

**PLANNING COMMITTEE MEETING HELD WEDNESDAY 25 MAY 2022**

**Table of Key Adoptions**

| <b>No.</b> | <b>Item</b>  | <b>Summary of Decisions</b>  |
|------------|--|--|
| <b>1.</b>  | Apologies  | <b><i>Alderman Finlay;<br/>Councillors<br/>Anderson,<br/>McLaughlin,<br/>MA McKillop</i></b> |
| <b>2.</b>  | Declarations of Interest   | <b><i>None</i></b>   |
| <b>3.</b>  | Minutes of Planning Committee meeting held Thursday 27 April 2022  | <b><i>Signed as a correct record</i></b>   |
| <b>4.</b>  | Order of Items and Confirmation of Registered Speakers   | <b><i>Received</i></b>   |
| <b>5.</b>  | Schedule of Applications:  |  |
| <b>5.1</b> | LA01/2022/0040/F, 88 and 90 Charlotte Street and Lands South of Charlotte Street East of The Meadows and West of Ishlan Court Westoncroft Park Our Lady of Lourdes School and St. Brigid's Primary School Ballymoney | <b><i>Approved</i></b>   |
| <b>5.2</b> | LA01/2021/0933/F, Unit 12 & 13 and Front of Unit 17 Riverside Centre Castleroe Road, Coleraine   | <b><i>Approved</i></b>   |
| <b>5.3</b> | LA01/2021/1449/F, Lands opposite 30 Glengiven Avenue & 3, 5 & 15 Glenside Brae (Land to east of south of former Gorteen House Hotel) and to rear of 27, 29, 33, 35, 47 and 59 to 63 Ballyquin Road Limavady          | <b><i>Approved</i></b>   |
| <b>5.4</b> | LA01/2021/1472/F, Lands within Dungiven Sports Centre, 32 Curragh Road, Dungiven   | <b><i>Approved</i></b>   |
| <b>5.5</b> | LA01/2021/1537/F, Land to the immediate north of 129 Curragh Road Coleraine  | <b><i>Approved</i></b>   |

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|-------------|---|--|
| <b>5.6</b>  | LA01/2021/1027/O, 50m East of 16 Cloughs Road, Cushendall   | <b><i>Refused</i></b>  |
| <b>5.7</b>  | LA01/2021/0588/F, 53 Ballymaconnelly Road, Rasharkin  | <b><i>Deferred<br/>Hold a site visit</i></b>   |
| <b>5.8</b>  | LA01/2021/1077/O, 30m NE of 40 Novally Road, Ballycastle  | <b><i>Refused</i></b>  |
| <b>5.9</b>  | LA01/2021/0245/F, 99 Muldonagh Road, Claudy   | <b><i>Disagreed and<br/>Approved<br/>Conditions and<br/>Informatives are<br/>Delegated to Officers</i></b>   |
| <b>5.10</b> | LA01/2021/0525/O, Lands approx. 10m north west of 4-7 High Road Portstewart                         | <b><i>Refused</i></b>  |
| <b>5.11</b> | LA01/2019/0337/F, Lands at 30 Glenlough Road and lands to the rear of 28 Glenlough Road, Ballymoney | <b><i>Approve subject to<br/>Department for<br/>Infrastructure Roads<br/>acceptance of<br/>amended plan as<br/>agreed in August<br/>2021</i></b>                               |
| <b>5.12</b> | LA01/2021/0987/O, 60m South of 71 Sconce Road, Coleraine  | <b><i>Deferred for<br/>submission of<br/>evidence relating to<br/>farming activity and<br/>medical care needs.</i></b>   |
|             |   |  |
| <b>6.</b>   | Reports:  |  |
| <b>6.1</b>  | Planning Annual Report  | <b><i>Information</i></b>  |
| <b>6.2</b>  | PAC Report on Planning in NI  | <b><i>Information</i></b>  |
| <b>6.3</b>  | Planning Improvement Workshop   | <b><i>Agree Option 2</i></b>   |
|             |   |  |
| <b>7.</b>   | Correspondence:   |  |
| <b>7.1</b>  | Co. Donegal Council – Proposed variation to Development Plan (2018-2024)                            | <b><i>Information</i></b>  |
| <b>7.2</b>  | Mid & East Antrim BC – LDP dPS – Notice of Independent Examination                                  | <b><i>Information</i></b>  |
|             |   |  |
|             | <b>'In Committee' (Items 8.1-8.3)</b>   |  |
| <b>8</b>    | Confidential Items:   |  |
| <b>8.1</b>  | Update on Legal Issues  | <b><i>Committee notes the<br/>advice of the Council<br/>Solicitor and<br/>resolves to continue<br/>with the instruction<br/>of current Counsel<br/>and to delegate the</i></b> |

|            |  |   |
|------------|--|---|
|            |  | <b>approval and submission of Council's Skeleton Argument together with any other ancillary Court submissions to Officers and Legal Representatives</b> |
| <b>8.2</b> | DfC Housing Supply Methodology   | <b>Information</b>  |
| <b>8.3</b> | Business Plan 2022-2023  | <b>Agreed</b>   |
|            |  |   |
| <b>9.</b>  | Any Other Relevant Business (in accordance with Standing Order 12 (o)) | <b>That the matter of printing Planning papers for Planning Committee members be referred to Corporate, Policy and Resources Committee</b>              |
|            |  |   |

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS  
AND VIA VIDEO CONFERENCE  
ON WEDNESDAY 25 MAY 2022 AT 10.30am**

**Chair:** Alderman Baird (C)

**Committee Members Present:** Alderman Boyle (C), Duddy (C), McKeown (R), S McKillop (C); Councillors Dallat O’Driscoll (R), Hunter (R), McGurk (R), McMullan (R), Nicholl (R) and Scott (C)

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

**In Attendance:** A Lennox, Mobile Operations Officer (C)  
C Ballentine, ICT Operations Officer (C)

Public / Registered Speakers 18 no.(R)

**Key** R = Remote                      C = Chamber

**Registered Speakers in Attendance (R):**

| <b>Item No</b>   | <b>Name</b>              |
|------------------|--------------------------|
| LA01/2021/0933/F | A Stephens<br>E Loughrey |
| LA01/2021/1537/F | C Bryson                 |
| LA01/2021/1027/O | J Simpson                |
| LA01/2021/0588/F | L O’Neill                |
| LA01/2021/1077/O | C McGarry                |

|                  |  |
|------------------|--|
| LA01/2021/0245/F | D McLaughlin<br>G McLaughlin<br>J McLaughlin |
| LA01/2019/0337/F | M Kennedy                                    |
| LA01/2021/0987/F | D Hutchinson<br>C McKernan                   |

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

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

### 1. **APOLOGIES**

Apologies were recorded for Alderman Finlay, Councillors Anderson, McLaughlin and MA McKillop.

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

There were no declarations of interest.

### 3. **MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 27 APRIL 2022**

Copy previously circulated.

Proposed by Alderman Duddy  
Seconded by Councillor Hunter

- That the Minutes of the Planning Committee meeting held Thursday 25 April 2022 were signed as a correct record.

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

**RESOLVED** - That the Minutes of the Planning Committee meeting held Wednesday 27 April 2022 were signed as a correct record.

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

The Chair presented the Schedule of Applications, there were no requests for site visits at this point.

## 5. SCHEDULE OF APPLICATIONS:

### 5.1 LA01/2022/0040/F, 88 and 90 Charlotte Street and Lands South of Charlotte Street East of The Meadows and West of Ishlan Court Westoncraff Park Our Lady of Lourdes School and St. Brigid's Primary School Ballymoney

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

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Major Application

**Proposal:** Section 54 application for LA01/2019/0225/F - proposed housing development of 179 no dwellings (8 no. apartments, 63no. townhouses, 84no. semi detached, 24no. detached) "Gateway Type Traffic Calming Measures" open space, roadways for private street determination and pumping station. Seeking planning permission to develop land without complying with: a) Condition 23 (Seeking to vary the timing of delivery of hard landscaping condition) b) Condition 31 (Seeking to vary the timing of delivery of railing and fencing to play area and pumping station condition) c) Condition 32 (seeking to vary the timing of delivery of drainage condition)

#### **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.

Development Management and Enforcement Manager presented via powerpoint presentation:

- This proposal is a Section 54 or variation of condition application for a housing scheme, comprising 179 dwellings, approved in 2021. The conditions relate to the timing of the provision of open space amenity areas, provision of railings/ fencing and delivery of approved drainage measures to mainly the meadow area.
- In terms of the Northern Area Plan 2016, the site is mostly located on land zoned for housing within Ballymoney- Zonings BYH21, BYH22 and BYH38.
- This is a major classified application. However, as a variation of condition application, it was not required to be accompanied by a PAN with pre-application community consultation.
- The existing conditions regarding provision of the two open space areas including the equipped children's play area (Condition 23), the provision of the railings/ fencing (Condition 31) and the provision of the drainage works to mainly the meadow area (Condition 32), required them to be provided before occupation of the first dwelling.

- This application seeks to change the conditions regarding the provision of the railings/ fencing and the provision of the drainage works to allow development of the site using a two phased approach. The first phase comprises the 6 units near the Charlotte Street frontage with the second phase comprising the remainder of the site.
- It is proposed to provide the two public open space areas using two trigger points, specifically, prior to commencement of the 7<sup>th</sup> and 93<sup>rd</sup> dwelling.
- The phased approach allows the ongoing delivery of these conditioned elements of the scheme as construction progresses across the site and meets the relevant planning policy objectives.
- Conclusion- The proposed changes to the conditions are acceptable and the recommendation is to approve.

There were no questions put.

Proposed by Alderman Baird  
Seconded by Alderman Boyle

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

The Chair put the motion to the Committee to vote.

10 Members voted For, 0 Members voted against, 0 Members Abstained.

The Chair declared the motion carried and application approved.

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

## 5.2 LA01/2021/0933/F, Unit 12 & 13 and Front of Unit 17 Riverside Centre Castleroe Road, Coleraine

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

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Major Application

**Proposal:** Proposed amalgamation of Units 12 & 13 to be used for a convenience store. External elevational changes, canopy and additional car parking and servicing arrangements and general site works.

### **Recommendation**

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

### **Addendum 1 Recommendation**

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to obtain a revised retail impact assessment from the applicant with (if applicable) a revised alternative site selection assessment. This recommendation supersedes that set out in 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 application 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 application in accordance with Paragraph 1.1 of the Planning Committee Report.

In response to a request for clarification, the Head of Planning referred to the updated addendum and recommendation.

Development Management and Enforcement Manager provided a verbal addendum:

*Yesterday, Mr A Stephens telephoned the Planning Department in objection to the application. He advised that he had written to DfI to ask that they issue a Direction under Section 17 to instruct Council to holding off deciding the application. He advised that he was taking this action due to his surprised alarm at the assessment of the application relative to others at this location which were taken forward as refusals. He argued that the approach of the Planning Department has been inconsistent. He referred again to the ABO Judgement (addressed in Addendum 3) which refers to the precedent value of appeals. He argued that this proposal would set a significant precedent for other retailers to move to Riverside Regional Centre and that it will be the death knell for Coleraine Town Centre. He referred again to the Duff Judgement (addressed in Addendum 3).*

*Today, Mr A Stephens has made a further objection to the application. He continues to argue that the proposal seeks to facilitate an existing town centre retailer to an out of centre site.*

*He states that the issue of loss of independent retailers in Coleraine Town Centre featured on UTV yesterday evening.*



*He submits estate agent brochures showing the availability of several retail premises within Coleraine Town Centre, specifically: The Diamond Shopping Centre; the former JJB Sports premises at Hanover Place and; the former Dixons premises at 25 Church Street. In addition, he provided an extract from the Northern Area Plan 2016 regarding the Development Opportunity Zoning BYT03 in Meetinghouse Street, Ballymoney. The sites in Coleraine Town Centre, excepting that in Church Street, have been considered and discounted for the proposal in the Planning Committee Report. The Church Street unit is too small to accommodate the proposal and does not have convenient trolley parking to facilitate the proposed use. The site in Ballymoney is not applicable to the proposal as Ballymoney is located outside its catchment.*

*He submits an extract from the Coleraine Chronicle which recounts proceedings at the Home Bargains appeal for premises at Riverside Regional Centre in 2017. He highlights text which refers to the Diamond Centre being half empty and that the proposal will encourage people to move away from the town.*

*He submits several submissions for the Home Bargains appeal at Riverside Regional Centre. This was for a mix retailing proposal comprising 58.5% convenience, bulky comparison 30%, non-bulky comparison 11.5%. This contrasts the current proposal which is a 100% convenience food store where trolley use would likely be more in demand.*

*Retail NI submitted a further objection, received this morning. This, similar to their previous, is on the assumption that the proposal involves relocation of the existing M&S store from the town centre.*

*The objection argues that the recommendation is perverse and irrational having regard to the Town Centre First approach and the availability of sequentially preferable sites. He argues that the recommendation is inconsistent with the approach taken by the Council previously, particularly that taken for non-bulky goods proposals.*

*He underlines the provisions in the Northern Area Plan regarding promoting the vitality and viability of town centres and draws attention to the position of the PAC when considering the role of Riverside Regional Centre. He argues that the Planning Department has not had adequate inquiry into exploring alternative sites.*

*He argues that the Planning Department is desperately trying to set aside the established legal principles in the ABO judgement by making the proposal distinguishable.*

*He argues that the catchment should be drawn larger than it currently is and refers to the Planning Department's previous consideration of this issue. He comments that the revised retail impact assessment does not include the*

*consideration of alternative sites in Ballymoney and that Ballymoney is within the whole catchment of the proposal. Regarding alternative sites, he underlines that the SPPS states flexibility may be adopted to accommodate developments. He argues that the applicant had not shown flexibility in their assessment of alternative sites. He provides Google Streetview shots of the existing M&S store being serviced from the rear at Stable Lane.*

*He argues that there has been an over emphasis on the assessment of car parking in discounting alternative sites. Furthermore, he argues that given the cost of M&S produce, the users of heavily laden trolleys shall be in the minority. On this basis, he argues that the sites at the former JJB premises at Hanover Place, the Diamond Shopping Centre and 25 Church Street could accommodate the proposal (in addition to that at Meetinghouse Street in Ballymoney).*

*He argues that the Planning Committee Report does not consider the loss of footfall in Coleraine Town Centre from the proposal and why town centre convenience retailers are underperforming. He states that there is no prospect of linked trips between the proposal and Coleraine Town Centre.*

*He states that the proposal shall set a wide ranging precedent. He argues that regarding economic benefits, the figures are not reconciled with the potential closure of the town centre store.*

*Our response remains as that set out in the previous Addenda that it is a matter of speculation whether the existing store is to close and the retail impact assessment submitted by the Agent shows it to continue to trade. The substantive points of objection have been addressed previously. While retention of the existing store is desirable, it is not critical to the acceptability of the proposal. Our assessment is that even if the existing store were to close, the impacts would not be significantly adverse to warrant refusal. Whether the Planning Committee seeks retention of operation of the existing town centre store is a matter for it to consider. This could be regulated by means of a Planning Agreement, the terms of which would require agreement with Marks and Spencer as the applicant.*

Development Management and Enforcement Manager presented as follows:

- The proposal comprises the use of two existing retail units for convenience (principally grocery) retailing together with additional and reconfigured car parking. The retail units were approved in 2008 as solely for the use of “bulky goods” type retailing.
- In terms of the Northern Area Plan 2016, the site is located on unzoned or “white land” within the settlement development limit of Coleraine. The site is located outside and displaced from Coleraine Town Centre. The Northern Area Plan 2016 requires that development at Riverside Regional Centre is complementary to, rather than competing with town centres and that it does not adversely affect the vitality and viability of the latter.

- This is a major application so it was preceded by a PAN. The application was accompanied by the submission of a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

#### Main Issues

- The lead policy to assess the proposal is the retailing section within the SPPS. This provides the principal tests of an assessment of retail impact, retail need and sequential site selection starting with the town centre.
- Retail Impact- As the proposal comprises over 1000 square metres gross floorspace (in this case 1600 square meters approximately), it required the submission of a retail impact assessment. This assessment, as amended to reflect the increased in-flow into the catchment arising from M&S being the operator, concluded that the retail impact on convenience retailing in Coleraine Town Centre to be less than 2%. Our assessment of retail impact has included the scenario where the existing Marks and Spencer store in The Diamond were to close and where the trade diversion from Tesco at Bannfield Road and local shops in Coleraine Town Centre were to be much greater to that anticipated by the Agent. While this results in the retail impact being higher at 7.9%, it is not considered to be “significantly adverse” to warrant refusal.
- Retail Need- The report undertaken by Nexus Planning on behalf of the Council identified that there is a surplus of expenditure to support additional convenience floor space. Therefore, there is potential capacity in Coleraine for new convenience retailing such as that presented by the proposal.
- Alternative Sites- Sequentially preferable sites to potentially accommodate the proposal have been reviewed by the Planning Department. These include some car parks identified as “Opportunity Sites” in the Northern Area Plan 2016, the Diamond Shopping Centre and the former JJB Sports premises at Hanover Place. All of these have been discounted as being not suitable, available or viable for the proposal.
- Car Parking- The proposal includes the provision of additional car park spaces and further “accessible” car parking for people with disabilities and children. Overall, there shall be a net increase of 8 car park spaces.
- Conclusion- The proposal is consistent with the policy in the Plan and acceptable having regard to retail impact assessment, retail need and sequential site selection. The recommendation is to approve.

There were no questions put.

The Chair invited A Stephens, Matrix Planning to speak in objection to the application.

A Stephens stated he was speaking on behalf of Retail NI and not opposed to Marks & Spencer but against its relocation to the out of town centre. A Stephens stated the SPPS Town Centre first approach, and the proposal would

fundamentally alter Coleraine town centre retail environment; the gravity of the decision is wide ranging and would set a precedence resulting in a danger to the loss of Town Centre retailers, undermining planning policy, SPPS, and objectives of the Northern Area Plan. The recommendation to approve would change the size, type of retailing to non-bulky which has always been refused by Planning Appeals Commission and Causeway Coast and Glens Borough Council and is an inconsistent approach. In a Plan led system, the approval is not in accordance with promoting retailing in town centres and is a signal to other Town Centre retailers to move to out of the Town Centre. He referred to the Plan primacy and the objective to continue compliment the commercial strength of the town centre rather than competing against it.

A Stephens stated there were sequentially preferable sites in Coleraine Town Centre at Hanover Place, The Diamond, Church Street, Meetinghouse Street, Ballymoney. There is a need to look at the whole catchment and less sequentially preferable sites should be refused. The current Marks and Spencer unit was not designed with car parking and existing car parking is dissected by Stable Lane. He stated that there are no HGV service areas or designated loading bays and it operates on a self-serving manner.

A Stephens stated Council have ignored the approach to alternative sites and have not discharged its duty of enquiry of alternative sites. He considered there will be a competitive advantage to Marks & Spencer relocating to Riverside and this will harm Coleraine through an indirect loss of footfall and trade, detriment to the town centre which already has a high vacancy rate. Tesco is underperforming. The proposal will have a negative impact due to reduced footfall and linked trips; strip away and undermine Coleraine ability to attract investment. There is significant retail space at JJB site which has been vacant for over 6 years; Coleraine is in decline; the proposal will impact the vitality and viability of Coleraine and be in direct conflict with Town Centre First approach, the objectives of the Northern Area Plan, SPPS and Planning Appeals Commission decisions.

He advised that the recommendation is not in accordance with the Northern Area Plan or SPPS as there are sequentially preferable sites in the catchment which would also reap the employment benefits.

There were no questions put to the speaker.

The Chair invited E Loughrey to speak in support of the application.

E Loughrey advised he had prepared a report which the Planning Department had listened carefully to and endorsed the findings for the new Marks and Spencer Foodhall. He advised that there was already Sainsburys and Lidl and B&M Bargains at riverside and this proposed development would compliment them.

He considered there to be no Area Plan conflict as the proposal would compliment rather than adversely impacting on the town centre. He stated there were 3 key tests to alternative sites. There is a need - Nexus Retail state Marks and Spencer is undertrading at current site, and ASDA, Sainsbury and TESCO are overtrading. There is a need for new floor space for Coleraine and the proposal will provide for 24% of the need. There is a qualitative need; M&S have been operating in Coleraine for over 15 years and have been considering what the best size of store is required. The existing, small high street store is less than 400m<sup>2</sup> floorspace. This top up shop is underperforming, there is no dedicated parking, no service yard; and, is it not fulfilling the company's requirements. The public are strongly in favour of a new 1122m<sup>2</sup> net floor space, that will offer the full foodhall offer; three times larger than the existing floor space, with parking, a secure service yard, 70 jobs, a £2.5M investment and long term commitment to Coleraine.

E Loughery advised that the trade diversion is likely to cause detrimental harm to the town centre and diversion is only likely to be modest. He stated that the application has been robustly tested. In terms of Town Centre first, 9 sites have been assessed; Council Planning Department considered them not suitable.

E Loughrey stated concern with the extremely late objections, and disagreed with allegations and substance received at 3am, none of which are new information. There would be no precedent due to conditions, the application is treated on own its merits and endorsed the recommendation to approve.

There were no questions put to the speaker.

There were no questions put to the Development Management and Enforcement Manager.

Alderman Duddy stated this is an age old problem - in or out of town and well versed on the issues. He stated this is a difficult decision and need to try and support to the best of their abilities to come to the right decision on each planning application and take on its own merit. Committee have the responsibility for the considering the economy and making improvements. Alderman Duddy stated awareness of Town Centre issues of trolleys and location of car parking, shoppers cannot park in front of the shop unless have a parking permit and at the back of the shop is a very busy road. He advised that a fair and balanced decision based on the issues debated on numerous occasions but must take on board individual issues.

Councillor McGurk supported seconding the proposal.

Proposed by Councillor Nicholl  
Seconded by Alderman Duddy

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

**RESOVLED** – 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.

\* **Committee & Member Services Officer, J Keen left the meeting.**

**5.3 LA01/2021/1449/F, Lands opposite 30 Glengiven Avenue & 3, 5 & 15 Glenside Brae (Land to east of south of former Gorteen House Hotel) and to rear of 27, 29, 33, 35, 47 and 59 to 63 Ballyquin Road Limavady**

Reports and site visit report, previously circulated presented by Development Management and Enforcement Manager.

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Major Application

**Proposal:** Section 54 application for the Variation of condition 19 (Landscaping and Management & Maintenance Plan) and Condition 20 (Landscaping) of Planning Approval LA01/2016/1258/RM (Housing Development)

**Recommendation**

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

Development Management and Enforcement Manager presented as follows:

- This proposal is a Section 54 or variation of condition application for a housing scheme, comprising 201 dwellings, approved in 2019. The conditions relate to the timing of the provision of open space amenity areas and landscaping.
- In terms of the Northern Area Plan 2016, the site is located on land zoned for housing within Limavady- Zoning LYH13.
- This is a major classified application. However, as a variation of condition application, it was not required to be accompanied by a PAN with pre-application community consultation.

- The existing condition regarding provision of the three open space areas (Condition 19), required them to be provided before occupation of the dwellings. The existing condition regarding landscaping (Condition 20), required the full scheme to be carried out in the first planting season after the occupation of the first dwelling.
- This application seeks to change the conditions to allow development of the site using a phased approach. It is proposed to provide the open space areas using three trigger points based on commencement of a specified number of dwellings- specifically 70, 118 and 147. This allows the ongoing delivery of the three open space areas as construction progresses across the site and meets the planning policy objective.
- It is proposed to provide landscaping in each of the six identified phases in the first planting season after the occupation of the first dwelling in each respective phase. This is a satisfactory means of achieving the landscaping objective as construction progresses across the site.
- Conclusion- The proposed changes to the conditions are acceptable and the recommendation is to approve.

There were no speakers on the application.

There were no questions put.

Proposed by Councillor McGurk

Seconded by Councillor Scott

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

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

#### **5.4 LA01/2021/1472/F, Lands within Dungiven Sports Centre, 32 Curragh Road, Dungiven**

Reports and site visit previously circulated, presented by Senior Planning Officer, J McMath.

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Council Application

**Proposal:** Proposed Outdoor Bowling Green in existing grass area. External dimensions of Bowling Green including perimeter pathways at 45m and 38.6m. Bowling green to come complete with floodlighting, digital scoreboard, pedestrian fencing, team shelters and seating. A new retaining wall is proposed

along western side of the Bowling Green, with other grading works proposed outside the bowling green perimeter on the other sides due to the existing ground topography (Sloping ground)

### **Recommendation**

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

### **Erratum Addendum**

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

Senior Planning Officer referred to the Erratum addendum to clarify the wording of Conditions and presented as follows:

- (Slide) The site is located within the existing Dungiven Sports Centre complex which contains a leisure centre, 3G pitch, flood lighting and associated car parking.
  - (Slide) The site is located within the Settlement Development Limit of Dungiven on lands identified as an area of existing open space.
  - (Slide) Residential properties surround the sports complex on 3 sides, the rear boundaries of the properties to the west of the site are defined by a mix of timber fences, garages and existing vegetation.
  - (Slide) The site is on an existing grassed area on the western portion of the existing complex.
  - (Slide) The topography of the site slopes down from road towards the northeast.
  - (Slide) The proposal seeks full permission for an outdoor Bowling Green in the existing grassed area. The bowling green including pathways measures 45m x 38.6m and will also include floodlighting;
  - (Slide) digital scoreboard, fencing, seating and shelters.
  - (Slide) Due to the sloping topography, a retaining wall and grading works are also proposed.
- 
- The proposal utilises the existing grass area within the grounds of the sports centre and formalises the use but does not result in the loss of open space.
  - As no buildings are proposed there is no anticipated impact on adjacent residential properties by reason of loss of privacy, light or over dominance. The development will require cutting into the landform to achieve a flat bowling green. This will result in the use of a retaining wall measuring 0.45m to 2m in height for a length of 45m. The retaining wall is located 4.4m from the boundary with no 11 and 7.6m from the boundary with no 5. Views of the retaining walls are limited. The finishes are



appropriate. Due to the cutting-in the finished bowling green will be at a lower level than the adjacent residential properties. The boundary between the site and the residential properties will be augmented with additional planting therefore there will be no adverse impact on character, visual amenity or residential amenity.

- Given nature of the use as a bowling green it is not anticipated to generate significant noise impact. EHO as the competent authority on such matters has not raised any objection.
- 4 x 10m high floodlights are proposed along the northern and southern boundaries of the bowling green positioned 15m from no 11 and 18m to no 7. A report was submitted to demonstrate the level of illumination and EHO have confirmed that there will be no detrimental impact on residential amenity subject to conditions. In terms of consistency the conditions restrict the use of the bowling green and floodlighting to the same times as the 3G pitch namely 9pm so as to ensure there is no impact on residential properties in terms of noise, light or traffic. The floodlighting is considered to have no adverse impact on the character or visual amenity of the area.
- The proposal does not have any adverse impact on archaeology, natural or built heritage. The agent has submitted a HRA which has been verified by Shared Environmental Services.
- Appropriate access and parking is available within the sports complex.
- Ancillary features such as the digital scoreboard, seating and shelters are acceptable in the overall context of the sports centre.
- The proposal complies with Policy and approval is recommended.

There were no speakers for the application.

There were no questions put.

Proposed by Councillor McGurk

Seconded by Councillor Scott

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

The Chair put the motion to the Committee to vote.

10 Members voted For, 0 Members voted Against, 0 Members Abstained.

The Chair declared the motion carried and application approved.

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

## **5.5 LA01/2021/1537/F, Land to the immediate north of 129 Curragh Road Coleraine**

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

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Council Application

**Proposal:** Proposed car park to provide 19no. parking spaces, 5no. drop off spaces and 1no. disabled parking bay to service adjoining school; new access/egress. associated hard and soft landscaping and new community play park area

### **Recommendation**

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

Senior Planning officer presented as follows:

- (Slide) Planning Application LA01/2021/1537. This is a full application adjacent to Culcrow Primary School, Curragh Road, Aghadowey and it is for a proposed car park to provide 19no. parking spaces, 5no. drop off spaces and 1no. disabled parking bay to service adjoining school; new access/egress. associated hard and soft landscaping and new community play park area.
- (Slide) This is the red line boundary of the site. The site is located in the countryside as defined in the Northern Area Plan outside any specific designations. The site abuts the northern boundary of the primary school. There are substantial boundaries along the southern boundary, a well established hedgerow along the site frontage and the remaining 2 boundaries are undefined.
- There is extant permission for a mobile classroom and retention of all weather sports pitch to the rear of the site.
- (Slide) This is the proposed site layout drawing. The proposal includes a new car park to the front of the site incorporating a one way entrance and exit arrangement and includes drop-off spaces. A new equipped play park is located to the rear of this with pedestrian walkways linking the car park and school to this area.
- The mature treed boundary between the site and the school will be retained as will the hedgerow along the site frontage apart from the proposed access points. To provide adequate enclosure and aid integration to the site a landscaped buffer will be provided along the undefined boundaries to include a mix of hedgerow and native tree species.
- (Slide) This is a view along the site frontage. This shows the current arrangement with cars parked along the existing layby which has limited capacity during peak drop off and pick up times. The Curragh Road has an unrestricted speed limit along this stretch of road and the Education Authority have advised that the parking provision is necessary to ensure pedestrian safety.
- It is considered that the proposal meets all relevant planning policies including the SPPS, Policy CTY 1 of PPS 21, PPS 3 in relation to car parking and access arrangements, PPS 8 in relation to the provision of outdoor recreation and PPS 2 in relation to natural heritage.

- The application was accompanied by a Preliminary Ecological assessment and bat roost potential survey. DAERA's Natural Environment Division were consulted and offered no objections.
- DFI Roads, Rivers, Environmental Health Dept, NIW and NIE were also consulted and offered no objection. There have been no 3rd party objection to the proposal.
- Approval is recommended subject to conditions outlined in your Committee report.

The Chair invited C Bryson, Gravis Planning to present in support of the application.

C Bryson endorsed the officer recommendation to approve the application and stated he was available to answer questions.

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

The Chair put the motion to the Committee to vote.  
10 Members voted For, 0 members voted Against, 0 Members Abstained.  
The Chair declared the motion carried.

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

The Chair declared a comfort break at 11.16am for 5 minutes.

\* **The meeting reconvened at 12:00noon.**

The Head of Planning undertook a roll call of Committee members present.

## **5.6 LA01/2021/1027/O, 50m East of 16 Cloughs Road, Cushendall**

Reports, site visit report, previously circulated, presented by Senior Planning Officer, S O'Neill.

**App Type:** Outline Planning

**Reason for presenting to Planning Committee:** Referred Application

**Proposal:** Infill dwelling and garage

### **Recommendation**

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

### **Addendum Recommendation**

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

Senior Planning officer presented as follows:

- (Slide 1) This application is for an infill dwelling and garage at 50 metres East of 16 Cloughs Road Cushendall. This is a referred item. The Documents provided include the Planning Committee Report and Addendum. The Addendum refers to additional information submitted since the previous Planning Committee in the form of a revised site location plan and site layout plan.
- No objections have been received and the consultees are all content subject to conditions. The site is located within the open countryside and is within the Antrim Coast and Glens AONB as identified in the Northern Area Plan 2016.
- The proposal was considered against the policies in the Northern Area Plan, the SPPS and PPS 21 with particular regard to Policies CTY 8, 13, and 14. The proposal was also considered under Policy NH 6 of PPS 2 which relates to AONBs.
- Within Policy CTY 8 of PPS 21 it is stated that Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage. For the purpose of this policy the definition of a substantial and continuously built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- (Slide 2) The site is located between the dwellings at 14 Cloughs Road to the east of the site and by 16 Cloughs Road to the west of the site. There is also a small temporary structure located to the east of the site.
- This is the updated site location plan in which the eastern boundary has been pulled in from the eastern field boundary.
- Slide 3 This is the updated site layout plan. The frontage of the site has now been reduced but the plot size remains much larger than the dwellings at 14 and 16 Cloughs Road. Further to this the proposed site is still not located within a small gap site located within a continuously built-up frontage and any development here would create a ribbon of development.
- (Slide 4, 5 and 6) This photograph shows the dwelling at 14 Cloughs Road which is stepped back from the main road via laneway which provides access to the dwelling and an agricultural laneway.
- This photograph shows the laneway which is used to access the dwelling at 14 Cloughs Road in context with the site and the dwelling at 16 Cloughs Road which can be seen in the background.

- This aerial photograph shows that the site is accessed off the main road via a small laneway and does not have a frontage onto Cloughs Road. As the dwelling at 14 Cloughs Road does not have a road frontage it cannot be considered a building located within a substantial and continuously built-up frontage.
- (Slide 7) This is a photo of the dwelling at 16 Cloughs Road which does have a frontage onto the main road. Due to the siting and small-scale nature of the garage and barbecue hut these structures do not contribute to a substantial and continuously built-up frontage.
- (Slide 8 and 9) This shows the temporary structure located to the east of the site from the main road. This is an alleged unauthorised building and is subject to investigation. Given its temporary nature this cannot be considered a building for the purposes of this policy CTY 8. This is supported in appeal reference 2019/A0105 where a corrugated sheet structure was not accepted as a structure that contributes to a substantial and continuous built-up frontage. The temporary structure also does not have a frontage onto the main road. Given the fact that the dwelling at 14 Cloughs Road does not have a frontage onto the road and that the temporary building has been discounted it is considered that the proposed site is not located within a substantial and continuously built-up frontage and would therefore create a ribbon of development along Cloughs Road. The proposal fails Policy CTY 8 of PPS 21.
- (Slide 10) This shows the current frontage of the site which is very open. It is considered that the site is unable to provide a suitable degree of enclosure for the proposed building to integrate into the landscape and would rely primarily on new landscaping for integration. The proposal will also have a detrimental impact on rural character and the special character of the AONB. The proposal fails to comply with Policy CTY 13 and CTY 14 of PPS 21 and Policy NH6 of PPS 2 which relates to development in an AONB.
- Refusal is recommended.

In response to questions from Councillor McMullan, Senior Planning Officer clarified the eastern boundary had been pulled in to reduce the frontage and overall plot size but is much larger than no. 14 and 16 Clough Road. It remains that this is not a small gap site within a substantial and continuously built-up frontage as the only dwelling accepted is no. 16. The proposal is not acceptable under Policy CTY8 as the dwelling at no. 14 and temporary structure discounted.

The Head of Planning clarified the key issue of the proposed application is that it is not a small gap site in a substantial and continuously built-up frontage. Only no. 16 has a frontage; no. 14 is set back and does not have a frontage. Policy CTY8, requires a substantial and continuously built-up frontage and this principal has not been met. It does not meet the criteria for an infill. No. 14 access off a lane and does not have frontage achieved.

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

J Simpson stated the site is located in an agricultural field located between an agricultural shed and dwellings, adjacent to no. 14; all consultees are content. The site is located in the open countryside and not subject to zoning. It is a gap site and is acceptable in size in this rural character location; the plot sizes are the same. Under Policy CTY8 it is in a line with 4 buildings making a substantial and built-up frontage; the wooden permanent structure is a shed under permitted development within 75m of the agricultural holding. Indicative site plan shows this meets policy; all other points can be addressed in Reserved Matters and orientation of dwelling. No's 16 and 14 and application site, to East and West approaching the site complies with policy CTY 13; does integrate and not a permanent feature. Existing landscape and existing vegetation retaining a degree of enclosure.

J Simpson cited from Policy CTY13 para. 5.62, and stated the application meets with Policy. The rural design in simple shapes and forms, traditional design, will have no detrimental change to the rural area. Along the road will integrate without impacting amenity in this area. There have been no objections, complies with Planning Policy and hoped a positive decision could be reached.

There were no questions put to the speaker.

In response to questions from Councillor McMullan, Senior Planning Officer clarified the building referred to does not have road frontage, shed is under investigation, no. 14 Clough Road is set back on a laneway, only no 16 has road frontage. The rural character of the site is very open and fails to integrate due to limited vegetation and bound by a post and wire fence. Substantial and continuously built-up frontage is the main issue, these issues still remain and does not comply with Policy CTY8. The application is also relying primarily on new vegetation. It will create ribbon of development detrimental to rural character, extends the ribbon of no. 14 and no. 16.

The Chair invited The Head of Planning to address Committee.

The Head of Planning reminded Committee of key issues of this application. She referred to ribbon development and advised buildings in a row of dwellings that read as a line of development. Approval of this site would create a ribbon of development. The key principle is that the proposal does not meet the criteria for an infill in a substantially and continuously built-up frontage. Head of Planning reminded Committee of previous decision and the East Road Drumsurn Judicial Review Case, where access was back off a laneway. She advised it does not meet a substantial and continuously built-up frontage, does

not integrate into the land form, the use of new landscaping alone is not acceptable, and the site is within an AONB.

Proposed by Councillor McMullan

Seconded by Councillor Nicholl

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve outline planning permission for the reasons:
- Under Policy CTY 13 it can be integrated and design can be brought forward, it can be road frontage;
- Integration – taking account of the geographical setting on the ground, it can be carried out sympathetically and not out of character; the road rising, those at the bottom integrate better, the application should have been looked at from the top of Clough Road, looking down;
- Under Policy CTY8 PPS 21 development pattern and plot size can be agreed with Planning and the Agent and can be road frontage;
- The dwelling is for a young couple setting up business and wish to get back into the countryside;
- The dwelling does integrate under Policy CTY14;
- No. 14 has road frontage, in line with no. 16, plot sizes are the same, looking down Clough Road.

The Head of Planning stated setting up a car business was not the subject to this application; a car business does not form part of the proposal. The Head of Planning sought clarification as there was only one dwelling with frontage. The Head of Planning reminded Committee of Policy CTY8 and comments from the Judge on East Road Judicial Review and the recommendation in front of Planning Committee.

The Chair put the motion to the Committee to vote.

3 Members voted For, 7 Members voted Against, 0 Members Abstained.

The Chair declared the motion lost and application refused.

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

## 5.7 LA01/2021/0588/F, 53 Ballymaconnelly Road, Rasharkin

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

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Referred Application

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

**Recommendation**

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

Senior Planning Officer presented as follows:

- Full planning permission is being sought for the replacement of existing timber fence and gates and new perimeter fence to commercial yard consisting of 2m high polyester powder coated welded mesh fence and gates
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. You have the planning committee report.
- (Slide) The site is located within the open countryside and is not within any designations or zonings adopted in the Northern Area Plan 2016 --- here is a satellite image showing the location of the site in relation to Rasharkin.
- (Slide) this is the site location plan showing the site outlined in red. The proposal seeks to enclose the site area with a 2m fencing and gates at the two accesses along the front elevation.
- Now looking at some photos of the site, (slide) this photo shows the site as you travel along Ballymacconnelly Road and you can see the site sited along the roadside.
- (Slide) This photo shows the site from the opposite side of the road, and you will note the open nature of this, and the existing low level boundary treatment.
- (Slide) This photo shows the site from the other side and again you will note the appearance of the site and the hedges/walls which currently appear in this area and are not overly dominant or prominent in the area.
- (Slide) This slide shows the proposed style of the fence and gates proposed and the siting of the fencing and gates which is delineated by the green line shown on the slide.
- It is considered that the proposed fencing is unsympathetic in the rural location and is unduly prominent from the public road and has an unacceptable impact on rural character.
- DfI Roads and NED have been consulted and raise no objection.
- The proposal is contrary to Paragraph 6.70 of the SPPS in that it does not integrate into its setting, respect rural character and is not appropriately designed.
- Refusal is recommended.

No questions were put.

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



L O'Neill stated the application is for a 2m high fence and gates to replace the timber fence and gate. He had submitted 15 photographs of other businesses in Causeway Coast and Glens within 2-3 miles of the area that had the same fencing. The site is a large steel canopy structure, was removed as it was more of an eyesore. The applicant wishes to create a new business and create local jobs, there have been no objections and none from neighbours. Those opposite are glad to see the area cleaned up of previous old trucks and a scrap yard.

In response to questions from Elected Members, L O'Neill clarified he had submitted 15 photographs taken within 1 mile of a local car dealer on Finvoy Road, Rasharkin, A Diamond Coleraine, Car and Home Supplies Agivey Road. The site was formerly derelict and the applicant plans to sell cars, tyres, and to set up a valeting business and provide employment, the fencing is to provide security.

Councillor Nicholl considered the application may lend itself to seeing the site on the ground.

Proposed by Councillor Nicholl

Seconded by Councillor McGurk

- That Planning Committee defer the application and hold a site visit, in order to take into consideration the surrounding area and in relation to the other sites.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred.

**RESOLVED** - That Planning Committee defer the application and hold a site visit, in order to take into consideration the surrounding area and in relation to the other sites.

L O'Neill stated he wished to address Committee again.

The Chair advised of the protocol and did not invite L O'Neill to speak.

## **5.8 LA01/2021/1077/O, 30m NE of 40 Novally Road, Ballycastle**

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

**App Type:** Outline Planning

**Reason for presenting to Planning Committee:** Referred Application

**Proposal:** Proposed infill dwelling

**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** outline planning permission for the reasons set out in section 10.

Senior Planning Officer presented as follows:

- Outline planning permission is being sought for 1 no. dwelling on the site.
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. You have the planning committee report.
- (Slide) The site is located within the open countryside as designated in the Northern Area Plan 2016 and here is a satellite image illustrating the location of the site in relation to Ballycastle to the east.
- (Slide) this is the site location plan showing the site outlined in red, with Nos 36 & 40 Novally Road to the east and west.
- (Slide) This is the satellite image, you can see the dwellings at Nos 36 & 40 and their relationship to the application site. I would just point out arrangement of No.40 which has its access abutting the road, while the dwelling is set back, away from the road.
- Now looking at some photos (Slide) you will see the site and how it sits next to the road. You will observe the dwelling at No.40 in the background.
- (Slides) these next 2 photographs show the dwelling at No.36 and how its curtilage abuts and is contiguous with Novally Road. For the purposes of Policy CTY 8 and assessing if a gap site exists for the purposes of an infill dwelling which is being sought in the determination of this application, it is considered that this dwelling has a frontage to Novally Road.
- (Slide) as we move beyond the tree line shown in the previous photo we reach the site and can see its frontage to the Novally Road. The site also has a frontage to Novally Road for the purposes of policy CTY 8.
- (Slide) this final photo shows No 40. And you will note this is an access. As set out in your report, an access does not constitute a frontage for the purposes of policy CTY8. For a site to qualify as an infill opportunity, policy requires that there must be a minimum of a line of 3 buildings sharing the same road frontage with the application site. As No.40 does not have a frontage, it is considered that the proposed dwelling does not sit within a substantial and continuously built-up frontage as required by the policy. Even if one was to accept No.40 had a frontage, as there are only frontages to Nos 36 & 40 Novally Road, the minimum requirement has not been met, as there is not a line of 3 buildings sharing the same road frontage.
- (Slide) As there is no substantial and built-up frontage, the further policy tests of policy CTY 8 cannot reasonably be assessed. There is no frontage to respect and no existing development pattern along the frontage to consider in terms of size, scale, siting and plot size. It is considered to fail the policy tests of policy CTY 8.
- As the proposal fails to satisfy the requirements of policy CTY 8, the proposal fails to meet policy CTY 1. The proposal, if approved, would create a ribbon of development along Novally Road with No.36.

- There is outstanding information required to address DfI Roads concerns. Although it is possibly this may be addressed with the necessary information, as the principle of a dwelling at this site was considered unacceptable in policy terms, this information was neither sought nor submitted by the Agent.
- All other consultees raise no objection to the proposal.
- As the proposal does not meet any of the development types that are acceptable as set out in policy CTY 1, refusal is recommended.

No questions were put.

The Chair invited C McGarry to speak in support of the application. C McGarry stated under Policy CTY8 the application meets the policy requirement for a small gap site in a substantial and continuously built-up frontage. In reference to no. 40, he referred to paragraph 5.33 of PPS 21 which states that road frontage includes footpath or private lane. He advised that it is clear the site adjoins the road. He advised that the photographs are from 2015 and are not an accurate reflection of site. he referred to wing walls onto the road and therefore considered this to be frontage.

C McGarry referred to Planning Appeal 2019/A0019 advising it is contextually different from the site; the Commissioner accepted the buildings, rejected to the rear, fails on plot size; this site does not. He referred to another PAC decision directly quoting from it in relation to the positioning to rear of buildings; he advised this is not comparable to this site. he considered it to be contextually different and unfair to be used for comparison to this application. He referred to a further PAC decision 2019/A0105. This related to tin sheets set together with a roof and referred to the definition of a building in the Planning Act. He stated that No. 4 is a building with concrete foundations and bolted to the ground. Evidence of 1 November 2021 demonstrates that it does constitute a building and can be in the test.

C McGarry advised that when viewing from the public road, the site is visually apparent with the other buildings and prominent from the roadside, images do not represent this. He referred to paragraph 5.33 of policy CTY8 and stated that dwellings staggered back can be frontage so long as visually linked with this plot. It is prominent from roadside and justified the application is compliant with policy CTY8. Policy AMP2 roads issues can be met and submitted. He considered the application to be unfairly assessed as he considered it to meet planning policy. The application is for a young farmer employed in farming industry and meets wider objectives of SPPS and RDS 2035.

In response to questions from Elected Members, the Senior Planning Officer, M Wilson, clarified PAC Policy interpretation requires building to have frontage and access does not constitute a frontage. He corrected the misuse of the word curtilage in the planning committee report at para. 8.5. He advised that ribbon development does not have to be served by access, and access is not a

frontage for substantially and continuously built-up frontage, referring to PAC decisions. The Senior Planning Officer referring to para.s 5.33 and 5.34 of policy CTY8 stated the building must have frontage to be considered as part of a substantial and continuously built-up frontage by Committee and Planning Appeal Commission, and access alone does not constitute a frontage under Policy CTY8 to qualify as an infill opportunity. Ribbon development however, does refer to set back or at angles to the road.

C McGarry indicated he wished to address Committee again.

The Chair advised of the protocol and did not invite C McGarry to speak.

Proposed by Alderman Duddy

Seconded by Alderman Boyle

- 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** outline planning permission for the reasons set out in section 10.

The Chair put the motion to the Committee to vote.

9 Members voted For, 0 Members voted Against, 0 Member Abstained.

The Chair declared the motion carried and application refused.

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

There was no response to the call to vote from Councillor Dallat O'Driscoll.

The Chair declared a recess for lunch for one hour at 1.19pm, to resume at 2.20pm.

\* **The meeting reconvened at 2.25 pm.**

**LA01/2021/0245/F, 99 Muldonagh Road, Claudy**

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

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Referred Application

**Proposal:** Retrospective application for new open agricultural shed for storage of farm vehicles and farm machinery associated with existing working farm

**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.

Senior Planning Officer presented via powerpoint presentation:

- (Slide) The site is located in the rural area outside any Settlement Development Limit. The site is not located within any environmental

designations. The character of the area is predominantly agricultural with some roadside dwellings and associated buildings.

- (Slide) The site is roadside and is adjacent to no 99 Muldonagh Road. The roadside boundary is defined by a wall with hedge. The eastern boundary is defined by existing buildings. The southern boundary is defined by an existing yard. The curtilage of no 99 defines the western boundary.
- (Slide) This is a retrospective application which seeks permission for the retention of the open agricultural shed for the storage of farm vehicles and machinery associated with existing working farm.
- (Slide) The shed is constructed from metal framework finished in green profiled metal sheeting.
- (Slide) Measures approx. 18.5m x 6m width and has an additional screen element which projects out from the western elevation by 4m resulting in an overall length of 23m (113 sq. m. footprint).
- (Slide) This is the view on approach from the east. The proposal falls to be determined under the SPPS and PPS21. Policy CTY12 provides for agricultural and forestry development on an active and established farm where the proposal is necessary for the efficient use of the holding and where a range of criteria and siting requirements are met. From the details provided, DAERA have confirmed that the farm business is active and has been established for the required period of 6 years. The appellant has confirmed that they have approximately 100ha, that the main crop is grass which accounts for 30ha per year, the main stock are stock cattle approximately 60 per year (currently have 38 head) and lambs graze over winter. No further details were provided of flock or herd or any other farming activities. The first criteria of policy CTY12 requires the development to be necessary for the efficient use of the agricultural holding. No. 99 is the registered address of the farm business. The appellant has stated that the 4 existing buildings at no. 99 are currently utilised for agricultural use.
- (Slide) A contracting business (scaffolding) is also registered to this address and from the inspections carried out by the case officer (May 2021, Jan 22) during the processing of this application much of the adjacent space is being used for a staff car park.
- (Slide) Some of the buildings are being used for other uses rather than for agriculture. The applicant provided a list of machinery which was part of the farm business (listed at para 8.6 of the committee report). At the time of the site inspections there was very little evidence of the machinery being stored at the building subject of this retrospective application.
- (Slide) Other buildings exist on the holding approx. 220NW of no 99 at no 92. These buildings are in various states of repair and some are under-utilised but it would appear that these are where the animals are housed and machinery stored. This is evidenced by the visual inspection survey.
- The reason given for the new building is in order to move everything to no 99. No reason has been forthcoming as to why the existing buildings at no 92 cannot be improved or secured or why the buildings at no 99 could not be fully utilised. It would also have been reasonable to have expected the machinery to already be stored at the retrospective shed as it already exists but this does not appear to be the case.

- It has not been demonstrated that the retrospective building is necessary for the efficient use of the holding as all existing buildings on the holding are not fully utilised and it has not been demonstrated that the building is necessary in this location for the efficient use of the holding as there appears to be limited storage of agricultural machinery at this location currently or that there are overriding reasons why the development is essential.
- The proposal is therefore contrary to policy and refusal is recommended.

In response to Elected Member queries Senior Planning Officer clarified as follows:

There were buildings in and around the site application. A building south of the existing yard was locked and a further two buildings were used for car, ladders, fridges, scaffolding. Buildings are not shown on farm maps, however the land which surrounds the building to the south is shown on the map. There are five sheds located at No 92 Muldonagh Road and buildings in and around No 99 Muldonagh Road, the subject of the application. There were no cars on site at the signposted car parking area on the day/s the case officer visited.

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

D McLaughlin advised that the applicant wished to retain the open agriculture sheds associated with the existing working farm. The applicant and his son as part of the application process, were asked to omit the wing wall and agreed to do so. The family have been farming on this site for 100 years, on 200 acres of land, have 60 cattle and machinery includes 5 tractors, 4 trailers and an extensive range of equipment. Over the years, the focal point of the farm has moved to No 99 Muldonagh Road. The applicant's mother lives at No 92 Muldonagh Road, where animals had been stolen and the sheds in poor condition which was evidenced by a structural condition survey. The sheds at No 92 Muldonagh Road are rarely used and animals are now located at No 99 Muldonagh Road. The Planning Department accept the application meets 4 of the 5 criteria of policy CTY12. Only item (a) 'Required for efficient use of agriculture holding' is in question. This is evidenced by a £25k investment of a 9m x 6.5m fully open aspect shed for parking of tractors and trailers during the day where there are no other suitable buildings. This is evidence of essential use of the farm. Design and materials are acceptable and sited beside existing farm buildings. If it meets policy CTY12 then it meets policy CTY1. No objections have been received and No 99 Muldonagh Road is the heart of the farm. This is a finely balanced decision and requested approval.

In response to questions from Elected Members, D McLaughlin clarified:-

- A structural report in March 2022 showed the building at No 92 Muldonagh Road was in poor condition and under-utilized since the passing of the applicant's father;
- The applicant's mother would prefer, due to concerns for security and safety that the storage was located adjacent to where her son lives at No 99 Muldonagh Road;
- The equipment referred to by the Senior Planning Officer included fridges for storing medicines for animals;
- The carparking sign is to ensure parking for 1 full time and 1 part time staff member employed by the family scaffolding business;

- The reason why there was not a lot of machinery in the shed at the time the case officer visit is because it was out on land;
- Cattle are currently housed during bad weather conditions at No 99 Muldonagh Road;
- The sheds at No 92 Muldonagh Road are around 50-60 years old and the shed as part of the current application was erected 2 ½ years ago.

In response to Elected Members questions, Senior Planning Officer provided further clarity as follows;

During the visit by the case officer on 9 March 2022 all the sheds were considered. Some were found not to be watertight, internal stanchions corroded, covering to tank in poor condition including water egress and rot. It was evident that limited use was being made of shed and recommended by case officer to keep out of shed until remedial works were completed. Cattle were located to the rear of the shed. There is no reason why the sheds could not be repaired and photos showed that cattle were being stored at this location during the visit.

Proposed by Councillor McGurk  
Seconded by Alderman Duddy

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

- Report details structural issues, water egress and timber problems in terms of wet rot;

- The main hub of the farm is at No 99 Muldonagh Road due to the age of the applicant's mother. Planning Officers agree that 4 of the 5 criteria under policy CTY12 have been fully met. It is obvious a current farm business is being run.

- Original buildings at No 92 Muldonagh Road showing age, issues with stanchions.

- £25k was spent on new sheds. Health and safety is paramount to ensure the welfare of animals and safe storage of machinery. Other 4 criteria under policy CTY12 are met.

- Security issues and concerns around potential theft is a major issue in rural areas and impact on the rural economy. Need has been shown.

The Chair put the Proposal to the Committee to Vote.

10 Members voted For; 0 Members voted Against; 0 Members voted Abstained.  
The Chair declared the motion Carried and application approved.

**RESOLVED:** that the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the reasons:

Report details structural issues, water egress and timber problems in terms of wet rot;

- The main hub of the farm is at No 99 Muldonagh Road due to the age of the applicant's mother. Planning Officers agree that 4 of the 5 criteria under policy CTY12 have been fully met. It is obvious a current farm business is being run.
- Original buildings at No 92 Muldonagh Road showing age, issues with stanchions.
- £25k was spent on new sheds. Health and safety is paramount to ensure the welfare of animals and safe storage of machinery. Other 4 criteria under policy CTY12 met.
- Security issues and concerns around potential theft is a major issue in rural areas and impact on the rural economy. Need has been shown.

**AGREED** that Conditions and Informatives are Delegated to Officers

#### **5.10 LA01/2021/0525/O, Lands approx. 10m north west of 4-7 High Road Portstewart.**

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

**App Type:** Outline Planning

**Reason for presenting to Planning Committee:** Referred Application

**Proposal:** Construction of subterranean dwelling with above ground car parking

#### **Recommendation**

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

Senior Planning Officer presented via powerpoint presentation:

- The site is located within the Portstewart Settlement Development Limit, within an Area of Archaeological Potential and Local Landscape Policy Area Designation PTL 03.
- The site shown here as the green verge falls under the definition of amenity green open space set out in Annex A of PPS 8 'Open space Sport and Outdoor Recreation. PPS 8 Policy OS 1 has a presumption against the loss of open space, such loss is only permitted in exceptional circumstances and as set out in the report the proposal does not meet with any of the listed exceptions.
- We have also recommended refusal for the impact on the features of the designated LLPA; the plan policy states that the grass banks should be retained in their present state.
- We have also recommended refusal under Policy QD 1 of PPS 7. The proposed residential unit does not provide a quality residential environment, it would impact adversely on the character of the area and the LLPA, the proposal does not provide any private amenity area and



would cause conflict with adjoining land uses that could overlook directly into the windows.

- NIW have also objected due to the significant NIW infrastructure below the site that they would not permit being built over.
- The floor plan of the proposed unit shows a 2 bedroom unit.
- The only light source is through small roof openings shown on this plan. Parking spaces are formalised to the front of the existing properties at High Road.
- The plan shows the sections through the site of the proposed development. The construction will require the removal of the existing grass verge and a structure inserted with the finished floor level below the public road. The structure is not fully covered and the angle of the roof lights are shown in the section. The applicant has indicated that the proposed unit would be grassed over though no details of this have been provided other than the roof.
- The present grass verge provides a contribution to the amenity value of the townscape and contributes to the character and setting of the properties on High Road. This is characteristic of all dwellings on High Road from this site along to the York Hotel. The loss of this area would have a significant adverse impact on the character and townscape and fail to provide a quality sustainable residential unit.
- The existing informal parking on the area.
- We have recommended refusal with the 5 reasons set out in section 10.
- A meeting was held on this application where the reasons for refusal were discussed with the applicant. There are no speakers registered to speak.

There were no questions put.

Proposed by Alderman Duddy  
Seconded by Councillor McGurk

- 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 conditions set out in Section 10.

The Chair put the Proposal to the Committee to Vote  
10 Members voted For; 0 Members voted Against; 0 Members Abstained  
The Chair declared the motion Carried.

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

\* **Alderman Boyle left the meeting at 3.15 pm**

#### **5.11 LA01/2019/0337/F, Lands at 30 Glenlough Road and lands to the rear of 28 Glenlough Road, Ballymoney**

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

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Referred Application

**Proposal:** Retention of existing lockbox storage facility (40 no. storage containers and existing vehicular access point, provision of earth bunding with landscaped planting buffer on south eastern boundary and landscaped planting on south western boundary of established commercial site. (Site formerly used for hard stand for the sale and hire of leisure vehicles and head offices for Guard Force Security Ltd).

**Recommendation**

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

**Addendum Recommendation**

That the Committee note the contents of this Addendum and agree to refuse the application for the reason set out above.

**Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree to defer the application to allow consultation and neighbour notification.

Senior Planning Officer presented via powerpoint presentation:

- 2 Addenda have been submitted.
- The application for Lockbox just off the Glenlough Road and visible from the Frosses Road outside Ballymoney was approved by the Planning Committee in August 2021. The application was to be held to allow the submission of revised drawings to address outstanding DFI Roads concerns. Drawings and consultation were carried out on 2 occasions and failed to meet DFI Roads standards. Further requests were made and as no plans were submitted the application was again placed on the committee list. Following this, amended plans were received that appear to address the concerns subject to further consultation with DFI Roads and neighbour notification. On this basis we have recommended that the application is deferred to allow further consultation.

Proposed by Councillor Nicholl  
Seconded by Alderman S McKillop

-That Planning Committee has taken into consideration and disagrees with the recommendation to defer and resolves to approve the application, subject to Department for Infrastructure Roads acceptance of amended plans as agreed in August 2021.

The Chair put the Proposal to the Committee to Vote.  
9 Members voted For; 0 Members voted Against; 0 Members Abstained.

The Chair declared the Motion Carried.

**RESOLVED:** That Planning Committee resolves to Approve the application, subject to Department for Infrastructure Roads acceptance of amended plan as agreed in August 2021.

### 5.12 LA01/2021/0987/O, 60m South of 71 Sconce Road, Coleraine

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

**App Type:** Outline Planning

**Reason for presenting to Planning Committee:** Referred Application

**Proposal:** Retirement Bungalow

#### **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** outline planning permission for the reasons set out in section 10.

#### **Addendum Recommendation**

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

The Senior Planning Officer presented as follows:-

- (Slide) This application is for a retirement bungalow at 60 metres south of 71 Sconce Road Coleraine. This application was assessed under Policy CTY 10 Farm dwellings and Policy CTY 6 Personal Circumstances. This is a referred item. The Documents provided include the Planning Committee Report and Addendum. The Addendum refers to the planning history and foundations located close to the site. No objections have been received and the consultees are all content subject to conditions except for DAERA who raised concerns with the proposal.
- (Slide) The site is located within the open countryside and is located within the Binevenagh Area of Outstanding Natural Beauty as identified in the Northern Area Plan 2016. The proposal was considered against the policies in the Northern Area Plan, the SPPS and PPS 21 with particular regard to Policies CTY 6, 10, 13 and 14.
- Within Policy CTY 10 of PPS 21 it is stated that planning permission will be granted for a dwelling house on a farm where (a) the farm business is currently active and has been established for more than 6 years, (b) where no dwellings or development opportunities have been sold off the farm and (c) where the new building is visually linked to cluster with an established group of buildings on the farm.
- Although DAERA did identify that the farm business had been in existence for at least 6 years it was stated that the farm business had not claimed payments through the Basic Payment Scheme or Agri Environmental

scheme in each of the last 6 years. DAERA also stated that the proposed site is located on land associated with another farm business. The agent was contacted in relation to this and a request to provide any evidence to confirm that the farm business has been active in the each of the last 6 years was made. In response it was stated that the applicant had claimed farm payments up until 2018 and had only let out the land after that due to ill health. As the farm is currently not active this proposal fails to meet with criteria (a) of Policy CTY 10.

- It is considered that the proposal would comply with criteria (b) as there have been no dwellings or development opportunities sold off on the farm holding within 10 years of the date of the application. The proposal also complies with criteria (c) as the proposed dwelling would visually link with established farm buildings on the farm.
- Within Policy CTY 6 it is stated that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the following criteria are met where (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances and that genuine hardship would be caused if planning permission were refused where (b) there are no alternative solutions to meet the particular circumstances of the case to include extension or annex attached to the existing dwellings and conversion or reuse of an existing building within the curtilage of the property.
- Medical information was submitted and a letter was provided from the applicant's doctor which provided support for the application to provide a single storey dwelling. However, no details have been provided to outline the specific care required by the applicant and no evidence has been provided in relation to the long term needs of the applicant.
- Furthermore, it has not been demonstrated that alternative solutions have been explored such as an extension or annex attached to the existing house. Finally, no information has been submitted as to why the applicant could not buy a house in the immediate vicinity of the dwelling at 71 Sconce Road.
- (Slide) This aerial photograph shows the site and the foundations for a dwelling approved under application C/2006/0972/RM. Although this would be subject to a Certificate of Lawful Development to demonstrate that a material start has been completed within the correct timeframes this is another option that could be explored to provide accommodation for the applicant.
- Given this the proposal fails to meet criteria (a) and (b) of Policy CTY 6.
- (Slide) This photograph was taken from Sconce rRad looking toward the site which is shown by the blue arrow.
- (Slide) This photograph is zoomed in to show some context on the site; the proposed dwelling would be screened by existing hedges and trees and would also have a backdrop of the farm buildings located to the rear of the site. The dwelling will be located to the front of the agricultural shed.

- (Slide) This photograph is taken from the laneway used to access the site. The site is screened by existing hedgerows.
- (Slide) This photograph shows the site located to the left side of the photo.
- Overall the proposal fails to comply with criteria (a) of Policy CTY 10 and also criteria (a) and (b) of Policy CTY 6. This application is recommended for refusal.

There were no questions put.

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

D Hutchinson advised he had a list of medical conditions and had been letting lands to a neighbour due to ill health since 2018. He currently lives in a two storey house and is no longer able to manage the stairs. A disabled bungalow would be a great help in remaining independent and being able to reside close to the farm buildings. He stated the reason Single Farm Payment was not applied for was because of declining health and he had gifted some land to his younger brother for help in setting up farm.

D Hutchinson stated his daughter and husband plan to take over the farm and if the application is not approved, there would be no option but to go to a residential home, and he wished to assist his daughter and give advice on running the farm in a bid to maintain the farm land and keep it in good condition.

There were no questions put to D Hutchinson.

At the request of Elected Members, Senior Planning Officer advised there was no evidence the farm was active since 2018 and no evidence had been submitted which determined the need of the applicant.

Proposed by Alderman S McKillop  
Seconded by Councillor Hunter

-That Planning Committee defer the application for submission of evidence relating to farming activity and medical care needs.

The Chair put the Proposal to the Committee to vote.  
9 Members voted For; 0 Members voted Against; 0 Members Abstained  
The Chair declared the Motion Carried and application deferred.

**RESOLVED** - -That Planning Committee defer the application for submission of evidence relating to farming activity and medical care needs.

The Chair declared a recess for a comfort break at 3.50 pm

\* **Alderman S McKillop and Alderman McKeown left the meeting at 3.50 pm.**

The meeting reconvened at 4.00 pm.

The Head of Planning undertook a roll call.

## **6. DEVELOPMENT MANAGEMENT AND ENFORCEMENT**

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

## 6.1 Planning Annual Report

### Background

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases and these are reflected in Council's Performance Improvement Plan 2021-22 and the Planning Department Business Plan 2021-2022.

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 KPIs are:

Objective 1: Improve performance in relation to processing planning applications

- Local applications processed from date valid to decision or withdrawal within an average processing time of 19 weeks
- Major applications received in this business year to be processed from date valid to decision or withdrawal within an average processing time of 50 weeks
- 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.
- Reduce the number of over 12 month applications in the system by 10%.
- Stable Staff Resource

Objective 2: to manage finance, staff, information and other resources effectively and efficiently within the corporate governance framework

- Reduction in number of Agency staff employed
- Number of cases where Ombudsman determines where maladministration is less than 0.5% of all decisions made.

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 2021/22 Annual Statistical Bulletin will not be published until July 2022 and therefore

unvalidated statistics are used to analyse performance at this time.

### Details

Website link 1

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-october-december-2021> provides the link to the published bulletin for Q1-Q3 of 2021/22 business year.

### Objective 1: Improve performance in relation to processing planning applications

Table 1, previously circulated provided a summary of performance in relation to major development applications and local development applications for the 2021-22 business year based on unvalidated statistics.

*KPI1: Local applications processed from date valid to decision or withdrawal within an average processing time of 19 weeks*

In the 2021/22 business year, Causeway Coast and Glens Borough Council received the 1,248 local category of planning applications and determined 1,214 applications to decision/ withdrawal. The average processing time taken to process from date valid to decision of 18.8 weeks met the Business Plan KPI of 19 weeks. It demonstrates continuous progress in reducing the average processing time for local applications in a drive to meet the statutory target of 15 weeks. It is 2 weeks faster than the previous business year and the fastest since transfer of powers in April 2015. It is important to continue this improvement into the next business year with the front-loading of planning applications and assessments.

*KPI2: Major applications received in this business year to be processed from date valid to decision or withdrawal within an average processing time of 50 weeks.*

Analysing the statistics based on major hierarchy category there was a significant improvement in the average processing times for major category of applications, processing more applications to decision/withdrawal than the previous business year and in a time 31.6 weeks faster than the previous business year at 54.6 weeks. Of the 16 major planning applications decided/withdrawn, 1 has been determined within the 50 week business plan KPI and the remainder remained live in the system but still with the potential to be determined in less than 50 weeks. Therefore, this business plan KPI has been achieved. Focus will continue into the next business year to process the remaining major applications received within the 50 week target and drive forward to reduce the average processing time closer to the statutory target of 30 weeks. However, delays due to NI Water infrastructure issues has the potential to impact on average processing times where applicants have not

engaged with NI Water and agreed a solution prior to the submission of the application.

*KPI3: 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.*

Table 2 circulated provided a summary of performance in relation to enforcement activity for the 2021-22 business year.

The business plan KPI and the statutory target to progress 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint have both been achieved in this business year. Due to staff vacancies within the Enforcement Team and backlog of site visits due to the Covid 19 restrictions, the number of live cases has increased. A permanent planning assistant has been appointed and this will assist in relieving some of the pressures on other staff within the team in dealing with new cases, allowing them to balance their casework with other workload including enforcement appeals and attendance at court. Going forward, caseloads will require to be carefully monitored and the vacant SPTO post filled to further reduce pressures on staff and continue to meet the statutory target and reduce live cases.

*KPI4: Stable Staff*

Recruitment of staff to fill vacant posts at various grades was undertaken during the business year resulting in appointment of permanent staff into the vacant posts and agency staff to fill FTC posts including secondments. At the end of the business year only one permanent Planning Assistant post remained to be filled and this had been offered to the successful candidate who was at that time undergoing the pre-employment checks. The appointment of a solicitor to deal with planning on a part-time issue is also complete. The recruitment campaign to fill the vacant post at Senior Planning Officer grade due to resignation in February 2022 will be undertaken in Q1 of the next business year. The successful recruitment of staff over this business year has resulted in a stable compliment of staff at the end of this business year and hence achieving this KPI.

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

*KPI5: Reduction in the number of temporary staff*

The Planning Department commenced the year with 7 agency staff covering a career break, secondment, maternity leave, fixed term contract posts etc. By 31 March 2022 the number of agency staff has reduced to 5 covering a mixture of 3 FTC posts, a long-term sick leave post and maternity leave post. This has been achieved through the recruitment of permanent staff, return of staff from career break and secondment.



*KPI6: Number of cases where Ombudsman determines maladministration is less than 0.5% of all decisions made.*

The Planning Department successfully met this KPI. Over the business year, of the planning application decisions issued and enforcement cases closed, the number of cases where the Ombudsman determined maladministration was on 0.14% of decisions. This related to a total of 2 cases requiring the issuing of a letter of apology and a review of the enforcement strategy and the review of the case central to one of the determinations. A review of the complaints procedure is being undertaken centrally.

### Other Activity

#### *Development Plan Team*

Over the business year the Development Plan Team continue to engage with key stakeholders in the Local Development Plan (LDP) process. Work continued on the gathering of evidence and completing the necessary studies to inform the policies, including landscape study, settlement appraisals and annual monitoring work. Workshops have continued with Members on the review of LDP policies for inclusion within the draft Plan Strategy. The LDP Steering Group agreed the first batch of policies on 18 January 2022 and these have been discussed with Shared Environmental Services who will undertake the Sustainability Appraisal on behalf of Council. At the end of this business year only 1 workshop remained to be held, in line with the work programme.

Collaborative working with internal and external stakeholders continued throughout the business year including AONB Masterplans, Town Teams, Revitalise and extensive work in the development of the new Planning Portal. This work continues into the next business year.

#### *Planning Review*

The report from the independent Planning Review was published in this business year and work commenced on implementing the key recommendations from the report. A Planning Review Steering Group was established incorporating 8 Members, the Chief Executive, Director of Corporate Services and Head of Planning to oversee the implementation of these actions. An Action Plan has been developed and progress on each of the actions is reported to the Steering Group. A number of meetings with key stakeholders including the Chambers of Commerce and professional bodies were undertaken over this time to improve relationships and encourage engagement in agreeing improvements to the planning process. Positive engagement with key stakeholders continues and work continues in implementation of the key recommendations from the report.

#### *Other Reviews*

Over the business year there were a number of other reviews of the planning system in Northern Ireland including DfI Review of the Implementation of the

Planning Act (NI) 2011, NIAO Report on Planning in Northern Ireland and Public Accounts Committee Review of Planning in Northern Ireland. The actions from these reports are currently under consideration and we will continue to work collaboratively with DfI to improve the planning system in Northern Ireland. Key actions from the reports that apply to this council will be taken forward in the next business year.

### **Recommendation**

**IT IS RECOMMENDED** that the Planning Committee note the Planning Departments Annual Report.

The Chair welcomed the improvements recorded within the report and congratulated the Head of Planning and her team.

The Head of Planning thanked the Chair of Planning for her remarks.

## **6.2 PAC Report on Planning in NI**

### Purpose

This Report is to provide Members with details on the Report issued by the Public Accounts Committee in relation to Planning in Northern Ireland published 24 March 2022.

### Details

Following the publication of the Northern Ireland Audit Office (NIAO) report, the Northern Ireland Assembly (PAC) has been hearing evidence from key stakeholders on the operation of the Northern Ireland Planning System. The PAC published their Report on 24 March 2022 (Appendix 1, previously circulated).

The Report considers how the system has operated since April 2015 and concludes that it is appalled by the performance statistics and the impact that this has on applicants, developers and communities, risking investment in Northern Ireland.

It found that progress on Local Development Plans (LDPs) is equally poor and commented that the process is stymied by a complete underestimation of the complexity and volume of the work required, necessary skills and resources, compounded by the oversight by DfI.

The Report highlights the Committees concerns about the long-term, cumulative effect of widespread quality issues and the need to amend legislation to improve the quality of planning applications. It calls for a fundamental review, led by someone independent from the Department, to identify the long-term, strategic changes needed to make the planning system fit-for-purpose.

The PAC raised concerns regarding transparency in decision-making and seeks urgent remedial action to ensure better transparency for those applications called in and for applications overturned by a Planning Committee contrary to

the recommendation of the planning officers. They are also seeking greater transparency in the exercise of enforcement powers due to the considerable variation across councils.

The Report noted concerns regarding silo-working within the public sector. It advises that there is an urgent need for radical cultural change in the way in which central and local government interact.

The Report makes 12 recommendations, similar to the recommendations set out in the NIAO Report, and these were set out in the table previously circulated.

### **Recommendation**

**IT IS RECOMMENDED** that the Committee notes the Report from Northern Ireland Assembly Public Accounts Committee on 'Planning in Northern Ireland'.

Elected Members pointed to some of the issues within the process and hoped that Planning would continue to be managed by Council.

## **6.3 Planning Improvement Workshop**

### Purpose

This Report is to provide Members with details on the Planning Improvement

Workshop held on 29 April 2022 to consider the recommendations set out in the NIAO Report, PAC Report, DfI Review of the Implementation of the Planning Act and actions outstanding from the Planning Forum.

### Details

The purpose of the Planning Improvement Workshop was to consider the recommendations from the NIAO and PAC Reports, DfI Review of the Implementation of the Planning Act and actions outstanding from the Planning Forum to deliver improvements to the planning system and future governance arrangements to ensure effective and collaborative delivery of the recommendations.

The workshop was attended by key stakeholders from DfI, Councils and statutory consultees and discussions focused on the prioritisation of the recommendations from the various reports. The priority was allocated based on a voting system with the recommendations receiving the highest number of votes given priority over other recommendations.

A summary of the priority list for action in the short, medium and long-term is attached at Appendix 1, previously circulated.

DfI have requested feedback on the priority list from councils in order to develop an agreed action plan and agree the associated governance arrangements to guide and monitor delivery of the improvements in the planning system.

### Options

- Option 1 – agree the attached list of priority actions in the short, medium and long-term and agree to Head of Planning responding to Dfl accepting the priority list of actions.
- Option 2 – agree a revised list of priority actions in the short, medium and long-term and agree to Head of Planning responding to Dfl recommending a revised list of priority actions.

### **Recommendation**

**IT IS RECOMMENDED** that the Committee notes the Action Plan attached at Appendix 1, previously circulated, and agrees to either Option 1 or Option 2.

Elected Members referred issues surrounding the late submissions causing delays to the whole process and should be made in writing only – moving to Short term; the need for additional resources of statutory consultees; the need to ensure all recommendations are implemented; the requirement for the Independent Commission to be set up expediently.

The Head of Planning agreed to prepare a response including the top three priorities in the long, medium and short term and requirement for expediency of the Independent Commission.

Proposed by Alderman Duddy

Seconded by Councillor McGurk and

**RESOLVED** - That Committee agree Option 2 – agree a revised list of priority actions in the short, medium and long-term and agree to Head of Planning responding to Dfl recommending a revised list of priority actions.

## **7. CORRESPONDENCE**

Report, previously circulated was presented by the Head of Planning and considered as read.

### **7.1 Co. Donegal Council – Proposed variation to Development Plan (2018-2024)**

Copy correspondence previously circulated.

### **7.2 Mid & East Antrim BC – LDP dPS – Notice of Independent Examination**

Copy correspondence previously circulated.

### **MOTION TO PROCEED ‘IN COMMITTEE’.**

Proposed by Alderman Duddy

Seconded by Alderman Baird

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

- \* **Press and public were disconnected from the meeting at 4.45 pm.**

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

## **8. CONFIDENTIAL ITEMS**

### **8.1 Update on Legal Issues**

#### Background

To update and seek a decision from Members in relation to Gordon Duff's Application for Leave to apply for Judicial Review in the matter of inadequate enforcement by Causeway Coast and Glens Borough Council against unauthorised Quarrying Activities and destruction of priority habitat at Craighall Quarry, Kilrea.

**It is recommended** that the Planning Committee notes the advice of the Council Solicitor and resolves to continue with the instruction of current Counsel and to delegate the approval and submission of Council's Skeleton Argument together with any other ancillary Court submissions to Officers and Legal Representatives.

The Planning Solicitor provided update in respect of Craighall Quarry Judicial Review by way of a Report circulated to Members in advance. The matter had been within the Court system for some time, however was recently reviewed for Directions on 19<sup>th</sup> May, being listed for a leave hearing on 27<sup>th</sup> June. Authority was sought to continue with the instruction of current Counsel and to delegate the approval and submission of Council's Skeleton Argument together with any other ancillary Court submissions to Officers and Legal Representatives.

Proposed by Alderman Baird  
Seconded by Alderman Duddy and

**RESOLVED** – That Planning Committee notes the advice of the Council Solicitor and resolves to continue with the instruction of current Counsel and to delegate the approval and submission of Council's Skeleton Argument together with any other ancillary Court submissions to Officers and Legal Representatives.

### **8.2 Department for Infrastructure Supply Methodology**

Confidential correspondence, previously circulated, was presented by the Head of Planning.

Elected Members raised concern regarding housing supply and cost to live in some parts of the Causeway Coast and Glens Borough Council area.

The Head of Planning advised that the information contained within the report was currently embargoed.

### **8.3 Business Plan 2022-2023**

Confidential report, previously circulated, was presented by the Head of Planning.

#### Purpose

The purpose of the Planning Service Business Plan is to set out the key business focus for Planning over the next business year for consideration and agreement by Members.

#### Introduction

The last 2 business years were impacted by the restrictions imposed by Covid-19. The business plan includes continuation of the focus of last year as well as new targets to bring Planning closer to achieving the statutory targets set out in The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

#### Detail

The strategic aims of the Service are:

To contribute to the growth of a sustainable economy and investment in the Borough by making timely decisions and developing sound planning policies.

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.

To engage customers, stakeholders and partners more effectively in order to increase understanding of and compliance with processes and regulation.

To manage finance, staff, information and other resources effectively and efficiently within a strong corporate governance framework.

The business plan objectives are

To improve performance in relation to processing of planning applications

To manage finance, staff, information and other resources effectively within the corporate governance framework

The Planning Service Business Plan is attached at Appendix 1, previously circulated.

Recommendation

**IT IS RECOMMENDED** that the Planning Committee APPROVE the Planning Service Business Plan 2022-23.

Elected Members praised staff for the work undertaken and wished to record their appreciation.

Proposed by Alderman Duddy  
Seconded by Councillor Dallat O'Driscoll

- that Planning Committee APPROVE the Planning Service Business Plan 2022-23.

The Chair put the Proposal to the Committee to Vote.  
6 Members voted For; 0 Members voted Against; 0 Members voted Against  
The Chair declared the Proposal Carried.

**RESOLVED** - that Planning Committee APPROVE the Planning Service Business Plan 2022-23.

### **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Alderman Duddy  
Seconded by Councillor Hunter

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

## **9. ANY OTHER BUSINESS (IN ACCORDANCE WITH STANDING ORDER 12 (o))**

There was no other relevant business notified.

The Chair asked the Head of Planning to extend Planning Committee's thoughts and good wishes to Alderman Finlay, who was absent from the meeting.

The Chair raised the issue of ongoing connectivity issues which resulted in difficulties accessing Planning papers online and asked that these be printed for Planning Committee Members going forward.

The Head of Planning advised that it was a matter for the Corporate, Policy and Resources Committee to consider whether papers would be printed for Elected Members.

Proposed by Alderman Baird  
Seconded by Alderman Duddy and

**RESOLVED** - that the matter of printing papers for Planning Committee members be referred to the Corporate, Policy and Resources Committee.

Elected members thanked the Chair of Planning, Planning Officers and Democratic Services Officers for their contribution to the Planning Committee during this term.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 5.20 pm.

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Chair

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Chair