

**PLANNING COMMITTEE WEDNESDAY 23 SEPTEMBER 2020**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
1.	Apologies	<b>Alderman Boyle and Councillor McMullan</b>
2.	Declarations of Interest	<b>Councillor MA McKillop in LA01/2019/0576/O</b>
3.	Order of Items and Confirmation of Registered Speakers	
	Major LA01/2016/1265/RM Lands opposite 24-44 Woodland Walk and including the former Gorteen House Hotel site, Roemill Road, Limavady	<b>Withdrawn from the Schedule</b>
	Major LA01/2018/0200/F Lands approx. 6km N E of Limavady which are located immediately to the south of Broad Road (A37) in the Town land of Gortcorbies, Co Derry/Londonderry.	<b>Withdrawn from the Schedule</b>
	Referral LA01/2019/0182/F 24m NE of 50/51 Kerr Street, Portrush	<b>Withdrawn from the Schedule</b>
	Referral LA01/2019/1103/F 1 Redlands Crescent, Coleraine	<b>Site Visit to be held</b>
	Referral LA01/2020/0066/F 160 Carrowclare Road, Limavady	<b>Site Visit to be held</b>
4.	Schedule of Applications	
4.1	Major LA01/2018/1190/O Former Shackleton Barracks Ballykelly (immediately North of 20 Dukes Lane and 13-22 Hyacinth Avenue and immediately East of Walworth Park)	<b>Approve</b>

<b>4.2</b>	Major LA01/2018/1562/F Former Hospital site to the South and West of St Joseph's High School, Mountsandel Road, Coleraine	<b>Approve</b>
<b>4.3</b>	Major LA01/2019/0975/F Carnroe Weir and Navigation Lock, Vow Road, Ballymoney	<b>Approve</b>
<b>4.4</b>	Council LA01/2019/0326/F Drumsurn Community Centre, Beech Road, Drumsurn	<b>Approve</b>
<b>4.5</b>	Council LA01/2019/0008/F Magheracross Car Park, Dunluce Road, Portrush	<b>Approve</b>
<b>4.6</b>	Objection B/2013/0190RMF Site adjacent to 7 Bolea Park, Limavady	<b>Approve</b>
<b>4.7</b>	Objection LA01/2019/0830/F Nos. 55 & 57 Causeway Street, Portrush	<b>Defer for Site Visit ICT to look for technological solution to view drawings in the Chamber</b>
<b>4.8</b>	Objection LA01/2020/0033/F 11 Mussenden Road, Downhill, Castlerock	<b>Approve</b>
<b>4.9</b>	Objection LA01/2019/0741/F 2 Rossair Road, Limavady	<b>Approve</b>
<b>4.10</b>	Objection LA01/2015/0919/F 50m South of 49 Knock Road, Ballymoney	<b>Approve</b>
<b>4.11</b>	Referral LA01/2018/1286/O Land Approx. 260m North West of 923 Glenshane Road, Dungiven	<b>Disagree and Approve</b>
<b>4.12</b>	Referral LA01/2018/0903/F The Stores, Woodvale Park, Bushmills	<b>Approve</b>

**RECONVENED WEDNESDAY 28 OCTOBER 2020 10.30AM**

<b>No.</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
<b>4.13</b>	Referral LA01/2019/0300/F 38 Dhu Varren, Portrush	<b>Disagree and Approve</b>
<b>4.14</b>	Referral LA01/2019/1012/O Approximately 170m NE of 74 Kilraughts Road, Ballymoney	<b>Disagree and Approve</b>
<b>4.15</b>	Referral LA01/2019/1012/O Approximately 170m NE of 74 Kilraughts Road, Ballymoney	<b>Disagree and Approve</b>

<b>5.</b>	Development Management:	
<b>5.1</b>	Update on Development Management and Enforcement Statistics 01/04/20 – 31/07/20	<b>Note</b>
<b>5.2</b>	Article 4 Directive at World Heritage Site	<p><b>Option 2 – not to implement an Article 4 Direction and Head of Planning to write to Minister Mallon outlining Councils reasons behind decision.</b></p> <p><b>Head of Planning to write to National Trust to consider and outline alternative solutions</b></p>
<b>6.</b>	Development Plan:	
<b>6.1</b>	Local Development Plan Update	<b>Note</b>
<b>7.</b>	Correspondence	
<b>7.1</b>	Chief Planner 's Update 6	<b>Note</b>
	<b>IN COMMITTEE (ITEM 8)</b>	
<b>8.</b>	Planning Department Budget Period 1-4 Update	<b>Note</b>
<b>9.</b>	Any Other Relevant Business (In accordance with Standing Order 12 (o))	<b>None</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE  
PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC  
HEADQUARTERS AND VIA VIDEO CONFERENCE  
ON WEDNESDAY 23 SEPTEMBER 2020 AT 2PM**

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

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

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

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

Press (2 No.) (R)

**Registered Speakers:**

- LA01/2018/1190/O Donna Smith (support)  
Tom Stokes, Agent (support)  
Barry McStravick (support)
- LA01/2018/1562/F Tom Stokes, Agent (support)  
Damien McLaughlin, Architect (support)
- B/2013/0190/RM Olga Harper (objector)  
Matt Kennedy (support)

Maurice Bradley MLA (support)

- LA01/2019/0830/F Tom Stokes, Agent (support)  
Damien McLaughlin, Architect (support)  
Nick Brown, Applicant (support)  
Kristopher Calder (support)
- LA01/2015/0919/F Kieran Burns, GM Design (support)
- LA01/2018/1286/O Kieran Burns, GM Design (support)  
Diarmuid McLaughlin, Applicant (support)
- LA01/2018/0903/F Scott Caithness, Agent (support)

All registered speakers attended remotely

**R** = Remote                      **C** = Chamber

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

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

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

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

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

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

### **PROTOCOL FOR REMOTE MEETINGS**

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

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

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

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

### **1. APOLOGIES**

Apologies were recorded for Alderman Boyle and Councillor McMullan.

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

Declarations of Interest were recorded as follows:

- Councillor MA McKillop - Referral LA01/2019/0576/O Lands between 47-49 Sheskin Road, Gortgare, Greysteel.

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

The Chair advised Members that the following applications had been withdrawn from the Schedule:

- Major LA01/2016/1265/RM Lands opposite 24-44 Woodland Walk and including the former Gorteen House Hotel site, Roemill Road, Limavady.

- Major LA01/2018/0200/F Lands approx. 6km N E of Limavady which are located immediately to the south of Broad Road (A37) in the Town land of Gortcorbies, Co Derry/Londonderry. Access is provided directly from the Broad Road where an unoccupied stone building is located. The Western site boundary is located approx. 1.2km East of Keady Hill Quarry and the Eastern boundary is located approx. 400m S W of disused quarry on Broad Road which is adjacent to Springfield Forest.
- Referral LA01/2019/0182/F 24m NE of 50/51 Kerr Street, Portrush.

Prior to presenting the reports, Site Visits were requested for the following applications:

Proposed by Councillor Anderson  
Seconded by Councillor Scott

- that a site visit be held on LA01/2019/1103/F 1 Redlands Crescent, Coleraine for due weight to be given to the development.

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

The Chair declared the Motion **CARRIED**.

Proposed by Councillor MA McKillop  
Seconded by Councillor Nicholl

- that a site visit be held on Referral LA01/2020/0066/F 160 Carrowclare Road, Limavady, in order for Members to determine the impact that the proposal may have on integration.

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

The Chair declared the Motion **CARRIED**.

#### **4. SCHEDULE OF APPLICATIONS**

##### **4.1 Major LA01/2018/1190/O Former Shackleton Barracks Ballykelly (immediately North of 20 Dukes Lane and 13-22 Hyacinth Avenue and immediately East of Walworth Park) (Agenda item 4.1)**

Planning Committee Report and Addendum, previously circulated, were presented by the Development Management and Enforcement Manager, S Mathers via PowerPoint presentation. The Addendum specifies additional Conditions in relation to the existing boundary fence and noise.

The Development Management and Enforcement Manager described the site and its context for Outline Planning for the proposed demolition of existing buildings and erection of Data Centre (approximately 25,000m<sup>2</sup>).

The proposal comprises the key element of a new data centre with other ancillary developments including parking and landscaping. The proposed building is substantial in size at 25,000 sq. metres and measuring in height between 8 and 12 metres.

In terms of the Northern Area Plan 2016, the site is located just beyond the settlement development limit of Ballykelly. The Northern Area Plan does not contain specific policies on such development other than zoning land for economic development in some settlements. No land was zoned for economic development in Ballykelly. The Plan directs that regional policy applies to such proposals, specifically PPS 4 Planning and Economic Development.

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** - While the site is located beyond the settlement development limit of Ballykelly, it is located within a densely urbanised area that lies directly into, and forms part of the footprint of Ballykelly. This area was excluded from the settlement development limit as it was a Ministry of Defence site. Taking this approach that this is essentially an urban site, the lead policy is PED 1 of PPS 4. This allows for the principle of economic development uses subject to meeting a range of criteria - the detail of which is set out in the report.

**Access/ Parking** - The site is to be accessed from the established access to the MOD site from Dukes Lane. Given the scale of the proposal, a Transport Assessment was provided. The proposed plans include a substantial area of car parking to the East side of the application site. DfI Roads are content with the access and parking arrangements.

**Amenity** - Given its location, the proposal is near residential properties at Dukes Lane, Hyacinth Avenue, Bawn Court and Walworth Park. The



closest dwelling to the proposed building is 20 Dukes Lane at 32m away; this is the dwelling closest to the existing access point from Dukes Lane. Given the large scale of the proposal, specifically its height, the potential for dominance and overshadowing of residential properties was considered. The proposal was amended to reduce the height of the building to 8m where nearest dwellings. Following consideration of the proposal including submission of daylight shadow assessment (and on the basis that the existing high perimeter fence is to remain), there are no unacceptable adverse effects on existing dwellings. A Noise Assessment and an Electromagnetic Field Assessment were submitted and have been found acceptable by Environmental Health and Public Health respectively. In terms of amenity, the proposal, as amended, is considered acceptable subject to conditions limiting noise and times of construction.

**Visual Amenity** - Given the scale of the proposal it has the potential to affect visual amenity from critical views within Ballykelly. The Planning Department had concerns with this issue on the basis of the original scheme at 16.5m high. Photomontages were submitted to show the reduced proposal from critical viewpoints at Dukes Lane and Hyacinth Avenue. This showed that the proposal would not be overbearing. In addition a landscaping scheme is proposed which will further soften the development. Therefore the proposal is considered acceptable in terms of visual amenity.

**Employment** - The proposal by reason of its scale will constitute a major capital investment. Details submitted with the application state that 34 employees are envisaged.

**Representations** - The detail of the 2 representations is set out in the Planning Committee Report.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The principle of the data centre is acceptable on this former barracks site. The detailed design will be considered further at reserved matters stage. The layout and elevations submitted are appropriate for the location. All natural heritage, archaeology, contamination, radiological, flooding, relationship with neighbouring properties and roads issues have been considered and found acceptable subject to conditions. The proposal complies with policy. Approval is recommended.

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

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

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

The Chair invited Donna Smith, T Stokes and Barry McStravick to address the Committee in support of the application.

D Smith made the following points:

- The proposed site measures 5.51 hectares and is an exciting proposal to erect a Data Centre (approximately 25,000 sq. metres) looking left down Dukes Lane.
- The Planning Officers commenced the consultation exercise in 2018 and members of the public were happy that the proposed site could be brought back into economic use.
- The principle was to accept under Planning Policy PED 9 of PPS 4.
- Discussion has taken place with the Planning Department in relation to scale, massing and orientation.
- The proposal has been reduced in height from 12m to 8.5m.
- A further detailed substantial landscaping and planting plan will be provided to the Planning Department at a later date.
- There have been no objections to the proposal.

In response to a Member's query in relation to landscaping, the Agent clarified that the scheme submitted is for Outline Planning and further details will be provided at the reserved matters stage.

Proposed by Councillor Nicholl

Seconded by Councillor MA McKillop

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

- that the Committee note the contents of the Addendum 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. 10 Members voted For, 0 Members voted against and 0 Members abstained.

The Chair declared the Motion **CARRIED**.

#### **4.2 Major LA01/2018/1562/F Former Hospital Site to the South and West of St Joseph's High School, Mountsandel Road, Coleraine (Agenda Item 4.3)**

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

The Development Management and Enforcement Manager described the site and its context for Full Planning, via a Powerpoint presentation.

The Development Management and Enforcement Manager informed Members of an Addendum which updates the specific house types to 55 No. dwellings including 31 No. detached , 22 No. semi-detached and 2 No. bungalows, landscaping, open space, car parking and all associated site and access works (amendment to previous C/2005/0239/F).

The Addendum also specified additional conditions in relation to frontage, clarifies garages and outbuildings and updates conditions on the block plan.

The Development Management and Enforcement Manager also informed Members of an Erratum which corrects the reference to a bungalow at Plot 12 instead of Plot 2.

The proposal, which is on the site of the former Coleraine Hospital, comprises a housing development totalling 55 dwellings with a variety of house types. In addition, the proposal has ancillary elements including development roads, open space areas and landscaping.

This proposal supersedes a planning history on the site for a higher density housing scheme which was approved on 1 February 2008.

In terms of the Northern Area Plan 2016, the site is located on land zoned for housing within the settlement development limit of Coleraine. As there was a previous planning permission on the site for housing, the Plan identified this site as a “committed” zoning and as such there are no key site requirements.

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.

**Context & Character** - The proposal comprises house types ranging between single and 2.5 storey. The majority are detached with several semi-detached included. No terraces or townhouses are included in this scheme. The layout on this broadly level site includes frontage development onto Mountsandel Road with further in-depth development beyond. The separation distances, form of development and scale of buildings are appropriate to the character and context of this suburban area.

**Built Heritage** - A key feature of the site is the listed former workhouse building. This is worked into the scheme as an asset with development in the housing layout sited to respect its setting. A separate application has been submitted to refurbish the workhouse building and convert it to provide 3 apartments. Over the course of processing the application through consultation with Historic Environment Division, amendments were sought to improve the layout and quality of the proposed dwelling finishes in the vicinity of the listed building.

**Open Space Provision** - Planning policy requires 10% of the site area in schemes of comprising 25 units or more such as this to be public open space. While in this case the extent of the area falls slightly below that at 8%, regard is had to the extent of open space in the previously approved scheme which was less than what is being proposed in this application. In this case open space is provided in three key areas which are suitably located for amenity value in the overall layout. In terms of private amenity space, rear garden sizes are adequate to meet policy requirements. In some cases where 4 bedroom dwellings are proposed on smaller sites, a proposed condition removes the right to build extensions and garages without planning permission which would use up space in the limited amenity areas.

**Relationship With Neighbouring Properties** - Existing dwellings adjoin the application site at Mountsandel Road, St Patrick's Avenue and Beresford Avenue. The proposed scheme respects the amenity of these properties by reason of scale of buildings, separation distances, orientation and arrangement of windows. Similarly, within the layout potential issues of overlooking, dominance and overshadowing between the proposed dwellings have been successfully designed out.

**Amenity** - Environmental Health were consulted on the scheme having regard to the key issues of noise from traffic from the Ring Road and Mountsandel Road as well as ground contamination. The proposal is considered acceptable subject to conditions regulating the provision of acoustic barriers and contamination remediation.

**Access and Roads Layout** - The proposal comprises one access point off Mountsandel Road. While most of the roads layout is to be adopted by DfI Roads, there are small sections of private drives, mainly to the front of the scheme. These are to be finished in paviers which adds to the overall quality of the scheme.

**Representations** - No representations received.

In conclusion, the proposed housing development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The principle of development has been established under housing zoning CEH 25. The proposed layout of the site is considered acceptable. It is considered that there will be no unacceptable impacts on existing dwellings or proposed dwellings via overlooking, loss of light or overshadowing. Approval is recommended.

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

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

**Erratum Recommendation** - that the Committee note the contents of this Erratum and agree with the recommendation to **APPROVE** the application in accordance with Paragraph 1.1 of the Planning Committee report.

- \* **As Alderman Baird was having connection problems remotely she joined the meeting in the Chamber at 2.45pm during consideration of this item so would be unable to vote.**

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

T Stokes addressed the Committee and stated that this was an exciting opportunity to deliver housing and restore a listed building. There had been no objections and that the application had been amended in relation to the type of houses to be built.

In response to a Member's query in relation to the size of the proposal and the consideration to provide a play park, D Smith stated that the proposed development was under the 100 No. units of housing threshold for requirements to provide a play area. However, under Phase 2 there could be a plot at the rear of the proposed site that could be considered for a play park under a separate application.

D Smith informed Members that under this particular application there were 2 open spaces within the scheme, the first open space would have to be ruled out as a play area and the second open space would be too small to accommodate a play area.

Proposed by Councillor Anderson  
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 reasons set out in section 10.

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

- that the Committee note the contents of this Erratum and agree with the recommendation to **APPROVE** the application in accordance with Paragraph 1.1 of the Planning Committee report.

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

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

#### **4.3 Major LA01/2019/0975/F Carnroe Weir and Navigation Lock, Vow Road, Ballymoney (Agenda Item 4.4)**

Planning Committee Report and Erratum were previously circulated and presented by the Senior Planning Officer, E Hudson via PowerPoint.

The Senior Planning Officer described the site and its context for Full Planning for the proposed rehabilitation of an existing river weir at Carnroe for the purpose of maintaining navigation on the Lower River Bann and the construction of a new fish pass integral with the weir. The Erratum included with the Planning Committee Report includes the re-wording of a number of conditions and the inclusion of informatives.

Members were shown an overview of the location of the weir on the Lower River Bann. The site is located in the open countryside outside any settlement limits as defined in the Northern Area Plan 2016.

Members viewed a slide showing two access points. The proposed accesses to the site will be considered under separate planning applications which are detailed in Part 3 of the Planning Committee Report.

By way of background to the scheme the Applicants, Waterways Ireland, have carried out a number of surveys of the weir over the last decade to establish and monitor the existing structural condition of the weir and to assess if any repair works are required. A report completed in 2016 identified defects including displaced masonry, mortar loss and undermining of the weir structure, voids in the weir apron, bulging and displaced masonry in the pier walls and failed embankments and retaining walls. The 2016 report assessed the structure as having deteriorated since the previous structural report in 2013 which at that time had considered the structure to be in a critical condition. In light of this Waterways Ireland are proposing to undertake extensive rehabilitation works to the weir to ensure the navigation and safety of users is maintained. The proposed works will give a minimum operational life span of 75 years.

The proposed works will be carried out in Phases. The first phase will require upgrade of the 2 accesses to improve safe access and egress.

The main development to which this application refers comprises onshore temporary works and in-river temporary and permanent works. To

facilitate these works will necessitate the need to construct temporary cofferdams to dewater sections of the river to carry out inspections and subsequent repairs to the weir and to construct an upgraded fish pass.

The first phase of the works will require a cofferdam to be constructed from the West river bank to the river centre line with access from the West side across agricultural land. Phase 2 will require a cofferdam from the lock chamber to west of the river centre line with access from the Eastern side. Phase 2 will include construction of the new fish pass. A temporary fish pass will be installed for this phase of the work and this has been designed in consultation with DAERA. Both sides of the river will have temporary site compounds for the duration of the works and these will be removed and restored to grassland upon completion of the works. The permanent works required to the weir are outlined in detail in Part 4.2 of the Planning Committee Report.

Upon completion of these works Carnroe Weir will be left structurally sound and managed as part of Waterways Ireland Asset Management System. The fish pass will be regularly maintained to ensure its continued efficiency in promoting passage of aquatic species. Permanent improvements to the access lane from Vow Road will also enhance safety and amenity for visitors to the public recreation facilities at Carnroe.

A number of views of the existing weir were shown to Members. Prior to submission of the planning application a PAN was submitted and two public consultation events undertaken in July 2019.

The application has been accompanied with an Environmental Statement. Consultations were carried out with a number of statutory consultees including NIEA, SES, HED, DFI Rivers, DFI Roads, The Honourable Irish Society and Environmental Health. None of these offered objections to the scheme subject to conditions being added to any permission which are outlined in the committee report and Erratum. There have been no objections received from third parties.

The application is considered to meet all relevant planning policies. It is considered acceptable in regard to residential amenity, access to the public road, nature conservation and built heritage, the fluvial environment, visual integration and rural character. The recommendation is to approve planning permission.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. Having regard to the principle of the proposed



development, residential amenity, access to the public road, nature conservation / built heritage interests, fluvial environment, visual integration and rural character, the proposal is acceptable. The proposal complies with planning policy.

**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.

In response to a Member's comment that the embankment is within a designated flood plain, the Senior Planning Officer referred Members to paragraph 8.13 of the Planning Committee Report. The Senior Planning Officer clarified that the nature of the work to be carried out would not increase the risk of flooding in any other area.

Proposed by Alderman Finlay  
Seconded by Alderman Baird

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

The Chair put the Motion to the Committee to vote. 11 Members voted For, 0 Members voted against and 0 Members abstained.

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

#### **4.4 Council LA01/2019/0326/F Drumsurn Community Centre, Beech Road, Drumsurn (*Agenda Item 4.6*)**

Planning Committee Report and Erratum were previously circulated and presented by the Senior Planning Officer, J McMath via PowerPoint.

The Senior Planning Officer described the site and its context for Full Planning for proposed demolition of existing modular single storey community centre and installation of new single storey modular unit and associated site works.

The Erratum relates to an error in the height of the building which should read 8.6m high and the amendment of conditions and general informatives.

The proposed site is located at Drumsurn Community Centre, Beech Road, Drumsurn and is set within the Settlement Development Limit of Drumsurn. The area is identified as a major area of existing open space within the Northern Area Plan 2016.

The site consists of a small parcel of land located along the Western boundary of the existing open space football pitch. The site contains an existing mobile unit. It is a traditional elongated mobile unit with a low pitched roof surrounded by an area of rough hardstanding to accommodate vehicular movements to and from the site.

The area is characterised as residential.

The proposal is to demolish the existing modular single storey community centre and replace it with new single storey modular unit and associated site works. The site currently has an existing mobile unit orientated towards the football pitch. The proposed new Community Centre will be sited in a similar position.

The proposed Community Centre will have frontage of 7.2 metres orientated North towards the access point to the football pitch. The community centre will be built to a ridge height of 4.5 metres and will have a footprint of 120.25m<sup>2</sup>. The existing hardstanding area will not be extended. However, it will incorporate a new tarmac area to facilitate vehicles entering the site and will have a new 1metre wide tarmac path around the building. The existing steel storage will remain.

This area is on an area identified as a major area of existing open space in the Northern Area Plan 2016. All existing open space, whether identified in development plans or not, is protected under Policy OS 1 of PPS 8. The policy provides exceptions for development resulting in the loss of open space. The exceptions to the loss of open space in this application are not engaged due to the replacement building being in the same footprint of the existing unit. Therefore there is no loss of existing open space provision. The proposal is not at odds with Policy OS 1 of PPS 8.

The principle of the replacement Community Centre is acceptable in land use terms.

The proposed building is located on a similar footprint and is positioned at similar separation distance to the adjacent residential properties.

The mature boundary hedge will be retained therefore Planning Officials are satisfied that the proposal will not present an unacceptable relationship to adjacent residential properties.

The access to the Community Hall remains the same as existing and is off the turning head of a cul-de-sac. However, the access and parking area will be upgraded with a new tarmac area to facilitate vehicles. DfI Roads has been consulted and are content with the proposals. The proposal complies with Policy PPS 3.

Due to the proposed replacement and the presence of an adjacent watercourse and mature vegetation a Biodiversity Checklist was required which resulted in the need for a Bat Survey. The Natural Environment Division have been consulted and concur with the findings and subject to conditions the proposal complies with Policy PPS 2.

Rivers Agency were also consulted on the presence of the watercourse along the North West boundary of the site and they have confirmed that the site is not located within a fluvial flood plain. They have provided informatives and a recommendation that the proposed development is set a minimum of 600mm above the current ground level. The proposal complies with Policy PPS 15.

In conclusion, the proposal is considered acceptable at this location having regard to the Northern Area Plan and other material considerations including the SPPS, PPS 2, PPS3, PPS8, PPS 15 and the Planning Strategy for Rural Northern Ireland. The design is appropriate for the location and the proposal will have an acceptable relationship with neighbouring development. Approval is recommended.

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

Proposed by Councillor McGurk  
Seconded by Councillor MA McKillop

- that the Committee has taken into consideration and agrees with the recommendation set out in 9 and the policies and guidance in sections 7 and 8 and resolves to **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 and 0 Members Abstained.

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

#### **4.5 Council LA01/2019/0008/F Magheracross Car Park, Dunluce Road, Portrush (Agenda Item 4.7)**

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

The Senior Planning Officer, described the site and its context for Full Planning for proposed landscape improvements including removal of existing hard landscaped features (parking areas, paths, raised planting beds and site fencing), provision of replacement car/coach parking, fencing paths, soft landscaping and two new viewing platforms at the North East and North West corners of the site.

The site is located in the rural area as designated in the Northern Area Plan 2016. Located 1km West of Dunluce Castle the site is also within the Dunluce Area of Significant Archaeological Interest.

The site is located within the White Rocks ASSI and is in close proximity to nesting seabirds, sea caves, cliff face and sea bed. The application site is adjacent to the Skerries and Causeway SAC. The site is also located within the Causeway Coast Area of Outstanding Natural Beauty.

An Environmental Impact Assessment (EIA) determination was carried out as the development falls within 10 (b) of Schedule 2 of the EIA Regulations 2017. The determination was a nil determination in that the works would not have a significant effect on the environment. The proposal was also subject to the Habitats Regulations and an assessment was carried out for this proposal by Council as the applicant.

The proposal was considered under the planning policies contained within the NAP, SPS, PPS 2, PPS 3, PPS 6, PPS 8, PPS 16, PPS 21, a Planning Strategy for Rural NI and supplementary Areas of Outstanding Natural Beauty Design Guide and DCAN 15.

In conclusion, the proposed development is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposed re-development will provide necessary improvements to the amenity of the site and provide a quality and sustainable tourist amenity without creating any adverse

impacts on visual amenity or environmental features. Approval is recommended.

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

Proposed by Alderman S McKillop  
Seconded by Alderman Baird

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies 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 and 0 Members Abstained.

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

#### **4.6 Objection B/2013/0190/RM Site adjacent to 7 Bolea Park, Limavady (Agenda Item 4.8)**

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

The Senior Planning Officer, described the site and its context for a Reserve Matters application, Addendum and Addendum 2 for proposed 2 No, one and half storey dwellings with detached garages incorporating alterations to roadway & footpath on Bolea Park (Drainage Assessment Received 23 March 2018).

The Senior Planning Officer informed Members that the proposal was added to the agenda in November 2019 but was withdrawn from the schedule due to the details and issues raised by the objectors received between the agenda being published and the meeting taking place.

The site is situated adjacent to No 7 Bolea Park and is identified as a hamlet within Limavady Area Plan 1984-1989 and the Limavady District Hamlet Subject Plan 1989-1999 but the defined settlement limit has since been removed under NAP 2016 and the site is currently open countryside.

The proposed site is a parcel of land set in the South West corner of a large agricultural field. The site is located close to the junction of Bolea Park and Bolea Road and is located between No. 94 Bolea Road and No. 7 Bolea Park.

The South East boundary of the site is defined by mature trees a number of which are protected by a Tree Preservation Order. The South West roadside boundary is defined by a mature hedge. The North East boundary is undefined.

The application is a reserve matters on the back of an outline approved in 2011.

The access is positioned in the southern point of the site frontage adjacent to the existing dwelling at No. 94 Bolea Road. The proposal 2 No one and a half storey dwellings are modest with appropriate design and finish with a detached garage proposed for both sites. A post and wire fence and hedge are proposed to define the rear boundary.

Objections have been received from 4 addresses and 1 letter of petition has been submitted with 14 names from 6 addresses as detailed in 5.2 of the Planning Committee Report.

2 letters of support were received one of which had originally objected by signing the petition but advised on 24 August 2015 that they no longer objected.

A further 27 pieces of correspondence from two individual objectors from the same address were received between November 2019 and September 2020.

A further 9 pieces of correspondence have been received since the application was added to the September Planning Committee Agenda.

The objections outlined are detailed in the Planning Committee Reports but in summary the issues raised by the objects are detailed below:

- Name and address of applicant.
- Ownership of land.
- Change to red line.
- Scale of drawings.
- Time limit to make representation.

- Determination time for applications.
- Habitats Regulations Assessment.
- EIA.
- Other consents required.
- Access to information on portal.
- Failure to include third parties in consultation process.
- Foul sewer.
- Mapping.
- Impact on Tree Preservation Orders.
- Accuracy of maps.
- Boundary crawl.
- Visibility splays.
- Design and layout.
- Processing of application.
- Drainage.

**Principle of Development** was approved under Policy CTY1 and CTY 8 of PPS21 under the outline application, therefore the principle of development cannot be revisited.

As the principle has already been granted this reserve matters will consider whether the proposal is in compliance with conditions stipulated at the outline application and assess matters reserved, namely the siting, design and external appearance of the development, access and landscaping.

The conditions are listed at paragraph 8.8 of the Planning Committee Report. Paragraph 8.9 to 8.20 details each conditions of the outline planning and states how each are complied with.

**Siting, Design and External Appearance of the Dwellings, Access and Landscaping** - The proposed dwellings are orientated to face the road, similar to the predominant character of the area. The siting of the proposed dwellings are staggered to sit between the existing development to address the relationship to the road whilst maintaining adequate access, turning and amenity for the proposed units whilst not negatively impacting on the residential amenity of the existing properties.

The design proposed is a modest 6m high dwelling of appropriate finish acceptable in the Area of Outstanding Natural Beauty. There is no negative impact on existing residential amenities.

A report has been submitted which details the trees to be permanently retained and the means of protection, coupled with the proposed landscaping scheme a hedge at the rear and 8 silver birches proposed internally within the site, landscaping proposals are acceptable.

The proposed plans indicated access at the southern part of the site frontage. The access width is 5m, visibility splays are 2m x 15m and the existing public road is to be widened to 5.5m with a 1.8m wide footpath along the site frontage.

Siting, design, external appearance, access and landscaping comply with SPPS Policies CTY 13 and CTY 14, Policy NH6 of PPS 2 and PPS 3.

**Applicants Lack of Name and Address** - This is a reserve matters submitted on 6 September 2013, the relevant legislation at the time of receipt of the application was The Planning (General Development) Order (NI) 1993. The details of the P1 Form accord with the legislation at the time the application was submitted and permission does not confer title.

**Certificate of Ownership** - The P1 form, as originally submitted, was accompanied by a Certificate of Ownership stating that the applicant was in control of the land located within the red line.

Objectors have raised the issue that the applicant is not in control of the lands located within the red line. The outline application was accompanied by a certificate as required by the legislation. The legislation does not require reserve matters to be accompanied by a further certificate, as stated on the P1 Form.

Planning permission does not confer title it is the responsibility of the developer to ensure they control all land necessary to carry out the development.

**Change of Red Line** - The red line of the reserve matters accords with the outline the only difference is how the southern tip of the visibility splay has been drawn. Such a change for access purposes is permitted providing no prejudice is caused to interested parties. As the adjoining property neighbour has been notified on 10 separate occasions during the processing of the application, officials are of the opinion that third parties are aware of the application and no prejudice has been caused.



Any changes to the red line during processing were to address third party representations regarding land ownership.

**Scale of Drawing** - The submitted location maps are acceptable for the purposes of Planning.

**Time Limit for Representation** - A two week statutory consultation period is provided as the specified minimum period to allow representations to be received before an application is decided.

**Determination Period** - This relates to the date by which the applicant may seek a non-determination appeal to the Planning Appeals Committee.

**Habitats Regulations Assessment** - NIEA were consulted and carried out a Habitat Regulations Assessment in 2014 which concluded that development would have no significant effect on designated sites.

In response to a letter of objection SES considered the application in light of the Habitat Regulations and concluded the proposal would not have any adverse effects on site integrity of any European site.

**Environmental Impact Assessment** - This is an application for the approval of reserve matters for two dwellings within a rural area albeit an Area of Outstanding Natural Beauty which is identified as a sensitive area within the EIA Regulations. Such a proposal does not fall under schedule 1 or under any of the categories under Schedule 2 of the EIA Regulations therefore determination is not required.

Interpretation regulation refers to construction projects such as housing where the underlying principle is that the project is of an urban nature and may cause similar erosion impact as a sports stadium, university and hospital etc. Two houses in a rural area is not considered to fall within the definition of an urban development project.

**Other Consents Required Under Other Legislation** - Consents unrelated to planning legislation such as consent to discharge are not required in advance of the grant of permission. Planning permission relates to planning control only.

**Access to Information on the Portal** - Officials have on various occasions provided information via an open file appointment and have

offered to show third parties how to access the documentation via the Planning Portal.

**Inclusion of Third Parties in the Consultation Process** – This has been done on various occasions through the processing of the application by seeking comments from competent authorities/consultees on the content of the representations.

**Foul Sewer** - Northern Ireland Water have been consulted and have not raised any objections to the proposal. Later objections to the capacity of Bolea Waste Water Treatment Works (WwTW) and whether it meets water framework directives have been dealt with within the Addendum.

**Accuracy of Maps** - It appears from third parties that mapping errors date back to a survey by OS.

The location plan is slightly reduced from Outline Planning to pull away from third party lands and a small variation for Visibility Splay purposes but that is permissible.

The amended block plan is slightly reduced from the Outline plan because it has been straightened to pull it away from third party lands. There is also a small variation to the red line for visibility splay purposes but this is permissible. The location map is acceptable when considered in the context of the outline permission.

Both the Planning Authority and DfI Roads as the competent authority regarding access and road safety are satisfied with the plans submitted. The grant of planning approval does not confer title. It is up to the developer to satisfy themselves that they control the necessary land to carry out the development.

**Widening of Roads** - The road is 4.5m wide and the eastern footpath is 1.1m wide giving a total width of 5.6m. Outline Planning requires the widening of Bolea Park by 1m and as the road is not wide enough to facilitate road widening it therefore encroaches on third party lands. This was raised previously. Reference to this is made in paragraphs 8.38 to 8.42 of the original Planning Committee Report which deals with ownership of land and paragraphs 8.43 to 8.46 which deals with any change to the red line. Planning permission does not confer title.

**Impact on Trees** - Objections were in relation to the widening of the road and that it will impact on a tree subject to a Tree Preservation Order, and

that the drainage structure violates the root protection zone of a protected tree and an independent report identified that the development would remove 3 trees.

The Council's Tree Officer requested a Tree Constraints Plan showing root protection areas of the trees, the extent of crown spread, potential for future growth and adequate amenity space and provide the detail of protective fencing to be provided.

The resulting reports and plans submitted by the applicant have been considered by the Tree Officer.

The Council's Tree Officer is content with the construction exclusion zone relating to the South East boundary and a precautionary zone has been identified in the vicinity of the remaining trees, but the trees within that must be considered within the context of the planning history i.e. Condition 11 of the Outline Planning which protects Tree Preservation Order trees except those required for purposes of carrying out the development authorised by the Outline Planning.

The Planning history takes precedence over the Tree Preservation Order and Conditions of 1973 adjacent approval which conditioned protection of trees. Planning permission does not confer title.

**Drainage** - Due to the known risk from surface water flooding Rivers Agency requested a Drainage Assessment.

A Drainage Assessment was submitted:

- May 2014
- August 2014
- October 2014
- April 2015
- August 2015 - accepted on the basis that storm drainage is the responsibility of Northern Ireland Water. There is a long history of flooding at the site entrance and the applicant has a condition to carryout repairs to alleviate flooding. Mitigation to be put in place prior to commencement.
- Further Drainage Assessment May 2017 - Rivers Agency responded and advised that the Drainage Assessment did not address their concerns and consequently Rivers Agency advised that they were not convinced that flood risk has been adequately dealt with.

- November 2017 - Rivers Agency responded by seeking clarification of calculations and details of the cut off drain.
- March 2018 - Rivers Agency responded on 30 May 2018 to advise that providing the main drain is deep enough then the cut off drain is a viable means of land drainage and that the calculations provided within the Drainage Assessment demonstrates that the attenuation volume is in excess of what is required.

The drainage proposals incorporate the use of new sewers from the proposed dwellings with attenuation storage via the use of oversized pipes to deal with storm water from the proposed development. Drainage arrangements also involve the installation of a cut off land drain as a low capacity filter drain to intercept current overland flows and direct flow to the sheugh.

Rivers Agency have accepted the Drainage Assessment in that it has demonstrated adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere the proposal complies with FLD 3 of PPS15.

In conclusion, this is a reserve matters application, principle of development has already been established and cannot be revisited. This is a sustainable form of development located within an existing grouping of development which makes use of existing infrastructure. The objections have been considered but on balance the matters raised do not outweigh Outline Planning permission. All conditions of the Outline planning have been satisfied and no consultees have raised objections. The proposal is recommended for approval subject to conditions in the Planning Committee Report and Addendums.

**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 section 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions and informatives set out in section 10.

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

Due to the additional consultations carried out since the application was first added to a schedule for committee in November 2019, any approval would be subject to the conditions as set out in the Section 10 of the original Committee report and the following additional conditions.

During construction, all surface water run-off from the site shall pass through appropriate treatment such as silt socks/traps before discharge to the storm drainage system.

**Reason:** To prevent any adverse impacts on the site features of the River Roe and Tributaries SAC through contaminated site run-off during the construction phase of the development entering the adjacent watercourse.

A suitable buffer of at least 10 metres must be maintained between all storm gullies and the location of any construction works; including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc.

**Reason:** To prevent any adverse impacts on the site features of the River Roe and Tributaries SAC through contaminated site run-off during the construction phase of the development entering the adjacent watercourse.

**Addendum 2 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the planning application as set out in section 9.0 and 10 of the Planning Committee Report and the first addendum.

The Chair invited Olga Harper, to address the Committee in objection to the application.

O Harper made the following points:

- The Senior Planning Officer failed to mention the Environmental Impact Assessment in the Planning Committee Report.
- Planners have confirmed that the development is in a sensitive area. Caselaw *Goodman v Lewis* states this is a matter of law. 97/11/EC regarding effects of projects on the environment - Section 10 specifically refers to a protection area and applies to this application.
- The project should have been screened for an Environmental Impact Statement – the project is likely to have an effect on the environment subject to the assessment not being carried out. It is located within

Bolea ASSI and within AONB and is therefore in a sensitive area. A screening opinion has not issued.

- The Environmental Impact Regulations 2012 Schedule 2 requires that a determination is required under the Environmental Impact Regulations.
- Paragraph 8.35 of Planning Committee Report needs to be withdrawn.
- Outline permission is unlawful and calls into question legality of reserved matters.
- This is a residential proposal and any residential proposal that meets the criteria will require an Environmental Impact Assessment. As this has not been carried it is unlawful to approve the application.

The Chair invited Matt Kennedy, to address the Committee in support of the application.

M Kennedy made the following points:

- He read the 36 page Planning Committee Report and the 2 Addendums and that the Reserved Matters application should be granted.
- The principle of development has already been established and cannot be revisited.
- The application has been with the Planning Department since 2013 and attracted 140 objections from 4 different addresses.
- The objections have little merit and have all been addressed in the Planning Committee Report.
- Land ownership is not a planning matter, it is a civil matter over which planning does not have jurisdiction. There is no potential prejudice to the 3<sup>rd</sup> party.
- It is the developer's responsibility to ensure that they have title.
- No statutory consultations raised any objections.

- Members support is requested.
- The Environmental Impact Assessment has been dealt with in the Planning Committee Report.
- This is not an urban development project.
- The site is less than 0.1ha so does not qualify under an urban development projects.

In response to a Member's query in relation to the Outline Planning application being unlawful M Kennedy informed Members that the Outline Planning application was approved in 2011. The objectors had a legal opportunity to challenge the decision in court in a specific timeline but this did not happen. Objector was fully aware of outline application and could have challenged it but didn't. Cannot now go back and look at outline application.

The Chair invited Maurice Bradley MLA to address the Committee in support of the application.

The Chair informed Member that M Bradley had indicated in the Team chat that he needed to leave the meeting as he had a previous engagement. He made a statement through the MS Team Chat. The Chair stated that all written reports must be received by 10am on the Friday prior to Planning Committee Meeting in order to be considered. This is set out under Paragraph 6.6 of the Protocol for the Operation of the Planning Committee.

A Member commented on the statement made by O Harper that the Outline Planning application was unlawful.

The Senior Planning Officer referred Members to the following:

- Paragraph 8.52 of the Planning Committee Report.
- Paragraph 2.17 and 2.19 of the Addendum.
- Paragraph 2.20 to 2.21 of Addendum 2.

The principle of development was approved under the Outline Planning application in 2011.

The Senior Planning Officer reminded Members that this project would not be considered to fall within an urban development project as is outlined in the Planning Committee Report and Addendums.

The Chair reminded Members that they should not make a proposal on an application until the debate had been concluded.

Proposed by Alderman Duddy  
Seconded by Alderman S McKillop

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

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

Due to the additional consultations carried out since the application was first added to a schedule for committee in November 2019, any approval would be subject to the conditions as set out in the Section 10 of the original Committee report and the following additional conditions.

During construction, all surface water run-off from the site shall pass through appropriate treatment such as silt socks/traps before discharge to the storm drainage system.

**Reason:** To prevent any adverse impacts on the site features of the River Roe and Tributaries SAC through contaminated site run-off during the construction phase of the development entering the adjacent watercourse.

A suitable buffer of at least 10 metres must be maintained between all storm gullies and the location of any construction works; including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc.

**Reason:** To prevent any adverse impacts on the site features of the River Roe and Tributaries SAC through contaminated site run-off during the construction phase of the development entering the adjacent watercourse.

- that the Committee note the contents of Addendum 2 and agree with the recommendation to **APPROVE** the planning application as set out in



section 9.0 and 10 of the Planning Committee Report and the first addendum.

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

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

- \* The Chair declared a recess at **3.52pm**.
- \* The meeting reconvened at **4.13pm**.

#### **4.7 Objection LA01/2019/0830/F Nos. 55 & 57 Causeway Street, Portrush (Agenda Item 4.9)**

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

The Senior Planning Officer described the site and its context for Full Planning for the proposed demolition of an existing building to facilitate a residential development comprising 4 no. semi-detached dwellings, re use and alteration to existing stone outbuilding to 1 no duplex apartment (holiday let), external domestic stores, car parking, landscaping and all associated site and access works.

The Addendum circulated related to further objections received which bring the total number of objections to 25.

The objection points relate mainly to the demolition of Strandmore House, impact on the Ramore Head Local Landscape Policy Area (LLPA), loss of open space, impact on neighbourhood residential amenity, contrary to policy, coastal erosion, site drainage flood risk and procedural issues. These are set out in further detail on pages 4 to 7 in the Planning Committee Report. These points are all considered in the assessment of the application as in Section 8 and the Addendum.

The site is located within Portrush settlement limit and Portrush Area of Archaeological Potential. Part of the site falls within the Ramore Head Local Landscape Policy Area (LLPA) (Designation PHL 01 from NAP 2016). The site is located within close proximity to Portrush Town Centre and adjacent to East Strand beach so there is a mixture of uses within the locality. The immediate context of the site is primarily residential in nature with existing dwellings/apartments located to the north, west and south of the site. The surrounding residential character comprises a mix of 2-3 storey terraced houses along Causeway Street, many of which have

modern extensions. Contemporary 4 storey apartment buildings such as Sandy Bay and The Vue are located south of the site.

The planning policies used to assess the application are set out in 6 and 7 of the Committee report, namely the NAP 2016, SPPS, Rural Strategy, PPS 2, PPS 3, PPS 6, PPS 7 and its addendum, PPS 15, PPS 16.

The site itself is positioned to the rear of Causeway Street and adjacent to the East Strand. The proposal requires the demolition of Strandmore House, which is neither listed nor is it located within Portrush Area of Townscape Character. A previous application on this site for apartments was approved under LA01/2017/1293/F for 6 apartments and 1 holiday let. This permission is still extant.

The Senior Planning Officer showed Members a slide of the site in context with the town and beach with the existing Strandmore House.

Consideration has been given in the assessment of the application site to the location within the Ramore Head LLPA. This development proposes a further extension by 3m into the Ramore Head LLPA from that previously approved. The encroachment into this LLPA is considered, on balance, to be acceptable given the extent of encroachment remains in the same general area which is already in hard surfacing, does not include any of the prominent features of importance of the LLPA, still retains the eastern area of gardens adjacent to the promenade, and is a small difference to the approved apartment layout. The proposal will not undermine this LLPA designation.

DAERA Marine Fisheries have asked that the Council apply the precautionary principle in relation to development in this coastal location in that a proposal should only be allowed where the public benefit clearly outweighs the potential adverse impact. . This issue was not raised in the previous extant application. The site is located in the developed coast and significant weight is attributed to the previous permission, the reduction in unit numbers and the relatively minor extension.

Members viewed a slide of the proposed layout using the existing layout from Causeway Street, the 2 blocks of semi-detached dwellings and the location of the apartment conversion.

Members viewed a slide showing the front of the buildings looking towards the rear of Causeway Street which is a 3 storey design with a mansard roof.

Members were shown a photo of the relationship with the laneway to the rear of the dwellings on Causeway Street. Strandmore House is situated on the right.

In the view from Strandmore looking up towards the rear of Causeway Street the lower properties on Causeway Street can be seen.

The section through the site shows the context with Causeway Street; the proposal involves lowering the site slightly. The blue on the plan is the outline of the extant planning permission for apartments. The proposed development sites, bar the chimney, slightly lower than the apartment block.

Members viewed a slide on the analysis of the existing building, wall details, approved apartment block and the proposed application. The pink outline relates to Strandmore House, the blue outline is the apartment development. The proposed development has an extension of 3m towards the car park. The proposal will not result in unreasonable overshadowing or dominance to the properties to the rear of the site on Causeway Street due to the site orientation, location, scale and massing and separation distances.

The rear of the dwellings is designed to have a double frontage and make use of the sea views.

Members were shown images of the gable end of site 1, the projecting first floor balcony towards the sea, a small projecting window over the car park area and an image to the right of the gable of site 2 towards site 3. The gables for site 3 and 4 and an image of the gable towards No. 7 Strandmore were also shown to Members.

The Senior Planning Officer provided Members with a photograph showing the existing relationship with No. 7 Strandmore. The proposed dwelling is located 10m off the boundary. The proposal is an improved relationship with this dwelling from the approved apartment block through a reduced mass. Taking into consideration the scale and massing of the buildings, the site orientation, location of development and separation distances, there will be no significant adverse effect due to overshadowing and loss of light to No. 7 Strandmore. The proposal will not be overly dominant to No. 7 Strandmore due to the open aspect of their front garden which will be retained, adequate separation distances and appropriate scale and massing. There are also no planning concerns in relation to increased overlooking or overshadowing to this property.

The views of the building to be converted for holiday lets is as approved under the previous application.

In relation to character and context the proposed development is displayed in the contextual elevations. Members were shown the existing position, working left to right, the Vue Apartments, Sandy Bay Apartments and the existing dwelling; the existing contextual with the approved apartment block and the relationship with the proposed application.

In conclusion, the proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The application has been assessed as set out in the Planning Committee Report and it is recommended for approval.

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

**Addendum Recommendation** - that the Committee notes the contents of this Addendum and agree with the recommendation to **APPROVE** the proposed development.

In response to a Members query in relation to separation distances the Senior Planning Officer clarified that separation distances would be increased when compared to the previous approved apartment layout; there would no greater degree of overlooking.

The Senior Planning Officer informed Members that adjacent to No. 7 Strandmore, the height of dwelling 4 is approx. 9.8m with the chimney extending beyond the ridge height by 1.4m; the proposed dwellings are lower than Strandmore House. Dwelling 4 has a depth of 10.5m at three storey height which drops to two stories for a further 2.5m which is much less bulky than the apartment development approved as the depth was 15.3m at three storey height.

The Senior Planning Officer confirmed that the balconies are recessed and the proposal would not result in significant overlooking at No. 7 Strandmore as there would be adequate screening and would be hidden by the chimney stack.

The Chair invited Andy Stephens and Bernie Taylor, to address the Committee in objection to the application.

A Stephens raised the following points:

- The proposal results in further encroachment into the LLPA.
- The proposal does not comply with Policy PPS15 as the proposed development would be at risk of flooding. The Policy requires that a Drainage Assessment is required if the proposal involves an increase in hardstanding of 1000m<sup>2</sup> or more. The existing hardstanding has not been taken into consideration.
- The proposal is located in an area which is considered to be at high risk from coastal erosion.
- The proposal would result in an increased footprint of development.
- There was no re-consultation on the revised scheme; there was no opportunity for objections to be made.
- The proposal should not be approved.

B Taylor resident of No. 41 Causeway Street addressed the Committee and made the following points.

- Her and her husband spend 90% of the time living on the first floor. Her husband sleeps in the living room and it is currently not overlooked.
- The balcony is their only private amenity space.
- The previous approved dwelling consisted of 4 windows the revised proposal has 8 windows and therefore results in a greater degree of overlooking.
- Privacy has not been considered.
- The chimney stacks are dominant.
- There is insufficient landscaping – no trees have been retained.
- The entire proposed site sits outside the existing footprint.

In response to a Member's query A Stephens clarified that a previous application had been presented to Members at the Planning Committee

Meeting on 27 March 2019. The Planning Department did not re-consult with DAERA.

A Stephens clarified that the main concern was the increase in footprint and that the proposal was sited closer to the coast. He stated that the Planning Officer had stated that the change was minimal to what was previously granted; there has been no consideration of coastal erosion in the previous approval.

In a response to a Member's query A Stephens stated that the proposed dwelling had 8 windows, 4 on the landing and 4 bedrooms overlooking 41 Causeway Street and that there was no mention of the provision of obscure glazing. This would result in lack of privacy in the living room which looks out onto the beach and where the husband of B Taylor spends most of his time.

In response to a Member's query in relation to a Judicial Review on the decision to previously approve planning for the apartment block A Stephens informed Members that in January 2019 Council were obligated to take into consideration the coastal erosion. This only came to light through DAERA and there was no cumulative assessment carried out.

A Stephens commented that the Agent was perfectly entitled to build the apartment block previously approved, but he felt that there was no longer a demand for this type of development. However, the proposed development was closer to the coast and encroached further on the LLPA.

- \* **Councillor Hunter joined the meeting remotely at 4.45pm during consideration of this item.**

B Taylor concluded that the amount of windows had doubled in the new proposal and was a major increase in footprint. If a comparison was to be made between the two applications the apartment block would be better, but in reality planning should not have been granted for this application either.

The Chair invited Tom Stokes, Agent, Damien McLaughlin HERE Architects and Nick Brown, Applicant to address the Committee in support of the application.

T Stokes made the following points:

- The proposal was for two 2 semi-detached properties instead of the previous planning application for 6 apartments and therefore the

overall mass has been reduced. This is considered to be a more traditional proposal.

- There were no objections in relation to the encroachment into the LLPA. The encroachment is minor which relates to 0.06% of the LLPA. It will not alter or affect the character of Ramore Head.
- The proposal has been reduced from 7 units to 4 dwellings. The ridge height is 35cm lower than the proposed apartments and the proposal will not be prominent in the landscape.
- The proposed development is 2.65m lower than Strandmore House.
- The depth of the proposed dwellings will be less than that of the previously proposed apartments.
- The proposed development will be set further away from the rear boundary of the site by approximately 1.8m.
- There were previously 3 bedroom windows proposed for the apartments and 1 large landing window. The current proposal is 4 bedroom windows, an increase of 1.
- There were 25 objections from 12 objectors; this was a significant reduction from the previous 78 objections.
- The proposal is for 4 houses in lieu of the 6 apartments with more of a traditional frontage and the small encroachment into the LLPA is not significant.

In response to a Member's query in relation to the increase in the number of windows and the problem of obscuring, the Senior Planning Officer once again showed Members a slide with the approved apartment dwellings marked in blue indicating the location of the windows and those with obscure glazing.

The new proposal now consisted of 4 bedroom windows and 2 high level stairwell windows; no consideration was given to obscuring the bedroom and stairwell windows as the proposed development was now set 1.8m further away from the rear boundary of the site. Due to the size of the windows the proposal is deemed acceptable; the stairwell windows are now 1.8m above finished floor level so overlooking is restricted.

The Senior Planning Officer confirmed that encroachment into the LLPA with the approved apartment dwelling was 0.02% and with the new proposal was 0.06%. This is considered to not be detrimental to the LLPA.

In response to a point raised by a Member in relation to previous Site Visits the Senior Planning Officer clarified that the previous application was presented to the Planning Committee in March 2019. This would have been prior to the May elections so the Members of the Planning Committee in March 2019 may be different than those Members sitting on the Planning Committee today. She stated Members may think it appropriate to visit the site again.

Proposed by Alderman Baird  
Seconded by Alderman Duddy

- that a decision be deferred for a Site Visit to take place to allow Members to consider the site in context to the encroachment in the Local Landscape Policy Area (LLPA) and for Members to view the potential overlooking and massing of the site, due to the prominence of the site in Portrush.

The Chair put the proposal to the Committee to vote. 10 Members voted For, 0 Members voted Against and 1 Member Abstained.

The Chair declared the motion to **DEFER** for a Site Visit carried.

Proposed by Alderman Duddy  
Seconded by Councillor Anderson

- that Planning Officers make drawings available for all future Planning Applications, for Members to view in the Chamber.

A Member responded with the following arguments against this.

- It would require Planning Officers to be present in the Chamber; some Officers are currently working from home
- It would disadvantage those Members who are attending the Planning Committee Meeting remotely.



- Planning Staff are already under extra pressure and now Members are asking staff to attend meetings in the Chamber.
- Social distancing cannot be observed with Members gathering around drawings in the Chamber.

In reply a Member suggested that the drawings could be sited in the Members Suite and the Planning Officer could provide advice and answer Members queries remotely.

The Head of Planning informed Members that this would put additional pressure on members of staff who would have to photocopy every plan on every application.

This would also be open to challenge as those Members attending remotely would not be able to view the drawings. They would not be able to be shown on the large screens in the Chamber as the projector and screens are not currently linked for remote viewing. ICT would look at further options.

Alderman Duddy requested to amend his proposal.

#### Amendment

Proposed by Alderman Duddy

Seconded by Councillor Anderson

- that the ICT Department to look for a technological solution, as a matter of urgency, to allow Members to view drawings in the Chamber and remotely for Planning Applications going forward. Planning Officer can then talk Members through the drawings.

The Chair put the proposal to the Committee to vote. 12 Members voted For, 0 Members voted Against and 0 Members Abstained.

The Chair declared the Amendment **CARRIED**.

#### **4.8 Objection LA01/2020/0033/F 11 Mussenden Road, Downhill, Castlerock (Agenda Item 4.10)**

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

The Senior Planning Officer described the site and its context for Full Planning for a proposed boundary wall to front and west of dwelling and extension of curtilage.

The site is not located within any settlement development limits as defined in the Northern Area Plan 2016 and is located within the Binevenagh Area of Outstanding Natural Beauty.

Part of the consideration of the proposal seeks an increase in site curtilage – this was shown to Members as an area identified in green. This is a relatively small parcel of land relative to the large plot and existing curtilage. This is considered acceptable.

Members were shown slides of the proposed development and boundary treatment.

The proposal now seeks to replace the previously approved wall with 'estate railing' and retain the western and northern wall. The 'estate railing' is proposed to a height of 900mm, a similar height to the previously approved wall, which runs to the eastern pillar which is a height of 1.1 metres. There is then an entrance gate between the 2 pillars.

The Senior Planning Officer showed Members the proposed wall along the boundary adjacent to the Temple Cove apartments and the wall constructed with Temple Cove apartments behind and the context in how the development is read.

\* **Alderman Baird left the meeting at 5.16pm.**

A 900mm high estate railing is proposed, and the 1100mm high pillars as constructed. The railing is lower than the pillar.

The principle of development is considered acceptable having regard to Policy EXT 1 as the proposed increase in site curtilage and size, scale and materials of the proposed boundary treatments meet the policy requirements.

The proposal complies with policy NH 6 of PPS 2 as the proposed scale and design are acceptable and sympathetic to the AONB.

There are 7 objectors to the proposal from the neighbouring apartment block. These are set out in Paragraph 5.1 of the Planning Committee Report. Matters raised included:

- Loss of light into the corner ground floor apartment caused by the wall.
- Unacceptable impact on safe entrance and egress from Temple Cove Apartments, particularly due to height and location of wall.
- Impact on property values.
- Transfer of land ownership.
- Correspondence with DfI Roads.
- Traffic users not adhering to the speed limit.
- Roadside Drainage.

Historic Environment Division and DfI Roads were consulted on the application and raised no objections.

In conclusion, the proposed development is considered acceptable in this location having regard to the Northern Area Plan and all other material considerations. DfI Roads has confirmed that the wall does not impact on the visibility splays of either the applicant's or apartment development as required by policy and guidance. The proposed wall and 'estate railings' are sympathetic in design to the host dwelling, and will not detract from the character or appearance of the surrounding area. Approval is recommended.

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

In response to a Member's query in relation to the 1.7m high wall and the possible impact on loss of light, the Senior Planning Officer referred Members to Paragraph 8.18 of the Planning Committee Report.

The Senior Planning Officer confirmed that the footpath would still be located to the front of the site running in front of the wall. The wall does not run to the road edge. The footpath to be 2m wide.

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

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

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

#### **4.9 Objection LA01/2019/0741/F 2 Rossair Road, Limavady (Agenda Item 4.11)**

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

The Senior Planning Officer described the site and its context for Full Planning for a proposed single storey modular standalone build adjacent to existing GP practice including associated site works. New accommodation includes 4 No. treatment rooms, 1 No. accessible WC & 1 No. office. This is a retrospective application

The site is located within the settlement limit of Limavady as defined in the Northern Area Plan 2016. The Medical Centre is located adjacent to a number of residential properties to the East, South and West of the site and adjacent to an existing Local Centre.

The site is located at Bovally Medical Centre, Rossair Road and is to the rear of the existing Medical Centre, parking and grassed area.

The building is rectangular in shape, with a shallow mono-pitch roof with an overall height of 3.47m above floor level. The new accommodation includes a treatment room, physio rooms, 2 No. mental health workers rooms, 1 No. accessible WC & 1 No. office.

Eight objectors raised concerns in relation to the current level of car parking at the site which results in parking on the public road and at adjacent residential properties. The objection letters highlight the concern that there is the potential for the proposed development to further increase parking congestion increasing the risk of accidents.

One letter of support was submitted from the Health and Social Care Board. It explains that the proposed facilities are required to

accommodate additional multi-discipline care teams which are to be established to assist GP Practices as part of a new initiative to improve health care services to the public by reducing pressure on GPs and improving patient care.

**Principle of Development** -The application site is located within the settlement limits of Limavady, where there is a general presumption in favour of development where it is appropriate to the local character of the area. The proposal seeks to provide additional services at the existing medical practice.

The proposed building is a single storey building with appropriate materials and scale, set behind the existing medical practice. It is screened by the existing building and has no visual impact in either character, streetscape or amenity. Access is via the existing Medical Practice via Rossair Road. Initially the application did not provide any additional parking despite the creation of additional treatment rooms and additional staff.

Policy AMP 7 of PPS 3 outlines that development proposals will be required to provide adequate provision for car parking and servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regards to the published standards (Parking Standards Document).

The proposed development contains:

- 1 x Treatment Room – equates to 4 car parking spaces
- 1 x Physio Room – equates to 4 car parking spaces
- 2 x Mental Health Worker Rooms – equates to 8 car parking spaces
- 1 x Office – equates to 7 car parking spaces.

In addition it is envisaged that there will be up to 6 full time staff working within the proposed extension, as outlined within a supporting submission from the Health and Social Board. The Parking Standards document outlines that for Health Centres/ Doctors Surgeries the parking requirements are four spaces per treatment/consulting room, 1 space per doctor and 1 space per 2 other staff. Therefore the total requirement is calculated as being 19 spaces.

There are currently 32 car parking spaces present, the existing car parking provision is inadequate for the existing medical practice, based on the Parking Standards document, and therefore cannot account for any of

the required additional spaces. As the red line of the application site was restricted to the footprint of the subject building there was no scope to provide the required additional parking within this application. A new application was submitted under LA01/2020/0718/F in July 2020 which sought to provide 19 car parking spaces, three of which are disabled parking spaces with adjacent green space.

DFI Roads have been consulted on this application and have offered no objection. The car parking provision and layout meet with the requirements of Policies AMP 7 and AMP9 of PPS 3. The Planning Department is in a position to issue application LA01/2020/0718/F as a delegated approval in the event that the Planning Committee approve this application.

While planning application LA01/2020/0718/F will provide adequate levels of parking for the proposed extension, it is noted that while it may help alleviate some congestion and parking issues which are evident through the objections received, these are historical issues related to the existing medical practice. The Council cannot seek to force a resolution on this particular issue through an application for the modular building.

In conclusion, the proposal represents an extension to an existing medical practice, to provide additional health care facilities. The proposed extension is of a scale and design which is considered to be acceptable and is sited that it will not be visually obtrusive in the streetscape. The proposal requires additional car parking to be provided which has been submitted and considered to be acceptable under planning application LA01/2020/0718/F. The application complies with the relevant planning policies within the SPPS. A Planning Strategy for Rural Northern Ireland, and PPS3. Approval is recommended with the condition that the building shall not become operational until the required additional 19 car parking spaces have been completed in accordance with Planning Application LA01/2020/0718/F.

**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.

Proposed by Councillor Scott  
Seconded by Councillor MA McKillop

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

guidance in sections 7 and 8 and resolves to **APPROVE** full 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 and 0 Members Abstained.

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

#### **4.10 Objection LA01/2015/0919/F 50m South of 49 Knock Road, Ballymoney (Agenda Item 4.12)**

Planning Committee Report and Addendum were previously circulated and presented by the Senior Planning Officer, E Hudson via PowerPoint.

The Senior Planning Officer described the site and its context for Full Planning for a proposed unmanned Petrol Filling Station comprising forecourt with associated Fuel Pumps and Islands, Canopy, Small Ancillary Building and Site Works. The site is located 50 metres south of 49 Knock Road, Ballymoney.

The site is located within the development limits of Ballymoney and is undesignated as defined in the Northern Area Plan 2016. The site is currently derelict but was previously used as a fuel depot.

Members were shown the current layout for the site. The application was originally submitted as a petrol filling station including a supermarket, ATM and petrol forecourt. The building which incorporated the supermarket was sited in close proximity to the rear of residential properties along Nursery Avenue and concerns were raised in relation to the amenity afforded to these properties along with concerns from DfI Roads relating to the internal layout and its restrictive nature.

The layout was subsequently amended to an unmanned petrol filling station which comprised a forecourt and canopy consisting of 6 fuel pumps capable of servicing 12 vehicles. This is located to the front of the site with a small storage building and tanker located to the south of this.

An acoustic fence is proposed along the boundary with Nursery Avenue to prevent noise and light intrusion. Access is taken off Knock Road incorporating separate entry and exit points.

Members were shown a slide with the elevation details of the canopy and fuel pumps. Members were shown a slide of the residential properties along Nursery Avenue to the rear.

This application was previously presented to the Committee in June 2019. It was deferred at this meeting to clarify issues relating to lighting and impacts on residential properties. A lighting analysis was subsequently submitted, details of which are outlined in the Addendum. Environmental Health have been consulted and have confirmed that lighting levels should not exceed recognised standards and have recommended a post verification lighting assessment should be submitted which is included as a condition in the Addendum.

10 objection letters have been received from 7 separate addresses. Issues raised include loss of light and proximity to neighbouring properties, impact on amenity including overlooking, fumes and noise, impact on road safety and ownership. Objection issues are outlined in more detail at Paragraph 5.1 of the Planning Committee Report.

In conclusion, the principle of development is found to be acceptable in light of the previous use on site, the character of the locality and that it would not have an adverse impact on the streetscape or appear dominant. The fuel pumps and canopy are far enough removed from the residential properties and together with the acoustic fencing would not have an adverse residential impact.

All statutory consultations have been undertaken and no issues have been raised subject to conditions. Approval is recommended.

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

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

Within 3 months of the commencement of operations a post verification report of the submitted lighting assessment received on 3 February 2020 shall be submitted to the Council, demonstrating lighting levels in compliance with those outlined in the submitted report.

**Reason:** In the interests of residential amenity.



In response to a Members request the Senior Planning Officer showed Members a slide with the elevation of the fuel pumps and canopy above again. A mix of uses including commercial properties exist within the locality (extending towards the town centre) although the immediate context comprises a significant number of residential properties.

A Member referred to Paragraphs 1.4 and 2.1 of the Addendum previously circulated in relation to lighting.

The Senior Planning Officer informed Members that Environmental Health were content with the report. The Addendum states that within 3 months of the commencement of operations a post verification report of the submitted lighting assessment received on 3 February 2020 shall be submitted to the Council, demonstrating lighting levels in compliance with those outlined in the submitted report.

A Member raised concerns that the report should have highlighted the correct lighting and output to be used prior to the application.

In response to a Member's query in relation to the proximity of houses to the filling station and the noise level and lighting, the Senior Planning Officer referred Members back to a previous slide with the layout and canopy and points out the residential properties with an acoustic fence between the canopy and the closest residential property. The lighting will be underneath the canopy and the condition in the Addendum must be considered.

The Chair invited Kieran Burns of GM Design, to address the Committee in support of the application.

K Burns made the following points:

- The proposal meets with the guidelines in relation to lighting. The lighting is beneath the canopy and will be dimmed at night so should not result in issues to the surrounding areas.
- The nearest residential property is 11m from the proposed filling station; Environmental Health are satisfied that the proposal meets the requirements.
- The acoustic barriers on the boundaries have been analysed by Environmental Health and are deemed to have met the statutory guidelines.

\* **Alderman Baird re-joined the meeting at 5.54pm.**

Proposed by Alderman Finlay  
Seconded by Councillor Anderson

- that the Committee has taken into consideration and **disagrees** with the reasons for recommendation to approve as 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:

- The proposal adversely affects adjacent residential properties in relation to noise and light.
- The proposed opening hours will have an adverse effect on residential properties.
- There is a church situated in close proximity to the proposed petrol filling station.

Amendment

Proposed by Councillor McGurk  
Seconded by Councillor MA McKillop

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

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

Within 3 months of the commencement of operations a post verification report of the submitted lighting assessment received on 3 February 2020 shall be submitted to the Council, demonstrating lighting levels in compliance with those outlined in the submitted report.

**Reason:** In the interests of residential amenity.

The Chair put the Amendment to the Committee to vote. 6 Members voted For, 4 Members voted Against and 0 Members Abstained.

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

- \* The Chair declared a recess at **5.55pm**.
- \* The meeting reconvened at **6.40pm**.

Members discussed when the meeting was to conclude. The Chair suggested that the Planning Committee try to continue and complete the items on the Agenda.

Proposed by Alderman Duddy  
Seconded by Alderman S McKillop

- that the Planning Committee concludes their business at 8pm and the meeting be reconvened on another date.

The Chair put the proposal to the Committee to vote. 6 Members voted For, 6 Members voted Against and 0 Members Abstained.

The Chair using her casting vote voted against the proposal, therefore declared the Motion **LOST**.

Alderman S McKillop requested that her comments be recorded that although she did not want to leave whilst an application was being discussed, she had not had anything to eat. This sentiment was echoed by Alderman Baird as it was a Health and Safety matter and that she wished it to be minuted.

A Member stated that all Members should have been prepared for an 8pm finish.

In response to a Member's query as to why the Planning Committee Meeting had not commenced at 10am the Head of Planning stated that it was for the Planning Committee to determine a start of 10am but no decision had been made at the previous Planning Committee Meeting to do this.

Proposed by Councillor Anderson  
Seconded by Alderman Duddy

- that all future Planning Committee Meetings commence at 10.30am.

The Chair put the proposal to the Committee to vote. 12 Members voted For, 0 Members voted Against and 0 Members Abstained.

The Chair declared the motion to **CARRIED**.

#### **4.11 Referral LA01/2018/1286/O Land Approx. 260m North West of 923 Glenshane Road, Dungiven (*Agenda Item 4.14*)**

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

The Senior Planning Officer described the site and its context for Outline Planning for a proposed site for a farm dwelling.

The site is located outside any settlement limit and is located in the Countryside and within the Sperrin AONB as shown in the Northern Area Plan 2016.

The site is located 190 metres north of the Glenshane Road currently agricultural grazing land. It is situated on a steep gradient and is accessed via an existing lane.

The Northern and Eastern boundaries are open/undefined. The Southern boundary is defined by a 1 metre high post and wire fence and one tree. The Western boundary is defined by a 1 metre high post and wire fence and some whin bushes. There is a small stream along the Western boundary. There are transient critical views of this elevated site from the Glenshane Road to the South East.

The proposal is an Outline Planning application for a site for a dwelling and falls to be determined under Policy CTY 10.

The farm business had been in existence for more than 6 years and single farm payments have been claimed in the last 6 years, therefore the proposal complies with criterion (a) of Policy CTY 10.

No dwellings have been sold off from the farm holding and there is no history of approvals on the farm lands identified in the last 10 years therefore the proposal complies with criterion (b) of Policy CTY 10.

Criterion (c) of Policy CTY10 requires the new building to be visually linked or sited to a cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

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

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

The proposed site fails to visually link and is not sited to cluster with an established group of buildings on the farm. All farm buildings on the farm are located adjacent to No. 17 Birren Road approximately 2.5km to the West of the site.

The supporting information submitted on the application stated that:

- The proposal is to facilitate the farmer's son to live on the holding.
- The farmer's son runs the farm and currently resides at No. 17 Birren Road.
- The holding will be transferred to the son.
- The farm is spread over two locations approximately 2.5 miles apart. 7 ha is located at Birren Road and 116 ha at Glenshane Road.
- He requires a dwelling on the 116 ha site at Glenshane Road so he does not have the inconvenience of travelling 2.5km to Birren Road.

The Senior Planning Officer informed Members that all the buildings are located at No. 17 Birren Road. Access at No. 17 Birren Road is extensively used by the family home, Bed and Breakfast and visitors to the fishing lake.

The supporting information submitted for the planning application states that safe access to a site to visually link or cluster with buildings on the farm at No. 17 Birren Road is not achievable due to the road geometry and visibility constraints and also health and safety associated with vehicular traffic using the existing yard.

The Senior Planning Officer referred Members to Paragraph 5.42 of Policy CTY 10 which requires submission of demonstrable evidence from a competent and independent authority such as Health and Safety or

Environmental Health to justify the siting. No such evidence has been forthcoming. The Health and Safety exception in Policy CTY 10 implies reference to agricultural operations being the justification to allow an alternative site rather than alleged viability to achieve a safe means of access.

The Bed and Breakfast at No. 17 Birren Road does not benefit from planning permission.

Officials cannot give determining weight to the Health and Safety reasons put forward because a safe means of access has been demonstrated for No. 17 Birren Road in previous applications and intensification of access caused by the Bed and Breakfast at No. 17, which does not have planning permission, is given less merit as a planning justification.

No verifiable expansion plans have been demonstrated. A potential dwelling could be facilitated at the group of buildings at Birren Road without the access running through the farm yard.

This proposal fails to comply with criterion (c) of Policy CTY 10 of PPS 21. As it is not one of the types of residential development that are acceptable in principle in the countryside and there are no overriding reasons why it is essential and could not be located in a settlement, the proposal is contrary to Policy CTY 1 of PPS 21.

The site is elevated with two open boundaries and is unable to provide a suitable degree of enclosure and relies primarily on new landscaping, therefore, does not integrate into the landscape. There are long distance critical views from Glenshane Road to the South East and fails to visually cluster with the established buildings and will be unduly prominent in the landscape. It is therefore contrary to Policy CTY 13 and CTY 14 of PPS 21.

The applicant has demonstrated visibility splays of 2.4 metres by 160 metres but the principle of development has not been found to meet Policy CTY 10 and the proposal fails under AMP 2 and AMP 3 consequential amendment to PPS 3.

The proposal is contrary to Policy NH 5 of PPS 2 as it has not been demonstrated through the submission of a Biodiversity Checklist that the proposal would not be harmful to habitats, species or features of natural importance.

In conclusion, the proposed development is considered unacceptable at this location having regard to the Northern Area Plan and other material considerations, the SPPS and Planning Policy Statements 2, 3 and 21. The proposal fails to meet the criteria for a dwelling on a farm given that the site does not visually link or site to cluster with a group of buildings on the farm. There are no demonstrable health and safety reasons to justify the proposed location elsewhere on the farm. In addition, the proposed site is prominent and would have an adverse effect on rural character and the Sperrins AONB. The access for the proposal does not comply with the Protected Routes Policy. Refusal is recommended.

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

In response to a Member's query with regards to an alternative site being suitable the Senior Planning Officer clarified that the proposal is for Glenshane Road which is the planning application that is being assessed. Planning Officers are aware that there is alternative land at Birren Road that can be considered and can visually link/cluster with existing buildings.

The Senior Planning Officer confirmed that no planning permission had been granted for the Bed and Breakfast at No. 17. She clarified that although the Bed and Breakfast has been in operation for over 7 years, it may be beyond enforcement action but cannot be considered in this planning application.

The Chair invited Kieran Burns, Agent and Diarmuid McLaughlin, Applicant to address the Committee in support of the application.

K Burns made the following points:

- Criteria (a) and (b) of Policy CTY10 of PPS 21 have been met.
- The Applicant lives in Derry and married in 2019.
- The Applicant aims to take ownership of the farm and develop the farming operations on the farm located at Glenshane Road.
- The farmland located at No. 17 Birren Road is to be transferred to another family member.

- There are Health and Safety issues in relation to access to lands around No. 17 Birren Road.
- The Fishing Lake with access at No.17 Birren Road is a popular attraction opening from 10am to 9pm.
- The Bed and Breakfast located at No. 17 Birren Road has been established for 20 years and should be given more merit.
- Young farmers should be encouraged.
- The proposal does comply with Policy CTY 14 of PPS 21 as it is not prominent in the landscape and will not result in a detrimental change to the rural character of the countryside. The dwelling will be set back 190m and there will only be long range transient views of the site. Rising topography provides a backdrop to the site.
- Refusal Reason 5 - DfI Roads were consulted and confirmed that they had no objection to the proposal.
- Refusal Reason 6 - The design of the building could be conditioned to an acceptable size and design to comply with the policy in relation to the Areas of Outstanding Natural Beauty.
- Refusal Reason 7 – A Biodiversity Checklist can be conducted in order to comply with the regulations in relation to habitat, species and features of natural heritage importance.
- Members should defer consideration of the application and a Site Visit be conducted.

In response to a Members query, K Burns stated that the B&B had been there for approx. 20 years and that the access is more dangerous at that location.

Proposed by Alderman Duddy  
 Seconded by Alderman S McKillop

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



## Amendment

Proposed by Councillor McGurk

Seconded by Councillor Nicholl

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

- Refusal Reason 1 – Policy CTY 1 of PPS 21 will be met if the proposal complies with Policy CTY 10 of PPS 21.
- Refusal Reason 2 – Health and Safety should be taken into consideration in relation to the movement of farmyard vehicles.
- Refusal Reasons 3 and 4 – The site is set back 190m from the main road. There are established boundaries and any integration issues can be dealt with under reserved matters.
- Refusal Reason 5 – DfI Roads have no objections.
- Refusal Reason 6 – Adverse effects on the Area of Outstanding Natural Beauty can be dealt with by design under reserved matters.
- Refusal Reason 7 – A Biodiversity Checklist can be undertaken prior to a decision issuing.

In response to a Member's query in relation to DfI Roads having no objection to the proposal the Senior Planning Officer informed Members that as the proposal contravenes Policy CTY 10 of PPS 21 the proposal therefore fails to comply with Policy AMP 3 of Annex 1.

The proposed access from Glenshane Road is on an existing short laneway and does not comply with Policy CTY 10 of PPS 21.

The Senior Planning Officer stated that the proposal achieved the acceptable visibility splays on Glenshane Road. Policy AMP 3 of Annex 1 Consequential amendment to Policy AMP3 of PPS 3 was then applied and it was deemed that the proposal failed to comply with this Policy.

The Head of Planning clarified to Members that as the proposal did not comply with Policy CTY 10 of PPS 21, it did, therefore, not comply with the criteria in relation to access onto a protected route.

In response to a Member's query in relation to Health and Safety the Senior Planning Officer referred Members to paragraph 8.13 of the Planning Committee Report and stated that the Planning history demonstrates the proposal is unacceptable in relation to access as it has been identified that alternative land at Birren Road that can be considered and can visually link/cluster with existing buildings.

Alderman Duddy requested to withdraw his original proposal.

Proposed by Alderman Duddy  
Seconded by Councillor Scott

- that consideration of the application be deferred to allow the applicant to produce demonstrable evidence in relation to Health and Safety to justify the siting. If the evidence is not forthcoming within 3 months then the application to be brought back to the Planning Committee for consideration. Alderman S McKillop stated that there is already demonstrable evidence from farming accidents on a farm.

It was clarified that as Alderman Duddy had withdrawn his original proposal then the proposal by Councillor McGurk, seconded by Councillor Nicholl would be considered first.

The Chair put the Amendment to the Committee to vote. 7 Members voted For, 1 Member voted Against and 4 Members Abstained.

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

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

- Refusal Reason 1 – Policy CTY 1 of PPS 21 will be met if the proposal complies with Policy CTY 10 of PPS 21.
- Refusal Reason 2 – Health and Safety should be taken into consideration in relation to the movement of farmyard vehicles.
- Refusal Reasons 3 and 4 – The site is set back 190m from the main road. There are established boundaries and any integration issues

can be dealt with under reserved matters.

- Refusal Reason 5 – DfI Roads have no objections.
- Refusal Reason 6 – Adverse effects on the Area of Outstanding Natural Beauty can be dealt with under reserved matters.
- Refusal Reason 7 – A Biodiversity Checklist can be undertaken as the Principle of Development has not been agreed. This can take place after the application has been approved.

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

#### **4.12 Referral LA01/2018/0903/F The Stores, Woodvale Park, Bushmills (Agenda Item 4.16)**

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

The Senior Planning Officer described the site and its context for Full Planning for a proposal for an existing warehouse to be converted into 4 No. apartments, with access and associated parking at ground floor level within the building footprint.

The Senior Planning Officer informed Members that the application is now recommended for approval. The application had previously been presented to the Planning Committee in August 2019 and was recommended for refusal.

Members shown the following slides:

- The site in relation to the town of Bushmills within the settlement limit of Bushmills as designated by the Northern Area Plan 2016.
- The site shown in red the proximity of the dwellings in Woodvale.
- Photograph of the building itself to be converted.
- The proximity to the existing dwellings.
- Aerial shot showing the buildings in context.
- 2 further slides showing the relationship to dwellings in Woodvale.

Following the Planning Departments recommended refusal last year the application was deferred to allow amended plans and consultation with the NI Housing Executive.

The Agent submitted a revised scheme that reduced the apartments to 3, providing an improved outlook, amenity space. The appropriate space standards were applied and scheme resolved the issues in terms of overlooking and loss of privacy. The proposal was considered acceptable in terms of the SPPS, PPS 7 and its Addendums in that regard.

No objections were received from the neighbouring properties or NIHE.

Further slides were shown to Members.

- The elevation to the West which shows a sunken terrace with louvred panels to restrict any possible overlooking to the rear of the gardens in Woodvale.
- Small windows are provided to the elevation to the East, however they are to bathrooms and snugs and are all obscure glazing.
- There is internal parking for all 3 apartments. DFI Roads have given substantial weight to the previous use and find the proposal acceptable in terms of parking and access and PPS 3.

The Head of Planning clarified to Members that the previous report recommended to refuse the application. The Addendum, previously circulated, now recommends Approval.

In response to a Member's query in relation to the recommendation to refuse by DfI Road the Senior Planning Officer read out Paragraph 2.9 of the Addendum to Members:

*DFI Roads was consulted on this information on 21 April 2020 and advise the information provided on the signed Affidavit provides the details of the vehicle movements at the proposed site during its previous use. It is accepted the current proposal will not lead to an intensification of vehicle movements at the proposed site. DFI Roads therefore have no objections subject to a planning condition. The revised proposal is now acceptable in terms of Policy AMP 2 of PPS 3 and DCAN 15.*

The Senior Planning Officer clarified that DfI Roads raised concerns up until the signed Affidavit submitted by Carson Class of Glass's Fruit and

Vegetables at 71 Main Street, Bushmills. This takes into consideration vehicles arriving and leaving the business and it is accepted that the current proposal will not lead to intensification of vehicle movements at the proposed site. Therefore, DfI Roads have no objections and the revised proposal is now acceptable in terms of Policy AMP2 of PPS 3 and DCAN 15.

In response to a Member's request for clarification the Senior Planning Officer clarified that the revised proposal was acceptable to NIHE. She also confirmed that residents of neighbouring properties in Woodvale had been consulted and no objections had been received from any of these properties.

In conclusion, the amended proposal has overcome all previous refusal reasons for this development. The proposed residential development is now acceptable in terms of the SPPS, Policy QD 1 of PPS 7, Policies LC 1 and 2 of the Addendum to PPS 7 and Policy AMP 2 of PPS 3 and DCAN 15.

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

**Addendum Recommendation** - that the Committee note the contents of this Addendum and agree with the change of recommendation to **APPROVE** the proposed development.

The Chair invited Scott Caithness, Agent to address the Committee in support of the application; however he was not connected remotely to the meeting.

Proposed by Alderman S McKillop  
Seconded by Councillor MA McKillop

- that the Committee note the contents of the Addendum and agree with the change of recommendation to **APPROVE** the proposed development.

The Chair put the proposal to the Committee to vote. 12 Members voted For, 0 Members voted Against and 0 Members Abstained.

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

The Chair informed Members that as it was 8pm Members could now decide at what time they felt the meeting should be concluded this evening.

The Chair informed Members that there were two options to be considered.

**Option 1** – that the Planning Committee conclude business and reconvenes on Monday 19 October 2020

or

**Option 2** – that the Planning Committee concludes business and discusses the remainder of the business of the September agenda immediately before the next Planning Committee Meeting on Wednesday 28 October at 10.30am. The items on the agenda for the October Planning Meeting to then be discussed following conclusion of this reconvened meeting.

Proposed by Alderman Duddy  
Seconded by Councillor Anderson

– that the Planning Committee agree to **Option 2** and conclude business and discuss the remainder of the business on the September agenda immediately before the next Planning Committee Meeting on Wednesday 28 October at 10.30am. The items on the agenda for the October Planning Meeting to then be discussed.

The Chair put the proposal to the Committee to vote. 7 Members voted For, 5 Members voted Against and 0 Members Abstained.

The Chair declared the motion **CARRIED**.

A Member raised concerns that transferring the remainder of the business from the September meeting to the full Planning Committee on Wednesday 28 October 2020 would result in too many applications to be put forward for discussion, then is to be followed by the business end of the Agenda. She suggested that the meeting be reconvened on Monday 19 October 2020.

The time being 8.05pm, the Chair thanked everyone for their attendance and the meeting adjourned to Wednesday 28 October 2020 at 2.30pm.

**MINUTES OF THE PROCEEDINGS OF THE RECONVENED MEETING OF  
THE PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC  
HEADQUARTERS AND VIA VIDEO CONFERENCE  
ON WEDNESDAY 28 OCTOBER 2020 AT 10.30AM**

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

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

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

**In Attendance:** J Winfield, ICT Operations Manager (C)  
A Lennox, Mobile Operations Officer (R)  
C Thompson, ICT Operations Officer (C)  
Press (3 No.) (R)  
Public (2 No.) (R)

**Registered Speakers:**

- LA01/2019/0300/F Tom Stokes, TSA (support)  
Nigel Jones, Agent (support)  
Don Patterson (applicant)  
Joanne Rogers (applicant)
- LA01/2019/1012/O Jason Martin, 2020 Architects (support)
- LA01/2019/0576/O Simon Adeyinka, ASI Agent (support)

All registered speakers attended remotely.

**R = Remote**                      **C = Chamber**

The Chair read out the following:

*'Welcome to the Planning Committee Meeting.*

*I extend a welcome to members of the press and public in attendance. You will be required to leave the meeting when Council goes into committee. You will be readmitted by Democratic Services Officers as soon as the meeting comes out of committee. I would also remind you that the taking of photographs of proceedings or the recording of proceedings for others to see or hear is prohibited.*

*If you are having technical difficulties try dialling in to the meeting on:*

**028 95921909** and then **Conference ID: 229 367 067#** which is on the chat feature.

*If you continue to have difficulties please contact the number provided on the chat at the beginning of the meeting for Democratic Services staff and ICT staff depending on your query.*

*The meeting will pause to try to reconnect you.*

*Once you are connected:*

- *Mute your microphone when not speaking.*
- *Use the chat facility to indicate to that you wish to speak. The chat should not be used to propose or second.*
- *Please also use the chat to indicate when you are leaving the meeting if you are leaving before the meeting ends.*
- *Unmute your microphone and turn your camera on when you are invited to speak.*
- *Only speak when invited to do so.*
- *Members are reminded that you must be heard and where possible be seen to all others in attendance to be considered present and voting or your vote cannot be counted.'*



## **LOCAL GOVERNMENT CODE OF CONDUCT**

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

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

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

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

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

### **4. SCHEDULE OF APPLICATIONS**

#### **4.13 Referral LA01/2019/0300/F 38 Dhu Varren, Portrush (Agenda item 4.17)**

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

The Senior Planning Officer described the site and its context for Full Planning for the proposed 2 No. semi-detached dwellings and garages - amendments to house types from previously approved scheme ref: LA01/2017/0469/F including amended roof design with provision of additional amenity areas (retrospective application).

The application is located within the Settlement Development limit for Portrush as designated in the Northern Area Plan 2016. The application site is with No 40 to the West and No 36 to the East.

The Senior Planning Officer provided Members with a Verbal Erratum to the application withdrawing the application of Policy LC 1 of PPS 7. Members were advised that this policy does not apply in this instance and the refusal reason set out in section 10 should be amended.

A verbal Addendum to a letter of support was submitted by the Agent on 27 September 2020, from No 40 Dhu Varren. The letter of support advises that the neighbouring property has no objection and that the applicant included measures in the original submission in order to protect their privacy. The proposal cannot be seen from Dhu Varren.

This application is part retrospective in that approval was granted for two 3 storey dwellings. However the proposal was constructed with an additional fourth floor and some other changes to windows and elevation treatments. There are 2 objections to the proposal set out in Section 5 of the Planning Committee Report relating to design, privacy, disrespect to planning authority due process, increase in height, massing and that overall scale would set a dangerous precedent.

The Senior Planning Officer showed Members a slide of the plan of the footprint of the building, with access from Dhu Varren Road and Blackrock Road to the rear.

The front elevation shows the difference between the previous approval and the current proposal. The key elements are the increased balcony to the third floor which required a privacy screen to protect the amenity of No. 40, change in materials to the third floor and the addition of the fourth floor.

Planning have no objection to the front elevation from the Dhu Varren Road due to the set back of the fourth floor; it is not readily apparent or dominant to the street scene. The privacy screen is in place to protect the amenity of No. 40 and the timber cladding and seamed zinc materials are acceptable.

Members were shown a view further down the street, although the fourth floor is apparent it is not considered dominant from this critical view and contrary to criteria (a) of PPS 7.

At the rear elevation to Blackrock Road there have been changes to the windows on each of the 3 floors that were previously approved. The top floor is more apparent and becomes dominant to the street scene.

Members were shown a photograph taken from Blackrock Road which highlights the dominance to the street scene and No. 36. The fourth floor is shown in the photograph with obscure glazing to the sides. Due to the concern raised due to the perception of overlooking still perceived the application for consideration today has replaced this with a continuation of the proposed zinc which then in turn further increases the dominance of the fourth floor.

Members were shown slides of the approved side elevation and the elevation for consideration. At the elevation to No. 40 there have been changes to the windows on the gables and the addition of the fourth floor.

Another slide presented to Members showed the relationship to No. 40, the existing overlooking and the dominance and overshadowing to the adjacent properties. Although No. 40 has not objected to the proposal Planning are still required to apply planning policy. The fourth floor and changes to the windows are proposed to be replaced with obscure glazing and zinc cladding to prevent overlooking and will add to the dominance and increase overshadowing given the orientation of the dwelling to No. 40.

In conclusion, the development is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The development has an adverse impact on the character of the area and a detrimental impact on the private amenity of neighbouring dwellings by overlooking and overshadowing. Refusal is recommended.

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

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

**Verbal Addendum** – that the Committee note the contents of the verbal Addendum and agree with the recommendation to **REFUSE** the proposed development in accordance with Paragraph 1.1 of the Planning

- \* **Alderman McKeown arrived at the meeting at 10.45am during consideration of this item and therefore was not permitted to vote.**

The Chair invited Tom Stokes, TSA, Nigel Jones, Agent and Don Patterson and Joanne Rogers applicants to address the Committee in support of the application.

T Stokes addressed the Committee and made the following points:

- In regard to the front elevation there are limited views of the fourth floor from Dhu Varren and the impact of the fourth floor is considered acceptable. This is an important point as Dhu Varren is the primary Road with regards to this proposal.
- In regard to the impact from Blackrock Road to the rear the proposed development would only be 2.3 metres above height of the original proposal.
- The proposed zinc cladding at roof level will not add to the buildings dominance and will better intergrate.
- The roof terraces improve the quality of the proposal and the zinc cladding will protect neighbouring properties from overlooking.
- The original proposal received no objections from neighbours and only 1 objectior has been received for this proposal.
- A letter of support has been received from No.40 Dhu Varren in September which stated that there were no objections to this proposal.
- Small concessions and changes have been made to the proposal.
- The sun room is small and not seen from Dhu Varren.
- The Blackrock Road is a private road.
- The proposal mixes with existing properties.
- The terrace is set back and measures have been added to protect the privacy of neighbouring properties.
- The addition of the amenities adds to the enjoyment of the family home.

In response to a Member's query in relation to the fourth floor of the proposed dwellings, T Stokes informed Members that the height of the proposed dwellings were identical to the dwellings at No. 44 and No 46 Dhu Varren. He also clarified that measures had been taken in relation to the impact of overlooking of neighbouring dwellings.

T Stokes also informed Members that the proposed dwellings were in character with the current area and would not have a detrimental impact on the character of the area. The introduction of the zinc cladding helps to define the roof space which was previously flat.

In response to a Member's request the Senior Planning Officer clarified that height of proposed dwelling at the front on Dhu Varren as the same height as No. 44 and No. 46 Dhu Varren . No. 44 and No 46 Dhu Varren are 2.5 storeys high.

The Senior Planning Officer also stated that the proposed dwellings backing onto Blackrock Road would be slightly above No. 44 and No. 46 Dhu Varren as they would be in a slightly more elevated position. The Senior Planning Officer presented Members with the slides showing this.

\* **Alderman Baird left the meeting.**

A Member referred the Senior Planning Officer to paragraph 8.7 of the Planning Committee Report which referred to the fact that the proposed development with the additional fourth floor would tower above No. 36 and No 40 Dhu Varren. He requested clarification on this.

The Senior Planning Officer presented Members with slides that showed the elevation of No. 36 Dhu Varren and how the proposed dwellings would sit above the ridge and eaves of No. 36 Dhu Varren.

The Senior Planning Officer clarified that zinc cladding and not obscure glass is proposed to address the overlooking issues. She also confirmed that there was no problem with the materials to be used.

Proposed by Alderman Finlay  
Seconded by Alderman S McKillop

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

- The applicant has made a significant effort to build and deliver a high quality residential scheme.
- The applicant has taken measures to protect the overlooking of amenities.

- The proposal is not dominant in the landscape.
- The proposal is not out of character and would not have a detrimental impact on the character of the area.

The Chair put the proposal to the Committee to vote. 9 Members voted For, 2 Members voted against and 1 Member abstained.

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

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

\* **Alderman Baird re-joined the meeting at 11am.**

#### **4.14 Referral LA01/2019/1012/O Approximately 170m NE of 74 Kilraughts Road, Ballymoney (Agenda Item 4.18)**

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

The Senior Planning Officer described the site and its context for Full Planning, via a Powerpoint presentation for the proposed site for a replacement dwelling and garage with retention of existing for storage.

The Senior Planning Officer informed Members of a verbal Erratum to the text box referring to the Planning application details. The reference should read LA01/2019/1012/O. An Erratum has previously been circulated which corrects the status of the Southern gable wall as not being substantially complete which has been added, also to the refusal reason 1 as set out in the Erratum.

The proposal has been considered under Policy CTY 3 of PPS 21 and has been recommended for refusal in that the building does not exhibit the essential characteristics of a dwelling and that not all external walls are substantially complete. Other policies under consideration relate to the SPPS, PPS 3 and PPS 2.

The site itself is located outside Ballymoney and within the countryside as designated in the Northern Area Plan 2016. The site is bound by the railway line to the North.

This application proposes an offsite replacement into an adjacent field. The blue in the plan shows the proposed siting. The replacement opportunity is located to the East.

An aerial shot shows the replacement candidate below the vegetation. In an older aerial shot the red roof of a building and attached building with no roof can be viewed.

Members viewed a slide of the proposed site and a photo taken from the lane of the replacement opportunity and the eastern elevation. At the Eastern elevation as it is now the site is in an overgrown state and it is difficult to read the structures.

The Western elevation is also overgrown. The slant of the roof can be seen and this does not display any essential characteristics of a dwelling.

The case officer gained entry into the building via the collapsed Southern gable. There is an internal door, some tiles and window insert. The internal wall has no sign of a chimney. The other side of the wall also has no sign of a chimney. There is also a closed up window opening and the Northern gable is intact but with no sign of a chimney.

The policy test is that the replacement dwelling exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. This building may have once been a former dwelling, however, today given its state of disrepair, this building does not exhibit the essential characteristics of a dwelling and the walls are not all substantially intact.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS and PPS 21. The proposal fails to meet the tests of the SPPS and Policy CTY 3 as the existing structure does not exhibit the essential characteristics of a dwelling. Refusal is recommended.

**Recommendation** - that the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the 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 application in accordance with Paragraph 1.1 of the Planning Committee report.

In response to a Member's request for clarification on refusal reasons the Senior Planning Officer referred Members to refusal reason one which states that the proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 3 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the existing structure does not exhibit the essential characteristics of a dwelling and all external walls are not substantially intact.

The Senior Planning Officer informed Members that evidence of windows and doors should be present, all external walls should be intact and there should be evidence of other characteristics such as a chimney or hearth present. The proposal does not display any characteristics of a former dwelling.

The Senior Planning Officer clarified that only the external Southern wall of the dwelling was intact and that the existing building was only a two room building, it had been in existence for a number of years.

The Historic Environment Division was consulted, welcomed the retention of an extant buildings but raised no concerns.

In response to a query from a Member in relation to septic tank and census details the Senior Planning Officer informed Members that a Design and Access Statement had been received from the Agent. A black and white photograph of a person on a car had also been received; this was not specific to the site. No details had been received on what was actually situated on the site.

A Member commented that red floor tiles were apparent on the floor of the building and that some walls appeared to be plastered up to ceiling level. He questioned if this would be normal in a dwelling house or would these feature be in an outhouse or where animals would be kept.

The Senior Planning Officer clarified that red floor tiles were apparent in the first room of the building and that there was some plasterwork. However looking at the outside appearance the building does not exhibit characteristics of a residential dwelling. Due weight has been given to the current state of disrepair of the building.

The Senior Planning Officer also clarified that the red floor tiles would indicate that the building may have been a former residential dwelling, however it does not exhibit the essential characteristics of a dwelling today. Policies CTY 1 and CTY 3 of Planning Policy Statement 21 states



that all external walls must be substantially intact and that there must be evidence of characteristics of a dwelling such as a chimney stack or fireplace. This building does not exhibit these essential characteristics.

The Chair invited Jason Martin, Architect to address the Committee in support of the application.

J Martin addressed the Committee and stated that there was only one reason given for refusal of this proposal and made the following points:

- The Policy states that all four external wall must be substantially intact. The definition of substantial is not clear. The Southern gable is partially intact, and the East and West gable are also intact, therefore his interpretation is that the walls are substantially intact.
- The Policy does not state what the characteristics of a dwelling are.
- The chimney stack and fireplace would have been located in the Southern gable.
- There would be many characteristics within the existing building that would define it as a dwelling.
- There are 2 windows present at the front of the building and 1 at the rear of the building, plus an access door.
- A tiled floor is not a characteristic of an outhouse or a building to house animals.
- The West wall is panelled which indicates a characteristic of a dwelling.
- The building in question does exhibit many characteristics of a dwelling.
- The building is at least 170 years old and would not have contained many rooms.

\* **Councillor P McShane left the meeting during consideration of this item.**

Proposed by Alderman Duddy  
Seconded by Councillor Scott

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

- Given the existing building is over 170 years old it would not, therefore, be expected to exhibit many windows or internal rooms.
- The external walls of the building are substantially intact.
- Red floor tiles are apparent in the first room of the building and plasterwork exists on many of the walls, therefore exhibits essential characteristics of a previous residential dwelling.
- The building was not previously an outhouse or used to keep animals.
- The building had previously been used as a residential dwelling.
- Small collapse probably destroyed the chimney.

The Chair put the proposal to the Committee to vote. 14 Members voted For, 0 Members voted against and 0 Members abstained.

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

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

#### **4.15 Referral LA01/2019/0576/O Lands between 47-49 Sheskin Road, Gortgare, Greysteel (Agenda Item 4.19)**

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

The Senior Planning Officer described the site and its context for the proposed Outline Application for a 2 bed single storey bungalow with detached garage.

The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is not subject to any specific designations.

The Senior Planning Officer showed Members a slide on part of the site and its relationship with No.49 Sheskin Road in the background and a photograph of the site showing the larger field it is a part of, and that only the road frontage and Southern boundary benefit from any boundary definition.

Members were also provided with a photo showing the remainder of the agricultural field not subject to this application and showing No.47 in the background.

Policy CTY 8 of PPS 21 sets out policy on ribbon development and how this should be resisted. That said Policy does state that:

*“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 in terms of size, scale, siting and plot size and meets other planning and environmental requirements. 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.”*

For the purposes of this application the gap site is considered to be between No. 47 and No.49 Sheskin Road (*identified on the map*). While it is considered that this a substantial and continuously built up frontage for the purpose of this policy, the gap site is considered too large to respect the existing development pattern. Members should take note of the policy's reference to frontage rather than surrounding area. This matter is explored in Paragraphs 8.18-8.20 of the Planning Committee Report.

The Senior Planning Officer reminded Members of what the policy states with regards to 'the gap site' which is set out in Para 5.34 of the amplification of Policy CTY 8 and is explained in Paragraphs 8.14 and 8.15 of the Planning Committee Report. It states that it is the gap between houses and other buildings. This approach of policy is endorsed in the Planning Appeal Commission decisions referenced in the Planning Committee Report.

In this application the gap between the 2 dwellings is approx.120 metres and the average frontage width is 25 metres. This gap has the potential to accommodate 4-5 dwellings. Even if regard and weight is given to the applicants proposed frontage width of approx. 40 metres, this gap can accommodate 3 dwellings. Further consideration of this matter is set out in Paragraph 8.16 of the Planning Committee Report.

The principle of development is considered unacceptable having regard to Policy CTY 8 as the gap site can accommodate more than 2 dwellings and is therefore not an exception under policy.

\* **Councillor McMullan left the meeting at 11.33am.**

The proposal is cut from a roadside field and will rely on new boundaries and landscaping for integration and is therefore contrary to Policy CTY 13.

As the proposal fails to comply with Policy CTY 8, it is also unacceptable under Policy CTY 14 as it will create a ribbon of development along Sheskin Road.

Loughs Agency, Environmental Health, NI Water and DfI Roads were consulted on the application and raise no objection.

There are no objections to the proposal.

The application is recommended for Refusal for the reasons set out in the Planning Committee Report.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including Planning Policy Statement 21 - Sustainable development in the Countryside. It has not been demonstrated that the proposal is one of the acceptable types of development permitted under Policy CTY 1.

The proposed gap site is sufficient to accommodate more than 2 dwellings when considering the existing pattern of development along the road frontage and is not considered to be an infill dwelling site under Policy CTY 8. As the proposal creates a ribbon of development along Sheskin Road, it is also contrary to criterion (d) of Policy CTY 14. The proposal is also contrary to Policy CTY 13, criteria (b) and (c) in that the site lacks long established natural boundaries and relies primarily on the use of new landscaping for integration. As no overriding reason has been forthcoming as to why the development is essential and could not be located within a settlement, the proposal is contrary to Policy CTY 1 of PPS 21 and paragraph 6.73 of the SPPS. Refusal is recommended.

**Recommendation** - that the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the

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

The Chair invited Simon Adeyinka to address the Committee in support of the application.

S Adeyinka addressed the Committee and made the following points:

- Policy CTY 8 of PPS 21 allows for the development of up to 2 houses in a rural setting and that the proposal meets the requirement of this policy.
- The Planning Committee Report states that the proposed gap site can accommodate more than 2 dwellings and therefore not be considered to be an infill dwelling.
- There are 8 existing residential dwellings, 6 on one side and 2 dwellings and a building plot situated on the opposite side of the road.
- One dwelling sits on a larger plot and has a frontage of 55m.
- That, in his opinion, the existing dwellings on Sheskin Road represent an average frontage of 33m.
- The Planning Officer has stated that the average frontage of the 5 dwellings referred to gives an overall average frontage width of approximately 25m, and that the site proposed would create a frontage of 42m and is too large when compared with the average frontage widths of the existing plots. In this instance the Planning Officer has failed to assess all the existing dwellings when calculating the average frontage.
- The proposal does not create a ribbon of development along Sheskin Road, it sits between Nos 47 and No 49 Sheskin Road.
- The field to the rear of the site is accessed from a side road and cannot be land locked – access remains unaffected.
- There are no arbitrary limits specified in the policy in relation to frontage length.

- The proposal is based on an average plot sizes and the gap sits within the other 6 dwellings and complies with the second test requirement within the policy.

In response to a Member's query in relation to Planning Appeals S Adeyinka clarified that there were 3 appeals cited in the JPE planning report:

- (i) Planning Appeal 2018/A0208 - 90m was small enough to consider 2 infill properties.
- (ii) Planning Appeal 2018/A0186 in Omagh – the infill gap was 110m creating 2 plots with frontages of 58m and 56m.
- (iii) Planning Appeal 2019/A0038 – referring to infill over 70m.

In response to a Member's query in relation to the Planning Appeals cited and decisions made the Senior Planning Officer referred Members to the following paragraphs of the Planning Committee Report:

- Paragraphs 8.14 which makes reference to the appeals.
- Paragraphs 8.28 to 8.32 which refer to the 3 planning appeals cited setting a precedent for consideration of this application.
  - Paragraph 8.29 – Planning Appeal 2018/A0208
  - Paragraph 8.30 – Planning Appeal 2018/A0186
  - Paragraph 8.31 Planning Appeal 2019/A0038

The Senior Planning Officer informed Members that the appeals had been considered in the determination of this Planning Application, however it was still recommended for refusal. He referred Members to Paragraph 8.13 of the Planning Committee Report which detailed the average road frontage width of the existing row of 5 dwellings as being just over 17 metres and that further consideration had been given for No. 49. He confirmed that the average road frontage width was based on all of the 6 dwellings.

The Senior Planning Officer stated that there was no concern raised in relation to the rear field being land locked.

In response to a Member's query in relation to Policy CTY8 of PPS 21 and that this policy does not provide any specific lengths of frontage and that

42 metres is not that excessive considering that this proposal is in the country the Senior Planning Officer referred Members to Paragraph 8.6 of the Planning Committee Report in relation to a proposal which creates or adds to a ribbon development and that Policy CTY8 of PPS21 goes on to say that:

*“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 in terms of size, scale, siting and plot size and meets other planning and environmental requirements. 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.”*

The Head of Planning informed Members that the Policy relates to the frontage of this particular area within which the site is located and does not refer to any other sites in the country, so Members must consider this.

One Member commented that each appeal referred to is for a different area and therefore confusing as average frontages will always be different.

Proposed by Alderman Finlay  
Seconded by Alderman Duddy

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

- This is a site within a substantial built up frontage.
- The proposed road frontage width is 42 metres.
- The average road frontage width for the 6 existing dwelling is 25 metres.
- There is a residential dwelling on the other side of the road which has a larger road frontage width than the proposal.

- Therefore the proposal submitted for a road frontage width of 42 metres is not excessive and will not impact on the character of the area.
- The appeals cited allowed for larger sites.

The Chair put the proposal to the Committee to vote. 8 Members voted For, 3 Members voted against and 2 Members abstained.

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

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

- \* The Chair declared a recess at **11.55am**.
- \* The meeting reconvened at **12.12pm**.

## **5.0 DEVELOPMENT MANAGEMENT**

### **5.1 Update on Development Management and Enforcement Statistics 01/04/20 – 31/07/20**

Report, previously circulated presented by the Head of Planning.

The Committee was provided with a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council for July 2021. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded from the reports to correspond with official validated statistics published by DFI.

**Table 1** within the report details the number of Major planning applications received and decided, as well as the average processing times. Please note that these figures are unvalidated statistics. In comparison to the same period last year, the number of major applications received has remained the same, however, the number of major applications decided has decreased by 8. This is due to the restriction in place due to Covid-19 when no Planning Committee meeting took place in the months of April and May. No Major planning applications issued in July due to no Planning Committee meeting taking place.

**Table 2** within the report details the number of Local planning applications received and decided as well as the average processing times. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of applications received has decreased by 87



applications and the number of decisions issued/withdrawn has decreased by 203 applications. This is largely due to the restrictions imposed as a result of Covid-19 with staff working from home with limited remote access and impact of restrictions on applicants and agents to be in a position to submit applications.

Although the statutory target of 15 weeks for processing local applications, processing times has improved by 1.3 weeks when compared to the same period last year and with 0.3% more local applications being processed within the statutory target when compared to same period last year.

**Table 3** within the report details the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of cases opened has decreased by 59 and the number of cases brought to conclusion has decreased by 74. Again this is largely as a result of the restrictions imposed due to Covid-19.

The statutory target for concluding 70% of enforcement cases within 39 weeks continues to be met by our Enforcement team with 70% of cases YTD concluded within the statutory target. However, of note is that the number of cases concluded within 39 weeks has decreased by 18.7% when compared to the same period last year. This was largely due to the restrictions on staff inspecting sites due to restrictions on travel at that time. Site inspections have now recommenced and the number of cases brought to conclusion should increase going forward.

**Table 4** within the report details the total number of Local applications determined under delegated powers. Determined is taken as the date the decision issued and excludes withdrawn applications. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 97.35% of applications determined were delegated under the scheme of delegation. The increase in the number of applications determined under delegated authority is due to no Planning Committee meeting taking place in the months of April and May due to restrictions imposed due to Covid-19 and also in July due to recess.

**Table 5** within the report provides details on the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including Major, Council and Local applications. This is taken from the

date of the Planning Committee meeting. To note is that no contentious delegated application reports were issued to members during this period, which therefore resulted in no referral requests. Also no previous referral request applications were taken to committee during this period. This was because June Planning Committee meeting was undertaken as a 'virtual' meeting and applications where members of the public including agents requested to speak at the meeting were limited to ensure satisfactory operation of the IT system. No Planning Committee meeting took place in July.

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

No Planning Appeals decisions were issued in the month of July.

**Table 7** within the report provides the details of the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs.

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

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

Members **NOTED** the update on the Development Management Statistics.

## **5.2 Article 4 Directive at World Heritage Site**

Report, previously circulated presented by the Head of Planning.

Class B of Part 5 Temporary Buildings and Uses of The Planning (General Permitted Development) Order (Northern Ireland) 2015 permits development for the use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the holding of a market or motor car and motorcycle racing, including trials of speed, and practising for these activities. It permits the provision on the land of any moveable structure for the purposes of the permitted use. Development is not permitted under Class B if the land in question is a building or is within the curtilage of a building; the use of the

land is for a caravan site; or the land is within a site of archaeological interest.

Car parking is a seasonal issue in the vicinity of the World Heritage Site with cars lining the approach roads and causing major congestion on these small rural roads. In this area temporary carpark uses are difficult for Planning Enforcement to take action against due to Class B of Part 5 of The Planning (General Permitted Development) Order (Northern Ireland) 2015. This Class allows for such temporary uses to take place for a period of 28 days in every calendar year provided the land in question is not a building or within the curtilage of a building or within a site of archaeological interest. Subject to these limitations, there is no breach in planning until the use is in operation for 29 days or more in any calendar year. The operational breach, when reported to Planning requires to be monitored and evidence gathered for these 29 plus days of operation.

Subject to the limitations, Class B also allows for the car park to move from one agricultural field to another, each for a period of 28 days per calendar year without there being a breach of Planning.

The Head of Planning has had a remote meeting with Department for Infrastructure officials who advised that Minister Mallon has had a meeting where temporary car parking in the vicinity of the Giants Causeway World Heritage Site (WHS) was raised as an issue. Officials advised that the Minister is keen to address this issue.

A remote meeting took place on 11 June 2020 between the Head of Planning and the Chief Planner within DfI and another official. Concern was raised by DfI officials regarding temporary car parking in the vicinity of the WHS and they advised that the Minister was keen to address this issue. DfI officials requested that Council consider introducing an Article 4 Direction to remove temporary permitted development for car parking within the vicinity of the WHS to resolve this issue.

The Head of Planning advised that DfI could make amendments to The Planning (General Permitted Development) Order (Northern Ireland) 2015 to address this issue. DfI officials agreed to consider but requested that Council also considers a Direction under Article 4 of The Planning (General Permitted Development) Order (Northern Ireland) 2015.

DfI officials responded on 03 August 2020 to advise that they have investigated the possibility of introducing a limitation in temporary changes of use permitted development rights around WHS. They advise that there is no similar limitation in other UK jurisdictions and have concerns on the

impact on the appropriate use of this permitted development elsewhere in the WHS. They request that Council investigate the possibility of introducing an Article 4 Direction to address the issue.

An Article 4 Direction allows a Council to restrict the range of permitted development rights within a particular area, and that planning permission must be obtained first for such development. It is considered that such a Direction is required to manage temporary car parking operating in the vicinity of the WHS which impacts on its setting. By removing permitted development rights for such uses would allow Council to manage the location and number of carparks whilst protecting the setting of this asset. It is considered that the greatest impact from temporary carparks on the setting of the WHS is within a 1 mile radius from the access point and is seasonal.

An Article 4 Direction by Council will require approval from DfL.

**Option 1** - To implement an Article 4 Direction restricting permitted development rights for temporary car parks within 1 mile from the access to the WHS.

By implementing an Article 4 Direction will enable Council to manage the location and number of temporary carparks in the vicinity of the WHS. This will improve the visitor experience approaching the WHS by ensuring carparks are located where they respect the setting of this important asset. It would also allow Planning Enforcement to take quicker action on unauthorised car parks in this area. However, by removing the temporary uses may result in greater congestion along these rural roads should they continue to park along the roadside rather than using approved parking facilities.

**Option 2** – Not to implement an Article 4 Direction restricting permitted development rights for temporary car parks within 1 mile from the access to the WHS.

The number of temporary carparks in the vicinity of the WHS will continue unmanaged with the ability to move from one agricultural field to another with limited enforcement powers to take action due to the permitted right to operate for 28 days in each agricultural field each calendar year. This limits Council's ability to manage the number and location of such uses and the impact that they have on the setting of the WHS. It may, however, reduce the congestion during peak times along the rural road network by providing alternative parking provision other than the approved carparks.

**It is recommended** that the Planning Committee resolves to agree either Option 1 or Option 2.

A Member referred to the AECOM reports (2016 and 2017) specifically relating to tourism traffic, parking and infrastructure in the borough and at the World Heritage Site. The reports identified a need for an arrival hub to be located in Bushmills

Studies are being conducted in conjunction with the Leisure and Development Department which is currently dealing with the congestion experienced at the World Heritage Site. She stated that the option being presented to the Planning Department would not deal with the current car parking issues.

The Leisure and Development Department are liaising with landowners, Community Groups and the relevant stakeholders. This work currently being undertaken should continue and this will deal with this issue in the long term rather than the options being presented today to the Planning Committee.

The Member continued and stated that the Council Planning Department are responsible for enforcing the law and that if Council move the 28 day parking allowed this would cause more problems with congestion and enforcement.

The Head of Planning informed Members that the Minister for the Department for Infrastructure had requested that Council's Planning Department deal with these issues.

\* **Councillor Hunter having declared an interest in this item through the group chat left the meeting.**

One Member stated that in order for members of the public to visit the World Heritage Site they are being asked to pay £13.50 per person for every person in the car to enter. It is the responsibility of the National Trust; if they looked at their pricing policy and charged less for entry and looked at alternative ways to fund the World Heritage Site then members of the public would be enticed to use the car park. If members of the public look to park elsewhere on narrow roads then this would be a Health and Safety concern.

Alderman Baird proposed that Members should reject both Option 1 and Option 2 and that the Planning Department should write to the National

Trust requesting that they look at alternative solutions to address this issue. There was no seconder for this proposal.

One Member stated that the Head of Planning should have been kept informed on the discussions that had taken place within the Leisure and Development Department in relation to the AECOM Studies. A lot of work has been done in the last 2 years and Dfl were involved in these discussions.

A further Member stated that to implement Article 4 would create more work in relation to enforcement. Staff are already under immense pressure and to implement Article 4 would only compound the problem.

\* **Alderman McKeown left the meeting at 12.35pm.**

Members felt that implementing Article 4 would end up impeding the local community putting their Health and Safety at risk by asking them to walk a mile from the temporary car parks in order to access the World Heritage Site. Moving the car parks one mile out would not come near to fixing the parking congestion problem. A Member enquired if the National Trust would be providing a shuttle service from the temporary car parks to the World Heritage Site.

The Head of Planning informed Members that a remote meeting had taken place between herself, the Chief Planner within Dfl and another official regarding temporary car parking in the vicinity. She re-iterated that she was aware of the studies taking place but was did not recall the full details. She was also aware of the work carried out within the Leisure and Development Department in relation to a park and ride car park at Bushmills for Carrick-a-Rede Rope Bridge, the Giants Causeway and Dunluce Castle.

\* **Alderman McKeown re-joined the meeting at 12.40pm.**

Proposed by Alderman Duddy  
Seconded by Alderman Finlay

- that the Planning Committee adopts **Option 2** – not to implement an Article 4 Direction restricting permitted development rights for temporary car parks within 1 mile from the access to the World Heritage Site, and that the Head of Planning writes to Minister Mallon outlining the reasons behind this decision as outlined below.

- The implementation of Article 4 would be detrimental to the Bushmills economy.
- The implementation of Article 4 would impede road safety.
- The National Trust should be consulting with landowners and should look at alternative ways to ease the car parking congestion.
- The implementation of Article 4 would set a precedence regarding temporary uses as requests for the use of land for temporary car parks/structures currently comes through Land and Property Sub-Committee.
- Investigation need to be made as to who in the private sector has planning applications in that may provide a long term solution.
- Option 1 is biased to any application submitted.
- Minister Mallon should be consulting with the Leisure and Development Tourist Team.
- Already traffic complaints where parking is obstructing people's driveways.
- By implementing Article 4 would potentially create greater difficulties for the enforcement team.

- that that the Head of Planning writes to the National Trust to ask them to consider and outline alternative solutions to the car parking congestion problems.

Alderman S McKillop stated that, in her opinion, the Planning Department should not be considering either Option1 or Option 2 as outlined in the report and that she wished her comments to be recorded in the minutes.

The Chair put the proposal to the Committee to vote. 13 Members voted For, 0 Members voted Against and 0 Members Abstained.

The Chair declared the Motion to Adopt Option 2 **CARRIED**.

**AGREED** - that the Planning Committee adopts **Option 2** – not to implement an Article 4 Direction restricting permitted development rights for temporary car parks within 1 mile from the access to the World Heritage Site, and that the Head of Planning writes to Minister Mallon outlining the reasons behind this decision.

**AGREED** - that that the Head of Planning writes to the National Trust to ask them to consider and outline alternative solutions to the car parking congestion problems.

## 6. DEVELOPMENT PLAN

### 6.1 Local Development Plan Update (*Agenda item 6.1*)

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

#### 6 Month LDP Work Programme (Jul-Dec 2020)

This remains as presented and agreed at the August Planning Committee Meeting.

#### LDP Member Workshops – Policy Review Papers

These re-commenced 29 September 2020.

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

Consultations on draft plan policies are now taking place electronically.

#### Landscape Character Assessment Study:

The team are currently working through the final stages of the project.

#### Sustainability Appraisal/SEA:

A revised SLA was received from SES (consultants) on 4 June 2020. Costs were higher than the previous SLA - Planning had received legal advice but are still awaiting further costing details. This may have implications on the LDP Timetable, however this will be kept under review. Members will be updated when further information is received.

#### Evidence Paper Updates:

Update of evidence base has been ongoing. This will feed into our LDP policy review workshops.

#### Study updates:

A recent update of the retail element (only) of the Council's Retail & Leisure Capacity Study.

#### Monitors:

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

#### Staffing:

The Plan team is not currently at full staffing compliment. One Planning Assistant has been transferred across to provide assistance in the



Development Management section and the other Planning Assistant post remains vacant (not filled due to budgetary constraints).

Assistance to DM Section:

- Processing Pavement Café License applications
- Correspondence (complaints etc.)

It is now highly unlikely that the Draft Plan Strategy will be published in A/W 2020. This is being kept under review and any revision will be brought before Members for discussion and agreement.

Members **NOTED** the verbal report.

## **7. CORRESPONDENCE**

### **7.1 Chief Planners Update 6**

Correspondence dated 1 May 2020 has been received from Department of Infrastructure.

Further to the last Chief Planner's Update (CPU5) of 27 March 2020 the correspondence provides further information and advice on the planning response to the COVID-19 situation (correspondence previously circulated).

The item of correspondence was **NOTED**.

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

Proposed by Councillor Baird  
Seconded by Councillor Scott and

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

**The information contained in Item 8 is restricted in accordance with Part 1 of the Local Government Act (Northern Ireland) 2014.**

\* **Press and public left the meeting.**

## **8. PLANNING DEPARTMENT BUDGET PERIOD 1-4 UPDATE (*Agenda Item 8*)**

Confidential information report, previously circulated, presented by the Head of Planning provided Members with an update on the financial

position of the Planning Department as of end Period 4 of the 2020/21 business year.

The report provided details of the total budget, the impact of Covid-19 on the predicted income, the current deficit and predicted adverse spend if not supported by the DfC Covid Fund.

Based on Management Account Details and the original expenditure budget set for Planning and Income Prediction, Planning at end of period 4 is operating within budget . This has been achieved through substantial savings to salaries by not filling of vacant posts. However, this surplus should be treated with caution due to the ongoing impact of reduced income from planning applications and unconfirmed provision of further DfC funding.

Taking account of this predicted salaries saving, Q1 DfC Covid Fund, and saving to other budgets such as Development Plan, it is predicted that Planning will be overspent due to loss of income if not supported by the DfC Covid Fund.

The Head of Planning will continue to monitor budget pressures and report to Planning Committee on a monthly basis putting forward further proposed mitigation measures when considered necessary.

\* **Alderman Finlay left the meeting 1.07pm.**

**It is recommended** that the Committee notes the update provided on the Planning budget as of end of period 4 of 2020/21 financial year.

In response to a Member's query in relation to vacant posts within the Planning Department the Head of Planning clarified that the vacant Planning Officer posts had been advertised internally and the exercise had now been completed, This did not prove successful, therefore these will be advertised externally and the interviews are scheduled to take place in December 2020.

Members **NOTED** the update provided on the Planning budget as of end of period 4 of 2020/21 financial year.

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

Proposed by Alderman Duddy  
Seconded by Councillor Scott and

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

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

There was no other relevant business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at **1.10pm**.

---

Chair