

PLANNING COMMITTEE WEDNESDAY 28 OCTOBER 2020

Table of Key Adoptions

No.	Item	Summary of Key Decisions
1.	Apologies	Alderman Boyle, Alderman McKeown and Councillor P McShane
2.	Declarations of Interest	Councillor Dallat O'Driscoll in LA01/2018/0305/F
3.	Minutes of Planning Committee Meeting held Wednesday 26 August 2020 and reconvened 17 September 2020	Confirmed
4.	Order of Items and Confirmation of Registered Speakers	No Change
5.	Schedule of Applications	
5.1	Major LA01/2018/1106/F Unit 17 and adjoining land, Riverside Regional Centre, Castleroe Road, Coleraine	Defer for consideration of Verbal Addendum
5.2	Major LA01/2018/0305/F 26 & 30 Garvagh Road Kilrea	Approve
5.3	Major LA01/2019/1101/F Former Sand and Gravel Pit, SE of 9 Boyd's Road and 75m East of 66 Anticur Road, Dunloy	Approve
5.4	Council LA01/2020/0143/F Council Space at the playpark, The Crescent, Portstewart approx. 110m West of Portstewart Town Hall, Portstewart	Approve
5.5	Council LA01/2020/0738/F Public footpath adjacent to 106 Main Street, Dungiven	Approve

5.6	Objection, LA01/2018/1563/F, Lands 140m N of 8 Barley Hill, Limavady	Approve
5.7	Objection LA01/2018/0864/F Lands at 11-15 (including adjoining units) Circular Road, 23-25 Queen Street and part of existing car park at The Mall, Coleraine	Approve
5.8	Objection LA01/2019/0830/F Nos. 55 and 57 Causeway Street, Portrush	Approve
5.9	Objection LA01/2019/0016/F Land Immediately South of Ramore Green Apartments 158a Main Street, Portrush (known as Nos. 154 and 156 Lower Main Street, Portrush)	Approve
5.10	Referred LA01/2019/1103/F 1 Redlands Crescent Coleraine	Disagree and Approve
6.	Development Management:	
6.1	Update on Development Management and Enforcement Statistics 01/04/20 – 31/09/20	Note
6.2	Northern Ireland Planning Statistics – First quarter Statistical Report	Note
7.	Development Plan:	
7.1	Local Development Plan Update	Note
8.	Correspondence	
8.1	Notice of Opinion from DFI for applications LA01/2017/0250/LBC, LA01/2017/0251/F, LA01/2017/1287/F & LA01/2017/1289/LBC – Adelphi Hotel, 67 – 71 Main Street, Portrush	Note
8.2	NI Audit Office – Review of Planning in Northern Ireland	Note
8.3	DC&S DC – Letter to Council – Draft Plan Strategy – Statutory Consultation – Notification of Re-consultation	Note
8.4	FODC – Letter to Council – Draft Plan Strategy – Proposed Changes	Note

8.5	FODC – Letter to Council – Draft Plan Strategy	Note
	IN COMMITTEE (ITEM 9)	
9.	Planning Department Budget Period 1-5 Update	Note
10.	Any Other Relevant Business (In accordance with Standing Order 12 (o))	None

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE
PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC
HEADQUARTERS AND VIA VIDEO CONFERENCE
ON WEDNESDAY 28 OCTOBER 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 (R), MA McKillop (R), McLaughlin (R), McMullan (R) Nicholl (R) 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)
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: J Winfield, ICT Operations Manager (C)
A Lennox, Mobile Operations Officer (R)
C Thompson, ICT Operations Officer (C)

Press (3 No.) (R)

Registered Speakers:

- LA01/2018/1106/F Andy Stephens (objection)
Jamie Hamill (objection)
Stewart Beattie (support)
Eamonn Loughrey (support)
Martin Kelly (support)

- LA01/2019/1101/F Jenny Mawhinney (support)

- LA01/2018/1563/F Gerard McPeake (support)
Matt Kennedy (support)
Declan McCann (objector)
- LA01/2018/0864/F Ryan Walker (support)
Martin Kelly (support)
Brendan Carey (support)
Gary McCone (support)
Jamie Hamill (objector)
- LA01/2019/0830/F Tom Stokes, Agent (support)
Damien McLaughlin, Architect (support)
Nick Brown, Applicant (support)
Kristopher Calder (support)
Andy Stephens (objector)
Bernie Taylor (objector)
- LA01/2019/00166/F Michael Graham (support)
Paul McCreanor, (support)
- LA01/2018/0903/F Carol Gourley (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: 340 766 90#** 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’.

1. APOLOGIES

Apologies were recorded for Alderman Boyle, Alderman McKeown and Councillor P McShane.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded as follows:

- Councillor Dallat O’Driscoll - Major, LA01/2018/0305/F, 26 & 30 Garvagh Road Kilrea

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 26 AUGUST 2020 AND RECONVENED THURSDAY 17 SEPTEMBER 2020

Proposed by Councillor Scott
Seconded by Alderman S McKillop and

AGREED - that the Minutes of the Meeting held Wednesday 26 August 2020 and reconvened on Thursday 17 September 2020 be confirmed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

There was no change to the order of items to be presented.

5. SCHEDULE OF APPLICATIONS

5.1 Major LA01/2018/1106/F Unit 17 and Adjoining Land, Riverside Regional Centre, Castleroe Road, Coleraine

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

The Development Management and Enforcement Manager described the site and its context for Full Planning for the proposed construction of a 40,000 sq. ft. gross approx. (3716 sqm gross approx.) retail warehouse unit and an associated 8000 sq. ft. gross approx. (743 sqm gross approx.) garden centre to seek a bulky goods permission incorporating alterations and extension to existing Unit 17, along with general ancillary site works.

The Development Management and Enforcement Manager advised Members of a Verbal Addendum as detailed below.

- 1) A Senior Counsel's Opinion by Stewart Beattie QC has been submitted on behalf of the applicant. This reviews the content of Paragraph 8.6 of the Planning Committee Report regarding the planning history Ref: C/2007/0587/F. This planning history was for "Retrospective application for erection of bulky comparison retail unit (incorporating the configuration of floorspace previously approved under application ref: C/2005/1299/F and C/2005/0491/O) associated car parking, service yard and access works". The application was approved on 14 February 2008.
- 2) The approved plans (block plan, elevations and floor plans) for this approval comprise a total of 6 retail units. The remainder of the site inside the red line is shown as car parking, a service yard and a greyed out area labelled "PHASE 2". The 6 retail units comprise a total of 5319 sq. metres gross retail floor space.
- 3) Condition 03 of the permission states that "*The total gross retail floor space on this site shall not exceed 8106 sq. metres when measured internally.*" Condition 04 states that "*The total retail floor space referred to in Condition 03 shall comprise: - seven units measuring 929 sq. metres each; one unit measuring 878 sq. metres and; one unit measuring 725 sq. metres.*"
- 4) Subtracting the 6 approved units totalling 5319 sq. metres from the overall total of 8106 sq. metres leaves a residual 3 units comprising 2787 sq. metres. In the context of this application details of buildings were not approved comprising this residual 3 units and 2787 sq. metres.
- 5) The Planning Committee Report comments at Paragraph 8.6 that this mismatch between the approved plans and conditioned floor space figures can only be seen as an error in the decision notice. The exact circumstances of this mismatch are unclear as the main

application working file has been destroyed in accordance with the Council's Data Retention and Disposal Schedule.

- 6) Regardless of the specific circumstances, which now took place over 12 years ago, the fact remains that detailed planning permission was not granted in the context of this application for the residual 3 buildings comprising 2787 sq. metres and that such planning permission would be required.
- 7) The Senior Counsel's Opinion states that the statement in the Planning Committee Report that the foregoing "*can only be seen as an error in the decision notice*" is wrong in law. The Opinion refers to *McClurg and Another v Department of the Environment for Northern Ireland (1990) NI 112* which referred to a planning permission for 20 apartments while the plans showed 18. The Opinion states that the main points of this case are that the general rule was that if a planning permission was on the face of it a complete and self-contained document, not containing by reference any other document, the application should not be taken into account in construing the planning permission. The fact that the plaintiffs had knowledge that they had reduced their application to 18 apartments did not affect interpretation of the planning permission. The Opinion goes on to recount that permission C/2007/0587/F was retrospective and the terms of Conditions 03 and 04. The Opinion sets out that the permission is live and valid and that this position has been confirmed by the Planning Department. The Opinion requests that it be made known to the Planning Committee that the permission is lawful.
- 8) The Planning Department acknowledges that this subject planning permission was implemented insofar as it was a retrospective consent. It is acknowledged that it does constitute a lawful planning permission. As set out above, the exact circumstances regarding the mismatch between the conditions and approved plans are unclear.
- 9) The Planning Committee Report comments at Paragraph 8.6 that "*As this permission did not apply to the remainder of the site it is not material to the assessment of this proposal*". The Senior Counsel's Opinion states that this permission is material. The Opinion sets out how the permission is extant, implemented and lawful and that Unit 17 is to be extended by the proposed application. This position is accepted and the relevant statement in the Planning Committee Report is withdrawn accordingly. Application C/2007/0587/F presents

a planning history which is relevant to assessment of the application.

- 10) Referring to High Court Judgements, the Opinion underlines the importance of the content of Planning Committee Reports.

Weight to be attached to planning history in assessment of the current application is a matter for the Planning Committee to consider. Relevant factors include:

- (i) The extent of retail floor space sought in the current application (Ref: LA01/2018/1106/F) 3716 sqm, is the same, excepting the garden centre, to that specified in the conditions of application C/2007/0587/F.
- (ii) The planning permission was retrospective and was granted under Article 28a of The Planning (Northern Ireland) Order 1991. This means that permission was only granted for development already carried out, not further, proposed development.
- (iii) The approved drawings for the application do not include any plans for the residual 3 units comprising 2787 sq. metres.
- (iv) *Barnett v Secretary of State for Communities and Local Government (2008) EWHC 1601* is relevant to the issues raised here. In this case Mr Justice Sullivan held that plans were an essential part of any grant of planning permission and it could not be said that such a grant was to be interpreted without having regard to the plans that accompanied it. He explained that the plans and drawings describing the building works were as much a part of the description of what has been permitted as the permission notice itself. He continued that on its face, a grant of full planning permission for building operations is incomplete without the approved plans and drawings showing the detail of what has been permitted. This judgement was subsequently approved by the Court of Appeal (2009 EWCA Civ 746).
- (v) The approved plans include an external side elevation to Unit 17, showing the stamped approved development terminating there.
- (vi) The planning history is from a considerable time ago, in excess of 12 years ago in which time retail planning policy has

changed with the introduction of the SPPS which has placed an added emphasis on a town centre first approach.

- 11) While the Planning Department acknowledge the planning history to be a relevant material consideration in assessment of application LA01/2018/1106/F, significant weight is not attached to it given the factors set out at 2, 3, 4, 5 and 6 above. These are considered to definitively outweigh factor 1.

Our recommendation remains to **REFUSE**.

- a) Mr A Stephens of Matrix Planning has provided a video of a HGV accessing and turning at the former JJB site, Hanover Place, Coleraine. The alternative site is not too small.
- b) Mr A Stephens of Matrix Planning has forwarded a letter to the Planning Department from Glyn Roberts, Chief Executive Retail NI dated 27 October 2020, addressed to Angus Kerr, Chief Planner Department for Infrastructure.

The letter:

- sets out the refusal reasons
 - expresses concerns about the lobbying of the application and wishes to place this on the DfI's radar.
 - asks DfI to use their "overwatch power" and to maintain public confidence in the planning system.
 - undermines the relevant considerations in the Northern Area Plan.
 - sets out vacancies in Coleraine Town Centre.
 - argues that the proposal is 'premature' in terms of the Northern Area Plan draft Plan Strategy preparation
- c) Mr A Stephens makes a further submission to argue that the Northern Area Plan should be included within the refusal reasons.

Our position is that this is not necessary and that the refusal reasons as set out in the Planning Committee Reports should be considered

in their current form.

- d) Mr Stephens makes a further submission to argue that a Certificate of Lawful Use on Development (CLUD) is the correct mechanism to demonstrate the lawfulness of C/2007/0587/F

He argues that the approval of C/2007/0587/F is unlawful and that it is relied on by the applicant.

The Planning Department's position on these matters is as set out above.

* **Councillor McMullan joined the meeting at 2.20pm.**

Members felt that given the length and complexity of the Verbal Addendum that it should have been presented to them in a paper copy prior to the commencement of the Planning Committee Meeting, to be given the opportunity to fully digest and consider.

The Head of Planning referred Members to the Protocol for the Operation of the Planning Committee in that written representation must be received by the Planning Department by **10am** on the Friday prior to the Planning Committee Meeting to be reported to the Committee via a written Addendum report. Should representation be received after **10am** then the information will be presented as a Verbal Addendum, which has occurred in this case.

The Head of Planning informed Members that should they wish to review the details of the Verbal Addendum this could be forwarded to them.

Councillor Baird proposed that the presentations on the application be heard at the meeting and then the decision deferred until all Members have received the Verbal Addendum to consider. There was no seconder for this proposal.

It was suggested by a Member that the Verbal Addendum be photocopied and distributed to Members at this present time. The Head of Planning suggested that Members take time to consider the Verbal Addendum in order for them to make an informed decision. She also added that to photocopy the Verbal addendum during the Planning Committee at this time would be very time consuming.

A Member commented that it would be unfair for the Verbal Addendum to be distributed in the Chamber at this time, as those Members attending remotely would be at a disadvantage. Other Members felt that should the

Planning Committee go down this route and distribute the Verbal Addendum in the Chamber, then the decision could come into question at a future date. The application should be deferred for one month in order for the Verbal Addendum to be circulated to Members, in written form, for their consideration and be listed as the first application on the next Planning Committee Agenda.

One Member felt that the Development Management and Enforcement Manager should provide a brief overview at this time and then Members should proceed and make a decision.

Proposed by Councillor Hunter
Seconded by Councillor Nicholl

- that the Committee defer consideration of the application for one month in order for the Verbal Addendum to be circulated to Members in written form, so that it can be given due consideration.

The Chair put the proposal to the Committee to vote. 12 Members voted For, 1 Member voted against and 0 Members abstained.

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

5.2 Major, LA01/2018/0305/F, 26 & 30 Garvagh Road Kilrea

Councillor Dallat O'Driscoll, having declared an interest in this item, vacated the position of Chair and left the Chamber.

Vice Chair, Alderman S McKillop assumed the Chair.

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

The Development Management and Enforcement Manager informed Members that the Addendum provided the web link address for the public to view the drawings and additional information which had been omitted from the Planning Committee Report.

Addendum 2 refers to Paragraph 7 of the Planning Committee Report and includes additional policies to be included in this paragraph. It also states that amended plans were submitted for the stand alone hot food unit which is now subject to a separate application.

The Development Management and Enforcement Manager described the site and its context for Full Planning, via a Powerpoint presentation for the proposed demolition of existing PFS and associated retail unit together with the demolition of existing 2 storey block including 2 no lettable units on ground floor and office accommodation on 1st floor; proposed construction of replacement PFS and associated retail unit, lettable unit and 1st floor office accommodation; construction of new entrance to and exit from petrol forecourt; replacement of existing dwelling off-site and construction of proposed new entrance lane for access.

The site is outside the Town Centre of Kilrea, part of the site is located outside the Settlement Development Limit for Kilrea and part of the site is located within the Settlement Development Limit. An extension to the settlement limit was approved under a previous application to allow for an extension to the existing building and additional car parking.

This is a Major application preceded by a PAN, Pre Community Consultation Report and Design and Access Statement.

The Development Management and Enforcement Manager informed Members that Rob Pearson from Nexus Planning was in remote attendance to answer Members questions.

Members were shown slides of the proposed site, front elevation, view of shop and canopy, countryside view and the dwelling to be replaced.

The proposed building was initially considered to be unacceptable in this location in terms of size, scale and massing. Amendments have been received which show a reduction in overall height, scale and massing.

In conclusion, the proposed development is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS. Giving significant weight to the fall-back position, the proposal while likely to have an adverse effect on Kilrea Town Centre, is not considered to be so significantly adverse to warrant refusal. The scale, massing and design of the proposed replacement shop/petrol station/ dwelling is considered appropriate in this location. 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 application in accordance with Paragraph 1.1 of the Planning Committee report.

Addendum 2 Recommendation - that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the application in accordance with Paragraph 1.1 of the Planning Committee report.

Proposed by Councillor Scott
Seconded by Councillor Anderson

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **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 application in accordance with Paragraph 1.1 of the Planning Committee Report.

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

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

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

The Vice Chair, Alderman Sharon McKillop, relinquished the Chair and Councillor Dallat O'Driscoll re-joined the meeting at 3.03pm and took up the position of Chair.

* **Alderman Finlay left the meeting at 3.05pm.**

5.3 Major LA01/2019/1101/F Former sand and gravel pit, SE of 9 Boyd's Road and 75m east of 66 Anticur Road, Dunloy

Planning Committee Report was 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 restoration of former sand and gravel pit to bring back land into agricultural use through infilling with inert material for drainage purposes involving the use of existing access, temporary wheel wash and landscaping.

The site is located in the open countryside, between Dunloy and Cloughmills and is outside any settlement limits as defined in the Northern Area Plan 2016.

Members were shown the redline boundary of the site including the access point off Boyds Road. The railway line runs along the Western boundary of the site.

Members viewed a slide showing the extent of the area of infilling on site. The application proposes regrading of the majority of the site with inert material from the western boundary to the level of the North Eastern site corner which currently comprises a large stoned area. The highest proposed site levels relate to the western boundary with site levels decreasing over a distance of approximately 150 metres by approximately 10 metres to the Eastern boundaries of the site.

Members viewed a map showing a number of sections points through the site. The 2 sections are taken through the site in a Western to Eastern section. The red indicates the level of infilling. This demonstrates how the infilling will be highest at the western boundary of the site and gradually decreasing to the eastern boundary to give a natural gradient which will tie in with the levels of the surrounding landscape.

The section taken in a north to south direction through the site shows the final restoration plan of the site. This restoration plan shows the sub-division of the site and location of proposed field hedgerows based on the historical field boundaries prior to the sand and gravel extraction.

The Senior Planning Officer provided Members with photographs of a view towards the Southern boundary of the site where the site has been levelled to a fairly flat pit floor. The use of the site for sand gravel extraction dates back to 1984 and the existing approvals on site incorporated conditions requiring the site to be levelled and regraded within 3-6 months of the cessation of extraction works on site, which this application seeks to do.

Members also viewed photographs across to the Eastern boundary of the site, a view looking down the North Western boundary of the site and a view looking up towards the Western boundary of the site.

The proposed restoration works will bring with it a number of benefits to the site including:

- Mitigation of the visual impact resulting from the previous operations.
- Re-grading of the site in a manner sensitive to the surrounding levels and landscape which will not result in additional drainage issues.
- Utilisation of inert materials.
- Stabilising the Western boundary and landscaping which includes the nearby railway.
- Restoration back to agricultural use.

There have been no objections from third parties and all consultees are content. Prior to submission of the application a PAN was submitted and a public consultation event was held in July 2019.

As outlined in Part 8 of the Planning Committee Report the proposal is considered to be acceptable against all relevant Planning Policies and relevant issues including contamination, natural heritage, amenity, visual impact, access, drainage and the adjacent railway line.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The previous planning permission incorporated conditions in relation to restoration works and the infill material is inert waste suitable for the site. No significant issues have been identified. The proposal is considered acceptable in terms of natural heritage, residential amenity, visual impact, access, drainage and the operation of the adjacent railway. The scheme meets current planning policy as outlined above. 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.

The Chair invited Jenny Mawhinney to address the Committee in support of the application.

J Mawhinney addressed the Committee and informed Members that she did not wish to make any further representation, and that she was available to answer Members questions on the application. She stated that the Planning Committee Report was well detailed and had been well written. She thanked the Committee for the opportunity to speak.

Proposed by Alderman Baird
Seconded by Councillor McLaughlin

- 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.

The Chair put the Motion 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.

5.4 Council, LA01/2020/0143/F, Council Space at the playpark, The Crescent, Portstewart approx. 110m West of Portstewart Town Hall, Portstewart

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 proposed temporary siting and operations of a Panoramic Viewing Wheel to site and operate for an approved period between June 2021 and mid-September 2021. The wheel has illumination.

The site is within the Settlement Development Limit of Portstewart and is designated as a major area of open space within the Northern Area Plan 2016 (NAP).

The site adjoins the Town Centre boundary and sits adjacent to The Promenade. The site also lies within an Area of Archaeological Potential, and is located within the Portstewart Point LLPA.

Members were shown a photo of the site and the approximate location of the siting of the wheel.

The viewing wheel is finished in steel framing with aluminium caging to the passenger carts and fiberglass panelling, and canopy coverings. The wheel measures approximately 30m in width, 2.1m in depth and 34m in height. The integrated transporter measures approximately 20.4m in width and 16.8 in depth. The passenger carts measure approximately 1.8m in width, 2.1m in depth and 2.2m in height.

The proposal is assessed as a tourist amenity and is considered acceptable having regard to townscape; amenity; traffic matters; impact on the coast; listed buildings; archaeology; flooding; open space and the LLPA.

It should be noted that in carrying out this assessment, and the proposal's acceptability, significant weight has been given to its temporary nature.

A similar application was granted planning permission in 2019.

There were 6 consultees consulted on this application. DfI Rivers requested a Flood Risk Assessment but weight has been given to the temporary nature of the proposal and it is considered not to be expedient to seek this due to the temporary nature of the proposal and the time of year it proposes to operate.

There are 19 objections and 1 letter of support.

Concerns raised by objectors are set out in Paragraph 5.1 of the Planning Committee Report along with the matters raised in the letter of support.

A video was submitted on behalf of the objectors when it was operational in 2019 which shows the illumination on the wheel. Members viewed some stills taken from the video showing this.

In conclusion, while a proposal for a permanent structure may not comply with relevant policies regarding land use and design, substantial weight is given to the temporary period sought. On that basis, the temporary siting of the panoramic viewing wheel at this location is considered to be acceptable. Having regard to this, there are no unacceptable effects on amenity, access arrangements, open space, and built or natural heritage. 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**

permission for the full application subject to the conditions set out in section 10.

In response to a Member's query the Senior Planning Officer clarified that the 6 consultees consulted on this application were statutory bodies and that DfI Rivers requested a Flood Risk Assessment. Weight has been given to the temporary nature of the proposal and it is considered not to be expedient to seek this.

The Senior Planning Officer also clarified that permission had been sought for the period between June 2021 and mid-September 2021 and that permission would be granted from 1 June 2021 to 15 September 2021 to include the erection and dismantling of the wheel.

In response to a Member's query in relation to the proposed times of illumination the Senior Planning Officer informed Members that under Condition 4 in the Planning Committee Report 12pm refers to midday and not midnight. The Senior Planning Officer stated that Condition 4 would be amended to read:

'There shall be no illumination of the development hereby approved outside of the hours of operation i.e. 10pm to midday the following day.'

A Member requested that reference be made to Flashing Lights in the Conditions as some members of the public may suffer from epilepsy.

The Senior Planning Officer informed Members that illumination of the wheel at the requested time of year would not have as much impact as it would have, if the application had been requested for the month of November.

In response to a Member's query in relation to the playing of loud music and noise pollution, the Senior Planning Officer referred Members to Condition 5 to Condition 7 in the Planning Committee Report onwards which relates to potential noise. The Senior Planning Officer read out Condition 5:

'There shall be no playing of amplified music, utilisation of sound boxes or the use of a Public Address system.'

A Member raised a concern in relation to potential noise and light pollution and asked if Planning was satisfied that this would not have a detrimental effect on the nearby Church and residential area. 19 Objections had been

submitted. He stated that Environmental Services had looked at this and determined that there would be no significant issues.

One Member referred to Condition 4 which states:

'There shall be no illumination of the development hereby approved outside of the hours of operation i.e. 10pm – midday the following day.'

This would negate any unnecessary potential light pollution, particularly during sensitive night time hours.

One Member stated that this point was irrelevant as the wheel would not be in operation at that time anyway, however he was concerned that the generator may be left on during the night.

The Senior Planning Officer stated that the point of Condition 4 was to ensure that the lights were not left on during the hours as stated when not in use. He informed Members that the Planning Officials were satisfied and that it was up to Members to decide if there should be further restrictions.

A Member raised concerns that the erection of the wheel would have an impact on the parishioners of the Church and enquired if the Church had been consulted. The parochial house was sited opposite divided by a roadway. The Member also enquired as to how Planning will enforce the conditions listed in relation to the generator.

The Senior Planning Officers stated that the parochial house needs to be sited on adjoining land and within 90m of the site unless separated by a road/entry of less than 20m in width and that no submissions from the Church had been received. In terms of the enforcement of the conditions listed in relation to the generator, if the concerns are specific then these can be investigated by the Planning Officers.

Proposed by Councillor Anderson
Seconded by Councillor Scott

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

The Chair put the proposal to the Committee to vote. 9 Members voted For, 0 Members voted Against and 3 Members Abstained.

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

5.5 Council, LA01/2020/0738/F, Public footpath adjacent to 106 Main Street, Dungiven

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 the proposed Installation of an artwork sculpture on the footpath adjacent to No.106 Main Street, Dungiven.

The site is located within the settlement development limits of Dungiven as defined in the Northern Area Plan 2016. The site is within the Town Centre on the corner of 106 Main Street. The proposed site lies within an Area of Archaeological Potential.

Members viewed the proposed site plan showing the position of the sculpture relative to other development and buildings in this area.

The Senior Planning Officer pointed out that part of the footpath was much wider than the main footpath along Main Street and contains various street furniture commonly found within the footpath/street including a lamp post, street bench and bin.

The proposed artwork is a 'Leaping Hare' sculpture which is finished in both stainless steel and bronze, and includes a concrete cast plinth.

The Senior Planning Officer showed Members a slide with an artist's impression of the sculpture in situ showing it and its relationship to other development.

When assessed against policy DES 2, the scale of the sculpture is considered acceptable and it will not detract from the existing character and respects the immediate and wider built form of Dungiven's town centre, providing a positive contribution to it.

DfI Roads has been consulted and it raises no objection.

There are no third party representations to the proposal.

In conclusion, the proposal is considered to be acceptable in this location having regard to the Northern Area Plan 2016 and other material

considerations including the SPPS and Policy DES 2 of A Planning Strategy for Rural Northern Ireland. The proposal is considered to introduce a further positive contribution to the street, while being sensitive to the character of the area. 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, guidance and consideration 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 reasons for the recommendation set out in section 9 and the policies, guidance and consideration 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. 12 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 **3.40pm**.
- * The meeting reconvened at **4.00pm**.

5.6 Objection, LA01/2018/1563/F, Lands 140m N of 8 Barley Hill, Limavady

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

The Development Management and Enforcement Manager, described the site and its context for Full Planning for proposed 18 semi-detached dwellings and 1 detached dwelling with associated internal network tree lined avenues, car parking and amenity space.

The Development Management and Enforcement Manager informed Members that the Addendum referred to the 19 representations in support of the application.

The site is within the settlement limits of Limavady within housing zoning LYH 11 which is a committed site as shown in NAP 2016. This means that there are no key site requirements in the current Development Plan because the site has existing extant planning approval.

Members were shown a satellite image of the site.

The site is bounded to the North by the existing residential development of Thorndale and Meadowvale Park which back onto the proposed site and have a defined boundary of 2m garden fences or some hedging. To the Western boundary adjacent Limavady Cemetery is a 3m high mature hedge and some 2m high fencing. The Eastern boundary with the open space area is undefined. To the East of the open space is the residential area of Mount Eden. The Southern boundary leads into an existing residential area and associated dwellings which have recently been constructed.

The topography is sloped down to the South of the site and rising up to the North of the site where the site levels are a similar level to the ground level in Thorndale and Meadowvale Park.

Members viewed further slides of the specified site, views of construction taking place and view of the back gardens.

There are no adverse impacts upon flooding, natural heritage and relationship with neighbouring properties.

There is current capacity in the NI Water wastewater network for this development.

There have been 57 objections that have been received in relation to this application and 19 letters of support.

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 housing development is acceptable on this site. The design and layout have been fully assessed within the context of its surroundings and has been considered acceptable. All amenity, open space, natural heritage, flooding and roads issues have been considered. Representations have been fully considered. 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.

In response to a Member's query the Development Management and Enforcement Manager clarified that the proposal under consideration had reduced the number of dwellings from the extant approval by 3 along the Northern boundary. The previous scheme comprised of an additional storey. He confirmed that should Members vote to refuse planning permission then the applicant would be able to go ahead and build the previous scheme.

The Chair invited Declan McCann, to address the Committee in objection to the application.

D McCann addressed the Committee and made the following points:

- The Planning Committee Report was biased in favour of the planning application.
- The proposed application would greatly adversely affect existing residents.
- The map in relation to the Planning document varies from the two previous maps.
- The proposed development has already commenced and the dwellings were 2-3 metres higher than properties in Meadowvale.
- The proposal is a sky-line development. The impact on No. 57 – No. 59 should be reviewed before a decision is made.
- Proposal will have an overbearing nature.
- Paragraph 2.1 of the Planning Committee Report - the lane does not stop at the gate it connects to Scroggy Road.
- Paragraph 2.2 of the Planning Committee Report – what happened to the 8m buffer to the Western boundary?
- Paragraph 2.4 of the Planning Committee Report - there has been a watercourse identified within the boundaries.

- Paragraph 2.5 of the Planning Committee Report – there should be a stipulation that the houses to be constructed comprise of single storey and one and a half storey.
- Paragraph 5.3 of the Planning Committee Report – there will be overbearing, overlooking, loss of privacy, no respect for adjoining properties, doesn't match or integrate with Meadowvale, no consideration of height and will overlook the back yards of Meadowvale.
- The main objection issues are that of overlooking and that the proposal shows no respect for the adjacent sky-line.
- Two sites are already under construction.

The Chair invited Gerard McPeake and Matt Kennedy to address the Committee in support of the application.

M Kennedy addressed the Committee and stated that he had read the full Planning Committee Report and looked at the proposed development and objections raised, and made the following points:

- In 2006 permission had been granted on the Northern boundary for 14 units, in 2010 permission was granted to amend this to 12 units. The current proposal is now 9 units, a reduction of 5 units from the original application in 2006. This is a significant reduction in terms of density, massing and the impact on neighbouring properties.
- With reference to the objection in relation to the Draft Northern Area Plan, this has been superseded by the Northern Area Plan 2016 which therefore takes precedence.
- Objections in relation to overlooking, overbearing and loss of privacy - the objector lives at No. 67 and the proposal would have no impact on this property as his dwelling is physically set back on the site. No. 67 looks out over open space and the proposal does not impact on his amenities

G McPeake addressed the Committee and stated that the proposed development now provides betterment to the rear boundary at Meadowvale Park.

In response to a Member's query the objector clarified that he was speaking on behalf of all objectors to this proposal.

* **Alderman Duddy left the meeting at 4.25pm.**

In response to a Member's query to the reference of the 8m buffer zone the Development Management and Enforcement Manager clarified that Planning Application B/2010/0217/F does not have approval for a buffer strip next to the Cemetery. It is the same situation for Planning Application B/2006/0261/F, a buffer strip had never been approved.

The Development Management and Enforcement Manager clarified that in relation to the skyline the proposed ridge height is in fact lower than the previous proposal; modest at 8.2 metres to 8.6 metres for a 2 storey dwelling.

* **Alderman Duddy re-joined the meeting at 4.27pm.**

In response to a Member's query the Development Management and Enforcement Manager informed Members that in respect to overlooking at Meadowvale Park, the proposal is a betterment than under the extant approval in respect to reduced window openings and increased separation distances. Some dwellings may be overlooked slightly but the proposal is not considered to be considered unacceptable.

Proposed by Councillor Nicholl
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.

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.

* **Councillor Anderson left the meeting at 4.30pm.**

* **Alderman Finlay re-joined the meeting remotely.**

5.7 Objection LA01/2018/0864/F Lands at 11-15 (including adjoining units) Circular Road, 23-25 Queen Street and Part of Existing Car Park at The Mall, Coleraine

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

The Senior Planning Officer described the site and its context for Full Planning for the proposed construction of a new town centre retail development to include two new retail units, coffee/retail, offices, car parking, service yard, new access route to parking area to back of Queen Street, landscaping, two new pedestrian crossing points and general site works including demolition of two existing buildings.

The Senior Planning Officer provided Members with a verbal Addendum. The Addendum relates to the requirement of a needs assessment as per paragraph 6.282 of the SPPS. This was not required due to the site being inside the town centre boundary, the opportunity site zoning and the previous retail led planning history on the site.

* **Councillor Anderson re-joined the meeting at 4.34pm.**

The application is located in the town centre boundary and on development opportunity site CET 02 as designated in the NAP. The opportunity site was designated as a committed site at the time of the draft plan preparation. The proposal is also located in the area of townscape character as designated in the area plan and an area of archaeological potential.

4 letters of objection and 1 petition of objection have been received. The objection points relate to access to the Diamond Centre, loss of car parking, the design being out of keeping with the townscape, loss of rental value for the units in the arcade, increase in traffic, these are set out in section 5 of the Planning Committee Report. 4 letters of support for the proposal have also been received.

The aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as an appropriate first choice location for retailing.

The Northern Area Plan has designated the town centre boundary which includes this site. The plan seeks to also maintain a vibrant, compact and functional town centre and recognises Coleraine as the principal commercial centre in the Borough. Retail development and other uses that generate significant numbers of people will be encouraged and promoted in town centres as the most sustainable locations with optimum accessibility by a range of means of travel.

The proposal was considered in line with the SSPS the NAP 2016, PPS6, PPS 3, PPS 15 and the Planning Strategy.

Members were presented with a slide of the red line of the site which included the old Dunnes building, the car park, the old garages on Circular Road to the North and Queens Street to the West.

In addition Members viewed an aerial shot of the site, in the context of Coleraine town centre and the Town Hall to the South of the site.

The Senior Officer described the layout of the development and Members viewed slides on the elevations of the proposed units.

The proposal on to Queens Street provides a frontage to Queens Street over a three storey building and also screens the service yard to the rear.

The access up on to The Mall remains unchanged. The buildings are now demolished on Circular Road for the proposed car parking.

The proposed site for the relocated car park involves the loss of 9 spaces in total. In total there will be 218 car parking spaces. The Agents carried out parking surveys and found capacity within the car parks in Coleraine on week days and a Saturday. Planning Policy AMP7 of PPS 3 allows for reduced car parking provision on a number of circumstances. The Agent has set out that they meet two of the circumstances, one where the development is in a highly accessible location and one where the development would benefit from spare capacity. DfI Roads have no objection to the proposal.

Members viewed slides of the old Dunnes Stores building, the existing building on Queens Street and the existing car park.

The policy test for retail development set out in the SPPS is town centre first approach. It sets out a sequential test for all main town centre uses with preference primarily to the Primary Retail Core. There are no PRC's designated in the Northern Area Plan. The next order of preference in the sequential approach is town centres. As this proposal is located in the town centre, it meets with this policy approach to consolidate the existing town centre.

In conclusion, the application proposes a new retail development within the defined town centre of Coleraine. The principle of development is acceptable and it will result in the re-development of a car park site and

buildings which are presently derelict. The scale and design of the proposed retail development and car parking provisions is considered to be acceptable and will not result in any significant adverse visual impact on the wider landscape, streetscape, or upon the designated Area of Townscape Character or surrounding Listed Buildings. The proposal will not have any significant adverse impact on the natural environment or upon road safety. Residential amenity and visual amenity will not be unacceptably negatively impacted upon. Overall the proposed development represents a significant retail investment to Coleraine town centre and has the capacity to provide retail jobs. The scheme will have the ability to make a positive contribution to Coleraine town centre and will add to the vitality and viability of the town centre. 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

The Chair invited Jamie Hamill, to address the Committee in objection to the application.

J Hamill addressed the Committee raised the following points:

- Coleraine BID was to sustain urban areas and town centres in Coleraine
- The proposal does not offer an increase in capacity to The Mall car park.
- Welcomes the opportunity for development within Coleraine.
- Extra retail car parking spaces are required for extra retail facilities. There is a need for the provision of an extra deck of car parking in The Mall car park to increase the quality and quantity of car parking in Coleraine.
- A proposed sensible development is welcomed, but there is a need for car parking issues to be resolved.

The Chair invited Ryan Walker, Martin Kelly, Gary McCone and Brendan Carey to address the Committee in support of the application.

M Kelly, Agent addressed the Committee and welcomed the opportunity to attend the Planning Committee Meeting and the recommendation for approval of the application. He made the following points:

- The proposed development was in keeping with the relevant policies stated in the Planning Committee Report.
- The proposed development will represent a significant private investment of £5-6M.
- The proposal would generate an income from rates for the Council and provide construction and operational jobs in Coleraine.
- Condition No. 21 in relation to roadworks requires rewording so that Condition No. 5 can come into operation.

R Walker addressed the Committee and made the following points:

- The proposal does acknowledge The Mall car park.
- The applicant proposes to engage and collaborate with the Department for Communities and Council.
- Once the car park is constructed it could be transferred back to public into ownership.

Members felt that the potential loss of car parking spaces would be a great disadvantage – this is key to development.

The Senior Planning Officer informed Members that on 26 February 2018 (mid-week) and 24 March 2018 (weekend) surveys had been carried out on the capacity of some of the car parks. She clarified that only 9 car parking spaces would be lost in this scheme and that the loss had been weighed up against the benefit of the development in the town centre.

In response to a Member's query the Senior Planning Officer clarified that there was no condition stated for the proposed car park to be transferred back into the ownership of the Council of DfI. Planning permission does not confer title.

In response to this a Member commented that the car park belonged to DfC and not in Councils ownership. He stated that the existing car parks were not currently at full capacity so the additional car parking proposed

would not have an impact. Council was not responsible for the provision of car parking.

Proposed by Alderman Duddy
Seconded by Alderman Finlay

- 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

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 **APPROVE** carried.

5.8 Objection LA01/2019/0830/F Nos. 55 and 57 Causeway Street, Portrush

Planning Committee Report and Site Visit Report 26 October 2020 were previously circulated and presented by the Senior Planning Officer, J Lundy via PowerPoint.

The Senior Planning Officer described the site and its context for Full Planning for 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 1no duplex apartment (holiday let), external domestic stores, car parking, landscaping and all associated site and access works.

The Senior Planning Officer informed Members that a Site Visit had taken place on Monday 26 October 2020 (report previously circulated).

The Senior Planning Officer referred Members to the previous Addendum which had been circulated with a further objection received which brings the total number of objections to 25.

The Senior Planning Officer informed Members of a Verbal Addendum which advises 4 further objections now received raising the issues of:

- Overlooking
- Design
- Coastal Erosion
- Traffic

The objection points relate mainly to the demolition of Strandmore House, impact on the Ramore Head LLPA, loss of open space, impact 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 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 and with the existing Strandmore House. The footprint of the 2 blocks is set back 7.5m off the boundary at the closes point at Site 1.

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 to the west 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 permission due to the timing of the study. The site is located in the developed coast with the development surrounding the proposal on 2 sides. Significant weight is attributed to the previous permission, the reduced density, elevated site above the 1 in 200 flood area, studies submitted by the agent showing the site on rock and para 3.3.1 of the Baseline Study and gap analysis of Coastal Erosion Risk Management, which states that the North Coast is primarily composed of hard basaltic geology which is resistant to coastal erosion.

Members were presented with a slide showing the front of the buildings looking towards the rear of Causeway Street. The design is 3 storey with a mansard roof. The third floor windows relate to 4 bedrooms and 4 high level landing windows.

Members viewed slides in context with Causeway Street and the elevation looking seaward, chimneys have been used as a design feature to screen upper floor balconies.

Members were shown the elevation looking south with the projection on the gable towards the car park and the elevation on the right to No. 7 Strandmore. The proposal sits forward 1.4m of the existing dwelling the gable is 10.5m wide and 9.8m high.

Members viewed 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 retain adequate separation distances and appropriate scale and massing. There are also no planning concerns in relation to increased overlooking or overshadowing to this property.

Views of the building to be converted for holiday lets were shown to Members. This is as approved under the previous application.

The existing building is elevated above the East Strand.

In relation to character and context the proposed development is displayed in these contextual elevations. The top shows the existing position, working left to right, the Vue apartments, Sandy Bay apartments and the existing dwelling. The middle shows the existing contextual with the approved apartment block. The bottom shows the relationship with the proposed application. The application has been assessed as set out in the Planning Committee Report.

* **Alderman Duddy left the meeting at 4.55pm.**

In conclusion, the proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal meets the requirements of planning policies and provides a quality residential development. The development will not negatively impact upon the Ramore Head LLPA. The Duplex Apartment is acceptable as a conversion of the existing stone building in terms of its tourism use. The proposal will not adversely impact upon the surrounding context given the development assimilates with the existing built form. The proposal is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas. Private and communal amenity areas for proposed units are adequate in size. The design and layout does not unacceptably impact upon neighbouring residential amenity. There are no archaeological or listed building concerns. There are no concerns with site drainage and the proposal is acceptable from a coastal floodplain perspective. The proposed development has satisfactory access and parking. There are no contamination issues with this development. The proposal does not harm the Skerries and Causeway SAC and Ramore Head and Skerries ASSI. The proposal does not impact on designated sites or protected species. However, a final CEMP should be submitted for review prior to works commencing. While there are concerns with coastal squeeze, this proposal is considered acceptable at this location giving significant material weight to the extant planning permission at this site. 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.

* **Alderman Duddy re-joined the meeting at 5pm.**

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

A Stephens addressed the Committee and made the following points:

- The proposal exceeds 1000m² and presents a flood risk.
- There was no re-consultation with SES.
- No cumulative assessment took place.
- The Marine and Fisheries Division have raised objections as the proposal is in an area which is at high risk of coastal erosion.
- The previous scheme was also not deemed to be acceptable by the Marine and Fisheries Division as the proposal is in an area which is at high risk of coastal erosion.
- Not all the Statutory Agencies have been consulted.

B Taylor addressed the Committee and made the following points:

- The proposal does not respect the sensitive landscape character.
- Her home is not currently overlooked.
- All of Site 1 and 60% of Site 2 is located outside the footprint of Strandmore House.
- The proposed development would stretch directly in front of her home.
- The proposed dwelling 4 has smaller windows but 8 windows have been proposed which creates greater opportunity for overlooking.
- The proposal is to be set back 1.2m from the previous proposed development which creates overlooking in the bedrooms of neighbouring properties.

- The proposal contains no new trees in the landscape when compared with the previously approved 14 new trees for the apartment development. Ten existing trees are also proposed to be removed.
- The design is unsympathetic to the area and would not stand the test of time.

The Chair invited Tom Stokes, Damien McLaughlin, Nick Brown and Kristopher Calder to address the Committee in support of the application.

T Stokes, Agent addressed the Committee and made the following points:

- The current application proposes 2 semi-detached dwellings in lieu of the previous 6 apartments proposed.
- The proposal would be a more traditional housing scheme.
- The proposal is located within the footprint of the existing buildings. There is a 0.06% encroachment in the area zoned as the LLPA. This minor encroachment is deemed acceptable and would not alter the effect of the Ramore LLPA.
- The current proposal has been scaled down from 7 town houses to 4 semi-detached dwellings.
- The proposal is sited over 2m lower than Strandmore House.
- The small increase in mass is broken up by the gap between the proposed dwellings.
- In respect to overlooking the proposed windows are now half that of the previous proposal, there is no staircase, 4 bedrooms now instead of 3 but smaller so overlooking has been limited.
- In relation to coastal erosion – the proposed dwellings are situated further away from the coast than the previously proposed apartments.

In response to a Member's query in relation to the now 4 bedroom windows instead of the 3 originally proposed the Senior Planning Officer referred Members back to the slide of the plan of the proposed front

elevation with the windows. The drawing showed that the proposal was further set back from the proposed apartment development.

The Member commented insisting that the 2 windows should be kept as obscure glazing.

A Member commented that he was not in favour of obscuring bedroom windows and that the proposed separation distances is sufficient to prevent overlooking, a sentiment which was echoed by other Members.

In respect to a Member's query in relation to the non-retention of the trees, the Senior Planning Officer informed Members that it is proposed that the boundary is to be planted out with a mix of smaller trees consisting of Holly, Silver Birch, Hazel and that climbing plants are proposed for the wall. This is considered to be acceptable. The Senior Planning Officer confirmed that the landscaping is covered in Planning Condition 2.

Proposed by Alderman S McKillop
Seconded by Alderman Finlay

- 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.

Amendment

Proposed by Alderman Baird
Seconded by Councillor Hunter

- that the Committee resolves to **APPROVE** planning permission subject to the conditions set out in section 10 but that the 2 bedrooms windows should be constructed with obscure/opaque glass.

The Chair put the Amendment to the Committee to vote. 2 Members voted For, 10 Members voted Against and 0 Members Abstained.

The Chair declared the Amendment **LOST**.

The Chair put the proposal to the Committee to vote.

Alderman Baird requested a recorded vote.

For: (10)	Alderman Finlay and S McKillop Councillor Anderson, Dallat O'Driscoll, McGurk, MA McKillop, McLaughlin, McMullan Nicholl and Scott
Against: (1)	Alderman Baird
Abstain: (1)	Councillor Hunter

10 Members voted For, 1 Member voted Against and 1 Member Abstained.

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

5.9 Objection, LA01/2019/0016/F, Land Immediately South of Ramore Green Apartments 158a Main Street, Portrush (known as Nos. 154 and 156 Lower Main Street, Portrush)

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

The Senior Planning Officer described the site and its context for Full Planning for the proposed demolition of existing building and erection of 5 No. apartments with integral car parking and all associated site works provided over 5 floors of accommodation.

The application is located in the settlement development limits of Portrush as designated in the NAP 2016 and within an area of archaeological potential

The proposal is for apartments have been assessed under PPS 7 and its addendums, PPS 3, PPS 2 and PPS 6.

There is an extant permission on site for a similar scheme confirmed through the submission of a CLUD. Significant weight is given to the fall-back position of the extant approval.

There have been 7 letters of objection to the proposal relating to landownership, loss of public visual amenity, overlooking, overshadowing and parking intensification.

The scheme has been significantly reduced since it was submitted.

Members viewed the following slides:

- The site near the entrance to Ramore Head
- The red line of the site adjacent an existing apartment block to the North, East and South.
- The ground floor block plan detailing 5 number car parking spaces.
- The proposed front elevation in context with the existing apartment block to the North and the outline of the apartments to the East and the front on to Ramore Street.
- The site itself. Small windows to the existing development shown on the gable.
- The site again in context with the surrounding development. As previously mentioned the proposal has a fall-back position. The extant permission is of a similar scale however the design has been simplified to be more in keeping with the street scene.

In conclusion, the proposed apartment development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the existing approved history on site and the SPPS. The design is appropriate to the area and the development will not have a detrimental impact on the locality. Therefore it is considered that the proposed development complies with policy and guidance.

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 query the Senior Planning Officer confirmed that there was a shared community amenity space on the roof. It is set back on the property. The proposed development also includes a parking provision for 5 car parking spaces for the 5 apartments.

The Chair invited Michael Graham and Paul McCreanor to address the Committee in support of the application.

M Graham addressed the Committee and made the following points:

- The proposal is for 5 apartments with integral car parking and the site is located within the urban settlement limits of Portrush as shown on the Northern Area Plan 2016.
- There have been 2 previous Planning Applications C/2006/1024/F and C/2012/0244/F.
- The proposal of for 2 three bedroom apartments, 2 two bedroom and 1 one bedroom apartment.
- The proposal respects the local character of the area and is an improvement on the previous approved scheme.
- The proposed design integrates into the streetscape and wider landscape.
- The pedestrian and vehicular access is situated on the Western side of the site.
- DfI Roads have been consulted and raised no concerns.
- All 5 apartments have frontage on to the public road to the West and provide panoramic views.
- The design and layout will not create overlooking or overshadowing on existing or proposed properties.
- All bathroom and stairway windows on the Northern boundary of the proposed building shall be obscure glazing as set out in the Conditions in the Planning Committee Report.
- The scale, density and massing is in keeping with the surrounding area.
- There will be no impact on residential amenities.
- All statutory consultees are content with the proposal.
- The proposal is a high quality development to meet current demand.
- The proposal is consistent with and meets all the Policy requirements under the Northern Area Plan 2016.

In response to a Members request for clarification on the fire integrity of the proposal P McCreanor informed Members that the fire escape on the proposal has been improved from the previous proposal and complies with all the required fire regulations. It will be of a steel frame construction with brick and stone cladding.

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 **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.

5.10 Referred LA01/2019/1103/F, 1 Redlands Crescent Coleraine

Planning Committee Report and Site Visit Report 26 October 2020 were previously circulated and presented by the Senior Planning Officer, M Wilson via PowerPoint.

The Senior Planning Officer described the site and its context for Full Planning for retrospective application for a garage to side of dwelling with 1.8m high close board fence to side of garage.

The site is located to the North West of Coleraine, within the settlement development limit. The site is not subject to any specific zonings or designations as set out in the Northern Area Plan 2016.

Members were presented slides on the following:

- The application site, and No.1 Redlands Crescent and its relationship to Cairn Road. Also the building line along Cairn Road.
- The proposal in context, and you will see how this is set forward of the current building line along Cairn Road.
- No.11 and its relationship with the proposed development.

- A wider view of the established building line and the proposed development's relationship with this.
- A further photo to illustrate how far in front of the building line the development is, and how it relates to the established development along Cairn Road.

The applicant's Agent submitted an example of development along Cairnvale which was argued to be comparable and set a precedent for this proposal. The Cairnvale example submitted is opposite to the application site, but that development does not break the building line of Cairn Road and is afforded limited weight as it is distinguishable from this proposal.

The principle of development is considered unacceptable having regard to Policy EXT 1 as the proposed development breaks the building and appears incongruous in the streetscape, particularly when viewed from Cairn Road.

DfI Roads was consulted on the application following revisions to the proposal it raises no objection.

There is one objector to the proposal. Matters raised include that the proposal is out of character and is concerned with the future use of the garage given its size and scale – the matters raised in the objection are set out in Para 5.1 and considered in the report.

In conclusion, the proposed scale, design and materials of the garage are unsympathetic in relation to the existing dwelling, and the proposed siting detrimentally impacts the character and appearance of the area and Cairn Road. The proposal is more akin to a light industrial or commercial use, rather than a domestic use. 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** permission for the full application subject to the reason set out in section 10.

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

C Gourley addressed the Committee and made the following points:

- The applicant was unaware that planning permission was required for this proposal.
- The applicant has erected a 1.8m close board fence to the side of the garage.
- The property at No. 4 Redlands Crescent is finished with a cream dash render.
- The Planning Committee Report states that the choice of materials is unsympathetic and distracts from the local character.
- On 14 July an email was sent to the Planning Officer stating that the applicant was prepared to lower the height of the fence and finish the garage with the same material as the dwelling. The Planning Officer did not invite the applicant to submit amended plans.
- The applicant is prepared to do whatever it takes to save his garage.
- Amended plans can be submitted for a block skin finish to the garage and cream rendering the same as his dwelling.
- A neighbouring property exists with a higher border fence than the one the applicant has erected.
- The garage is hidden well amongst existing trees.
- The Planning Department could stipulate a timeframe for work to be carried out.
- At the site visit carried out on Monday 26 October 2020 Members were able to note the tall trees which screened the shed wall. It does not affect the building line.
- Paragraph 8.20 of the Planning Committee Report dismisses the extension to No. 14 Cairn Road which extrudes beyond the building line. No. 14 is comparable and relevant to this proposal.
- The visual impact of the proposal is minimal and the finish can be re-worked to match the rendering of the applicant's dwelling.
- Approval can be conditioned that the garage can only be used for domestic purposes.

C Gourley confirmed that the applicant was willing, if the application was to be approved, to build a block and skin surround around the entire garage and finish it with cream rendering to match his house. She informed Members that the applicant had not yet indicated on how the flat roof was to be finished – perhaps it would be painted. She also confirmed that the applicant was willing to lower the fence along the footpath to the height of 1m.

A Member was of the opinion that given the extent of the work to be carried out it may be cheaper to build a new garage.

In response to a Member's query C Gourley informed Members that she was not aware of the finer details of the garage and the closeness of the board fence along the public footpath. The skin would not need to be that thick – even if it was timber then dashed it would still be of the same appearance as the house.

C Gourley confirmed that No. 14 (the objector) on the opposite side of the road to the proposal fronts onto Cairn Road and the side fronts on to Cairnvale. She disagrees with the Planning officer in that the development at No. 14 does protrude beyond the established building line. It protrudes further out than the 5 houses onto Cairnvale. There is also [REDACTED] A roof was added to the conservatory this week; the conservatory appears to have no screening.

The applicant's shed will be completely screened by trees.

A precedent has been set at No. 14.

In response to a Member's query in relation to the proposed cladding, the Senior Planning Officer informed Members that whilst the cladding may change the appearance of the garage it would not suffice on the principle of the garage. Members could consider if the materials proposed would help to screen the garage.

The Senior Planning Officer clarified that the development at No. 14 situated opposite to the application site it not irrelevant but has limited weight. The applicant was welcome to submit alternative drawings but Members were reminded that it was the principle of development that it considered to be unacceptable.

In response to a Member's query in relation to an alternative site the Senior Planning Officer represented Members with the Site Plan and the red line on the site. The existing garage is situated in the North West corner of the site. Further positioned away from the house and to the rear of No.1 a smaller garage could be positioned within the building line.

Proposed by Councillor Anderson
Seconded by Councillor McLaughlin

- 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.

As it is considered that

- amended plans to be submitted to render the garage with block and dash finish which matches the residents dwelling and to reduce the height of the fence to 1m along the public footpath. This will integrate the building and fence into the character of the area.
- The existing trees provide screening to the site.

The Chair put the proposal to the Committee to vote. 6 Members voted For, 2 Members voted against and 2 Members abstained.

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

AGREED – that Conditions and Informatives are delegated to Officers.

* **Councillor MA McKillop left the meeting during consideration of this item and did not vote.**

* The Chair declared a recess at **6.15pm.**

* The meeting reconvened at **6.25pm.**

6.0 DEVELOPMENT MANAGEMENT

6.1 Update on Development Management and Enforcement Statistics 01/04/20 – 30/09/20

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 September 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 decreased by 2 applications, however, the number of major applications decided has decreased by 6. 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. In the last 2 months 2 major applications have issued per month however, these have reduced the processing time to an average of 87.8 weeks as we work to move the older applications out of the system.

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 66 applications and the number of decisions issued/withdrawn has decreased by 294 applications. Of note is that the number of applications received in Q2 of this business year has exceeded the same period last year by 20 applications. However, with staff largely working from home, processing is slower than when in the office and this is reflective in the decrease in local decisions issuing.

When compared with the same period last year, the impact of working from home is largely in relation to the number of decisions issuing. However, processing times are only 0.5 weeks slower that same period last year when operating in the normal working environment.

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 75 and the number of cases brought to conclusion has decreased by 58.

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 14.5%

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. However, this will impact in the length of time to bring these cases to target conclusion due to the delays in site visits.

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 96.18% 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 5 out of 6 referred local applications had the officers' recommendation overturned at the August Planning Committee meeting and 1 major application was overturned which is an 83.3% overturn rate for referred applications and a 37.5% overturn rate in total.

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

Ten Planning Appeals decisions have issued by the PAC YTD of which the Planning Department has successfully defended its decision on 70% of appeals.

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.

In response to a Member's query in relation to Planning staff working from home the Head of Planning clarified that at the beginning of COVID it was not considered that Planning was an essential service, therefore access to VPN was limited.

By the end of August 2020 all staff were provided with Council laptops and had access to VPN so that they were able to access the planning portal and plans. Virtual meetings take longer than office based meetings due to having to download plans and view via the laptop taking longer instead of staff being able to meet together and view documents around a table. The scanning of documents also was time consuming and the number of staff who are permitted to work from Cloonavin has been restricted.

The Head of Planning informed Members that she had been in discussions on the possibility of erection of perspex screens between the desks to allow more staff to work from Cloonavin more often to scan the documents required. She was waiting for a response from the General Manager of Facilities, John Anderson. Discussion had also been taking place to try to get staff in for two days per week but the introduction of further Covid-19 restrictions prevented this. Things are slower but progress is being made.

The Head of Planning clarified that as detailed in Table Indicator 2 of the Planning Committee Report the processing of local applications were slightly quicker than in April and not far away from June and July. More decisions were beginning to issue. However, as the months progress Covid-19 will have an impact on the average processing times.

A Member raised concern in relation to Table 5 indication in that the total number of referrals overturned by the Planning Committee was 83%.

In response to a Member's query in relation to Risk Assessment the Head of Planning informed Members that Risk Assessments were carried out by the Head of Performance for Cloonavin and can be viewed on the Staff Portal and Council website.

In relation to Site Visits the Head of Planning confirmed that it was safe for staff to conduct Site Visits and that all staff were adhering to the current restrictions and procedures. A risk assessment has been completed for

site visits.

The Head of Planning also informed Members that should some staff wish to work from Cloonavin an extra day then she would try to accommodate in discussion with the Head of Performance but must still adhere to current procedures.

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

6.2 Northern Ireland Planning Statistics – First Quarter Statistical Report

Report, previously circulated presented by the Head of Planning.

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases.

The statutory targets are:

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

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The First Quarter 2020/21 Statistical Bulletin was published on 24 September 2020 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

Table 1 within the report provides a summary of performance in relation to the statutory targets for major development applications and local development applications for the first quarter of 2020-21 business year and provides a comparison of performance against all 11 Councils.

In the Q1, Causeway Coast and Glens Borough Council was one of only two Councils that decreased processing times for local applications when compared to the same period last year, improving in rank from 10th fastest to 7th fastest out of the 11 Councils. In terms of major applications, average processing times also decreased improving in rank from 6th fastest in Q1 of 2019/20 to 4th fastest in Q1 of 2020/21. Of note is that this improvement took place during the tight restrictions imposed by the Northern Ireland Executive as a result of Covid-19 when staff were working from home with limited Council resources and site visits were not taking place. Furthermore, in terms of live applications, this Planning Department moved from having the 3rd highest number of live applications at end of Q1 2019/20 to the 5th highest live applications with the 5th highest percentage of live applications over 12 months in the system.

The percentage of live applications that are over 12 months in the system remains an area of concern. With the Fixed Term Contract posts coming to an end over the next couple of months, consideration must be given to retaining these posts on a permanent appointment. Otherwise there is a high risk that the case loads of staff will further increase once more resulting in a negative impact on performance.

Table 2 within the report shows statistics in relation to enforcement for Q1 of the 2020/21 business year. Of note is that the Enforcement Team closed the 4th highest number of cases with over 31% as a result of no breach of planning control being identified. Furthermore, the Enforcement team concluded the 3rd highest number of cases out of the 11 Councils during the tight restrictions imposed by the Northern Ireland Executive as a result of Covid-19 when staff were working from home with limited Council resources and site visits were not taking place and still managed to meet the statutory target for concluding 70% of cases within 39 weeks. The Enforcement Team have the 5th highest number of live enforcement cases with the 4th highest percentage of cases over 2 years in the system.

Table 3 and **Table 4** within the report indicate the level of other activity carried out by the Planning Department over Q1 of 2020/21 business year.

In addition to the formal applications received, the Planning Department received 42 other types of applications relating to planning applications, 37 FOI/EIR requests and 167 general correspondence.

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 96.18% 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 a breakdown of the income generated by the Planning Department in Q1 of 2020/21. Income is 58% of that predicted for this period.

In conclusion, performance within the Planning Department continues to steadily improve towards meeting the statutory targets even during the tight restrictions imposed by the Northern Ireland Executive due to Covid-19 pandemic. However areas of concern remain with the number of applications in the system over 12months and the length of time taken to process local applications. Caseloads of Planning Officers continue to be monitored and consideration must be given to extending the 4 FTCs coming to an end over the next couple of months.

It is recommended - that the Planning Committee notes the Planning Departments Quarterly Report.

AGREED - that the Planning Committee notes the Planning Departments Quarterly Report.

* **Alderman Duddy left the meeting at 6.46pm.**

7. DEVELOPMENT PLAN

7.1 Local Development Plan Update

The Committee received a verbal report, presented by the Development Plan Manager, S Mulhern. The 6 month LDP Work Programme Jul-Dec 2020 remains as presented and agreed at the August Planning Committee.

LDP Member Workshops – Draft Policy Approach:

Workshops have now recommenced.

29 September 2020 - Advertisements

14 October 2020 – Landscape Study presentation by Consultant

21 October 2020 – Health, Education, Community & Cultural facilities and Recap of 29 January 2020 Workshop (LDP Vision/principles & Objections)

Next workshop to take place on Wednesday 18 November 2020.

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

Consultations on the Draft Plan Strategy are taking place electronically.

Landscape Character Assessment Study:

Presentation to be given on 14 October 2020 by Doug Harman (Consultant).

Currently working through the final stages of the project – to inform the LDP preparation.

Sustainability Appraisal/SEA:

A revised SLA was received from SES (consultants) on 4 June 2020. Costs were higher than the previous SLA. Detailed costing and legal advice have now been received and both are being considered.

This will have implications on the LDP Timetable and Members will be advised in due course.

Evidence Paper Updates:

Update of evidence base is ongoing. This is feeding through into the LDP Policy Review Workshops.

Study updates:

There has been a recent update of the retail element of the Council's Retail & Leisure Capacity Study.

Monitors:

Work has commenced on retail monitor (to inform Retail Study update). Work on Housing monitor has re-commenced. Employment Land monitor is due to commence this calendar year (subject to completion of other work areas). However, given that the COVID situation remains it might be more appropriate to delay the employment land monitor.

Staffing:

The LDP team is not at full staffing compliment.

An agency worker has been secured to fill one Planning Assistant post.

The other Planning Assistant has been transferred across to provide assistance in the Development Management section.

Publication of Draft Plan Strategy

The Draft Plan Strategy will not be published in Autumn/Winter 2020. This is being kept under review and will be brought before Members in due course for discussion and agreement.

Members **NOTED** the verbal report.

8.0 CORRESPONDENCE

8.1 Notice of Opinion from Dfl for applications LA01/2017/0250/LBC, LA01/2017/0251/F, LA01/2017/1287/F & LA01/2017/1289/LBC – Adelphi Hotel, 67 – 71 Main Street, Portrush

Correspondence was received from the Department for Infrastructure in relation to the Department Notice of Opinion in relation to the following Planning Applications.

LA01/2017/0250/LBC - Adelphi Hotel, 67-71 Main Street, Portrush

Proposed works involve an additional three storey extension to the existing flat roof in order to accommodate 6 no. additional guest rooms per floor.

LA01/2017/0251/F - Adelphi Hotel, 67-71 Main Street, Portrush

Proposed works involve an additional three storey extension to the existing flat roof in order to accommodate 6 no. additional guest rooms per floor.

LA01/2017/1287/F - Adelphi Hotel, 67-71 Main Street, Portrush

Regularisation of existing structures built 2006. Works involved demolition of entire rear of old premises, with site excavation to rock. New build concrete flat roofed concrete structure to rear including 8 person lift. Whole project creates twenty eight en-suite four star guest rooms.

LA01/2017/1289/LBC - Adelphi Hotel, 67-71 Main Street, Portrush

Regularisation of existing structures built 2006. Works involved demolition of entire rear of old premises, with site excavation to rock. New build concrete flat roofed concrete structure to rear including 8 person lift. Whole project creates twenty eight en-suite four star guest rooms.

The Department must receive any request in writing for an opportunity to appear before and be heard by the Planning Appeals Commission, or a person appointed by the Department for the purpose of a hearing.

Any requests must be made within 28 days from the date of service of the Notice.

The item of correspondence was **NOTED**.

8.2 NI Audit Office – Review of Planning in Northern Ireland

Correspondence dated 30 September 2020 has been received from the Northern Ireland Audit Office.

The Comptroller and Auditor General and the Local Government Auditor have decided that they will undertake a review of the Planning system in Northern Ireland.

It is their intention to publish this report in Spring/Summer 2021. As part of their process they intend to engage with the Head of Planning in each Council to obtain their views on the system. They are also happy to meet SOLACE and outline their approach to this review if Members feel this would be helpful.

During the audit, the Northern Ireland Audit Office will be requesting data from all councils, for example planning service costs and staff numbers. It may be useful to have a single point of contact to facilitate these information requests.

Recommendation - that the Planning Committee notes the correspondence.

In response to a Member's query the Head of Planning informed Members that the Department of Infrastructure (DfI) had received a letter from the Audit Office providing further detail on the audit.

The Head of Planning to circulate the letter from DfI at the next Planning Committee Meeting.

The item of correspondence was **NOTED**.

8.3 Correspondence from Derry City & Strabane re: Local Development Plan (LDP 2032): Draft Plan Strategy - Statutory 'Consultation Body' Notification of Re-consultation

Correspondence dated 10 September 2020, has been received from Derry City and Strabane District Council has advising Council that in accordance with Regulations 2 and 15(c) of the Planning (Local

Development Plan) Regulations (Northern Ireland) 2015 (the ‘LDP Regulations’) to advise you that this Council will commence a period of re-consultation on the draft Plan Strategy (dPS) of the Local Development Plan 2032 (LDP). The re-consultation will run for a period of 8 weeks from 11th September to 6th November 2020.

The Council’s LDP draft Plan Strategy was already published in December 2019, followed by a consultation period which ended in January 2020. However, a procedural error has been identified, so this further consultation period is now being undertaken. New, additional or revised representations may now be submitted during this re-consultation period.

This LDP draft Plan Strategy (dPS) is a consultation document, to which ‘soundness’-related representations can be made during a formal consultation period from Friday 11th September to Tuesday 6 November 2020. *Representations received after this date will not be considered.*

The LDP dPS document will be available for inspection, (on 11th September), together with the associated documents, at <http://www.derrystrobane.com/Subsites/LDP/Local-Development-Plan>

The Development Plan Manager informed Members that a response had been issued 19 October 2020.

The item of correspondence was **NOTED**.

8.4 Fermanagh & Omagh District Council – Draft Plan Strategy – Proposed Changes (Error & re-consultation)

Correspondence dated 1 October 2020, has been received from Fermanagh & Omagh District Council advising Council that as a statutory ‘consultation body’ as defined in Regulation 2 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015, they advise that Fermanagh and Omagh District Council has cancelled and is re-running its consultation on the proposed changes to the Local Development Plan draft Plan Strategy.

The original Schedule of Proposed Changes did not accurately reflect the agreed position of the Council, particularly in relation to policies MIN04 - Unconventional Hydrocarbon Extraction, FLD03 – Sustainable Drainage Systems, RE01 – Renewable and Low Carbon Energy Generation and HOU17 – Affordable Housing in the Countryside. The Schedule has now been updated to reflect all the changes agreed with Councillors. The

Council apologises for any concern which the publication of the inaccurate information has caused.

The consultation period will run for 8 weeks, commencing on Thursday 8 October 2020 and ending on Thursday 3 December 2020.

The documents will be available to view online (at: www.fermanaghomaggh.com) and in paper format from Wednesday 7th October 2020. Comments received after the deadline of Thursday 3 December 2020 will not be accepted.

The item of correspondence was **NOTED**.

8.5 Fermanagh & Omagh District Council – Letter to Council – Draft Plan Strategy

The Head of Planning informed Members that this item of correspondence pre-dates the previous item that had the error.

Correspondence dated 9 July 2020, has been received from Fermanagh & Omagh District Council advising Council is proposing a number of changes to the Draft Plan Strategy, following detailed consideration of the representations received during the public consultation exercise held between 26 October and 21 December 2018. The purpose of the consultation is to inform the general public, consultation bodies and interested parties of the Proposed Changes and allow comments if they wish, and to demonstrate for the Independent Examination (IE) that everyone affected has had an opportunity to comment before any recommended change is made to the Draft Plan Strategy by the Planning Appeals Commission (PAC). Ultimately, it will be for the Department for Infrastructure to determine whether any amendments recommended by the Planning Appeals Commission should be made to the Draft Plan Strategy.

In considering representations received to the Draft Plan Strategy, and the extent and nature of any proposed change required, account has been taken of Development Plan Practice Note 10 'Submitting Development Plan Documents for Independent Examination' (DPPN 10).

The Schedule of Proposed Changes is accompanied by Addendums to the Sustainability Appraisal, Habitats Regulations Assessment, Rural Needs Impact Assessment and Equality Impact Screening Report.

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

The documents will be available to view online at www.fermanaghomagh.com and in paper format from Wednesday 15 July 2020.

The item of correspondence was **NOTED**.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Scott
Seconded by Councillor Anderson and

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

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

The information contained in Item 9 is restricted in accordance with Part 1 of the Local Government Act (Northern Ireland) 2014.

9. PLANNING DEPARTMENT BUDGET PERIOD 1-5 UPDATE

Confidential information report, previously circulated, presented by the Head of Planning provided Members with update on the financial position of the Planning Department as of end Period 5 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.

With agreement to fill vacant posts, the savings made due to reduced salary costs going forward into Q3 and Q4 will no longer be achieved.

Taking account of savings to other budgets such as Development Plan and Q1 DfC COVID Fund, it is predicted that Planning will have an adverse spend 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.

It is recommended that the Committee notes the update provided on the Planning budget as of end of period 5 of 2020/21 financial year.

The Head of Planning informed Members that it is her understanding that a response was being finalised by DfC to ascertain whether Council will receive funding from the Covid fund for Q2.

The item of correspondence was **NOTED**.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Anderson
Seconded by Councillor Scott and

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

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

There was no other relevant business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at **7.05pm**.

Chair