

PLANNING COMMITTEE MEETING WEDNESDAY 23 JUNE 2021

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Nil</i>
2.	Declarations of Interest	<i>Councillor Hunter in LA01/2020/0444/F Councillor McGurk in LA01/2020/0197/F</i>
3.	Minutes of Planning Committee meeting held Wednesday 28 April 2021	<i>Confirmed</i>
	3.1 Minutes of Planning Committee meeting held Wednesday 26 May 2021	<i>Confirmed</i>
4.	Order of Items and Confirmation of Registered Speakers	<i>Deferred for a Site Visit 6.13 LA01/2020/1235/O, Site adjacent to No. 53 East Road, Drumsurn Deferred for a Site Visit LA01/2020/1142/O Gap site between 18a & 20 Beech Road, Dungiven</i>
5.	Scheme of Delegation	
	5.1 Amendment to Scheme of Delegation	<i>that the Planning Committee approve the amended wording of bullet point 2 of Part B of Scheme of Delegation for the Planning Department; up to the point where it says, "the principle</i>

		<i>of the design is considered unacceptable”; that this line be removed; Anyone with an issue with design, scale or massing to be able to come to the Planning Committee and present their case. The issue of people submitting material normally, to be dealt with by giving them a time limit.</i>
6.	Schedule of applications	
	6.1 LA01/2016/1265/RM, Lands opposite 24-44 Woodland Walk and including the former Gorteen House Hotel site, Roemill Road, Limavady	Grant
	6.2 LA01/2020/0560/F, Lands at No.109 Dunluce Road, Portrush	Approve
	6.3 LA01/2020/1051/F, Ramore Recreational Grounds, off Ramore Avenue, Portrush	Approve
	6.4 LA01/2018/0645/F, Rosepark Farm, 98 Bravallen Road, Ballymoney	Approve
	6.5 LA01/2020/0561/F Ballycastle Shared Education Campus comprising lands at Ballycastle High School, 33 Rathlin Road, Ballycastle and Cross & Passion College, 10 Moyle Road, Ballycastle	Approve
	6.6 LA01/2019/0225/F, 88 & 90 Charlotte Street & lands south of Charlotte Street, East of the Meadows & West of Ishlan Court, Westoncroft Park, Our Lady of Lourdes School & St Brigid’s Primary School, Ballymoney	Approve
	6.7 LA01/2020/1164/F, Site at the Corner of St Paul's Road & Fairview Park Articlave	Approve

	6.8 LA01/2020/0197/F, 64 Portstewart Road, Coleraine	Approve
	6.9 LA01/2019/0993/F, Lands North of Mill Cottage Drive, Stranocum Ballymoney	Approve
	6.10 LA01/2020/0328/F, Lands approx. 6m north of 70 Moycraig Road, Bushmills	Grant
	6.11 LA01/2020/0678/O, Immediately Adjacent to 141 & 151 Muldonagh Road, Claudy	Defer and hold a Site Visit
	6.12 LA01/2019/0773/O, 175m North West of 77 Corrick Road, Dungiven	Disagree and Approve Conditions and Informatives delegated to Officers
	6.13 LA01/2020/0347/O 40M West of 1 Lisheegan Lane, Bendooragh Road, Ballymoney	Defer and hold a Site Visit
	6.14 LA01/2020/0444/O 36 Castecatt Road, Ballyness Townland, Bushmills	Disagree and Approve Conditions and Informatives delegated to Officers
	6.15 LA01/2019/1105/F, Land south of 40 Newton Rd and West of 16 Crossnadonnell Rd, Limavady	That given the information M Kennedy has referred to, the Application is deferred and a copy of Article 17 and the full Application of 1997 is circulated to all Councillors
	6.16 LA01/2020/0456/O 30m West of 98 Bolea Road, Limavady	That, given what we have heard here today, the Application be deferred and viewed on Site to see it in context
7.	Order of Business	That the remaining Items on the Agenda are deferred to the August Planning Committee meeting as follows: Development Management (Agenda Item 7) Update on Development Management and

		<p>Enforcement Statistics 01/04/20 – 31/03/2021 (Agenda Item 7.1)</p> <p>Update on Development Management and Enforcement Statistics 01/04/21 – 31/04/2021 (Agenda Item 7.2)</p> <p>Verbal Update (Agenda Item 8.1)</p> <p>DAERA NI Marine Plan – Public Consultation Report (Agenda Item 8.2)</p> <p>DfC – Proposed Listings – 'Arborfield' 25 Charles Street & 'Dunvaron' 27 Charles Street, Ballymoney (Agenda Item 8.3)</p> <p>Correspondence (Agenda Item 9)</p> <p>DfI Sustainable Water NI – Long Term Water Strategy (Agenda Item 9.1)</p> <p>Marine Licence (Agenda Item 9.2)</p> <p>Response from Council regarding Signage in Ballycastle (Agenda Item 9.3)</p> <hr/> <p>Letter to Alison McCullagh – re NI Planning IT System – Progress Update (Agenda Item 9.4)</p> <p>Mid Ulster Council – Replacement Planning Portal (Agenda Item 9.5)</p> <p>DAERA – Ministerial Request – Craigall Rocks (Agenda Item 9.6)</p> <p>Any Other Relevant Business (in accordance with Standing Order 12 (o) (Agenda Item 11)</p>
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8.	Positions of Responsibility	<i>Information</i>
	<i>'IN COMMITTEE' (Item 9)</i>	
9.	Confidential Items	
	9.1 In Committee – Legal Issue	<i>that the Planning Committee AGREE to the retention of the services of David Elvin QC and his associate Yaaser Vanberman BL to represent the Council in the Judicial Review proceedings</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS
AND VIA VIDEO CONFERENCE
ON WEDNESDAY 23 JUNE 2021 AT 10.32am**

In the Chair: Alderman Baird (C)

Committee Members Present: Alderman Boyle (C) Duddy (C), Finlay (C), S McKillop (C), McKeown (R); Councillors Dallat O’Driscoll (R), Hunter (R), McGurk (R), MA McKillop (R), McLaughlin (R), McMullan (R), P McShane (R), Nicholl (R) and Scott (C)

Non Committee Members In Attendance: Alderman Robinson (R)

Officers Present: D Dickson, Head of Planning (C)
S Mathers, Development Management and Enforcement Manager (R)
B Edgar, Head of Health and Built Environment (R)
W McCullough, Head of Sport and Wellbeing (R)
M Wilson, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
J McMath, Senior Planning Officer (R)
E Hudson, Senior Planning Officer (R)
S O’Neill, Senior Planning Officer (R)
J McCaughan, Planning Officer (R)
L McCaw, Planning Officer (R)
J Beggs, SIB Capital Projects (R)
D J Hunter, Council Solicitor (R)
S Duggan, Civic Support & Committee & Member Services Officer (C)
J Keen, Committee & Member Services Officer (R)

J Winfield, ICT Manager (C)
C Thompson, ICT Officer (C)
C Ballentine, ICT Officer (C)

Press (3 No.) (R)
Public (42 No. including Speakers) (R)

Key R = Remote C = Chamber

Registered Speakers (All remote):

Application No	Name
LA01/2016/1265/RM	G Rolston
LA01/2020/0560/F	C Shanks C McParland J Maxwell
LA01/2020/1051/F	M Bell J Gordon R Smyth D Alexander S Finlay M Smyth C Campbell
LA01/2020/0561/F	R Carson C Ogle M Reid T Quinn S Boyle P McGuigan
LA01/2019/0225/F	I Paisley MP A Sinclair R Agus P Hull
LA01/2019/0993/F	R Dougan
LA01/2020/0328/F	G McGill
LA01/2020/0678/O	K Burke
LA01/2019/0773/O	J Diamond
LA01/2020/1235/O	A Boyle
LA01/2020/0347/O	B McConkey
LA01/2020/0444/F	D Dalzell D Dunlop
LA01/2019/1105/F	M Kennedy
LA01/2020/1142/O	K Burke
LA01/2020/0456/O	O Dallas

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

The Chair read the following in connection with the Remote Meetings Protocol and Local Government Code of Conduct:

'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’.

The Chair thanked former Chair, Councillor Dallat O’Driscoll for her past year conducting meetings in very difficult circumstances.

The Chair congratulated Councillor McGurk on the new addition to her family.

The Chair expressed deepest sympathy to Sharon Mulhern on the sad passing of her father.

1. APOLOGIES

The Chair advised Councillors Dallat O’Driscoll and MA McKillop would be late to the meeting.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for Councillor Hunter in LAO1/2020/0444/F, Councillor Hunter left the meeting during consideration and did not participate in the Item.

Declarations of Interest were recorded for Councillor McGurk in LAO1/2020/0197/F. Councillor McGurk left the meeting during consideration and did not participate in the Item.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 28 APRIL 2021

Copy, previously circulated.

Proposed by Councillor Scott
Seconded by Alderman Duddy and

AGREED – that the Minutes of the Planning Committee meeting held Wednesday 28 April 2021 are confirmed as a correct record.

The Chair put the motion to the Committee to vote.
The Chair declared the motion carried unanimously.

3.1 MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 26 MAY 2021

Copy, previously circulated.

In response to a query, the Head of Planning advised if a Member was not present they may wish to abstain from the vote.

Proposed by Alderman Duddy
Seconded by Alderman Boyle and

AGREED– that the Minutes of the Planning Committee meeting held Wednesday 26 May 2021 are confirmed as a correct record.

The Chair put the motion to the Committee to vote.
6 Members voted For; 0 Members voted Against; 6 Members Abstained.
The Chair declared the motion carried.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

Proposed by Councillor Scott
Seconded by Alderman S McKillop and

AGREED - that Planning Committee hold a Site Visit for Application LA01/2020/1235/O, Site adjacent to No. 53 East Road, Drumsurn; to assist Councillors to appreciate the relationship on site of the proposal to other properties and how the application fits in with policy CTY8.

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 carried unanimously to defer to a site visit.

Proposed by Councillor Nicholl
Seconded by Councillor McGurk and

AGREED – that Planning Committee hold a Site Visit for Application LA01/2020/1142/O Gap site between 18a & 20 Beech Road, Dungiven; to see the application within its context for consideration of Policies CTY8 15 13.

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 carried to defer to a site visit.

5. SCHEME OF DELEGATION

5.1 Amendment to Scheme of Delegation

Report, previously circulated presented by The Head of Planning.

Background

The revised Scheme of Delegation for the Planning Department was previously reviewed and agreed on 26 February 2020 and took effect on 01 May 2020.

Planning Committee, at its meeting held on 24 March 2021, resolved that the wording in bullet point 2 of Part B of the Scheme of Delegation should be amended insofar as it relates to the delegation of decisions regarding amendments and in particular design issues.

Details

Since 01 May 2020 when the revised Scheme of Delegation took effect, 6 delegated planning applications have issued as a refusal primarily due to failure to amend design resulting in unacceptable development and not placed on the 'contentious decisions to issue' list to facilitate referral to Planning Committee for decision.

IT IS RECOMMENDED that the Planning Committee AGREE to the amended wording of bullet point 2 of Part B of Scheme of Delegation for the Planning Department.

Councillor Scott stated that, in relation to design issues, the applicant should have the possibility of bringing the application to the Planning Committee for determination. Councillor Scott stated that he had no issue with officers asking for information to be submitted and that if the information was not submitted within the timeframe to go ahead and issue. However, the principle of design is not solely for Planning officers and these applications should be able to be referred to the Planning Committee.

Proposed by Councillor Scott that the wording be amended to delete 'or where the principle of design is considered unacceptable.'

Seconded by Alderman S McKillop

Councillor McGurk agreed with the principle of the motion, she advised caution against wording to include failure to submit amendments.

Alderman Finlay agreed that design is a subjective issue.

Alderman Duddy stated concern with reason why agent/applicant would not submit amendments and the delaying impact this has on processing applications. He referred to Part B “Applications where the Head of Planning considers that the proposal merits consideration by the Planning Committee.” Alderman Duddy raised concern that there may be pressure on the Head of Planning in any contrary view and clarification on the wording ‘merit’. Alderman Duddy considered amendments were in relation to smaller applications.

Councillor Hunter stated concern with potentially being inundated with detrimental and unacceptable development in the area, she suggested looking at a similar situation as involvement of the Chair and Vice-Chair and contentious list, in order to give a safety net.

Alderman Finlay did not agree with the Officer and Chair/Vice-Chair deciding what should be able to come to Committee.

The Head of Planning clarified ‘merit’ using the example of the recent Portrush rock armour application, where it related to the wider issue of public interest test, rather than an individual interest, and she considered this to be the type of delegated application that she should consider under this bullet point.

Proposed by Councillor Scott
Seconded by Alderman S McKillop and

AGREED –that the Planning Committee approve the amended wording of bullet point 2 of Part B of Scheme of Delegation for the Planning Department; up to the point where it says, “*or where the principle of the design is considered unacceptable*”; that this line be removed;

Anyone with an issue with design, scale or massing to be able to come to the Planning Committee and present their case. The issue of people submitting material normally, to be dealt with by giving them a time limit.

The Chair put the motion to the Committee to vote.

11 Members voted For; 1 Members voted Against; 0 Members Abstained.

The Chair declared the motion carried.

* **Councillor Dallat O’Driscoll joined the meeting at 11.20am.**

6. SCHEDULE OF APPLICATIONS:

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

Reports, Additional Information received, previously circulated, presented via Development Management and Enforcement Manager, S Mathers.

The Chair advised the Speaker had withdrawn their speaking rights, there were no speakers on the application.

App Type: Reserved Matters

Proposal: Erection of housing development comprising 127 dwellings with associated parking, open space, landscaping and new access onto Roemill Road

Recommendation

That the Committee has taken into consideration and agrees with the reasons for the Recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** reserved matters consent subject to the reasons set out in section 10.

Addendum Recommendation

That the Committee note the contents of this Addendum, and agree with the Recommendation to approve as set out in Paragraphs 1.1 and 9.1 of the Planning Committee Report, subject to the conditions proposed including conditions 11 and 13 as amended below.

Proposed Conditions

11. Prior to discharge to watercourses, any surface water generated during the construction phase of the development must first pass through appropriate treatment, such as settlement ponds, silt fences and cut-off trenches.

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

13. Storm drainage of the site, during the construction phase, must be designed to the principles of the Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on aquatic environments. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753 (2015)

Reason: To ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

Erratum Recommendation

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

The Development Management and Enforcement Manager provided a verbal addendum:

Further legal submission has been made on behalf of NI Water. This has been circulated to Members.

The submission:

1. Underlines the sewer capacity issues in the locality and that these cause environmental problems.
2. That no new connections are permitted to the sewage infrastructure.
3. That the Council is bound by the Habitats Regulation Assessment undertaken by Shared Environmental Services (SES) and that there is no discretion to deviate from that Assessment.
4. That SES are content subject to specific conditions, one of which is Condition 14 (referred to in the submission as Condition 18) which limits the extent of construction until a foul mains connection has been provided by NI Water or alternative means provided.
5. That part of the reason for this condition is to ensure no adverse effects on the River Roe and Tributaries SAC and Lough Foyle Ramsar/ SPA.
6. Reference is made to European case law that a project can only be authorised only after the authority has ascertained that it will not adversely affect the integrity of the designated site.
7. That the mitigation conditions put forward by SES are required.
8. That if the Council approves the application without Condition 14, it will be amenable to judicial review.
9. The Planning Department agrees with the content of the submission.

NI Water has written to the Head of Planning. This covers the following:

1. Content is similar to that set out above.
2. Adds that the EIA determination was carried out on the basis of the ability to impose a condition which adequately addressed the sewer capacity issues.
3. Requests that if the Council are minded to grant planning permission without Condition 14 (referred to a Condition 18 in the submission) an Environmental Statement and Shadow HRA should be provided to assess scenarios regarding sewer capacity.
4. Advises that NI Water has a project for upgrading of the Limavady Wastewater Network within its PC21 Business Plan (2021/22 to 2026/27).

Development Management and Enforcement Manager presented as follows:

This is one of three reserved matters applications (two of which including this one remain live) for housing developments on the site of the former Gorteen House Hotel, Ballyquin Road, Limavady. 127 dwellings are proposed in this application.

While this is a major application, it was not required to be submitted after a PAN with community consultation as the associated outline application was submitted under the former planning system. The outline permission for the totality of the site was approved in 2011.

The scheme provides for a mix of detached and semi-detached housing units with two short terraces comprising 3 and 4 units. All dwellings are 2 storey. In addition, the scheme provides a swathe of tree lined open space in the form of a belt through the centre of the site and a Local Area for Play.

In terms of the Northern Area Plan 2016, most of the site is unzoned or “white” land with the west portion of the site within housing zoning LYH 12. The principle of housing is acceptable.

Main Issues

Context & Character- The proposed density averages 20 units per hectare. The form is reflective of the established suburban character in the area and reflects that in the approved scheme to the east.

Heritage & Landscape Features- HED are satisfied that development can proceed subject to a developer-funded programme of archaeological work. Significant tree groups are located within the site. These are subject to a Tree Preservation Order (TPO). The proposal has been designed to take account of the existing landscape features and proposes to retain most existing trees.

Open Space- 14.5% of the site is identified as open space. This exceeds the required area of 10%. While over 100 units are proposed, an equipped children’s play area is to be provided to the immediate south of this site as part of scheme approved in 2019. A Local Area for Play is provided within the open space area. All plots provide adequate private amenity space.

Access & Parking- In curtilage car parking is provided for the dwelling units. DfI Roads is content with the overall layout. The developer has entered into a legal agreement with DfI Roads regarding financing roads improvements required to facilitate the development outside the site. One

of these is provision of a right turn lane off Roemill Road from which the site will be accessed.

Relationship with other Properties- By reason of the specific design and separation distances, the relationship with approved and proposed dwellings is acceptable. The specific design features include the careful location of windows.

Sewage Connection- NI Water has advised that the public sewer located with Ballyquin Road cannot serve the development. This needs to be upgraded. To allow this upgrade to take place, an extended timeframe for the commencement of development is provided along with a condition limiting the extent of works that can take place until the upgrade is provided. This is considered appropriate in the circumstances.

Representations- None received.

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

No questions were put to the Officer.

Proposed by Councillor Scott
Seconded by Councillor Nicholl 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 **GRANT** reserved matters consent subject to the reasons set out in section 10.

The Chair put the motion to the Committee to vote.

14 Members voted For.

The Chair declared the motion carried unanimously.

The Head of Planning advised Councillor P McShane he had arrived during consideration and was unable to vote on the Item.

* **Councillor P McShane joined the meeting at 11.27am and did not vote on the Application.**

6.2 LA01/2020/0560/F, Lands at No.109 Dunluce Road, Portrush

Reports, previously circulated, presented by Development Management and Enforcement Manager, S Mathers.

App Type: Full

Proposal: Replacement of existing dwelling with proposed golf lodge/hotel, associated spa facility, car parking, landscaping, access & ancillary development.

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 as set out in Paragraphs 1.1 and 9.1, 9.2 and 9.3 of the Planning Committee Report.

Erratum Recommendation

That the Committee note the contents of this Erratum and agree with the Recommendation to approve the proposed development in accordance with paragraph 1.1 and 9.1 to 9.3 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 planning application as set out in Section 9.0 of the Planning Committee Report.

Development Management and Enforcement Manager presented as follows:

The proposal comprises a hotel development with a total of 35 bedrooms. This replaces the existing commodious dwelling on site. The principal elements of the scheme comprise the main hotel building referred to as “The Lodge” with 7 bedrooms, an adjoining courtyard with 20 bedrooms, a separate annex building with 8 bedrooms and a separate health spa building. In addition, the proposal includes a relocated access to Dunluce Road, car parking and landscaping.

In terms of the Northern Area Plan 2016, the site is located in the open countryside beyond the settlement development limit of Portrush. The Northern Area Plan does not contain specific policies on tourism development, rather directing that regional policies apply. The site is located within the Royal Portrush Local Landscape Policy Area and within the Causeway Coast AONB.

This is a major planning application so it was preceded by a PAN accompanied by a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Principle of Development- Policies TSM 3 and TSM 7 in PPS 16 Tourism are the lead policies for this proposal. The proposal was assessed as a new build hotel on the periphery of a settlement, in this case Portrush. An assessment of the potential for alternative sites within the Portrush settlement development limit has been undertaken and it has been concluded that there is no suitable site within Portrush to accommodate the proposal. It has further been established that there are no suitable opportunities in the locality to enable the proposal through conversion or reuse of an existing building or through the replacement of a suitable building. The proposal has been subject to a sequential site selection and it has been identified that there are no alternative sites to accommodate the proposed hotel closer to the settlement development limit of Portrush. Given its specific location, the site is considered to be “close to the settlement” and on balance complies with the sequential test on this basis. Information submitted with the application demonstrates that the proposal is realistic with sources of finance available from investors in the USA.

Integration- The site benefits from the extensive mature tree planting at the existing site. While tree removal is required to facilitate the new access location to Dunluce Road, the visual integrity of the treed character of the site will be retained. This consideration has been informed by submission of a Landscape Visual Impact Assessment. This, together with the lower level of the site relative to Dunluce Road, will allow the proposal to integrate satisfactorily. Views from Strand Avenue will be very limited and those from the 4th fairway of Royal Portrush Golf Club will be acceptable given sensitive siting of the development. A landscaping scheme will enhance the overall assimilation of the development into the landscape in the longer term.

Design- The main hotel or “Lodge” building is 2.5 storey in height and reflects some of the design characteristics of the existing dwelling. The courtyard to the rear of the lodge building is designed to complement it and presents an acceptable design solution. While the detached 1.5 storey annex building shares features of the main Lodge building, the detached single storey health spa building presents a contemporary design. The design of all buildings are acceptable in their context.

Amenity- There are dwellings in proximity to the application site at Dunluce Road and Strand Avenue. The relationship of the proposal with these is considered acceptable having regard to the separation distances and proposed intervening landscaping. Noise and odour impact assessments have been submitted and found acceptable.

Access- A single vehicular access to the site is proposed off A2 Dunluce Road which is a Protected Route. This comprises a relocation of the existing access to achieve a better standard. While Policy AMP 3 of PPS 3 Access, Movement and Parking does not make specific provision for relocated accesses to protected routes, the proposal is considered acceptable when weight is given to the closure of the existing access as a material consideration. This position clarifies that set out in the Executive Summary that the proposal complies with PPS 3. Adequate car parking is proposed.

Economic Considerations- The proposal represents a substantial capital investment. Figures submitted with the application anticipate an annual total tourism spend arising from the development between £8.7 and £9.8 million. A total of 44 FTE jobs are anticipated including direct, indirect and induced jobs.

Conclusion- The proposal meets with the policy requirements for a new hotel in the countryside. Likewise it is considered acceptable having regard to other considerations. Approval is recommended.

In response to questions from Elected Members, the Development Management and Enforcement Manager clarified the access relocated onto a Protected Route, the existing access closed and complies with the principle of a Hotel in the Countryside under policy TS3 of PPS16 Tourism.

The Chair invited the Speakers to present.

C McParland spoke in support of the Officer recommendation and presentation on the application and advised J Maxwell, Architect, was in attendance to answer questions.

No questions were put to the speaker.

Proposed by Alderman Finlay
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.

The Chair put the motion to the Committee to vote.

15 Members voted For.

The Chair declared the motion carried unanimously and application approved.

The Chair declared a recess at 11.52am.

* **The meeting reconvened at 12.06pm.**

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

6.3 LA01/2020/1051/F, Ramore Recreational Grounds, off Ramore Avenue, Portrush

Reports, previously circulated, presented by Development Management and Enforcement Manager, S Mathers.

App Type: Full Planning

Proposal: Proposed improvements to recreational grounds including the provision of new pavilion building, improvements to play areas, leisure areas and other associated spaces and features

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 as set out in Section 9 of the Planning Committee Report, subject to the conditions proposed set out in section 10.

Development Management and Enforcement Manager presented as follows:

The proposal comprises the main elements of a new: pavilion building; adventure play area; synthetic training bowling green; multi-use recreational space and; an informal seating and recreation area. The position of the existing bowling green is to be retained.

In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Portrush. It is identified as a major area of existing open space and is located within the Ramore Head LLPA.

This is a major application so it was preceded by a PAN. The application was accompanied by the submission of a Community Consultation Report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Principle of Development- The lead policy for assessment of this proposal is Policy OS4 of PPS 8 Open Space, Sport and Outdoor Recreation. This policy allows for intensive sports facilities within settlements subject to meeting specified criteria.

LLPA Designation- Ramore Head LLPA was designated in part given the prominence of the headland as a landscape feature. The policy in this area is that uses ancillary to the enjoyment of open space and existing recreational facilities will be given positive consideration. The proposal, given its specific form, is considered to respect the LLPA designation and complies with the policy.

Amenity- Dwellings are near the proposed development at Ramore Street and Ramore Avenue. No new floodlighting is proposed with the existing at the bowling green to remain. The lighting scheme has been designed to ensure that there is no light spill or glare. In terms of noise, the initial inclusion of an urban sports area to the south of the site required submission of a noise assessment. As this area was replaced with an informal seating and recreation area, a noise assessment was no longer required.

Design- The new pavilion building is a single storey building in a semi-circular form with a mono-pitched roof. The contemporary design is considered acceptable at this location. The overall scheme presents a quality design solution using contrasting ground surface finishes.

Access- The proposal incorporates 11 car parking spaces, the same level of provision as existing. This will be accessed on a controlled basis from Main Street. Extensive existing car parking is available at Lansdowne.

Natural Heritage- Bird and bat surveys were submitted with the application. Natural Environment Division have assessed these and are content subject to conditions.

Archaeology- The site has archaeological potential. Given this, the proposal is acceptable subject to conditions requiring an archaeological programme of work.

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

No questions were put to the Officer.

The Chair invited the Speakers in opposition to the application to present.

M Bell declared he was not in objection to the Application but to the evolution process, he was speaking for urban sports. M Bell advised a skate park had been approved at the Metropole three times, twice at Coleraine Borough Council and once at Causeway Coast and Glens; not anywhere else; and this proposal had not been agreed by the skaters. M Bell advised everyone has let the skaters down. M Bell considered the informal seating area should be dropped from the proposal and any monetary savings should be put into an urban skate park.

J Gordon advised the current proposed design at the Recreation Grounds was unsuitable. He referred to paragraph 8.20 of the Planning Committee Report and advised the information is false, there was no mention of urban sports and exposed paths are unsuitable. He referred to the aggregate concrete and the informal seating area as unusable for skating. J Gordon referred to Paragraph 8.21 of the Planning Committee Report Council and independent design advice and specification. CAUS had not been involved and it was not fit for purpose. J Gordon proposed a formal application to Council for an Urban Sports Park opposite Metropole Park for local residents to enjoy and improve community cohesion.

No questions were put to the objectors.

The Chair invited Speakers in support of the application to present.

M Smyth spoke in support of the Application to regenerate an existing facility at Ramore. He stated that there is a comprehensive assessment of the application within the Planning Committee Report. The proposal links with the wider peninsula of the town for all sections of the community for a range of purposes. M Smyth stated the matters that had been raised are outside the remit of Planning. The previous proposed regeneration scheme at the Recreation Grounds received objection from the Community and the additional report summarises responses; is a robust application and meets Planning policy. Letters of support have been submitted on the application. M Smyth agreed with the Officer recommendation.

In response to questions from Elected Members, M Smyth clarified the area is to be used for all sections of the community.

Proposed by Alderman Finlay
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.

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

6.4 LA01/2018/0645/F, Rosepark Farm, 98 Bravallen Road, Ballymoney

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

App Type: Full Planning
Proposal: Retention of open farm including gate, toilet blocks, reptile petting hut, site office, housing for open farm animals, children's play area, fairy garden, boating lakes/ponds. Replacement building to provide "wet weather" indoor play area, provision of existing pathways to facilitate access to open farm amenities and scenic walks around the farm. Use of an existing entrance/exit point to Rosepark Farm to be an entrance only, during seasonal operational/activities of Rosepark Farm (entrance point located to North side 96 Bravallen Road) and proposed exit only, during seasonal operations/activities of Rosepark Farm (located to the North side of 104 Bravallen Road, Ballymoney)

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.

Erratum Recommendation

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

Addendum 2 recommendation

That the Committee note the contents of this Addendum, and agree with the recommendation to approve as set out in Section 9 of the Planning Committee Report, subject to the conditions proposed set out in section 10 and subsequent Addendum.

Senior Planning Officer presented as follows:

Slide

- Planning Application LA01/2018/0645. This is a full application for the retention of an open farm at Rosepark Farm, 98 Bravallen Road, Ballymoney. This includes gate, toilet blocks, reptile petting hut, site office, housing for open farm animals, children's play area, fairy garden, boating lakes/ponds. Replacement building to provide "wet weather" indoor play area, provision of existing pathways to facilitate access to open farm amenities and scenic walks around the farm.
- Use of an existing entrance/exit point to Rosepark Farm to be an entrance only, during seasonal operational/activities of Rosepark Farm (entrance point located to North side 96 Bravallen Road) and proposed exit only, during seasonal operations/activities of Rosepark Farm (located to the North side of 104 Bravallen Road, Ballymoney)
- As this is a Major category application it was subject to PAN and community consultation was carried out prior to the submission of the planning application.
- There is an erratum and addendum to accompany your Committee report.

Slide

- This is an overview of the site location. The site is extensive in area covering an area of approximately 25 ha. This site is located in the open countryside as defined in the NAP 2016
- The site is accessed off the Bravallen Road via 2 vehicular access points, one adjacent to the northern boundary of No. 96 Bravallen Road which is identified as access only and one adjacent to the northern boundary of no. 104 Bravallen Road which is identified as egress only.

Slide

(zoning masterplan)

- The majority of existing structures on site are centred at 2 main locations within the overall site. Firstly around the applicants dwelling including an

agricultural building and a number of temporary structures including dog kennels, toilet block and area for new born animals.

- A second area exists approximately 150m SE of the applicants address including an indoor play area, petting zoo, café/tea room, grazing area and this area includes a proposed indoor play area.
- Other activities are dispersed throughout the site.
- The principle of development in the countryside is considered primarily under PPS 21 which for this type of development in the countryside, namely recreational use, directs us to Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation. Policy OS 3 of this policy, Outdoor Recreation in the Countryside is the relevant policy consideration and the proposal is considered to meet this policy as outlined in Part 8 of your Committee report. The proposal is also considered under the Tourism Policy PPS 16 and is considered to be the type of tourism activity which is suitable for a countryside location.
- The proposal has the potential to generate significant additional traffic. The application was accompanied by Transport Assessment which outlines the nature and volume of traffic as well as predicted peak periods and times. DFI Roads have been consulted and confirm that access arrangements are acceptable subject to the provision of necessary visibility splays at the proposed exit with the public road as well as provision of hardstanding and directional signage within the site. The site will operate a one way system for vehicles entering and exiting the site.
- The average number of people attending the premises on a daily basis ranges between 103 – 216 with the maximum number of vehicles 50. The busiest times of the year are July and August.
- Certain facilities within the facility have the potential to create high level of noise from patrons such as the zip line, play park and quad train.
- The applicant has submitted a Noise Impact Assessment which identifies the potential noise sources and impacts at the nearest receptors. The Councils Environmental Health Department have been consulted on this and are satisfied subject to conditions being imposed such as restricted opening hours, acoustic fencing, and bund embankment.

- 5 letters of objection have been received during the processing of the application and issues relate primarily to increased traffic, noise, safety and ownership.

Slide

- Some photographs of the site:
- The land within the site is relatively level in context with no significant changes in topography. The site is set well back from the public roads with little visual presence from critical views along Bravallen Road.
- The recommendation is to approve planning permission with Conditions as outlined in Part 9 and 10 of the Committee report.

In response to questions from Elected Members, Senior Planning Officer clarified the entrance proposed a one-way system for patrons.

In response to questions, DfI Roads representative clarified there was a separate access laneway for residents. The access to Rosepark Farm operates a one-way system. Anything arranged between Rosepark Farm and residents is outside this process. He advised that the access is wide enough to allow two vehicles to pass; vehicles may turn in the car park area and not on the lane.

In response to questions from Elected Members, the Head of Planning clarified residents have a separate access they can use, there is no obstruction to use the access past Rosepark Farm; DfI are content at the access; the Northern access for traffic to Rosepark Farm, separate access for residents, and a Southern access for visitors to exit.

Proposed by Councillor MA McKillop
Seconded by Councillor Dallat O'Driscoll 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.

The Chair put the motion to the Committee to vote.

15 Members voted For.

The Chair declared the motion carried and application approved.

The Chair declared a recess at 1pm.

* **The meeting reconvened at 2PM.**

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

6.5 LA01/2020/0561/F Ballycastle Shared Education Campus comprising lands at Ballycastle High School, 33 Rathlin Road, Ballycastle and Cross & Passion College, 10 Moyle Road, Ballycastle

Report, Additional Information Received previously circulated, presented by Development Management and Enforcement Manager, S Mathers.

App Type: Full

Proposal: Demolition of existing buildings and construction of a new shared school building, sports buildings, greenhouse building and sports pitches on the site of the existing Ballycastle High School. Demolition of existing buildings and construction of sports pavilion, youth storage and ground maintenance building and sports pitches on the site of the existing Cross & Passion College.

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.

Development Management and Enforcement Manager presented a Verbal Addendum:

A representation has been received from Mr Philip Clarke during the Planning Committee proceedings this afternoon. This has been circulated to Members. He requests that the application is withdrawn from the Agenda to allow a meeting to take place between him and Mr Philip Irwin of the Department of Education to discuss “the heritage element”. Provides details of the e-mail exchange with Mr Irwin regarding arranging a date for such a meeting.

Response- The absence of a meeting to date is not a pertinent reason to warrant removal of the application from the Planning Committee Agenda.

Development Management and Enforcement Manager further presented as follows:

The proposal comprises the demolition of buildings on both the Cross and Passion College and Ballycastle High School sites. In terms of buildings, a new school building and separate sports building is proposed on the Ballycastle High School site while a small sports pavilion building is proposed on the Cross and Passion College site. New playing fields/ outdoor sports facilities are proposed on both sites. Additional elements comprise car/ bus parking and landscaping.

In terms of the Northern Area Plan 2016, the majority of the site is located on a combination of unzoned or “white land”, land identified as a major area of existing open space and a local landscape policy area.

This is a major planning application so it was preceded by a PAN. The application was accompanied by the submission of a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Main Issues

Design- While the school building is designed over three levels, for the most part it appears as a two storey building. The design is modern and contemporary. The façade to Rathlin Road is 105 m in length and the main frontage of the building is set back 35 m from the edge of Rathlin Road with the nearest part 22m from the edge of Rathlin Road. While the scale of the building is large and the set back from Rathlin Road is minimal, the school building is not considered to be insensitive to the character of the area to an unacceptable extent. The Agent has advised that the building is set as far back on the site as possible while maintaining the accommodation requirements of the Department of Education. The other buildings are much smaller in scale and are acceptable design solutions in terms of character of the area surrounding the site.

Open Space Provision- Existing open space at the Ballycastle High School site will be lost to development while new open space shall be created at the Cross and Passion College site. An analysis of the provision of open space shows an overall reduction of 1.5%. Given this minimal overall net reduction in open space along with the benefits from improvements to facilities to both schools and the wider community, on balance the proposal is considered acceptable.

Local Landscape Policy Area- The Ballycastle High School site is located within the Ballycastle High School and St Patrick’s & St Brigid’s Church LLPA. Although the proposal relates to new development, the existing character of the

site will remain as an educational one and may be considered to accord with the intention of the designation.

Setting of Listed Building- Historic Environment Division have expressed concern that the school building will remove views of St Patricks and St Brigids Church from Rathlin Road. However, substantial weight is given to the substantial separation distance between the listed building and the proposed building which preserves its immediate setting. Furthermore, substantial weight is given to the economic and community benefits deriving from the development.

Access & Parking- The new school building shall have its primary access from Moyle Road. A service entrance, regulated by a planning condition, is to be provided off Rathlin Road while the existing pedestrian access to Rathlin Road near the northern boundary is to be retained. These arrangements are acceptable to DfI Roads as the competent authority. Adequate car and bus parking arrangements are provided for the scheme.

Relationship with Neighbouring Properties- While both sites are located adjacent residential properties, the proposal has been designed to take account of these relationships. Specific planning conditions regulate floodlighting, use of the outdoor sports areas, provision of acoustic measures, use of obscure glazing, landscaping and construction activity.

Other Matters- The proposal comprises a public sector investment of between £40- 50 million in shared education and community/ sports facilities. The development should enhance the sharing arrangements between the existing schools and provides additional recreation/ sport facilities for the Council and the Education Authority to the benefit of the Ballycastle area.

Representations- The detail of these is set out in the report.

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

In response to a query from a member, S Mathers advised that the plans showed a new pedestrian access to Rathlin Road. However, DfI Roads were not content with this provision and it was removed. The existing pedestrian access is retained and DfI Roads are content with this. He advised Members of condition 31, an additional condition, and made reference to the detailed travel plan submitted and referred to the recommended conditions.

The Chair invited DfI Roads representative to speak.

DfI Roads representative advised the existing pedestrian access is to remain for pedestrian use at the site. There was concern the new pedestrian access proposed in the previous plans was too close to a junction opposite should be removed. The new access was asked to be removed and on balance the existing access and travel plan Condition was considered acceptable.

The Chair invited the Speakers in objection to the application to present to committee.

R Carson spoke in objection, on behalf of neighbours at Rathlin Road and Rathlin Court. He stated concern regarding failure to achieve the best solution during the Pre Application Discussion where the site was considered to be acceptable. He considered there to be better options available and was concerned that such a crucial decision was made so early. He also stated that the PAD process failed to identify the listed building and PPS6 was not listed as a policy consideration.

R Carson stated Historic Environment Division response raised concerns against PPS6 showing that the proposal was unacceptable resulting in lost views and change to the townscape. He stated that the building is too close to Rathlin Road and suggested it be moved back in the site and that the pedestrian access onto Rathlin Road has not been addressed. He queried the setback distance of the school and stated that the scale is large and close to Rathlin Road and disagrees that it is not insensitive to the character of the area.

R Carson stated that the Applicant was advised to further set back the building off the Rathlin Road and the response from the Education Authority that this is not achievable is not true. The building could and should be pushed back into the site. He queried the impartiality of the process with this Council's involvement in the application. He stated that he had no confidence in the delivery of the travel plan which is critical to road safety. He expressed his sadness at the lack of ambition and poor decision-making resulting in the school being in the wrong location and the potential for a Judicial Review of the process.

In response to questions from Elected Members, R Carson clarified HED were not consulted at the PAD stage nor when the application was made. They picked up and made a response by finding the application on the website.

The Chair invited the Speakers in support of the application to present to Committee.

C Ogle spoke in support of the application, advising she was the lead architect at Samuel Stevenson & Sons. Dr T Quinn, M Reid and S Boyle were also in attendance. C Ogle provided an overview of the Ballycastle Shared Education Campus for 1180 children in a new campus spread across the Ballycastle High School and Cross and Passion College sites for the wider Causeway Coast and Glens and Education Authority community with enhanced sports facilities. All issues have been fully addressed, and assessments made of tree, bat and drainage carried out. On site access is one way with 2 pedestrian accesses; vehicle service access only off Rathlin Road. Investment of £40M with construction scheduled for late 21 early 22.

T Quinn spoke in support of the application, referring to the issues raised, traffic and parking. He stated there was a review of addresses and vehicular access to the proposed school is via the Moyle Road. Vehicle access at Rathlin Road is for service vehicles only and no through road to Moyle Road. There would be a traffic co-ordinator at peak times.

In response to questions from Members, S Boyle spoke in support of the application on behalf of the Education Authority. He stated a number of requests were made to a number of bodies. Each case explained the intention of representation through the new buildings, aspects of heritage of both schools were in the design. The Trustees have decided the best legacy is for the new development as a new campus with new facilities.

M Reid clarified with reference to the height of the building, the design stepped down to follow contours of site. He advised the floor to ceiling height set in the school was as low as possible to meet the environmental conditions of the school.

The chair invite Philip McGuigan MLA to speak in support of the application.

P McGuigan MLA spoke in support of the application and advised he was also speaking on behalf of M Storey MLA who was unable to attend in person. He read out comments from Mervyn Storey as follows: The development of the Shared Education Campus has taken many years working together to see the project to this stage and was testament to the two schools. Conscious significant applications always raise concerns from those closest to the site. The proposal is of significant importance, an example to other areas, without the loss of the school ethos and identity, and trusts it would be approved.

P McGuigan MLA spoke on behalf of himself. He advised of frustrations at the slow rate of progress from conception to completion, however, with public money it is vital each stage is carried out and undergone scrutiny. P McGuigan advised this was a major step forward, and as a past member of the Planning

Committee aware of policy and the wider public interest tests. He stated that the proposal will benefit the constituency of the partnership between the schools, fully committed to social cohesion, mutual respect and understanding. This is a new state of the art building, an investment in children and the Council area and the wider community, with use of the school facilities in partnership and forward thinking. P McGuigan thanked the two schools, Education Authority and Design Team and appealed to allow progression.

Proposed by Alderman Finlay
Seconded by Councillor MA McKillop

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

Councillor P McShane proposed an amendment. He stated he did not want to decide on the application and proposed that it is withheld and considered further when residents and historians have had the opportunity to meet with P Irvine and the Travel Plan to include Rathlin Road be presented to Planning Committee for a fully informed decision.

The Chair advised there was no seconder to Councillor P McShane's proposal.

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

6.6 LA01/2019/0225/F, 88 & 90 Charlotte Street & lands south of Charlotte Street, East of the Meadows & West of Ishlan Court, Westoncraff Park, Our Lady of Lourdes School & St Brigid's Primary School, Ballymoney

Reports, previously circulated, presented by Development Management and Enforcement Manager, S Mathers.

App Type: Full Planning
Proposal: Proposed Housing Development - 179 no dwellings (8no apartments, 63 no townhouses, 84no semi-detached, 24no detached) 'Gateway Type Traffic Calming measures' open space, roadways for private street determination and pumping station.

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 as set out in Section 9 of the Planning Committee Report, subject to the conditions proposed set out in section 10 and subsequent Addendum.

Addendum Recommendation

That the Committee note the contents of this Addendum, and agree with the recommendation to approve as set out in Section 9 of the Planning Committee Report, subject to the conditions proposed set out in section 10 and subsequent Addendum.

Development Management and Enforcement Manager presented as follows:

The proposal, which is on grazing land, comprises a housing development totalling 179 dwellings with a variety of house types. In addition, the proposal has ancillary elements including development roads, open space areas, landscaping and a sewage pumping station. This proposal supersedes a planning history on the site for a similar housing development for 186 dwellings which was approved in 2011. A Certificate of Lawful Use or Development (CLUD) was approved for development associated with this planning history in 2017, which underlines this planning history as a valid fall-back position.

In terms of the Northern Area Plan 2016, the majority of the site is located on land zoned for housing within the settlement development limit of Ballymoney. As there was a previous planning permission on the site for housing, the Plan identified most of this site as a “committed” zoning and as such there are no key site requirements in those areas. Only a small portion of the site to the SE near Westgate is identified as a proposed site.

This is a major planning application so it was preceded by a PAN. The application was accompanied by the submission of a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Main Issues

Context & Character- The proposal comprises house types which are mostly 2 storey. No 3 storey dwellings are proposed. Most house types provide modest 3 bedroom accommodation. While mostly semi-detached, the scheme additionally includes some detached units, short terraces of 3 or 4 units and

some apartments. The frontage of the site to Charlotte Street is limited with 3 buildings designed to fit into the character at this location. The in-depth development beyond mostly comprises a network of streets with three cul-de-sacs. The separation distances, form of development and scale of buildings are appropriate to the character and context of this suburban area which for the most part, given its narrow Charlotte Street frontage, is not read with surrounding development.

Open Space Provision- Planning policy requires 10% of the site area in schemes of comprising 25 units or more such as this to be public open space. In this case, that provision is exceeded with provision at approximately 15%. Two areas of public open space and an equipped children's playground are proposed. In terms of private amenity space, rear garden sizes are adequate to meet policy requirements. In some cases where gardens are smaller, a proposed condition removes the right to build extensions without planning permission which would use up space in the limited amenity areas.

Relationship with Neighbouring Properties- Existing dwellings adjoin the application site at Charlotte Street, The Meadows, Ishlan Court, Westoncroft Park/ Avenue and West Gate. The proposed scheme respects the amenity of these properties by reason of scale of buildings, separation distances, orientation and arrangement of windows. Similarly, within the layout potential unacceptable issues of overlooking, dominance and overshadowing between the proposed dwellings have been successfully designed out to present a scheme that meets policy requirements.

Access & Roads Layout- The proposal comprises one access point off Charlotte Street without a right turn lane. This is considered acceptable to DfI Roads subject to the conditioned provision of a traffic calming "gateway" feature at Balnamore Road. A transport assessment has been provided for this development which demonstrated that it has no significant impact on the local highway network and that surrounding junctions are predicted to operate within capacity with minimal queuing and delay. The entire roads layout is to be adopted by DfI Roads. The majority of the parking within the scheme is in-curtilage which improves the overall quality of the layout.

Flooding- A significant portion of the application site is located within the floodplain of the Ballymoney River. None of this area is to be developed for housing. Most of this area is to be retained as a meadow with two areas of open space. A drainage assessment has been submitted and demonstrates acceptable arrangements including that adjacent development will not have any increased risk of flooding as a result of the proposals.

Representations- The detail of these is set out in the report.

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

In response to questions from Elected Members, Development Management and Enforcement Manager clarified Addendum 2, paragraph 2.2, Dfl Roads were content.

The Chair invited Dfl Roads representative to respond to Elected Member queries. Dfl Roads representative clarified, regarding Charlotte Street, there will be more traffic, traffic modelling and assessment has been carried out, it has been concluded the junction analysis will still operate well in capacity at peak periods, with minimum delay. He clarified there were no plans to make it one way.

The Chair invited the Speakers to present in support of the application.

A Sinclair spoke in support of the application, endorsed the report and advised R Agus and P Hull were in attendance to answer queries.

No questions were posed.

I Paisley MP spoke in support of the application, agreed with the recommendation to approve and made a number of observations and points. The site zoned for residential development in the 2016 Northern Area Plan. Reserved Matters granted in 2011 for 186 dwellings remains live, pre commencement conditions discharged, presumption is in favour of development. The new owner has provided a better site design that protects the floodplain and allows existing residents to enjoy the meadow, an advantage for the area. A huge gain for area. Application submitted in February 2019, revised September, a reduction of dwellings to protect the flood pain and have significant gains, Traffic calming measure, reduction in density, open space, outside the floodplain and meadow adjacent. A sustainable development in accordance with the SPPS and no demonstrable harm will be caused. This is an investment of £25M, over 100 construction jobs for 5/6 years and rates welcomed, along with increased footfall for the town.

Proposed by Alderman Finlay
Seconded by Councillor McLaughlin 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.

The Chair put the motion to the Committee to vote.

The Chair declared the motion carried unanimously and application approved.

The Head of Planning advised Alderman McKeown had seconded the site visit, did not attend and could not vote.

* **Alderman Duddy left the meeting at 3.18pm.**

6.7 LA01/2020/1164/F, Site at the Corner of St Paul's Road & Fairview Park Articlave

Reports, previously circulated, presented by Senior Planning Officer, M Wilson.

App Type: Full

Proposal: Alterations to existing fence and new paving associated with granite sculpture as per planning approval LA01/2019/0789/F.

Recommendation

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

Addendum 1 Recommendation

That the Committee note the contents of the objection and this Addendum, and agree with the Recommendation to approve as set out in Paragraphs 1.1 & 9.1 of the Planning Committee Report.

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and Addendum 1, and agree with the Recommendation to approve as set out in Paragraphs 1.1 and 9.1 of the Planning Committee Report.

Addendum 3 Recommendation

That the Committee note the contents of the objection and this Addendum, and agree with the Recommendation to approve as set out in Paragraphs 1.1 and 9.1 of the Planning Committee Report.

Senior Planning Officer presented as follows:

Full planning permission is sought for alterations to the existing fence and new paving associated with granite sculpture as per planning approval LA01/2019/0789/F. This is a Local application and is being presented to the Planning Committee on the basis that the Council is the agent.

This application was previously presented to the March meeting of the Planning Committee with a recommendation to Approve. At this meeting Members agreed to defer the application to seek revisions to the scheme so that access to the sculpture was accessible and to seek the removal of the fence.

The applicant was informed of the concerns raised by the Planning Committee regarding access to the sculpture and that it was considered that to have a fence surrounding the entire sculpture was not acceptable.

The applicant advised that it was their intention to remove the section of existing fence that is currently running along the back of the footpath and to the front of the sculpture. However, this was unclear from the plans previously submitted.

Revised plans have now been received (30th March 2021) and the necessary consultation has taken place. This revised plan clearly illustrates the area of fence to be permanently removed, which is to the front of the sculpture running along the back of the footpath, with a new area of fencing running either side of, and behind the sculpture. This will allow access for all to the sculpture. This position is set out in Addendum 2.

While Addendum 1 addressed concerns with an objection to the initial proposal, the objector has submitted a further objection to the revised scheme. The matters and concerns raised are set out and considered in Addendum 3.

In terms of the Northern Area Plan, the site is located within the settlement development limits of Articlave

[SLIDES] – slides of the application site.

- location plan showing the red line and photos of the site
- photo showing the application site in relationship to Fairview Park.
- photos showing the sculpture and the existing fencing; the proposed fencing is to be sited around the sculpture. Shows the area of fencing which is now to be removed.
- block plan showing the relatively small area close to the sculpture

Considering the Principle of development - The proposed fencing is 1.2m in height and forms a rectangular enclosure around the 'Home to Roost' sculpture – the enclosure measures approximately 2.8m in width and 3.8m in length. The

enclosed area is to be paved using Tobermore brick paviours. The existing fence at the back of footpath is to be removed which will allow direct access from the footpath to the sculpture and it will also open views from the road, as the current fence screens this.

When assessed against Policy DES 2, the scale of the fencing is considered acceptable given the existing use of the land and will therefore not detract from the character of the open space. The proposal respects the immediate and wider built form of the surrounding area and will contribute positively to the existing land use.

The potential impacts of the proposal relate to an archaeological site and monument and Listed Building at St. Paul's Parish Church; Historic Environment Division has been consulted and it raises no objection to the proposal.

There are two letters of objection. These are objections from an Agent on behalf of their client with the initial objection raising concerns about the need for a fence, disabled access, that the fence is ugly and unwelcomed and will obliterate the sculpture which will cheapen the expense of the sculpture and queries if the input of the artist of the sculpture was sought in relation to this proposal as it seems to be alien to the design of the sculpture. The second objection raises concerns that the proposal creates an austere and unnatural enclosure around the sculpture, that at the last planning meeting it was clarified that the fence application was not in fact required and yet it is proceeding; and a comment regarding possible concerns the sculpture's artist may have as it is to be hidden by fencing. The objector also submitted a plan showing where they consider the fence should go. These matters are considered in Addendum 1 & 3 respectively.

Approval is recommended.

No questions were put to the Officer.

Proposed by Alderman Finlay
Seconded by Councillor Hunter 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.

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

The Chair declared the motion carried unanimously and application approved.

The Head of Planning advised Alderman Duddy was unable to vote as he had left the meeting during consideration.

- * **Alderman Duddy rejoined the meeting during consideration of the Item.**

6.8 LA01/2020/0197/F, 64 Portstewart Road, Coleraine

- * **Councillor McGurk, having declared an Interest, left the meeting at 3.30pm.**

Report, previously circulated, presented by Senior Planning Officer, S O'Neill.

App Type: Full

Proposal: Change of use from private yacht club with associated external terrace and yard to restaurant to include internal alterations, extensions to provide service corridor and entrance lobby with alterations to external finishes, extension to existing external terrace and new stretch canopy roof over existing external yard (reduced in size) and new external chill room, toilet and servery bar.

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 as set out in Paragraphs 1.1 and 9.1 of the Planning Committee Report.

Erratum Recommendation

That the Committee note the contents of this Erratum and agree with the Recommendation to approve the proposed development in accordance with paragraph 1.1 and 9.1 of the Planning Committee report.

Senior Planning Officer presented as follows:

LA01/2020/0197/F is for the Change of use from private yacht club with associated external terrace and yard to restaurant to include internal alterations, extensions to provide service corridor and entrance lobby with alterations to external finishes, extension to existing external terrace and new stretch canopy roof over existing external yard (reduced in size) and new

external chill room, toilet and servery bar. The site is located at 64 Portstewart Road and is located behind Cloonavin Council Buildings.

The Documents provided include the Planning Committee Report, Addendum which relates to an additional condition which restricts the future use of the building and an Erratum which corrects references to drawing numbers. This is a Council Interest item.

No objections have been received in regard to this application and the consultees are all content subject to conditions. The proposal was considered against the policies in the Northern Area Plan 2016, the SPPS and A Planning Strategy for Rural Northern Ireland. DCAN 4 which relates to cafes and restaurants was also considered.

The Retailing and Town Centres section of the SPPS is relevant in this consideration. One of the key objectives of this policy is to secure a town centres first approach for the location of future retailing and other main town centre uses. The SPPS highlights under paragraph 6.271 under footnote (58) that main town centre uses are considered to be cultural and community facilities, retail, leisure, entertainment and businesses. A restaurant is considered not to fall within the definition of a main town centre use. Therefore, the sequential approach to secure main town centre uses within town centres does not apply to this development and the principle at this location is acceptable.

There is no concern in regard to impact on neighbouring dwellings given the separation distances to the nearest properties. Environmental Health was consulted in regard to noise and odour and are content subject to conditions relating to an odour extraction system and the playing of live or amplified music and opening hours

The site is located in the Settlement Development Limit of Coleraine as designated in the Northern Area Plan 2016. The site is located to the rear of Cloonavin the Council buildings located at 66 Portstewart Road. To the south west the site is bounded by the River Bann. The proposal will use an existing car park located at Coleraine Marina. DFI Roads was consulted in regard to the proposal and are content in terms of road safety and car parking.

[SLIDES] – slides of the application site:

- The block plan shows the footprint of the proposed development.

- The proposed elevations which are considered acceptable in terms of design. The character of the existing building will be retained.
- A view of the site from the access to the Council buildings at 66 Cloonavin. The existing trees will screen the site from public view.
- The existing building on approach to the marina car park.
- The front elevation of the existing building.
- The side elevation facing the River Bann.
- The other side elevation looking towards Cloonavin.
- The rear elevation of the building from the grassed area to the rear of Cloonavin. This view is screened by existing trees and hedgerows.

The proposal has been considered in relation to the relevant planning policies and approval is recommended.

No questions were put to the Officer.

Proposed by Alderman Duddy
Seconded by Councillor Hunter 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.

The Chair put the motion to the Committee to vote.
13 Members voted For; 0 Members voted Against; 0 Members Abstained.
The Chair declared the motion carried and application approved.

The Chair declared a recess at 3.36pm.

Councillor McMullan proposed Planning Committee should continue, there was no seconder.

- * **Alderman Boyle left the meeting at 3.28pm and returned during consideration of the item.**
- * **The meeting reconvened at 3.56pm.**

The Head of Planning undertook a roll call of committee members in attendance.

* **Alderman Duddy did not re-join the meeting.**

6.9 LA01/2019/0993/F, Lands North of Mill Cottage Drive, Stranocum Ballymoney

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

The Chair advised the Speaker had withdrawn their speaking rights.

App Type: Full Planning

Proposal: Proposed residential development comprising 19no. dwellings and waste water treatment plant.

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.

Erratum Recommendation

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

Senior Planning Officer presented as follows:

- Planning Application LA01/2019/0993/F. This is a full application for a proposed residential development comprising 19no. dwellings and waste water treatment plant at Lands north of Mill Cottage Drive, Stranocum
- There is an erratum to accompany your committee report.

[SLIDES] – slides of the application site.

- Red line boundary of the site. The site is located within the Settlement Development Limit of Stranocum and is a committed housing site as designated in the Northern Area Plan. Previous permission was granted for 23 dwellings including 2 apartments. This permission expired in 2014.
- Proposed site layout plan. Access to the site is taken from the existing publicly adopted road serving the development at Mill Cottage. The proposed layout is of a fairly low density development comprising a variety of both detached and semi-detached dwellings. These are reflective of

the existing surrounding residential development. The layout includes a waste water treatment plant sited in the NW corner of the site. As the site is also located on the edge of the Settlement Development Limit the northern and western boundaries comprise buffer planting to help assimilate and soften the impact of the development with the surrounding countryside. The proposed layout offers adequate private amenity space for each property and adequate levels of curtilage parking.

- Shows the house types proposed. The dwellings are 2 storey and reflective of the scale of existing surrounding development.
- The proposed access point to the site taken from Mill Cottage Drive.
- A view across the site with the rear of existing dwellings at Mill Cottage Drive backing onto the site. These dwellings are sited at a higher level than the proposed site and the topography of the sites sloping down in a northerly direction. The proposed dwellings will sit at a lower ground level than these existing properties limiting overlooking potential. Back to back separation distances are also along the 20 metre mark.
- View looking across the site towards the northern boundary. The site is currently an agricultural field. The northern boundary is defined by sparse hedging and the western boundary is currently undefined. These will be augmented to provide a more substantial buffer planting.
- Photo taken from the northern boundary of the site looking across the site towards the rear of the properties in Mill Cottage Drive. Adequate separation between opposing rear elevations has been provided also dwellings in Mill Cottage Drive will sit at a higher ground level than the proposed dwellings.
- Eastern boundary of the site which runs along the rear of nos. 20 to 30 Main Street, Stranocum. The site has quite a backland character with limited presence in the overall village context and critical views from points of public access are limited. Separation with the properties along Main Street is adequate and it is proposed to retain vegetation along this boundary.
- A view from along Main Street showing limited views and existing vegetation which largely screens the site.

7 representations from 6 different properties from Mill Cottage Drive and Mill Cottage Way. These are outlined in detail in paras 8.67 to 8.74 of the Committee report.

Issues raised include impact on protected species, sewage capacity, site topography and potential flooding, access arrangements and proximity to adjacent properties, impact in views, retaining structures, impact on local facilities and noise impacts.

A private waste water treatment plan has been provided as the current treatment facility is at capacity as advised by NIW.

A drainage assessment has been submitted with the application. The site is not effected by fluvial or pluvial flooding. Run off from the site will be controlled by a storm-water attenuation system and safely disposed of at an acceptable rate to the identified watercourse. DFI Rivers have no objections to the submitted DA.

A biodiversity checklist has been submitted and Natural Environment Division consulted. There will be no adverse impacts on protected species.

Overall the proposed layout is considered acceptable when assessed against the relevant policies and will not introduce a pattern of development or density which is not in conformity with the local context.

Approval is recommended.

In response to questions from Elected Members, Senior Planning Officer clarified the sewerage treatment would be in private ownership unless NIW adopt it at a future stage. She clarified the infrastructure had reached capacity and did not know where Stranocum was on the list for sewerage improvements. She advised the site layout backs onto Mill Cottage Drive.

Proposed by Councillor Hunter
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** 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; 2 Members Abstained.

The Chair declared the motion carried and application approved.

6.10 LA01/2020/0328/F, Lands approx. 6m north of 70 Moycraig Road, Bushmills

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

The Chair declared an IT issue occurred within The Chamber at 4.19pm.

The Chair declared a recess at 4.21pm.

* **Alderman Duddy returned to The Chamber at 4.26pm during the recess.**

* **The meeting reconvened at 4.27pm**

App Type: Full Planning

Proposal: Proposed retention of small holiday park comprising 1 no. cabin, 1 no. static caravan and 5 no. touring pitches, fencing, landscaping, access and 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 **GRANT** planning permission subject to the reasons set out in section 10.

Senior Planning Officer presented as follows including the use of slides:

- Full planning permission is sought for the retention of a small holiday park comprising 1 no. cabin, 1 no. static caravan and 5 no. touring pitches, fencing, landscaping, access and ancillary site works.
- The site is located within open countryside as designated within the Northern Area Plan 2016. There are no other designations on the site. Moycraig Road is designated as part of an existing cycle network. There are 10 objections (7 properties) to the proposal the reasons for objection are set out in section 3 of the Planning Committee report. No concerns have been raised by statutory consultees in relation to this proposal.
- The proposed layout is shown with a new access proposed from the Moycraig Road with the existing closed up. Open space is located to the western part of the site.
- View of the site looking east showing the existing caravan on site, with the land rising behind the site.

- View of the access from No 72. From this location there are no views of the existing development on the site.
- View of the site. Part of the hedging to the front will be removed to provide for the new access.
- The existing access to be closed. At this location views are available of the site. It is enclosed with vegetation which is to be augmented. It is not dominant in the location or adversely impact on rural character due to the set back from the road, existing vegetation and rising land to the rear.
- The proposed access, DFI Roads have no objections.
- Existing caravan on the site to be retained.
- Existing cabin to be retained.
- The proposal is acceptable in terms of its layout, scale, massing, design, materials and is in character with the surrounding area. The proposal will not adversely harm neighbouring residential amenity. The site is acceptable in relation to integration, rural character, access, traffic, natural heritage, built heritage and drainage.
- The proposal complies with all relevant planning policies including the Northern Area Plan 2016, SPPS, PPS 2, PPS 3, PPS 16 and PPS 21.
- The application is recommended for Approval.

The Chair invited the speaker to present in support of the application.

G McGill spoke in favour of the application and advised he was available to answer questions, the recommendation and presentation were robust.

No questions were put to the speaker.

Proposed by Alderman Finlay
Seconded by Alderman Boyle 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 **GRANT** planning permission subject to the reasons set out in section 10.

The Chair put the motion to the Committee to vote.

12 Members voted For.

The Chair declared the motion carried unanimously and application approved.

* **Councillor McGurk re-joined the meeting at 4.33pm.**

6.11 LA01/2020/0678/O, Immediately Adjacent to 141 & 151 Muldonagh Road, Claudy

Reports and additional information received, previously circulated, presented by Senior Planning Officer, J McMath

App Type: Outline

Proposal: Dwelling house with detached garage at an existing cluster of development

Recommendation

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

Senior Planning Officer presented as follows:

Verbal addendum providing update on submission dated 22/6/21.

This is an outline application for a dwelling and detached garage at lands adjacent to 141 and 151 Muldonagh Road, Claudy. Site is located in rural area outside any development limit as defined in Northern Area Plan 2016.

[SLIDES] – slides of the application site:

- The site is a portion of a narrow roadside field.
- Northern boundary is defined by P &W fence.
- Western and southern boundary is defined by close boarded fencing.
- Eastern boundary defined by vegetation.
- View from approach from southeast.

The application was submitted as a dwelling within a cluster and therefore falls to be determined under PPS21. The site lies outside of a farm within a grouping comprising over 20 dwellings, the grouping appears as a visual entity.

The site however is not associated with a focal point or crossroads. The applicant refers to the presence of a previously approved hotel, public bar and function room and tourist facility, however the property operates as a Guest

House only which is not a social or community building/facility. The blacksmiths forge has not been built, neither of which are a focal point as required by the policy. The agent also refers to Ingfield Cottages holiday accommodation which would appear to be let out as a holiday let. There is no planning permission on this site for holiday accommodation only approvals for a domestic garage. A self-catering tourist accommodation is not considered to be a focal point (social or community building / facility) for the purposes of the policy.

The agent also refers to 2 businesses in the local area and to a planning application approved by the Council under policy CTY2a where a business was accepted as a focal point. No details of the businesses have been provided. However in consideration of the precedent quoted Officials are of the opinion that the example is not comparable because the example was approved as a renewal and on the basis that the existing business was within an enterprise centre which provided significant employment. The case in front of us is that the businesses are not distinct commercial premises that offer significant employment and are not focal points for wider community involvement and social interaction.

In PAC case 2017/A0035 the commissioner concluded that the private business served a specific market and while the policy is not specific or exhaustive in its definition of a focal point, the example given in the policy infers that a focal point is an identifiable entity used by the community for gatherings or activities with social interactions than a specialized business would. The examples of focal points raised by the applicant do not serve for community gatherings or activities and social interaction.

The applicant also considers the site to be at a crossroads. The junction where Muldonagh meets the lane serving no. 151 to the west and other properties to the east. The laneway that serves no.151 has no through access onto Foreglen Road and is used for private access to no.151 only and has the appearance of a lane. It is not considered to be a crossroads for the purposes of the policy. The proposal fails to meet policy CTY2a in that the development is not associated with a focal point such as a social / community building/ facility and is not located at a cross roads.

No overriding reasons have been forthcoming as to why the development is essential therefore the proposal is contrary to CTY1.

The proposal is also contrary to policies CTY8 and 14 in that the roadside site would add to a ribbon of development which would erode rural character.

Refusal is recommended.

The Chair invited the speaker to present in support of the application.

K Burke spoke in support of the application. He advised there had been no objections and addressed the reasons for refusal:

- the application is at the cross roads, Muldonagh Road and a laneway which is an abandoned section of the Foreglen Road, the report acknowledged the road abandoned;
- There is no definition of what constitutes a road, no consideration or weight acknowledged to A Speers PAC decision regarding policy CTY2A which stated that it extends beyond an adopted road and cited from the document, the site is at a cross roads and complies with policy CTY2A.
- Secondly, ribbon can be staggered or set back so long as visually linked to Muldonagh Road. The development is bounded by no.151 Muldonagh Road.
- Focal point – business cluster on Ballyrashane Road was considered acceptable as a community business and significant employment for local area. Smytons Business– application site for establishment business at Muldonagh Road and other businesses. Largest business is the Unique Timber Frames who employ 18 staff. Foreglen Community Association is a 5 minute walk. Street Lighting to the Community Hall. There are a range of activities for the local community associated with the focal point.
- Cluster is associated with focal point and the proximity to the community building and Muldonagh Cottages, association with Foreglen Community Association;
- Client wishes to remain in the Foreglen area and has lived there all his life.

Proposed by Councillor Nicholl

Seconded by Councillor P McShane and

AGREED – that Planning Committee defer the Application and hold a Site Visit in order to see the Application site in the context in light of the discussions on policy CTY2A.

The Chair put the motion to the Committee to vote.

15 Members voted For.

The Chair declared the motion to defer carried unanimously.

6.12 LA01/2019/0773/O, 175m North West of 77 Corrick Road, Dungiven

Reports, previously circulated, presented by Senior Planning Officer, J McMath

App Type: Outline

Proposal: Proposed site of dwelling and detached domestic garage.

Recommendation

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

The Head of Planning advised Councillor McMullan had seconded the Site Visit, had not attended, therefore could not take part in discussion and vote on the application. In response to questions clarified paragraph 8.6 of the Protocol – to not take part in determination discussion and vote.

Senior Planning Officer presented as follows:

This is an outline application for a dwelling and detached garage at land approximately 175m NW of no 77 Corrick Road, Dungiven. Site is located in the rural area outside any development limit as defined in Northern Area Plan 2016. The site is located within the Sperrins AONB. The site comprises 2 small fields.

[SLIDES] – slides of the application site:

- Access rises steeply from Corrick Road
- Showing the boundaries. Northern boundary is undefined, Western and Eastern boundary defined by post and wire fence and vegetation. Vegetation is along southern boundary.
- River Roe is located to south of the site.

The application was submitted as a dwelling on a farm and therefore falls to be determined under PPS21. The farm business is active and established and no dwellings or development opportunities have been sold off the holding. The proposal therefore complies with criteria a and b of policy CTY10. Under criteria c, no.77 and the adjacent buildings are the only group of buildings on the farm holding. The site is proposed approximately 175m North of no.77. The site is separated from the existing group of buildings by 2 fields and the river and as such fails to cluster or visually link with the established group of buildings on the farm. Policy CTY10 allows for consideration of an alternative site elsewhere on the farm where there are either demonstrable Health and Safety reasons or verifiable plans to expand the farm business at the existing building group.

The applicant has advised that the reasons for the siting are:

- The presence of the river and sloping nature of lands make this site the closest solution available
- Applicant does not have legal Right of Way over lane to construct a dwelling and letter from neighbouring land owner noting that they will not grant a Right of Way over lane to access a new dwelling

The reasons for the siting of the dwelling do not comply with the exceptions provided for by the policy. Other lands are available adjacent to the existing

group of buildings which are outside the flood plain of the river. The evidence regarding land ownership or difficulty in obtaining access over is not a Health and Safety reason. There are no verifiable plans to expand the farm business and therefore it does not fall within one of the exceptions to justify the alternative siting. Alternative access could be obtained over the lands in the applicant's ownership or agreement could be reached in future.

In PAC reference 2016/A0214. The appellant has argued that it is not feasible to site adjacent building as it is served by a laneway over which the appellant has no control and which does not meet the required visibility standards at the point of access to the public road. It is submitted that control over the land required to provide the necessary visibility standard does not exist and there is therefore a safety reason for approving a site remote from the main group of farm buildings. The Commissioner concluded that he did not accept this argument since the issue is not one of safety, but rather one of land ownership that may, or may not, be resolved with the relevant land owner(s).

The proposal is therefore contrary to SPPS and policies CTY1, 10 and 13 of PPS21 in that the site is not visually linked or sited to cluster with an established group of buildings on the farm, there are no demonstrable Health and Safety reasons or verifiable expansion plans to support this alternative site and no overriding reasons have been forthcoming.

Refusal is recommended.

The Chair invited the speaker to present in support of the application.

J Diamond spoke in support of the application. He advised that whilst knowing the Policy, there were mitigating factors. The concept is that no. 77 is the family home, but the River Roe through the farm and the nature of the contours are steep slopes and flooding areas that are unsuitable for development. The site is on lands closest to the farm are the most practical portion for development with the area adjacent to the existing buildings the only area for the future farm expansion, to rear of No. 77. Client verifiable farm business but restricted where can site dwelling due to the impact of the River Roe. Third Party lands to the north east have no Right of Way and cannot be considered. Lands to the left hand side steeply slope to River and cannot be developed. Lands at existing farm buildings would stagnate the farm business. Health and Safety reasons would not put house at that location. Driveway of no.77 would experience increased traffic and could not be realigned due to the steep sloping land. Past no. 77 takes you straight onto farmyard and through the middle of it and would impede livestock and deliveries. Main views are from the Glenshane Pass, views are restricted.

In response to questions from Elected Members, J Diamond advised expansion of the farm would be in the North East direction where flat lands are available; dwelling there would stifle the farm expansion. There are clear views of the farm holding at no.77. The site is lower in the ground and integrated and due to traffic flow views are restricted. An alternative access round the side of the existing farmhouses require difficult and expensive engineering works. Regarding split level dwelling, this had been looked at but there is a major slope to the River and it would be difficult to envisage how it would be finished and integrated. There are other lands available.

The Senior Planning Officer clarified the area in front of no. 77 is outside the floodplain, would visually link and cluster with the property at no. 77 and look at a design solution to use the sloping lands.

Proposed by Councillor Nicholl
Seconded by Councillor McGurk

- That the Committee has taken into consideration and disagrees with the reasons for the Recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** full planning permission subject to the reasons set out in section 10; subject to the following reasons:
 - under Policy CTY10 can be granted as there are no other site available due to the contours of the land and site selected will integrate.
 - demonstrable Health and Safety reasons.
 - does meet Policy CTY13 in terms of integration and can be designed to integrate.
 - under policy CTY10 meets criteria of exceptionality due to restricted land and sloping nature of the land
 - There are plans to expand the Farm Business adjacent to the existing farm building
 - is an exceptional case.

The Chair put the motion to the Committee to vote.

11 Members voted For; 2 Members voted Against; 1 Member Abstained.

The Chair declared the motion carried and application approved.

AGREED – that Conditions and Informatives are delegated to Officers.

Alderman S McKillop stated she had voted against the application as the Officer had said there would be no demonstrable health and safety reasons or verifiable plans to support the alternative siting.

The Chair advised the comments would be noted.

6.13 LA01/2020/0347/O 40M West of 1 Lisheegan Lane, Bendooragh Road, Ballymoney

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

App Type: Outline Planning

Proposal: Proposed Residential Dwelling House and Garage.

Recommendation

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

No discussion took place.

Proposed by Councillor P McShane
Seconded by Councillor MA McKillop and

AGREED – that Planning Committee defer the Application and hold a Site Visit to look at integration and whether it is an infill or not and see in its context to assess ribbon development.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion to defer to a Site Visit carried.

6.14 LA01/2020/0444/O 36 Castlecatt Road, Ballyness Townland, Bushmills

* **Councillor Hunter, having declared an interest, left the meeting and did not participate in the Item.**

* **There being an IT difficulty, the Chair declared a recess at 5.27pm.**

The meeting reconvened at 5.40pm.

* **Councillor P McShane had left the meeting at 5.28pm.**

* **Alderman Boyle had left the meeting at 5.40pm.**

The Head of Planning undertook a roll call of committee members in attendance.

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

App Type: Full Planning

Proposal: Change of Use of existing shed to farm & equestrian (including animal feed) suppliers

Recommendation

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

Senior Planning Officer presented as follows:

This proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.

The application site falls in the rural area outside the settlement limit of Bushmills. The block plan shows the existing buildings and shed that forms the application site.

1 letter of support was received from the Bushmills business community.

The proposed floor plans for the retail unit.

The shed and the relationship to the existing dwelling.

The proposed access, DFI Roads have no objection to the access.

The proposed layout detailing the range of goods to be sold.

The proposal does meet policy requirements under the SPPS for appropriate retail facilities in the countryside.

The proposal does not satisfy farm diversification policy requirements.

The scale and nature of the proposed use is not suitable for a countryside location. Paragraph 6.270 advises the aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing. The proposal entails change of use of an existing shed to farm and equestrian (including animal feed) suppliers but this is not specifically mentioned as being an example of appropriate retail facilities in the countryside in paragraph 6.279 of the SPPS.

The agent referred to a previous appeal see paragraph 8.37 of the committee report. A very small scale business was approved conditioned that only equestrian good be sold. This application is much larger with a wide array of proposed goods. The sequential approach for retail should be followed for this development within its catchment which would be beyond the settlement of Bushmills.

The proposal does not comply with all relevant planning policies including the SPPS and PPS 21.

In response to questions from Elected Members, Senior Planning Officer clarified exploring other sites was up to the applicant, the application outside the settlement limit and does not adjoin it; clarified the site to the east adjoining the Caravan Park in the rural area. Advised the application is for more than just equestrian products, there was a large retail element and referred to the Town Centre first policy requirement and the sequential approach. She reminded Members of a previous application on Haw Road for car sales refused by the Committee and dismissed on appeal to the PAC.

The Chair invited the speaker to present in support of the application.

D Dalzell spoke in support of the application. He stated the proposal is to repurpose of an existing building, close to Bushmills Town and suits a storage facility, bulky goods and other equestrian goods. No outdoor storage is required. There will be no adverse impact on Bushmills Town as there is no business of this nature in Bushmills. It will have a positive impact on Bushmills attracting more shoppers. The application site is 100m outside the settlement development limits. It will sell bulky animal feed would involve deliveries from lorries and pick up trailers. It is essential there is space for parking and turning. Bushmills is a Conservation area, the business will be serving a specific local need, similar to the Bellisle shop. Site was previously a builders merchants. With the sale of animal bedding, forklift and goods vehicles required, space is needed and not suitable within Bushmills Town. This is farm diversification; farm business is established and active, and is appropriate retailing in the countryside using existing buildings to serve the rural community and supported by Bushmills Business Association. There are no objections.

In response to questions from Elected Members, D Dalzell advised the SPPS provides examples for a business not in the Town; the list is not definitive. There are practical reasons for it being 100m from the town; the existing building is an agricultural barn and the farm active since 2007, maintaining the land in good agricultural condition. The character of the Town Centre is Listed Buildings, historic, conservation area. Buildings are small in nature. There is nothing available for sale or to rent; there is no industrial land and restrained as could not find any properties suitable within the settlement limit. Heartening to see buildings in Bushmills coming back to active use. This proposal will not divert trade from businesses in Bushmills Town as the proposal is very different. It would be very difficult to bring trailers for sheep hurdles into Bushmills Town.

In response to questions from Elected Members, D Dunlop advised of a letter of support from Bushmills Business Association.

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 and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the reasons set out in section 10, subject to the reasons:
- there was approval for a change of use of buildings to suppliers’;
- Bushmills has not moved on much more in the intervening years; is pragmatic in regards to Bushmills;
- Bushmills is a Conservation area and listed buildings are not suitable for proposal;
- 100m from the Town;
- Economic benefit will flow into the Town;
- Will sustain the rural character of the area, given an agricultural business;
- Other examples of such uses in the countryside include that at Bellisle and Richmond Coleraine
- Large vehicles and trailers etc will be used and the centre of Bushmills is not suitable for manoeuvring such vehicles;
- Is an active and established farm business and land kept to a high standard and demonstrated in relation to previous approval for a farm dwelling.

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 approve carried unanimously.

* **Councillor Hunter re-joined the meeting.**

6.15 LA01/2019/1105/F, Land south of 40 Newton Rd and West of 16 Crossnadonnell Rd, Limavady

Report, previously circulated, presented by Senior Planning Officer, J McMath.

App Type: Full

Proposal: Two detached dwellings with detached garage

Recommendation

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

Senior Planning Officer presented as follows:

Verbal addendum provided regarding letter received 22/6/21.

This is a full application for two detached dwellings and detached garages at land south of 10 Newton Road and west of 16 Crossnadonnell Road, Limavady.

[SLIDES] – slides of the application site:

- Location of the application site. Site is located within an existing residential area within the settlement development limit of Limavady as provided for by Northern Area Plan 2016.
- The application site. Site comprises a flat parcel of land within the existing residential area.
- Boundaries of the site. Northern boundaries with 40 Newton Road and 16 Crossnadonnell is defined by a 2m fence. The south and western boundaries are defined by the footpath along both Newton and Crossnadonnell Roads.
- Slide showing the surrounding area as residential.
- Slide showing the layout. This is a full application for two detached dwellings with detached garages. The details of the layout, scale, mass, design and finishes are considered to comply with PPS7, PPS7 Addendum, DCAN 8 and Creating Places.

1 objection was received which questioned the address, and raised concerns about the speed of traffic on Crossnadonnell Road and access over the footpath and safety. The address was corrected during the processing of the application and readvertised and neighbour notified accordingly. DFI Roads were consulted on the objection and have advised that the access meets the standard requirements and confirmed that Roads do not have any safety concerns.

The issue is that NIW have advised that while WWTW is presently available, the network is at capacity and therefore NIW cannot approve any further connections. NIW can consider like for like development, extant development and where development offers a decreased loading. This matter was raised with the agent who highlighted a 1997 approval for serviced sites and the road layout (refer to the planning history section of the committee report). The stance was also agreed with committee on a previous application LA01/2019/0990/F.

The proposal is contrary to SPPS in that it has not been demonstrated that there is adequate WW network capacity available or that an alternative arrangement is available to serve the proposal.

In response to questions from Elected Members, J McMath clarified the network is at capacity, and NIW will look at each application on a case by case basis considering like-for-like, extant permissions, decreased loading.

This is similar scenario to an application previously at Committee refused on same issue.

The Chair invited the speaker to present in support of the application.

M Kennedy spoke in support of the application and presented the following matters:

- the report of the Planning Application acceptable other than sewerage, the first dwelling already has Planning permission, the second a negative condition is all that is required;
- Referred to B/1997/0304 when the site was granted Planning permission for 61 serviced plots to B Mullan & Sons in 1997. To say the applications were outline is incorrect. The layout has full permission for roadways, sewers, and the site.
- Referring to paragraph 8.33 of the Planning Committee report advised outline permission has been granted for 1 dwelling;
- An Article 17 application approved in 1998 for a sewer connection. Regarding an individual sewer connection Engineer B Carey has stated there are no additional approvals required from NI Water as they are already in place. The Developer is entitled to take up connection there is no impediment.
- The second dwelling, it is accepted is not Outline. Can add a negative condition. Appropriate and reasonable prospect will be a sewer connection within the timeframe;
- The Head of NI Water Dr Blockwell has stated an upgrade of Limavady sewers under PC 21 Business Plan 2021- 2026/2027 to be carried out within the timeframe, up to date information has now been received and the timeframe sets the upgrade for Limavady.
- There is an Issue of equity and fairness, the Gorteen Greenfield site approved with a negative Condition and therefore there is no reason why this cannot be approved.

In response to questions from Elected Members, M Kennedy clarified NI Water had corresponded regarding the Gorteen Application the day before the meeting stating a Limavady upgrade 2021-2026, it is a reasonable prospect, there is no reason why a negative Condition cannot be imposed.

*** A technical difficulty occurred with the Senior Planning Officer.**

The Head of Planning cited the NI Water correspondence for Committee's information and in response to further questions from Elected Members cited

Condition 18, she stated the difference was the Reserved Matters Application had a live Outline application.

In response to questions from Elected Members the Senior Planning Officer advised she had raised Article 17 with NI Water and it was not live, the sewers adopted in 2007 no longer exists for the sites and a new Article 163 application is required. She clarified the Serviced sites were Outline subject to Reserved Matters being submitted within the timeframe.

Proposed by Councillor Scott
Seconded by Alderman S McKillop

- that given the information M Kennedy has referred to, the Application is deferred and a copy of Article 17 and the full Application of 1997 is circulated to all Councillors.

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 defer carried unanimously.

6.16 LA01/2020/0456/O 30m West of 98 Bolea Road, Limavady

Reports, Additional Information received, previously circulated.

App Type: Outline
Proposal: New dwelling & garage in-filling gap within established housing cluster

Recommendation

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

No discussion took place.

Proposed by Alderman Finlay
Seconded by Councillor Scott and

AGREED – that, given what we have heard here today, the Application be deferred and viewed on Site to see it in context to assess against policy.

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

The Head of Planning clarified Site Visits will be held on the Monday before the Planning Committee meeting.

7. ORDER OF BUSINESS

Proposed by Councillor McLaughlin

Seconded by Councillor McMullan

- that the remainder of the Items of Business be deferred to another Planning Committee meeting.

The Chair clarified the following Monday had been reserved for a Planning Committee meeting should it be required to reconvene, or business may be deferred to the August Planning Committee Meeting.

The Chair enquired of the Head of Planning whether there were urgent matters to be dealt with. The Head of Planning advised decisions may be required on the Positions of Responsibility report and Legal Issue.

Councillor McLaughlin, in conjunction with this seconder, Councillor McMullan withdrew his proposal.

It was AGREED – that the following Items of business be deferred to the August Planning Committee meeting:

- Development Management (Agenda Item 7)
- Update on Development Management and Enforcement Statistics – 01/04/20 – 31/03/2021 (Agenda Item 7.1)
- Update on Development Management and Enforcement Statistics – 01/04/21 – 31/04/2021 (Agenda Item 7.2)
- Development Plan: (Agenda Item 8)
- Verbal Update (Agenda Item 8.2)
- DAERA NI Marine Plan – Public Consultation Report (Agenda Item 8.2)
- DfC – Proposed Listings – ‘Arborfield’ 25 Charles Street & ‘Dunvaron’ 27 Charles Street, Ballymoney (Agenda Item 8.3)
- Correspondence (Agenda Item 9)
- DfI Sustainable Water NI – Long Term Water Strategy (Agenda Item 9.1)
- Marine Licence (Agenda Item 9.2)
- Response from Council regarding Signage in Ballycastle (Agenda Item 9.3)
- Letter to Alison McCullagh – re NI Planning IT System – Progress Update (Agenda Item 9.4)
- Mid Ulster Council – Replacement Planning Portal (Agenda Item 9.5)
- DAERA – Ministerial Request – Craigall Rocks (Agenda Item 9.6)

Proposed by Alderman S McKillop

Seconded by Councillor Scott and

- Agreed that items 7.3 and 10.1 be heard and the remaining agenda items discussed at the Planning Committee meeting to be held in August.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion to defer carried unanimously.

* **Alderman Finlay left the meeting at 7.00pm.**

8. POSITIONS OF RESPONSIBILITY

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

Background

Causeway Coast and Glens Borough Council has established a scheme of allowances payable to Members for the current period. The scheme provides for the payment of allowances to Councillors on the basis that:

- 1 – The maximum level of basic allowance as determined by the Department for Communities (DfC) is paid
- 2 – The maximum level of carers allowances as determined by the DfC are paid
- 3 – The maximum level of mileage rates as determined by the DfC are paid
- 4 – Councillors' payments are made on the third last banking day of each month

Detail

The current Scheme of Allowances, attached as an appendix (circulated), stipulates that a number of Planning Committee members will be designated to hold positions of Special Responsibility on a rotational basis, 8 positions for a financial year and 7 the following financial year reverting to 8 in the third year and so. In the event that a holder of a position of responsibility is replaced part way through a financial year they will receive the allowance for the period they served on the committee and their replacement will receive the allowance for the remaining part of the financial year in question. It should be noted that those nominated for this current year will have the allowance back dated to 1 April 2021.

It is recommended that the Planning Committee nominate those members who will receive the Special Responsibility Allowance for the financial year 1 April 2021 to 31 March 2022.

Proposed by Alderman Duddy
Seconded by Councillor Scott

- that Planning Committee approve names be drawn from a hat, 8 Members for payment within the current financial year and 7 Members for payment in the following financial year.

Councillor Hunter drew caution, that Chair for the current and following year be excluded.

Councillor Nicholl advised he had already received the information from Democratic Services; that the matter be deferred to check. Councillor McLaughlin concurred and stated he would forward the email to Planning Committee Members.

Alderman Duddy withdrew his proposal, if the matter had already been decided by Democratic Services; otherwise bring the matter back to the August Committee meeting.

Councillor McGurk and Alderman McKeown advised they were unaware of the names put forward.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Alderman S McKillop
Seconded by Alderman McKeown and

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

- * **Press / Public were disconnected from the meeting at 7.17pm.**

The information contained in the following item is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

- * **Alderman Duddy left the meeting at 7.16pm.**
- * **Councillor Scott left the meeting at 7.16pm.**
- * **Alderman S McKillop left the meeting at 7.17pm.**

9. CONFIDENTIAL ITEMS

9.1 In Committee – Legal Issue

Confidential report, previously circulated, presented as read by the Council Solicitor.

Council Solicitor advised correspondence had been received and a robust response issued in relation to Council's defence, the correspondence would be shared with Planning Committee Members.

IT IS RECOMMENDED that the Planning Committee AGREE to the retention of the services of David Elvin QC and his associate Yaaser Vanberman BL to represent the Council in the Judicial Review proceedings.

Proposed by Councillor Hunter
Seconded by Alderman Baird and

AGREED - that the Planning Committee AGREE to the retention of the services of David Elvin QC and his associate Yaaser Vanberman BL to represent the Council in the Judicial Review proceedings.

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

* **Councillor MA McKillop left the meeting at 7.22pm during consideration of the Item.**

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman McKeown
Seconded by Councillor Dallat O'Driscoll and

AGREED – to recommend that Planning Committee move *'In Public'*.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 7.25pm.

Chair