

**PLANNING COMMITTEE MEETING HELD WEDNESDAY 24 AUGUST 2022**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
1.	Apologies	<b><i>Alderman Boyle</i></b>
2.	Declarations of Interest	<b><i>None</i></b>
3.	Minutes of Planning Committee Meeting held Wednesday 22 June 2022	<b><i>Signed as a correct record</i></b>
4.	Order of Items and Confirmation of Registered Speakers	<p><b>Application LA01/2021/0034/F, 15 Ballyrashane Road, Coleraine, BT52 2NL deferred for a Site Visit</b></p> <p><b>Application LA01/2020/1135/F, Site at 80a Curragh Road Dungiven deferred for a Site Visit</b></p>
5.	Schedule of Applications:	
5.1	LA01/2021/1217/O, The Showgrounds, 64 Ballycastle Road, Coleraine	<b><i>Approve</i></b>
5.2	LA01.2022.0523.F – Dungiven Sports Pavilion, 3 Chapel Road, Dungiven	<b><i>Approve</i></b>
5.3	LA01/2019/1355/F, Lands located 1 approx.. 120 metres East of the junction of Edenmore Road and the Limavady Territorial Army Centre (30A Edenmore Road) in Limavady	<b><i>Approve</i></b>
5.4	LA01/2019/0133/F, 2 Ballycairn Road, Coleraine, BT51 3HX	<b><i>Approve</i></b>
5.5	LA01/2021/0569/O, Within the curtilage of 285 Moyarget Road, Mosside, Ballymoney	<p><b><i>Disagree and Approve</i></b></p> <p><b><i>Conditions and Informatives are delegated to Officers</i></b></p>
5.6	LA01/2020/0160/O, Lands North of 131 Baranailt Road, Limavady	<b><i>Disagree and Approve</i></b>

		<b>Conditions and Informatives are delegated to Officers</b>
<b>5.7</b>	LA01/2021/0987/O, 60m South of 71 Sconce Road Coleraine	<b>Disagree and Approve</b>  <b>Conditions and Informatives are delegated to Officers</b>
<b>5.8</b>	LA01/2021/0090/F, 17 Taughey Road Ballymoney	<b>Disagree and Approve</b>  <b>Conditions and Informatives are delegated to Officers</b>
<b>5.9</b>	LA01/2020/0356/F 16m South East of 18 Moneybrannon Road, Clarehill, Aghadowey, Coleraine	<b>Refuse</b>
<b>6.</b>	Development Management and Enforcement	
<b>6.1</b>	Planning Performance Annual Report 2021/22	<b>Noted</b>
<b>7.</b>	Development Plan	
<b>7.1</b>	Quarterly Verbal Update	<b>Noted</b>
<b>8.</b>	Correspondence	
<b>8.1</b>	Dfl – Council’s Response re: Planning Improvement	<b>Noted</b>
<b>9.</b>	Confidential Items	
<b>9.1</b>	Update on Legal Issues	<b>Noted</b>
<b>9.2</b>	Finance Period 1-3 – Update 2022/23	<b>Noted</b>
<b>9.3</b>	LDP – Draft Plan Strategy Publication	<b>That Council write to the Department for Infrastructure and the Partnership Panel to express frustration regarding the guidelines for developing and implementing the Local Development Plan;</b>  <b>That Planning Committee agree to the presentation of the draft Plan Strategy for ratification at the Full Council Meeting</b>

<b>10.</b>	Any Other Relevant Business (In Accordance with Standing Order 12 (O))	<b>None</b>
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UNCONFIRMED

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND  
VIA VIDEO CONFERENCE  
ON WEDNESDAY 24 AUGUST 2022 AT 10.30am**

**Chair:** Councillor McMullan (C)

**Committee Members Present:** Alderman Duddy (R), S McKillop (R), McKeown (C)  
Councillors Anderson (R), Dallat O’Driscoll (R), Hunter (R),  
MA McKillop (R), McGurk (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)  
J Lundy, Senior Planning Officer (R)  
S O’Neill, Senior Planning Officer (R)  
S Mulhern, Development Plan Manager (R)  
R McGrath, Senior Planning Officer (R)  
K Dickson, Senior Planning Officer (R)  
N Linnegan, Council Solicitor (R)  
I Owens, Committee & Member Services Officer (C)  
J Keen, Committee & Member Services Officer (C)

**In Attendance:** J Winfield, ICT Manager (C)  
C Thompson, ICT Officer (C)  
C Ballentine, ICT Operations Officer (C)

Public / Registered Speakers 16 no.(R)  
Press 2 no. (R)

**Key** R = Remote      C = Chamber

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

<b>Application No</b>	<b>Name</b>
LA01/2021/1217/O	Mark Smyth
LA01/2022/052/.F	Orlaith Kirk Daniel Mackinnon Darragh Tracey Niall O’Kane
LA01/2019/1355/F	Paul McMonagle Damien McLaughlin
LA01/2019/0133/F	Scott Caithness Graeme Montgomery Mervyn McAlister

LA01/2021/0569/O	Seamus Bailey
LA01/2020/0160/O	Matt Kennedy Aoibhinn Roarty
LA01/2021/0987/O	Chris McKernan
LA01/2021/0090/F	Lee Ross
LA01/2020/0356/F	John Simpson

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

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

The Chair wished to extend his sympathy to the family and Party colleagues of the late Alderman John Finlay on his passing. The Chair said that John was an integral member of the Planning Committee who applied fairness and that his contribution would be greatly missed. The Chair asked those in attendance remotely and in The Chamber to observe a minutes silence.

Alderman S McKillop and Councillor Hunter advised of issues regarding intermittent connectivity and poor sound.

#### 1. **APOLOGIES**

Apologies were recorded for Alderman Boyle.

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

There were no Declarations of Interest.

#### 3. **MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 22 JUNE 2022**

Copy, previously circulated.

Proposed by Councillor Scott  
Seconded by Alderman McKeown

- that the Minutes of the Planning Committee Meeting held Wednesday 22 June 2022 are confirmed as a correct record.

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

**RESOLVED** - that the Minutes of the Planning Committee Meeting held Wednesday 22 June 2022 are confirmed as a correct record.

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

Proposed by Councillor McGurk

Seconded by Councillor Nicholl

- That Application LA01/2021/0034/F, 15 Ballyrashane Road, Coleraine, BT52 2NL is deferred for a Site Visit, in order to see other commercial activity in the area and the effect on the rural character.

All members were in agreement.

**RESOLVED** - That Application LA01/2021/0034/F, 15 Ballyrashane Road, Coleraine, BT52 2NL is deferred for a Site Visit, in order to see other commercial activity in the area and the affect on the rural character.

Proposed by Councillor Nicholl

Seconded by Councillor Scott

- That Application LA01/2020/1135/F, Site at 80a Curragh Road Dungiven is deferred for a Site Visit, in order to see in relation to other dwellings in area.

All members were in agreement.

**RESOLVED** - That Application LA01/2020/1135/F, Site at 80a Curragh Road Dungiven is deferred for a Site Visit, in order to see in relation to other dwellings in area.

#### 5. SCHEDULE OF APPLICATIONS:

##### 5.1 LA01/2021/1217/O, The Showgrounds, 64 Ballycastle Road, Coleraine

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

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

**App Type:** Outline

**Proposal:** Redevelopment of the Showgrounds to include demolitions of existing stands/buildings, refurbishment/extension to the existing Jack Doherty Stand and provision of new replacement seated stands (achieving 6000-8000 total capacity) accommodating replacement club house, team changing facilities, commercial space and adjustments to existing main pitch. Provision of new community changing hub/changing facilities with associated 3G training pitch. Improved road accesses, car parking/circulation, hard and soft landscaping.

#### **Recommendation**

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

### **Erratum Recommendation**

That the Committee note the contents of this Erratum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee Report.

The Development and Enforcement Manager presented via PowerPoint presentation:

This outline proposal comprises the main elements of a new club house and separate pavilion building, the refurbishment of an existing stand, three new stands and a 3G training pitch surface. The proposal will increase the capacity of the existing stadia from approximately 4500 to 8000.

In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Coleraine outside the town centre on land identified as an existing major area of open space. The Northern Area Plan does not contain specific policies on open space, sport and outdoor recreation, rather directing to regional policies in PPS 8.

This is a major planning 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.

**Principle of Development** - As the proposal seeks to protect and enhance the existing sporting use of the established site, this is acceptable.

**Design** - While an outline application, the Design and Access Statement provides an indicative scheme. This shows that the scale of buildings and structures are acceptable having regard to the character of the area. The proposal includes creation of an area of public space with quality finishes and landscaping next Ballycastle Road.

**Amenity** - While the principle of development is acceptable, given the proximity to dwellings and the intensification of use, both noise and odour reports are required at reserved matters stage. In addition, details are required for floodlighting.

**Access and Parking** - The site is to be accessed using the two existing access points to Ballycastle Road. The indicative scheme shows the availability of some parking on the site. Additional car parking is to be made available at the Vineyard Church. A Transport Assessment accompanied the application which modelled traffic impacts on the road network. This was found acceptable to DfI Roads. Given its location next to the bus and train station, the site is well served by public transport.

**Other Issues** - Issues of potential ground contamination and sewage/ storm water disposal are regulated by planning condition.

**Conclusion** - Proposal is considered acceptable and the recommendation is to approve.

The Chair invited questions from Elected Members for the Officer. There were no questions for the Officer.

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

M Smyth stated that he would like to commend Council Officers on an excellent job getting the project processed in a timely manner. He advised approval of this application will bring many benefits to the town.

The Chair invited questions from Elected Members for the speaker. There were no questions for the speaker.

Proposed by Alderman Duddy  
Seconded by Councillor Anderson

- That the Committee note the contents of this Erratum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee Report.

The Chair put the Proposal to the Committee to Vote.

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

The Chair declared the motion carried and the application approved.

**RESOLVED** - That the Committee note the contents of this Erratum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee Report.

## 5.2 LA01/2022/0523/F - Dungiven Sports Pavilion, 3 Chapel Road, Dungiven

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

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

**App Type:** Full Planning Permission

**Proposal:** Change of Use from Sports Pavilion to provision of education, including the construction of 18m<sup>2</sup> single storey extension and additional alterations.

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

### **Erratum Recommendation**

That the Committee note the contents of this Erratum and agree with the recommendation to approve the proposed development in accordance with paragraph 1.1 of the Planning Committee Report.

The Development and Enforcement Manager presented via PowerPoint presentation:

Proposal comprises the reuse of the disused sports pavilion building together with alterations and a small extension. This will provide accommodation entailing a sports hall with changing facilities, a PE classroom and 3 additional classrooms. As the extension is small, the key element of the proposal is the reuse of the building.



In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Dungiven on land which is not zoned for a specific use. The Northern Area Plan does not contain specific policies on education facilities, rather directing to regional policies in the Planning Strategy for Rural Northern Ireland.

This is a major planning 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.

**Principle of Development** - Policy DES 2 of the Planning Strategy for Rural Northern Ireland requires an assessment as to whether the type of development is suitable for the site. Given the neighbouring uses of a medical centre and school, the proposal to use in conjunction with the school is acceptable. The design changes are small, mainly to accommodate new window openings. These are acceptable in the context of the building. The small extension to the front elevation is single storey and matches the design of the existing building

**Access/Parking** - Parking in association with use of the facility is to be at the main school site. Therefore, the car park outside the building shall be available to principally serve the health centre. A separate planning application is to be submitted for the access path between the existing school site and the subject building.

**Amenity** - The nearest residential properties to the proposal are located at Bleach Green and the opposite side of Main Street some 70m and 80m away respectively. While the movement of pupils between the building and main school site may create some noise, this could be effectively managed by the school so that detriment to amenity does not occur.

**Conclusion**- Proposal is considered acceptable and the recommendation is to approve.

The Chair invited questions from Elected Members for the Officer.

There were no questions for the Officer.

The Chair invited O Kirk to speak in support of the application.

O Kirk stated that she would be the only speaker and that D MacKinnon, D Tracey and N O'Kane would answer questions from Elected Members.

O Kirk thanked the Council Officers on the recommendation to approve this application stating that approval will enable valuable community space in Dungiven area and concluded saying she was in agreement with the Case Officers views.

N O'Kane advised that he was not a representative of the Education Board as suggested by the Chair but that he represented the Board of Governors of the school. He stated that the school was set up in 2015, currently has 300 pupils enrolled with up to 600 expected to enrol in the next 6/7 years as part of the expansion programme.

The Chair invited questions from Elected Members for the speaker.

There were no questions for the speaker.

Proposed by Councillor McGurk

Seconded by Councillor MA McKillop

- That the Committee 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** full 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 and the application approved.

**RESOLVED** - That the Committee 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** full planning permission subject to the conditions set out in section 10

### 5.3 **LA01/2019/1355/F, Lands located approx. 120 metres East of the junction of Edenmore Road and the Limavady Territorial Army Centre (30A Edenmore Road) in Limavady**

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

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

**App Type:** Full Planning

**Proposal:** Proposed housing development comprising 76 no. dwellings (38 no. semi-detached dwellings, 29 no. detached dwellings, 3 no. terraced townhouses and 6 no. apartments), garages, open space, landscaping, access and associated site works.

#### **Recommendation**

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

The Development and Enforcement Manager presented via PowerPoint presentation:

This proposal is for 76 dwellings in the suburbs of Limavady. Also proposed are three areas of open space, development roads and landscaping.

As this is a major application, it was preceded by a PAN accompanied by a community consultation report and Design and Access Statement.

The scheme provides for a mix of mainly semi-detached and detached units. Specifically, the scheme comprises 38 semi-detached units, 29 detached units, 3 terraced units and 6 apartments. 15 of the units are to be used for social housing. While dwellings are either 1.5 or 2 storey, the apartment building is 3 storey.

In terms of the Northern Area Plan 2016, the site is within the settlement development limit of Limavady and is zoned for housing - Zoning LYH 20. The principle of housing is acceptable. The proposal complies with the key site requirements.

**Context & Character** - The proposed density averages 22 units per hectare. The form is reflective of the established suburban character in the area. While most existing development in the area comprises detached units, the mix of units is consistent with the objective of Creating Places to provide a range of house types to meet different needs.

**Landscaping** - The proposal retains existing hedgerows on the site boundaries. New tree planting is proposed along the development roads and within the public open space areas.

**Open Space** - 11% of the site is identified as open space. This exceeds the required area of 10%. An equipped children's play area is not required given that the number of units is less than 100. All plots provide adequate private amenity space to the required standard.

**Access & Parking** - In curtilage car parking is provided for the dwelling units, with the exception of a communal parking area for the 6 apartments. DFI Roads is content with the overall layout which includes the use of both a shared surface and private drive roads (without footpaths) to improve the quality of the scheme.

**Relationship with other Properties** - By reason of the specific design and separation distances, the relationship with proposed dwellings is acceptable. The specific design features include the careful location of windows. The proposed dwellings are located approximately 40m from existing dwellings with an intervening lane.

**Social Housing** - As the site proposes more than 25 units, Policy HOU2 of the Northern Area Plan 2016 requires 20% of the units to be for social housing, subject to a need identified by NIHE. In this instance, 15 social housing units are proposed comprising 6 apartments and 9 dwellings. Planning conditions regulate these units to ensure they are provided if the overall scheme were to proceed.

**Sewage Connection** - Given limited capacity in the foul drainage system, the scheme proposed a sewage treatment plant. However, further to a Wastewater Impact Assessment with NI Water, a mains solution became feasible with capacity at the existing WWTW. Connection to the foul sewer is acceptable to NI Water subject to conditions.

**Representations** - Two of the three representations pertained to the sewage treatment plant, which is now removed. The issues raised in the remaining objection are considered in the report.

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

The Chair invited questions from Elected Members for the Officer.

There were no questions for the Officer.

The Chair invited P McMonagle to speak in support of the application.

P McMonagle advised that he would be the only speaker and that D McLaughlin would answer questions from Elected Members.

P McMonagle said that he welcomed the recommendation from Council Officers to approve the application and thanked Council Officers for progressing the project to this stage. There were a few issues to overcome and the client is keen to get on the site to deliver for the Limavady area.

The Chair invited questions from Elected Members for the speaker.

There were no questions for the speaker.

Proposed by Councillor Scott

Seconded by Councillor Nicholl

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

The Chair put the Proposal to the Committee to Vote

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

The Chair declared the motion carried and application approved.

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

#### 5.4 LA01/2019/0133/F, 2 Ballycairn Road, Coleraine, BT51 3HX

Report and Addendum, previously circulated, presented by Senior Planning Officer.

**Reason for presenting to Planning Committee:** Objection

**App Type:** Full Planning

**Proposal:** 2no. low density blocks of apartments – 9no. dwelling units total

#### **Recommendation**

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

#### **Addendum Recommendation**

That the Committee note the contents of the Erratum and Addendum and agree with the recommendation to **APPROVE** the proposed development in accordance with paragraph 1.1 of the Planning Committee Report

Senior Planning Officer presented via PowerPoint presentation:

Full planning permission is sought for 2 no. low density blocks of apartments for a total of 9 dwelling units.

An addendum has also been circulated adding a condition for the provision of a bike stands.

The application site is located at 2 Ballycairn Road, Coleraine. The site was formerly comprised of a single dwelling house which has been demolished. To the north of the site are a row of detached dwellinghouses. To the south of the site is Coleraine Grammar School. To the east of the site is Ballycairn Road. To the west of the site is a derelict property and access onto Queens Park.

The site is located within the Coleraine Settlement Development Limit and Local Landscape Policy Area designation Policy CEL 21. The surrounding area is a mixture of residential, educational and recreational uses.

(Slide) The LLPA policy includes the listed school building and landscaped wooded grounds and the central section of Castlerock Road and the Holme Lea listed building. The Plan asks that development will be of modest scale and sensitively sited to minimise impact on the existing woodland and the setting of the listed building. Consultation was carried out with HED on the setting of the Listed Building and they have no objection. As set out in the report the site has been cleared and Development Plan have asked for planting on the site which has been included in the plans. The scale of the buildings has also been considered acceptable as set out in the report.

The application was submitted originally for 18 units. This has been reduced down to 9 during the application process. The proposed scale, design, level of excavation has all been significantly reduced since the original scheme was submitted. 43 letters of objection from around 30 different properties have objected to the application. Nearby residential properties still object to the reduced proposal, based on scale, density, design, loss of light, impact on traffic, excavation impact on stability of adjacent properties, water infrastructure, use of apartments in established family area. The points are set out in the Planning Committee Report and as advised available in full on the planning portal. The issues raised have been assessed and responded to in the Planning Committee Report. No concerns have been raised by statutory consultees in relation to this proposal.

(Slide) The site sits higher than Ballycairn Road and is located behind a retaining wall. The site rises away from the road and levels at the location of the former dwelling.

(Slide) The site viewed travelling from the Castlerock Road. the trees within the school ground provide some screening from this direction.

(Slide) The site viewed travelling toward the Castlerock Road with No 4 Ballycairn Road and the school buildings in view.

(Slide) The rear of the site. The red line of the site runs along this area and excludes the vacant building to the rear.

(Slide) The existing levels of the site and the gable of No 4. The existing levels are slightly elevated from the finished floor level of No 4. This will be reduced by 1.5m at the most, to just over half a metre to accommodate the development.

(Slide) The rear of No 4 Ballycairn looking toward the site. The proposed building has a similar finished floor level as No 4 and the eaves and ridge height also similar. The proposed apartment block is set off the shared boundary by 4 metres and is 6 metres gable to gable. This is considered characteristic of the separation distances on Ballycairn Road and will not cause any overlooking or dominance to the existing dwelling. Any potential loss of light will be minimal due to the separation and the siting.

(Slide) The upper garden of no 4 Ballycairn. The gable does not extend the full extent of No 4.

(Slide) The proposed layout of the development is provided in two blocks. The proposal is for a new access with sweeping driveway. Some car parking to the front which is reflective of development in the vicinity. Parking and amenity areas are also provided to the rear. 1.8 m high fencing is proposed to the rear and side of the development as indicated in the pink dash to protect residential amenity.

(Slide) In the top of the slide the proposed development is shown in context with the existing development. The proposed units reflect the existing building line and spacing. Block A is the larger of the two blocks and marks the end of the residential street and visually connects to the larger scale school buildings while Block B is of similar height to No 4 Ballycairn Road. The frontage of both blocks is increased from the neighbouring properties. However due to their position in the street and the design used to visually break up the mass the proposal has been considered acceptable.

Block A has 5 apartments over 3 floors and is 2.5 stories in design.  
Block B provides 4 apartments over 2 floors.

The application was assessed under the relevant Planning Policy Statement 7 and its addendum to ensure a quality residential environment with no conflict to the adjacent properties or adverse impact on residential character. All consultees have returned with no objection. The points made within the representations have been fully considered and approval is recommended. The agent and applicant are listed to speak today.

The Chair invited questions from Elected Members for Officer.

There were no questions for the Officer.

The Chair invited S Caithness to speak in support of the application

S Caithness advised that he would be the only speaker and that G Montgomery and M McAlister would answer questions from Elected Members.

S Caithness thanked the Planning Officers for their guidance and support regarding this application that resulted in a reduction in scheme.

The Chair invited questions from Elected Members for the speaker.

There were no questions for the speaker.

Proposed by Councillor Hunter  
Seconded by Councillor MA McKillop

- That Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** 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; 1 Member voted Against; 0 Member Abstained.

The Chair declared the motion carried and the application approved.

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

#### **5.5 LA01/2021/0569/O, Within the curtilage of 285 Moyarget Road, Mosside, Ballymoney**

Report, Erratum and Site Visit report previously circulated, presented by Senior Planning Officer

**Reason for presenting to Planning Committee:** Referred Application by Cllr John McAuley

**App Type:** Outline

**Proposal:** Dwelling

#### **Recommendation**

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

#### **Erratum Recommendation**

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

The Senior Planning Officer presented via PowerPoint presentation:

This application is for an infill dwelling within the curtilage of 285 Moyarget Road Mosside Ballymoney. The site is located between the dwellings at 285 and 283 Moyarget Road. This is a referred item. No objections have been received and the consultees are all content subject to conditions. The site is located within the open countryside as designated in the Northern Area Plan 2016 and is not located within any defined settlement development limit designated within the Northern Area Plan.

The proposal was considered against the policies in the Northern Area Plan, the SPPS and PPS 21 with particular regard to Policy CTY 8, 13, and 14.

Within Policy CTY 8 of PPS 21 it is stated that Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient

only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

(Slide) This is an indicative block plan showing the layout of a potential dwelling. It also shows a new shared access arrangement between the new dwelling and the dwelling at 285 Moyarget Road. Moyarget Road is a protected route therefore Consequential Amendment to Policy AMP 3 Access onto Protected Routes in PPS 21 is a relevant policy consideration. Although the Policy does not specifically allow for the relocation of an access, in this instance this is acceptable as the existing access to 285 Moyarget Road will be closed up and a shared access between the proposed dwelling and the dwelling at 285 Moyarget Road will be provided. Given this there will be no increase in the number of accesses onto the protected route.

(Slide) In terms of Policy CTY 8 it is accepted that there is a continuously built-up frontage which is made up No's 13 and 14 Elizabeth Place and No's 281, 283, 285, 287 and 289 Moyarget Road. The policy requires the gap site to be small in that a maximum of two dwellings could be accommodated within the resulting gap. The gap between the dwellings at 285 and 283 Moyarget Road in this instance is 106 metres. The average frontage along this road is 27.72 metres. Given this, it is considered that the gap in question is too large and could accommodate at least 3 dwellings. The application site is not a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The proposal would therefore add to a ribbon of development along Moyarget Road. It is also considered that the gap between the dwellings at 283 and 285 Moyarget Road provides an important visual break in the developed appearance of the local area. The proposal also fails to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The proposal therefore fails Policy CTY 8.

It is considered that the proposal complies with Policy CTY 13 given the existing hedging and existing development located along the road frontage. However, It is considered that the infilling of this gap will be detrimental to the rural character of the area and would add to the linear form of ribbon development along this road. Given this the proposal also fails Policy CTY 14.

(Slide) This photograph shows the site with 285 located here and 283 located here.

(Slide) This photograph shows the site travelling the other direction as you can see there is a hedgerow and several trees located along the boundary of the site.

(Slide) This photograph is taken from the dwelling at 283 Moyarget Road looking down toward the site.

(Slide) This is the current site.



Overall the proposal fails to comply with Policy CTY 8 and Policy CTY 14 of PPS 21. This application is recommended for refusal. Have the Committee members any questions.

The Chair invited questions from Elected Members for Officer.

At the request of an Elected Member the Officer shared a slide showing the whole residential area within the speed limit of Deffrick. The Senior Planning Officer confirmed that under the Northern Area Plan Deffrick was not designated as a settlement but was a small build-up of development.

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

S Bailey stated that the application was compliant with PPS21 and policy CTY8 and thanked Elected Members for attending a site visit which provided further clarity. This application is on a small gap site for a maximum of 2 houses within a substantially built-up frontage and respects the pattern of development without accompanying development to rear of 281, 283, 285 and 287.

The area has public footpaths to the front and streetlights with pedestrian access to Primary School. There are around 30 houses and it has the characteristics of a settlement with a mix of housing and not rural in character; it has more character as a settlement than some that have been designated. The site is within the speed limit and public footpath.

The site is only part of the gap within the infill frontage. Policy CTY8 requires to respect legislation, which it does and the proposal also integrates into the landscape. Road access will be as a shared access with no.287.

There have been no objections and there is sufficient sewage capacity.

All characteristics of application site are within the 40 mph speed limit and has a linkage by way of a public footpath. There is available capacity for this application which will provide housing stock and should be grasped.

The Chair invited questions from Elected Members for the speaker.

At the request of an Elected Member the speaker confirmed the measurements and the vicinity of the 40 mph speed limit. He stated that the yard to the side of no.283 is not part of the gap site and therefore reduces the gap site by 20m. He advised of the character of the area reflecting that of a settlement and the only thing missing is the signage.

Proposed by Alderman S McKillop

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** planning permission subject to reasons:
- Should be designated as a settlement as it has the characteristics of a settlement
- Toberdoney Church at crossroads is a short distance away
- Toberdoney and Mosside Church recently run a Holiday Bible Club as a joint initiative.
- Development within the cluster of houses in restricted speed limit.
- If viewed in round would be in keeping with pattern as a whole.

- Gap suitable for two dwellings.
- Would strengthen society, enhance shared services and has two Primary Schools in close proximity.
- Application is in keeping with pattern and would not result in ribbon development.
- No problems with ribbon development as two houses at other side of gap. Yard taken into consideration as part of 283 therefore could accommodate two dwellings at gap site.

The Chair put the Proposal to the Committee to Vote.

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

The Chair declared the motion carried and the 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 reasons:

- Should be designated as a settlement as it has the characteristics of a settlement
- Toberdoney Church at crossroads is a short distance away
- Toberdoney and Mosside Church recently run a Holiday Bible Club as a joint initiative.
- Development within the cluster of houses in restricted speed limit.
- If viewed in round would be in keeping with pattern as a whole.
- Gap suitable for two dwellings.
- Would strengthen society, enhance shared services and has two Primary Schools in close proximity.
- Application is in keeping with pattern and would not result in ribbon development.
- No problems with ribbon development as two houses at other side of gap. Yard taken into consideration as part of 283 therefore could accommodate two dwellings at gap site.

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

\* **The Chair declared a comfort break at 12 noon for 5 minutes.**

\* **The meeting reconvened at 12.05 pm.**

The Head of Planning undertook a roll call.

\* **Councillor Anderson had left the meeting.**

## **5.6 LA01/2020/0160/O, Lands North of 131 Baranait Road, Limavady**

Report and Site Visit report, previously circulated, presented by Senior Planning Officer.

**Reason for presenting to Planning Committee:** Referred Application by Alderman Robinson & Alderman Fielding

**App Type:** Outline Planning

**Proposal:** Proposed infill of existing gap site for 2no. dwellings with detached garage in accordance with CTY 8 of PPS21

## 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:

The site is within the rural area in the vicinity of a group of dwellings, agricultural buildings and an AD Plant.

The site is located within the Ballykelly Moraine Site of Local Nature Conservation Importance and in proximity to an archaeological site. The site is located to north of 131 Baranailt Road and is accessed from an existing shared lane which serves other residential/agricultural properties and the adjacent AD plant.

(Slide) The site is the western half of a larger field which is positioned along the lane. 3 of the 4 boundaries are defined with vegetation.

(Slide) Photo taken from where lane loops round to meet itself.

(Slide) Photo taken from southern corner looking north.

(Slide) Photo taken from southern corner looking east

The proposal is an outline application for 2 infill dwellings with access directly from the existing lane.

Two representations were received, the issues raised can be summarised as follows:

- Refers the AD plant on opposite side of lane and states that application should be dealt with chronologically with planning history of AD plant and take planning history into account.
- States that the site does not comply with policy as not located in a substantial and continuously built-up frontage
- Queries land ownership of lane
- Traffic issues
- Lack of pedestrian footpath
- Health and safety
- Habitats violation
- Light pollution
- Storm run off

All issues raised in the letters of representations were covered in detail in the body of the Planning Committee Report and on the Planning Portal.

(Slide) The proposal falls to be determined under the SPPS and PPS21. Policy CTY8 states that planning permission will be refused for a building which creates or adds to ribbon development. Policy CTY8 provides an exception 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 provided the proposal respects the existing development pattern.

The site is bounded to the north by an agricultural shed and hardstanding which has a frontage onto the laneway. To the south is the dwelling and garage at no 131. No 131 has a frontage to the laneway. The siting and subordinate nature of the associated garage and the vegetation is such that it does not contribute to the substantial and continuous built-up frontage.

A paddock immediately adjacent to the south of 131 physically and visually separates no 131 from no 129. This paddock breaks the line of built-up frontage to the south therefore no 129 does not contribute to the substantial and continuous built-up frontage. No 129 does not visually link with the other development within the substantial and continuous built-up frontage due to distance and vegetation. The line of development is limited to the agricultural shed to the north and no 131 to the south which equates to 2 buildings and therefore is insufficient to meet the definition of a substantial and continuous built-up frontage in the policy which requires a line of 3 or more buildings.

In addition, the proposal does not respect the established character in terms of plot widths. The average plot width is 44m. The site is 57.5m and proposes 2 dwellings. When the gap is taken building to building it could accommodate 3 sites of average size. The site therefore offers an important visual break and if developed would be detrimental to rural character.

As there is no substantial and continuous built-up frontage at this location there cannot be a gap in which to infill. The proposal would result in the creation of ribbon development which would be detrimental to rural character and as no overriding reasons have been forthcoming as to why the development is essential the proposal is contrary to the SPPS, policies CTY1, 8 and 14. Refusal is recommended.

The Chair invited questions from Elected Members for the Officer.

There were no questions for the Officer.

The Chair invited M Kennedy to speak in support of the application. Mr Kennedy advised that A Roarty would be available to answer Elected Members questions.

M Kennedy stated that he disagrees with the recommendation. He advised that there were more than 30 buildings/dwelling already located in the lane and that the application site is clearly a gap site which meets requirements of policy. In reference to the garage, Mr Kennedy stated that the PAC consistently approved these as part of built-up frontage. He referred to PAC decisions 2019/A0093 and 2021/A0094. The fact that it does not have its own access does not mean it does not have its own frontage. Buildings sited back, staggered or at angles can constitute ribbon development. The garage has both road frontage and is visually linked and is clearly within the built-up frontage and is acceptable. Existing development pattern has a variety of plot sizes and does not need to be exactly replicated, only considered. The site is not unduly prominent and plot sizes clearly respect plot size guidance.

The Chair advised that the speaker had used his allocated time.

The Chair invited questions from Elected Members for the Speaker.

At the request of an Elected Member the speaker continued with his presentation saying that the lane was not just a lane but was part of a hamlet or settlement with 30 buildings in situ and this is not shown within the Planning Report for this application. The new buildings will have development on all 3 sides and form part of the cluster. The proposed sites are not prominent, not suburban in terms of build-up. The area is no longer designated as a hamlet in the Northern Area Plan but the buildings still exist. The rural character is roadside development and will be retained and the application respects traditional pattern and is not suburban in nature.

Proposed by Councillor Scott

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** planning permission subject to the reasons:

- Garage has been disregarded yet recent Planning Appeals Commission decisions indicate garage should be included as has its own frontage; it is located to the rear but offset to side and clearly visible, this was evidenced at site visit.
- Site size measurement from garage to building down to 66m for 2 houses and not 3. This is compliant with policy CTY8. The area reads like a hamlet even though not designated as such. Size of sites well reflect character and respects character in place presently.
- Policy CTY14 – site will only be visible in close proximity and does not provide visual relief. Will not have detrimental impact on rural character as complies with Policies CTY8 and CTY14. As such policy CTY1 does not apply.

The Chair put the Proposal to the Committee to Vote.

7 Members voted for; 1 Member voted Against; 2 Members Abstained.

The Chair declared the motion carried and the 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:

- Garage has been disregarded yet recent Planning Appeals Commission decisions indicate garage should be included as has its own frontage; it is located to the rear but offset to side and clearly visible, evidenced at site visit.
- Site size measurement from garage to building down to 66m for 2 houses and not 3. This is compliant with policy CTY8. The area reads like a hamlet even though not designated as such. Size of sites well reflect character and respects character in place presently.
- Policy CTY14 – site will only be visible in close proximity and does not provide visual relief. Will not have detrimental impact on rural character as complies with Policies CTY8 and CTY14. As such policy CTY1 does not apply.

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

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

Report and Addendums, previously circulated, presented by Senior Planning Officer,

**Reason for presenting to Planning Committee:** Referred Item by Councillor A McQuillan

**App Type:** Outline Planning

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

### **Addendum 2 Recommendation**

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

Senior Planning Officer presented via PowerPoint presentation.

(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 application was deferred at the May Planning Committee so that additional information in regard to Policy CTY 10 and policy CTY 6 could be submitted. The documents provided are referred to in the Planning Committee Report, Addendum and Addendum 2. The Addendum refers to the planning history and foundations located close to the site. Addendum 2 relates to the additional information submitted in support of the application. 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 designated in the Northern Area Plan 2016. The proposal was considered against the policies in the Northern Area Plan, the SPPS and PPS 21 with particular regard to 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 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. No further supporting information was submitted. Since the May Planning Committee additional information has been submitted in an attempt to demonstrate that the applicant had been involved in a level of agricultural activity at the farm for at least 6 years.

While some of the information received relates to potential agricultural activity to include receipts for fencing, posts and wire, a supply of vaccinations in one of the years and laneway maintenance it is not clear if this activity was completed on the farm in question. The remainder of evidence is not specifically related to maintenance work. A letter was submitted alongside the information from Samuel Calvin who has stated that he has cut hedges and completed verge maintenance at the site for approximately 6 years. A further letter was submitted by the lessee who states that the applicant is responsible for hedge cutting, rushes control, weed control, fencing, lane surface maintenance and reseeded. Although this establishes that the land owner is responsible for agricultural maintenance it does not demonstrate a level of agricultural activity.

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; (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. A further letter from the applicant's GP was submitted which outlines the health and needs of the applicant and highlights the benefits of single storey living for the applicant. However, it has not been demonstrated that genuine hardship would be caused if planning permission were refused. 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 vicinity of the dwelling at 71 Sconce Road. Given this the proposal fails to meet criteria (a) and (b) of Policy CTY 6.

(Slide) This aerial photograph shows the site and the foundations for a dwelling approved under application C/2006/0972/RM. This site belongs to the applicant's brother. 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.

(Slide) This photograph was taken from Sconce Road 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.

The Chair invited questions from Elected Members for Officer.

At the request of an Elected Member the Officer confirmed that the farm was active up to 2018 and that since that time receipts were available for purchases of red diesel, immunisations for sheep and farm machinery. The information received relates to agricultural activity but not relating to this farm business.

The Senior Planning Officer said that over the past 6 years hedges were cut and weeds were contained but no receipts available rather a letter from service provider to say work had been undertaken.

The Head of Planning advised that there was a requirement for information to be submitted as proof of agricultural activity over each of the past 6 years on the farm business. The Senior Planning Officer at the request of an Elected Member provided a breakdown of the expenditure and associated timeline. He advised that the farm was let out in 2018 and there has been no information submitted regarding number of herd or flock number.

The Chair invited C McKernan to speak in support of the application.

C McKernan advised that the applicant, for health reasons would not be in attendance at the meeting and presently has no responsibility for the site due to his ill health, otherwise he would be actively farming. It is expected that the applicants daughter will take over the farm which is currently being leased out on an annual basis until the farm is managed again by his family.

Due to ongoing health problems the applicant requires a single storey bungalow and has no other alternative accommodation. It is noted that the applicant has never sought another site to be passed on the land and still has a



herd number. This is one of the best maintained farms in the vicinity and evidence of agriculture activity is not in question with ongoing work being undertaken in preparation for his daughter to take over the farm.

The Chair invited questions from Elected Members for the speaker.

In response to questions from Elected Members Mr McKernan stated that there is no doubt that there is a level of farming activity and any work is to maintain the farm for the applicant's daughter to take over. He has been buying red diesel for machinery used on the farm and has been maintaining hedges and fields with hedges cut every year. Mr McKernan stated that this is one of the best maintained farms in the area.

Elected Members felt it was difficult to determine the level of farm activity associated with this application but that it was clear there was a level of agricultural activity.

Elected Members agreed that these were exceptional circumstances and due to the health issues of the applicant a bungalow was required and these needs should be taken into consideration.

Proposed by Alderman Duddy  
Seconded by Councillor Scott

-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:-

- It is difficult to determine the level of activity as nothing is set in stone regarding the necessary level of activity required to make comparison. It is clear that farm has been maintained and applicant is taking responsibility.
- The applicant has purchased different machinery and parts for maintaining the farm including hedge cutting, a level of agricultural activity which should not be dismissed. Also taking account of the letter regarding the responsibility for the maintenance of the farm.
- The GP has outlined the applicants health needs and the benefits of a single storey dwelling that can be future proofed with wider doorways and would benefit the applicant.
- The applicant has no control over the adjacent site which is owned by his brother.

The Chair put the Proposal to the Committee to Vote.

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

The Chair declared the motion carried and the 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** outline planning permission for the reasons:-

- It is difficult to determine the level of activity as nothing is set in stone regarding the necessary level of activity required to make comparison. It is clear that farm has been maintained and applicant is taking responsibility.

- The applicant has purchased different machinery and parts for maintaining the farm including hedge cutting, a level of agricultural activity which should not be dismissed. Also taking account of the letter regarding the responsibility for the maintenance of the farm.
- The GP has outlined the applicants health needs and the benefits of a single storey dwelling that can be future proofed with wider doorways and would benefit the applicant.
- The applicant has no control over the adjacent site which is owned by his brother.

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

The Chair declared a lunch break at 1.30 pm for one hour.

\* **The meeting reconvened at 2.10 pm.**

The Head of Planning undertook a roll call.

**5.8 LA01/2021/0090/F, 17 Taughey Road Ballymoney**

Report and site visit report, previously circulated, presented by Senior Planning Officer, E Hudson.

**Reason for presenting to Planning Committee:** Referred Application by Alderman M Fielding

**App Type:** Full Planning

**Proposal:** Extension to existing car sales compound

**Recommendation**

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

Senior Planning Officer presented via PowerPoint presentation as follows:

This is a full application for the extension of an existing car sales compound at no. 17 Taughey Road. The site is situated in the open countryside to the west of Ballymoney and north of Balnamore. A site visit took place on 20<sup>th</sup> June 2022 and Site Visit report has been circulated to Members.

(Slide) This is the red line boundary of the site. The site is located in the countryside as defined in the Northern Area Plan 2016. The site has a long linear form along Taughey Road.

(Slide) This is the site layout drawing. The site currently comprises 2 small buildings utilised for repairs and valeting of vehicles as well as a building used as an office. The remainder of the site is laid out in hardstanding and used as sales/storage of vehicles for approximately 30 vehicles. The site has a road frontage location and extends to approximately 0.25 ha with a centrally positioned access. The proposed extension to the site is located to the rear and comprises a cut out of the adjacent rear agricultural field. The extension comprises approx. 560 sq.m of additional land.

(Slide) This is a view along the site frontage at Taughey Road showing the existing area of car sales and buildings. Planning history indicates that the site was originally a Petrol Filling Station with a small ancillary shop which operated from the 1970's. The Petrol Filling Station ceased to operate and the site has been used for car sales since around August 2010 with subsequent permission granted for the retention of the car storage compound and valeting workshop to facilitate car sales compound.

(Slide) This is a view of the open field to the rear where the proposed extension would go.

(Slide) This is a view of the rear of the site from Macfin Road.

In relation to the principle of development the primary use of the site is for the sale of vehicles and as such is a form of retail. The relevant policy context for this type of development is the SPPS. This policy states that inappropriate retail facilities in the countryside should be resisted. An exception to this is some retail facilities which may be considered appropriate outside of settlement limits include retail facilities such as farm shops, craft shops, and shops serving tourist or recreational facilities. This proposal does not meet any of these exceptions. This approach is supported by a number of PAC appeal decisions referred to in your Committee Report, mostly recently 2019/A0219 for Hallidays in Bushmills which was refused by the Council following referral to the Planning Committee in October 2019 and subsequently dismissed by the PAC.

A supporting statement was submitted as part of this application highlighting that the applicant requires the additional lands due to increased vehicle stock numbers planned for future development. It also highlights that there is limited space for visitors and large delivery vehicles. The potential catchment for vehicles sales is extensive and would include, in this instance, towns such as Ballymoney and Coleraine. In the supporting information the agent has only considered lands in Balnamore and Ballymoney, a catchment of less than 2.5 km and only land zoned for economic development purposes. As such the sequential test as required by the SPPS has not been applied and the proposal fails to meet this policy as it has not been demonstrated that there are no available sites to accommodate the proposal in nearby settlements. The proposal is considered a retail use and does not meet any of the exceptions listed under Policy CTY 1 of PPS 21.

It is also considered that the extension of the area of hardstanding to accommodate additional vehicles will have an adverse impact on rural character due to the extension into an open agricultural field with no defined boundaries.

Refusal is recommended.

The Chair invited questions from Elected Members for the Officer.

There were no questions for the Officer.

The Chair invited L Ross to speak in support of the application.

L Ross put forward the following matters:

- The business was previously a petrol filling station and changed to car sales 10 years ago;
- There is a long frontage onto a public road; 15m length along the road;
- The planning application has been changed so the area required has been reduced in size for just parking, manoeuvring and access only as visitors are currently parking on the road and transporters are off-loading on the roadside;
- Benefits of this planning application include creation of incutillage area for manoeuvring of transporter on site, creates space for off street parking, closure of one of the existing access points to assist with road safety, appearance will be improved and no discernible impact on any of the local town centres.
- This is an established business, the extra space required is on a small scale. There will be improvements with carparking and overall appearance;
- Town centre retail functions will not be affected
- The proposal will bring significant benefits and improve the overall appearance. The development is necessary and will cause no harm.
- Respectfully asks that the Committee approves the planning application

The Chair invited questions from Elected Members for the speaker.

There were no questions for the speaker.

Proposed by Councillor Hunter

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** full planning permission subject to the reasons set out in section 10 for the reasons:

- The size and scale of the land required has been reduced;
- The proposal is now for health and safety aspect. This is a busy road and only one car can pass at a time; this was witnessed at the site visit, there are risks associated with car parking on the roadside for visitors and for the driver of the transporter unloading cars at the roadside
- Planting is an additional benefit
- The business is established in this location
- There is a responsibility to support rural businesses

The Chair put the proposal to the vote.

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

The Chair declared the motion carried.

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

- The size and scale of the land required has been reduced;
- The proposal is now for health and safety aspect. This is a busy road and only one car can pass at a time; this was witnessed at the site visit, there are risks associated with car parking on the roadside for visitors and for the driver of the transporter unloading cars at the roadside
- Planting is an additional benefit
- The business is established in this location

- There is a responsibility to support rural businesses

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

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

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

**Reason for presenting to Planning Committee:** Referred Application by Alderman M Fielding

**App Type:** Full Planning

**Proposal:** Infill dwelling and garage

### **Recommendation**

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

### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with the reasons outlined in paragraph 10 of the Planning Committee. In addition the following refusal reason:

The proposal is contrary to Paragraphs 4.12 and 6.201 of Strategic Planning Policy Statement for Northern Ireland and Policy OS 2 Planning Policy Statement 8 – Open Space and Outdoor Recreation in that it has not been demonstrated that the public open space has been designed in a comprehensive and linked way as an integral part of the development; it is of demonstrable recreational or amenity value; it provides easy and safe access for the residents of the dwellings it serves; and its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities.

Senior Planning Officer presented via PowerPoint presentation:

This is a full application for a dwelling at 16m South East of 18 Moneybrannon Road, Clarehill, Aghadowey.

(Slide) The red line boundary of the site.

The application was presented to the Planning Committee in June of this year with a recommendation to refuse and this was agreed by the Committee. The application was refused for the reason that the application site was approved and conditioned to be public open space associated with the surrounding housing development of Clarehill Court. Therefore, as it is open space there is a presumption against development as outlined in Policy OS 1 of PPS 8.

Before the application was issued as a refusal the agent submitted an amended site plan showing an area of open space in the far rear of the application site. This is outlined in the Addendum to the Planning Committee Report. The

application is being brought back to the Committee for consideration of the amended plan.

(Slide) The originally submitted site layout which was agreed as a refusal at the June Committee.

(Slide) The amended site layout with an area of open space to the rear of the application site and outlined in red on the slide.

The area of open space previously approved as part of the housing development applications was approximately 620 square metres in area and this proposed area of open space is much smaller measuring just 69 square metres.

Policy OS1 of PPS 8 outlines exceptions to the loss of open space. These include where the re-development of the open space would bring substantial community benefits that decisively outweigh the loss of open space or where the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where in the case of open space less than 2 hectares alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality. The open space as proposed on the amended site layout does not meet these exceptions and as such fails to meet Policy OS 1 Protection of open space.

Another Policy which requires consideration is Policy OS 2 of PPS 8 which is public open space in residential developments. This policy outlines criteria which open space should conform to. The proposed open space does not meet this criteria as it has not been design as an integral part of the development; it is not of recreational or amenity value; it does provide easy and safe access for residents and hasn't been designed taking into account the amenity of nearby residents. It fails to meet Policy OS 2.

Supplementary planning guidance Creating Places, when considering open space, advise that it should not be located out of sight at the rear of gardens and that it should be directly overlooked by the front of dwellings and designed to minimize risk of nuisance to those nearby. There are a number of issues with the proposed area of open space. It is bound on 3 sides by private amenity space of neighbouring properties, it only has a small frontage of 3 metres at the end of this hammerhead and it isn't directly over-looked by houses within the development. It is considered to be a small peripheral area of land which would not function appropriately as an area of public open space. This is unlike the area of open space which was previously approved as part of the housing development.

Another concern is that the private septic tank for the proposed dwelling has been shown within the area of open space – this raises concerns both in terms of amenity for surrounding users of the open space and also of maintenance.

(Slide) A reminder of the site and some photographs.

Refusal is recommended for the reasons outlined in the Planning Committee Report and the Addendum. The proposal does not meet any of the exemptions for the loss of open space, it is contrary to Policy QD1 of PPS 7 as it does not

fulfil the requirements for open space as outlined in Policy OS 2 of PPS 8 and will have an adverse impact on neighbours both in relation to its proximity to private amenity space and also the septic tank located within the open space.

In response to questions from Elected Members the Senior Planning Officer advised that smaller residential schemes are assessed on individual merits; that an area of open space is required due to the character of the area and layout of dwellings. The Senior Planning Officer referred to previous planning applications in 2007 and 2014, both show current site as open space; the presumption is against loss of open space.

The Head of Planning reminded Members that the planning application was previously brought to Planning Committee and resolved to be refused. Their consideration is of whether this new plan submitted prior to issuing of the decision changes their previous assessment of this application.

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

Mr Simpson put forward the following matters:

- This dwelling is within the 30mph speed limit of Clairehill;
- Referred to policy QD1 of PPS 7 Creating Places – the dwelling respects and reflects the character of the Moneybrannon Road, the landscape can be conditioned.
- Referred to policy OS 2 referencing 25 units or less than 1 hectare do not require open space and stating that similar dwellings have been approved with 6 dwelling and less open space.
- Seeking approval of 1 dwelling within a cluster
- There is adequate open space in the vicinity which can be used by all dwellings at the housing development on the opposite side of the road;
- The design of the dwelling is in keeping with the area, it respects plot size and separation;
- There is satisfactory private amenity space, neighbouring amenities are protected, storm waste discharge is acceptable and the septic tank can be outside of the open space area;
- There were no conditions for open space on previous applications

In response to questions from Members, Mr Simpson stated that where there are 7 dwellings open space is not required; that there is open space in the vicinity.

In response to questions from Members, the Senior Planning Officer clarified details in previous applications regarding the requirement for open space; details of maintenance by a management company have not been forthcoming. The Senior Planning Officer referred to stamped approved dwellings showing as area of open space. The Senior Planning Officer showed the location of the housing development on the opposite side of the road from the application site indicating the area of open space and advising it was remote from this application site.

Proposed by Councillor McGurk

Seconded by Alderman Duddy

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

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

The Chair put the proposal to the vote.

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

The Chair declared the motion approved.

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

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

### **6.1 Planning Performance Annual Report 2021/22**

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

#### **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 Performance in relation to Business Plan targets were reported to Planning Committee at the meeting held on 25 May 2022 based on unvalidated statistics. This report considers performance as set out in the Northern Ireland Planning Statistics the 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 was published on 7<sup>th</sup> July 2022.

#### **Details**

Website link 1

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2021-march-2022> provides the link to the published bulletin.

#### **Development Management Planning Applications**

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



In the 2021/22 business year, Causeway Coast and Glens Borough Council received the 5<sup>th</sup> highest number of planning applications and decided the 5<sup>th</sup> highest number of applications. The number of applications received and decided increased when compared to the previous year, most markedly in the number of decisions issuing which increased by 28.4%. Furthermore, the approval rate of 95.8% has increased when compared to the previous year and is above the Northern Ireland average. The number of over 12 month applications in the system remains a concern ranking 3<sup>rd</sup> highest out of the 11 councils and 2<sup>nd</sup> in terms of percentage of live applications.

Steady progress continues in the reduction of the average processing times of planning applications and subsequent ranking out of the 11 councils. There has been a significant improvement in the processing times for major applications, issuing the 2<sup>nd</sup> highest number of major decisions out of the 11 councils (excluding applications withdrawn) in an average processing times 31.6 weeks faster than the previous year and ranking 7<sup>th</sup> fastest out of the 11 councils, an improvement of 3 ranking positions. The average processing times of local applications also improved over this period. Local applications were processed on average 2 weeks faster than 2020/21 business year and a further improvement in ranking when compared to the other councils. This is the fastest average processing time for local applications for this Council 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. Nevertheless, the statutory targets for local and major planning applications were not met over the business year, but it is encouraging to note the continued improvement in processing times.

In order to continue improvement in performance in the processing of both local and major planning applications, focus going forward will be to continue to improve the front-loading of the assessment of local and major planning applications to reduce delays in the processing of applications especially in relation to NI Water issues. The processing of applications must incorporate the reduction of over 12 month applications in the system.

### Enforcement

Table 2, circulated, showed statistics in relation to enforcement for the 2021/22 business year. The statutory target to progress 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint has been met. We opened the 7<sup>th</sup> highest number of cases and closed the 8<sup>th</sup> highest number of cases with over 32% closed due to no breach identified. We had the highest number of prosecutions and convictions out of the 11 Councils. However, the number of live enforcement cases continues to rise largely as a result of staff vacancies within the Enforcement team. 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 to further reduce pressures on staff and continue to meet the statutory target while also reducing live cases. The appointment of the Senior Planning Officer to fill the vacant post will be completed in Q1 of 2022/23 with commencement of employment in early Q2.

### Other Activity by Planning Department

Tables 3 and 4, circulated, indicated the level of other activity carried out by the Planning Department over the 2021/22 business year.

In addition to the formal applications received, the Planning Department received 251 other types of applications relating to planning applications and dealt with some 496 pieces of correspondence, complaints and appeals, a substantial reduction on the previous year. Most notably is the reduction in the number of complaints, general correspondence and Planning Appeal Decisions. Of the 12 PAC decisions, 5 were dismissed, 5 upheld and 2 partially upheld. Of the 5 upheld, 4 related to temporary carparking in the vicinity of the Giant's Causeway and related to EIA determinations and related certificates of lawful development. The 1 judicial review decision was dismissed at leave hearing stage due to the judge not granting standing for the applicant, Mr Duff. This decision is now being appealed to the Court of Appeal by Mr Duff. Of the 6 complaints to the Ombudsman, 5 were not accepted and 1 case is ongoing.

### Conclusion

In conclusion, performance within the Planning Department remains steady against a difficult year due to Covid-19 restrictions and vacant posts. However, with restrictions easing and recruitment of staff ongoing it is envisaged that improvements in performance and increased number of decisions issuing will continue into the 2021/22 business year.

### **Recommendation**

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

## **7. DEVELOPMENT PLAN**

### **7.1 Quarterly Verbal Update**

The Development Plan Manager provided Elected Members with the following update:

- Update on evidence base for draft Development Plan
- Consultations have been held throughout the process
- There have been 18 workshops and 2 steering group meetings
- Policies were presented to Planning Committee in February and June 2022
- The Senior Leadership Team approval was granted in August 2022

## **8. CORRESPONDENCE**

### **8.1 Dfl – Council's response re: Planning Improvement**

Report, previously circulated, presented as read.

### **MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Scott  
Seconded by Alderman S McKillop

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

\* **Press and public were disconnected from the meeting at 3.07pm.**

## **9. CONFIDENTIAL ITEMS**

### **9.1 Update on Legal Issues**

Council Solicitor provided a verbal update in respect of the Judicial Review proceedings relating to Craigall Quarry. Council are awaiting judgment on the leave hearing.

Council Solicitor also provided verbal update in respect of the ongoing appeal of East Road, Drumsurn JR. Council are awaiting Court directions in respect of the Court of Appeal hearing.

### **9.2 Finance Period 1 -12 Update 2021/22**

Confidential report, previously circulated.

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 3 of the 2022/23 business year

**It is recommended** that the Committee notes the update provided on the Planning budget as of end of period 3 of 2022/23 financial year.

### **9.3 LDP – Draft Plan Strategy Publication**

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

#### **Purpose of Report**

To present the Council's Local Development Plan (LDP) 2035: Draft Plan Strategy (dPS) for agreement (attached at Appendix 1 (circulated)).

#### **Recommendation**

**It is recommended** that the Planning Committee agree to the presentation of the draft Plan Strategy for ratification at the Full Council Meeting.

The Development Plan Manager reminded Committee of the Member workshops and steering group meetings that have been held and advised of minor changes in typographical errors and graphics.

In response to questions the Head of Planning confirmed the rationale for the changes in the Local Development Plan particularly in relation to changes in the criteria for gap sites. The Head of Planning further confirmed that Council need to move forward within legalisation and also advised that issues can be reviewed and monitored on a topic basis post adoption without having to review the whole Local Development Plan.

In response to questions the Development Plan Manager confirmed that policy is developed in close consultation with the Department for Infrastructure.

It was agreed to amend wording in the Local Development Plan as follows:

*Development of a site that would require the **substantial** removal of trees and hedges which make a positive contribution to the character of the area will not be permitted under this policy.*

Councillor Nicholl expressed frustration with the level of involvement from the Department of Infrastructure and the barriers Council is presented with.

Proposed by Councillor Nicholl  
Seconded by Alderman Duddy and

**RESOLVED** - That Council write to the Department for Infrastructure and the Partnership Panel to express frustration regarding the guidelines for developing and implementing the Local Development Plan

Discussion occurred regarding policy CTY13 - retail development in the countryside. The Head of Planning provided clarification of where flexibility could be found to allow retail development in the countryside in policy CTY11.

It was agreed to amend wording in policy CTY13 to include similar line regarding 'Exceptionally...' as detailed in policy CTY11.

Proposed by Councillor Hunter  
Seconded by Councillor Scott

- that the Planning Committee agree to the presentation of the draft Plan Strategy for ratification at the Full Council Meeting.

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

**RESOLVED** - that the Planning Committee agree to the presentation of the draft Plan Strategy for ratification at the Full Council Meeting.

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

There were no Items of Any Other Relevant Business.

The Chair advised of the Date of the Next Meeting, 28<sup>th</sup> September 2022.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 3.42pm.

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Chair