

PLANNING COMMITTEE WEDNESDAY 23 JANUARY 2019

Table of Key Adoptions

No	Item	Summary of Key Decisions
1.	Apologies	Councillor MA McKillop; Councillor P McShane
2.	Declarations of Interest <ul style="list-style-type: none"> • Councillor Fielding in LA01/2018/0833/O, Adjacent 3 Warke Place, Castlerock and LA01/2018/1369/NMC, The Walled Garden, Drenagh Estate, 15 Dowland Road, Limavady; • Councillor Baird in LA01/2018/1369/NMC, The Walled Garden, Drenagh Estate, 15 Dowland Road, Limavady; • Councillor Hunter in LA01/2016/1514/F, 19 Causeway Road, Bushmills; • Alderman Robinson LA01/2017/1449/O Lands between 10 & 12 Upperlane Road, Greysteel. 	Noted
3.	Minutes of Planning Committee Meeting held Wednesday 19 December 2018	Confirmed
4.	Order of Items and Registered Speakers/Applications Withdrawn and Site Visit Requests	Agreed
	LA01/2017/1113/O Land adjacent Strandview Road, Ballycastle	Withdrawn from Schedule due to submission amended plans

	LA01/2018/0312/O SE 124 Castleroe road, Coleraine	<i>Withdrawn from Schedule due to submission amended plans</i>
	LA01/2017/1449/O Lands between 10 & 12 Upperlane Road, Greysteel	<i>Withdrawn from Schedule as site visit did not take place</i>
	LA01/2018/1369/NMC, The Walled Garden, Drenagh Estate, 15 Dowland Road, Limavady	<i>Formally withdrawn from planning process</i>
	LA01/2018/0474/O Lands 50m NW Dungiven FC, Ballyguddin Road, Dungiven	<i>Deferred and arrange site visit</i>
	LA01/2018/0476/O, Lands 30m East 7 Ballyguddin Road, Dungiven	<i>Deferred and arrange site visit</i>
	LA01/2018/0393/F 295 Clooney Road, Ballykelly	<i>Deferred and arrange site visit</i>
	LA01/2018/0833/O, Adj 3 Warke Place, Castlerock	<i>Deferred and arrange site visit</i>
	LA01/2018/1060/F, 10 Terrydremont Road, Limavady	<i>Deferred and arrange site visit</i>
5.	Schedule of Applications	
	5.1 LA01/2018/0446/LBC and LA01/2017/0689/F 39-41 Main Street and 2 Atlantic Avenue, Portrush	<i>Approve Notify DfI</i>
	5.2 LA01/2018/0146/F (Referred) – 92m South East of 11 Ballywatt Road, Coleraine	<i>Approve</i>
	5.3 LA01/2016/1514/F (Referred) – 19 Causeway Road, Bushmills	<i>Approve</i>
	5.4 LA01/2018/1114/F (Referred) – Lands Adjacent to 10 Sunnyvale Avenue, Portrush	<i>Refuse</i>
	5.5 LA01/2017/1226/F (Objection) – 52b Main Street (Accessed Via Strandview Cottages), Castlerock	<i>Approve</i>
6.	Development Management Performance	
	6.1 Update on Development Management and Enforcement Statistics 01/04/18 – 31/12/18	<i>Note update</i>
	6.2 Second Quarter 2018/19 Development Management Statistics	<i>Note update</i>

7.	Development Plan:	
	7.1 Northern & Western Regional Assembly (ROI): Publication of Draft Regional Spatial & Economic Strategy (RSES): Public Consultation Document	Agree to Head of Planning issuing a consultation response on behalf of Council
	7.2 Engagement of external consultant(s) to undertake a review of local Landscape Character Areas (LCAs) to inform the Local Development Plan preparation	Agree to contents of Draft Specification and Draft scoring Matrix and to engagement of external consultants to carry out a review as set out
	7.3 Confirmation of Provisional Tree Preservation Order (TPO) on lands at and adjacent to No.34 Kilrea Road, Garvagh	Agree Option 1
8.	Correspondence	
	8.1 Chief Planners Update	Noted
	8.2 Marine Designation Register Confirmation	
9.	Legal Issues	Verbal update
10.	Any Other Relevant Business (notified in accordance with Standing Order 12 (o))	Nil

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 23 JANUARY 2019 AT 2:04 PM**

- In the Chair:** Alderman Blair
- Committee Members Present:** Alderman Cole, Finlay, King, McKeown and Robinson
Councillors Baird, Fielding, Hunter, Loftus, McCaw,
McGurk, McLaughlin and Nicholl
- Officers Present:** D Dickson, Head of Planning
S Mathers, Development Management & Enforcement Manager
S Mulhern, Development Plan Manager
M Wilson, Senior Planning Officer
J Lundy, Senior Planning Officer
E Hudson, Senior Planning Officer
J McMath, Senior Planning Officer
M Faith, Planning Assistant
A McGarry, Business Support Manager
W Browne, Business Support Assistant
E McCaul, Committee & Member Services Officer
T McKenna, Committee & Member Services Officer
S Duggan, Civic Support & Committee & Member Services Officer
- In Attendance:** B McKervey, Principal Architect, Historic Environment Division (HED)
A Gillan, Department for Infrastructure, Roads (DfI)
- Registered Speakers:** **LA01/2018/0446/LBC & LA01/2017/0689/F**
B Kelly Alderman Hillis
D Stelfox Councillor A Mulholland
A Gough M Bradley, MLA
R Rane
- LA01/2018/0146/F**
J Simpson
- LA01/2016/1514/F**
D Monaghan J Allister, MLA
A Bunbury
- LA01/2018/1114/F**
M Bell
- Public (25 No)
Press x 1

1. APOLOGIES

Alderman Robinson advised he was required to leave the meeting for a short time at approximately 3PM.

Apologies were received for Councillors MA McKillop and P McShane.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

- Councillor Fielding in LA01/2018/0833/O, Adjacent 3 Warke Place, Castlerock and LA01/2018/1369/NMC, The Walled Garden, Drenagh Estate, 15 Dowland Road, Limavady;
- Councillor Baird in LA01/2018/1369/NMC, The Walled Garden, Drenagh Estate, 15 Dowland Road, Limavady;
- Councillor Hunter in LA01/2016/1514/F, 19 Causeway Road, Bushmills;
- Alderman Robinson LA01/2017/1449/O Lands between 10 & 12 Upperlane Road, Greysteel.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 19 DECEMBER 2018

Proposed by Alderman King

Seconded by Councillor Hunter and

AGREED – that the minutes of the Planning Committee Meeting held on Wednesday 19 December 2018 be confirmed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS/SITE VISIT REQUESTS

The Head of Planning advised the following applications had been withdrawn from the planning schedule:

- LA01/2017/1113/O - Land adjacent to 17 Strandview Road, Ballycastle, due to the submission of amended plans;
- LA01/2018/0312/O – South East of 124 Castleroe Road, Coleraine, due to the submission of amended plans;
- LA01/2017/1449/O – Lands between 10 & 12 Upperlane Road, Greysteel, as a site visit due to take place did not take place;
- LA01/2018/1396/NMC – The Walled Garden Drenagh Estate 15 Dowland Road Limavady as has been formally withdrawn from the planning process.

Prior to presenting the reports, site visits were requested for the following applications:

Proposed by Alderman Cole
Seconded by Councillor Fielding and

AGREED – that consideration is deferred and site visit held on Application LA01/2018/1060/F, 10 Terrydremont Road, Limavady

Proposed by Councillor Nicholl
Seconded by Councillor McLaughlin and

AGREED – that consideration of Applications LA01/2018/0474/O and LA01/2018/0476/O are deferred and site visit held.

Proposed by Councillor Fielding
Seconded by Alderman Robinson and

AGREED – that consideration of Application LA01/2018/0833/O is deferred and site visit arranged.

Proposed by Councillor McLaughlin
Seconded by Councillor Nicholl and

AGREED – that consideration of Application LA01/2018/0393/F is deferred and site visit held.

The Head of Planning recommended a second day of Site Visits would be held prior to the next meeting.

Proposed by Councillor Baird
Seconded by Alderman Finlay and

AGREED – that Committee hold a second day of Site Visits prior to the next committee meeting.

The Head of Planning recommended Applications LA01/2018/0689/F and LA01/2018/0446LBC are considered in one discussion.

Proposed by Councillor Loftus
Seconded by Councillor Hunter and

AGREED – that Committee discuss Applications LA01/2018/0689/F and LA01/2018/0446LBC together.

AGREED – to receive the Order of Business as follows:

- LA01/2018/0446/LBC & LA01/2017/0689/F – 39-41 Main Street & 2 Atlantic Avenue, Portrush (Agenda Items 5.2 & 5.1);
- LA01/2018/0146/F – 92m South East of 11 Ballywatt Road, Coleraine (Agenda Item 5.3);
- LA01/2016/1514/F – 19 Causeway Road, Bushmills (Agenda Item 5.9);
- LA01/2017/1226/F – 52B Main Street (Accessed Via Strandview Cottages) Castlerock (Agenda Item 5.6);
- LA01/2018/1114/F – Lands adjacent to 10 Sunnyvale Avenue, Portrush (Agenda Item 5.10).

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2017/0689/F and LA01/2018/0446/LBC (Objection) – 39-41 Main Street and 2 Atlantic Avenue, Portrush

Report, addenda and site visit report circulated, presented by M Wilson, Senior Planning Officer.

RECOMMENDATION (LA01/2017/0689/F) - 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.

ADDENDA 1 RECOMMENDATION (LA01/2017/0689/F) – that the Committee note the contents of the Addendum and agree with the recommendation to refuse, as set out in Section 10 of the Planning Committee Report, and the additional refusal reason set out in paragraph 2.4 of the addendum.

ADDENDA 2 RECOMMENDATION (LA01/2017/0689/F) – that the Committee note the contents of the Addendum and agree with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report and the amended refusal reason 2.

ADDENDA 3 RECOMMENDATION (LA01/2017/0689/F) - that the Committee note the contents of this Addendum and agree with the recommendation to

refuse, as set out in paragraph 9.1 of the Planning Committee Report and the amended refusal reason 2.

RECOMMENDATION (LA01/2018/0446/LBC) - 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** Listed Building Consent for the reasons set out in section 10.

ADDENDA 1 RECOMMENDATION (LA01/2018/0446/LBC) - That the Committee note the contents of this Addendum and agree with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report, and the additional refusal reason set out in paragraph 2.5 of this addendum.

ADDENDA 2 RECOMMENDATION (LA01/2018/0446/LBC) - that the Committee note the contents of this Addendum and agree with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report, and the additional refusal reason set out in paragraph 2.5 of this addendum.

The Senior Planning Officer, M Wilson, provided a verbal addendum, a further objection had been submitted relating to loss of a music venue, building with historic value, lack of car parking and proof of finance, the Senior Planning Officer advised the matters were previously raised and had been considered in the Report. The Officer further advised a site visit had taken place both inside and outside the application building.

The Senior Planning Officer, M Wilson, presented via powerpoint, described the proposed development site, its context and relevant views. The site proposal was outlined, the Senior Planning Officer referred to paragraph 8.23, page 17 and 18 of the Planning Committee Report. He advised what element of the building were proposed to be retained and what was new build. He identified the location of the adjacent residential properties and the new build apartment block currently under construction

The Senior Planning Officer, M Wilson, illustrated photographs of the internal of the building, lower ground floor, upper floor, first floor and 2nd floor, advising the report with photographs was available for Members to view.

Members closely viewed the photographs within the report from 2.28pm-2.30pm.

Senior Planning Officer, M Wilson, recommended that as the design, size, scale, nature and impact on the listed buildings are unacceptable, the proposal

is contrary to PPS 16, TSM 1 and TSM 7, therefore refusal is recommended for the reasons set out within the Planning Committee Report and addendum.

The Senior Planning Officer, M Wilson, advised that B McKervey, Historic Environment Division was in attendance to answer questions along with Department for Infrastructure representative, A Gillan.

The Chair invited questions from Elected Members to the Senior Planning Officer.

In response to points of clarification from Members, the Senior Planning Officer, M Wilson, referred to scale drawings of 1:200 and clarified the ridge height of the proposed rear new build section of the proposed development clarifying the ridge height from ground level to the ridge height of the proposal around 16.5m. He advised that the apartments adjacent to the site currently under construction are slightly higher at the highest point, approximately 200mm higher.

He clarified the adjacent apartment block had been granted permission prior to the subject building being listed. He further advised that this full planning application had been submitted prior to the building being Listed but no decision on the application had been taken and the current scheme was different to the original submitted which proposed complete demolition, but listing of the building had significantly changed the policy context of the planning application.

The Senior Planning Officer, M Wilson clarified the apartments on Main Street were 200mm higher than the proposed development; the contextual visualisation similar, the apartments height at the front to Main Street and drop down to the rear, the highest part of the hotel is along Atlantic Avenue.

The Senior Planning Officer clarified the previous approval was granted and expired in 2013, at the time the building was not Listed; the current planning application submitted in May 2017 and the entire building is now listed.

The Chair invited Elected Members to pose questions to the Historic Environment Division representative, B McKervey.

B McKervey, Historic Environment Division representative clarified the building was listed on 9 June 2017, that it was built around 1880-1899 and was listed as part of the Second Survey, having been surveyed in March 2013 but had only gained access internally to assess in 2017. Following the internal survey the building was considered to be more complex with greater detail than previously been aware of and was therefore listed in June 2017. He advised of the inadequacies of the First Survey carried out in early 1980's – mid 1990's when

the building had not been listed as all that was available to assess the potential for listing was a single photo of the front of the building. He advised that the Second Survey was more thorough including the internal examination. B McKervey, Historic Environment Division representative clarified the procedure for requesting a de-listing which may not be made on an economic argument, but based on the special architectural and historic interest. He advised that it would have to be demonstrated that the information for listing the building was incorrect or that the architectural interest was no longer there, however, HED would enquire as to why the features had been removed and if their removal was authorised. He clarified, regrettably, the HED Fund is currently a fraction of what would have been available 5-6 years ago to assist with repairs of Listed Buildings, and that engagement at a very early stage with HED was recommended for works to a Listed Building.

B McKervey advised whilst the structure and condition of the building is acknowledged and varies throughout. However, HED require listing the whole structure to seek its conservation and bring back into reuse and to protect an irreplaceable asset. He advised that it is about the retention of the details such as the building style and proportion, traditional roof, steeply pitched, ornate dormers, decorative nature of the Victorian building, decorative shop fronts, rendered terrace, special architectural interest of the interiors, the building one of 3 similar buildings amalgamated as a single unit and interconnected, inside and out, the red line designating the whole structure and therefore HED remit is to seek retention of the complete asset. He advised that listing of buildings continue despite the limited funding currently available.

The Chair advised four speakers were in attendance to speak in support of the applications and invited them to present within the 5 minutes allocated.

B Kelly addressed Committee advising Consarc were appointed after the building had been listed and outlined their planning team's expertise; that a community event had been hosted; they had listened to the feedback provided; and, met with Planners and NIEA to seek compromise on issues raised. He advised the design responds to the feedback received and their vision for the viability of the asset. B Kelly doubted the facts of the Officers report on the assessment of the economic viability of the proposal.

D Stelfox addressed the Committee. He advised that the current owner had bought the building when it was not listed and the building was listed in its current condition, no unauthorised works had taken place to the building. D Stelfox stated that to restore the internal features would be futile as there is also the need to meet Building Control Regulations. He advised the architectural condition of the building is inaccurate in the listing and it does not provide detail on the interior features of the building that are so important to be

retained. D Stelfox advised that a balanced decision was made to keep the important features of the building, demolishing poor quality parts of the building, keeping the heart of the building to contribute to the economic viability of a new hotel.

R Rana addressed Committee stating he owned and operated his first Hotel in 1990 and had built, owned and operated 7 hotels in Belfast. Following the commitment from Tourism NI and projects in Portrush it was recognised the investment Council has put into Portrush with Tourism NI and Department for Infrastructure. A robust feasibility analysis of options for the site was undertaken and with tour groups, an 87 bed hotel is viable, fewer bedrooms are not economically viable. R Rana advised the best part of the building would be retained and fulfil Council's Tourism Strategy.

The Chair invited questions from Elected Members to the Speakers.

In response to points of clarification from Members, B Kelly clarified different options for different schemes had been identified, the difference being the number of rooms within the schemes, there was a flaw in the arithmetic of the Officer in terms of the percentages which should be 15% not 11% and valuation figures of 27% not 36%, which makes a real difference in the overall investment. He advised that the scheme proposed needs additional funding to make it viable, to reduce will not be viable.

R Rana clarified the financial viability was underpinned by quantity surveyors and a bank and that the 87 bed hotel has a shortfall of £1.4M over what the current value is. He advised that funding through the Urban Development Grant of £800,000 had been applied for leaving a shortfall of £600,000, illustrating a long term commitment. A project for a 74 bed hotel would require the same fixed overheads but with less beds.

D Stelfox clarified he did not disagree with the whole building being listed. He stated that the criteria detailed and the text in the listing does not mention interior features. The shop fronts, dormer windows, streetscape and materials relating to restoring key features 1920's art deco, are proposed to be restored and are not asking for a de-listing. D. Stelfox advised that partial demolition brings economic value as the criteria takes into account to enhance the building on Main Street. He advised the policy is there to be used intelligently to get a scheme working and that the details on the internal finishes can be submitted as a condition of approval; the proposal will enhance the buildings onto Main Street.

D Stelfox clarified the apartment building on the left hand side had been previously approved with the listing of the Church and Bank and other Listed

Buildings in place. This proposal is less in height, and further away from other Listed Buildings than the apartment block approved and would submit the new building has less of an impact on the other Listed Buildings. D. Stelfox advised that the proposal preserves the frontage and shell of the building at 49-51 main Street and accepts the conditions regarding the front internals but demolishing the rear part of the building and building new is a judgement call that they consider does not have architectural or historic interest and will fund the rest of the building. He advised that the listing description focuses on the external qualities and the internal is not given a high rating with only a small reference to mosaic floors. However, need to consider the stability of the building, fire risks, structure etc, existing plaster and joinery work incapable of being retained.

B Kelly stated that they were aware of the carparking from the beginning through community feedback on the proposal. He advised they had looked at how people move around and car park both now and in the future and that they consider there to be sufficient car parking on-street and in the carparks in the surrounding area, and that DfI Roads have no objections. He advised that they have considered the history of the site, compared with other developments of similar character and consider the proposal will contribute to the heart of Portrush Town Centre.

R Rana clarified the drop off facility at the hotel to disembark for organised Tours and groups, allowing parking off-site. R Rana further clarified investigating seeking the option of car parking on private land for staff and guest parking, at a future point prior to opening. He advised that the basement area is too small for parking.

A Gough clarified issues raised of overlooking, the distance at the back of the hotel to the established residential properties, and the elevated nature, 20m away within the limit and conditions may address any issues by obscuring windows. A Gough clarified multiple room options had been explored within the remit of the project being economically viable, the design is sympathetic to the roofscape of Portrush of roof layering as move up the hill, respecting the front terrace and applying modern sympathetic materials.

R Rana advised that in relation to market testing they did an analysis of the tourism market, looked at publically available information and the growing tourism numbers, considered the need for accommodation in the town from the Tourism Strategy, and independently validated the costs and values. He advised he had another project at the Northern bank and the two will operate from the hotel.

D Stelfox stated that there are 2 sets of listed buildings in the surrounding area and the apartment building under construction has a greater impact than the

proposal which is further away and lower. He advised that the group value along Main Street will be reinforced by the proposal. The extension to the back will not impact on these.

A Gough advised that the materials will be painted render, roof of slate and dormer windows with a modern take. She advised that the elevation along Atlantic Avenue is broken down into sections and similar to others in Portrush, the framing details reflect the current details and aesthetics.

The Chair invited Alderman Hillis and Councillor A Mulholland to speak in support of the applications within the 5 minutes allocated.

Alderman Hillis welcomed the applications as a representative for the District Electoral Area and retailer, considering the economic advantages for Portrush. Alderman Hillis considered the hotel would bring vibrancy and would be an economic driver to the town centre, local restaurants, and coffee shops and bring the local resident a more interesting experience. Alderman Hillis advised he had visited the site and observed the height and scale of the side of Atlantic Avenue immediately across from the apartments height and scale. Alderman Hillis stated the Government had spent £15-£17M in Portrush through the Environmental Improvement Scheme, Urban Development and Railway Scheme, that is was unbelievable Department for Communities and Historic Environment Division would prevent development. Alderman Hillis advised if the application is not approved today, it will be an eyesore on Main Street by not being brought back into use and requested Committee take into consideration and approve the applications as they would be a game changer for the centre of Portrush.

Councillor Mulholland advised she had visited the premises and referred to the state, smell and damp and stated concerns for the health and safety of the building. Councillor Mulholland supported rejuvenating the dilapidated part of the building to put it back to use to contribute to the regeneration of Portrush Town Centre and sustain the long term use of the site to benefit the local economy, create jobs and comply with Council's Destination and Management Strategy.

In response to questions from Members, Ald Hillis stated that the building was last used approximately 8 or 10 years ago apart from the entertainment centre and bar.

Councillor Mulholland stated that rather than leaving the building in this state there is more chance of sustaining a business with this proposal and more people will go to it.

The Chair invited M Bradley, MLA to address Committee in support of the Application within the 5 minutes allocated.

M Bradley, MLA, addressed Committee in support of the application, advising of an investment of £6.6M, creating 48 jobs in construction and 41 jobs when open, representing a vote of confidence in the North Coast. M Bradley, MLA, advised of support from the business community, Department for Communities had given Portrush a massive boost and the proposals support Portrush going further. The design retains the main features, front and inside, that he had visited the inside of the building, it was run down and in his opinion required demolishing and replaced. M Bradley, MLA, advised he worked in a print office Listed in 1976 and it was not the entire building that was listed only the frontage. He advised that the building frontage of the subject building was not added until the 1930's. M Bradley, MLA, pledged that Committee think seriously on the application to develop employment, regenerate and sustain tourism, Council were the decision makers and have the power to support how this goes forward.

The Senior Planning Officer clarified the inside of the building had been visited by Planners and HED staff. The Senior Planning Officer referred to paragraphs 8.15-8.26 within the Planning Committee Report and quoted from paragraph 6.24 and 6.25 of PPS6 of Policy BH10. The Senior Planning Officer, in reply to discussion, reminded of paragraphs 8.24-8.25 of the Planning Committee Report that referred to market testing; that on balance the application did not outweigh significant demolition of a listed building and redevelopment at this time and in this case, as the Policy states.

In response to point of clarification from Members the Head of Planning clarified under the Planning Act (Northern Ireland) 2011 there is no legislative basis for compensation should a building be Listed.

Historic Environment Division representative advised he was unaware whether this had been tested in Court.

Proposed by Alderman Finlay
Seconded by Councillor Baird

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

- 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** Listed Building Consent for the reasons set out:

- Be of economic importance to the area;
- Proposal will have no physical impact on the surrounding listed buildings when considering the adjacent apartment building which is higher;
- Proposal will retain the important features of the building – front and side façade and shop fronts;
- There is nothing internally that is so important to retain apart from those features proposed to be retained;
- Impact on residents minimal when considering the apartment block adjacent to the residential properties and the separation distance between the proposal and the residential properties and use of obscure glazing will minimise overlooking;
- Sympathetic materials to be detailed prior to issuing decision;
- Demonstrated that this is an exception due to the £6.5m investment and the viability of the proposal makes good business sense.

The Head of Planning reminded, under Section 89 (1) of the Planning Act (Northern Ireland) 2011, she is required to write to Department for Infrastructure if Council grant consent against the advice of its Statutory Consultee, Historic Environment Division on a listed building consent application. The Head of Planning advised if Council does vote to grant consent, she would be required to notify Department for Infrastructure who may decide to call in the application for determination themselves.

The Chair put the motion to the committee to vote.

11 Members voted for, 0 Members against, 2 Members abstained.

The Chair declared the motion carried.

Alderman Robinson did not vote on the application.

The Head of Planning stated she would write to Department for Infrastructure and await their consideration as to whether they will call in of the application for decision.

- * **A Robinson left the meeting at 2.50pm and re-joined the meeting at 3.24pm during consideration of the above item.**

The Chair declared a recess at 4.30PM.

- * Committee & Member Services & Civic Support Officer, S Duggan, left the meeting at 4.30pm.
- * Committee & Member Services Officer, T McKenna left the meeting at 4.30pm.
- * Committee & Member Services Officer, E McCaul joined the meeting at 4.30pm.
- * M Wilson, Senior Planning Officer, left the meeting at 4.30pm.
- * Councillor McLaughlin left the meeting at 4:30 pm.

The meeting reconvened at 4.52 PM.

5.2 LA01/2018/0146/F (Referred) – 92m South East of 11 Ballywatt Road, Coleraine

Report previously circulated, presented by Development Management & Enforcement Manager, S Mathers. Site visit report tabled.

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.

S Mathers described the proposed development, site and its context for a dwelling and garage on a farm. He informed the Committee of relevant planning history on the site, which included CLUD being granted in October 2016 for 2 no. farm sheds as one unit to be used for agricultural storage and in May 2017 permission being granted for a dwelling and garage to the rear of the current site, with was approved subject to the condition that no development would commence until the farm sheds were completed to ensure a visual linkage to the sheds. He said that the current proposal had a roadside frontage, was dominant and unable to integrate and would extend a ribbon of development. It also would create an infill opportunity and cause harm to the rural character of the area.

The Planning Committee Report detailed that the proposal was considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to policy in terms of the principle of development in that the proposed development fails to integrate, would have a detrimental impact on rural character, would lead to a ribbon of development and would result in a suburban style build-up of development. In addition, the design by reason of its scale and form is inappropriate for the location. As such this proposal is recommended for refusal for the following reasons set out in section 10 of the Planning Committee Report.

In response to points of clarification from Members, S Mathers confirmed that the height of the new proposal was similar to previous approval and less than 8 metres high. The two dwellings adjacent to the farm complex are 2 two storey dwellings of approx. 7.5m ridge; opposite the site is a bungalow. He advised that the main concern was the views of the proposed dwelling when travelling along Ballywatt Road.

The Chair invited J Simpson, Agent to address the Committee in support of the application. The Agent was of the opinion that the two storey dwelling was visually linked to the farm and that the previous approval, which was a dwelling for the son of the farm owner, was 26 metres from the roadside and unsuitable as it would leave a paddock to the front of the dwelling and this was not suitable for modern farming. He indicated that the condition around erecting the agricultural sheds would be inserted as part of an approval. He confirmed that the gap between the hedge and the proposed new dwelling was for agricultural use and that the site would be planted with additional trees if these were needed. He pointed out that the proposed design was similar to other approvals decided by the Committee and there is a two storey dwelling adjacent the site and along Ballywatt Road. He advised that a condition can be put on the permission restricting to one dwelling and erection of the farm shed. He stated that the ground levels are lower than the previously approved site.

In response to points of clarity from Members, J Simpson advised:

- Due to an outbreak of TB, the farmer did not get around to building the previous approval on the site.
- The gap between the hedge and proposed new build was 10 – 15 metres.
- The applicant was happy for the condition around the agricultural sheds to be included as part of an approval.
- The applicant needs this size of dwelling for family but would be prepared to reduce ridge height if need be.
- Many of the properties along Ballywatt Road had roadside frontages.

Proposed by Councillor Hunter
Seconded by Councillor Fielding

- 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:

- *The site is visually linked to the farm better than previous approval and previous approval would have been more prominent in the landscape*

- *The gap on site is needed for vehicle movements around the proposed agricultural shed*
- *An additional farm building could be erected in the gap for future years.*
- *Development along Ballywatt Road is roadside*

Conditions of approval:

- *Tree planting to be carried out in first year along boundaries*
- *Amended plans to be submitted on reduced ridge height to 7.5 m.*
- *Agricultural sheds to be built as per previous CLUD approval on site.*
- *One dwelling only*

The motion was carried unanimously.

It was **AGREED** that conditions and informatives would be delegated to Officers to insert in the decision notice.

* **Councillors Hunter left the Chamber at 5.40pm.**

5.3 LA01/2016/1514/F (Referred) – 19 Causeway Road, Bushmills

Report and 3 Addendums circulated, presented by the Development Management & Enforcement Manager, S Mathers.

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.

S Mathers described the site, its context and said the proposal was for farm diversification for an “Open Farm” to include an education exhibition area, animal petting areas, a farm café, a party room and activity area, milking viewing area and associated toilets and car parking. He advised that a briefing note, viewpoints document, Landscape and Visual Impact Assessment Technical Report, amended Landscaping Plan and additional letters of support had been submitted on 14 December and further letters of support on 17 and 21 December 2018.

S Mathers advised that DAERA Protected Landscapes team were consulted in regard to the amended plans, additional information and Landscape Visual Assessment. Within its response, no objection was raised in regard to the revised landscape proposals to include hedging, mounding and grasscrete. However, concerns were raised in regard to the impact of parked cars and

coaches within the site, both in terms of their impact on visual amenity from Causeway Road, and the landscape character of the area. A site visit was completed by Protected Landscapes team on the 7 January and it was found that the site would be very open to views across Causeway Road from where the lands rises up from Whitepark Road to where the land dips after Ballylinney Cottages. It was also identified that no photomontages of cars/coaches parked at the site had been provided, and DAERA was unconvinced that the proposal would be effectively screened. Reference was also made to the Guidelines for Landscape and Visual Impact Assessment 3rd edition which refers to:

1. The impact on the physical landscape and
2. The impact on the character which includes the perceptual qualities of the landscape.

Members were informed that DAERA had stated that it is therefore not just the visibility of the parking which is questionable but the general intensification and impact of additional vehicular movement which is of concern. In conclusion the site is located on a main approach road to the World Heritage Site and DAERA Protected Landscapes Team still had concerns.

S Mather outlined that addendum 3 detailed that an additional 159 letters of support have been submitted on 21 and 22 January 2019. The content of these letters are broadly similar to previous letters of support received on the application. It is stated within these letters that the farm provides a good facility for children and adults and provides an opportunity to see how cows are milked and animals are fed. It was also stated that the fun farm makes a valuable contribution to tourism and employment by local people in this area. In total 300 letters of support have been received on the application. It is considered that the matters raised and numbers submitted do not outweigh policy and that planning policy should not be set aside in this instance.

S Mathers advised that it is considered that the proposed development does not meet the exceptions to development as set out in Policy COU 4 of The Northern Area Plan and read the exceptions to Members. He advised that due to the scale and design and visual impact on the landscape, the proposal was unacceptable under policy CTY11 of PPS21 farm diversification

ADDENDUM 1, 2 & 3 RECOMMENDATION - that the Committee note the contents of this Addendum and agree with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

Having regard to the information provided, and the response from DAERA Protected Landscapes, there was still concern in regard to the impact of the proposed car park on the rural character of the site. Although the proposed

grasscrete will reduce the visual impact of the site when no cars are parked, concern must be raised in regard to the impact of parked cars on the site and additional vehicle movements.

S Mathers stated that in conclusion the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is located within the Distinctive Landscape Setting of the Giant's Causeway World Heritage site as set out under Designation COU 3 of the Northern Area Plan, and does not fall within the exceptions for development as set out in Policy COU 4. The proposal is contrary to paragraph 6.70 of the SPPS. The proposal will also have an unacceptable impact on the Causeway AONB and is contrary to policy NH6 of PPS 2. This proposal includes provisions for a Farm Diversification project but as the proposal is inappropriate in terms of character and scale at this location, and impact on landscape character, the proposal fails to comply with CTY 11 of PPS21. Refusal is recommended for the reasons set out in Section 10 of the Planning Committee Report.

In response to points of clarification from Members, S Mathers referred Members to para. 8.14-8.19 of the Planning Committee Report advising that the proposal meets part of the criteria under CTY11 in terms of an active and established farm business and no adverse impact on residential amenity, however, it was not considered to meet the criteria in relation to appropriate scale and character and also that it would have an adverse impact on the distinctive Landscape Setting and AONB. He advised that the carpark at the World Heritage Site was approved prior to the adoption of policy COU4 of NAP.

The Chair invited D Monaghan, Agent and A Bunbury, Landscape Architect to address the Committee in support of the application. D Monaghan explained that the reason for the proposed farm diversification was that dairy farming was becoming unsustainable for the farm owner. He said that following advice from Planning, the original sheds had been used in the successful diversification, where visitors were able to view the educational area and see cows being milked. He added that the diversification project had glowing reviews; was value for money and excellent for children. He further added that there were no objections to the proposal, which was an important tourist asset with no environmental impacts. He stated that the development is in accordance with policy CTY11.

D Monaghan referred to policy COU 4 and pointed out the PAC was of the opinion that the planning policy was not to be overly restrictive. He advised that there are no proposed extensions to the buildings only an area of grasscrete which is approx. 6% of the site area. D Monaghan stated that the photos shown to the Committee were misleading and that there was a photo montage

submitted to Planning in December which had not been shown to the Committee showing that the impact on the landscape would be negligible.

A Bunbury advised that the landscaping plan had been amended to provide further mitigation. He advised that the farm group had been there since 19thC and that the impact will be negligible.

In response to points of clarification from Members, D Monaghan advised that the photomontages had been submitted before Christmas. He stated that the site area is 2.37ha and the carpark takes up only 0.15ha of the site – 6% of the farm complex and will be finished with grasscrete.

A Bunbury advised that the photomontage from Ballylinney Cottages is approx. 400m from the site. The scheme will reduce the area of current hardstanding from 0.8 acres to 0.42 acres turning almost 0.4 acres of hardstanding into green areas. He stated that 200m of hedgerow is to be planted on top of a slight ridge. Therefore, only view vehicles going up and down the laneway and the development will not be visible from the Causeway.

D Monaghan confirmed that it will be difficult to spot the development from the road and cars will be very difficult to see. He advised that the majority of the car park is to the back of the hill including the carpark, with only short views from Ballylinney Cottages.

A Bunbury stated that the landscape plan shows the existing and proposed views where the land rises to the farmstead and drops into the valley where the carpark will be including only one bus space.

At this point the Committee viewed the photo montage.

* **Alderman McKeown and Councillor McGurk left the meeting at 6:20 pm.**

The Chair invited J Allister, MLA to address the Committee in support of the application. J Allister stated that he strongly supported the application and referred to the second paragraph of the Second Addendum stating the development attracts many visitors and the facility had proven to improve the tourism offering to the area with multiple letters of support. He queried why the Planning Department were inviting the Committee to close the farm as it was a success story.

J Allister, MLA, referred to policy COU 4 and to the protection of the World Heritage Site. He questioned why representatives from the National Trust or UNESCO were not at the meeting. He stated that there were no objections to the proposal; no threat to the landscape setting of the Giants Causeway; it was

not a green field site; no additional buildings would be erected and the proposal included improving part of the farm area with grasscrete for a parking area for 37 cars and one bus. In summing up J Allister said the proposal was modest in every way; it was a planning gain in terms of hedges being planted and queried why planning was objecting and trying to close the business down.

In response to points of clarification from Members on policy COU 4, J Allister, MLA, pointed out that the policy dictates that you cannot have a development that effects the landscape, yet the Planning Committee had previously approved an application which changed a barn to a house. He questioned the interpretation of the policy, which in his view was not something that was to be slavishly adhered to and farm diversification in this case was complementary. He was also of the view that the proposal deserved the support of the Planning Committee as the proposal is a sustainable, viable, fantastic asset to the tourists coming to the area.

J Allister, MLA, stated that the proposal meets the direct needs of visitors to the World Heritage Site who are out for the day; involves wetting their tourism appetite. He reminded Members that policy is not something that should be slavishly adhered to and the proposal meets the parameters of the policy. He advised that there is no harm departing from the policy; to see the proposal you would have to overlook buses at Ballylinney Cottages. He stated that the business has been operating for 2 summers and there has been no complaints regarding overflow carparking from the Farm.

* **Councillor Nicholl left the meeting at 6:30 pm.**

In response to further points of clarification from Members, said that recommending approval would not be creating a precedent for a car park. This is exceptionally modest, is not a greenfield site, is taking existing buildings on the skyline and not changing them; but to facilitate the development it needs a carpark in an area where the applicant could park a dozen combine harvesters and no-one would object. He reminded Members that there is no objection from DfI roads and that this is a modest carpark for 37 cars and 1 bus without landscape detriment in the context of what already is in the landscape. J Allister, MLA, stated that the farmer is wanting to provide for the future inheritance of this farm. He stated that the more variations on the tourist offering there is the better. He stated that it will create a precedent for other open farms and farm diversification but not carparks. He advised that this case is more compelling than a previous application approved by Planning committee for conversion in the Distinctive Landscape Setting.

The Head of Planning advised that UNESCO had not been consulted with regard to the proposal, however, they keep the World Heritage Site designation

under review. She advised that the application had been advertised and those that met the legislative requirements for neighbour notification were notified.

Proposed by Alderman Finlay
Seconded by Councillor Baird

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

- *Consider this as exceptional as change of use is modest and does not exceed the 20% cubic content of existing building. There will be little change to that which is already on the ground; no extra buildings; no extra concrete; only 37 carparking spaces over the hill and will not be seen*
- *Will enhance the whole area as more will be attracted for a family day out; will not impact on the environment as there is no real change to the environment and will not impact on the landscape or the setting of the World Heritage Site or Distinctive Landscape Setting.*
- *No change to the integrity of the Giants causeway and carparking will have a minimal visual impact*
- *Its planning gain and not changing area; landscaping proposals will assist integration and therefore not damage rural character*
- *No additional buildings, its conversion and farm already has extensive yard area.*
- *Appearance will not change from what already exists.*

A recorded vote was requested by Alderman Cole.

The Chair put the motion to approve to the Committee to vote:

For (7): Aldermen Blair, Finlay, King and Robinson. Councillor Fielding, Baird and McCaw.

Against (2) Alderman Cole and Councillor Loftus.

The Chair declared the motion carried. Members delegated conditions and informatives to be put on decision notice to Planning Officers.

* **Councillor Hunter returned to the Chamber at 7.12pm.**

It was **AGREED** that application LA01/2018/1114/F, which had been granted speaking rights would be the next item of business.

* **Recess**

5.4 LA01/2018/1114/F (Referred) – Lands Adjacent to 10 Sunnyvale Avenue, Portrush

Report circulated and presented by Senior Planning Officer E Hudson.

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

E Hudson described the site and its context. She advised that this was a full Section 54 application to make variations to the conditions previously attached to planning approval ref no LA01/2016/1570/F, namely Condition 2 (electric closing and coded control of vehicular gates) and Condition 4 (electric closing gate). She said that the reason that the condition had been attached to the approval was for residential amenity and safety at the request of the Planning Committee.

E Hudson explained that the proposed variation to condition 2 relates to the vehicular gates and proposes to replace the coded keypad and electric self-closing gates and replace with a permanently locked gate which would only be temporarily opened when access was required. She also explained that the proposed variation to condition 4 relates to the pedestrian access and proposes to remove the coded keypad and electric self-closing gates and replace with a coded lock which operate with a self-closing and locked mechanism. The Senior Planning Officer outlined that 6 neighbours were notified on the application and 2 objections were received from no 10 Sunnyvale Avenue, Portrush, relating to vehicle and pedestrian access and usage in relation to the caravan park.

The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposed variation to Condition 2 would prove difficult to monitor and enforce. It would not provide the same level of control and protection to residential amenity and safety as the current condition imposed on planning permission LA01/2016/1570/F. The proposed variation to Condition 4 is considered acceptable and would ensure restricted pedestrian access is maintained. Refusal is recommended for the reason set out in sections 9 and 10 of the Planning Committee Report.

The Chair invited M Bell, Agent to address the Committee in support of the application. The Agent outlined that this is an historical access 120m from the

public road and that an application had been lodged in 2016 for gates and pillars which were an improvement on what was there previously. He was of the opinion that the conditions attached to the approval went beyond what was considered reasonable and had not been discussed with the agent. He stated that the variations requested were to simplify the operation of the gates. He indicated that the refusal reason had no basis as there were no evidence of damage or nuisance at the site. He pointed out that the gates were opened when checking for rubbish at the caravan park and locked immediately afterwards. M Bell advised that the vehicular access would only be opened when accessed and is well beyond what is sought in any other caravan park and is an injustice to his client.

In response to points of clarification from Members, M Bell reiterated that the conditions went well beyond what had been proposed on the drawings of the 2016 application and that this is an extremely minor change. He stated that the key issue is that the gates and the need to get power to them. He stated the concern that children, dogs etc do not get trapped in the gates. He stated that he was not disagreeing that the gates should be locked but didn't agree that they should be electronic as they don't need to be electronic. M Murray advised that when the maintenance gate is used it will be closed by the maintenance guys and that an electronic mechanism is unnecessary as it causing more issues in terms of servicing, maintenance etc. due to the elements of the area.

M Bell agreed that the coded lock, with self-closing mechanism proposed for the pedestrian gate could be used for the vehicular gate but stated that a lock and key would be better. He advised that the gate would only be access by something like a quad or a small maintenance tractor due to the finished surfaces on the other side of the gate. He advised that a two-leaf gate is harder to control than a single gate.

M Bell stated that due to the Portrush extreme environment, things rot quickly and that these elements will be completely outside. He advised that the gates are substantial and make the place tidier and a place to be proud of. He stated that there is only one objector.

M Bell advised that the pedestrian gate is operated by gravity and this can lead to the mechanism jamming; they are rarely opened. He advised that this is not a mutual Right of Way through the gates.

The Senior Planning Officer confirmed what had been approved from the minutes of the Planning Committee meeting that determined LA01/2016/1570/F.

The Head of Planning outlined that variation to condition 2 was acceptable but Planning were unable to reword condition 4 as this is the description of the application.

Proposed by Alderman Finlay
Seconded by Councillor McCaw

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

5 Members voted for, 4 voted against and 1 Member abstained.

5.5 LA01/2017/1226/F (Objection) – 52b Main Street (Accessed Via Strandview Cottages), Castlerock

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

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.

J Lundy described the proposed setting and context of the site for residential development consisting of 2 private detached dwellings with amenity space and parking provision as approved in principle in previous application Ref: C/2007/0969/F.

J Lundy outlined that there were 7 letters of objection to the proposal around access, height concerns resulting in blocking the sea view, impact on privacy and concerns about access to objector's property during construction. She said that the objections had been addressed in section 5 of the Planning Committee Report. She advised that there was a difference in height from 8.5m under the previously approved application to 8.8m height in this application; the attic is now proposed as a bedroom. She advised that the proposed development will not adversely impact on residential amenity due to the set-back, ground levels and already open aspect nature of existing rear gardens.

The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The development is an appropriate use of the land and is acceptable in terms of its layout and appearance. No significant harm would be caused to neighbouring amenity

and the proposal is acceptable in terms of road safety. Approval is recommended.

Proposed by Alderman Finlay
Seconded by Alderman King

- 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 motion to approve was carried unanimously.

6. DEVELOPMENT MANAGEMENT PERFORMANCE:

6.1 Update on Development Management and Enforcement Statistics 01/04/18-30/12/2018

Committee was provided with a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of October 2018. Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have to be excluded from the reports to correspond with official validated statistics published by DFI.

Table 1 circulated detailed the number of Major planning applications received and decided as well as the average processing times, these figures are unvalidated statistics. In comparison to the same period last year, the number of major applications remained the same and the number of major applications decided has increased by 4.

Table 2 circulated detailed the number of Local planning applications received and decided as well as the average processing times, these figures are unvalidated statistics. In comparison to the same period last year, the number of decisions issued has increased by 121. Of note is that staff have issued more decisions than applications received.

Table 3 circulated detailed the number of Enforcement cases opened and concluded as well as the average processing times, these figures are unvalidated statistics. In comparison to the same period last year, the number of cases brought to conclusion has increased by 21.

Resources continue to be targeted to reduce the over 12 month applications. Table 4 circulated provides a further breakdown of the over 12 month

applications in the system and also the percentage of over 12 months applications in relation to the number of live planning applications. The weekly monitoring of these figures continues in line with the Over 12 Month Action Plan and staff are conscious of the need to prioritise their efforts in this area of work.

Table 5 detailed the number of appeal decisions issued since 1 April 2018, these figures relating to planning application decisions only are unvalidated statistics extracted from internal management reports.

Table 6 detailed the number of referral requests received from Elected Members and Head of Planning under Part B of the Scheme of Delegation. From April 2018 until December 2018, 40 referral recommendations were determined by the Planning Committee, 40% of which have been overturned.

Table 7 detailed the number of referral requests outstanding from pre April 2018 that are requested to be presented to the Planning Committee.

IT IS RECOMMENDED that the Planning Committee note the update on the development management statistics.

AGREED – that Planning Committee note the update on the development management statistics.

In response to Alderman Finlay who raised the processing time for poultry house applications, the Head of Planning advised that ammonia issues and impact on designated sites were delaying the processing of these applications. She also advised that there were detailed objections to some of the poultry houses that require consultation with statutory consultees and further information.

6.2 Second Quarter 2018/19 Development Management Statistics

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. The Second Quarter 2018/19 Statistical Bulletin was published on 20 December 2018 providing provisional planning statistics for this period. It also provides a summary of Council progress across the three statutory targets for major development applications, local development applications and enforcement cases as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

Development Management Planning Applications – Table 1 circulated detailed a summary of performance in relation to the statutory target for major

development applications and local development applications for Q2 and provides a comparison of performance against all 11 Councils.

Causeway Coast and Glens Borough Council is in the top half of the 11 Councils when comparing the number of applications received and determined over this six month period. Although this Council has the second highest number of live applications, it is sixth in terms of the percentage of live applications in the system over 12 months, an improvement of 2 ranks compared to Q1.

Furthermore, performance in terms of processing times of both major and local applications has improved from Quarter 1 but remains the second slowest out of the 11 Councils for processing major applications and the slowest for local applications. However, this must be balanced against the fact that this Council received and determined the second highest number of major applications in Q2. It also received the second highest number of commercial applications in Q2 and the second highest number of Government and Civic type applications.

The main reasons for the lengthy time to process applications continues to relate to the continual negotiations on applications to achieve high quality design or seek reports on flooding, ammonia, and protected species. This is because 42% of the Borough is covered in an environmental designation, including 5 Conservation Areas and 4 AONBs, either wholly or partially. Quality in terms of design and impact on the environment is therefore of high importance in this area.

Nevertheless, performance against statutory targets remains an area for improvement and although one of the slowest Councils, progress has been made in relation to the average time to process both local and major applications when compared to Q1. Of significance is the increase in the percentage of local applications now being processed within the 15 week target, improving from 33.7% of applications processed within the 15 weeks in Q1 to 36.5% in Q2 with an improved YTD of 35.1%. With the ongoing recruitment of additional staff it is anticipated that this should result in further improvements in performance against statutory targets in Q4 when staff will have been recruited and in post.

Enforcement – Table 3 and Table 4 circulated detailed statistics in relation to enforcement in Q2 and YTD. The high number of enforcement cases opened continued yet to date we continue to close more cases than we opened keeping the overall live caseload at a manageable level. Of note is that of the cases closed in Q2, 23.3% were as a result of no breach of planning control being identified. Of further note, is that this Council has the 5th highest number of cases live which includes those cases where an enforcement notice has issued

and court action is ongoing or where a planning application has been submitted and action is held awaiting the outcome of the planning application process.

In conclusion, performance within the Planning Department remains steady. However, the processing times and number of over 12 month applications requires focus over this business year in an attempt to increase the number of applications processed within the statutory targets and reduce the number in the system over 12 months. With the agreed recruitment of additional staff, this improvement should be visible in Q4 performance statistics.

IT IS RECOMMENDED that the Planning Committee note the update on the Northern Ireland Planning Statistics 2018/19 Second Quarterly Statistical Bulletin.

AGREED – that the Planning Committee note the update on the Northern Ireland Planning Statistics 2018/19 Second Quarterly Statistical Bulletin.

In response to Alderman Robinson, the Head of Planning advised that a change in case officer did not mean that applications had to start afresh.

7. DEVELOPMENT PLAN:

7.1 Northern & Western Regional Assembly (RO1): Publication of Draft Regional Spatial & Economic Strategy (RSES): Public Consultation Document

The Development Plan Manager reported that the Northern & Western Regional Assembly (NWRA) in the Republic of Ireland (ROI) has published its Draft 'Regional Spatial & Economic Strategy (RSES)' for public consultation.

Donegal County Council (DCC), which lies within the NWRA is one of this Borough's four adjoining councils, for the purposes of preparing the Local Development Plan (LDP); having a common water body (Lough Foyle) and a ferry crossing (Magilligan to Greencastle).

The Borough also lies within the Donegal-Derry NWRA Sub Regional Catchment Area and as such, the transboundary implications of this Strategy must be considered.

RSES Issues Paper 2035 – the NWRA previously published a 'RSES Issues Paper 2035' for pre-draft public consultation at the end of 2017. The Council responded to this through the Head of Planning as agreed at the 24 January 2018 Planning Committee.

Draft RSES – NWRA wrote to the Council again on 3 December 2018 advising that the Assembly, at its meeting on 9 November 2018 adopted the Draft RSES. It was published for comment on 19 November 2018, together with associated environmental documents: an SEA Environmental Report (ER); a Natura Impact Statement (NIR); and a Regional Flood Risk Assessment (RFRA). All documents can be viewed online at: <https://www.nwra.ie/rses/>

The purpose of the RSES is to support the implementation of the National Planning Framework (NPF) and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the region over a period of between 12 years and 20 years.

The draft RSES is split into the following sections:

- Strategic Analysis & Vision;
- People & Places;
- Growth Ambition 1: Economy & Employment – Vibrant Region;
- Growth Ambition 2: Environment – Natural Heritage;
- Growth Ambition 3: Connectivity – Connected Region;
- Growth Ambition 4: Quality of Life;
- Growth Ambition 5: Infrastructure – Enabling Our Region;
- All Island Cohesion; and
- Implementation.

The following environmental reports have been published alongside the Draft RSES for comment:

SEA Environmental Report

The purpose of the environmental report is to:

- Inform the development of the draft NW RSES;
- Identify, describe and evaluate the likely significant effects of the draft NW RSES and its reasonable alternatives; and
- Provide an early opportunity for statutory authorities and the public to offer views on any aspect of this environmental report and accompanying draft NW RSES documentation, through consultation.

Natura Impact Report – the overall purpose of the Appropriate Assessment (AA) process is to ensure that the RSES does not adversely affect the integrity of any European (Natura 2000) site in view of its conservation objectives.

The development of the RSES, SEA and AA process is an iterative one which requires engagement with all parties and consultation with stakeholders. The AA process involves the analysis of the relationship between the proposed elements of the NW RSES and the conservation objectives of European (Natura 2000) sites.

Regional Flood Risk Assessment – the purpose of the RFRA is to ensure that the NW RSES follows the principles of the guidelines and implements policies and development strategies that:

- Avoid inappropriate development in areas at risk of flooding, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level;
- Avoid developments increasing flood risk elsewhere;
- Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk;
- Avoid unnecessary restriction of national, regional or local economic and social growth;
- Incorporate flood risk assessments into the planning process;
- Improve the understanding of flood risk among relevant stakeholders; and
- Ensure that the requirements of EU and national law in relation to the natural environment and nature conservation are complied with at all stages of flood risk management.

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

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

Council's Place & Prosperity Section has also been consulted on the economic proposals contained within the document.

The public consultation period ends at 5 pm on Friday 8 February 2019.

IT IS RECOMMENDED that Members agree to the Head of Planning issuing a consultation response on behalf of the Council.

AGREED that the Planning Committee agree to the Head of Planning issuing a consultation response on behalf of the Council.

7.2 Engagement of External Consultant(s) to undertake a review of local Landscape Character Areas (LCA's) to inform the Local Development Plan preparation

The purpose of this paper is to outline the requirement to engage external consultant(s) to undertake a comprehensive review of the existing local Landscape Character Areas (LCAs) identified in the Causeway Coast and Glens Borough Council area.

Prior to the transfer of planning powers to local government on 1 April 2015 the former Department for the Environment (DOE) (through NIEA) was responsible for the assessment of landscapes and seascapes, as follows:

- Local Landscape Character Areas identified in 2000;
- Regional Seascape Character Areas identified in 2014; and
- Regional Landscape Character Areas identified in 2016.

However, since 1 April 2015 local councils have the responsibility of preparing Local Development Plans (LDPs) for their area. This includes responsibility for (only local) LCAs and forms part of the evidence base required to inform the LDP. Central Government retains the responsibility for the review and update of regional landscape and seascape character assessments.

Since the publication of the local Landscape Character Assessment in 2000 parts of the landscape within the borough have been subject to change, from residential development, renewable energy development (particularly wind energy) and leisure and tourism development. The process of landscape characterisation has also evolved since then.

As Members are aware, the LDP preparation must be based on robust evidence that can withstand the soundness tests it will be assessed against at independent examination.

The existing (detailed) local LCAs, identified by NIEA back in 2000, will be used as a starting point for this project rather than 'starting from scratch'. Therefore this project will essentially be a review and update (where required) of the NILCA (2000) assessment. It will ensure that both plan-

making and decision-taking are informed by a robust and up-to-date “sound” evidence base.

Option 1 – Prepare the Landscape Character Assessment in-house:

In this option the assessment would be undertaken in-house entirely by the LDP team. This is a complex and wide ranging area of work that may be subject to particular public scrutiny and potential legal challenge. Given the lack of expertise in this field among staff within the team, and the considerable amount of other LDP work to be undertaken, it is considered that it would be extremely time consuming to develop the necessary skills required for such a specialised area. If not carried out to the highest standard the assessment could be found ‘unsound’, thus delaying the entire LDP process. In this option the costs would be absorbed into the salaries of the existing staff. Although this option has the obvious benefit of building up necessary in-house expertise, it would likely have an adverse impact on the ability of the team to meet the published LDP timetable.

Option 2 – Expand Council’s LDP team to incorporate this specialism:

This option would have the benefit of securing a specialist officer within the LDP team, thereby allowing staff to benefit from this knowledge. However, the appointment would only be for a fixed term of up to 1 year (max). The officer would be expected to be at least a P01-P02 grade, at an annual cost to Council of approx. £40,000-£45,000 (includes employers NI and Pensions contributions). This (up to) one year contract is likely to have an adverse impact on the ability of the team to meet the published LDP timetable. The expertise would also be lost following the termination of the contract and it would be difficult to secure their input into and attendance at the future Independent Examination of the Development Plan Documents (Plan Strategy and Local Policies Plan) as deemed necessary.

Option 3 – Engage consultants to assist the LDP team to prepare the Landscape Character Assessment in-house by providing independent advice and guidance during its production:

This option would involve the appointment of a consultant to provide an overseeing, guidance and advisory role (only) to the LDP team. Their role would be to ensure the assessment was in accordance with current published (best practice) guidance, and to provide guidance and advice at critical times in the process. In this option the Landscape Character Assessment Report would be undertaken entirely by the LDP team. Given the lack of expertise in this field among staff within the team, and the considerable amount of other LDP work to be undertaken, it is considered that it would be extremely time consuming to

develop the necessary skills required for such a specialised area. Although this option has the obvious benefit of building up necessary in-house expertise, it would likely have an adverse impact on the ability of the team to meet the published LDP timetable. Research into indicative costs highlights that this option may cost from £5,000 - £7,000.

Option 4 – Engage consultants to prepare the Landscape Character Assessment:

In this option, a successful consultant(s) would already possess the required expertise, enabling the preparation of a “sound” assessment on behalf of the Council. It is also expected that in this scenario the consultant would work collaboratively with the LDP team, therefore creating an opportunity to develop staff skills. The consultant would also be required, as part of the contract, to provide input and attend the Independent Examination of the Development Plan Documents (Plan Strategy and Local Policies Plan) as deemed necessary. It is anticipated that under this option it would take approximately 4 months to complete the study. This would be carried out within the published timetable. Research into indicative costs highlights that this option may cost in the region of £35,000 (approx.).

Preferred Option – The most cost effective and advantageous option is Option 4: Engage consultants to prepare the Landscape Character Assessment. The consultant will be a well-established practitioner in this field. Whilst not the most cost-effective option, it does allow for an expedited project, therefore having minimum impact on the published LDP timetable. This option also enables the LDP team to develop its understanding of the process through regular contact with the consultant(s).

Financial Implications - £35,000 (approx.).

The detailed Tender Specification circulated outlines the background to the requirement for the assessment, including the regional policy context. It lists the relevant Regional and Local Landscape Character and Regional Seascape Character Areas that lie within the Borough. It also details the following:

- Key requirements;
- Key study activities;
- Study output; and
- Proposed scope of works.

IT IS RECOMMENDED that Members agree to the contents of the Draft Specification and Draft Scoring Matrix and to the engagement of external

consultants to carry out a comprehensive review of the local Landscape Character Areas within the borough to inform the Council's Local Development Plan preparation.

Proposed by Councillor Baird
Seconded by Councillor Hunter

That the preferred option 4 be approved.

AGREED – that Members agree to the contents of the Draft Specification and Draft Scoring Matrix and to the engagement of external consultants to carry out a comprehensive review of the local Landscape Character Areas within the borough to inform the Council's Local Development Plan preparation.

The Chair put the motion to the Committee for vote, which was carried 10 for, 0 against and 0 abstentions.

7.3 Confirmation of Provisional Tree Preservation Order (TPO) on Lands at and Adjacent to No.34 Kilrea Road, Garvagh

Sections 122 and 123 of the Planning Act (NI) 2011 and the provisions of the Planning (Trees) Regulations (Northern Ireland) 2015 enable Council to make Tree Preservation Orders (TPOs) to afford statutory protection to selected trees or woodlands, if their removal is likely to have a significant impact on the local environment and its enjoyment by the public.

Trees can have a high amenity value and can make an important contribution to the environment, creating a varied, interesting and attractive landscape. They can help define the character of an area and create a sense of place acting as landmark features in urban and rural areas. They also have nature conservation, historic and recreational value. Trees in the Northern Ireland landscape are limited, therefore, where they do exist their contribution is valued.

The Council may make a TPO for the purpose of protecting trees if they are considered to be of special value in terms of amenity, history or rarity, which may or may not be under threat. Therefore to be considered for a TPO, trees must be of high amenity value and in reasonable condition. The following criteria are used when assessing the merits of a potential TPO:

- **Potential Threat:** Priority will be given to the protection of those trees deemed to be at immediate risk from active felling or damage from development on site. All other requests will be assessed and prioritised accordingly.

- **Visibility:** The extent to which the trees or woodlands can be seen by the general public will inform the assessment of whether the impact on the local environment is significant.
- **Individual Impact:** The mere fact that a tree is publicly visible will not itself be sufficient to warrant a TPO. The tree's particular importance will be assessed by reference to its size and form. Its future potential as an amenity should also be assessed, taking into account any special factors such as its screening value or contribution to the character or appearance of an area. In relation to a group of trees or woodland, an assessment will be made of the collective impact.
- **Wider Impact:** The significance of the trees in their local surroundings will also be assessed, taking into account how suitable they are to their particular setting, as well as the presence of other trees in the vicinity.
- **Historical Importance:** Certain trees, because of their age, association with the setting of listed buildings, or the contribution they make to the special character of a conservation area, may require consideration for TPO protection.
- **Rarity:** There may be occasions where a tree(s) may be considered for TPO protection solely on the grounds of its rarity. The priority of the consideration will reflect the rarity of the species.

All types of tree can be protected. The Order can cover anything from a single tree to woodlands. Normally, unless a Woodland TPO is proposed, only trees over 3.5m in height are considered for a TPO. Hedges, bushes and shrubs will not be protected.

In terms of the process and timescales, a Provisional TPO is normally served first, with the final confirmation within six months, or it can be allowed to lapse if it is considered, as a result of detailed assessment, that the trees are not considered worthy of protection.

Detail: Lands at and adjacent to No.34 Kilrea Road, Garvagh

In light of the above criteria, the site, which includes lands at and adjacent to No.34 Kilrea Road, Garvagh, includes trees considered worthy of TPO protection.

The site is located to the southeast of the settlement of Garvagh. It comprises a large detached house at No.34, set amongst mature landscaped grounds. The site includes a significant level of mixed mature broadleaved trees and a number of Fir Trees along the site boundaries. A small orchard and segmented garden are located to the rear of the dwelling. Attractive mature Copper Beech trees are located at the access entrance, with a central specimen mature

Copper Beech set to the front of the dwelling. It is considered that all of these trees significantly contribute to the visual amenity and character of the local area.

The Northern Area Plan 2016 currently defines the site as Whiteland within the Settlement Development Limits of Garvagh. This planning context has resulted in the submission of a recent outline planning application (LA01/2018/0901/O) for a housing development of 10 no. units on the site. No provisions have been made, within the application, for the provision of the existing trees on the site.

The trees on (and adjacent to) the application site are considered to make a valuable contribution to the local environment and character of the area, creating an attractive landscape within this setting and approach into Garvagh. As they are visually significant, with high amenity value, they should be retained and protected from development.

Planning Section considered that, given the extent of the existing trees both on and adjacent to the site, and their high amenity value to the surrounding area, alongside the potential threat and pressure from development, a level of protection was required. A Provisional TPO was therefore served on site on 17 August 2018.

This notice took effect immediately and provided protection for all trees on site for a period of six months - until 17 February 2019.

A copy of the Provisional TPO documentation was posted to interested parties on 17 August 2018. Copies of the Order were also attached to protected trees in obvious locations within the site on 17 August 2018. On 20 August 2018 notification of the Provisional TPO was posted to adjoining neighbours at No's 1-10 Thompson Crescent and at No's 31, 33, 35, 37 & 39 Kilrea Road.

The consultation process allows comments and representations to be made in writing to the Council, within 28 days from the date of notice of the Provisional TPO, (i.e. up to 14 September 2018). No representations have been received.

Within this period Planning Section had the opportunity to have a detailed assessment carried out by a qualified Arboriculturist. This has resulted in a detailed survey of all trees on site which helps identify the physical condition of each individual tree, allowing for consideration of what level of protection is required.

Dr Philip Blackstock surveyed approximately 99 trees on the identified site. Of these, 68 have been found suitable for protection. A further 31 trees have been found not suitable for protection; 15 of which have been identified to be felled. It

is important to note that, whilst poorer quality trees would not be suitable for TPO protection, they may still provide a level of contribution and remain on a site.

The majority of trees identified to be felled are located along the site boundaries. They include Cypress (Leyland and Lawson), Flowering Cherry, Laburnum, Sitka Spruce, Larch, Scots Pine, Sycamore, Plum, Ash and Beech. Many of these trees have defects such as infection, excessive deadwood, crown failure or thinning, hollowing, have died or are dying.

In summary, the vast majority of trees (68), are considered worthy of TPO protection. Importantly, most of these trees are located at sections of the site which have high public amenity value, being the most visually prominent sections of the site. The trees at these locations provide an important and valued contribution to the local environment and character of the area, creating an attractive landscape within the urban setting of Garvagh and are, therefore, worthy of TPO protection.

Council can decide whether or not the Order should be confirmed, and if confirmed, either with modifications or without modifications as the case may be.

Financial Implications - £1,366.20 for the tree survey to be carried out.

Given the detailed specialist report carried out it is recommended that the TPO is confirmed with modifications, to protect all trees on site with the exception of those recommended for felling or identified as not suitable for protection (Tree Numbers to be excluded from TPO; 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 14, 21, 22, 25, 35, 36, 43, 46, 47, 51, 62, 70, 74, 75, 76, 78, 80, 81, 88, 95 & 96).

Confirmation of the TPO with the above modifications would ensure the protection of the existing healthy trees and help towards the continuity of the important landscape amenity and character afforded by the trees on this site.

Option 1: Resolve to confirm the TPO as detailed above.

Option 2: Resolve not to confirm the TPO.

IT IS RECOMMENDED that Members agree either Option 1 or 2 above.

Proposed by Alderman Cole

Seconded by Councillor Hunter

AGREED – that Members agree Option 1.

6 Members voted for, 2 against and 1 Member abstained from the vote.

It was noted that this could inhibit development of the site.

- * **Alderman King left the meeting at 8:30 pm.**

8. CORRESPONDENCE

The following items of correspondence was circulated to the Committee.

8.1 Chief Planners Update

8.2 Marine Designation Register Confirmation

The items of correspondence were **NOTED**.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Finlay
Seconded by Councillor Hunter and

AGREED – that Committee move 'In Committee'

9. LEGAL ISSUES

Council Solicitor provided a verbal update on ongoing legal issues in relation to planning applications.

The verbal update was **NOTED**.

The Head of Planning updated Members on complaints to Ombudsman. She advised that 7 complaints had been forwarded to the Ombudsman since 2015 and one was still outstanding.

Congratulations was extended to Planning Staff on turnover in workload.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Baird
Seconded by Alderman Finlay and

AGREED – that the Committee move 'In Public'

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

There was no other relevant business.

This being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 8:40 pm.

Chair