

**PLANNING COMMITTEE MEETING HELD WEDNESDAY 25 AUGUST 2021**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
1.	Apologies	<b><i>Councillors Anderson, MA McKillop</i></b>
2.	Declarations of Interest	<b><i>Councillor Dallat O'Driscoll in LA01/2018/0570/F, Keady Quarry, 121 Broad Road, Limavady</i></b>
3.	Minutes of Planning Committee meeting held Wednesday 24 June 2021	<b><i>Confirmed</i></b>
4.	Minutes of Planning Committee meeting held Monday 5 July 2021	<b><i>Confirmed</i></b>
5.	Order of Items and Confirmation of Registered Speakers	<b><i>LA01/2019/0960/F, 121 Coleraine Road, Portrush &amp; 5 Errigal Court, Portrush deferred for a Site Visit</i></b>  <b><i>Item Planning Advice Note (PAN) on 'Implementation of Strategic Planning Policy for Development in the Countryside' – is considered next as the Item of Business on the Agenda.</i></b>
6.	Planning Advice Note (PAN) on 'Implementation of Strategic Planning Policy for Development in the Countryside'	<b><i>That Planning Committee hold a Workshop to urgently discuss and produce a response to the Minister;</i></b>

		<b>that the matter be sent to the Partnership Panel.</b>
<b>7.</b>	Schedule of Applications:	
<b>7.1</b>	LA01/2018/0570/F, Keady Quarry, 121 Broad Road, Limavady (report attached)	<b>Deferred</b>
<b>7.2</b>	LA01/2019/1036/F, Lands situated adjacent and South of the Church of the Christ King Parochial House, 4 Scroggy Road, Limavady (report attached)	<b>Disagree and Approved Delegate agreement of wording of condition 5 and 18</b>
<b>7.3</b>	LA01/2020/1318/F, Land opposite 30 Glengiven Avenue & 3, 5 & 15 Glenside Brae (Land to East & South of the former Gorteen House Hotel) and to the rear of 27,29, 33,35,47 & 59 to 63 Ballyquin Road Limavady	<b>Approved</b>
<b>7.4</b>	LA01/2018/0901/O, 34 Kilrea Road, Garvagh, Coleraine	<b>Approved</b>
<b>7.5</b>	LA01/2019/0850/F, Lands adjacent to Willowfield Drive, Coleraine	<b>Approved</b>
<b>7.6</b>	LA01/2020/0456/O, 30m West of 98 Bolea Road, Limavady	<b>Disagree and Approved Delegate Conditions and Informatives</b>
<b>7.7</b>	LA01/2020/0678/O, Immediately adjacent to 141 & 151 Muldonagh Road, Claudy	<b>Refused</b>
<b>7.8</b>	LA01/2020/1142/O, Gap site between 18A & 20 Beech Road, Dungiven	<b>Disagree and Approved Delegate Conditions and Informatives</b>
<b>7.9</b>	LA01/2020/1235/O, Site adjacent to No. 53 East Road, Drumsurn	<b>Disagree and Approved Delegate Conditions and Informatives</b>
<b>7.10</b>	LA01/2020/0347/O, 40m West of 1 Lisheegan Lane, Bendooragh Road, Ballymoney	<b>Deferred for submission of further information, a biodiversity checklist.</b>
<b>7.11</b>	LA01/2019/0337/F, Lands at 30 Glenlough Road and lands to the rear of 28 Glenlough Road, Ballymoney	<b>Disagree and Approved Delegate Conditions and Informatives</b>

<b>7.12</b>	LA01/2021/0322/O, Lands between 37 & 37 Anticur Road, Dunloy (report attached)	<b>Refused</b>
<b>7.13</b>	LA01/2020/0691/O, Site 40m SE of 12 Mayoghill Road, Garvagh	<b>Refused</b>
<b>8.</b>	<b>Development Management:</b>	
<b>8.1</b>	Update on Development Management and Enforcement Statistics – 01/04/20 – 31/05/2021	<b>Information</b>
<b>8.2</b>	Update on Development Management and Enforcement Statistics – 01/04/20 – 31/06/2021	<b>Information</b>
<b>8.3</b>	Update on Development Management and Enforcement Statistics – 01/04/20 – 31/08/2021	<b>Information</b>
<b>8.4</b>	Annual Report	<b>Information</b>
<b>9.</b>	<b>Development Plan:</b>	
<b>9.1</b>	Verbal Update	<b>Information</b>
<b>9.2</b>	DAERA NI Marine Plan – Public Consultation Report	<b>Information</b>
<b>9.3</b>	DfC – Proposed Listing – ‘Arborfield’ 25 Charles Street & ‘Dunvaron’ 27 Charles Street, Ballymoney	<b>Information</b>
<b>9.4</b>	DfC – Proposed Listing – 1B Knockans Rathlin Island	<b>That Planning Committee approve Option 1: Agree to support the listing and agree to the Head of Planning responding to DfC:HED on behalf of Council.</b>
<b>9.5</b>	DfC Conservation Principles Consultation	<b>That the Planning Committee agree to the Head of Planning responding to DfC on behalf of Council.</b>
<b>10.</b>	<b>Correspondence:</b>	
<b>10.1</b>	Mid Ulster Council – Local Development Plan 2020 – Strategy	<b>Information</b>

	Submission of Documents to Department	
<b>10.2</b>	Dfl Guidance on Accessibility Analyses & the Preparation of Planning Policies for Transport	<b>Information</b>
<b>10.3</b>	Letter to Alison McCullagh RE: NI Planning IT System – Progress Update	<b>Information</b>
<b>10.4</b>	Mid Ulster Council – Replacement Planning Portal	<b>Information</b>
<b>10.5</b>	DAERA – Ministerial Request – Craigall Rocks	<b>Information</b>
<b>10.6</b>	Response from Council regarding Signage in Ballycastle	<b>Information</b>
<b>10.7</b>	Marine Licence	<b>Information</b>
<b>10.8</b>	Dfl Sustainable Water NI – Long Term Water Strategy	<b>Information</b>
	<b>'In Committee' (Item 11)</b>	
<b>11.</b>	Confidential Items:	
<b>11.1</b>	Report for Noting Finance Period 1-3 2021 22 Update (report attached)	<b>Information</b>
<b>12.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<p><b><i>That Officers present Planning Committee monthly statistics on a quarterly basis, on rotation between Development Plan and Head of Planning;</i></b></p> <p><b><i>That only BT correspondence on red telephone boxes is presented to Committee all others delegated to Head of Planning to respond;</i></b></p> <p><b><i>That Planning Committee Correspondence Item is presented, as read, to note.</i></b></p>
<b>12.1</b>	Length of time of Meetings	

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS  
AND VIA VIDEO CONFERENCE  
ON WEDNESDAY 25 AUGUST 2021 AT 10.30am**

**In the Chair:** Alderman J Baird (C)

**Committee Members Present:** Alderman Boyle (C) Duddy (C), Finlay (C),  
S McKillop (R), McKeown (R and C).

Councillors Dallat O'Driscoll (R), Hunter (R), McGurk (R),  
McLaughlin (R), McMullan (R), McShane (P) Nicholl (R)  
and Scott (C)

**Non-Committee Members In Attendance:** Alderman Robinson; Councillor Callan

**Officers Present:** D Dickson, Head of Planning (C)  
S Mathers, Development Management and Enforcement Manager (R)  
S Mulhern, Development Plan Manager (R)  
B Edgar, Head of Health & Built Environment (R)  
C Doran, Environmental Health Manager (R)  
J Mills, Council Solicitor (R)  
E Hudson, Senior Planning Officer (R)  
C McKeary, Senior Planning Officer (R)  
J McMath, Senior Planning Officer (R)  
M Wilson, Senior Planning Officer (R)  
J Lundy, Senior Planning Officer (R)  
S Duggan, Civic Support & Committee & Member Services Officer (C)  
I Owens, Committee & Member Services Officer (R)

A Gillan, DfI Roads (R)  
N Jenkinson, DfI Rivers (R)

A Lennox, Mobile Operations Officer (C)  
C Ballentine, ICT Officer (C)  
C Thompson, ICT Officer (C)

Press (3 No.) (R)  
Public (25 No. including Speakers) (R)

## Registered Speakers in Attendance (R):

Item No	Name
Item 6.1 LA01/2018/0570/F	T Beattie A Harley D Harley J Hurlstone
Item 6.2 LA01/2019/1036/F	G Jobling
Item 6.4 LA01/2019/0960/F	O Given D Mountstephen M Adrain K Hannigan A Lamont
Item 6.5 LA01/2018/0901/O	O Quigg
Item 6.6 LA01/2019/0850/F	D McLaughlin N Brown R Sheehy
Item 6.7 LA01/2020/0456/O	O Dallas
Item 6.8 LA01/2020/0678/O and Item 6.9 LA01/2020/1142/O	K Burke
Item 6.10 LA01/2020/1235/O	A Boyle
Item 6.11 LA01/2020/0347/O	B McConkey
Item 6.12 LA01/2019/0337/F	M Kennedy M Blaney
Item 6.13 LA01/2021/0322/O	G McPeake
Item 6.14 LA01/2020/0691/O	M Williams

**Key** R = Remote            C = Chamber

The Head of Planning undertook a roll call of Committee Members and speakers 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.'*

\* **Councillor McMullan joined the meeting.**

\* **Councillor McGurk joined the meeting.**

### **Local Government Code of Conduct**

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

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

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

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

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

**1. APOLOGIES**

Apologies were recorded for Councillors Anderson and MA McKillop.

**2. DECLARATIONS OF INTEREST**

Declarations of Interest were recorded for Councillor Dallat O’Driscoll in LA01/2018/0570/F. Councillor Dallat O’Driscoll did not participate, nor vote on the Item.

**3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 23 JUNE 2021**

Copy, previously circulated.

Proposed by Councillor Scott  
Seconded by Alderman Boyle and

**AGREED** – that the Minutes of the Planning Committee meeting held Wednesday 23 June 2021 are confirmed as a correct record.

The Chair put the motion to the committee to vote.  
Committee voted unanimously in favour.  
The Chair declared the motion carried.

**4. MINUTES OF PLANNING COMMITTEE MEETING HELD MONDAY 5 JULY 2021**

Copy, previously circulated.

Proposed by Councillor Hunter  
Seconded by Alderman Duddy and

**AGREED** – that the Minutes of the Planning Committee meeting held Monday 5 July 2021 are confirmed as a correct record.

The Chair put the motion to the committee to vote.  
Committee voted unanimously in favour.  
The Chair declared the motion carried.



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

Proposed by Alderman Duddy  
Seconded by Alderman S McKillop and

**AGREED** – that LA01/2019/0960/F, 121 Coleraine Road, Portrush & 5 Errigal Court, Portrush is deferred and Site Visit held, due to scale and massing of the application, impact on local amenity including residual amenity and character of the area and impact on Town Centre.

The Chair put the motion to the committee to vote.  
Committee voted unanimously in favour.  
The Chair declared the motion to defer for a site visit carried.

Proposed by Councillor McGurk  
Seconded by Councillor McMullan and

**AGREED** – that Item Planning Advice Note (PAN) on ‘Implementation of Strategic Planning Policy for Development in the Countryside’ – is considered next as the Item of Business on the Agenda.

The Chair put the motion to the committee to vote.  
Committee voted unanimously in favour.  
The Chair declared the motion carried.

The Head of Planning advised the remaining Schedule of Applications would be considered in Order, as presented on the Agenda.

## 6. CORRESPONDENCE - PLANNING ADVICE NOTE (PAN) ON ‘IMPLEMENTATION OF STRATEGIC PLANNING POLICY FOR DEVELOPMENT IN THE COUNTRYSIDE’

Copy, previously circulated.

The Head of Planning cited from the Planning Advice Note (PAN) on ‘Implementation of Strategic Planning Policy for Development in the Countryside’, Planning Advice Note, August 2021 on the following:

- Integration and rural character;
- Dwellings on farms;
- Infill/ribbon development; and,
- Dwellings in existing clusters

During discussion The Head of Planning cited from the Advice Note:

### **Integration and Rural Character**

*“All development into the countryside must integrate into its setting, respect rural character and be appropriately designed” (ref paragraph 14)*

*“In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning environmental considerations....” (ref paragraph 14)*

*“...all forms of development in the countryside must therefore integrate into their setting and ensure that there is no adverse impact on the rural character of the area, as per the SPPS. (ref paragraph 15)*

### **Dwellings on Farms**

*“ the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding and therefore it would be expected that there would be a group of farm buildings on the holding to cluster with” (ref paragraph 16)*

*“...expectation that there is an established group of buildings on the farm holding, with which a new dwelling could visually link or be cited to cluster with ” (ref paragraph 16)*

*“Building on Tradition A Sustainable Guide for the Northern Ireland Countryside” (ref paragraph 17)*

*“...gives added emphasis on the new development being visually linked, stating hence the policies are structured to direct development to locate (inter alia)...adjacent to established farm groups...” (ref paragraph 17)*

*“...the policy is clear that all new development proposals should be appropriately integrated, not have an adverse impact on rural character or create or add to a ribbon of development. Therefore for the purposes of this policy, the Department considers that new dwellings on farms should be sited to visually link or cluster with an established group of buildings on the farm holding, which would not include a dwelling and domestic garage only”. (ref paragraph 19)*

### **Infill/ribbon development**

*“...small gap site in an otherwise substantially and continuously built up frontage” (ref paragraph 20)*

*“Planning permission will be refused for a building which creates or adds to a ribbon of development.” (ref paragraph 20)*

*“The acceptance of an unsubstantial ancillary building such as a domestic garage or small outbuilding as a ‘building’ which contributes to the assessment of a substantially and continuously built up frontage, is at odds with the original policy intent. It was not the intention of the policy that such buildings would be considered suitable in any reasonable planning assessment of a proposal for an infill dwelling, given their limited size and visual impact, in terms of their ability to contribute visually to a substantially and continuously built up frontage”. (ref paragraph 22)*

### **New dwellings in existing Clusters**

*“...appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside”. (ref paragraph 24)*

*“The policy requires that all of the policy criteria for new dwellings in existing clusters of development are met. Not applying the extant policy as intended may result in new dwellings being approved without meeting all of the listed criteria, hence undermining the policy intent. For example, the requirement that the cluster “is associated with a focal point” is a key policy consideration in determining development proposals in an existing cluster of development”. (ref paragraph 25)*

*“...it is important that, when preparing plans and taking decisions, all criteria are applied as the policy requires, unless there are clear overriding material considerations for not doing so, in which case these should be clearly set out. The Department therefore considers that approving the development of a new dwelling which is not associated with an existing cluster of development, as defined by policy, ....may result in in appropriate development contrary to the aims and objectives of strategic planning policy”. (ref paragraph 26)*

Councillor McGurk considered ‘Dwellings on Farms’ offered the greatest concern and that Committee should respond. Councillor McGurk stated the Local Development Plan process meant localised Planning, whilst taking on board Planning Policy at Stormont, the correspondence from the Minister she felt was dictating local area application of Policy, to the extreme. Councillor McGurk considered this to be putting a stranglehold on rural communities

providing them with little opportunities. No account of succession farming and need to build locally and next to the farmland.

Alderman Duddy considered the Advice Note prescriptive for rural Council areas; that due to the geographical spread of Causeway Coast and Glens this will have a detrimental impact on the rural community and rural economy. Alderman Duddy agreed that planning for succession farming is not simple and easy. He advised the Minister was required to be cognisant of being in the middle of the Local Development Plan process. Need consideration of those people who want to come and live in this area and those who already live in the area and their needs. He concurred that Committee needed to respond to the Minister. Furthermore, that the matter be raised with the Partnership Panel and all other eleven Council's.

Discussion from Committee members took place. Committee concurred with the sentiments of the proposer and seconder and for a workshop to be held.

In response from queries from Members, the Head of Planning advised that the Advice Note is largely in line with officers interpretation of the policy with the exception of not clustering or visually linking with a dwelling on the farm. Decisions taken by Planning Committee have taken account of the policy and other material considerations and given weight to particular material issues that they considered determining.

Proposed by Councillor McGurk  
Seconded by Alderman Duddy and

**AGREED** – that Planning Committee hold a Workshop to urgently discuss and produce a response to the Minister; that the matter be sent to the Partnership Panel.

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

- \* **Alderman McKeown arrived in The Chamber at 11.20am (previously virtual attendance had been recorded)**

## **7. SCHEDULE OF APPLICATIONS:**

### **7.1 LA01/2018/0570/F, Keady Quarry, 121 Broad Road, Limavady**

- \* **Councillor Dallat O'Driscoll, having declared an Interest, did not participate in the Item.**

Report, addendum and correspondence from Agent previously circulated, presented by Senior Planning Officer, C McKeary.

**App Type:** Full Planning

**Proposal:** Retrospective application for extraction of basalt within existing quarry, retention of processing plant, weigh bridge, site offices and access road including a lateral extension incorporating wheel wash, realigned quarry access road, landscaping and full site restoration.

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

**Addendum Recommendation**

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to further consider the further submission of information by the agent in support of the application.

Senior Planning Officer presented via PowerPoint presentation.

Keady quarry is located on Keady Mountain, north east of Limavady and the site falls within the Binevenagh AONB. The nearest main road is the Broad Road which is the A37 between Coleraine and Limavady.

Addendum - Since the report was supplied to the Committee, the applicant has made a further submission regarding some of the points raised in the Committee Report which was circulated as an addendum.

The agent considers that the fall back position is a realistic option for the applicant and requests the opportunity to demonstrate this based on the comments within the report.

They have provided some initial technical details about obtaining the remaining reserves within the 1979 approved quarry which would need to be explored to determine what weight should be attributed to those details.

The agent has provided additional case law regarding the fall back position which would need to be considered in detail and applied to the specifics of the application.

The agent also disagrees with the application of policy AMP2 of PPS3. They consider that DfI Roads does not have remit over the initial point of access onto Keady Road and that DfI Roads cannot require upgrades beyond that point of access, when no direct access or intensification occurs.

The matter of the interpretation of this policy is further challenged with the submission of a reference to an additional planning appeal. The details of this appeal need to be provided and considered in light of the submission made.

The additional information provided was received at 12.24 on Friday 20th August 2021. Due to the complexity and detail of the information, more time is required to adequately consider and comment upon it this late submission of information.

Based on this the recommendation is that the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to further consider the points raised by the applicant.

- This is a major application due to the size of the site. The applicant has submitted a Proposal of Application Notice and has carried out the subsequent community consultation process. A voluntary Environmental Statement was also submitted along with application meaning that an EIA Determination was not required.

- The detailed proposal is for the “Retrospective application for extraction of basalt within existing quarry, retention of processing plant, weigh bridge, site offices and access road including a lateral extension incorporating wheel wash, realigned quarry access road, landscaping and full site restoration” at Keady Quarry, 121 Broad Road, Limavady.”

- The site life expectancy is 5 years for extraction carried out in the 3 phases as shown on the map, followed by 1-2 years for restoration

- Minerals development is dealt with under the retained policies within the Planning Strategy for Rural Northern Ireland and there is a presumption in favour of expansion of existing quarries.

- In this case there is an extant approval from 1979 shown on the map. Thereafter, quarrying commenced to the East and outside this approval without the required planning permission making it unauthorised EIA development. This application seeks to regularise this. There is also an element of proposed works to the quarry which will further extend to the East.

- Current case law only permits the approval of unauthorised EIA development such as this in specific circumstances. In this case the Planning Department has accepted that the development is exceptional, and that the developer has not gained an unfair advantage and/or been unfairly able to circumvent EU Law, therefore meeting the circumstances outlined in the caselaw.
- The application has met all the required planning policies regarding natural heritage, archaeology, impact on hydrology and hydrogeological links and flooding. The consultees were content subject to conditions recommended and no reasons for refusal were supplied.
- The proposal is not located on the escarpment summit (which is one of the key landscape characteristics of the AONB) but rather is down slope from the profile of Keady Mountain. This lower central part of the escarpment of Binevenagh Ridge is less sensitive than the more prominent Northern and Southern sections.
- Keady quarry existed before the current Binevenagh AONB designation in 2006 and before the one that preceded it which was the North Derry AONB designated in 1966. Therefore this quarry has always been a part of the AONB landscape.
- Views of the quarry are possible from longer range views due to the elevated landscape from Bolea Road, Gortcarn Road, Ringsend Road, Drumalief Road, Ballyavelin Road, Drumsurn Road, Terrydoo Road, Edenmore Road, and Windyhill Road where the impact is slight to moderate. The most significant views are when passing on the Broad Road from Limavady to Coleraine. Views also from Ringsend Road where the proposed access to the quarry is located.
- The proposal for the extension of the quarry is to the East which is uphill from the existing quarry but does not extend to the summit of the hill which is approximately a further 50m higher. The higher landmass behind the quarry face would still be discernible and the overall character of the area would be retained. Therefore the visual impact is acceptable.
- Environmental Health, the Health & Safety Executive NI, the Drinking Water Inspectorate and the Industrial Pollution and Radiochemical Inspectorate were all consulted and were content subject to conditions that the impact on health and safety and on neighbouring amenity was acceptable.
- The economic benefit put forward by the applicant is limited and indicates that there will be 9 full time employees with up to 4 more employed on a seasonal basis. This is in addition to the commercial rates that would be paid.

- Waste management is governed by the Planning (Management of Waste from Extractive Industries) Regulations (NI) 2015 which set out specific requirements on operators of quarries for the management of waste produced by them. It states that planning permission shall not be granted unless a waste management plan has been submitted. The waste management plan submitted was considered to be acceptable.

- In the restoration plan, it is proposed that at the end of phase 3 the quarry faces will be retained and the quarry floor will be allowed to naturally regenerate. The benches created by quarrying will be slightly graded using overburden to create new landforms. The quarry will have a mix of natural regeneration, open mosaic habitat, and scrub with hedging at the entrance to the quarry faces. The Environmental Management Plan lays out how the retained habitats will be protected during extraction; how continued management is undertaken post restoration and how the results are monitored to allow management revisions as necessary. This monitoring will be undertaken for the first 5 years after restoration.

- While the access from the quarry onto the Keady Road is satisfactory, the applicant is not able to achieve the required standards for the access onto Ringsend Road which is where they propose to exclusively enter and exit the site. DfI Roads consider that the access onto Ringsend Road as it stands is substandard and no improvements are proposed within the application. DfI Roads have advised that 3rd party lands are required to achieve the standards and have recommended refusal as it would prejudice the safety and convenience of road users.

- The applicant does not accept that they need to meet the standards required by Roads due to their fall back position. The fall back position is based on the 1979 approval and that the applicant considers that they can continue to quarry and use the access without improvements. However, the Planning Department does not agree that the fall back position is anything greater than theoretical. The applicant has not demonstrated that the reserves are not exhausted or obtainable and the Planning Department is also mindful that a large part of the lands within the 1979 approval are now taken up by internal road arrangements. It appears that this approval now only exists in theory and that the quarry could not really operate using only the lands and reserves within this approval. This means that as there is no fall back and the current Roads standards can be applied.

- There were 152 objections to the application and no letters of support. Consideration of objections is set out in the Committee report.



Conclusion - This application is recommended for refusal because the visibility splays and forward sight distances proposed do not meet the required standards and would prejudice the safety and convenience of road users. However on the basis of the addendum, the recommendation is that the Committee note the contents of the Addendum and agree with a new recommendation to defer the application to enable the Planning Department to further consider the points raised by the applicant in the late submission of information.

Proposed by Alderman Duddy  
Seconded by Alderman Finlay and

**AGREED** – That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to further consider the points raised by the agent in support of the application.

The Chair put the motion to the Committee to vote.  
Committee voted unanimously in favour.  
The Chair declared the motion to defer carried unanimously.

The Head of Planning advised Speaking Rights would be carried forward.

## **7.2 LA01/2019/1036/F, Lands situated adjacent and South of the Church of the Christ King Parochial House, 4 Scroggy Road, Limavady**

Report, previously circulated, presented by the Development Plan and Enforcement Manager, S Mathers.

**App Type:** Full Planning

**Proposal:** Application under Section 54 to vary conditions 5 (transfer of social housing units), 7 (landscaping), 13 (Programme of Archaeological Work), 16 (Earthworks Management Plan) and 18 (Provision of Open Space) of Planning Approval LA01/2015/0349/O to enable the phased development of this site

### **Recommendation**

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

The Development Management and Enforcement Manager presented to Committee via PowerPoint presentation.

The proposal is a Section 54 variation of condition application. It seeks to vary Conditions 5 (transfer of social housing), 7 (landscaping), 13 (programme of archaeological works), 16 (earthworks management plan) and 18 (provision of alternative open space) of an outline application approved for housing in August 2018. The proposed variation to the conditions relates to the proposal to develop the site over 2 phases.

In terms of the Northern Area Plan 2016, the site is located within Limavady in an area partly zoned for housing and partly identified as “major area of existing open space”.

As these conditions relate to a “major” classified application, this application is also classified as “major.” However, as a variation of condition application, community consultation and a design and access statement is not required.

Conditions 7, 13 & 16- The proposal to vary conditions 7 (landscaping), 13 (programme of archaeological works) and 16 (earthworks management plan) to allow for phased development of the site is acceptable. The proposed rewording of these conditions allows for the phased submission of information to correlate with the proposed 2 phase development on the site.

Condition 5- The original approval required 20% of the housing units to be for social housing in accordance with Policy HOU 2 of the Northern Area Plan 2016. Condition 5 required the transfer of the social housing units to an NIHE recognised Housing Association before occupation of any dwelling unit on the overall site. The developer wishes to delay the provision of social housing to Phase 2. This proposal is contrary to Policy HOU 2 in the Northern Area Plan where the supporting text states that applications on a larger site in phases of less than 25 units or 1 hectare to avoid the delivery of social housing will not be acceptable. Permitting development at Phase 1 without social housing would result in no guarantee that any development at Phase 2 (including social housing) would ever be forthcoming.

Condition 18- The original approval involved the swop of an area of open space for housing land. Condition 18 required that planning permission be obtained and completed in its entirety for a new training pitch facility before any of the housing development would take place. This was to ensure the ongoing provision of open space at this location. While work has commenced on the new training pitch facility, the developer wishes to delay the provision of the completed facility to Phase 2. This proposal is contrary to PPS 8 Policy OS1 as it does not ensure the provision of useable open space to offset against the loss of existing open space to the Phase 1 development. Additionally, it would provide no certainty as to when the training pitch would ever be provided. Approval would result in an interim period of indefinite length where there is no provision of alternative open space.

Conclusion- The proposal fails to meet with the policy requirements regarding the provision of social housing and open space. Refusal is recommended.

The Chair invited G Jobling to present in support of the application.

G Jobling stated she spoke on behalf of her client to seek to approve minor alterations to Conditions, and did not seek to change or remove Social Housing obligations, to allow phasing due to the time to implement the pitch and engage a Housing Association before the pitch would be completed.

G Jobling stated land zoned for housing 16 years ago. A land swap rationalised relocation of the GAA Pitch and housing on the existing Scroggy Road. St. Mary's Church commenced the transfer of ownership in 2018 but it had not been possible to complete the transfer within the time limit; no housing association would engage before Conditions discharged.

G Jobling outlined lands have been legally transferred to Wolfhounds GAA, planning permission for a Pitch obtained a year ago. She advised that the time taken to secure funding and construct the Pitch and groundworks etc is in the region of 2 years. The Pitch is well established now and in its land settlement phase. Drainage will take place in the next 6months followed by contract agreement.

G Jobling advised that the housing development from a Housing Association requires Reserved Matters application which is delayed due to the need to vary the conditions to allow phasing as it is not possible to meet the conditions within the time allowed. Church has spent a lot of money and it cannot deliver the housing if the conditions are not changed. Only seeking minor variation to the conditions to secure the planning permission and bring forward 10 Units in Phase 1, allowing Wolfhounds GAA to complete the Pitch and the Church agree the social housing with a Housing Association.

In response to questions from Elected Members, J Gobling clarified that

- The land for the pitch has been transferred to Wolfhounds GAA had invested in the Pitch, have undertaken groundworks and was now keen to push forward with the next phases.

- Referred to Condition 18 and cited from it, advising no Housing Association is able to negotiate until the Pitch development has been complete. Land has been transferred, permission granted for the pitch, and work initiated, but it takes 2-3 years to complete. The Condition has put off Housing Associations engaging in contract and cannot move forward with the reserved matters application. In no way are they trying to avoid delivery of the open space. Just trying to resolve the issues imposed by the conditions to delivery of the Planning Permission;

- Phase 1 are private dwellings, amending Conditions would remove the main obstacle to allowing the social housing to progress while Wolfhounds GAA complete the Pitch and submit Reserved Matters application in two stages.
- Amending Conditions will resolve the issue and allow them to engage with the Housing Associations and allow social housing development to proceed; and to allow phasing of the housing provision.

The Chair sought input from the Head of Planning.

The Head of Planning advised the issue was a matter for Committee, accepting justification, the Officer could discuss the condition wording with the Agent for agreement.

Proposed by Alderman Duddy  
Seconded by Councillor McGurk and

**AGREED** – 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 following reasons: That Officers and Agent agree wording to Condition 5 and allow phasing and revise Condition 18 to allow the application to go forward in relation to allow Social Housing and completion of the GAA Training Pitch for the following reasons:

- There is already approved Planning permission and for the Training Pitch for Wolfhounds GAA nine months ago, the issue is down to timing and sequencing;
- It is accepted that Social Housing will be developed;
- Re-wording of Condition 5 and Condition 18 to aid sequencing and timing of the development;
- Accept it has been three years since Planning Permission and there has been no resolution as no Housing Association has come on board due to the conditions;

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion to approve carried unanimously.

**AGREED** – that re-wording of conditions are delegated to Officers.

### **7.3 LA01/2020/1318/F, Land opposite 30 Glengiven Avenue & 3, 5 & 15 Glenside Brae (Land to East & South of the former Gorteen House Hotel) and to the rear of 27,29, 33,35,47 & 59 to 63 Ballyquin Road Limavady**

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

**App Type:** Full Planning

**Proposal:** Section 54 application to vary the wording of Condition 18 (LA01/2016/1258/RM) of the above mentioned approved residential development. The condition reads, "Prior to the occupation of any dwelling hereby approved, the equipped children's play area shall be provided in accordance with Drg No. 09. This equipped children's play area shall be maintained in perpetuity.

The variation sought would read, "Prior to the commencement of a maximum 96 dwelling hereby approved, the equipped children's play area shall be provided in accordance with Drg No. 09. This equipped children's play area shall be maintained in perpetuity

### **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.

The Development Management and Enforcement Manager presented via PowerPoint presentation.

The proposal is a Section 54 variation of condition application. It seeks to vary Condition 18 of a reserved matters consent for 201 dwellings approved in July 2019.

In terms of the Northern Area Plan 2016, the site is located within Limavady in an area zoned for housing.

As this condition relates to a "major" classified application, this application is also classified as "major." However, as a variation of condition application, community consultation and a design and access statement is not required.

Policy OS 2 of PPS 8 requires an equipped children's playground in housing developments of 100 units or more. The approved housing layout incorporated an equipped children's playground. Condition 18 of the approval required this to be provided prior to the occupation of any dwelling. The proposal seeks to vary this on the basis that the open space area is provided on a key transport route within the site which will accommodate construction traffic and the health and safety risks involved with construction on adjacent sites. The proposal includes a phasing plan with the development to be undertaken in 6 phases.

Phase 1, 2a and 2b amount to a total of 96 units. The proposal would allow no more than 96 dwellings to be commenced before provision of the equipped children's play area. This complies with the requirements of Policy OS2 as the equipped children's area would be provided before the 100 dwelling threshold is met.

Conclusion- The proposal meets with the policy requirements for provision of an equipped children's playground in a housing scheme. Approval is recommended.

The Chair stated there were no registered speakers.

In response to a question from an Elected Member, the Development Management and Enforcement Manager clarified that the Agent's argument was not to develop the Play Park from the start, due to Health and Safety reasons whilst construction vehicles were moving about the site.

Proposed by Councillor Nicholl  
Seconded by Councillor Scott and

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

The Chair put the motion to the Committee to vote.  
Committee voted unanimously in favour.  
The Chair declared the motion to approve carried unanimously.

\* **Councillor McMullan was not in attendance for the vote.**

#### **7.4 LA01/2018/0901/O, 34 Kilrea Road, Garvagh, Coleraine**

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

**App Type:** Outline

**Proposal:** New housing development to include 6 No. detached dwellings at No. 34 Kilrea Road, Garvagh

#### **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 outline planning permission subject to the reasons set out in section 10.

Senior Planning Officer presented via PowerPoint presentation.

This is an outline application for a proposed residential development comprising 6 no dwellings at 34 Kilrea Road, Garvagh.

The Senior Planning Officer presented

- a slide showing the red line boundary of the site. The site is located within the Settlement Development Limit of Garvagh. The site currently comprises a large 2 storey detached dwelling and outbuildings.

- a slide showing the indicative site layout plan. As this is an outline application there are no detailed design drawings. The site comprises a significant number of mature trees many of which are protected by a TPO. The layout of the development has been heavily dictated by the retention of these trees and a number of amendments made to the layout to achieve this. A T-shaped road layout is proposed with the 6 detached dwelling located off this. The layout of the proposed dwellings will ensure the protection of the majority of these trees and adequate private amenity space for each dwelling is provided. The layout also proposes an area of public open space centrally located in the development which will enable the retention of a mature beech tree which is protected by TPO.

- a slide showing existing dwelling on site.

- a slide showing view along the site frontage with the neighbouring properties at Thompson Crescent adjacent to it. The western boundary of the site adjoining existing residential development at Thompson Crescent. There is a separation distance of approximately 15 m between the closest dwelling and the shared boundary. Also the retained mature vegetation should ensure that privacy will be maintained.

- a slide showing view along the other direction towards the town. The surrounding area has a mix of densities and house types and it is considered the indicative layout, which has a fairly low density, would be in keeping with this context.

The site is located on the edge of the settlement development limit and the retention of the trees along the site boundaries will ensure that an adequate buffer is provided to help it integrate with the surrounding countryside.

The application was accompanied by a Tree Survey. It is considered that the layout proposed ensures adequate protection of these trees and the Root

Protection Areas respected. A number of conditions are attached to ensure protection of the trees during and after construction including the need for a Tree Protection Plan and Method Statement to be submitted with a Reserved Matters application.

A bat survey was submitted with the application and NED are content with the proposed mitigation measures which includes a lighting scheme which will ensure minimal disturbance.

16 letters of objection have been received from 6 separate addresses. Issues raised are outlined in para 8.41 of the Committee report. These include removal of trees, impact on bats, loss of privacy, roads safety concerns, unnecessarily hardstanding, lack of analysis of site context and overdevelopment of the site.

No questions were put to the Officer.

The Chair invited O Quigg to address Committee in support of the application. O Quigg stated, in light of no objectors being present, he was content to answer questions.

No questions were put to the Agent.

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 and guidance in sections 7 and 8 and resolves to APPROVE outline planning permission subject to the reasons set out in section 10.

The Chair put the motion to the Committee to vote.  
Committee voted unanimously in favour.  
The Chair declared the motion to approve carried.

## **7.5 LA01/2019/0850/F, Lands adjacent to Willowfield Drive, Coleraine**

Report, addendum, correspondence previously circulated, and verbal addendum presented by Senior Planning Officer J Lundy.

**App Type:** Full

**Proposal:** Residential development of 32No. units - 2 no. bungalows, 8 No. detached and 22 No. semi-detached dwellings. The proposal includes access



off Willowfield Drive, landscaping, car parking, garages and all associated siteworks.

### **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.

Senior Planning Officer presented via PowerPoint presentation.

The application is for 32no dwellings and associated works. The application was previously presented to the members in February where it was deferred to address the length of the proposed culvert and to seek attendance from DFI Rivers in relation to concerns relating to flood issues. Amended plans were received relating to a reduced culvert, consultation was carried out with NIW, NIEA Water Management Unit, DFI Roads, NIEA Ned and SES. Further neighbour notification was also carried out.

Addenda 2 and 3 have also been circulated since the application was last presented. They address the amended plans, consultation responses and further objections received which raised the following points,

- concern relating to the density and character,
- roads safety,
- natural heritage issues,
- climate change,
- flooding and drainage, the culvert, sewage issues.

These issues have been addressed in the PCR and the addenda.

A verbal addendum is also required due to information received on Monday from an elected member. This has been circulated to members. It raises issues regarding

- flooding,
- that the culvert will exacerbate flooding elsewhere,
- the effects of climate change indicate a significant increase in the area of the site.

Rivers Agency maps show a real risk to the site being cut off and flooding to proposed sites. The development of those will result in significantly larger peak flows in the watercourse and downstream. The proposal does not meet with policy FLD 4 in that it has an existing access. The impact of the culvert on the drainage system does not appear to have been considered and will increase the risk of flooding within Willowfield Drive if it backs up into the storm system. The schedule 6 consent has expired and queried if a HRA been carried out?

Road safety issues relating to the access, realigning the kerb outside no48 and reducing the width, construction of a wall, inadequate road infrastructure, front gardens are not enclosed, out of character with all housing developments surrounding it.

Foul sewer arrangements. No detail given on the levels and pumping of the effluent on any one occasion; concern that it will impact on the connection with No48. Queried if Rivers Agency been consulted on the main crossing the watercourse. Concern relating to blockages from the manhole at the pumping station and pollution of the watercourses. Consultation response from NIW removed.

Concerns during construction - traffic and pollution. A NIW consultation which was sent in error is also attached and a map showing climate change flooding and climate change surface water flooding.

The Senior Planning Officer advised Members that NIW, Rivers Agency, NED and SES have all been consulted on the application and have raised no objections to the proposal. The issues relating to PPS 15 have been covered in the PCR and the addenda, as have the access and roads issues and natural heritage issues. Issues in relation to PPS 7 have also been addressed.

A site visit was carried out on site and report circulated.

The Senior Planning Officer advised that the proposal is presented as an objection item with a recommendation to approve. The objection points mainly relate to construction, pollution, road safety, access, traffic, visual impact and character, flood risk and sewerage infrastructure.

The Senior Planning Officer presented via slides:

- The application site outlined in red. The site is within the Settlement Development Limit as detailed in the Northern Area Plan 2016 and unzoned whiteland in the Plan. The site is bound by the railway track to the west and a watercourse runs along the southern and eastern boundaries. Further beyond the railway tracks is the University. The character of the immediate locality is made up of single storey, chalet bungalows and a lesser number of 2 storey. The proposal has been considered against all material considerations set out in section 7 of the Committee Report and the points raised through representations and consultees.

- The proposed site layout. A triangular shaped site, the development is stepped off the boundaries to exclude an area of surface water flooding to the south east corner and to provide a 5m buffer zone along the water courses on the 2 boundaries of the site. The buffer zone is required by DfI Rivers to ensure access can be provided for maintenance purposes. The access is proposed through Willowfield and a stretch of the stream will be culverted which is also

considered acceptable in line with Policy FLD 4. As identified on the site visit the site is set below the dwellings in Willowfield Drive. The site falls north to south by approximately half a metre. The difference in levels from Willowfield Drive and the site is that the site is around 1.3m lower. Due to the set back of the proposed dwellings of around 25m away from the existing dwellings this would not be considered to dominate, cause overlooking or loss of light.

The layout is in accordance with Creating Places guidance, PPS 7 and its addendum and PPS 8 in relation to the open space provision. Two parcels of open space are provided one central to the site and a smaller pocket to the south providing over 10% as per the required public open space provision for the site. The proposed dwellings are mainly 2 storey and all have good separation distances from existing dwellings that exceed planning guidance of 20m back to back, ranging from 22 -30m. The boundary vegetation is mainly being retained and 1.8m fences screen the private amenity spaces of the proposed dwellings. The agent has confirmed following site visit that 1.8m fence is being provided along the boundary of the site with the railway line.

- The proposed service road falls from the boundary of no48 and 46. The road is slightly elevated above the open space and the bank.
- Typical house types, with house type G designed as a double fronted dwelling onto corner site.
- Photo looking north across the site which is generally level and bounded by mature vegetation.
- Looking south of the site, 2 storey dwellings at Willowfield Park just popping above the tree line.
- The water course
- The proposed access. DFI Roads have no objection to the proposal.
- Photos of the more open boundaries.
- Dfi Rivers map showing present flood plain on the corner of the site which has been excluded from the red line and a small part on the water course and the open space. The drainage assessment submitted and sent to DFI Rivers advised that the flood levels at the proposed areas of fluvial flooding are 16.95 and 16.85 in the SE corner. The finished floor levels of the closest dwellings are 17.6 and 17.5 meaning a freeboard of 650mm above the Q100 flood level. This is above the 600mm recommended in the annex of PPS 15. Any potential risk

of fluvial flood risk is dealt with and any storm water will be released at an agreed rate.

- As set out in the addenda the SPPS and PPS 15 Policy FLD 1 only relate to current day flood events. The submitted Drainage Assessment refers to Climate Change in the report and advises that the potential rise of the watercourse levels will not affect this site as the proposed dwellings will be elevated above the closest watercourse.

- NIW has confirmed that there is capacity in the foul sewer network. The detail of the flow from the pump station will be finalised in the agreement with NIW.

The Senior Planning Officer advised Members that Andrew Gillan from DFI Roads and Neil Jenkinson from DFI Rivers are in attendance to answer any queries on roads and flooding respectively.

The Chair reiterated professional advice available from representatives from DFI Roads and DFI Rivers were in attendance; the objection from Councillor Holmes was dealt with in the Verbal Addendum.

In response to questions from Elected Members, Senior Planning Officer clarified the following:

- Plans were amended, the culvert now 17.5m as set out in Addendum 2 the amended plans have been consulted on, a representative from DFI Rivers was available to answer questions;
- There had been confusion in the layout plans believed to have shown 10m culvert and now been received within the red line a 17.5m culvert.

The Chair invited the Speakers, D McLaughlin, N Brown and R Sheehy to present in support of the application.

D McLaughlin addressed Committee, advising this was his third time coming to Committee, the other two occasions had also been recommendation to approve. D McLaughlin stated the principle of development acceptable on the site, was a low density proposal with 8 ½ dwellings per acre, conforms with all relative planning policy, all Consultees - DFI Roads, DFI Rivers, NI Water all have no objections. The application submitted two years ago, in 2019, presented on two other occasions on 24 February and 24 March as an approval. D McLaughlin stated the Application should be approved in accordance with the Planning Officer's recommendation.

No questions were put to the speakers.

The Chair invited questions for DFI Roads and DFI Rivers attendees.

In response to a question from an Elected Member, the Chair invited DfI Rivers representative to address Committee in relation to climate change and sewerage.

N Jenkinson advised he was representing DfI Rivers, that sewerage would be a matter for a NI Water representative. N Jenkinson advised policy FLD1 defines Flood Plain, a 1 in 100 year event and that the application has been presented outside a 1 in 100 year event. With additional mapping and account of climate change the application is partially within that. Policy does not require to be outside of the climate change zone and instead a Climate Change Freeboard is applied which is above the Climate Change levels.

The Chair queried whether NI Water was available for comment.

Senior Planning Officer clarified there was no-one at the meeting from NI Water. NI Water had been consulted with the amended plans and had responded advising there was capacity for this development. She stated the Agent clarified the Pump Station near no.48 would release at a rate agreed with NI Water.

In response to question from Elected Members, Senior Planning Officer clarified, in relation to policy on climate change, the response was within Addendum 2 from paragraph 1.4 onwards. Senior Planning Officer cited from policy FLD 1 and stated the standard practice at Annex C of PPS 15 Design Standard, future proofing with a freeboard of 600mm; this application has a 650mm freeboard to future proof for climate change.

In response to Elected Member query regarding traffic, the Chair invited A Gillian to address Committee.

A Gillan, DfI Roads representative, stated the layout of the development is in accordance with standards set out in Creating Places. The existing Willowfield Drive has some local widening on the bend before the new development, to allow traffic on the approach. 5.5m wide road is adequate for up to 400no. houses; there was no issue as the number of houses in Willowfield is much less than that threshold.

In response to questions from Elected Members, A Gillan clarified the new development roadway is 5.5m width and the existing Willowfield Drive 5.5m width with added widening on the road on the bend. The road width and visibility at the junction was satisfactory for the additional traffic movements for 32no. houses; 280-300 additional vehicles per day at the junction.

The Chair put the report recommendation to Committee.

Alderman Finlay proposed the Officer recommendation to approve stating he had listened to expert consultees and would be concerned if the application was to be refused and appealed to Planning Appeals Commission we would have a problem defending it.

Alderman Duddy stated concern with the application on a number of issues;

- that although it was a low density proposal, concern in relation to increased traffic volume meandering through Willowfield Drive of 280 vehicles per day, going through a settled area;
- concern the application in a built in an area likely to flood, weather will decide itself despite the best efforts of the Statutory Agencies that necessary precautions have taken place;
- there is another access, though probably not allowed to use, over the railway track;
- issue of scale and massing in a well-developed area and impact on amenity for those residing in Willowfield Drive with increased number of units, increased traffic, and everything else associated with that;
- discussion regarding sewerage, pumping station, being told adequate, in an area of flooding you first think of sewerage;
- DfI Roads have said 5.5m width acceptable, the design in Willowfield Drive, a cul-de-sac development, no walls or fences, and an increase in traffic of 280 movements and impact on residential amenity;
- culverting the burn and flooding – 4 plus dwellings may well be impacted
- climate change cannot be guaranteed that the freeboard will alleviate the problems plus the increased hard standing areas.

In response to the Chair, Alderman Duddy stated his proposal would be the direct opposite. It was proposed by Alderman Duddy 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 refuse planning permission for the reasons set out.

The Chair stated there was no seconder for Alderman Duddy's proposal.

Proposed by Alderman Finlay  
Seconded by Councillor McGurk

- 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.

Alderman S McKillop seconded Alderman Duddy's proposal for the following reasons:

- Wary of approvals where issues of planning due to weather and climate change.

The Chair advised the proposal by Alderman Finlay had already been put out to the vote and Alderman S McKillop seconded was too late.

9 Members voted For; 4 Members voted Against; 0 Members Abstained.  
The Chair declared the motion to approve carried.

The Chair declared a recess for lunch at 1.15pm for one hour.

- \* **The meeting reconvened at 2.15pm.**
- \* **Councillor McLaughlin did not re-join the meeting.**
- \* **Councillor P McShane joined the meeting during the recess.**

The Head of Planning undertook a roll call.

## **7.6 LA01/2020/0456/O, 30m West of 98 Bolea Road, Limavady**

Report, addendum, correspondence, site visit report, previously circulated, and verbal addendum presented by Senior Planning Officer, M Wilson.

**App Type:** Outline Address: 30m West of 98 Bolea Road Limavady

**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.

Senior Planning Officer presented via PowerPoint presentation.

- Outline planning permission is sought for a new dwelling & garage in-filling gap within established cluster.
- This is a Local application and is being presented to the Planning Committee as a referral item. Planning Committee report, site visit report and 2 addenda

circulated to Members. The first addendum relates to a map submitted by the applicant's agent in support of the application, while the second addendum sets out and provides information sought by Members following the site visit on Monday 23rd August 2021.

- As the agent submitted further information on Friday 20th August 2021 after 10am, a verbal addendum is provided as follows:
  - A cover letter and 2 plans were submitted by the agent. This information has been uploaded onto the Portal and circulated to Members. The map relating to LA01/2020/0456/O regarding the application under consideration is similar to the map which was subject to Addendum 1. However, there are additional notes indicating the position of posts which have been erected near the site, and a note stating that the site has been marked out. Those that attended the site visit will have noted the marking out of the site.
  - The second map submitted relates to a previous planning approval LA01/2018/1350/O, for a new dwelling off the Moneybrannon Road, to the rear of Ballylintagh Crescent. The agent argues that this is a comparable site to that currently under consideration. One issue which is considered comparable is that it clustered with development on the opposite side of a laneway. It should be noted that the laneway referred to in the application submitted by the Agent is only an agricultural track.
  - Planning Appeal 2019/A0160 has been circulated to Members for consideration - for a site for dwelling and garage at 729 Feeny Road, Dungiven. In dismissing this appeal, the Commissioner stated about development being physically and visually separated from the appeal site and makes reference to this in the consideration of whether surrounding development bounds with the site and makes reference to development on the other side of a lane and opposite side of Road.
  - However, in the application under consideration, it is considered the site is visually separated due to the strong vegetation and the dwelling at No.98 being physically separated by the lane as it is on the opposite side of it. Unlike the agricultural track which is shown in the comparable application, the lane subject of this application accesses a number of properties and is used by cars and other traffic. Therefore it is considered that the planning application submitted by the agent is not comparable to that under consideration.
  - There are 2 objections to the proposal and the matters raised are set out within the Planning Committee Report under section 5.



- In terms of the Northern Area Plan, the site is located in the rural area and is not within any identified settlement limit.
- Slide showing the location plan with the red line of the application site and the cluster of development which is associated with the cross roads. However, the proposed site is at the extreme edge and as this does not consolidate or round off development and is not bounded by other development on 2 sides, it fails to meet this policy requirement as set out in Policy CTY2a.
- Slide showing the access into the site from the laneway and the strong tree line which acts a natural enclosure to the cluster
- Slide showing a closer view of the site.
- Slide showing view looking NE from the site further up the lane with the dwelling at No.98 further along and on the other side of the lane.
- Slide showing view SW showing the dwelling at No.96 which is next to the site.
- Slide showing view looking NE from the entrance to dwelling at No.96.
- Considering the Principle of development - The site is a corner portion of an agricultural field located within the rural countryside outside of any settlement limit.
- The site is not bounded on at least two sides with other development, with no development to the north/ north east and cannot be absorbed into the existing cluster through rounding off and consolidation; it is contrary to policy CTY 2a.
- The site is not a gap site, as there is no development to the north/ north east of the site. The proposal would create a ribbon of development and is contrary to policies CTY 8 and CTY 14 criteria (d).
- The proposal does not meet the range of types of development that are acceptable in principle in the countryside and as there are no overriding reasons why this development is essential and could not be located in a settlement, the proposal is contrary to policy CTY 1
- Refusal is recommended for the reasons set out in Paragraph 10 of the Committee reports.

In response to questions from Elected Members, the Senior Planning Officer clarified:

- the Planning appeal laneway is an agricultural track to access fields, there are no properties for vehicle traffic. The laneway on this planning application at Bolea Road is more permanent and well used and the two are not comparable;
- this laneway accesses a number of properties eventually leads onto the Windyhill Road, more publicly used;
- referring to the PAC Commissioner report, the Commissioner stated the appeal site is not bounded on two sides, accepts bounded by one side no. 96, but not no. 98 because of the laneway and vegetation and cannot be absorbed into the existing cluster;
- Policy CTY2a-c – would meet the policy criteria if Committee take the approach that the laneway does not act as a separation with development on other side of laneway.
- One outstanding matter would be how it consolidates or rounds off with the existing cluster.

The Head of Planning clarified there has been consistent interpretation on previous applications. Policy CTY8 could not take into account a dwelling on the opposite side associated with a continued built up frontage and this interpretation has been made by the Planning Committee and Planning Appeals Commission on other applications, for example application near Eglinton where, although road separating and wider than laneway, same principle applies.

The Chair invited the speaker to support the application.

An IT difficulty occurred with the Speaker and was resolved.

O Dallas referred to points raised regarding the laneway on the previously approved site. The agricultural track runs to sewerage works and is accessed by dwellings, and stated it was immaterial what it was called. O Dallas referred to an Elected Member's mention of a previous PAC decision, the laneway to the SW of the site, the Planning Application had no development to the NE, NW SE of appeal site. This laneway is within the red line of the application site and is in ownership of the applicant. The site is bounded on 2 sides.

- Cluster – Policy refers rounding off cluster, not straight lines, 80% of site well within cluster;
- Ribbon development is not an issue as it complies with policy CTY2A;
- Previous approval Moneybrannon Road only 50% of site within Cluster;
- Appeal site bears no resemblance to this site except that there is a laneway but is was outside the red line application of the appeal site.

In response to questions from Elected Members, O Dallas stated the adjacent property bounds with the red line of the application site.

The Chair read the report recommendation.

Proposed by Councillor Scott  
Seconded by Alderman Finlay

- 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:

- The boundary of the red line includes the laneway and is bounded by other properties in compliance with policy;
- The laneway is included in the proposal and property of opposite side of laneway can be taken into account under policy CTY2a and therefore the application is acceptable and policy CTY8 does not therefore apply;
- The application is not extending into the countryside and is rounding off within cluster as complies with policy CTY2a;

The Chair put the motion to the Committee to vote.

8 Members voted For; 3 Members voted Against; 0 Members Abstained.

The Chair declared the motion to approve carried.

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

**7.7 LA01/2020/0678/O, Immediately adjacent to 141 & 151 Muldonagh Road, Claudy**

Report, addendum and Site Visit report, 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 via PowerPoint presentation.

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.

The site is a narrow portion of land. The northern boundary is defined by post and wire fence; western and southern boundary is defined by close boarded fencing; east boundary defined by vegetation.

Slide showing view from approach from southeast. The application was submitted as a dwelling within a cluster and therefore falls to be determined under PPS21.

Under policy CTY2a, the site is not considered to be 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; this property operates as a country house guest accommodation only. The blacksmiths forge has not been built, neither are there social or community building/facility for the purposes of being 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 businesses in close proximity to the site could be considered focal points where significant employment exists.

This precedent has also been superseded by a 2017 appeal case. 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 rather than what a specialized business would provide. The examples of focal points raised by the applicant do not serve for community gatherings or activities and social interaction. The businesses are not distinct commercial premises that offer significant employment and are not focal points for wider community involvement and social interaction.

The applicant also considers the site to be at a cross roads.

Slide showing map provided by DFI Roads who have advised that the areas highlighted in red are not part of the maintained road network. Only the orange and green routes are adopted public roads.

Slide showing 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 crossroads.

The applicant/agent has also stated that the site is associated with the Foreglen Community Association Building. This is situated on the opposite side of Foreglen Road adjacent to the Settlement Development Limit of Foreglen as indicated on the map. No overriding reasons have been forthcoming as to why the development is essential therefore the proposal is contrary to policy 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 presented on the following areas:

- Dwelling at a crossroads / focal point – Initial crossroads junction, there is evidence was a road that is an abandoned section of the Foreglen Road;
- There is no definition of a crossroads;
- No weight or consideration has been given to A Speirs PAC commissioner decision;
- Is localised crossroads and no doubt existing cluster;
- Ribbon does not have to have a continued line so long as it has a common frontage, visually linked;
- Planning Committee report agrees bounded by no.151; common frontage evidenced in slide;
- Preceding application development cluster with businesses and houses; Ballyrashane Road, Coleraine principle businesses considered focal point;
- Emphasised significant employment exists at Smytons;
- Application site clusters with four businesses – Unique Timber Frame, Glenwood Design Ltd, Muldonagh Country House, Smytons. Unique Timber Frame employ 18 staff;

- Foreglen Community Association is in close proximity a 5 minute walk, street lighting exists for the safety of residents. Foreglen Community Association arrange activities for local community;
- Clearly within an existing cluster associated with a focal point given proximity to community building;
- The client's personal circumstances cited and wishes to remain in the area.

No questions were put to the Agent.

In response to questions from Elected Members, Senior Planning Officer clarified there is no definition of an adopted Road in Policy, where two roads meet and cross. There is no longer a through road, the other side accesses various houses; the lane at no. 151 does not constitute a crossroads;

- DfI Roads have confirmed the road is not maintained by them and not disputing it may have been, it has been a long time since it has been;
- Policy does not give a distance how far away a focal point can be, the Community Association is on the edge, houses and property on Muldonagh Road separated by the Foreglen Road, itself too far away to meet the test associated with this policy.

In response to questions from Elected Members the Head of Planning clarified examples of Planning Committee decisions on policy CTY2a and interpretation of crossroads eg: Gaults Road Cushendall when Planning committee determined a laneway did not form a crossroads, and reminded Committee of being consistent. The Head of Planning cited from The Planning Act Section 250 "road" has the same meaning as in the Roads (Northern Ireland) Order 1993 (NI 15).

The Senior Planning Officer cited from the Roads Order 1993 "road" means a public road, that is to say a road which is maintainable by the Department, and includes, (a) a road over which the public have a right of way on foot only, not being a footway; (b) any part of a road; and (c) any bridge or tunnel over or through which a road passes; and includes land in respect of which street planning functions, as defined in the Private Streets (Northern Ireland) Order 1980 have been exercised under Article 3(1) of that Order.

The Head of Planning reminded Committee of consistency in decision making giving example of previous decisions by Planning Committee on policy CTY2a in relation to application where the fishing lake was cited as focal point but rejected by Planning Committee and applications at Ballinlea Road determined by Planning Committee. She also referred to PAC decisions regarding consideration of distance from focal point such as separation distances of 100m not considered to be associated with cluster. The Head of Planning stated her

personal opinion is that 500m was too far to be associated with a cluster that distance apart.

In response to questions from Elected Members, Senior Planning Officer clarified 'maintainable by the Department'. The Senior Planning Officer referred to the map, Foreglen Road and Muldonagh Road, at some point there was an old route down the side of no. 151 but does not have a through road any more. DfI Roads have confirmed that neither sections are maintained by DfI Roads.

The Chair read out the report recommendation.

Proposed by Councillor McGurk

Seconded by Councillor Nicholl

- 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:

- In the round, is a traditional crossroads previously maintained at one point by DfI Roads;
- settlement associated with numerous businesses, accepted previous as focal points;
- Is a rounding off of development in a cluster with focal points and meets policy CTY2a;
- Officers report states proposed dwelling not unduly prominent at para. 8.13 of PCR and will be absorbed and integrate.

The Chair put the motion to the Committee to vote.

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

The Chair applied her casting vote Against.

The Chair declared the application refused.

\* **Councillor Dallat O'Driscoll was not in attendance for the duration of the application and did not vote.**

\* **Alderman S McKillop was not in attendance during the vote.**

#### **7.8 LA01/2020/1142/O, Gap site between 18A & 20 Beech Road, Dungiven**

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

**App Type:** Outline

**Proposal:** Two detached houses with detached garages on a gap site.

## **Recommendation**

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

Senior Planning Officer presented via powerpoint presentation.

The site is adjacent to but outside the defined development limit of Gortnahey as set out in the Northern Area Plan 2016. The site is located on land between 18a Beech Road which is inside the Settlement Development Limit and no 20 Beech Road, Gortnahey which is outside the Settlement Development Limit.

The site is a portion of an agricultural field which fronts onto Beech Road, Gortnahey. Western boundary is defined by post and wire fence, mature trees and hedgerow; northern and southern boundaries are defined by post and wire fence and few trees; and eastern boundary is open and undefined.

This is an outline application for 2 detached dwellings with detached garages. Paragraph 3 of the committee report outlines the planning history of the site. The site has been subject of three applications since 1997 each for a single dwelling. Two were refused and 1 was withdrawn.

The proposal falls to be determined under PPS21 in particular policies CTY1, 8, 13, 14, and 15.

CTY8 provides for an exception to permit a small gap sufficient only to accommodate up to a maximum of 2 houses within an otherwise continuously built up frontage and provided it respects the existing development pattern.

To the NE there are 6 dwellings with a road frontage (1, 2, 6, 8a, 10, 18) however they are all located within the defined Settlement Development Limit of Gortnahey. Buildings within the Settlement Development Limit cannot be included for the purposes of contributing to a substantial and built up frontage in the rural area. PPS21 sets out planning policy for development and notes that the purpose of the document is defined as land lying outside the Settlement Limit as identified in the development plan. Therefore to meet the policy, all buildings making up the substantial and continuously built up frontage must all exist within the countryside.

PAC Appeal decisions 2014/A0235, 2015/A0221 and 2018/A0212 outline the PAC position on the matter. In 2015/A0221 PAC states the settled commission position is that development within Settlement Development Limit cannot be



included when considering development proposals under policy CTY8 as it occupies a different context in planning terms.

As the development to the NE is within the Settlement Development Limit of Gortnahey it cannot be considered to represent buildings within or contributing to the formation of a substantial and continuously built up frontage for the purposes of policy CTY8.

The site is therefore not a gap within a substantial and continuously built up frontage.

LA01/2019/1197/O site at Drumsum Road which exhibits similar characteristics under policies CTY8 and 15 and which the Planning Committee refused in January 2021.

Even if the site was considered to be a gap within a substantially and continuously built up frontage the application site does not respect the existing development pattern. The site has a frontage of 75m, however PAC decision reinforces that the gap is measured between existing buildings. The gap between the buildings at no 18a and no 20 is 152m including the lane access adjacent to 18a and the front garden of 20. The gap therefore could accommodate up to 4 plus dwellings. The proposal is therefore contrary to policy CTY8 of PPS21.

The site is adjacent to 18a which is located within the Settlement Development Limit. The dwellings at no20 and no22 are physically and visually removed from the development within the Settlement Development Limit by distance, natural screening, the topography and the limited views between the existing development. Development of the site would extend the development outwards into the countryside and would create a visual link between the urban and rural setting, marring the distinction and creating urban sprawl. This is considered contrary to policy CTY15.

No overriding reason has been forthcoming as an exceptional case and therefore the proposal is contrary to policy CTY1.

The existing site is defined along the road by mature vegetation. DFI Roads have advised that visibility splays of 2.4m x 70m are required and that they are currently obstructed. The removal of the roadside boundary would open the site and lead to suburban development which is contrary to policies CTY13 and 14.

Finally members asked during the site visit for clarity on the planning history on the opposite side of the road adjacent to 23. Outline Planning permission was

granted in 2003 for a dwelling with full permission in 2005. A further application adjacent to that site was refused in 2006 and dismissed by the PAC in 2008.

In response to questions from Elected Members, Senior Planning Officer clarified the site opposite had been granted in a different policy context than the SPPS and PPS21 currently applied.

The Chair invited K Burke to speak in support of the application.

K Burke presented the following:

- The client in New York and wishes to move back to N Ireland;
- Beech Road is a dead end road.
- Regarding the first refusal – 3 sites previous been approved at Drumavoley Road Ballycastle, Donemana Road, Ballycastle, and an infill Foreglen Road;
- Main issues concern principle of development. The houses in gortnaghey have not disappeared. There is no definition within the policy that sites within the development limit cannot be taken into account.
- Regarding Frontage – this is a gap site with development respecting the frontage in terms of scale, size and plot size.
- Gap site measured based on existing development; not method used by officers;
- Average plot size of 33.6m; 2 sites are 37.5m wide.
- Site differs from other sites in that there is no through or passing vehicles; will be rounding off and consolidation; no distinction between urban and rural area;
- Regarding Enclosure – is an outline application, a detailed survey not carried out, detail of a landscaping plan to integrate into the landscape will be submitted at reserved matters stage;
- The client has the intention to move back home with their family.

No questions were put to the Agent.

In response to requests for clarification from Elected Members. Senior Planning Officer clarified the planning history.

The Chair read out the report recommendation.

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 outline planning permission for the following the reasons:
  - The sites will help round off the development on the stretch of road;

- referring to paragraph 8.3 of Planning Committee report, given outline approval of other sites weighs in favour in granting this;
- Development to north side is a substantially built up frontage and is not therefore contrary to policies CTY8 and 14;
- Does not mar the distinction between urban and countryside and will bring a degree of enclosure;
- It will integrate into the countryside, is bounded by both sides, and conditioned regarding planting will ensure that it does integrate and does not cause detrimental impact;
- It does integrate as this is a dead end road with no critical views from traffic passing there;
- Previous decisions included building within settlement limit;
- Consider rounding off of development and unlikely to extend further as rest of the road is developed and this is rounding off what is there.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion to approve carried.

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

The Chair declared a recess at 4.06pm.

\* **The meeting reconvened at 4.20pm.**

The Head of Planning undertook a roll call.

\* **Alderman Duddy did not re-join the meeting,**

## **7.9 LA01/2020/1235/O, Site adjacent to No. 53 East Road, Drumsum**

Report and site visit report, previously circulated, presented by Senior Planning Officer J McMath.

**App Type:** Outline

**Proposal:** Proposed infill site for dwelling between 51 & 53 East Road, Drumsum

### **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 via PowerPoint presentation.

This is an outline application for an infill dwelling at land between 51 and 53 East Road, Drumsurn.

Site is located in rural area outside any development limit or environmental designation as defined in Northern Area Plan 2016.

The application site comprises a small field that falls gently from the road to the south. Roadside boundary is defined by post and wire fence, part hedge and ranch fencing. Eastern boundary is defined by ranch fence, field gate and gable wall of outbuilding at no 53 and post and wire fence. Timber fence along SW boundary. Timber fence along southern boundary along with some mature trees.

The application was submitted as an infill dwelling and therefore falls to be determined under PPS21. Officials would refer members to the planning history section of the committee report at paragraph 3.0 where it is noted that the site has been subject to two previous applications, the 2012 was refused by reason of ribbon development, lack of integration and build up under PPS21 and not appealed and the 2020 was withdrawn.

Policy CTY8 entitled Ribbon Development provides for an exception for the infill of a small gap sufficient only to accommodate up to a max of 2 houses within an otherwise substantial and continuously built up frontage providing it respects the existing development pattern. The definition of a substantial and continuously built up frontage is a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In this case the roadside site is located adjacent to no53. No 53 and 55 East Road both sit at the roadside and have a frontage onto East Road. There is no development with a road frontage to the west of the site. To the immediate west is an existing lane that serves as access to no 51 and to other lands. The dwelling at no 51 sits to the rear of the application site, it accesses onto the existing laneway 25m back from the road edge, the curtilage of no51 does not extend to East Road. No 51 does not have a common frontage to East Road. As no51 does not have a common frontage onto East Road it cannot be taken to form part of a substantial and continuously built up frontage along with no53 and no55 East Road. This is consistent with PAC settled position on what constitutes a common frontage as outlined in 2019/A0250. As there is no development with a common frontage to the western side of the application site, there is no substantially and continuously built up frontage at this location within which to infill. As there is no gap site, a dwelling would add to the linear form of development and would add to ribbon development and result in build-

up of development. The proposal is therefore contrary to policies CTY8 and 14 of PPS21.

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

The roadside boundary is only partly defined by vegetation. When removed to achieve visibility splays which DfI Roads have advised are obstructed, will open views of the roadside site from both the East and Terrydoo Roads, resulting in a site which would be open, lacking enclosure and failing to integrate. In addition anything other than a modest dwelling would be prominent which is contrary to policy CTY13.

Refusal is recommended for the reasons set out in the committee report.

No questions were put to the Officer.

The Chair invited A Boyle to speak in support of the application.

A Boyle stated the following:

- the site complies with policy CTY8 as an infill gap site; no.53 and no.55 to the east and no. 51 to the south and share roadside frontage. Submission was made to DfI and the Minister at the time, and was one of the cases raised and was encouraged to take to Appeal. The opportunity to lodge Appeal was missed;
- A Boyle advised of Alex McDonald, Great Grandson and the family history;
- The spirit of policy CTY8 is met; infill opportunity between no.51 and 53 and no. 55, sufficient to accommodate a dwelling with no detrimental impact and no backlands sterilised.
- Policy CTY8 at para. 5.33 advises that buildings set back and staggered can be taken into account;
- Will not affect rural character;
- Fence frames the boundary of no.51 up to the roadside frontage;
- Happy to plant any loss of vegetation;
- Will improve visibility splays for no. 53 and no. 55.

In response to questions from an Elected Member, A Boyle clarified the fenceline side of the site up to the roadside verge, access is on the corner with East Road. Fence frames the boundary no. 51 and the site.

An IT difficulty occurred with the Chair's chat and was resolved.

In response to questions from Elected Members, J McMath clarified the location plan and showed aerial shot of the boundary of the site; fenceline goes to the

road but the curtilage no. 51 goes to laneway 25m back from the East Road. She advised that it is not considered that no.51 has a frontage onto East Road.

The Chair read the report recommendation.

Proposed by Alderman Baird  
Seconded by Councillor Hunter

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

The Chair put the motion to the Committee to vote.  
5 Members voted For; 6 Members voted Against; 1 Member Abstained.

The Head of Planning sought reasons for voting for an approval from the following Members: Alderman Finlay, S McKillop, Councillors McGurk, McMullan and Nicholl.

- That the Committee approved for the following reasons:
  - The houses to the side are road frontage; as the frontage of no.51 goes to the road do not see a difference; if you take that as frontage, therefore infill applies and complies with policy;
  - A dwelling on the site will integrate with buildings already there;
  - Is not ribboning, the laneway ensures ribboning does not take place.

The Chair declared the application approved.

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

Councillor Hunter stated her dissatisfaction with the lack of justification. The Head of Planning advised that she can only record what the Members have put forward for their reasoning.

#### **7.10 LA01/2020/0347/O, 40m West of 1 Lisheegan Lane, Bendooragh Road, Ballymoney**

Report, addendum, erratum and site visit report, previously circulated presented by Senior Planning Officer. E Hudson.

**App Type:** Outline

**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.

Senior Planning Officer, E Hudson, presented via PowerPoint presentation.

Planning Application LA01/2020/0347. This is an outline application for dwelling and garage. A site visit was carried out and site visit report and addendum have been circulated to Members.

The site is located 40m west of no. 1 Lisheegan Lane, Ballymoney. The site is located in the open countryside as defined in the Northern Area Plan 2016.

Slide showing the site location plan with the site outlined in red. The site has a corner location with Lisheegan Lane running along the north east boundary of the site and Bendooragh Road running along the western boundary.

Slide showing a view along the Bendooragh Road with the site on the left of the photograph.

Slide showing a view along the other frontage of the site along Lisheegan Lane towards the junction which adjoins the Bendooragh Road.

Slide showing a view along the site frontage from the opposite direction along the Bendooragh Road.

Slide showing a longer distance view of the site taken from the same direction along Bendooragh Road. This shows the road junction with Lisheegan Lane at the corner of the site.

Slide showing a view towards the corner of the site taken from the road junction.

It is considered that the proposal does not meet any of the policy exceptions that would permit a dwelling in the countryside under PPS21 Policy CTY 1. The proposal is not considered to meet the criteria for a dwelling in a cluster as prescribed under Policy CTY2a. It is not considered that the cluster appears as a visual entity in the local landscape. The road layout together with existing vegetation and screening makes development appear dispersed rather than appearing as a visual entity. The proposal is not associated with a focal point or a crossroads. The junction of Bendooragh Road and Lisheegan Lane could

not be considered as a crossroads for the purposes of the policy. A meat factory building is located in the vicinity of the site but is not a social/community building for the purposes of the policy. The site is not located within an existing cluster and would visually intrude into the open countryside. As such the proposal fails to comply with Policy CTY 2A.

In terms of an infill opportunity the site would not be considered to be a small gap within either frontages of Lisheegan Lane or the Bendooragh Road. The intervening road junction along the Bendooragh Road means the extent of development along this portion of the road could not be considered as a continuous built up frontage. Likewise the site is not a gap within a continuous built up frontage along the Lisheegan Lane. The proposal fails to meet policies CTY 8 and CTY 14 as it would create a ribbon of development and result in a suburban style of build-up.

The site comprises fairly extensive vegetation including semi mature trees. The site has potential biodiversity and habitat potential and a biodiversity checklist would be required to identify the need for any additional surveys. This information has not been submitted and as such is contrary to PPS 2 Natural Heritage.

Recommendation is to refusal permission for the reasons outlined in Part 10 of the Committee report.

In response to questions from Elected Members, Senior Planning Officer clarified a meat plant was not considered a social/community building but instead a private enterprise; a social/community building would be eg: Church, School Hall a social gathering.

The Chair invited B McConkey to speak in support of the application.

B McConkey disputed the reasons for refusal. He advised:

- The site is an established cluster under policy CTY2a of PPS 21. Bendooragh Road has 8 dwellings that are visually linked and that is fact, clearly viewed as a significant visual entity. There is a build-up of development seen as a local cluster within the wider countryside.
- Consolidates both groups of buildings;
- Clusters with the meat factory which is a focal point. Policy not prescriptive,
- PAC Decision 2018/A0235 Plant Hire business seen as focal point, this is no different.
- PAC Decision 2017/A0222 rounding off and consolidating;
- Focal point is not a determining factor;
- There is a substantial and built-up frontage; site frontage and depth broadly reflective of character and complies with policy CTY8;



- Transient awareness; visually linked and common frontage;
- Complies with policy CTY14 and any trees removed can be replaced.

In response to questions from Elected Members B McConkey clarified the Appeal decision in relation to a Plant Hire Business, the overall thrust of the Policy met, round off and consolidates.

The Head of Planning advised Members of consistency in decision-making with earlier decision, all criteria to be met under Policy CTY2a.

The Chair read the report recommendation.

The Head of Planning advised with reference to refusal reason 5 a biodiversity checklist to assess the potential impact on natural heritage interests has not been received.

In response B McConkey stated he had made contact to enquire of the status of the application and whether any more information was required on four occasions and did not receive a response – a telephone call on 3<sup>rd</sup> November 2020 and 25<sup>th</sup> November 2020, an email of 17 December 2020 and 1 February 2021.

Senior Planning Officer stated she was not made aware of the contact made and whether the queries were responded to or not.

Proposed by Alderman Finlay  
Seconded by Alderman McKeown and

**AGREED** – that Planning Committee defer application LA01/2020/0347/O, 40m West of 1 Lisheegan Lane, Bendooragh Road, Ballymoney, for one month, for submission of additional information, of a biodiversity checklist and assess any environmental concerns.

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

\* **Alderman Boyle left the meeting at 5.18pm.**

#### **7.11 LA01/2019/0337/F, Lands at 30 Glenlough Road and lands to the rear of 28 Glenlough Road, Ballymoney**

Report, correspondence from Agent previously circulated, and verbal addendum presented by Senior Planning Officer, J Lundy.

**App Type:** Full

**Proposal:** Retention of existing lockbox storage facility (40 no. storage containers and existing vehicular access point, provision of earth bunding with landscaped planting buffer on south eastern boundary and landscaped planting on south western boundary of established commercial site. (Site formerly used for hard stand for the sale and hire of leisure vehicles and head offices for Guard Force Security Ltd).

**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 via PowerPoint presentation.

Retention of existing lockbox storage facility (40 no. storage containers and existing vehicular access point, provision of earth bunding with landscaped planting buffer on south eastern boundary and landscaped planting on south western boundary of established commercial site. (Site formerly used for hard stand for the sale and hire of leisure vehicles and head offices for Guard Force Security Ltd).

A letter was submitted from the agent and circulated to members. Verbal addendum to its contents was provided as follows. The agent refers to the previous uses on the site and provided an aerial photo of the site. They argue that the site's previous use falls under Class B4 of the Use Classes Order. It also mentions the significant fall in visitors to the site than the previous use which should be seen as a planning gain. States that the proposed screening provides significant environmental benefits and integration of the site. As the site has been a commercial site for over 50 years it will not change the character of the area. They do not believe storage containers 0.6m higher than the 2m fence will result in hemming in. All outstanding roads matters can be dealt with by way of a negative condition.

The Senior Officer advised Members that

- The site is located on the Greenlough Road and is visible from the Frosses Road just outside Ballymoney.
- The layout of the site, consists of landscaped bunds to the east and west boundaries, a water course between the bund and the containers, a 5m wayleave and a culvert under the bound at the southern corner.

- The containers are shown in black and run along the boundary with the neighbouring property.
- Significant consideration has been given to the planning histories on the site throughout the PAD and the planning application.
- As set out in paragraph 8.2 to 8.43 officers are satisfied that the previous uses for guard force and the camper sales were both sui generis uses. The proposed use is Class B4 Storage of the Planning (Use Classes) Order (Northern Ireland) 2015.
- PPS 4 is applicable to economic development uses and sets out clearly that these uses comprise industrial, business and storage and distribution uses as currently defined in Class B1-4 of the Use Classes Order. It sets out the key aim of the PPS 4 to facilitate economic development needs of the Region in ways consistent with protection of the environment and the principles of sustainable development.
- Policy PED 4 of PPS4 provides exceptions for economic development in the countryside. Redevelopment will be permitted where it is demonstrated that all the following criteria can be met:
  - (a) the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area;
  - (b) there would be environmental benefits as a result of the redevelopment;
  - (c) the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site; and
  - (d) the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced.

However, the redevelopment of an established industrial or business site for storage or distribution purposes will only be permitted in exceptional circumstances.

Planning permission will not normally be granted for the redevelopment of existing industrial or business uses in the countryside for storage/distribution use, partly because of the generally greater impact on rural amenity which would result and partly because the employment normally generated by storage/distribution use of a site is relatively less significant than its use for industrial or business purposes.

- Slide showing the proposed earth bunds; the proposed bunds at 3m in height are higher than currently present on site.
- Slide showing the current view of the site when travelling towards Ballymoney on the Frosses Road.

- Slide showing closer view of the containers with the dwellings on Greenlough Road. The proposal fails to integrate due to the open nature of the site and the lower level from the road.

In response to questions from Elected Members, Senior Planning Officer clarified the timeline of the photographs presented for the retrospective application, before and after the works had been completed; clarified Policy PED 4 only allows for the redevelopment of existing industrial or business uses in the countryside for storage/distribution use in exceptional circumstances as they provide minimal employment opportunities and impact on rural character, there is no exceptional reason why this proposal should be granted as there would be no employees and only 2-3 visitors. Senior Planning Officer cited from PPS4 Paragraph 5.18. She advised the application for is for storage and distribution use.

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

M Kennedy raised four issues with the committee report:

- Principle of development: commercial site for over 40 years, as headquarters for GuardForce with 62 employees; operating 24 hours per day 7 days per week; class B1;
- In 1993 used for storage and hire of leisure vehicles; sui generis use;
- Paragraph 8.15 of Planning Committee Report that sale of vehicles is retailing in the countryside;
- In relation to GuardForce, PPS 4 refers retailing use to the SPPS and the Town Centre first approach; proposal for storage use would be de-intensification of use and a significant planning gain by removing the non-rural;
- Policy PED4 criteria is met;
- Site is 80m off Frosses Road; well integrated by the bund and planting carried out; grant obtained from DARD for planting;
- Environmental Health have no objections; no complaints to Environmental Health;
- Lock Box operate in Ballymoney, Ballycastle, Coleraine, no negative residential impact;
- DfI Roads have proposed culverting; this will be submitted once principle is accepted;

M Blaney addressed Committee, advising

- He has been trading for 15 years, and in Ballymoney for 5 years;
- Low cost secure storage to include for Causeway Coast and Glens Borough Council, Mid and East Antrim Council and DfI;

- There are no issues with neighbours.
- Established business on site;
- Minimal traffic and will be de-intensification of use, improving the rural area, with easy access off A26 for customers.

In response to questions from Elected Members, M Kennedy clarified

- GuardForce employed 62 people and generated significant traffic for sale of leisure vehicles; this will be a significant de-intensification of use;
- extensive earth works and landscaping had been undertaken, views from Frosses Road insignificant.

M Blaney clarified

- self storage involved maximum of 2 people at a time, and sometimes there would be no-one days;
- low level light on the yard with PIR operation; no high level lighting;
- used by Charities, Churches, smaller businesses, provides retailers with low cost storage.

The Chair read the report recommendation.

Proposed by Alderman Finlay

Seconded by Councillor McMullan

- 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 for the following reasons:

- A 53 bed Hotel could be approved on the site similar to that approved recently by Planning Committee on a rural site; the business has been there for 5 years and is not a blight in the Countryside;
- Under exceptional circumstances GuardForce generated more traffic, this is less than that and is onto a minor road;
- The proposal is well integrated as demonstrated in the photographs;
- the low level lights are internal and do not affect neighbouring properties, is compact, self-contained; no noise with very few visitors to it;
- Access provision is subject to submission of plans and acceptance by DfI Roads.

The Chair put the motion to the committee to vote.

7 Members voted For; 0 Members voted Against; 2 Members Abstained.

The Chair declared the motion to approve carried.

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

- \* **Alderman McKeown was not in attendance for the vote.**
- \* **Councillor P McShane was not in attendance for the vote.**

The Chair declared a recess at 5.55pm.

- \* **The meeting reconvened at 6.05pm.**

The Head of Planning undertook a roll call.

## **7.12 LA01/2021/0322/O, Lands between 37 & 37 Anticur Road, Dunloy**

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

**App Type:** Outline

**Proposal:** Infill site for one dwelling and detached garage under PP21 policy CTY 8

### **Recommendation**

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

Development Management and Enforcement Manager presented via PowerPoint presentation.

This outline proposal is for a dwelling and detached garage. Regarding the principle of development, the proposal is put forward as an infill dwelling.

In terms of the Northern Area Plan 2016, the site is located in the open countryside beyond the settlement development limit of Dunloy. The Northern Area Plan does not contain specific policies on the countryside, rather directing that regional policies apply.

This is a "Local" classified planning application and is presented to the Planning Committee as a referred item.

Principle of Development- Policy CTY 8 makes provision for development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The Policy defines a substantial and built up frontage as including a line of 3 or more buildings along a road frontage without accompanying development to the rear. In this instance there are 3 existing dwellings at this location- nos. 35, 37 and

39 Anticur Road. However, only two of these have a frontage to the road. No. 39 has its plot set back from the road with an access to the road only. Such “flag” or “meat cleaver” shaped sites do not have a frontage to the road. This position has been consistently held on appeal. Therefore as the site is not located within a substantial and continuously built up frontage, the principle of an infill dwelling is not acceptable.

Integration- The site while level, is slightly higher than the road. This, compounded by the general lack of substantive boundaries, would not allow a dwelling to adequately integrate. Critical views are in either direction of travel along Anticur Road when approaching the corner. The proposal would add to a ribbon of development along the road which would cause harm to rural character.

Access- A new access point is proposed at the west of the site onto Anticur Road. This complies with technical requirements and is acceptable to DfI Roads.

Conclusion- The proposal does not meet with the policy requirements for an infill dwelling in the countryside. Refusal is recommended.

No questions were put to the Officer.

The Chair invited G McPeake to speak in support of the application.

During consideration an IT difficulty occurred with the Speaker, that was resolved.

G McPeake stated that

- this is an infill site within a substantially built up frontage of 3 or more dwellings. Clearly 3 buildings at no.35, no.37, no.39 with direct access onto Anticur Road with the gap site between no.s 35 and 37. Travelling along it is clear there is a continuous built up frontage;
- the gap site of similar size and width.
- there are three established boundaries and propose to carry out additional planting where necessary;
- the proposal is consistent with PPS 21 policy CTY8 for infill;
- there are other infill approvals in Dunloy - refused and overturned by PAC 2017/A0147 - approval in certain circumstances there may be no detrimental impact on rural character, this is the same for this application.

In response to questions from Elected Members, G McPeake clarified three dwellings from the Anticur Road have direct access and there is a substantially built up frontage.

In response to questions from Elected Members, the Development Management and Enforcement Manager clarified plot must have a frontage onto the road which includes garden or hardstanding area, not just access; no.39 does not have a frontage, only a narrow access lane.

The Chair read the report recommendation.

Proposed by Councillor Nicholl  
Seconded by Councillor McGurk

That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the following reasons:

- The principle of development is acceptable under policy CTY8 has substantial built up frontage in light of the number of buildings there;
- Does comply with policy CTY13 will not be prominent in the landscape and ties in with policy CTY14 will not be prominent feature will not have detrimental impact on rural character considering the layout of the site;
- There have been no objections from statutory bodies;

The Chair put the motion to the committee to vote.

3 Members voted For; 4 Members voted Against; 2 Members abstained.

The Chair declared the application refused.

### **7.13 LA01/2020/0691/O, Site 40m SE of 12 Mayoghill Road, Garvagh**

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

**App Type:** Outline Planning

**Proposal:** New Dwelling in Existing Cluster (PPS 21 policy CTY 2A)

#### **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.

Senior Planning Officer E Hudson, presented via PowerPoint presentation.

Planning Application LA01/2020/0691. This is an outline application for dwelling in an existing cluster.



The site is located 40m SE of 12 Mayoghill Road, Garvagh. The site is located in the open countryside as defined in the Northern Area Plan 2016. This is the site location plan with the site outlined in red.

Slide showing a view of the site from along the laneway. The site is located behind the low boundary hedging. The proposed access point is located just adjacent to this where the grouping of trees are located.

Slide showing a view further along the laneway and looking back at the site. The northern boundary of the site which runs along the road is defined by a low hedge. The mature trees are located in the NE part of the site and beyond this a laneway defines the eastern boundary. The SE boundary is also defined by mature trees and hedge. The SW Boundary is undefined and is open to this larger agricultural field.

Slide showing a view from along the road looking towards the site.

Slide showing a long distance view showing other development in proximity to the site. The application has been submitted as a dwelling in an existing cluster and as such has been assessed under Policy CTY 2A of PPS 21. The cluster is not associated with a focal point or a crossroads. Supporting information with the application stated that the cluster is centred around the crossroads of Mayoghill Road and its laneways. These laneways allow access to agricultural land and are not considered to be a crossroads for the purposes of the policy. The site is not bound on at least 2 sides with other development in the cluster and cannot be considered to be rounding off and so fails criteria 3, 4 and 5. As the proposal does not meet all 6 criteria of policy CTY 2a it fails this policy.

The proposal is also contrary to policies CTY 8 and CTY 14 of PPS 21 as it would add to a ribbon and a build-up of development at this location. In relation to policy CTY 13 and integration, it is considered that a dwelling on this site would integrate satisfactorily in the surrounding area given the established boundaries providing screening and a backdrop.

The recommendation is to refuse planning permission as it is contrary to the SPPS and policies CTY 1, CTY 2A, CTY 8 and CTY 14 of PPS 21.

No questions were put to the Officer.

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

M Williams advised under PPS 21 policy CTY 2a points 3, 4 and 5.:

- Cluster of development is associated with a focal point. No. 24, a local shop forms is an established community building. However, it is no longer there.

- Laneway connects to Ballylagan Road; used by houses etc; meets the definition of a roads as it can be maintained if required; Mayoghill Road is maintained;
- Will not alter the character of the area as is part of the cluster and does not go beyond no.12; can be absorbed and rounded off;
- Is not in the open countryside;
- Screening around it on at least 2 sides;
- Not increasing ribbon development as it is not at the end of the development;
- Not suburban style development as it has a laneway with hedges and trees which is rural in character;
- Local applicant on uncle's land; local community happy that young are coming into the area to revitalise the area;
- Does group and cluster.
- Previous approval at item 6.7 - similar location and similar distance; ask look favourably on this application as well.

In response to questions from Elected Members, M Williams clarified the shop was at no 6.

Senior Planning Officer referred to page 17 of the Planning Committee Report, No. 6 furthest building to the East on the location plan.

The Chair read the report recommendation.

Proposed by Councillor Hunter  
Seconded by Councillor Nicholl

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

The Chair put the motion to the committee to vote.

7 Members voted For; 0 Members voted Against; 2 Members Abstained.

The Chair declared the motion carried and permission refused.

- \* **Alderman Finlay left the meeting at 6.54pm.**
- \* **Alderman S McKillop left the meeting at 6.57pm.**
- \* **Councillor Scott left the meeting at 6.58pm.**

## **8. DEVELOPMENT MANAGEMENT:**

### **8.1 Update on Development Management and Enforcement Statistics – 01/04/20 – 31/05/2021**

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

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

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

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

#### **Details**

A list of planning applications received and decided by Causeway Coast and Glens Borough Council for March 2021 is available on the Council's website at the link circulated.

Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded from the reports to correspond with official validated statistics published by DfI.

Table 1 circulated detailed the number of Major planning applications received and decided, as well as the average processing times. Please note that these figures are unvalidated statistics. In comparison to the same period last year, the number of major applications received has decreased by 3 applications and the number of major applications decided has decreased by 7. 2 Major applications issued in March. Taking account of restrictions relating to Covid-19 pandemic, average processing times are 11.7 weeks slower when compared to same period last year. Although this is significantly above the statutory indicator for major applications, focus continues to reduce the number of older major applications in the system which inevitably will have a negative impact on average processing times.

Table 2 circulated detailed the number of Local planning applications received and decided as well as the average processing times. Please note these

figures are unvalidated statistics. In comparison to the same period last year, the number of applications received has increased by 48 applications and the number of decisions issued/withdrawn has decreased by 237 applications.

The restrictions imposed due to Covid-19 in Q1 and Q2 and the lack of resources to access the Planning Portal during that time are the main reasons for the drop in decisions issuing. With provision of resources to access Planning Portal remotely rolled out to staff by end August, decisions issuing increased to reflect the numbers for Q3 of last year. As previously advised, in Q4 staff focussed on issuing a large number of over 12 month applications which adversely impacted on average processing times. Processing times are only 0.8 weeks slower than same period last year when operating in the normal working environment.

Table 3 circulated detailed the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of cases opened has decreased by 101 and the number of cases brought to conclusion has decreased by 82

The statutory target for concluding 70% of enforcement cases within 39 weeks has not been met by our Enforcement team. The length of time to bring these cases to target conclusion is due to the delays in site visits at the beginning of the pandemic restrictions and the knock-on effect that has had. Furthermore, focus for Q4 was to work to conclude older cases in the system which impacts on the conclusion target.

Table 4 circulated detailed the total number of Local applications determined under delegated powers. Determined is taken as the date the decision issued and excludes withdrawn applications. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 92.49% of applications determined were delegated under the scheme of delegation.

Table 5 circulated detailed the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including Major, Council and Local applications. This is taken from the date of the Planning Committee meeting. To note is that 16 out of 29 referred local applications had the officers' recommendation overturned at Planning Committee which is a 55.17% overturn rate for referred applications and a 24.05% overturn rate in total.

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

20 Planning Appeals decisions have issued by the PAC YTD of which the Planning Department has successfully defended its decision on 13 (65%).

Table 7 circulated detailed the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs.

Table 8 circulated detailed the number of contentious applications which have been circulated to all Members and the number of applications subsequently referred to the Planning Committee for determination. At end of March 2021 just over 51% of contentious applications were referred to Planning Committee for determination.

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

## **8.2 Update on Development Management and Enforcement Statistics – 01/04/20 – 31/06/2021**

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

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

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

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

### **Details**

A list of planning applications received and decided by Causeway Coast and Glens Borough Council for April 2021 is available on the Council’s website at the link circulated.

Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded from the reports to correspond with official validated statistics published by DFI.

Table 1 circulated detailed the number of Major planning applications received and decided, as well as the average processing times. Please note that these figures are unvalidated statistics. No major applications were received in April. 1 Major application issued in April and was processed within the business plan target of 50 weeks.

Table 2 circulated detailed the number of Local planning applications received and decided as well as the average processing times. Please note these figures are unvalidated statistics.

The number of local applications received continues to remain high, at 4<sup>th</sup> highest number received in a month since November 2017. Although the average processing time is above the statutory target of 15 weeks, processing times for local applications continue to improve with a large volume of applications being determined. The average processing time for local applications is within the target of 19 weeks set out in the Planning Departments Business Plan.

Table 3 circulated detailed the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. Please note these figures are unvalidated statistics. Of note is that the number of enforcement cases opened is the 2<sup>nd</sup> highest since April 2018.

The statutory target for concluding 70% of enforcement cases within 39 weeks has been met by our Enforcement team with 87.5% of cases YTD concluded within the statutory target.

Table 4 circulated detailed the total number of Local applications determined under delegated powers. Determined is taken as the date the decision issued and excludes withdrawn applications. Dfi Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 96.26% of applications determined were delegated under the scheme of delegation.

Table 5 circulated detailed the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions

made against officer recommendation, including Major, Council and Local applications. This is taken from the date of the Planning Committee meeting. To note is that all referred local applications had the officers' recommendation overturned at Planning Committee which is a 100% overturn rate for referred applications and a 62.5% overturn rate in total.

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

No Planning Appeals decisions have issued by the PAC YTD.

Table 7 circulated detailed the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs. Costs were partly awarded in this case due to the retrospective planning application relating to the enforcement notice being capable of being issued prior to the appeal hearing and therefore the requirement for the hearing would not have been necessary.

Table 8 circulated detailed the number of contentious applications which have been circulated to all Members and the number of applications subsequently referred to the Planning Committee for determination.

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

### **8.3 Update on Development Management and Enforcement Statistics – 01/04/20 – 31/08/2021**

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

#### **Background**

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

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

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

## **Details**

A list of planning applications received and decided by Causeway Coast and Glens Borough Council for June 2021 is available on the Council's website at the link circulated.

Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded from the reports to correspond with official validated statistics published by DFI.

Table 1 circulated detailed the number of Major planning applications received and decided, as well as the average processing times. Please note that these figures are unvalidated statistics. No major applications have been received this year as yet compared to 2 for the same period in the previous year. 6 Major applications issued year to date, an increase in 5 compared to the same period last year with an increase of 12.8 weeks average processing times.

Table 2 circulated detailed the number of Local planning applications received and decided as well as the average processing times. Please note these figures are unvalidated statistics.

In comparison to the same period last year, the number of applications received has increased by 161 applications and the number of decisions issued/withdrawn has increased by 189 applications. Although the average processing time is above the statutory target of 15 weeks, processing times for local applications continue to improve with a large volume of applications being determined. The average processing time for local applications is within the target of 19 weeks set out in the Planning Departments Business Plan and is 0.4 weeks faster when compared to the same period last year.

Table 3 circulated detailed the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. Please note these figures are unvalidated statistics.

In comparison to the same period last year, the number of cases opened has increased by 34 and the number of cases brought to conclusion has increased by 12.

The statutory target for concluding 70% of enforcement cases within 39 weeks continues to be exceeded by our Enforcement team with 76.9% of cases YTD



concluded within the statutory target. Furthermore, the length of time taken to conclude 70% of cases is 2.3 weeks faster when compared to the same period last year.

Table 4 circulated detailed the total number of Local applications determined under delegated powers. Determined is taken as the date the decision issued and excludes withdrawn applications. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 97% of applications determined were delegated under the scheme of delegation.

Table 5 circulated detailed on the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including Major, Council and Local applications. This is taken from the date of the Planning Committee meeting. To note is that all referred local applications had the officers' recommendation overturned at Planning Committee which is a 100% overturn rate for referred applications and a 35% overturn rate in total.

Table 6 circulated detailed the number of appeal decisions issued YTD of 2021/22 business year. Please note that these figures relating to planning appeal decisions are unvalidated statistics extracted from internal management reports.

Table 7 circulated detailed of the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs. Costs were partly awarded in this case due to the retrospective planning application relating to the enforcement notice being capable of being issued prior to the appeal hearing and therefore the requirement for the hearing would not have been necessary.

Table 8 circulated detailed the number of contentious applications which have been circulated to all Members and the number of applications subsequently referred to the Planning Committee for determination.

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

The Chair stated an increase in 161 applications in the past year was very good news.

## 8.4 Annual Report

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

### Background

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases and these are reflected in Council's Performance Improvement Plan 2020-21 and the Planning Department Business Plan 2020-2021.

The statutory targets are:

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

The Planning Department Business Plan targets are:

- Achieve a reduction in the number of over 12 month applications.
- Major applications processed from date valid to decision or withdrawal within an average of 50 weeks
- Local applications processed from date valid to decision or withdrawal within an average of 19 weeks
- 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.
- Stable Staff Resource
- Reduction in number of Agency staff employed
- Expenditure in line with budget allocation.

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team, Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The 2020/21 Annual Statistical Bulletin was published on 1<sup>st</sup> July 2021 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

### Details

Members were provide with a link to the published bulletin.

### Development Management Planning Applications

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

In the 2020/21 business year, Causeway Coast and Glens Borough Council received the 5<sup>th</sup> highest number of planning applications out of the 11 Councils, decided the 6<sup>th</sup> highest number of applications and had the 4<sup>th</sup> highest number of live applications in the system. In terms of applications in the system over 12 months, this Council had the 4<sup>th</sup> highest number of applications in the system for over 12 months. The Council is therefore sitting mid-rank out of the 11 Councils in terms of applications received, decided and just below mid-rank in relation to over 12 month old planning applications.

Although we did not achieve the target to reduce the number of over 12 month applications the increase in the overall number of over 12 month applications in the system is reflective of the impact of Covid-19, largely in the first quarter of this business year. Steady progress continues in terms of the average processing times for local applications when compared to the other 11 Councils from 2<sup>nd</sup> slowest in 2019/20, to 3<sup>rd</sup> slowest in 2020/21. Furthermore, the approval rate of applications decided at 94.9% has increased by 2.1% compared to the previous year, sitting with 6 other Councils with approval rate in the range between 94% and 96%. Focus going forward will be to continue to improve the average processing times for local applications whilst balancing this reducing the number of over 12 month applications in the system.

### Major Applications

Analysing the statistics based on major hierarchy category, this Council received the 7<sup>th</sup> highest number of major applications out of the 11 Councils and decided the 4<sup>th</sup> highest number of major applications with 12 out of the 13 applications approved. Unfortunately due to the impact of Covid-19 and the resultant impact on Planning Committee meetings, we did not meet the statutory processing time nor the Business Plan target. The impact on the average processing times is due to focusing on determining some of the older major applications in the system; 8 of the 13 applications determined being in the system for over 18 months. Focus going forward will be to continue to reduce the average processing times for the major applications received in the 2021/22 business year, balancing this with the determination of some of the older major applications. At the end of 2020/21 there were 25 live major planning applications in the system.

### Local Applications

Looking at the local category of planning applications this Council received the 5<sup>th</sup> highest number of local applications and issued the 5<sup>th</sup> highest number of decisions, again sitting just above mid-rank out of the 11 Councils. However, we failed to meet the average processing time of 15 weeks for local applications and the Business Plan target of 19 weeks. Of note is that we were on target to meet the Business Plan target as we had reduced our average

processing time in Q3 to 19.8 weeks. However, the decision to focus on issuing more of the older applications in the system over 12 months during Q4 resulted in the yearly average processing time for local applications of 20.8 weeks. However, of note is that we improved our ranking against the other 10 councils from 2<sup>nd</sup> to 3<sup>rd</sup> slowest. This improvement in performance has continued into Q1 of the 2021/22 business year.

The number of over 12 month old applications increased in 9 out of the 11 Councils over the business year. The increase in over 12 month applications in this Council area took place over the first 6 months of the year and began to decrease again from Q3 when focus was to issue larger numbers of the over 12 months and those applications just shy of over 12 months. This reduction has continued into Q1 of the 2021/22 business year.

### Enforcement

Table 2 below shows statistics in relation to enforcement for the 2020/21 business year. Unfortunately, due to the impact of Covid-19 and the restrictions on visiting sites during Q1, like a number of other Councils we failed to meet the statutory target for concluding enforcement cases of 70% within 39 weeks by 4.5%, ranking 7<sup>th</sup> out of the 11 Councils. We opened the 7<sup>th</sup> highest number of cases and closed the 7<sup>th</sup> highest number of cases with over 40% closed due to no breach identified. However, we had the highest number of prosecutions and 4<sup>th</sup> highest number of convictions out of the 11 Councils.

### Other Activity by Planning Department

Tables 3 and 4 below indicate the level of other activity carried out by the Planning Department over the 2020/21 business year.

In addition to the formal applications received, the Planning Department received 224 other types of applications relating to planning applications and dealt with some 731 pieces of correspondence, complaints and appeals, a reduction on the previous year. However, of note is the increase in the number of stage 1 complaints. 1 decision received from the NIPSO determined they would be taking no further action.

Of the 20 decisions made by the Planning Appeals Commission, the Planning Department successfully defended its decision on 13 appeals (65%).

### Local Development Plan

The Development Plan team continued to work in accordance with the revised timetable and work programme over the 2020/21 business year. Work continued on updating the background/evidence papers for the topic papers in preparation for the Draft Plan Strategy despite the cancellation of workshops from April through to September due to the impact of Covid-19 restrictions. Workshops recommenced on 29 September 2020 and continued throughout the business year. The impact of the cancellation of workshops for the LDP negatively impacted on the timetable for publication of the draft Plan Strategy and a new timetable was agreed for publication as a result.

## Factors Impacting on Performance

### Unstable staffing resource

The issue of staffing is one factor that impacts on performance. Having a stable staffing resource is important to ensuring applications and enforcement cases are progressed in a timely fashion. The agreement to recruit additional staff in December 2020 was progressed with the appointment of temporary staff at Planning Officer grades. This recruitment continues into the 2021/22 business year to fill vacant posts. When all staff have been appointed and in post this should assist in reducing workloads and improvements to performance.

### Covid-19

The impact of the restrictions imposed due to the Covid-19 pandemic had a negative impact on the performance of the Planning Department. With the office closed to the public, staff instructed to work from home and Planning Committee meetings cancelled, processing of planning applications, enforcement cases and LDP workshops were adversely affected. Output improved with the provision of laptops and VPN access for remote working in August and the commencement of Planning Committee meetings remotely in June and LDP workshops at end of September. However, it was always going to be an uphill struggle to reduce the impact that the first 5 months of restrictions had on performance.

Nevertheless, the output of decisions significantly increased in Q3 and Q4 with the provision of resources to effectively work from home and staff rota in place to attend the office. Other workarounds to processes were put in place to enable applications to be assessed remotely until such times as site visits could resume and the submission of planning applications and amendments by email.

### Planning Review

During Q4 of the business year a Planning Review was commenced by an external consultant. The Report on this Review was not received during this business year.

### Budget

Despite the negative impact of Covid-19 on planning application income, through the careful monitoring of expenditure against income the Planning Department remained within budget in 2020/21 coming just under budget. Careful management of expenditure was necessary due to income below that was largely achieved through savings on staff salaries due to vacant posts not being filled and other savings on budget codes such as Development Plan, Legal Services and staff mileage.

### Conclusion

In conclusion, performance within the Planning Department remains steady with against a difficult year due to Covid-19 restrictions and vacant posts. However, with restrictions easing and recruitment of staff ongoing it is

envisaged that improvements in performance and increased number of decisions issuing will continue into the 2021/22 business year.

**IT IS RECOMMENDED** that the Planning Committee note the Planning Departments Annual report.

Councillor Hunter thanked the Head of Planning and Department, with reference to the 20 decisions made by the Planning Appeals Commission, the Planning Department successfully defended its decision on 13 appeals, Councillor Hunter requested detail of those that had been unsuccessful.

The Head of Planning clarified she would provide the information, and advised some Appeals had been a split decision and allowed, and some had submission of new information on Appeal.

## **9. DEVELOPMENT PLAN:**

### **9.1 Verbal Update**

The Development Plan Manager provided an update:

- 6month LDP Work Programme: Work is ongoing as per details set out in the agreed programme.
- LDP Member Workshops – Draft Plan Policy approach: Member workshops ongoing. Next Workshop is Wednesday 15<sup>th</sup> September 2021.
- Project Management Team Meetings (which includes government bodies/key stakeholders): Consultation on draft policy approach continues to take place electronically.
- LDP Steering Group Meetings: Will reconvene as and when required to agree Draft Plan Strategy.
- Causeway Coast and Glens Borough Council Landscape Study: Informing the LDP draft policy approach re protection of the Borough's landscapes & natural heritage assets.
- Sustainability Appraisal/SEA: Currently considering options to carry out SA of Draft Plan Strategy.
- Evidence Gathering: Update of evidence base is ongoing. This is feeding through into our draft LDP policy approach and LDP Member Workshops.
- Retail, Industrial and Housing Monitors are ongoing.

## **9.2 DAERA NI Marine Plan – Public Consultation Report**

Report, previously circulated presented by the Development Plan Manager.

To advise Members of correspondence received from DAERA advising of the publication of the Marine Plan for Northern Ireland - Public Consultation Report: Summary of Responses.

DAERA wrote to Council on 28th April 2021 to provide a summary of the 70 substantive responses received during the public consultation exercise carried out in April 2018. The Report also provides an explanation of the policy context and gives an indication of DAERA's position and intention on issues that will be considered in taking forward the next iteration of the Marine Plan for Northern Ireland.

**It is recommended** that the Planning Committee note the contents of the DAERA Public Consultation Report – Summary of Responses.

## **9.3 DfC – Proposed Listing – ‘Arborfield’ 25 Charles Street & ‘Dunvaron’ 27 Charles Street, Ballymoney**

Report, previously circulated, presented by Development Plan Manager.

To present the Department for Communities: Historic Environment Division (DfC) consultation with the Council on listings at ‘Arborfield’, 25 Charles Street, Ballymoney, BT53 6DX and ‘Dunvaron’, 27 Charles Street, Ballymoney, BT53 6DX.

### **Background**

DfC wrote to Council on 23rd April 2021 seeking comment (by 4th June 2021) on a number of proposed listings within the Borough, under Section 80 (1) of The Planning Act (Northern Ireland) 2011 (see Appendix 1, circulated).

The proposed listings (see Appendices 2 & 3, circulated) were as follows:

- HB04/15/021 - ‘Arborfield’, 25 Charles Street, Ballymoney, BT53 6DX.
- HB04/15/022 - ‘Dunvaron’, 27 Charles Street, Ballymoney, BT53 6DX.

This consultation was first presented at the May Committee, which was adjourned. The item was then deferred at the June Committee. The Planning Department contacted DfC to agree an extension of time to respond, however, DfC advised that they had completed the listing in the intervening period.

**It is recommended** that the Planning Committee note the contents of this report and the completion of the listing of the properties detailed at paragraph 2.2 above on 15th June 2021.

The Development Plan Manager updated Committee, the Item originally for decision and was now for noting.

#### **9.4 DfC – Proposed Listing – 1B Knockans Rathlin Island**

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

To present the Department for Communities: Historic Environment Division (DfC:HED) consultation with the Council on the proposed listing at, 1B Knockans, Rathlin Island, Ballycastle, Co. Antrim, BT54 6RT

##### Background

The DfC:HED wrote to Council on 18th June 2021 seeking comment (by 30th July 2021) on the proposed listing within the Borough, under Section 80 (1) of The Planning Act (Northern Ireland) 2011 (see Appendix 1, circulated). Given the July recess the Council's planning department agreed an extension of time for response until after the August Committee Meeting.

##### Proposals

Proposed listing HB05/16/014, 1B Knockans, Rathlin Island, Ballycastle, Co. Antrim, BT54 6RT (see Appendices 2 & 3, circulated). There have been no replacements or alterations to the property.

##### Options

Option 1: Agree to support the listing: or

Option 2: Agree to oppose the listing.

**It is recommended** that the Planning Committee agree to either Option 1 or Option 2 (above) and agree to the Head of Planning responding to DfC:HED on behalf of Council.

Councillor Hunter stated this may be the only example in N Ireland.

Proposed by Councillor Hunter

Seconded by Alderman Baird

- That Planning Committee approve Option 1: Agree to support the listing and agree to the Head of Planning responding to DfC HED on behalf of Council.

The Chair put the motion to the Committee to vote.



4 Members voted For; 0 members voted Against; 2 members Abstained.  
The Chair declared the motion carried.

## **9.5 DfC Conservation Principles Consultation**

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

### Purpose of Report

To present the Department for Communities (DfC) Consultation Paper on 'Conservation Principles: Guidance for the Sustainable Management of the Historic Environment in Northern Ireland'.

### Background

DfC wrote to Council on 5 the August 2021 advising of an upcoming public consultation exercise from 13th August until 8th October 2021 (see Appendix 1 circulated).

The document (see Appendices 2 & 3 circulated) sets out a proposal for a Conservation Principles framework for the sustainable management decision making affecting the historic environment in Northern Ireland, containing the following six principles:

Principle 1 - The historic environment is of value to us all.

Principle 2 - Everyone should be able to participate in sustaining the historic environment.

Principle 3 - Understanding the significance of heritage assets is vital.

Principle 4 - Heritage assets shall be managed to sustain their significance.

Principle 5 - Decisions about change shall be reasonable, transparent and consistent.

Principle 6 - Documenting and learning from decisions is essential.

It is intended that by setting out these overarching principles, that the process and consistency in decision-making and advice is transparent and that it will clarify the Department's position on important matters affecting heritage assets, including those in relation to its statutory obligations.

The six principles are consistent with the approach taken by Historic England, Cadw (Wales), Historic Environment Scotland and the Department of Housing, Local Government and Heritage (Ireland) to ensure a clear, shared approach across these islands. This publication is tailored to the processes through which the historic environment is managed in Northern Ireland. The framework supports the Department's five-year strategy (Building Inclusive Communities 2020-2025) and has parallels in the draft Programme for Government and Regional Development Strategy 2035 (RDS).

**It is recommended** that the Planning Committee agree to the Head of Planning responding to DfC on behalf of Council.

Councillor Hunter wished to reiterate the effect on the community and need to be inclusive.

Alderman Baird raised concern over the limited financial support available.

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

**AGREED** - that the Planning Committee agree to the Head of Planning responding to DfC on behalf of Council.

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

Councillor Hunter raised the issue of interpretation of "Roads being maintainable", she stated a weak term that needed to be tightened up.

The Development Plan Manager responded, she would consult with the Head of Planning to see if it could be dealt with through development plan.

## **10. CORRESPONDENCE:**

Correspondence presented by The Head of Planning.

### **10.1 Mid Ulster Council – Local Development Plan 2020 – Strategy, Submission of Documents to Department**

Correspondence, previously circulated.

### **10.2 DfI Guidance on Accessibility Analyses & the Preparation of Planning Policies for Transport**

Correspondence, previously circulated.

Development Plan Manager advised a report would be brought to the next meeting.

### **10.3 Letter to Alison McCullagh - re NI Planning IT System – Progress Update**

Correspondence, previously circulated.

#### **10.4 Mid Ulster Council – Replacement Planning Portal**

Correspondence, previously circulated.

#### **10.5 DAERA – Ministerial Request – Craigall Rocks**

Correspondence, previously circulated, presented by the Development Plan Manager, who further advised a report would be brought to the next Committee meeting on the matter.

#### **10.6 Response from Council regarding Signage in Ballycastle**

Correspondence, previously circulated.

#### **10.7 Marine Licence**

Correspondence, previously circulated.

#### **10.8 DfI Sustainable Water NI – Long Term Water Strategy**

Correspondence, previously circulated.

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

Proposed by Councillor Hunter  
Seconded by Councillor Dallat O’Driscoll and

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

\* **Public were disconnected from the meeting at 7.42pm.**

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

### **11. CONFIDENTIAL ITEMS:**

#### **11.1 Report for Noting Finance Period 1-3 2021 22 Update**

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

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 3 of the 2021/22 business year.

**IT IS RECOMMENDED** that the Committee notes the update provided on the Planning budget as of end of period 3 of 2021/22 financial year.

**MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Councillor Dallat O’Driscoll  
Seconded by Councillor Councillor McGurk and

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

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

**12.1 Length of time of Meetings**

Discussion ensued on the length of time of meetings, suggestions were put forward to reduce the timings of meetings for example - quarterly updates on monthly statistics, delegation of designation of telephone kiosks, that a roll call does not take place after each break, to focus more on major applications, to increase the number of objections before being presented to Committee, for example.

Proposed by Councillor Hunter  
Seconded by Councillor McMullan and

**AGREED** - That Officers present Planning Committee monthly statistics on a quarterly basis, on rotation between Development Plan and Head of Planning;  
That only BT correspondence on red telephone boxes is presented to Committee;  
That Planning Committee Correspondence Item is presented, as read, to note.

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

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 8.00pm.

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Chair