exception set out in policy to seek an alternative site.

In the final point of the report, the Agent now presents an argument that the proposed site does visually link with the group of buildings on the farm. The Senior Planning Officer showed Members a slide which shows the relationship between the proposed site and the farm buildings.

The Senior Planning Officer reminded Members that they should have regard to the policy and should note that Paragraph 5.41 says that when a site reads as being visually interlinked with existing buildings, there must be little appreciation of any physical separation that may exist between them. Therefore there is a need to consider the level of physical separation between the site and the farm buildings.



The approach adopted by officials is consistent with PPS21 and the SPPS. The interpretation of policy CTY 10 is one which Members must consider and form their view on once they have heard both sides of the debate having regard to the verbal Addendum and the Planning Committee Report.

The Senior Planning Officer showed Members a slide which showed the proposed site, relative to No. 58.

A further slide showed the site when viewed in a westerly direction. Having regard to the distance from any critical views, topography and intervening vegetation, it is a site that, notwithstanding criterion (g) of policy CTY 13, is acceptable having regard to Policies CTY 13 and CTY 14. If it is considered that policy CTY 10 is satisfied, then compliance with criterion (g) of CTY 13 would also be met.

One objection has been received in respect of this application. The matters raised in the objection are set out in Para 5.1 of the Planning Committee Report which include impact on wildlife, impact of traffic, and impact on rural character.

DfI Roads has been consulted as the competent authority on road and traffic matters and it raises no objection.

In conclusion, the application is recommended for refusal for the reasons set out in Section 10 of the Planning Committee Report. While there is a refusal reason on insufficient information submitted relating to nature conservation, the agent has indicated a willingness to submit this information in a form of a Preliminary Ecological Assessment if sought.

**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.

The Chair invited Bert Chambers, father of Applicant and Arthur Acheson, Agent to address the Committee in support of the application.

A Acheson made the following points:

- The proposal does meet the requirements for the policy for a new dwelling on a farm.

- The issues raised in relation to badgers can be addressed by the provision of a Preliminary Ecological Assessment.
- In relation to visual linkage the site itself is clearly visible from the existing buildings and there is very little perception of visual separation.
- Policy CTY10 amplification states that permission can be granted if visual integration is limited if vegetation is intervening.

B Chambers made the following points:

- There are no other sites available on the farm suitable in relation to Health and Safety.
- The proposed site is away from the work being carried out on the farm and farm machinery.
- The site suggested by Officers is convenient to the farm for the grazing of farm animals.

In response to a Member's query in relation to Health and Safety on the farm the Senior Planning Officer stated that buildings next to the farm yard would not be acceptable but other sites on the farm may be more suitable. Senior Planning Officer referred to his verbal addendum and stated that it was not unusual for a dwelling or dwellings to use accesses that are also used by farmers or farm traffic using the access or lane. Although Policy CTY 10 states that access should be from an existing lane it does not preclude the potential to explore alternatives which has not been done in this instance.

A Acheson informed Members that farm safety was paramount. He referred to an accident that had occurred in County Down last week, where a quad and four wheel drive vehicle had collided and had resulted in a fatality. It is an unsafe condition to suggest that the dwelling be sighted closer to the farm.

In response to a request from a Member, B Chambers stated that the access lane was a shared lane and four or five farm vehicles would be using the lane for milk tankers, animal meal lorries, oil tankers and slurry vehicles.

In response to a Member's request the Senior Planning Officer provided Members with a slide showing the alternative sites to be considered.

At this stage Councillor Baird had stated that she was experiencing problems with her internet connection and would, therefore, have to leave the meeting.

\* **Alderman Baird left the meeting at 10.55am.**

The Senior Planning Officer presented Members with a slide showing the site and farm building in question. The land in front is in the Applicants ownership so some of this would show visual linkage and comply with Policy. It was suggested to the Agent and Applicant at a meeting last year that an alternative site in this area could be used.

Proposed by Alderman S McKillop  
Seconded by Councillor Anderson

- that the Committee has taken into consideration and **disagrees** with the reasons for recommendation to refuse as set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the reasons set out:

- Refusal Reason 1 – an alternative site cannot be considered due to Health and Safety reasons which are vital and risk to farmers family needs to be taken into consideration, therefore Policy CTY10 is met.
- Refusal Reason 2 – the proposed site does visually link with an established group of buildings on the farm therefore Policy CTY 13 of PPS 21 has been met.
- Refusal Reason 3 – the Agent to submit a Preliminary Ecological Assessment, therefore Policy NH 2 of PPS 2 will be met.

The Chair put the proposal to the Committee to vote. 8 Members voted For, 0 Members voted Against and 0 Members Abstained.

The Chair declared the motion to **APPROVE** carried. Conditions and informatives delegated to Planning Officers.

**5.11 Referral LA01/2019/0861/O Land immediately North East of 150 Torr Road, Cushendun (Agenda Item 5.10)**

- \* **Alderman Finlay had previously declared an interest but remained in the Chamber.**

Planning Committee Report, Addendum and Site Visit Report 24 August 2020 were previously circulated and presented by the Senior Planning Officer, M Wilson via PowerPoint.

The Senior Planning Officer, described the site and its context for Outline Planning for a proposed infill dwelling and garage between nos. 150 and 148 Torr Road.

The Senior Planning Officer informed Members that the Addendum addresses a four page document submitted by the Agent in January citing two planning appeals. The statement states they consider the application site in general conforms with the existing pattern of development. Officials do not agree with this opinion.

The Senior Planning Officer showed Members a photo of the site when travelling north along Torr Road, on the approach from Cushendun. The site is located within the countryside, outside of any defined settlement development limits as defined in the Northern Area Plan 2016. The site is within the Antrim Coast and Glens Area of Outstanding Natural Beauty.

This proposal is for an infill dwelling and is considered under policy CTY 8 of PPS 21. The principle of development is considered unacceptable as the site does not have a frontage onto Torr Road and is not therefore a gap site.

While the Agent argues that the area of land to the front of No. 150 Torr Road is part of the curtilage of No.150, planning officials do not agree with this position given the existing wall fronting No.150, the intervening agricultural access and its physical removal from the dwelling. The Senior Planning Officer presented Members with a slide of the location of the site relative to the two dwellings and where the proposed access would be.

The Senior Planning Officer provided Members with a slide with a view from the site; the topography of the site is steeply sloping in a south westerly direction and as such significant earth works would be required to accommodate a dwelling within the site. Paragraph 5.64 of PPS 21 provides commentary on significant earth works required for integration and this is considered in Paragraph 8.13 of the Planning Committee Report.

Policy NH 6 of PPS 2 applies to proposals for development in Areas of Outstanding Natural Beauty. It has already been considered above that the proposal would have an unacceptable impact on rural character and fails to meet the policy tests of policy CTY 13, visual integration. As such, it would also have a negative impact on the special character of the Area of Outstanding Natural Beauty, in general and is contrary to policy NH6.

There are no objections to the proposal.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21 including having regard to the specific policy for the development of gap sites as outlined in Policy CTY 8. In addition, a new dwelling would fail to integrate, have an adverse impact on rural character, and have a detrimental impact on the character of the AONB. The proposal is contrary to Policies CTY13 and CTY 14 of PPS 21, and Policy NH 6 of PPS 2. Refusal is recommended.

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

**Addendum Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the proposed development in accordance with Paragraph 1.1 of the Planning Committee report.

The Chair invited T Cassidy to address the Committee in support of the application.

T Cassidy made the following points:

- The proposal is situated within a line of more than 3 dwellings along the road frontage therefore complies with Policy CTY 8.
- The existing buildings have frontage on the Torr Road.
- The proposed site does have frontage onto Torr Road so is acceptable as a gap site.

- The access would be via an existing field gate.
- Curtilage of adjacent property no 148 defined by hedgerow
- No 150 the gardens are sub-divided for 2 recreational usages and tarmac area.
- Tarmac is 14m long and is used for domestic car parking.
- There is a consistent build-up of development as development already exists and will not add to it.
- The design of the building at reserved matters stage will enable it to integrate.
- Landscapes vary and this must be taken into account in the assessment.
- Rising land to the rear assists integration and additional landscaping will help soften the development.
- The site reads with existing line of buildings.
- The Applicant has been a farmer for many years and his family have lived in the area for generations.
- The proposal is considered to be a Sustainable Development in the Country side and is not contrary to Policies CTY 1, CTY 8 and CTY 13 of PPS 21, Policy CTY 14 of PPS 21 and Policy NH 6 of PPS 2.

In response to a Member's query T Cassidy confirmed that the development did require frontage and the site does have a triangular portion which will form garden area on Torr Road and therefore feels that this is sufficient to comply with Policy CTY 8. T Cassidy stated that there is no need for it to be the same length of frontage so long as there is a frontage.

In response to a request from a Member the Senior Planning Officer presented Members a slide showing the field behind No. 150 Torr Road. As it sits the access is not considered to be a frontage onto Torr Road, therefore No. 150 would not have frontage onto Torr Road.

The Senior Planning Officer stated that Planning Officials disagreed with the Agent that the area of land to the front of No 150 Torr Road was part of the curtilage given the existing wall fronting, the intervening agricultural access and its physical removal from the dwelling.

The Senior Planning Officer stated that the PAC decision was that access does not qualify as frontage so in order to gain frontage the Agent included the triangular piece of land from No 150 Torr Road in the proposal. The land at No 150 lies within No. 150. Members must decide if the Policy in relation to this has been met.

In response to a Members query T Cassidy informed Members that no two sites are the same, frontage could vary in length and configuration. She stated there is no set matter within the Policy on how frontage is made up, so the triangular piece in this instance has been used to make up the frontage and therefore feels that the proposal falls within the provision of Policy CTY 8.

The Senior Planning Officer showed Members a slide of the triangular area again and informed them that the tarmac area was the access lane to the garage, field and another farm further down the lane.

The Senior Planning Officer referred Members to the Site Visit Report 24 August 2020 which detailed that the land to the front of No. 150 was confirmed as being within the ownership of the applicant. It was clarified that while the access fronting No. 150 was within the applicant's ownership the land which is accessed is not shown within the blue land on the planning submission. However, at the Site Visit a Member had informed those present that despite it not being within the blue land and the applicant's ownership, it was in the ownership of another member of the family.

Proposed by Councillor McGurk  
Seconded by Councillor Nicholl

- that the Committee has taken into consideration and **disagrees** with the reasons for recommendation to refuse as set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the reasons set out:

- Refusal Reasons 1 and 2– Policy CTY1 and CTY 8 of PPS 21 would be met if the proposal is considered to be an infill site – although the grass area in front of No. 150 is unorthodox it conforms as road frontage and therefore the site complies with policies CTY 1 and

CTY 8.

- Refusal Reason 3 – the proposed site does integrate into the landscape and will cluster with the other buildings and will not cause harm. Therefore meets the requirements of Policy CTY13 of PPS 21.
- Refusal Reason 4 – Policy CTY14 of PPS 21 would be met as the proposal is considered to be an infill site as above.
- Refusal Reason 5 – the proposed site is situated in between existing properties and therefore would not have a detrimental impact upon the character of the area and therefore meets Policy NH 6 of PPS 2.

A Member reminded the Committee that the Agent was prepared to erect a modest size building on the plot and should be included as a condition.

The Chair put the proposal to the Committee to vote. 4 Members voted For, 1 Member voted Against and 3 Members Abstained.

The Chair declared the motion to **APPROVE** carried.

**AGREED** – that Conditions and Informatives are delegated to Officers.

**5.12 Referral LA01/2019/0383/O Between 15 and 17 Mostragee Road, Stranocum, Ballymoney (Agenda Item 5.11)**

The Head of Planning informed Members that this application had been withdrawn from the Agenda.

**5.13 Referral LA01/2019/0416/O 56m NW of 42 Bregagh Road, (Agenda Item 5.12)**

- \* **Councillor Anderson left the meeting at 11:35am after declaring an interest in this application.**

Planning Committee Report, Addendum and Site Visit Report 24 August 2020 were previously circulated and presented by the Senior Planning Officer, E Hudson via PowerPoint. The Addendum to the report clarified a point in relation to Policy CTY 8.

The Senior Planning Officer, described the site and its context for Outline Planning for a proposed site of dwelling and garage on a farm on a roadside site 56 metres North West of 42 Bregagh Road, Armoy. The site



is outside any development limits and is located in the open countryside with no designations as identified in the Northern Area Plan 2016.

The Senior Planning Officer showed Members the redline boundary of the site with the applicants dwelling and farm buildings sited adjacent. The access to the site is proposed along the frontage at the point of the existing agricultural access to the site.

It has been established that the farm business is active and established and there have been no dwellings or development opportunities sold off from the farm within the last 10 years. The site is adjacent to the existing group of buildings on the farm and it is considered that the proposal satisfies Parts (a) to (c) of Policy CTY 10.

A view from the site looking in a northerly direction towards Bregagh Road was shown to Members. This shows the open nature of the site with no natural boundaries enclosing this side or rear boundaries of the site.

Another slide showed Members a view of the site approaching from the other direction along Bregagh Road. Although demonstrated as meeting the policy requirements of Parts (a) to (c) of CTY 10 the application must also meet other planning and environmental considerations of PPS 21. The open nature of the site and lack of enclosure compounded by the site rising above the level of the road was shown to Members. A dwelling on this site would protrude unacceptably into the open countryside, there is a lack of long established natural boundaries to enclose the site and it would rely on new landscaping to aid its integration. The proposal is therefore contrary to Policy CTY 13 on integration. The proposed siting would also create a ribbon of development along Bregagh Road by extending the road frontage development which is contrary to Policy CTY 8 of PPS 21 and Policy CTY 14.

Members were shown an aerial view of the site. As well as creating a ribboning along Bregagh Road a siting at this location has also the potential for an infill site to be created between the site and the existing farm buildings.

A meeting was previously held with the Agent where the points of concerns were outlined. It was also pointed out that there may be more appropriate sites on the farm which would better meet the policy and provide a better level of integration.

In conclusion, as outlined in Paragraphs 9 and 10 of the Planning Committee Report the recommendation is to refuse planning permission.

The proposal is contrary to Policy CTY 1 of PPS 21 as the principle of development is unacceptable. It is contrary to policies CTY 8 and CTY 14 in that it would result in the creation of ribbon development and a suburban style of development which would have a detrimental impact on rural character. The proposal is also contrary to Policy CTY 13 as the site lacks long established natural boundaries, is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

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

**Addendum Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 of the Planning Committee Report.

The Chair invited John Simpson, Agent to address the Committee in support of the application.

J Simpson made the following points:

- The farm totals 72 acres and is a roadside holding.
- The proposed dwelling is sited to a cluster within a group of buildings and would therefore be visually linked.
- The application meets the requirement of Policy CTY 10 of PPS 21.
- The proposed dwelling is essential in a rural location.
- The proposed dwelling does meet the requirements of Policy CTY 8 of PPS 21 as it does not create or add to a ribbon development.
- Numerous applications similar to this application have previously been approved. In 2019 a similar application had been approved with agricultural access between.
- There are no other Planning Policies that would allow this application to be approved.

- A suitable degree of enclosure will be provided to ensure that the building will not be a prominent feature but would integrate into the landscape.
- The proposal would not change the rural character of the area.
- An alternative site would be more prominent in the countryside as would require 140m of hedgerow removal.
- The proposal meets with the minimum separation distance required of 75m from farm buildings.
- The applicant works on the farm and requires to be situated on a site close to the farm.
- Health and Safety in relation to farm machinery is an issue that needs to be considered.
- There are no other objections to the proposal.

In response to a Member's query J Simpson clarified that no hedging requires to be removed for this site which will have limited views from the crossroads. Any other site would require 140m hedgerow to be removed.

Proposed by Alderman S McKillop  
Seconded by Councillor Scott

- that the Committee has taken into consideration and **disagrees** with the reasons for recommendation to refuse as set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the reasons set out:

- Refusal Reasons 1 and 2– Policy CTY1 and CTY 8 of PPS 21 would be met as other applications have been approved where laneways to access other fields have been taken into consideration and has stopped the ribbon effect.
- Refusal Reason 3 – Policy CTY 13 of PPS 21 integration into the landscape meets the policy requirements as it can be mitigated by further planting and excavation of the site to ensure that it is not prominent in the landscape.

- Refusal Reason 4 – Policy CTY14 of PPS 21 – the provision of a laneway between the sites to be created for access to other fields so that the proposal would not create or add to a ribbon of development and will not result in suburban style of development that will impact on the character of the rural area. Health and safety is a risk to farmers and children and needs to be taken into consideration.

\* **Councillor MA McKillop joined the meeting at 10:48am.**

The Chair put the proposal to the Committee to vote. 4 Members voted For, 2 Members voted Against and 0 Members Abstained.

The Chair declared the motion to **APPROVE** carried.

**AGREED** – that Conditions and Informatives are delegated to Officers.

\* **Councillor Anderson re-joined the meeting at 11:52am.**

#### **5.14 Referral LA01/2019/0755/O Between 42 & 56 Drumsurn Road Limavady (Agenda Item 5.13)**

Planning Committee Report, Addendum, Addendum 2 and Site Visit Report 24 August 2020 were previously circulated and presented by the Senior Planning Officer, J McMath via PowerPoint.

The Senior Planning Officer, described the site and its context for Outline Planning for a proposed dwelling and detached garage/store at an existing cluster of development centred around Drummond Cricket Club.

The Senior Planning Officer informed Members that there was also a verbal Addendum.

Additional information had been received in an email providing accounts from the Cricket Club from the previous two years of trading. This showed that the Cricket Club had broken even but the accounts did not allow for the repayment of the loan. If the site is approved the sale of the site would pay back the benefactors loan. Although the Club has been closed during Covid-19 fees still are required to be paid.

The Cricket Club account is currently in the red and the loan still needs to be repaid; the club cannot fundraise until they are permitted to re-open.

The account provides income and expenditure during 2018/2019.

The site is located in the rural area to the east of Limavady outside any settlement limit as defined within the Northern Area Plan 2016. The surrounding area is characterised by agricultural land with a number of roadside dwellings. Drummond Cricket and football Club is located adjacent to the site.

The roadside site is relatively flat and is located between 42 and 56 Drumsurn Road and comprises half of the existing cricket pitch associated with Drummond Cricket Club.

The roadside boundary comprises a post and wire fence and the Southern boundary with no 56 is defined in part by timber ranch fence and part hedge. The North and East boundaries are undefined.

The proposal has been submitted as a dwelling within an existing cluster and therefore falls to be determined under policy CTY 2a which requires the site to meet 6 criteria. For the purposes of the policy the site lies outside a farm and is situated next to the required number of buildings and cricket club, the club is a social facility and the contributing components of the cluster are visually linked and form a visual entity.

The red line of the site is technically bounded on two sides with development, however, given the expansive nature of site, the open nature of site lacking boundaries and reliant on new planting, the site and the set back of the pavilion by 110m from road and roadside development means any development would be read with the roadside development and would extend the linear pattern of development along Drumsurn Road rather than be absorbed into, round off or consolidate an existing cluster.

The development would extend development into the open countryside, would ribbon development and in doing so erode rural character. The site is open and conspicuous with no enclosure or backdrop and would be reliant on new landscaping and would fail to integrate.

Having considered the proposal under policy CTY 8, the pavilion does not have a frontage, (if pavilion was regarded as having a frontage there would be no gap). The gap between 40 and 56 is 250m, 5.5 times the average of 45.5m.

No overriding reason has been forthcoming as to why this development is essential.

The site being an area of open space used and maintained as a cricket pitch is protected from development by policy OS1 of PPS8 which states

that development will not be permitted which would result in loss of existing open space. Exceptions to the policy apply where redevelopment will bring substantial community benefit that decisively outweigh the loss of open space or where it is demonstrated that the loss of open space will have no significant impact on amenity, character or biodiversity and where alternative provision is made elsewhere for the equivalent size etc. of space and where either:

- (a) In the case of 2ha or less alternative provision is made by the developer elsewhere or
- (b) In the case of playing fields and sports pitches within settlement limits it is demonstrated that retention and enhancement can only be achieved by developing a small part of existing space and this will not have an adverse effect on sporting potential.

The third exception is not relevant because it relates to the loss of playing fields and sports pitches within settlement limits and this site is outside the settlement limit.

The Addendum summarises the history of the club in that the club expanded to offer football via renting land from 1990s. The club relinquished the football field in 2015 and two members put up money via an interest free loan to purchase a larger cricket field in 2018. The sell-off of the site (cricket field) is to pay the debt and drain larger cricket pitch to offer football.

This application is for one dwelling and does not relate to the provision of community facilities therefore will not bring community benefit. The pitch may be unsuitable for senior cricket but could be used for other recreational use to generate funds.

No community support for loss of open space has been demonstrated.

Officials are of opinion that proposal will impact on character of area and ribbon development.

Provision of larger cricket pitch is not compensatory because it was stand alone and not part of a scheme that involved loss of open space.

In conclusion, the application site fails to be satisfactorily absorbed into an existing cluster through rounding off or consolidation. The application site will not allow a dwelling to be suitably enclosed by existing development within the cluster and will fail to adequately integrate, having a detrimental

impact on rural character through adding to ribbon development and contributing to suburban style build up. The application site represents existing open space, where there is a presumption in favour of retention unless there are substantial community benefits which outweigh its loss. These community benefits have not been demonstrated. The proposal is contrary to Paragraphs 6.70, 6.73 and 6.201 of the SPPS and Policies CTY 1, CTY 2a, CTY 8, CTY 13 and CTY14 of PPS 21 and Policy of PPS 8.

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

**Addendum Recommendation** – that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.

**Addendum 2 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.

The Chair invited Carol McIlvar to address the Committee in support of the application.

C McIlvar made the following points:

- The proposed site would be enclosed by mature hedging and therefore be invisible on all approaches.
- S Beattie QC stated in his presentation in relation to a previous application on the agenda for a proposed caravan park, that Members are entitled to propose additional planting to address the issue of screening and integration.
- Members can propose conditions.
- The proposed site lies within an existing cluster.
- With reference to the Planning Committee Report that the application would result in a loss of open space, the redevelopment would bring

about substantial community benefits.

- The facilities provide a range of activities across a range of age, gender and community backgrounds. The sale of the applicant's site is crucial for the Club's survival. Since Covid-19 the club closed and ceased activities and are now in further debt.
- The club has a loan to repay and is barely breaking even at this moment in time.
- The proposed alternative site in the front field is too small for all the sporting activities and is too close to the road and nearby houses.
- The existing cricket pitch was purchased in December 2018; prior to this it had been rented by the Cricket Club.
- The proposed site is larger in size and safer for holding activities, as it is away from the public road.
- Interpretation of policies are a matter for each Member to decide and draw their own conclusions.
- The exceptional policy tests have been met and boundaries can be planted out before building commences.

In response to a Members query C McIlvar informed Members that the proposal did not constitute a ribbon development as the proposal would lie within an existing cluster and nestle into an existing group of buildings as required under Policy CTY 2a.

She clarified that the front field was no longer fit for purpose and had not been played on for at least 10 years.

The proceeds from the proposed sale of the site would be used to pay back the loan taken out. If the application is not passed then the Cricket Club would have to close with a debt of £60K.

The proposal would be of huge community benefit as the club provides a range of activities including Line Dancing, Bowling, Football and holds dances every Saturday evening.

A Member queried as to whether the proposal could be set back to cluster with the existing group of buildings behind. The Senior Planning Officer



showed Members a slide of the site again and stated that if any site was set back in the site, this would constitute it would be out of character, but this is a matter for Members to consider.

C McIlvar clarified that the Applicant would be willing to set the proposed dwelling to the rear of the site to cluster more with the pavilion.

The Senior Planning Officer confirmed that the premises of Northern Ceramics was a long standing business and was situated behind the existing dwelling. Careful consideration of impact on adjacent residential amenity is necessary.

Proposed by Councillor Scott  
Seconded by Alderman Finlay

- that the Committee has taken into consideration and **disagrees** with the reasons for recommendation to refuse as set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission for the reasons set out:

- Refusal Reasons 1 and 2– Policies CTY 1 and CTY 2a of PPS 21 would be met as the proposal would be absorbed into a cluster through rounding off and that it would not alter the character of the area. The proposal is pivotal for community needs and open boundaries would be planted out with trees and hedgerow before building commences.
- Refusal Reason 3 – Policy CTY 8 of PPS 21 would be met as the proposal complies with the policy as it the proposed dwelling was to be set back it would not result in ribbon development.
- Refusal Reason 4 – Policy CTY14 of PPS 21 would be met as the proposed dwelling would cluster with existing building and integrate into the landscape with the provision of new landscaping. The dwelling can be sited and designed to ensure no overlooking.
- Refusal Reason 5 – Policy CTY14 of PPS 21 would be met as the proposed dwelling would not result in a build-up of development or add to a ribbon of development, but would integrate into a cluster of buildings and would therefore not erode the rural character of the countryside.

- Refusal Reason 6 – Policy OS 1 of PPS 8 – that the proposal was necessary for the future financial position of the Cricket Club and would provide community benefits that outweigh the loss of the open space. To close would result in loss of this community hub.

The Chair put the proposal to the Committee to vote. 8 Members voted For, 0 Members voted Against and 1 Member Abstained.

The Chair declared the motion to **APPROVE** carried.

**AGREED** – that Conditions and Informatives are delegated to Officers.

- \* The Chair declared a recess for lunch at **12.25pm**.
- \* The meeting reconvened at **1.35pm**.
- \* **Alderman Finlay did not re-join the meeting.**

#### **5.15 Referral LA01/2019/0990/F Adjacent to 66 Coolesan Walk, Limavady (Agenda Item 5.14)**

The Head of Planning informed Members that this application had been withdrawn from the Agenda.

### **6.0 DEVELOPMENT MANAGEMENT**

#### **6.1 Update on Development Management and Enforcement Statistics 01/04/20 – 30/06/20**

Report, previously circulated presented by the Head of Planning.

The Committee was provided with a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council for Q1 of 2020/21. 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** within the report details the number of Major planning applications received and decided, as well as the average processing times. Please note that these figures are unvalidated statistics. In comparison to the same period last year, the number of major applications received was the same, however, the number of major applications decided has decreased by 7. This is due to the restriction in place due to Covid-19 when no Planning Committee meeting took place in the months of April and May.

With Planning Committee meeting recommenced on 24 June 2020, one major decision issued in the month of June. This application was for amended access to Rigged Hill Wind Farm and required the submission of an Environmental Statement and amendments to access junction in order to make the proposed development acceptable.

**Table 2** within the report details the number of Local planning applications received and decided as well as the average processing times. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of applications received has decreased by 107 applications and the number of decisions issued/withdrawn has decreased by 151 applications. This is largely due to the restrictions imposed as a result of Covid-19 with staff working from home with limited remote access and agents submitting application also unable to access their offices.

Although the statutory target of 15 weeks for processing local applications was not met, processing times have improved by 1.4 weeks when compared to the same period last year and with 3.4% more local applications being processed within the statutory target when compared to same period last year.

**Table 3** within the report details the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of cases opened has decreased by 42 and the number of cases brought to conclusion has decreased by 60. Again this is largely as a result of the restrictions imposed due to Covid-19.

The statutory target for concluding 70% of enforcement cases within 39 weeks continues to be met by our Enforcement team with 70% of cases YTD concluded within the statutory target. However, of note is that the number of cases concluded within 39 weeks has decreased by 22% when compared to the same period last year. This is largely due to the restrictions on staff inspecting sites due to restrictions on travel at that time.

**Table 4** within the report details the total number of Local applications determined under delegated powers. Applications determined is taken as the date the decision issued and excludes withdrawn applications. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 96.6% of

applications determined were delegated under the scheme of delegation. The increase in the number of applications determined under delegated authority is due to no Planning Committee meeting taking place in the months of April and May due to restrictions imposed due to Covid-19.

**Table 5** within the report provides details on the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including Major, Council and Local applications. This is taken from the date of the Planning Committee meeting. To note is that no contentious delegated application reports were issued to members during this period, which therefore resulted in no referral requests. Also no previous referral request applications were taken to committee during this period. This was because June Planning Committee meeting was the undertaken as a 'virtual' meeting and applications where members of the public including agents requested to speak at the meeting were limited to ensure satisfactory operation of the IT system.

**Table 6** within the report details the number of appeal decisions issued since in Q1 of 2020/21 business year. Please note that these figures relating to planning application decisions only are unvalidated statistics extracted from internal management reports.

The appeal upheld was the application for 10 semi-detached houses and 11 apartments on land at the former Castle Erin Hotel and Conference Centre, Castle Erin Road, Portrush. This was a non-determination hearing and the concerns related to noise concerns from the adjacent Barry's Amusements. However, the PAC upheld the appeal and granted planning permission of the proposed development.

**Table 7** within the report provides the details of the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs. The award of costs claim by Council in January relates to an enforcement case.

**Table 8** within the report details the number of contentious applications which have been circulated to all Members. No contentious applications were circulated during this period.

**It is recommended** – that the Planning Committee notes the update on the Development Management Statistics.

In response to a Member's query in relation to a previous application that went to appeal on the site of the former Castle Erin hotel and Conference

centre, the Head of Planning confirmed that the Agent/Applicant submitted a second application and went for a non-determination appeal to the PAC. The PAC upheld the appeal on behalf of the Agent and Applicant and **GRANTED** planning permission.

Alderman Baird thanked the Head of Planning and her staff on keeping the Planning Department running during Covid-19. The Head of Planning informed Members that she would pass on the sentiments to her staff.

Concern was raised by a Member in relation to staffing within the Planning Department.

The Head of Planning informed Members that staffing within the Planning Department was at a critical level and was covered in the Planning Department Business Plan to be discussed later on the Agenda.

There was at present vacancy for 1.8 full time planning Officers and in addition to this two Members of staff were now on Maternity Leave; this equates to a 20% reduction of staff within the Planning Department at planning Officer grade and is a serious concern.

Some caseloads have been passed on to other officers leaving some officers with in excess of 60 No. Planning Applications at this time; with 30 applications still to be reallocated. Some of these would have to be placed on the shelf to be allocated when staff have capacity to deal with them due to the staffing issues.

The Head of Planning stated that the mental welfare of members of staff were her main concern. Some staff had voiced their serious concerns in relation to the increase in workload and also the tone of correspondence towards Officers. All this needed to be addressed. She stressed that her concern was that if the vacant positions were not filled rapidly, with the continued increase in workload, some of her staff would go off work due to stress; therefore performance of the Planning Department will deteriorate.

The Head of Planning informed Members that pre Covid-19 the Planning Department had been making progress with the processing of the Planning Applications, however, in Q2 this was not the case and performance had been deteriorating. Along with the increase in workload the process had become slower with an increase in correspondence.

The Planning Department were working to remain within budget by not filling vacancies to bridge the deficit in actual income received against

predicted income which was having a serious impact on staff and performance.

Members voiced their concerns over the lack of staff and that the Planning Department could not be expected to do their job if not properly equipped. Alderman Baird proposed that a meeting be held with the Head of Planning and the Chief Executive to explore ways in which improvements can be made. There was no seconder.

An issue was raised by a Member that Members should have some options to consider when a situation deteriorates and that there had not been any options put forward. Clarification had also been sought as to what impact the accessing of the portal had on staff and that a report on these crucial matters should be sent to the Senior Management Team.

In response the Head of Planning informed Members that over the last few months the Senior Management Team had been made aware of the staffing and budgeting issues and that these issues would be included in a report to the Planning Committee with options put forward to help alleviate the situation. She clarified that the current report had been written at the end of June and that the issues came to light during Covid-19; the Planning Department was within budget pre Covid-19.

The Head of Planning informed Members that during the first three months of Covid-19 the Planning Department had received funding from DfC which had allowed them to remain in budget. However it has not been established if the funding would continue to be provided in Q2. It is predicted that the Planning Department's income would be reduced by 60% in Q2. The budget had been finely calculated and that there was no room for manoeuvre for a fall in income.

The Head of Planning confirmed that all issues have been reacted to in a timely fashion and have also been raised through the Director and SLT and Planning risk is included in the Corporate Risk Register.

Councillor Hunter suggested that as this item is to be included on the agenda for the next Planning Committee Meeting then it should be discussed then and not at this particular time.

Alderman Baird was content to discuss this item at the next Planning Committee Meeting as this would give Members time to reflect.

The Head of Planning informed Members that staff had only formally raised their concerns with her regarding the current position with

caseloads; some members of staff have experienced extreme distress and formal action has now been taken by the Head of planning to address these issues.

At the beginning of Covid-19 restrictions the Planning Department was not considered to be an essential service. Initially Senior staff within Planning were given access to VPN which allowed them to access the Planning Portal remotely. Over time, VPN was made available to other members of staff and mobile phones were also provided to senior staff.

Staff currently work in Cloonavin on a rota basis one day a week. Arrangements are currently being looked at for staff to work in the office 2 days a week due to the increase in workload. This has to be agreed.

**AGREED** - that the Planning Committee notes the update on the Development Management Statistics.

## **7. DEVELOPMENT PLAN**

### **7.1 Local Development Plan Update (*Agenda item 7.1*)**

The Committee received a verbal report, presented by the Development Plan Manager, S Mulhern.

LDP Member Workshops:

Revised timetable to re-commence in September.

Project Management Team (face to face) Meetings (government bodies/key stakeholders):

Government bodies and Stakeholders are holding consultations electronically.

Landscape Character Assessment Study:

Given the range and diversity of our landscape, this study is a key piece of evidence required to inform our policy approach for the LDP. The consultant carried out the final site visits at the end of August. Consultants were unable to travel during Covid-19 and they are now currently working through the final stages of the project.

Sustainability Appraisal/SEA:

A revised SLA was received from SES (consultants) on 4 June 2020. Costs were higher than the previous SLA - therefore Planning are currently awaiting further costing details and legal advice. This may have

implications on LDP Timetable and will be kept under review. Members will be updated when further information is received.

Evidence Paper Updates:

Staff now have VPN so the team are working on updating the evidence papers. This will feed into the LDP Policy Review Workshops.

Site Visits:

Site Visits have now resumed.

Study updates:

The retail element of the Council's 2017 Retail & Leisure Capacity Study has recently updated.

Monitors:

Work has commenced on retail monitor (to inform Retail Study update). Work on Housing and Employment Land monitors is due to commence this calendar year (subject to completion of other work areas).

Staffing:

The LDP team is not at full staffing compliment. One Planning Assistant has been transferred across to provide assistance in the Development Management section and the other Planning Assistant post is currently vacant (not filled due to budgetary constraints).

Due to the postponement of workshops due to Covid-19, it is now highly unlikely that the Draft Plan Strategy will be published in Autumn/Winter 2020. This is being kept under review and any revision will be brought before Members for discussion and agreement.

Members **NOTED** the verbal report.

**7.2 Northern & Western Regional Assembly (NWRA) (ROI): Publication of Regional Spatial & Economic Strategy (RSES) (Agenda item 7.2)**

The Committee received a report, presented by the Development Plan Manager, S Mulhern.

The Northern & Western Regional Assembly (NWRA) in the Republic of Ireland (ROI) has published its 'Regional Spatial & Economic Strategy (RSES)'.

The purpose of the RSES is to support the implementation of the National Planning Framework (NPF) and the economic policies and objectives of



the Government by providing a long-term strategic planning and economic framework for the development of the region over a period of between 12 years and 20 years.

Causeway Coast and Glens Borough Council has been consulted because Donegal County Council (DCC), which lies within the NWRA is, for the purposes of preparing the Local Development Plan (LDP) an adjoining council, having a common water body (Lough Foyle) and ferry crossing (Magilligan to Greencastle).

This Borough also lies within the Donegal-Derry NWRA Sub Regional Catchment Area. As such, the transboundary implications of this Strategy have been considered.

#### RSES Issues Paper (Pre-consultation)

The NWRA published a 'RSES Issues Paper 2035' for pre-draft public consultation at the end of 2017. The Council responded to this following agreement at the January 2018 Planning.

#### Draft RSES

A 'Draft RSES Issues Paper 2035' issued for public consultation at the end of 2018. The Council responded to this following agreement at the January 2019 Planning Committee.

#### Final RSES

The NWRA wrote to the Council again on 18 June 2020 advising of the publication of the (final) RSES 2020.

The Council has been pro-active in its collaborative working with planning authorities in both jurisdictions regarding the preparation of its LDP's:- namely Derry City & Strabane District and Donegal County Council. This is key to ensuring that key social, economic and environmental issues relevant to all three authorities are highlighted and discussed.

The three authorities also participate in the Cross-Border Development Plan Working Group and this collaboration is set to continue throughout all of our respective work programmes.

**It is recommended** that Members note the contents of this report.

Members **NOTED** the contents of this report.

### **7.3 Local Development Plan: 6-month indicative LDP Work Programme (July-December 2020)**

The Committee received a report, presented by the Development Plan Manager, S Mulhern, providing Members with a 6-month indicative Work Programme, covering period Jul-Dec 2020 which outlines the work areas to be carried out by the Development Plan team within this programme. It also highlights the impact of government/PHA measures (as a result of the COVID-19 outbreak) on the team's ability to carry out the work set out in the previous 6-month work programme (Jan-June 2020) and as a result, the likely impact on the overall published LDP Timetable.

The Development Plan Manager advised Members that most of these points had been discussed in her verbal update at Item 7.1 above.

The main points are as below:

- Recommencement of Member LDP Workshops/Site visits/Monitoring work.
- Continuation of topic-based evidence paper updates/NI, Cross-boundary & Cross-border working groups.
- Completion of Landscape Study and Settlement Appraisal work.
- Continuation of Tree Work requests/TPOs/Building Preservation Notices.
- Continuation of assistance to Development Management side.
- Continuation of provision of Plan consultation responses to Development Management side.
- Continuation of planning advisory roles.

The programme will be kept under review and any revisions will be brought before Members for discussion and agreement.

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

Members thanked the Development Plan Manager and her team for the amount of work undertaken by them.

Proposed by Alderman Baird  
Seconded by Councillor Scott

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

The Chair put the proposal to the Committee to vote. 8 Members voted For, 0 Members voted Against and 1 Member Abstained.

The Chair declared the Motion **CARRIED**.

## **8.0 CORRESPONDENCE**

### **8.1 Mid Ulster District Council re: Extension to closing date of the re-consultation on LDP 2030 (*Agenda item 8.1*)**

Correspondence was received from Mid Ulster District Council informing Council of the extension to the closing date of the Re-consultation on Local Development Plan 2030 – Draft Plan Strategy Sustainability Appraisal Incorporating Strategic Environmental Assessment Report (Environmental Report).

This re-consultation process has been impacted by the recent on-going COVID-19 pandemic and accordingly the closing date has been extended to 5pm on 24 September 2020. A response will be brought before the Committee.

The item of correspondence was **NOTED**.

### **8.2 NILGA Condensed Planning Programme for Councillors 2020 (*Agenda Item 8.2*)**

Correspondence has been received from NILGA inviting Elected Members to an online training session on the Planning System NI.

By engaging in this session Elected Members will develop their understanding of:

- Council planning powers, why they are important, how to use them and support available
- Making robust and defensible decisions about the future of their Council area
- Ensuring Council are targeting resources in the most impactful way.

The Head of Planning informed Members that this had already been delivered online via zoom.

Alderman McKillop stated that this was very good foundation for Members and advised everyone to avail of it.

Councillor Nicholl advised that there is always some learning from these courses.

The item of correspondence was **NOTED**.

### **8.3 Correspondence from Fermanagh & Omagh District Council re: LDP Draft Plan Strategy – Consultation on proposed changes (*Agenda item 8.3*)**

Correspondence dated 09 July 2020, has been received from Fermanagh & Omagh District Council advising Council that they are proposing a number of changes to the Draft Plan Strategy, following detailed consideration of the representations received during the public consultation exercise held between 26 October and 21 December 2018. The purpose of the consultation is to inform the general public, consultation bodies and interested parties of the Proposed Changes and allow comments if they wish, and to demonstrate for the Independent Examination (IE) that everyone affected has had an opportunity to comment before any recommended change is made to the Draft Plan Strategy by the Planning Appeals Commission (PAC). Ultimately, it will be for the Department for Infrastructure to determine whether any amendments recommended by the Planning Appeals Commission should be made to the Draft Plan Strategy.

The consultation period will run for 8 weeks, commencing on Thursday 16 July 2020 and ending on Friday 11 September 2020.

The deadline for comments is **5.00pm on Friday 11 September 2020**. Comments received after the deadline will not be accepted.

The item of correspondence was **NOTED**.

- \* **The Chair declared a recess at 2.35pm.**
- \* **The meeting reconvened at 2.48pm.**
- \* **Alderman S McKillop and Councillor Scott did not re-join the meeting.**

## **9. ANNUAL REPORT AND BUSINESS PLAN**

### **9.1 Planning Department Performance Annual Report 2019/2020**

Information report, previously circulated, presented by the Head of Planning.

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases and these are reflected in Council's Performance Improvement Plan 2019-20 and the Planning Department Business Plan 2019-2020.

The statutory targets are:

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

The Planning Department Business Plan targets are:

- Reduce number of over 12 month applications to under 130 applications.
- Major applications processed from date valid to decision or withdrawal within an average of 45 weeks.
- Local applications processed from date valid to decision or withdrawal within an average of 19 weeks.
- 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.
- Stable Staff Resource
- Reduction in number of Agency staff employed in accordance with Audit recommendation (reduce to 6 staff).
- Expenditure in line with budget allocation.

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team, Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The 2019/20 Annual Statistical Bulletin was published on 2 July 2020 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

The Head of Planning took Members through the following as detailed in the Planning Committee Report:

- Development Management Planning Applications
  - *Major Applications*
  - *Local Applications*
- Enforcement
- Other Activity by Planning Department
  - *Correspondence, Complaints and Appeals*
  - *Local Development Plan*
- Factors Impacting on Performance
  - *Unstable staffing resource*
  - *Habitat Regulation Assessments*
- Seeking amendments to applications
- Budget

In conclusion, performance within the Planning Department remains steady with slight improvement in performance overall. Planning continues to meet its statutory target for conclusion of enforcement cases. However, with pressures on budgets due to reduced incomes as a result of the Covid-19 pandemic, vacant posts remaining and fixed term contracts coming to an end, maintaining sufficient, experienced staffing is a key concern and the inevitable impact on performance due to increased caseloads for staff for the 2020/21 business year.

**It is recommended** that the Planning Committee note the Planning Departments Annual report.

Members **NOTED** the contents of this report.

## 9.2 Planning Department Business Plan 2020/2021

Business Plan, previously circulated, presented by the Head of Planning.

The purpose of this plan is to:

- Give a clear sense of what the service is for and the challenges it faces.
- Show how it is supporting Council's priorities.
- Show how it is contributing to the efficiency drive and transformation of service delivery.
- Show how it is aligning its resources to meet the challenges ahead.
- Help us to hold ourselves to account and ensure we deliver for Council and its residents.
- Bring key information together in one place about the service, which Members, staff and stakeholders can understand.

The Vision for the service area is:

*'Working in partnership with our community we will seek to protect and enhance our environment, promote well-being, and support a sustainable economy.'*

The key functions of the Planning service area are:

- Local Development Planning – creating a plan which will set out a clear vision of how the council area should look in the future by deciding what type and scale of development should be encouraged and where it should be located to create a sustainable environment; designation of conservation areas; issuing Building Preservation Notices and Tree Preservation Orders.
- Development Management – determining the vast majority of planning applications and other planning consents, including waste and minerals applications, conservation area consents, advertisement consents, certificates of lawful development, non-material changes, and discharge of conditions.

- Planning Enforcement – investigating alleged breaches of planning control and taking action where it is considered expedient to do so; issuing of Urgent Works Notices.

### **Strategic Aims of the Service**

1. To contribute to the growth of a sustainable economy and investment in the Borough by making timely decisions and developing sound planning policies.
2. To contribute to the protection of the environment and the creation of safer communities by making sound decisions and developing sound policies through the development plan process.
3. To engage customers, stakeholders and partners more effectively in order to increase understanding of and compliance with processes and regulation.
4. To manage finance, staff, information and other resources effectively and efficiently within a strong corporate governance framework.

The report provided an Organisational Structure of Professional and Technical Staff and Organisational Structure of Administrative Support.

**Section 2** of the Business Plan provided a SWOT (Strength, Weaknesses, Opportunities, Threats) Analysis as well as a PESTEL Analysis (Political, Economic, Social, Technological, Environmental, Legal).

### **SWOT Analysis**

Planning is a demand-led service and we are affected by the wider economic factors which determine the level of applications received. Enforcement is similarly reactive process as the majority of complaints are received from the public.

The significant challenge ahead for Planning is dealing with the impact of restrictions imposed by the Covid-19 pandemic. With offices closed for a significant period of time, the number of planning applications is predicted to be drastically reduced when compared to the previous business year. This will have a negative impact on budget expenditure as the budget set during the rate setting process was based on normal activity.

In order to operate within the set budget and making up the shortfall in predicted income, will require difficult decisions to be made over the



coming months. The largest expenditure in Planning is staffing. Expenditure within other codes within the Planning budget will be reduced, however, this will be insufficient to address the shortfall between expenditure and reduced fee income predicted. Therefore, posts vacated at end of the last business year and those that will be vacated in the coming months due to maternity leave are proposed to remain vacant over this coming business year in order to reduce expenditure. Money set aside to publish the draft Plan Strategy has also been removed from expenditure as workshops with Members are put on hold whilst restrictions due to Covid-19 are in place. However, without DfC funding, these cuts will not be sufficient to reduce the deficit to ensure Planning operates within its significantly reduced budget.

With reduced staffing will be the inevitable impact on caseloads and processing times for planning applications and enforcement cases. With caseloads increasing to cover the vacant posts, including the fixed term contracts coming to an end in Q4 of this business year, this increases the risk of delays in processing of applications and cases and also increases the risk of complaints and challenges.

Council is now responsible for the publication of a new Local Development Plan that will, when adopted, form the basis of all decision making within the Borough. The impact of restrictions on workshops with Members in the preparation of the draft Plan Strategy will also have a negative impact on the timetable for publishing the draft Plan. This will result in the draft Plan not publishing in this business year.

Council has signed up to the delivery of the new Northern Ireland Planning Portal with 9 other Councils and DfI. This shared system is due for completion in 2022 and will provide Council with a stable, up-to-date system that will have an improved customer interface. Staff will be involved in workshops over this business year to assist in the development of the new system.

### **PESTEL Analysis**

Planning is largely constrained by complex legislation and policies implemented through central government. The risks involved in failing to comply with these can result in a significant financial cost to Council. It is therefore important to ensure that Planning has sufficient staff resources with the necessary skills and knowledge to make sound decisions thereby reducing the risks of administrative errors.

**Section 3** of the Business Plan detailed the planning service area

strategic aims and objectives aligned with Council's strategic aims and objectives.

**Business Plan Objective 1:** Maintain performance in relation to processing planning applications.

**Business Plan Objective 2:** To manage finance, staff, information and other resources effectively and efficiently within the corporate governance framework.

**Section 4** of the Business Plan detailed the financial position (provisional) for 2020/2021.

Members commended staff for all their hard work and re-iterated the need for Council to invest in staff.

Members questioned as to why staffing levels had been allowed to reach a critical stage and concern was raised at the level of absenteeism for Causeway Coast and Glens Borough Council.

The Head of Planning informed Members that at the end of last year the Planning Department was within budget and pre Covid-19 job descriptions had been agreed for the 1.8 vacant Planning Officer posts ready to advertise the posts. As a consequence of Covid-19 and budget constraints due to reduced income, this advertisement was held.

As a result of Covid-19 income had been greatly reduced; the DfC provided some funding in Q1 and the situation is now being monitored. The planning applications that attract the larger fees i.e. windfarms have not been submitted.

The Planning Department have applied to the DfC for the Covid-19 Fund for Q2 but has received no communication back so Planning are working on the assumption that this will not be forthcoming.

The Head of Planning reiterated that she had a duty of care to staff who were working all hours and who had taken their annual leave but were still working in order to keep up with the processing of the applications. The problem has been hidden as some members of staff had been working outside their normal hours and not asking for any recompense just to try to keep up with the workload.

Human Resources have been sending out emails to staff in relation to mental health.

The Head of Planning informed Members that the Planning Department have been receiving negative press even though they achieved a 100% approval rate last year for major planning applications.

In response to a Member's request the Head of Planning clarified that there were legal implications under the Working Time Directive with staff working far more hours than permitted under the directive. Therefore members of staff have been asked not to work over and above their permitted hours; this will, therefore, result in slower processing of applications.

In response to a Member's query the Head of Planning stated that Planning Application Fees were regulated and set by the Department for Infrastructure; the fee is set in legislation. A DfI meeting had taken place today but the Head of Planning was unaware of the outcome of this meeting.

The Head of Planning re-iterated that Planning Services were not regarded as an essential service at the beginning of Covid-19. Once laptops, VPN and mobile phones had been provided to senior staff this was rolled out to other staff when available. Again she reminded Members that if staff were permitted to work from Cloonavin for 2 days a week, which had to be agreed through the Unions, then it would be more beneficial for processing applications. Masks, hand sanitizers and screens between the desks would be provided.

A Member suggested that the Planning Committee to take place on 23 September should be start earlier than the 2pm scheduled.

Proposed by Councillor Nicholl  
Seconded by Alderman Baird

- that Members **Agreed** the contents of the Planning Department Business Plan 2020/2021 and Planning Committee meeting scheduled to commence at 10am going forward.

The Chair put the proposal to the Committee to vote. 5 Members voted For, 0 Members voted Against and 1 Member Abstained.

The Chair declared the Motion **CARRIED**.

**MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Alderman Baird  
Seconded by Councillor Nicholl and

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

**10. PLANNING DEPARTMENT BUDGET PERIOD 1-3 UPDATE (Agenda Item 10)**

Confidential information report, previously circulated, presented by the Head of Planning provided Members with an update on the financial position of the Planning Department as of end Period 3 of the 2020/2021 business year.

The report provided details of the total budget along with a predicted income.

Three key savings were detailed in the report:

Key Saving 1 – A saving on Staffing Costs  
Key Saving 2 – A saving from the Local Development Plan expenditure  
Key Saving 3 – A saving from other budget codes.

The Head of Planning will continue to monitor the Planning budget expenditure versus income received and will report to Planning Committee on a monthly basis regarding the remaining budget deficit.

**It is recommended** that the Committee notes the update provided on the Planning budget as of end of Q1 of 2020/21 financial year.

A concern was raised by a Member that the Planning Department was in need of more staff so the Key Saving 1 was unrealistic and not a reality.

Members agreed that the Planning Department would benefit of further financial support from DfC.

A Member also commented that there would also be issued that would need to be addressed by Council in relation to BREXIT.

Members **NOTED** the contents of this report.

**MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Anderson  
Seconded by Councillor Nicholl and

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

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

There was no other relevant business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at **4.00pm**.

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Chair