

**PLANNING COMMITTEE WEDNESDAY 25 NOVEMBER 2020**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
1.	Apologies	<b><i>Alderman Finlay</i></b>
2.	Declarations of Interest	<b><i>Councillor Hunter</i></b>
3.	Minutes of Planning Committee meeting held Wednesday 23 September 2020 and reconvened on 28 October 2020	<b><i>Confirmed</i></b>
4.	Minutes of Planning Committee meeting held Wednesday 28 October 2020 at 2pm	<b><i>Confirmed</i></b>
5.	Order of Items and Confirmation of Registered Speakers	<b><i>Agreed</i></b>
6.	Schedule of Applications:	
	6.1 Major LA01/2018/1106/F Unit 17 and adjoining land, Riverside Regional Centre, Castleroe Road, Coleraine	<b><i>Amend paragraph 2.1 of the Protocol for The Operation of the Planning Committee with immediate effect; that information received after agenda is issued is circulated to Planning Committee for their consideration in advance of its meetings;</i></b> <b><i>- Note the contents of the Addendum and agree with a new recommendation to defer the application to enable the Planning Department to obtain the advice of an independent planning barrister to in turn</i></b>

		<p><b>provide advice to the Planning Committee;</b></p> <p><b>- That Planning Committee receive the Legal Advice sought, one week before the Planning Committee meeting.</b></p>
	<p><b>6.2</b> Council LA01/2020/0799/F Bushmills Visitor Information Centre 44 Main Street, Bushmills</p>	<b>Approved</b>
	<p><b>6.3</b> Council LA01/2020/0235/F, West Bay, Portrush</p>	<b>Approved</b>
	<p><b>6.4</b> Council LA01/2019/0915/F 46m SE from Dungiven Castle 145 Main Street, Dungiven</p>	<b>Approved</b>
	<p><b>6.5</b> Objection LA01/2019/0281/F Land at Asda, 1 Ring Road, Coleraine</p>	<p><b>Deferred;</b> <b>pending a review of the second Planning Application and both considered in tandem by the Planning Committee.</b></p>
	<p><b>6.6</b> Objection LA01/2019/0182/F 24m NE of 50/51 Kerr Street, Portrush</p>	<b>Disagree and Approved</b>
	<p><b>6.7</b> Objection LA01/2019/0936/F 9 Blackrock Road, Portrush</p>	<b>Deferred; hold a Site Visit</b>
	<p><b>6.8</b> Referral LA01/2020/0066/F, 160 Carrowclare Road, Limavady</p>	<b>Disagree and Approved</b>
	<p><b>6.9</b> Referral LA01/2019/0990/F Adjacent to 66 Coolestan Walk, Limavady</p>	<b>Refused</b>
	<p><b>6.10</b> Referral LA01/2017/0650/O Between 38 &amp; 42 Loughermore Road, Dunbrock, Ballykelly</p>	<b>Disagree and Approved</b>
	<p><b>6.11</b> Referral LA01/2019/0616/O Lands 78m South West of No 40 Scotchtown Road, Limavady</p>	<b>Refused</b>
	<p><b>6.12</b> Referral LA01/2019/0532/F Approx 130m West of 25 Knocknougher Road, Coleraine</p>	<b>Refused</b>
	<p><b>6.13</b> Referral, LA01/2019/0528/F, Approx 375 West of 25 Knocknougher Road, Macosquin, Coleraine</p>	<b>Refused</b>

	<b>6.14</b> Referral, LA01/2019/1029/F, 114 Seacon Road, Ballymoney	<b><i>Disagree and Approved</i></b>
<b>7.</b>	<b>Development Management:</b>	
	<b>7.1</b> Update on Development Management and Enforcement Statistics 01/04/20 –31/09/20	<b><i>Noted</i></b>
<b>8.</b>	<b>Development Plan:</b>	
	<b>8.1</b> LDP Update	<b><i>Information</i></b>
	<b>8.2</b> LDP – Retail Capacity Assessment – Update 2020	<b><i>Accept the Nexus Planning Retail Capacity Assessment Update (2020) to inform the Local Development Plan preparation and the determination of relevant planning applications.</i></b>
	<b>8.3</b> DFC – Proposed Listings	<b><i>Option 1 Agree to support the Listings</i></b>
<b>9.</b>	Correspondence	
	<b>9.1</b> DCSDC – Draft PS – Reconsultations – Councils response	<b><i>Information</i></b>
	<b>9.2</b> MUDC – Letter to Council – Re: Availability of dPS Reps	<b><i>Information</i></b>
	<b>9.3</b> NI Audit Office – Letter to DFI Permanent Secretary	<b><i>Information</i></b>
	<b>9.4</b> SONI Consultation on Draft Transmission Development Plan 2020-29	<b><i>Information</i></b>
	<b>'In Committee' (Item 10)</b>	
<b>10.</b>	Confidential Items	
	<b>10.1</b> Planning Department Budget Period 1-6 Update	<b><i>Noted</i></b>
	<b>10.2</b> Planning Risk Assessment	<b><i>Information</i></b>
	<b>11.</b> Any Other Relevant Business (in accordance with Standing Order 12 (o))	
	<b>11.1</b> World Heritage Site (Alderman Duddy)	<b><i>Response to be emailed to Planning Committee Members</i></b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE  
PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC  
HEADQUARTERS AND VIA VIDEO CONFERENCE  
ON WEDNESDAY 25 NOVEMBER 2020 AT 10.30am**

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

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

**Non Committee Members In Attendance** Alderman Robinson (R), Councillor Callan (R)

**Officers Present:** D Dickson, Head of Planning (C)  
B Edgar, Head of Health & Built Environment (R)  
S Mathers, Development Management & Enforcement Manager (R)  
J Lundy, Senior Planning Officer (R)  
J McMath, 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)  
S Duggan Civic Support & Committee & Member Services Officer (C)

**In Attendance:** P Donaghy, Democratic & Central Services Manager (R)  
E Doherty, Civic Support Officer (R)  
J Keen, Corporate Support Assistant (R)  
I Owens, Committee & Member Services Officer (R)  
R Kerr, Professional Technical Officer (R)

A Gillan, DfI Roads (R)  
R Pearson, Nexus Planning (R)

J Winfield, ICT Operations Manager (R)  
A Lennox, Mobile Operations Officer (C)  
C Ballentine, ICT Operations Officer (C)

Press (2 No.) (R)                      Public (5 No.) (R)

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

LA01/2018/1106/F	A Stephens J Hamill S Beattie QC M Kelly E Loughrey M O'Loan	LA01/2020/0066/F	D Quigley
		LA01/2019/0990/F	R Byrne
		LA01/2017/0650/O	C Gourley
		LA01/2019/0616/O	M Kennedy
		LA01/2019/1029/F	M Howe
LA01/2019/0182/F	D Donaldson D McCaffrey K McShane	LA01/2019/0281/F	N Wilkinson N Hennessey

**Key**

**R** = Remote

**C** = Chamber

The Chair read the following in connection with the Remote Meetings Protocol:

*'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 the telephone number supplied and then Conference ID code 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 Finlay.

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

Declarations of Interest were recorded as follows:

- Councillor Hunter in Minutes of Planning Committee meeting held Wednesday 23 September 2020 and reconvened on 28 October 2020, World Heritage Site Item and in AORB Agenda Item submission regarding World Heritage Site.

**3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY  
23 SEPTEMBER 2020 AND RECONVENED ON 28 OCTOBER 2020**

Minutes previously circulated.

Proposed by Councillor Scott  
Seconded by Councillor Anderson and

**AGREED** – that the Minutes of the Planning Committee meeting held Wednesday 23 September 2020 and reconvened on 28 October 2020 are confirmed as a correct record.

The Chair put the motion to the Committee to vote.  
10 Members voted For; 0 Members voted Against; 1 Member abstained.  
The Chair declared the motion carried.

**4. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY  
28 OCTOBER 2020 AT 2PM**

Minutes previously circulated.

Proposed by Councillor Scott  
Seconded by Councillor Anderson and

**AGREED** – that the Minutes of the Planning Committee meeting held Wednesday 28 October 2020 at 2PM are confirmed as a correct record.

The Chair put the motion to the Committee to vote.  
10 Members voted For; 0 Members voted Against; 1 Member Abstained.  
The Chair declared the motion carried.

**5. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED  
SPEAKERS**

**It was AGREED** – that Objection LA01/2019/0281/F Land at Asda, 1 Ring Road, Coleraine will follow after Council LA01/2019/0915/F 46m SE from Dungiven Castle 145 Main Street, Dungiven.

**6. SCHEDULE OF APPLICATIONS:**

**6.1 Major LA01/2018/1106/F Unit 17 and adjoining land, Riverside  
Regional Centre, Castleroe Road, Coleraine**

Reports previously circulated, presented by the Development Management and Enforcement Manager via PowerPoint presentation shared on MS Teams.

**App Type:** Full

**Proposal:** 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.

### **Recommendation**

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

### **Addendum 1 Recommendation**

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

### **Addendum 2 Recommendation**

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

### **Addendum 3 Recommendation** (Circulated 24 November 2020)

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to obtain the advice of an independent planning barrister to in turn provide advice to the Planning Committee. This recommendation supersedes that set out in Paragraph 1.1 of the Planning Committee Report.

The Development Management and Enforcement Manager provided a Verbal Addendum as follows:

1. Mr A Stephens of Matrix Planning Consultancy has made a further representation of objection on the application. He comments that timing of the Senior Counsel Opinion on behalf of the applicant is at the last moment. He refers to a High Court judgement *Belfast City Council v The Planning Appeals Commission (2018) NIQB17* which observes that the “‘ambush’ element was that they had insufficient time and opportunity to respond and rectify. This should never have occurred.” He observes that the applicant complained that the



Planning Department proposed to remove the application from the Agenda despite this being in response to the applicant's delayed submission. He argues that allowing the application to come forward will provide a clear point of prejudice. Response of the Planning Department is that our new recommendation is to defer the application.

2. Mr A Stephens of Matrix Planning Consultancy has made a further representation of objection on the application. He expresses concern regarding lobbying on the application and states that the employment benefits cannot be quantified with any degree of certainty. He adds that town centre retail has been savaged by COVID 19. He requests that the Northern Area Plan 2016 be added as a reason for refusal and attaches appeals at Riverside Regional Centre which endorses this approach. This request has been reviewed by the Planning Department and it is acknowledged that the appeals concluded that the proposals "would not be in accordance with the Northern Area Plan". The relevant text in the Plan is at p34 in the Plan Strategy & Framework Volume 1 which states "The Plan will seek to ensure that any future development of the Riverside Centre is complementary to, rather than competing with, the town centres, and does not adversely affect the vitality and viability of the latter."

This together with the requirements of Section 45 of the Planning Act (Northern Ireland) 2011 augurs towards amending refusal reason 3 in the event that the Committee resolves to refuse the application (which is not the current recommendation which is to defer the application). In this event, and without prejudice to the current recommendation, refusal reason 3 is amended accordingly:

*"The proposal is contrary to the Northern Area Plan and to Paragraphs 6.279 and 6.291 of the SPSS in that if approved the proposal would have a significant adverse impact on the vitality and viability of Coleraine town centre."*

Alderman Duddy stated the verbal addendum was unacceptable, and Committee is in a similar position as to what had occurred at the last Committee meeting.

The Head of Planning responded, having suggested withdrawing the Item from the Schedule in order that staff may consult and allow third parties to view, she was advised she did not have the power within the Protocol for the Operation of the Planning Committee to undertake this. The Head of Planning referred to Paragraph 2.1 of the Protocol, information received

after the Agenda has been issued. She referred Committee to Addendum 3 recommendation that the Application be deferred.

The Head of Planning referred to a Judicial Review decision on the North West Hotel Development when an objector had advised information had been received at the last minute and had not been allowed by the Planning Committee to have time to consider and the Judge ruled in their favour.

The Head of Planning recommended the Application be deferred to consider information and allow further consultation and discussions on Legal Case Law, ensuring interpretation is correct on the materiality of the planning history of the site.

Alderman Duddy suggested that Mr Stephens be written to, to advise of the contact information for the Local Government Ombudsman's Office, in light of allegations that lobbying had taken place.

The Head of Planning advised correspondence to that affect had been issued to Mr Stephens.

Proposed by Alderman Duddy

Seconded by Alderman Baird

- That Planning Committee amend paragraph 2.1 of the Protocol for The Operation of the Planning Committee with immediate effect; that Planning Committee information received after the agenda issues is circulated to Planning Committee for consideration in advance of its meetings;
- That Planning Committee note the contents of the Addendum and agree with a new recommendation to defer the application to enable the Planning Department to obtain the advice of an independent planning barrister to in turn provide advice to the Planning Committee;
- That Planning Committee receive the Legal Advice sought, one week before the Planning Committee meeting.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion and that to **defer** unanimously carried.

## **6.2 Council LA01/2020/0799/F Bushmills Visitor Information Centre 44 Main Street, Bushmills**

- \* **Alderman S McKillop joined the meeting at 11.08AM during consideration of the Item and did not vote on the application.**

Reports, previously circulated, presented by Senior Planner, J Lundy via PowerPoint presentation shared on MS Teams.

**App Type:** Full  
**Proposal:** Partial change of use from TIC to cafe space as per plan. New store extension to side, with new glazed frontage. Internal alterations. Proposed paved area to front of building.

### **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.

The Senior Planning Officer illustrated via photographic slides and presented as follows:

- The proposal is for the Partial change of use from TIC to cafe space. New store extension to side, with new glazed frontage. Internal alterations. Proposed paved area to front of building;
- The application site is located at the Bushmills Visitor Centre, 44 Main Street Bushmills. The site is located within the settlement limit of Bushmills and the town centre limit as designated in the Northern Area Plan 2016. The site is also located within the Conservation Area and in close proximity to a number of the listed buildings. Section 7 of the Committee Report sets out the relevant planning policies that the proposal has been assessed against namely the Plan, the SPPS, the Planning Strategy for Rural Northern Ireland, PPS 2, PPS 3 and PPS 6 with supplementary guidance contained within DCAN 4 and 15;
- The front elevation of the existing building;
- The side elevation showing the location of the side extension;
- The proposed block plan showing the paved area to the front, small side extension;
- The floor plan, the pink showing the proposed works, comprising a glazed frontage, side extension and minor alterations to the south;
- The proposed elevations, front, rear and south and north.

The Senior Planning Officer advised the main considerations relate to the principle of development, design and visual impact, noise and odour, impact on the conservation area and the built heritage and traffic matters. Consultations were carried out and DFI Roads have no objection regarding access or parking; Historic Environment Division have no objections relating to the built environment or any archaeological interests. Environmental Health have no objection also.

The change of use to a café was considered in line with the SPPS and DES 2 and found to be an acceptable town centre use. The works were not considered to be detrimental to the townscape and character of the conservation area and approval was recommended.

Alderman Baird requested clarification of car parking. The Senior Planning Officer clarified there was reduction and loss of spaces that was considered acceptable in a town centre location and on street car parking to the North.

Proposed by Councillor Hunter  
Seconded by Alderman Baird and

**AGREED** – 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 motion to the Committee to vote.  
11 Members voted For; 0 Members voted Against; 0 Members Abstained.  
The Chair declared the motion to **Approve** carried unanimously.

\* **Alderman McKeown arrived at the meeting at 11.11am.**

### **6.3 Council LA01/2020/0235/F, West Bay, Portrush**

Reports, previously circulated, presented by Senior Planner, J Lundy via PowerPoint presentation shared on MS Teams.

**App Type:** Full Planning

**Proposal:** Widening the South Pier vehicular access ramp. Demolition of the existing, non-compliant, pedestrian access ramp at southern end of West Bay. Construction of new pedestrian access ramp at the Southern end of West bay, with provision of stepped access. Temporary vehicular access ramp at Western end and temporary working platform from access ramp-Westwards

**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** (Circulated 24 November 2020)

That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 9.1 of the Planning Committee report.

The Senior Planning Officer illustrated photographic slides and presented as follows:

- Widening the South Pier vehicular access ramp. Demolition of the existing, non-compliant, pedestrian access ramp at southern end of West Bay. Construction of new pedestrian access ramp at the Southern end of West bay, with provision of stepped access. Temporary vehicular access ramp at Western end and temporary working platform from access ramp-Westwards;
- The application site is located on West Strand, Portrush. The development limit of Portrush runs long the promenade. The Beach is located in the country side as designated in the Northern Area Plan 2016. The site is located within an LLPA PHL 02. The proposal has been considered in line with policies contained in the SPPS, the Planning Strategy for Rural Northern Ireland, PPS 21, PPS 2, PPS 3, PPS 6, PPS 8, PPS 15 and PPS 16. An addendum has been circulated relating to the proposal meeting with the policies contained within PPS 15;
- 1 objection has been received raising land ownership queries. Amendments were made to the red line and no further objections were received;
- The proposed works are located to the north of the beach where it adjoins the harbour and to the south. Due to the sensitive location

and during the determination of a DETEIA application set out in section 3 of the Report it was determined that the works assessed under the DETEIA were EIA development and required an ES. The site is located within the Portrush West Strand ASSI and is in close proximity and hydrologically connected to the Skerries and Causeway and Maidens SAC. The ES was submitted as part of the full application. The ES was compliant with Schedule 4 of the EIA Regulations;

- Aerial shot of the proposed works comprising a ramp and steps to the southern end and widening of the existing ramp to the northern end as seen in green;
- The green again showing the location of the ramp and steps the northern part of the development is the temporary construction platforms;
- These platforms have been considered necessary and as a mitigation to reduce the impact on the peat that is below the sand and a feature of the ASSI. The ES recommended and in agreement with the consultees that the works would also be limited to the summer when the sand was at its highest. This ensures the proposal is in line with the SPPS and PPS 2;
- The elevation of the ramp and stair access to the beach;
- Photograph of the existing access that has failed;
- The proposed works located to the north of the site. Include the resurfacing of the pathways shown in yellow and orange. The regrading of the small raised area shown in blue and the increase in width of the ramp access to the beach;
- The green is the proposed extension;
- Photographs showing the current situation;
- The existing ramp.

Alderman Duddy sought clarification that the materials proposed to be used to pin to the rock were satisfactory, given the storms and weather damage in Portrush.

The Senior Planning Officer advised thorough consideration had been made taking account of the sensitivities of the location of the site and comments by statutory consultees. DAERA Marine and Fisheries were content with the construction methods, sensitive to the site and sustain higher tides.

Alderman S McKillop queried the submission of an Engineer's report. The Senior Planning Officer stated it had been submitted by Doran Consulting.

Proposed by Councillor Anderson  
Seconded by Alderman S McKillop and

**AGREED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10; That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 9.1 of the Planning Committee report.

The Chair put the motion to the Committee to vote.  
12 Members voted For; 0 Members voted Against; 1 Member Abstained.  
The Chair declared the motion to **Approve** carried.

- \* **Councillor McMullan joined the meeting between 11.17am and 11.24am and did vote on the application.**

#### **6.4 Council LA01/2019/0915/F 46m SE from Dungiven Castle 145 Main Street, Dungiven**

- \* **Councillor Anderson left the Chamber at 11.22am and re-joined the meeting at 11.26am and did not vote on the application.**
- \* **Alderman Boyle left the Chamber at 11.22am and re-joined the meeting at 11.26am and did not vote on the application.**
- \* **Councillor Scott left the Chamber at 11.22 am and re-joined the meeting at 11.26 And did not vote on the application.**

Reports, previously circulated, presented by Senior Planner, J McMath via PowerPoint presentation shared on MS Teams.

**App Type:** Full Planning  
**Proposal:** Proposed temporary mobile classrooms with associated site Works to include the erection of security fencing around the site

#### **Recommendation**

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

The Senior Planning Officer illustrated photographic slides and presented as follows:

- The Site is located within settlement limit of Dungiven as defined within the Northern Area Plan 2016. The Site is also located within an Area of Archaeological Potential, is located in close proximity to the listed castle building and is partly within Dungiven Castle LLPA and within a major area of existing open space;
- Site is 46m SE of Dungiven Castle which is currently used as a Post Primary Irish School. Site is outside the current school site grounds;
- Site is accessed from the existing access from Main Street. As can be seen from photograph there are very limited views from Main Street;
- Site comprises area of tarmac which served as car park for the former uses of Dungiven Castle;
- Proposal is retrospective it seeks temporary permission for a period of 4 years for 2 single storey buildings which provide 4 classrooms and ancillary facilities.

The Senior Planning Officer advised, with regards the use, the surrounding area has a diverse range of land uses. The Castle received permission to be used as a school in 2015, with an additional modular building approved in 2017 and with extension of the temporary permission granted in 2019 for a further 10 years. Officials are currently considering a live application for a 12 classrooms.

The current application is due to the expansion of pupils until permission is sought for a more permanent solution. The use of the temporary class rooms is an appropriate land use in close proximity to the existing school. The site is part of a major area of open space which includes the Environmental Park and Castle Gardens. Access to the Environmental Park was attainable from the site via steps but the steps have since been closed off since the classrooms have been put in place.

The application falls to be determined under PPS8. Policy OS1 will not permit development that would result in the loss of open space or land zoned for open space unless it meets one of the exceptions, one of which is when it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of open space.



During the processing of the application, the applicant has advised

- (i) Not public open space, it is land leased to school with no requirement to provide access to public or Environmental Park;
- (ii) Access to Environmental Park was provided by Glenshane group on voluntary and temporary nature, so land is private for exclusive use of school;
- (iii) Community benefit, school has 220 students from Strabane to Toome and that is expected to rise to 500;
- (iv) School is a pioneering project in Irish Medium Education;
- (v) Benefit to Irish speaking community in Dungiven and for whole catchment;
- (vi) Important to Department of Education;
- (vii) Regional and local significance of school which fulfils an important community and social benefit;
- (viii) Support for new school established during PAN for live application outweighs need to retain private land;
- (ix) No amenity or biodiversity value of car park.

The Senior Planning Officer advised the Proposal meets Policy OS1 of PPS8. LLPA is protected from all non-essential development. Environmental Park and Castle are two key features of LLPA, proposal will not have any adverse impact on key features of LLPA designation or intrinsic value or integrity of LLPA. Complies with policy ENV1 of Northern Area Plan 2016.

A further photographic slide illustrating Built Heritage.

- Historic Buildings were consulted and have confirmed that the proposal poses no greater demonstrable harm to the setting of the Listed Building and complies with PPS6 and SPPS;
- Historic Monuments were consulted on the impact on the area of Archaeological Potential and are content that the proposal complies with PPS6 and SPPS;
- Roads have confirmed that the proposal complies with PPS3;
- As the proposal is 160m away from the nearest residential properties EHO have confirmed that the proposal poses no impact on residential amenity.

The Senior Planning Officer stated the proposal is considered acceptable in this location having regard to area plan and other material considerations, and is considered appropriate in terms of use, scale, layout and appearance.

In response to Councillor McGurk, the Senior Planning Officer clarified the access arrangement in place.

Proposed by Councillor McGurk  
Seconded by Councillor MA McKillop and

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

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

## **6.5 Objection LA01/2019/0281/F Land at Asda, 1 Ring Road, Coleraine**

Reports, previously circulated, presented by the Development Management and Enforcement Manager, via PowerPoint presentation, shared on MS Teams.

**App Type:** Full  
**Proposal:** Erection of a freestanding single storey restaurant with carparking, drive thru, landscaping and associated site works to the site. Installation of 2no. customer order displays (COD) with canopies and a children's playframe

### **Recommendation**

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

### **Addendum Recommendation**

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

### **Addendum 2 Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 9.1 of the Planning Committee report.

### **Addendum 3 Recommendation**

That the Committee note the contents of this Addendum and agree with

the recommendation to approve the proposed development in accordance with paragraph 9.1 of the Planning Committee report.

**Addendum 4 Recommendation** (Circulated 24 Nov)

That the Committee note the contents of this Addendum and agree with the recommendation to approve the proposed development in accordance with paragraph 9.1 of the Planning Committee report.

Site Visit report (circulated 24 November 2020)

**Erratum Recommendation** (Circulated 24 November 2020)

Recommendation to approve the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

The Development Management and Enforcement Manager provided a Verbal Addendum as follows:

1. On 20<sup>th</sup> November 2020 an alternative Site Drawing was submitted by Norma Wilkinson of the Lodge Hotel for consideration. This shows a potential alternative site to the current proposal which is outside the current red line boundary. Specifically, the site is located on the opposite side of the carpark on the far (east) side of the Asda Filling Station.
2. In regard to the alternative site layout, if the proposed restaurant was to be moved to another section of the ASDA car park a new application would be required which would need a new assessment. Given this, any relocation cannot be considered under this application.

The Development Management and Enforcement Manager presented as follows:

- Proposal comprises the main element of a new single storey drive-through format restaurant with other ancillary development including an outdoor patio area with seating, a children's play area and reconfigured car parking. The site is located within a portion of the car park next the Ring Road which serves the Asda supermarket;
- In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Coleraine. It is located on unzoned land. The Northern Area Plan does not contain specific policies on restaurants. Therefore relevant regional policies apply;

- This is a Local application and is being presented to the Planning Committee on the basis that there were more than 5 objections from separate addresses;
- Principle of Development - The SPPS provides specific policies for retailing and other main town centre uses. This policy directs a town centre first approach. As the SPPS sets out what “other main town centre uses” comprise and as this list does not include restaurants/cafes, this policy provision does not apply to this proposal. Therefore, the proposed use is considered acceptable in principle at this out of centre location;
- Amenity considerations - The nearest receptors to the proposal are the Lodge Hotel and the Cottage Nursing Home. The side façade of the Lodge Hotel is close to the proposal. The distance between the side façade of the proposal to the boundary is approximately 14 meters. Given that the distance from the side façade of the Lodge Hotel is approximately 6 meters from the boundary, this gives an overall separation distance, building to building of approximately 20 meters. Noise and odour assessments have been submitted and considered by the Environmental Health Department. Subject to a range of mitigating measures including installation of abatement equipment, an acoustic barrier, restricted opening hours and restricted servicing times, the Environmental Health Department as the competent authority is content. Having considered other considerations such as overlooking and overshadowing, the proposal is not considered to present an unacceptable relationship with existing neighbouring development;
- Access & Parking - The access to the restaurant is through the existing main access to the Asda supermarket and the existing internal car park. No new access to the Ring Road is proposed. The proposal shall result in the loss of approximately 60 existing car park spaces which are peripheral to the Asda supermarket building. 6 new car park spaces are proposed. The application was accompanied by a Transport Assessment. After consideration of amendments to the Transport Assessment, DfI Roads as the competent authority are content with the impact of the proposal on the road network and the provision of car parking, both to the proposal and to the existing Asda supermarket;
- Design- The proposed building is single storey. It is of modern, contemporary design and is finished using panel systems. Given the suburban location where there are a variety of building styles, this is

considered acceptable. The appearance of the proposal will be enhanced through hard and soft landscaping;

- Employment considerations - Information supplied with the application states that 65 full and part time staff are to be employed at the new restaurant. This equates to a FTE figure of 50 staff. A total capital investment of £4 million is proposed;
- Representations - The detail of the representations are set out in the report;
- Conclusion- Proposal is considered acceptable and recommendation is to approve.

The Head of Health and Built Environment was available to answer questions.

The Development Management and Enforcement Manager clarified the following matters in response to questions from Elected Members;

- The Agent had clarified the siting of the McDonalds Restaurant could not take place outside the red line of the existing proposal; the Agent had not been asked whether it was possible to site the Restaurant within the Asda Building;
- Regarding the Odour Assessment, Planning Committee was referred to page 11 of the Planning Committee Report, it was stated, to give an idea of suitability; this was the same system McDonald's Restaurants use in other premises in Coleraine,
- With regards to the acoustic barrier, the landscaping plan was cited including text from the manufacturing brochure.

The Head of Health and Built Environment clarified, regarding the Odour Assessment and acoustic barrier, Environmental Health were content with the 2.5m height and proposed construction of the wooden upright overlap fence, that would reduce noise by 10-15 dB, sufficient to protect the adjoining property. The Head of Health and Built Environment advised he would check records as to whether the same system was used in the Riverside Regional Centre premises, or, if there was an odour assessment carried out, given its siting away from residential homes; the efficiency of the odour filtration system would be as good as its maintenance and as per the manufacturer's instructions.

With regards to potential carbon monoxide build up, the Head of Health and Built Environment advised some vehicle engines have a start stop system in place, that Drive-Thru operators have signage directing to

switch off engines when queuing, built up fumes would disperse dependent on wind direction and strength of the wind at the time.

The Chair invited N Wilkinson to speak in objection to the Application.

N Wilkinson advised she was one of three partners of The Lodge Hotel, and had submitted objections in relation to noise and disturbance. N Wilkinson advised she had architects plans drawn up for a proposed re-siting of the McDonalds Restaurant, to a roadside premises beside a garage, however she was advised the submission was too late.

N Wilkinson stated Coleraine already had a McDonald's Restaurant and questioned whether a second was necessary, at the expense of the Lodge Hotel. She advised the Lodge Hotel was established for 47 years, a supporter of the community and charitable events, a local supplier and employer of 100 staff; that if McDonald's Restaurant was approved, the Lodge Hotel would not survive. N Wilkinson advised the proposed Application is beside the bedrooms and Conference block and raised concern of car engine noise, youths, seagulls and litter, and that, on top of months of closure due to Covid would ruin the business. N Wilkinson appealed to Planning Committee to refuse the Application, to continue the existence of the only town Hotel on the East side.

The Chair invited N Hennesy to speak in support of the Application.

N Hennesy advised he had worked with McDonald's Restaurants franchisees for 24 years across N Ireland, to have local support in local communities. N Hennesy provided an update, since the last Committee meeting in August. He advised the application had been submitted on 13 November 2019, and was presented to Planning Committee on 24 August and deferred to explore other sites for the restaurant location. N Hennesy advised there had been no changes to the Application before Committee and a second Application had been submitted at the beginning of November 2020 for an alternative location, as a good neighbour, to address the issues raised. N Hennesy requested the current Application be deferred as consultation had to take place on the second Application and had hoped to present the Applications side by side.

N Hennesy stated the current site in a supermarket car park with good management and zero tolerance anti-social behaviour, would create a minimum of 65 new jobs. N Hennesy concluded the current Application accords with Planning Policy and was recommended for Approval by the Planning Officers.

In response to questions from Elected Members, N Hennesy further clarified the second Application had not completed its consultation

exercise and was not before Committee and they were working to Planning Department timeframes. With regards to reducing the likelihood of anti-social behaviour, a noise assessment had been completed, was content that it would not have an adverse impact on residential amenity. N Hennessy advised co-operation with PSNI, furnishing CCTV in any event, the issue was across the Town.

N Hennessy clarified that the location of the second Application was within the red line of the current application site, and is an amendment to the current plan; concern with the proximity of the Hotel had been taken into account.

The Head of Planning clarified Planning Committee may decide to take a decision today or defer to come back with the second Application. She advised the second Application may be delegated, however, the Head of Planning has the authority to refer the Application to the Planning Committee. If the current Application is deferred to be considered with the second Application she will refer the second application to Planning Committee when it is ready for determination and bring both applications back to Planning Committee for determination at the same meeting.

In response to questions from Elected Members, the Development Management and Enforcement Manager cited from Addendum 3, the Agent had wanted the current Scheme decided. He advised the second validated application was yet to be allocated, required consultation with a response time of 3 weeks, that issues may arise that require to be addressed which would extend to timeframe for progressing the application. The Development Management and Enforcement Manager referred to the site location plan and illustrated the neighbouring properties; he clarified the residents of Lodge Park would not be Neighbour Notified due to the separation distance, the application would be advertised in the Coleraine Chronicle and listed on Council's website for any representations.

Proposed by Alderman Baird  
Seconded by Alderman Duddy and

**AGREED** – that Planning Committee defer the Application pending a review of the second Planning Application and both considered in tandem by the Planning Committee.

The Head of Planning advised that separate decisions would have to be reached on each application; the first application would be presented and a decision made by Members and then the second application presented and a decision made by Members.

The Chair put the motion to the Committee to vote.  
13 Members voted For; 0 Members voted Against; 1 Member Abstained.

The Chair declared the motion carried.

- \* **Alderman Boyle left the Chamber at 12.47pm and did not re-join the meeting.**

**It was AGREED** – that a recess is held at 12:47PM.

- \* **The meeting reconvened at 2.00PM.**

- \* **Alderman T McKeown did not re-join the meeting at this stage.**

#### **6.6 Objection LA01/2019/0182/F 24m NE of 50/51 Kerr Street, Portrush**

Reports, previously circulated, presented by Senior Planning Officer, J Lundy via PowerPoint presentation, shared on MS Teams.

- \* **Alderman McKeown returned to the Chamber at 2.37pm during consideration of the Item and did not vote on the application.**

**App Type:** Full Planning

**Proposal:** Proposed 2 storey, 3 bedroom cottage with pitched roof and single storey side projections and front porch and a double domestic store with covered log store.

#### **Recommendation**

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

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and the amended refusal reason 1 set out in Para 2.2 above and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.

Site Visit Report: held Monday 21<sup>st</sup> September 2020.

#### **Addendum 2 Recommendation** (circulated 24 November 2020)

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

#### **Erratum Recommendation** (circulated 24 November 2020)

That the Committee note the contents of this Erratum and agree with the



recommendation to refuse the proposed development in accordance with paragraph 1.1 of the Planning Committee report.

The Senior Planning Officer illustrated photographic slides and presented as follows:

- Proposed 2 storey, 3 bedroom cottage with pitched roof and single storey side projections and front porch and a double domestic store with covered log store.
- The Senior Planning Officer advised there have been now been 32 objections from 13 objectors received during the processing of this application. The objection points are set out in the Planning Committee Report and mainly relate to roads safety, access, habitat, drainage, site used for the occasional boat storage, not industrial and the addenda.
- The Senior Planning Officer advised Addendum 1 relates to further information from the agent relating to the access and rebutting DFI Roads comments. Further sections were also provided and a revised layout. 8 further objection letters are also covered by this addendum relating to traffic, construction, overlooking, comments reading the layout, fencing and private amenity spaces, smoke pollution. The assessment is set out in the addendum. Due to the section provided from the agent we have amended refusal reason 2 to remove the overlooking from the Royal Court apartments to the private amenity space to the rear of the proposed dwelling.
- Addendum 2 relates to a letter of objection from the management company of the Royal Court apartments, raising concern relating to the proximity of the development and overlooking, that the access would delay emergency vehicles to the site in case of a fire.
- a verbal addendum was provided to address 2 objections received this week, the issues raised are:
  - Overlooking, and the intrusion to the rear of their property on Kerr Street, loss of light, devaluation of property, noise/smoke pollution, site access and gates opening onto existing car park, more than 1 car as parking for 4 cars, hazardous and dangerous access, and refer to an accident that occurred in September 2019, error in the plans relating to the private car parking at the rear being for 48/51 Kerr Street only when it is for 50/51 Kerr Street.
  - Overlooking, loss of light is as set out in the Planning Committee Report and addenda. In response to the devaluation of property the SPPS advises that the aim of planning is not whether someone would experience financial loss but whether the proposal would unacceptably affect the amenities and the existing use of land and buildings that ought to be protected in the public interests.

- DFI Roads have no details of any collisions at the site.
- Drawing 01 Rev3 shows the arc of the gate opening out into the car park of 50/51 Kerr Street and possibly obstructing 2 spaces. The existing gates open in towards the site and there is adequate room on the block plan for this opening method to remain. Though the car parking label on the plans does not match the painted instruction present on the car park, this does not impact on the assessment of the application.
- A site visit was also carried out on this site in September and a note of the site visit has been circulated.

The Senior Planning officer presented slides showing:

- The asterisk marking the site in the peninsular of Portrush.
- The red line marking out the backland site located just off Kerr Street. The site is within the settlement development limit of Portrush and the Northern Area Plan 2016 ATC designation PTH 02. The proposal has been considered under PPS 7 and its addendums, PPS 6, PPS 3 and DCAN 15.
- The existing access to the site from Kerr Street is approximately 2.8m wide.
- The access to the rear of the existing dwellings.

The Senior Planning Officer stated DFI Roads have advised that the width of the existing access renders it unacceptable for the intensification of use and would if approved prejudice the safety and convenience of road users. The agents have argued that this area was used for boat storage so have an existing use attributed to it. The agents also submitted a study of the area as an industrial area and carried out modelling based on the size, resulting in a daily flow of 14 vehicles. Creating Places accounts for a single dwelling of 10 movements a day. The argument is made that approval of the dwelling would result in betterment of the site.

The Senior Planning Officer advised that there is no planning history on the site for any industrial use and no CLUD has been submitted. The access width falls well short of the required width which is essential to enable drivers emerging from the minor road to see and be seen by drivers proceeding along Kerr Street. Policy and standards states that it is also important that where the access crosses a footway it is important to have inter-visibility between pedestrians and emerging motorists. In these circumstances there should normally be visibility splays between the

drivers viewpoint 2m back into the access and a distance measured along the back of the footway for 2m on each side.

The points of concern raised in the objectors letters, the agents arguments and DFI Roads comments are detailed in paras 8.29 to 8.31 of the Committee Report paras 2.9, 2.10, 2.11, 3.7, 3.8 of the addendum.

The Senior Planning Officer showed further slides presenting:

- The proposed site located in the area behind the fencing. The car parking shown is for the properties on Kerr Street.
- The site and the Royal Court apartments above on Main Street and Mark Street
- Photograph of the site looking towards the rear of the properties on Kerr Street. The Senior Planning Officer advised that DCAN 8 provides guidance for backland development as referred to in para 8.34 of the Committee Report. It states that that backland development on plots less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character and where careful design can overcome concerns of overlooking and day lighting. The plot depth ranges between 45m and 60m. It is considered that the proposal fails to provide a positive outlook for potential occupiers. The distance from the frontage of the proposed dwelling and the rear of the apartments is 23 metres. The distance between the upper bedroom windows and the rear of the properties on Kerr Street are 25.8m. The shortfall in the plot depth and relationship front to back of Kerr Street and the proposed dwelling would result in overlooking of the rear windows of the apartments.
- A block plan of the proposed dwelling and garden. Adequate provision of amenity space is provided. Concern is also set out regarding potential overlooking from the apartments above is also set out in the committee report paragraph 8.11.
- Slide shows the proposed design of the building.

The Senior Planning Officer recommended refusal for the reasons set out in section 10 relating to the substandard width of the access and failing to meet with Policy QD1 of PPS 7 and its addendum in that it fails to provide a quality residential environment.

The Senior Planning Officer advised A Gillan, DFI Roads, was in attendance to answer queries relating the access. She advised C Grossie had withdrawn their Speaking Rights.

The Chair invited D Donaldson and K McShane to speak in support of the Application.

D Donaldson advised the Application was for the provision of a single dwelling in Portrush. The Planning Committee have viewed the site. It is a true brownfield site in the urban fabric of the town and highly sustainable. The SPPS permits development unless it would result in demonstrable harm. D Donaldson stated the main concern is separation distance and the perception of overlooking. Planning Officers have accepted there is provision of adequate amenity space and is not overlooked by the Royal Court Apartments. He was not aware of any policy requirements in relation to the perception of overlooking. The minimum separation distance is 25.8m and 30m is what is wanted. D Donaldson stated there was no material harm.

D Donaldson advised that this is high quality accommodation. The separation distance to the Kerr Street Apartments is 25.8m. He advised this is not a greenfield site and cited from Creating Places regarding density and separation distance of most housing schemes; 20m is acceptable. D Donaldson advised Planning Committee reconsider as the application fails to demonstrate harm in Planning terms.

K McShane addressed the issue of prejudicing the safety of road users due to the unacceptable width. K McShane advised the access is already servicing 9 car parking spaces and located in the settlement development limit. K McShane stated under Policy AMP2 of PPS3 the access will not experience a significant increase in the flow of traffic. The driveway is not adopted and Creating Places does not therefore apply.

K Mc Shane stated users will not prejudice road safety, there are already 9 car parking spaces, there has been no vehicular accidents at the access. K McShane advised 1 car will cause minimal delay in use of the access and will result in no greater risk than already exists. K McShane advised that adequate sightlines are in place and PPS3 is not breached and there is no demonstrable harm.

Members, in light of the opinions on the width being unacceptable, requested to hear from A Gillan Dfl Roads.

A Gillan advised the 2.8m width was substandard in relation to Policy AMP2 of PPS3. He referred to DCAN 15 and read the section regarding layout of other accesses and 6m width for 2-way traffic, minimum for one way traffic is 3.2m. In relation to where an access crosses a footway, A Gillen advised that the proposed use does not meet the standard set in DCAN 15 where access crosses a footway for inter-visibility between vehicles and pedestrians. A Gillan advised the geometry cannot be achieved and Kerr Street busy with vehicles and pedestrians. In relation to road safety, no vehicle can pass and will blindly reverse out onto Kerr Street crossing the footway. A Gillan advised Dfl Roads view is that the

intensified use would prejudice the safety and convenience of road users and refusal was recommended.

In response to questions from Elected Members the Senior Planning Officer clarified the users from no. 50, no. 51 Kerr Street and the Applicant owns the site and may have a right of way.

A Member queried the potential consequences for Planning Committee, if it went against Roads Service advice.

The Head of Planning advised any impact of a decision where Road Service have advised the access is unsatisfactory and would prejudice road safety should be taken into account; the decision rests with Council, She advised if an accident occurred or someone injured, it may come back to Council in overturning an expert opinion on an application where is had been highlighted that road safety has an impact.

In response to a question from a Member, K McShane referred to the Senior Planning Officer's photograph of the access. She advised there were two sightlines the Roads Officials referred to. The one as you exit the building on the left hand side, the building is set back and sight lines can be achieved and to the right hand side, as Kerr Street is one way, you do not have to see. K McShane stated pedestrians can be viewed on the left hand side, is achievable, as the footpath is set back, on the right hand side is an open railing less than 1m in height and you can see pedestrians walking on the footpath . The width of access is below modern requirements but one vehicle can access at a time and visibility is achievable.

Proposed by Alderman S McKillop  
Seconded by Councillor Anderson

- That Planning Committee has taken into consideration and **disagrees** with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the reasons set out:
  - Sight lines can be achieved because the buildings being set back;
  - The railings on the white building allow you to see pedestrians;
  - 3.2m width would not accommodate more than one vehicle regardless and minimises the risk;
  - Will provide quality residential development, the separation distance is adequate; there is no overlooking.

The Chair put the motion to the Committee to vote.

6 Members voted For; 4 Members voted Against; 2 Members Abstained.  
The Chair declared the motion to **Approve** carried.

**It was AGREED** – that Planning Committee delegate Conditions and Informatives to Officers.

\* **Alderman McKeown re-joined the meeting at 2.37pm and did not vote on the application.**

## **6.7 Objection LA01/2019/0936/F 9 Blackrock Road, Portrush**

Reports, previously circulated, presented by Senior Planner, J Lundy via PowerPoint presentation shared on MS Teams.

**App Type:** Full Planning

**Proposal:** Demolition of existing dwelling and garage and proposal for 2 new detached dwellings and associated site works

### **Recommendation**

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

### **Addendum Recommendation** (Circulated 24 November 2020)

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

The Senior Planning Officer illustrated photographic slides and presented as follows:

- The application is at 9 Blackrock Road, Portrush. The development includes the demolition of existing dwelling and garage and proposal for 2 new detached dwellings and associated works.
- The proposal is located within the settlement development limit of Portrush.
- There is now 33 objections to the proposal from 15 objectors, the points of objection are set out in section 5 of the Committee Report and mostly relate to the impact on character, overlooking, loss of light, removal of open aspect, dominance, the private nature of Blackrock Road, noise. An addendum has also been circulated with regards to further objection points, relating to ridge heights setting a precedent.

- The site has previous history for 3 dwellings on the site granted in 2009 and 2011. The planning histories are set out in section 3 of the Committee Report.

A verbal addendum was provided relating to information submitted from the agent. The Senior Planning Officer advised on 24th November 2020 the agent submitted a Notice of Passing of Building Regulations Plans approval and an inspection schedule which details times and dates and inspection notes of Building Control. A photograph of earth movements on the site has also been provided.

The submitted Building Control Schedule for 1 double garage, details 2 inspections carried out at 9 Blackrock Road on the 18/9/2013 and the 20/9/2013. It states that the officer met with the contractor for the foundation / retaining elements to inspect foundation and block work which is also forming buttressing pier to the neighbouring property and a two tier boundary wall. Presently the foundations are covered by the garden. It is inconclusive to say that a material start was made on the site and we are unable to verify that the works were commenced in accordance with the approved plans.

- The site itself outlined in red, bounded to the north by West Bay.
- The proposed block plan. The dashed line of the existing dwelling. The solid line is the footprint of the proposed dwelling in the centre of the site. The proposed second dwelling adjoins Blackrock Road to the south eastern part of the site and replaces a garage which is located on the south eastern boundary. In the block plan you can see that the location of the proposed house has been moved forward in the site and is in line with the rear of no 10 to the west and No 4 to the east.
- A view from West Strand. This view shows the setting up to the dwellings that front onto Dhu Varren Road. There has been a lot of redevelopment in this area in recent years and the style is a mix of traditional and contemporary.
- The site. The existing dwelling sits elevated in the site on an embankment. The proposal is to replace the existing 1 storey dwelling bringing it forward and at a level similar to the front part of the garden and No 10 to the west. The garage to be replaced is the cream building at the back of the site.
- A picture of the site and the current levels.
- The existing garage onto Blackrock Road. This is to be replaced with a proposed dwelling.

- Contextual elevations from the lane and the front. The top contextual shows the dwelling onto the Blackrock Road. All windows are obscured with the exception of the main stairway window which is central in the photograph. The proposed garage is 1.8m higher than the existing garage.
- The proposed dwelling in context with the surrounding development. Its contemporary design that follows on from No 10. The front elevation steps in and out and is not considered dominant in the street scene with the back drop of the dwellings behind it. The proposal still respects the tiered development in the area with tiered gardens and the dwelling to the rear.
- The section to the site. The red line depicts the existing dwelling and the proposed works. These broadly accord with the ridge line of the existing;
- Slide showing the front elevation and the side. The windows are shown as obscured glazing;
- The rear elevation and the side elevation to No. 4;
- The dwelling onto Blackrock Road;
- The rear of the dwelling;
- The dwelling and how it sits with the change in levels the pillars / walls below, views of the retaining structure, in this instance is covered with a planted living wall, will not be evident from surrounding viewpoints due to development on the site;
- Note: existing ridge level 59.703, deck area 53.549.

In response to a question from a Member regarding the ridge height, the Senior Planning Officer illustrated the section of the site in relation to the existing dwelling levels.

Proposed by Alderman Baird  
 Seconded by Councillor Hunter and

**AGREED** – that Planning Committee defer consideration and hold a Site Visit.

The Chair put the motion to the Committee to vote.  
 11 Members voted For; 0 Members voted Against; 2 Members Abstained.  
 The Chair declared the motion to **defer** carried.



## 6.8 Referral LA01/2020/0066/F, 160 Carrowclare Road, Limavady

Reports, previously circulated, presented by Senior Planner, J McMath via PowerPoint presentation shared on MS Teams.

**App Type:** Full Planning  
**Proposal:** Application under Section 54 to vary Condition 11 (Curtilage) and to remove Condition 12 (Siting) of Planning Approval LA01/2017/1291/O - (Off site replacement dwelling and domestic garage)

Site Visit Report: Monday 26<sup>th</sup> October 2020 (circulated).

### **Recommendation**

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

### **Erratum Recommendation** (Circulated 24 November 2020)

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

The Senior Planning Officer illustrated maps and photographic slides and presented as follows:

- Located in rural area outside any settlement development limit and not within any environmental designations;
- Close proximity to junction of Carrowclare/Lomond Road junction;
- Predominantly a mix of single and one and a half storey dwelling and farm buildings;
- Site is L shaped and surrounds no 158. Topography is flat and approximately 0.7m higher than the Carrowclare Road; north and west boundary is post and wire fence; eastern boundary is undefined; southern boundary is stone wall, and intermittent hedge and trees.

The Senior Planning Officer advised permission was granted in 2018 for an off-site replacement dwelling. However, given the relationship to no.

158 and other policy requirements it was accepted that while an off-site replacement would result in amenity benefit to no.158 and proposed dwelling, given the size of red line and the other policy requirements under Policies CTY3, 13 and 14 requiring development to not create a significantly greater visual impact, to integrate and not impact on character, conditions were necessary to restrict siting and the extent of curtilage to ensure the new dwelling integrated and did not impact on rural character or add to ribbon development.

The current application is to vary condition 11 (curtilage) and remove condition 12 (siting) to allow a dwelling to be relocated to roadside location north of no.158.

- Site is at junction of Carrowclare / Lomond Road and the existing development forms a relatively compact form. The new site will extend ribbon development and have a detrimental impact on rural character which is contrary to SPPS and PPS21 policies CTY8 and 14 and will have a greater visual impact than existing building and that previously approved.
- The site is also contrary to Policy CTY13 of PPS21 in that it lacks significant natural boundary definition and is elevated and unable to satisfactorily integrate
- Siting and curtilage conditions imposed on the 2019 approval were to ensure that the off-site replacement dwelling was able to cluster with existing built development, retain compact form without significant adverse visual impact, to avail of buildings and mature vegetation to provide backdrop and allow it to integrate.

The Senior Planning Officer stated 1 letter of support was received which indicated siting condition on original approval would impact on rural aspect and views from their property.

Planning cannot protect the private interest such as loss of view and view is not justification for relocation into an alternative unacceptable siting. The siting condition as approved ensures no part of the dwelling would be within 10m of southern boundary with 3<sup>rd</sup> party lands, siting and single storey nature will ensure no dominance, loss of light or privacy. In addition any suitable boundary provision as required by condition 13 would provide adequate screening and integration.

The Senior Planning Officer advised Officials therefore recommend the refusal of the variation of condition 11 and removal of 12 for the reasons stated in section 10 of the Committee Report.

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

D Quigley thanked Planning Committee for the Site Visit. D Quigley referred to a flat area with no long range views and outlined the dwellings supporting the application as there would be no loss of amenity nor agricultural land. He advised the pattern of development of the area is an existing cluster of roadside development and there are no backland sites. D Quigley outlined the views from the roads and nearby bungalow. The current approved site would wipe out most of the field for agricultural use whereas the current proposal would allow for the area behind the site to be retained as agriculture. D Quigley advised that the dwelling would not be visible from Lonan Road and only visible on Carrowclare Road when coming towards the site. If it is in line with the gable of no.158, it will integrate with it and would not see anything worse than what already see at the minute.

In response to a question from a Member D Quigley stated ribbon development was a subjective policy that makes two dwellings ribbon development yet 2 infills is not ribbon development. Proposal respects the built form in the area which is characterised by road frontage development. Twelve houses are road frontage development and this siting is more in character than grouping to the rear.

Proposed by Councillor Nicholl

Seconded by Councillor McLaughlin

- That Planning Committee has taken into consideration and **disagrees** with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the reasons set out;
- The proposal is not contrary to Paragraphs 6.70 and 6.73 of the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would not add to ribbon development along Carrowclare Road as is a cluster of houses and will remain and look like a cluster of houses;
- The proposal is not contrary to Paragraph 6.70 of the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site has long established natural boundaries; the proposed building does blend

with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore does visually integrate into the surrounding landscape; further planting will assist integration.

- The proposal is not contrary to Paragraph 6.70 of the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, not add to a ribbon of development along Carrowclare Rd and would therefore not result in a detrimental change to the rural character of the countryside; character is roadside frontage development
- That the Head of Planning consider as part of conditions that only one dwelling is erected within red line if application site.

The Chair put the motion to the Committee to vote.

8 Members voted For; 3 Members voted Against; 2 Members Abstained.

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

## **6.9 Referral LA01/2019/0990/F Adjacent to 66 Coolestan Walk, Limavady**

Reports, previously circulated, presented by Senior Planner, J McMath via PowerPoint presentation shared on MS Teams.

**App Type:** Full Planning

**Proposal:** Proposed 2 storey attached dwelling

Site Visit Report: Monday 24<sup>th</sup> August 2020.

### **Recommendation**

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

The Senior Planning Officer illustrated via photographic slides and presented as follows:

- The site is located within the development limit of Limavady;
- Site is within an established residential area comprising a mix of terraced single and two storey dwellings with shop and post office located to the rear;
- The application site comprises the existing dwelling at no. 66 and the side and rear amenity space;
- However the area proposed for development is the side amenity space and part of the rear amenity space and involves the demolition

of the existing single storey garage as demonstrated on the block plan;

- The site is at the end of a terrace of 4 dwellings;
- The northern boundary arcs round the perimeter of the site and comprises a 1.8m high wall which drops to 1m at the front of the dwelling.
- The rear eastern boundary with the pedestrian walkway is defined by the existing garage and in part by 1.8m high wall with timber gates.
- The southern boundary between no.s 64 and 66 is defined by a 1.8m wall.
- The proposal is for full planning permission for a two storey dwelling attached to the existing end of terrace two storey dwelling at no 66.
- The proposal has been considered under Northern Area Plan 2016 and PPS7. The proposal respects the building line, the ridge and eaves level and the finish has been amended during the processing of the application to match the adjacent dwellings.
- The scale of the dwelling is restricted by the size of the curtilage and although it does not match the exact size of the surrounding dwellings on balance the general form and design respects the wider area.
- There is no conflict with archaeology.
- Private amenity space of 68.5sq m has been provided although marginally below the recommended average amount of 70 sq m, creating places promotes a variety of garden spaces and outlines that smaller gardens may be better suited to smaller 1 or 2 bed houses. Taking this into account officials are satisfied that adequate amenity space has been provided. Adequate amenity space remains for the existing dwelling at no 66 (76sq m).
- Neighbourhood facilities are not required.
- Adequate pedestrian movement pattern has been provided within the overall development.
- The character of the area is communal parking bays, DFI Roads have confirmed that the additional dwelling will not significantly affect or impact existing parking arrangements and the provision of in curtilage parking would be out of character with the area and create a conflict with existing pedestrian movement.
- There is no conflict with the residential amenity of adjacent properties.
- EHO have advised that there may be intermittent noise and odour issues caused by the close proximity of the adjacent shop however EHO have not indicated that any impact on residential amenity is likely to be significant.

The Senior Planning Officer referred Committee to paragraph 3.1 of the Committee Report which outlines the planning history for a dwelling on the site which was approved in 2008 and expired in 2013. Since the previous planning history was approved the addendum to PPS7 has been published in August 2010 which adds that permission will only be granted for new housing where the criteria in policy QD1 of PPS7 is met and 3 additional criteria are met.

Firstly the dwelling will not result in any significant increase in overall density of the area.

Secondly the pattern of development is acceptable and broadly in keeping with the existing development pattern.

However thirdly, all dwelling units are required to be built to a size not less than those set out in annex A of the addendum. Annex A specifies that a 3 person 2 bed 2-storey dwelling requires an internal floor space of between 70 and 75 sq m. The internal measurements falls below the required space standards and is therefore contrary to the addendum to PPS7. Finally, NIW have stated in their consultation response that despite the WWTW having capacity to accept the development, the waste water network is operating above capacity and therefore NIW cannot approve a new connection. A negative condition is not an appropriate mechanism in this case for overcoming this issue as there is no confirmation from NIW that the required upgrade is within the upcoming programme of works or that it would be delivered within the timeframe of any planning permission. On the basis that the proposal would increase the loading on the sewer network the proposal fails to comply with paragraph 4.12 of the SPPS. The Senior Planning Officer recommended refusal.

In response to a question from a Member, the Senior Planning Officer clarified the space standard requirement of 70m<sup>2</sup> and actual internal measurements of 68m<sup>2</sup>.

The Chair invited R Byrne to speak in support of the Application.

R Byrne stated concern as to how the Planning Officer determined the internal area of 68.5m<sup>2</sup>. He advised that when determined manually at a scale of 1:100 it is more difficult to be accurate. The Architect had measured the area at 70m<sup>2</sup>. R Byrne advised the Planning Officer had removed the stairwell in the calculations. The Design Standards Guide 2009 notes how to measure floor area and nowhere is it removed and he can support the measurement of 70sqm by digital evidence.

R Byrne stated he understood Northern Ireland Water (NIW) was investing in Limavady, and that he could state with confidence that within 5 years, NIW would have the infrastructure in place; a negative condition could be applied and a chance taken to have the single dwelling within the timeframe.

In response to questions from an Elected Member, the Senior Planning Officer clarified the measurements were taken using an online measuring tool and stairs counted, including whilst counting the area underneath the stairs and did not calculate at 70m<sup>2</sup>, the measurement for a suburban residential area should reach 70-75m<sup>2</sup>.

Proposed by Councillor Nicholl

Seconded by Councillor McGurk

- That the Planning Committee has taken into consideration and **disagrees** with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the reasons set:
- The proposed dwelling would not result in any significant increase in the overall density of the area;
- The pattern of development is considered acceptable where adjoining development in the area;
- The Autocad floor specification has reached 70m<sup>2</sup> and is acceptable;
- WWTW have the capacity to accept the development.

Councillor Nicholl explored the possibility of a negative Condition. The Head of Planning advised a negative Condition with reference to NIW connection would not meet the tests for a condition and would result in refusal in the guise of an approval based on NIW response.

Alderman Baird requested a Recorded Vote.

The Chair put the motion to the Committee to vote.

4 Members voted For; 9 Members voted Against; 0 Members Abstained.

The Chair declared the Motion fallen.

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

Recorded Vote Table

For <b>(4)</b>	Councillors McGurk, McLaughlin, McMullan, Nicholl

Against <b>(9)</b>	Alderman Baird, Duddy, McKeown, S McKillop; Councillors Anderson, Dallat O'Driscoll, Hunter, MA McKillop, Scott
Abstain <b>(0)</b>	

It was **AGREED** – that Planning Committee hold a recess at 3.54PM.

\* **The meeting reconvened at 4.04PM.**

### **6.10 Referral LA01/2017/0650/O Between 38 & 42 Loughermore Road, Dunbrock, Ballykelly**

Reports, previously circulated, presented by Senior Planner, J McMath via PowerPoint presentation shared on MS Teams.

**App Type:** Outline Planning  
**Proposal:** Traditional rural dwelling

#### **Recommendation**

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

Site Visit Report Monday 16 December 2019 circulated.

#### **Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with the recommendation to Refuse the planning application as set out in Paragraph 9.1 of the Planning Committee Report.

The Senior Planning Officer illustrated photographic slides and presented as follows:

- The site is situated in the rural area outside any defined settlement limit, located 2km south west of Ballykelly
- Character of area is agricultural with a number of roadside dwellings of varying scales and designs.
- The roadside site is located between 38 and 42 Loughermore Road, Ballykelly.
- Roadside boundary defined by mature hedge and trees (to southern section with river)
- The site falls steeply from road to the rear (watercourses) and also across the site from the north to the south towards the watercourse.



- To the rear of the site is the Ballykelly River which is bounded by a strip of mature woodland and is designated as Ballykelly Glen Site of Local Nature Conservation Importance within the Northern Area Plan 2016.
- South and eastern boundaries are defined by two watercourses; Northern boundary is undefined.
- This is an outline application for an infill dwelling, the indicative plans show a single storey dwelling positioned in line with the adjacent dwelling at no 38.
- Due to the fall across the site the agent has provided an indicative site section which indicates that the proposed dwelling will be split level with the ground levels for the access infilled to provide an acceptable gradient into the rear of the site and the site will be built up/infilled to create a flat plinth to facilitate the dwelling, car parking and amenity areas. The amount of infilling required for the dwelling will be up to approximately 3.0m.

The Senior Planning Officer advised the application falls to be determined under the SPPSPS3, PPS15 and PPS21 in particular policies CTY1, 8, 13 and 14 of PPS21.

Policy CTY8 notes that permission will be refused for development which creates or adds to ribbon development. An exception will be permitted for a small gap site sufficient only to accommodate up to a maximum of two dwellings within an otherwise substantially and continuously built up frontage and provided this respects the existing development pattern.

This is a roadside dwelling within a line of 5 roadside dwellings, the site is considered to be within a substantially and continuously built up frontage. In terms of respecting the existing development pattern, there are a mix of dwelling types and plot sizes and the site is comparable to 2 of the existing dwellings and is 3m wider than average.

While gap is 116m considering the physical conditions such as the gas pipeline, woodland, watercourse the developable space is only sufficient to accommodate 2 dwellings.

Officials are satisfied that the application site represents part of a small gap which could only accommodate a maximum of two dwellings. The SPPS and Policy CTY8 also requires the site to satisfy all other planning and environmental criteria including as outlined in Policies CTY13 and 14.

The site falls away significantly from the roadside to the rear boundary and side boundary with the change in levels amounting to almost 8m. In order to develop the site, extensive infilling and engineering works are required. To date 12 indicative block plans have been provided and the latest has reduced the level of infilling. As previously described the plans indicate a split level dwelling with single storey to Loughermore Road with floorspace at a lower level to the rear. The platform will be infilled by approximately 3m to accommodate the dwelling, parking and rear amenity space. Both of which will require the installation of a precast retaining walls.

Policy CTY13 and Building on Tradition promote appropriate design which includes respecting the natural contours of the site to avoid unnecessary or excessive site works. Policy CTY13 stresses that sites which rely on significant earth works such as infilling will be unacceptable. The proposed dwelling does not respect the natural contours of the site but instead relies heavily on engineering works to accommodate a dwelling. This in principle is unacceptable and would have an adverse visual impact. The proposal is contrary to policies CTY13 and 14 of PPS21 and fails to meet the full requirements of policy CTY8. As no overriding reasons have been forthcoming as to why this development is essential the proposal is contrary to policy CTY1.

A precedent case was raised however it did not involve the same level of infilling and did not require retaining structures and is therefore not considered to be comparable.

A phase 1 extended habitats survey was submitted for NED and subject to mitigation, significant ecological impacts can be avoided. In addition, providing that 2 ash trees are retained a bat survey is not required. SES have advised that subject to mitigation being provided the proposal will not have an adverse impact on the integrity of a European site. The proposal is not contrary to PPS2.

While the Q100 flood plain covers the rear extremities of the site, as the site has been reduced in size a dwelling could be accommodated outside the flood plain.

While the site may represent a gap within a substantial and continuously built up frontage the site is not considered to be acceptable given the extensive engineering works required to provide raised platforms and retaining structures.

The Chair invited C Gourley to present in support of the Application.

C Gourley advised there were several roadside dwellings of split level, the applicant lived at number 38 and does qualify as a small gap. In reference to extensive engineering works, C Gourley advised of Terraforce Retaining Walls that are a modern way of constructing retaining walls. These take approximately two weeks to construct and will require minimal excavation and infilling of soil and when the dwelling is built the rear garden will not be viewed. C Gourley advised mirroring of the neighbouring property design, that Causeway Coast and Glens had several split level dwellings and none had been scrutinised as this one had. She cited similar at LA01/2020/0349 Muldonagh Road, Foreglen. C Gourley stated the outline application is subject to the condition regarding levels. C Gourley concluded, extensive excavation of the site was not required, due to the extensive buildings and vegetation and would not be seen along the Loughermore Road.

In response to a question from a Member, the Senior Planning Officer clarified the height of the retaining wall at the rear of 3m. She advised the comparison with Muldonagh Road had not been raised previously and that from memory the Muldonagh Road site is much wider and fall in levels not as pronounced.

Proposed by Councillor Scott

Seconded by Councillor McLaughlin

- That the Committee has taken into consideration and **disagrees** with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the reasons set out;
- 3m retaining high wall, would be constructed off site, screened with vegetation, hedges and mature hedgerow and will be planted, and is not excessive;
- Constitutes a gap site for one house;
- Policy CTY 13 and CTY14 does not apply, as the earthworks / engineering will not have an adverse impact and CTY1 does not apply as meets criteria under policy CTY8

The Chair put the motion to the Committee to vote.

11 Members voted For; 1 Member voted Against; 1 Member Abstained.

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

**It was AGREED** – that Planning Committee delegate Conditions and Informatives to Officers.

## 6.11 Referral LA01/2019/0616/O Lands 78m South West of No 40 Scotchtown Road, Limavady

Reports, previously circulated, presented by Senior Planning Officer, M Wilson via PowerPoint presentation shared on MS Teams.

**App Type:** Outline

**Proposal:** Site for farm dwelling under policy CTY10 of PPS21

### Recommendation

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

The Senior Planning Officer provided a Verbal Addendum. He had received correspondence from Moore NI Accountants confirming Mr and Mrs Allison have been farming independently since 2012. Although their business only officially separated from the partnership of Messers Allison for tax and DAERA purposes with effect from 2017 separate trading accounts were prepared from 1 April 2012.

The Senior Planning Officer presented photographic slides and presented as follows:

- Outline planning permission is sought for Site for farm dwelling under policy CTY10 of PPS21.
- The site is located within the countryside, outside of any defined settlement development limits as defined in the Northern Area Plan 2016.
- There was information submitted by email from the Agent on behalf of the applicant which was received yesterday afternoon addressed by way of a verbal addendum. It is a letter from Moore Accountants and it states Mr and Mrs Allison have been farming independently since 2012. Although their business only officially separated from the partnership of Messers Allison for tax and DAERA purposes with effect from 2017 separate trading accounts were prepared from 1 April 2012.
- This letter states that the applicant had separate trading accounts from 2012 but acknowledges that the business only officially separated for Tax and DAERA purposes with effect from April 2017. There is no further evidence submitted in this regard.

- The issue that separate accounts have been in place since 2012 does not sufficiently demonstrate that there have been 2 separate farm businesses' operating; and active and established for the requisite period of time.
- In this evidential context greater weight is given to the information from DAERA and that this farm business has been active and established since April 2017 and, officials have given weight to the previous farm business and have assessed this application and business no. as a continuation of the previous farm business ID which ceased in 2017. Therefore it has already been demonstrated that the Farm Business is active and established for the purposes of policy CTY 10.

The Senior Planning Officer presented photographic slides and presented as follows:

- The site is to the south of Scotchtown Road.
- The site will cluster with the group of farm buildings.
- A photograph looking east along the Scotchtown Road – you can see Binevenagh in the background and the farm sheds and the proposed site just out of shot.
- When looking south east you can see the site with the trees providing screening to the site.
- A view from the existing lane where the applicant proposes to access the site and again you get an appreciation of the vegetation and trees which limit views of the site.

The Senior Planning Officer advised as follows:

In terms of the 3 criteria set out under policy CTY 10 – the farm business is active and established with weight given to the previous farm business which ceased when this new business was created and therefore is considered as a continuation of that business and therefore meets the requirements of being active and established for the requisite period.

There have been no sell offs from the farm and as illustrated from the slides the site visually links with an established group of buildings on the farm and as there is sufficient integration, any dwelling would meet the environmental considerations set out in policies CTY 13 and 14.

DAERA responded stating that the subject Farm Business No. was allocated on 4th April 2017. It also confirms the lands were farmed under a previous farm business no. which no longer exists.

However, policy CTY 10 only allows permission to be forthcoming once every 10 years under this policy and while the Farm Business established in 2017 has not had any previous approvals as it would not meet the active and established criteria, the farm business no which this farm business is a continuation of benefitted from planning permission in 2016. Therefore the principle of development is considered unacceptable as the farm business has already benefitted from a planning permission within the last 10 years and therefore does not meet the requirements of Policy CTY 10.

Environmental Health, DfI Roads, Water Management Unit, Northern Ireland Water and Loughs Agency all raise no objection to the proposal.

The Senior Planning Officer stated it was recommended that the Committee takes into consideration and agrees with the recommendation to refuse planning permission as planning permission has already been granted under this Policy within the last 10 years.

In response to questions from Members, the Senior Planning officer clarified with respect to the relevant history, application LA01/2015/0198/O applicant Mr L Allison; LA01/2016/0784/F was for Mr A Gilmore, Miss J Allison. The applicant for this application is Mr R Allison.

The Senior Planning Officer clarified the application relates to a farm holding which extends to around 100 hectares. In DAERA's consultation response it confirmed the farm business ID is a Category 1 farm business but it has not been in existence for more than 6 years. The farm business no. identified on the P1C Form submitted with this application only issued in 2017. Therefore on this information it has not been demonstrated that the farm business has been active and established for more than 6 years.

An updated P1C Form was submitted which included a previous Farm Business No. DAERA confirms this additional farm business no. was a previous farm business I.D. which included these lands. When this farm business no. ceased in 2017, it was split to form 2 farm businesses; the Farm Business ID subject of this application, along with a further new Farm Business. An initial history search of the other new farm business has not identified any planning applications submitted under it. Regard is to be had to this matter, and weight must be given to the previous farm business no. which included actively farming these lands. In considering this, and on the understanding the Farm Business No. subject of this application is a continuation of the previous Farm Business identified and submitted, on balance, the farm has been active and established for the requisite time period. The proposal therefore meets criterion (a) of policy CTY 10.

The Head of Planning further clarified the current Planning Application is reliant on the previous Farm Business ID number to demonstrate it as active and established. The current Farm Business ID number is not active and established for 6 years. Therefore to meet the active and established farm business the original farm business is relied upon. This original farm business has benefitted from planning permission for a dwelling on a farm in the last 10 years. Planning permission granted under Policy CTY10 will only be forthcoming once every 10 years.

The Chair invited M Kennedy to speak in support of the Application.

M Kennedy advised of an outline application for a bungalow and full permission for 1 ½ storey dwelling was granted for the applicant's brother. M Kennedy advised the 250 hectare farm had been farmed by two brothers, Mr L Allison and Mr R Allison who separated businesses and are now independently farming.

M Kennedy advised a site had been approved in 2015 on the old Farm Business ID number and applicant has no benefit of it. He stated an exception to the 10-year rule under policy CTY 10 should be made for four reasons;

1. The proposal meets policy CTY10 criteria a, b and c and this is acknowledged in paragraphs 8.8, 8.9 and 8.12 of the Planning Committee Report;
2. 10-year rule is not one of the criteria;
3. The 2015 planning approval is for the old farm holding and the applicant has no benefit from it. M Kennedy stated the farm has not been artificially divided, the farm holding after 24 years now entails children being part of the business and Mr R Allison requires a site for his daughter;
  - a. The applicant has been farming the new farm business for four years and his the daughter helps out on the farm; there are no other houses on the farm and this will not create wide ranging precedent due to the size of the farm, use of old farm business that is closed, and new farm business operating for 4 years.

A Member questioned whether Council can legally make the exception.

The Head of Planning advised it is a clear part of Policy CTY 10 regarding the 10-year rule. The Policy clearly states a dwelling will be forthcoming once every 10-years. If give weight to the old Farm Business ID, the one dwelling every 10 years has been taken up. If relying on the new Farm Business ID, it has only been active and established for four years and not six years.

Proposed by Alderman Duddy  
Seconded by Alderman S McKillop

- That the Committee has taken into consideration and **disagrees** 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 for the reason set out:
- The previous Planning Permission is not on the current Applicant's land and requires dwelling for someone who works on the farm
- The site is surrounded by vegetation;
- It is a large farm and the Applicant would have to wait another two years;
- The Farm Business has been established for 8 years or more and weight is given to two separate business accounts, Planning Committee does not have to accept the information from DAERA;
- Current Farm Business has not had Planning Permission on the farm within the last 10-years

The Head of Planning advised Planning Committee a precedent would be set in terms of implementation of policy that is set out in PPS21 and SPPS and read the criteria set out in SPPS for dwelling on a farm. The Local Development Plan process in amending policy must take account of the SPPS but that is a matter for LDP process which will be subject to test of soundness and Independent Examination. Policy cannot be amended through a planning application.

The Chair put the motion to the Committee to vote.  
3 Members voted For; 9 Members voted Against; 1 Member Abstained.  
The Chair declared the motion fallen.

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

**It was Agreed** – that a recess is held at 5.16PM.

\* **Councillor Anderson left the Chamber and did not re-join the meeting.**

\* **The meeting reconvened at 5.25PM.**

#### **6.12 Referral LA01/2019/0532/F Approx 130m West of 25 Knocknougher Road, Coleraine**

Reports, previously circulated, presented by Senior Planning Officer, E Hudson via PowerPoint presentation shared on MS Teams.



**App Type:** Full Planning  
**Proposal:** Proposed farm sheds

### **Recommendation**

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

### **Addendum Recommendation** (Circulated 24 Nov 2020)

That the Committee note the contents of this Addendum and agree with the recommendation to refuse under Policy CTY 1 & CTY 12 of PPS 21 as set out in paragraph 9.1 of the Planning Committee Report.

The Senior Planning Officer illustrated photographic slides as follows:

- An overview of the location of the site. The site is located in the open countryside, and is outside any settlement limits as defined in the Northern Area Plan 2016;
- The redline boundary of the site;
- The proposed block plan of the site with the 2 sheds. The 2 sheds are relatively small in scale measuring 8m in length and 3.5 m in height. The drawings indicate that one shed will be used for fodder storage and animal housing and the other used for animal housing;
- 2 photographs of the site currently. There have been a number of structures put in place together with some fencing and gates. These do not benefit from planning permission.

The Senior Planning Officer advised an addendum accompanies the Committee Report following a submission made by the applicant. In the addendum the applicants have advised that the main purpose of the farm is to re-home rescue ponies and they do not intend to run a commercial farm although they may purchase other animals depending on the outcome of this application. They have to date re-homed 7 ponies.

The Senior Planning Officer stated the submission outlines the need for the sheds for tools and animal shelter and the other as a shelter for them to use when they are on site and to provide toilet facilities. Tools and fodder are currently stored away from the farm as they have had gates and farm tools stolen and they need somewhere secure to hold them.

As the proposal is for farm sheds it falls to be assessed under Policy CTY 12 of PPS 21. The land was purchased by the applicants in 2017 and

then drained, ploughed, reseeded and fencing put up. The land has been divided into 4 paddocks and includes a sand arena and a number of small shelters which don't form part of this application. The applicant provided details of works they have carried out to the land but this hasn't been substantiated with dates and receipts. DARD have confirmed that the farm business ID was allocated in May 2019 as a Category 3 farm and as the land was purchased in 2017 the farm has not been active and established for the required period of 6 years.

The proposal for farm sheds fails to meet the requirements of Policy CTY 12. The farm business ID has not been active and established for 6 years and it has not been demonstrated that it is essential for the efficient functioning of the holding.

The Senior Planning Officer advised refusal is recommended.

In response to a query from a Member, the Senior Planning Officer clarified an Enforcement case had been opened. The Senior Planning Officer clarified a Category 3 as a hobby farmer.

Proposed by Alderman Duddy  
 Seconded by Councillor Scott and

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

Alderman Duddy requested a Recorded Vote.

The Chair put the motion to the Committee to vote.  
 12 Members voted For; 0 Members voted Against; 0 Members Abstained.  
 The Chair declared the motion to **refuse** carried unanimously.

For <b>(12)</b>	Alderman Baird, Duddy, McKeown, S McKillop; Councillors Dallat O'Driscoll, Hunter, McGurk, MA McKillop, McLaughlin, McMullan, Nicholl, Scott.
Against <b>(0)</b>	
Abstain <b>(0)</b>	

### 6.13 Referral, LA01/2019/0528/F, Approx 375 West of 25 Knocknougher Road, Macosquin, Coleraine

Reports, previously circulated, presented by Senior Planning Officer, M Wilson via PowerPoint presentation shared on MS Teams.

**App Type:** Outline  
**Proposal:** Retention of Mobile, Touring Caravan & Associated Paraphernalia

#### **Recommendation**

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

The Senior Planning Officer advised the Application was linked to the previous, and illustrated photographic slides and presented as follows:

The full planning permission is sought for the Retention of Mobile, Touring Caravan & Associated Paraphernalia for a temporary period of 3 years.

The site is located within the countryside, outside of any defined settlement development limits as defined in the Northern Area Plan 2016. The site lies just outside the Binevenagh Area of Outstanding Natural Beauty.

- The slide shows the application site and you can see this relative to the previous application which Members have just considered. The previous application is for the construction of the farm sheds LA01/2019/0532/F and Members resolved to Refuse planning permission. That decision is material to the consideration of this application as this proposal seeks permission for a temporary period of 3 years and its reason is until there are permanent buildings on site.
- A site plan illustrating the position of the access and the mobile and touring caravan along with an area of hardstanding.
- A photograph shows the site prior to any development and is taken from Knocknougher Road looking along Altikeeragh Lane.
- To the east of the junction, the development with cars parked within the hardstanding and the caravans behind.

- Looking North along Altikeeragh Lane you can see the hedgerows that will be needed to be removed to facilitate a safe access. While it is proposed to plant a new hedgerow behind when the visibility splays are in place, this will alter the roadside vegetation at this location.

The Senior Planning Officer advised the relevant policy context for the assessment of this application is policy CTY 9 of PPS 21 Residential Caravans and Mobile Homes. The principle of development is considered unacceptable as there is no policy reason to allow the retention of the caravans in this location when having regard to the circumstances set out in Policy CTY 9 of PPS 21.

Committee should be mindful that there is not permission for any agricultural buildings and the further current operations within the applicant's land do not benefit from planning permission

The proposal has an unacceptable visual impact as it fails to appropriately and adequately integrate into the countryside and will have a detrimental impact on rural character.

Environmental Health, DfI Roads, and Northern Ireland Water all raise no objection to the proposal.

There is one non-committal letter from a neighbouring resident who says they are interested in the outcome of the proposal as they may do something similar.

The Senior Planning Officer stated the recommendation is that the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to REFUSE planning permission for the reasons set out in section 10

Councillor Scott queried application of policy CTY9 in relation to a house as distinct from a shed.

The Senior Planning Officer clarified exceptional circumstances pending permanent dwelling and referred to paragraph 8.6 of the Planning Committee Report. He advised the Applicant does not have Planning Permission for a permanent dwelling. He referred to paragraphs 8.7-8.16 within the Planning Committee Report, and advised little weight is given to the temporary need as there are no agricultural buildings and Committee had resolved to refuse planning permission for those under the previous application determined by the Committee today.

Proposed by Councillor Scott  
Seconded by Alderman S McKillop and

**AGREED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies, guidance and consideration in sections 7 and 8 and resolves to **REFUSE** planning permission for 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; 0 Members Abstained.  
The Chair declared the motion to **refuse** unanimously carried.

#### **6.14 Referral, LA01/2019/1029/F, 114 Seacon Road, Ballymoney**

Reports, previously circulated, presented by Senior Planning Officer, E Hudson via PowerPoint presentation shared on MS Teams.

**App Type:** Full Planning  
**Proposal:** Proposed conversion of existing domestic workshop to a cattery

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

The Senior Planning Officer illustrated photographic slides and presented as follows:

Planning Application LA01/2019/1029/F. This is a full application for proposed conversion of an existing domestic workshop to a cattery, alterations to existing access and provision of car parking.

- An overview of the location of the site. The site is located in the open countryside, and is outside any settlement limits as defined in the Northern Area Plan 2016.
- The redline boundary of the site.
- A view along the site frontage including the access position into the site.
- A view of the front elevation of the workshop. It isn't proposed to carry out any external alterations to the building. Just the inside which will be divided into 7 separate pens which will allow up to 7 cats to be homed at any one time.

- A view of the workshop from the curtilage of the dwelling. It is of a mono-pitched design attached to the existing detached garage on site.
- As the site is located in the countryside the proposal falls to be considered under PPS 21. As the proposal is for the conversion of an existing building the relevant policy is CTY 4 and the SPPS. The proposal fails to meet this policy for conversion as it is not considered to be a locally important building or of special character or interest. Policy CTY 1 also refers to proposals for business use in the countryside and that these should also be assessed under PPS 4.
- Policy PED 2 of PPS 4 refers to economic development in the countryside and outlines 4 policies under which such proposals may be acceptable as well as referring to policy CTY 4 in PPS 21 and Policy CTY 11 Farm Diversification and exceptional circumstances.
- Of the 4 policies outlined in policy PED 2, policy PED 6 small rural projects is the one most closely relevant.
- Policy PED 6 allows for redevelopment of a firm proposal for a small community enterprise park/centre or small rural industrial enterprise on land outside a village or smaller rural settlement where it is demonstrated that all 3 outlined criteria are met. The proposal is not a small community enterprise park or industrial enterprise and no evidence was submitted to indicate that it meets this. No information was submitted that it is a farm diversification scheme and it would not be considered as an exception.
- The agent in supporting information states it is a much needed service in a suitable location and it should be seen as exceptional. They have also referred to a number of other examples of approvals in other Council areas.
- Environmental Health content subject to conditions.
- Roads content subject to conditions.
- NIEA content.

The Senior Planning Officer stated refusal is recommended as there is no planning policy basis to permit this development. It is contrary to the SPPS, CTY 1 and CTY 4 as the building to be converted is not regarded as being locally important. It is also contrary to PPS 4 as it does not fulfil any of the policies outlined in policy PED 2. It is not a farm diversification scheme and it is not considered an exception.

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

M Howe referred to the SPPS stating that this is sustainable development with no demonstrable harm. It is a simple use, compatible with its surroundings, subject to the necessary licence arrangements. M Howe advised the Case Officer had recommended approval and in 2020 four examples of Cattery applications had been made outside the Council area and been approved. M Howe referred to policy PED2 PPS 4 and in light of the Case Officer recommendation for approval questioned why it had been recommended for refusal before Council.

M Howe advised under policy PED2 PPS4 this is an exceptional circumstances due to the unusual nature. He advised the decision to refuse was unusual and cited the policy.

M Howe stated the applicants operated two cafes in Ballymoney and had been hit by the pandemic. There was a lack of this Cattery service in the Council area and applicants had a passion for animals and would operate under a strict licence from DAERA. He stated that a town location would not be a suitable location for such a use.

In response to questions from Members, the Senior Planning Officer clarified Planning Committee Officer recommendations are a Corporate Group decision and the Planning Committee Report recommendation for refusal was as outlined.

The Head of Planning further clarified the Case Officer recommendation is presented to the Senior Planning Officer and discussed and verified, it is only an officer's recommendation until the stage is it signed off as the opinion of the Planning Department.

Proposed by Alderman Baird  
Seconded by Alderman McKeown

- That the Committee has taken into consideration and **disagrees** with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the reasons set out:
- The proposal is not contrary to Policy CTY1 of Planning Policy Statement 21, paragraph 6.73 of the SPPS and Policy CTY 4 of PPS 21 as this is an exceptional circumstance
- The proposal is not contrary Policies PED 2, PED 6 and PED 9 of Planning Policy Statement 4, as there are exceptional circumstances;
- The application is not viewed from the road; is re-use an existing building; with a high hedge screening the site.
- There are no objections, statutory or otherwise;

- There is adequate parking at the site;
- This is a very small business more suitable to a rural location than to an urban location;
- There will be no noise nuisance;
- There is a need for the business.

Alderman Duddy requested a Recorded Vote.

The Chair put the motion to the Committee to vote.

6 Members voted For; 5 Members voted Against; 1 Member Abstained.

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

**It was AGREED** – that conditions and Informatives be delegated to Officers.

For <b>(6)</b>	Alderman Baird, McKeown; Councillors McGurk, McLaughlin, McMullan, Nicholl
Against <b>(5)</b>	Alderman Duddy, S McKillop; Councillors Hunter, MA McKillop, Scott
Abstain <b>(0)</b>	Councillor Dallat O’Driscoll

\* **Alderman S McKillop left the meeting at 6.35pm and did not re-join.**

## **7. DEVELOPMENT MANAGEMENT:**

### **7.1 Update on Development Management and Enforcement Statistics 01/04/20 –31/09/20**

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

#### **Background**

The ‘Protocol for the Operation of the Planning Committee’ sets out the requirement to provide monthly updates on the number of planning applications received and decided

The Northern Ireland Planning Monitoring Framework sets out the new reporting arrangements to the Department of Infrastructure. DfI’s Analysis, Statistics and Research Branch (ASRB) publishes the official statistics on a quarterly and annual basis. The Framework includes the three statutory planning indicators in addition to new non-statutory indicators.



The Monthly Statistical Report provides Members with unvalidated statistics in relation to how Council's Planning Department and Committee are performing against the Framework indicators.

### **Details**

Planning Committee was provided with an online list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council for September 2021. 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.

Indicator 1: average processing time taken to determine major applications. Statutory Target – major applications processed from date valid to decision or withdrawal within an average of 30 weeks.

Table 1 illustrated detailed 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.

Indicator 2: average processing time taken to determine local applications Statutory Target – local applications processed from date valid to decision or withdrawal within an average of 15 weeks.

Table 2 illustrated detailed 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 than same period last year when operating in the normal working environment.

Indicator 3: proportion of enforcement cases progressed to the target conclusion within 39 weeks. Standard – 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint

Table 3 illustrated detailed 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.

Indicator 4: percentage of applications determined under delegated powers

Table 4 illustrated detailed 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.

Indicator 5: number of applications taken to Planning Committee and percentage of Committee decisions made against officer recommendation

Table 5 illustrated detailed 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 9 out of 11 referred local applications had the officers' recommendation overturned at Planning Committee and 1 major application was overturned which is an 81.8% overturn rate for referred applications and a 33.33% overturn rate in total.

Indicator 6: percentage of appeals against refusals of planning permission that are dismissed

Table 6 illustrated detailed the number of appeal decisions issued since in YTD of 2020/21 business year. Please note that these figures relating to planning appeal 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.

Indicator 7: Number of claims for costs received by the PAC and number of claims awarded

Table 7 illustrated detailed 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 illustrated detailed the number of contentious applications which have been circulated to all Members and the number of applications subsequently referred to the Planning Committee for determination.

**It is recommended** that the Planning Committee note the update on the development management statistics.

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

## **8. DEVELOPMENT PLAN:**

### **8.1 LDP Update**

The Development Plan Manager provided a verbal update.

The Development Plan Manager advised with regards to the 6month LDP Work Programme (Jul-Dec 2020):

Remains as presented and agreed at August Planning Committee.

- Local Development Plan Member Workshops – Draft Plan Policy approach:  
Took place on Wednesday 18<sup>th</sup> November – Revised Policy COM2 (Health, Education, Community & Cultural Facilities) & Flood Risk Management;
- Project Management Team Meetings (Government bodies/key stakeholders):  
Consultations on the Draft Policy approach are taking place electronically.
- Causeway Coast and Glens Borough Council Landscape Study:  
Informing the Local Development Plan draft policy approach regarding protection of our landscapes & natural heritage.
- Sustainability Appraisal/SEA:  
Regarding the revised Service Level Agreement (SLA) received from the SES – the costs are higher than the previous SLA. Costings and legal advice have been received and a Paper will be brought to December Planning Committee.
- Evidence Paper updates: Update of evidence base is ongoing. This is feeding through into our draft policy approach and Local Development Plan Member Workshops.
- Study updates: A recent update of the retail element (only) of the Council's 2017 Retail & Leisure Capacity Study – Item 8.2 on this month's Agenda.
- Monitors: Work 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. However, given that the COVID situation remains, it might be more appropriate to delay the employment land monitor to ensure that we have a well-rounded evidence base and this will be kept under review.
- Staffing:

The Local Development Plan Team compliment is 6 out of 7 currently.

- **Publication of Draft Plan Strategy**

The Draft Plan Strategy will not be published in A/W 2020. This is being kept under review. A revised Local Development Plan Timetable will be brought before Members in due course for discussion and agreement.

\* **Councillor C McLaughlin left the meeting at 6.42pm and did not re-join the meeting.**

## **8.2 LDP – Retail Capacity Assessment – Update 2020**

Report, previously circulated, presented by the Development Plan Manager.

### **Background**

Under the provisions of the Strategic Planning Policy Statement (SPPS) and in preparation of its Local Development Plan (LDP), Councils are required to undertake an assessment of the need or capacity for retail and other main town centre uses across the plan area, and to prepare town centre health checks.

Retail capacity work and some aspects of town centre health check work are specialisms within planning, and, therefore, in recognition of the requirement to undertake this work as part of the LDP process, and of the need in relation to the determination of planning applications for retail development within the Borough, the Council appointed two separate consultants back in November 2016 to prepare two separate but related retail pieces of work:

- Nexus Planning - Retail and Leisure Capacity Study; and
- Sproule Consulting - Public and Business Perception Studies.

The Development Plan Manager advised one requirement of SPPS Regional Strategic Objectives for Town Centres & Retailing is to ensure that LDPs and planning decisions are informed by robust and up to date evidence.

SPPS also states that Councils must carry out an assessment of need and capacity for retail.

NEXUS Planning carried out the original CC&G Retail & Leisure Capacity Study on behalf of the Council in 2017. At the same time Sproule Consulting carried out a Business and Public Perception Survey.

Both reports, as agreed with Members, informed the preparation of the Council's LDP Preferred Options Paper (POP) published in 2018.

Given the time lapse since the POP and 2017 Study, the preparation of the next LDP document - the Draft Plan Strategy and a number of recent retail planning applications, it is important to have an up to date and robust evidence base.

The 2020 Retail Assessment Update circulated, which relates only to the retail element of the 2017 study, should be read with the original study. The 2020 update uses updated population and expenditure forecasts and updated planning commitments. It also takes account of the revised notional end date of the LDP (2035).

The summary findings set out at Section 4 of the 2020 update highlight that there is no capacity for comparison goods to 2035 and beyond. There is a small amount of capacity for convenience goods. The figures set out in the update substitute those set out in Section 6 of the original 2017 study.

**It is recommended** that Members accept the Nexus Planning Retail Capacity Assessment Update (2020) to inform the Local Development Plan preparation and the determination of relevant planning applications.

Proposed by Councillor Hunter  
Seconded by Councillor M A McKillop and

**AGREED** - that Planning Committee accept the Nexus Planning Retail Capacity Assessment Update (2020) to inform the Local Development Plan preparation and the determination of relevant planning applications.

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

### **8.3 DFC – Proposed Listings**

Report, previously circulated, presented by the Development Plan Manager.

The Department for Communities (DfC);HED wrote to Council on 23<sup>rd</sup> October 2020 seeking comment (by 4<sup>th</sup> December 2020) on a number of proposed listings within the Borough, under Section 80 (1) of The Planning Act (Northern Ireland).

The proposed listings were circulated within Appendix 1. Appendix 2 set out DfC's criteria for the listing of buildings of special architectural or historic interest with associated procedures.

## **Options**

**Option 1:** Agree to support the listings: or

**Option 2:** Agree to oppose the listings.

**It is recommended** that Members agree to Option 1 or 2 above (as detailed at Appendix 1) and to the Head of Planning responding to DfC on behalf of Council.

The Development Plan Manager provided detail on the four proposed listings, as follows:

Mill House, 64 Baranait Road, Limavady, Proposed B1 Listing; The addition of upper level balcony/sunroom adds to the original character of the Mill House;

Dromore Mills (lower mill complex – corn mill, kiln, seed house, porch, store and associated waterworks), 64 Baranait Road, Limavady, Proposed B+ Listing; Replacement of waterwheel by a turbine c1900 and mill stones replaced by Bamford Mill add to the character.

The Kiln head has been refloored – tiles removed and the louvred ventilator on the roof of the kiln has been removed, a modern replica of the vent placed on top of the mill and solar panels installed – all of which detract from the original historic character.

Dromore Mills (flax and corn mill and associated waterworks), 64 Baranait Road, Limavady, Proposed B+ Listing; The Mill was repurposed after WWII for electricity generation – adding to the special interest;

Fisherman's House, Carrick-A-Rede, Ballintoy, Ballycastle, Proposed B1 Listing: No replacements/alterations.

Proposed by Alderman Baird

Seconded by Councillor MA McKillop and

**AGREED** – that Committee approve Option 1: Agree to support the listings.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

## **9. CORRESPONDENCE**

### **9.1 DCSDC – Draft PS – Reconsultations – Council’s response**

Correspondence circulated, presented by the Development Plan Manager.

Council response letter to DC&SDC regarding their re-consultation on their Draft Plan Strategy. Council already submitted comment therefore has no further comment to make as there were no changes to the document published.

### **9.2 MUDC – Letter to Council – Re: Availability of draft Plan Strategy Representations**

Correspondence, circulated, presented by the Development Plan Manager.

Draft Plan Strategy Representations received. Closing date is Friday 8th December 2020.

### **9.3 NI Audit Office – Letter to DFI Permanent Secretary**

Correspondence circulated, presented by the Head of Planning for noting.

### **9.4 SONI Consultation on Draft Transmission Development Plan 2020-29**

Correspondence circulated, presented by the Head of Planning for noting.

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

Proposed by Councillor Scott

Seconded by Alderman Baird and

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

\* **Press / Public were disconnected from the meeting.**

## **10. CONFIDENTIAL ITEMS**

### **10.1 Planning Department Budget Period 1-6 Update**

Confidential report, previously circulated, presented by The Head of Planning.



This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 6 of the 2020/21 business year.

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 6 of 2020/21 financial year.

**It was AGREED** – that Planning Committee notes the update provided on the Planning budget as of end of period 6 of 2020/21 financial year.

## **10.2 Planning Risk Assessment**

Confidential risk assessments circulated at the request of Alderman S McKillop.

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

Proposed by Councillor Scott  
Seconded by Alderman McKeown and

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

## **11. Any Other Relevant Business (in accordance with Standing Order 12 (o))**

- \* **Councillor Hunter, having declared an Interest, left the meeting at 7.01 PM.**

### **11.1 World Heritage Site (Alderman Duddy)**

*At our last planning meeting this committee received a report in regards to an Article 4 Direction to Remove Permitted Development Part 5 Class B Temporary Buildings and Uses within 1 mile of the World Heritage Site. The committee decided not to implement an Article 4 Direction.*

*If the Protected Development Rights are to remain as is, could the committee be advised if there are currently any Environmental Impact Assessments being requested from landowners by planners? How many and are they within the 1 mile radius of the World Heritage Site?*

*Could planners outline how the use of an Environmental Impact Assessment will affect any parking strategy which may be advanced at the World Heritage Site?*

*Are the Planning Officers aware of the National Trust using fields for car parking and, in particular land close to a site of archaeological interest?*

The Head of Planning advised Members that there are a number of sites subject to a positive determination under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland). A written response to the submission would be emailed to Planning Committee Members.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 7.02PM.

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Chair