

PLANNING COMMITTEE MEETING WEDNESDAY 28 APRIL 2021

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Nil</i>
2.	Declarations of Interest	<i>Alderman McKeown in LA01/2019/0923/O, Land 80m North West of, 100 Glenhead Road, Ballykelly</i>
3.	Minutes of Planning Committee meeting held Wednesday 24 March 2021	<i>Confirmed</i>
4.	Order of Items and Confirmation of Registered Speakers	<i>Defer Application LA01/2019/0773/O, 175m North West of , 77 Corrick Road , Dungiven and hold a site visit Order of Business Agreed LA01/2020/1200/F, Land at Asda, 1 Ring Road, Coleraine to be heard before LA01/2019/0281/F, Land at Asda, 1 Ring Road, Coleraine</i>
5.	Schedule of Applications:	
	5.1 LA01/2019/0225/F, 88 & 90 Charlotte Street & lands south of Charlotte Street, East of the Meadows & West of Ishlan Court, Westoncroft Park, Our	<i>Defer and site visit to be held</i>

	Lady of Lourdes School & St Brigid's Primary School, Ballymoney	
5.2	LA01/2020/0722/F, Lands 110m S of Dungiven Castle, 145 Main Street, Dungiven	Approve
5.3	LA01/2017/0539/F, Lands at Curran Strand, Portrush	Disagree and Approve
5.4	LA01/2020/1200/F, Land at Asda, 1 Ring Road, Coleraine	Disagree Refuse
5.5	LA01/2019/0281/F, Land at Asda, 1 Ring Road, Coleraine	Disagree Refuse
5.6	LA01/2019/0430/F, Rock House, 7 Rock Drive, Portstewart	Approve
5.7	LA01/2020/0525/F, 54 Castlerock Road, Coleraine	Approve
5.8	LA01/2019/0923/O, Land 80m North West of, 100 Glenhead Road, Ballykelly	Disagree and Approve
5.9	LA01/2019/1267/O, Approx 165m East from 53 Ballybrakes Road, Ballymoney	Disagree and Approve
6.	Development Management:	
6.1	Update on Development Management and Enforcement Statistics – 01/04/20 – 28/0/2021	Note the update on the development management statistics
6.2	Third Quarterly Statistics Report	Note the Planning Departments Quarterly Report
6.3	Amendment to Scheme of Delegation	Defer Place Amendment to the Scheme of Delegation at the start of the Agenda of the next Planning Committee meeting
6.4	Planning Business Plan	Approve the Planning Service Business Plan 2021-22

7.	Development Plan: Verbal Update	<i>Withdrawn from the Agenda</i>
8.	Correspondence	
	8.1 Response from National Trust regarding car parking congestion at the Giant's Causeway	<i>Information</i>
	8.2 Correspondence from Mid & East Antrim Borough Council LDP(2030) – Submission of documents to Dfl	<i>Information</i>
	8.3 Letter from Dfl – Actions from Planning Forum	<i>Information</i>
	8.4 Dfl – Call for Evidence – Review of the Implementation of the Planning Act 2011	<i>Approve the attached response and agree to the Head of Planning responding to the Call for Evidence to Dfl; to include to cut down trees to facilitate the development of a site for commensurate gain be a criminal offence.</i>
	<i>'In Committee' (Items 9-9.5 inclusive)</i>	
9.	Confidential Items	
	9.1 Verbal Update – Legal Issue	<i>Information</i>
	9.2 PAP letter to Dfl – Legal Issue	
	9.3 Fermanagh & Omagh District Council Correspondence	<i>Refer Corporate Policy & Resources Committee</i>
	9.4 Planning Department – Budget Period 1-11 Update	<i>Information</i>
	9.5 Signage in Ballycastle	<i>Decline</i>
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<i>Nil</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS
AND VIA VIDEO CONFERENCE
ON WEDNESDAY 28 APRIL 2021 AT 10.30am**

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

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

Non Committee Members In Attendance: Alderman Robinson; Councillors Callan and McAuley

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 and Built Environment (R)
M Wilson, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
J McMath, Senior Planning Officer (R)
E Hudson, Senior Planning Officer (R)
S O'Neill, Senior Planning Officer (R)
J Chisim, Planning Officer (R)
S Duggan, Civic Support & Committee & Member Services Officer (C)
D Hunter, Council Solicitor (R)
P Donaghy, Democratic & Central Services Manager (R)
J Keen, Corporate Support Assistant (R)

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

Press (2 No.) (R)
Public (39 No. including Speakers) (R)

Key R = Remote

C = Chamber

Registered Speakers in Attendance (All remote):

Application No.	Name
LA01/2019/0225/F	I Paisley MP
LA01/2020/0722/F	G Jobling
LA01/2017/0539/F	C Fegan C Shanks K Calder K Goodbun I Paisley MP C Vincent (consultee) J Hanna (consultee) R Mullan (consultee) M Kearney (consultee) C Lavery
LA01/2019/0281/F	N Wilkinson N Hennessy E Fisher
LA01/2020/1200/F	N Wilkinson Councillor W McCandless
LA01/2019/0430/F	Dr M Nicholl M Bell
LA01/2020/0525/F	D McLaughlin N McKee
LA01/2019/0773/O	J Diamond
LA01/2019/0923/O	M Smyth D Whyte V Whyte
LA01/2019/1267/O	R Hunter

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.'*

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

There were no apologies recorded.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for Alderman McKeown in LAO1/2019/0923/O, Alderman McKeown left the meeting during consideration of the Item.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 24 MARCH 2021

Minutes, previously circulated, presented by the Head of Planning.

Proposed by Alderman Baird
Seconded by Councillor Scott

- that the Minutes of the Planning Committee meeting held Wednesday 24 March 2021 are confirmed as a correct record.

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

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair advised LA01/2020/1200/F, Land at Asda, 1 Ring Road, Coleraine would be taken on the Agenda before Item LA01/2019/0281/F, Land at Asda, 1 Ring Road, Coleraine.

Proposed by Councillor Nicholl
Seconded by Councillor McMullan

- that LA01/2019/0773/O, 175m North West of , 77 Corrick Road, Dungiven, is deferred and site visit held, due to wishing to see the visual impact and linkage to adjoining buildings.

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

The Chair declared the motion carried unanimously.

5. SCHEDULE OF APPLICATIONS:

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

Report, previously circulated, presented by Development Management and Enforcement Manager, S Mathers, via powerpoint presentation.

App Type: Full Planning

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

Recommendation

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

Addendum Recommendation

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

The Development Management and Enforcement Manager presented as follows:

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

associated with this planning history in 2017, which underlines this planning history as a valid fall-back position.

2. In terms of the Northern Area Plan 2016, the majority of the site is located on land zoned for housing within the settlement development limit of Ballymoney. As there was a previous planning permission on the site for housing, the Plan identified most of this site as a “committed” zoning and as such there are no key site requirements in those areas. Only a small portion of the site to the SE near Westgate is identified as a proposed site.
3. This is a major planning application so it was preceded by a PAN. The application was accompanied by the submission of a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Main Issues

4. **Context & Character-** The proposal comprises house types which are mostly 2 storey. No 3 storey dwellings are proposed. Most house types provide modest 3 bedroom accommodation. While mostly semi-detached, the scheme additionally includes some detached units, short terraces of 3 or 4 units and some apartments. The frontage of the site to Charlotte Street is limited with 3 buildings designed to fit into the character at this location. The in-depth development beyond mostly comprises a network of streets with three cul-de-sacs. The separation distances, form of development and scale of buildings are appropriate to the character and context of this suburban area which for the most part, given its narrow Charlotte Street frontage, is not read with surrounding development.
5. **Open Space Provision-** Planning policy requires 10% of the site area in schemes comprising 25 units or more such as this to be public open space. In this case, that provision is exceeded with provision at approximately 15%. Two areas of public open space and an equipped children’s playground are proposed. In terms of private amenity space, rear garden sizes are adequate to meet policy requirements. In some cases where gardens are smaller, a proposed condition removes the right to build extensions without planning permission which would use up space in the limited amenity areas.
6. **Relationship With Neighbouring Properties-** Existing dwellings adjoin the application site at Charlotte Street, The Meadows, Ishlan Court, Westoncroft Park/ Avenue and West Gate. The proposed scheme respects the amenity of these properties by reason of scale of buildings, separation distances, orientation and arrangement of windows. Similarly, within the layout potential unacceptable issues of overlooking, dominance and overshadowing between the proposed dwellings have been successfully designed out to present a scheme that meets policy requirements.

7. Access & Roads Layout- The proposal comprises one access point off Charlotte Street. This is considered acceptable to DfI Roads subject to the conditioned provision of a traffic calming “gateway” feature at Balnamore Road. The entire roads layout is to be adopted by DfI Roads. The majority of the parking within the scheme is in-curtilage which improves the overall quality of the layout.
8. Representations- The detail of these is set out in the report.
9. Conclusion- Proposal is considered acceptable and the recommendation is to approve.

In response to questions from Elected Members, the Development Management and Enforcement Manager referred to paragraph 8.92 and 8.93 of the Planning Committee Report with regards to the storm drain and flooding. He advised DfI Rivers Agency were consulted and content. Flooding in the development area outside the extent of the flood plain was looked at and assessed in context with the application and Rivers Agency content. Upon request, the Development Management and Enforcement Manager presented the slide illustrating access onto Charlotte Street.

Proposed by Alderman Baird
Seconded by Alderman McKeown

- that Planning Committee defer LA01/2019/0225/F and hold a Site Visit as this is a major Scheme and Planning Committee should view the impact.

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

The Chair advised speaking rights would carry over.

5.2 LA01/2020/0722/F, Lands 110m S of Dungiven Castle, 145 Main Street, Dungiven

- * **Councillor Anderson left the meeting at 11.03-11.08am and did not vote on the application.**

Report, previously circulated, presented by Development Management and Enforcement Manager, S Mathers, via powerpoint presentation.

App Type: Full Planning Permission

Proposal: Proposed new school building to include 12 no general classrooms, technology department, art studio, associated works and landscaping.

Recommendation

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

The Development Management and Enforcement Manager presented as follows:

1. This proposal comprises a new school building at the site of the existing Irish School at Main Street, Dungiven. The proposal adds to the existing accommodation the school has comprising use of Dungiven Castle and the existing modular building which were approved in 2015 and 2017 respectively. The proposal includes the removal of three existing mobile type classrooms.
2. In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Dungiven. The site is located in an area identified as a major area of existing open space and within the Local Landscape Policy Area designation DGL03 Dungiven Castle.
3. This is a major planning application so it was preceded by a PAN. The application was accompanied by the submission of a community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Main Issues

4. Open Space- Policy OS 1 of PPS 8 regarding open space has a presumption against the loss of open space. However, an exception is provided where redevelopment will bring substantial community benefits that decisively outweigh the loss of open space. Such community benefits have been satisfactorily demonstrated in this case. In addition to this, a further consideration is that the application site is a car park and as such is not actually open space, notwithstanding being identified as such in the Northern Area Plan.
5. LLPA- The proposal is located within the Local Landscape Policy Area designation DGL03 Dungiven Castle. The policy in this area is that it should be protected from all “non-essential” development. Having regard

to the specific circumstances of this case, the proposal is considered essential and therefore is permissible within the terms of the Policy.

6. Design- Main critical views of the building are from the south. The proposed building has a lower finished floor level than the Castle and the ridge height is lower than that of the adjacent Health Centre. The proposed building is 67.5 m wide and has a height of approximately 8m. The majority of the building has a flat roof, with a lower portion on the side towards the Castle. It is of modern design and is finished with a combination of cement and larch panelling. From the critical views given its specific siting, scale and finishes the proposal will fit into the townscape of Dungiven.
7. Built Heritage- The proposal is adjacent Dungiven Castle which is a listed building. Historic Environment Division are content with the proposal which has been amended to reduce its prominence from the critical views to the south.
8. Amenity- The proposal is located in close proximity to the Health Centre and the relationship with this building is considered acceptable given the change in levels, separation distance and specific uses. No impact is envisaged on residential amenity given that the nearest dwellings are located 150m away on the opposite side of Main Street.
9. Representations- The support letters set out the proposal: is a sustainable use for Dungiven Castle; adds to regeneration; meets the needs of a fast growing school and; provides an attractive design.
10. Conclusion- Proposal is considered acceptable and the recommendation is to approve.

The Chair invited G Jobling to speak in support of the application. G Jobling stated she endorsed the report. The School has been successful for 5 years, the enrolment is forecast to increase and new building programmed to replace the temporary mobiles. A quality environment, positively addresses the site and enables the ongoing use of Dungiven Castle as primary school, addressing a local need and education in the area.

Proposed by Councillor McGurk
Seconded by Alderman Boyle

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

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

Councillor Hunter advised of technical difficulties experienced during the vote, which she was unable to cast.

5.3 LA01/2017/0539/F, Lands at Curran Strand, Portrush

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

App Type: Full Planning

Proposal: Proposed 20m rock armour taper and associated sand trap fencing and planting

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 refusal reasons set out in section 10.

Addendum 1 Recommendation

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

Addendum 2 Recommendation

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

Site Visit Report: Monday 26th April 2021, circulated.

The Senior Planning Officer presented as follows:

The proposal is a full application for a 20m rock armour taper and associated sand trap fencing and planting.

In the application packs are notes of a site visit carried out this week. An addendum relating to further information submitted by the agent and correspondence from NIEA. The submitted information by the agent provides a summary of the proposal and the Environmental Statement and its findings. It

also provides letters of support for the golf course, the iconic 5th and 6th holes and highlights the significant economic investment that derives from the Open and golf in general to the Borough. Correspondence between the agent and DAERA Marine & Fisheries was also included within the addendum relating to minutes of previous meetings.

A second addendum was circulated, this relates to a document from DAERA Marine & Fisheries which provides a synopsis of their position on the proposed development. It covers topics under the following headings: Primary concerns, Marine Policy, R&A Projects, Marine & Fisheries preferred approach and commentary on the precautionary principle and the modelling.

- The site is comprised of an area of beach on Curran Strand, Portrush. The site is located where the beach adjoins the dune system. Directly to the south of the site is Royal Portrush Golf Club which adjoins the dune system. The beach continues to the east and west of the site with the dune system continuing to the west. The site extends to the east along the beach and rises up to join the lower car park at White Rocks.

The site is located outside any settlement development limits as designated in the Northern Area Plan 2016. There are a number of designations both on and within close proximity to the site.

Designations on the site include:

1. Causeway Coast and Glens Area of Outstanding Natural Beauty (AONB)
2. Plan Designation PHL 04 Royal Portrush Local Landscape Policy Area (LLPA).
3. Portrush Golf Links Site of Local Nature Conservation Interest (SLNCI).

Designations adjoining the site include:

1. Skerries and Causeway SAC and SCI approximately 22 metres to the north
2. White Rocks ASSI approximately 50 metres to the east.

- The proposed revetment taper is a 20 metre long structure shown in yellow on the plan.

The revetment is proposed to be sited at the base of the dune with the toe buried 1 metre below the lowest beach level.

The proposed revetment would adjoin an existing 90 metre revetment structure which is located to the east of the proposal. The proposed revetment will connect into the existing structure. To the rear of the proposed revetment is an approximately 38 metre line of gabion baskets shown in a green on the plan. Sand trap fencing is proposed along with the revetment shown as the black lines.

- A section of the proposed works. The structure is comprised of three layers of rocks on top of a filter layer and geotextile matting against the existing buried gabion baskets.
- Access to the beach for the construction of the proposed revetment is proposed via White Rocks car park. Vehicular access to the car park is via Dunluce Road and Whiterocks Road. Construction is indicated to take 4-6 weeks and have a limited number of HGV movements.

The development is to address terminal erosion at the end of the existing rock armour. Terminal erosion occurs when the structure interacts with the hydrodynamic regime – during periods of high water levels and wave energy typically experienced during storm events. The aim of the proposal is for the taper to assist in the deflection of wave energy away from the adjoining dune.

Due to the sensitivity of the site and the proposed nature of the works it was determined that the proposal is EIA development. An Environmental Statement was submitted in February 2019, the chapters headings of which are set out in para 4.13 of the Committee report.

As part of the consideration of the proposal and in consultation with the statutory consultees it is considered that there remains scientific doubt on the overall sustainability of the proposal, the protection of the golf course, the impact on the soft dune system that it will connect to and the potential adverse impact to the integrity of priority habitats and species. Such scientific doubt raises the precautionary approach advocated in the Marine Policy Statement and draft Marine Plan UK and EU legislation now transposed following Brexit, listed on page 13 of the Committee report and policies contained within PPS 2.

In compliance with the Habitats Regulations the Council as the competent authority has through Shared Environmental Services carried out an assessment as to whether the proposal will adversely affect the integrity of the SAC. SES concluded that the proposal could have an adverse effect on site integrity of the Skerries and Causeway SAC and planning permission cannot be granted until such times as the applicant can demonstrate no adverse effect on site integrity. Marine & Fisheries Division have also objected to the proposal and the potential impact on coastal processes within the Skerries and Causeway SAC and White Rocks ASSI. Marine & Fisheries also refer to the Marine Policy Statement that advises that inappropriate types of development should not be permitted in these areas. The policy refers to the resilience of existing developments to maintain their functions whilst improving sustainability. They do not consider hard sea defences to be a sustainable option given the damage caused by the existing defences to priority dune habitats through increased erosion and edge effects.

Marine & Fisheries have asked for further options to be explored and further modelling/ consideration of the soft options such as infilling and management of the area with the use of methods such as chestnut fencing to encourage sand stabilisation and marron grass planting, carrying out such a proposal as a pilot scheme to further monitor the potential land loss, consider the option to further taper the existing rock armour, apply for a Marine Licence to further explore the issues.

The report and addenda has considered the economic arguments for the proposal submitted by the agent on the importance of golf and the Open to the economy of the Borough. The consultees have been clear that both can co-exist and wish that further options are considered to protect the coastline, the SAC and ASSI as these are also economic drivers for investment in the Borough.

- The slides show photos of the site that have been submitted in the ES and some taken by the Council case officers. The photos range from 2014/2015 to April 2021. This photo was submitted by the agent after storm events in 2014/2015. The extent of the terminal erosion has exposed the gabion baskets usually buried and cut away some of the dune.
- This photo was also submitted in the ES and shows the use of fencing used for sand trapping and to keep people off the dunes to allow for renewal
- July 2017 see the area established.
- July 2018
- Start of February 2020 can see large deposits of sand with no established planting.
- Later in February 2020 a storm removes the sand.
- April 2021 sand has started to build up again and re-cover the gabion baskets. The area not only suffers for the storm events but also from human use. Options such as fencing could move people off the area to allow grass to stabilise the sand dunes.
- The site and the large dune
- The existing rock armour.

The Senior Planning Officer advised that there are a number of speakers listed today to speak on the application. Also in attendance are representatives from SES, Rosetta Mullan and Malachy Kearney, and statutory consultees Clare Vincent and Dr Joanne Hanna from Marine & Fisheries, and Cara Lavery from NED who are available to answer any technical questions.

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

- the Marine Licence is a separate process outside of Planning and has not yet been submitted to DAERA;
- the chestnut fencing is a Pilot Study;
- there was no detail on why the chestnut fencing had been removed or swept away after 2014/2015 storms period referred to; referring to the Environmental Statement advised the Agent stated in 2014/15 a storm had removed the fencing, photographs from 2014 submitted; there are no other images other than the aerial on the slide;
- the proposal was assessed taking account of the Northern Area Plan and other material considerations. There is a duty to apply the Habitat Regulations. Shared Environmental Services have carried out the Habitats Regulations Assessment on behalf of Council. The recommendation is that scientific doubt remains as to the impact on designated sites. The consultations received from Marine & Fisheries, NED and DfI were considered as they are the experts in this area, and assessment is that further exploration of reasonable alternatives is required to investigate the impact of terminal erosion and scarring effect which may adversely impact on the designated sites and the Blue Flag Beach that is popular with heavy pedestrian use, and people climbing the sand dunes. A more managed approach to the area is required and fencing would restrict public use of the dunes;
- Environmental Statement provides a high level of modelling. Marine & Fisheries have raised the need for further modelling of coastal processes, vegetation, and looking at alternative methods. The Officer advised she is not aware of the term 'Dutch boxes' referred to and reminded Members that Marine & Fisheries may be best placed to answer these questions.

The Chair invited C Fegan, K Calder and K Goodburn to speak in support of the application.

C Fegan advised it was important to recognise there is existing rock armour on the beach of 290m from 1983. There has been a loss of 10m back off the 5th green after storms in the early 1980's. The application is for a modest 20m taper and soft engineering to provide a more appropriate finish to the existing defence, to address the issue of an ongoing problem of terminal erosion. If not given permission, approximately 430m² of land including the 6th tee will be lost to coastal erosion. He stated coastal erosion has been a problem for decades and the extreme storms in 2013/14 and 2014/15 had been a threat to the dune and the 6th tee. RPS specialises in long term solutions to protect the golf tee that are sensitive to the coastal environment. To suggest the applicant had not properly considered alternatives is incorrect. RPS have applied extensive consideration to alternatives and scoping as provided in the Environmental Statement; a chapter on reasonable alternatives of fourteen pages. The proposal is the preferred option to deal with terminal erosion. Neither the Department nor officers concern regarding the potential to exacerbate coastal erosion elsewhere that may cause harm is not backed up by their own

modelling. The Department has not demonstrated it will cause reasonable scientific doubt. To suggest an adverse impact on species; this has been examined by experts and complies with all relevant law and policies and compelling evidence to approve. This is a modest scale development of significant economic benefit that will secure the long term future of one of the most important tourism assets Northern Ireland has to offer.

In response to questions from Elected Members, C Fegan clarified;

- the Department has stated there may be some harm. The evidence before Committee is clear, detailed modelling has been done by K Calder and demonstrates no perceptible harm of the coastal processes. The Shadow Habitat Regulations Assessment completed for designated sites and protected species. SES and NIEA have not identified the effect and not convinced there will be a significant effect on integrity of the sites. He referred to caselaw advising that when alleging risk must produce credible evidence. Objective evidence demonstrates lack of risk of harm and an over-precautionary approach has been adopted.

- this is a small scale proposal. Is the risk hypothetical or real?

- referring to correspondence it is clear the 5th and 6th holes are critical and iconic, there is no time to delay, we do not know when there will be a 1 in 100 year event;

- the application of the Environmental Statement 100 pages of empirical Industry Leading modelling of best data sets, all relevant Agencies have been consulted and a clear conclusion of imperceptible impact and visuals sent for the attention of committee.

In response to questions from Elected Members, C Shanks clarified:

- regarding the existing defences, the evidence demonstrated in the Environmental Statement and modelling that if the current defence was not in place during extreme storms it has been evidenced a loss of significant land and the iconic points of the golf course. The current defence is critical and must remain in the future to protect the golf course. The modelling undertaken has been extensive, results show no adverse impact when considered in combination with the existing defence;

- the evidence demonstrates a loss of 430m² dune and loss of 110m² of land to the links course would severely impact on the adjacent hole;

- correspondence has been received from the Executive Director of the R&A, Jonny Cole Hamilton, advising it is critical to have the full extent of the golf course maintained and to safeguard where it abuts the coastline for the long term potential of the return of The Open; there is the potential of 2 further returns of The Open Championships; iconic 6th tee and green need to be maintained. Changes to the golf course are restricted.

- correspondence has been received from Tourism NI Chief Executive, John McGrillen. The Open brought enormous benefit of a £108M legacy over a one

week event. Royal Portrush Golf Club have 10,000 members per year and is the jewel in the Crown for Golf Tours and Northern Ireland and the image specifically used to attract the global market. It brings £26.2M economic benefit to Causeway Coast and Glens;

- Extreme storms had washed away the fencing;
- Habitats Regulations Assessment shows a sheer level of robust information prepared, the development can proceed without causing harm;
- if R&A did not return £108m in economic terms, it would impair service industries and catastrophic change for Royal Portrush Golf Club would be a regrettable step.

K Calder clarified his technical qualifications and experience, to include the project at the North Pier Portrush Harbour. K Calder advised rock armour would be the most sustainable option to prevent erosion and outlined the process of dissipating wave energy. The Environmental Statement had considered other options over twelve pages. He advised modelling had demonstrated the existing structure is inadequate and therefore to reduce would not make sense. There was an imperceptible impact on coastal processes by the proposal, and it comes into play only during extreme events. The volume of sediment retained would be imperceptible to the overall processes in the area.

In response to questions from Elected Members, C Fegan referred to the Appendix to the Environmental Statement and clarified that the analysis is based firmly on empirical industry leading evidence. The proposal will have an imperceptible impact.

K Calder clarified the use of an Industry Standard leading model that is universally accepted. It is an empirical assessment that is incredibly robust. He had a very good understanding of coastal processes along Portrush Strand and requested to share the bed level change image. The change would be imperceptible impact on coastal process in immediate vicinity within 1-2m of the rock armour with or without the 20m taper. The proposed rock armour will provide a transition from hard defence to soft.

The Senior Planning Officer clarified the bed level change image was not part of her presentation but was circulated to Members and was available to view on the Planning Portal.

The Chair invited I Paisley MP to speak in support of the application. I Paisley stated the Royal Portrush Golf Club application would allow it to continue to make a positive impact on the north Antrim tourism economy, leisure tourism and Northern Ireland plc. He stated it was a tough decision but is what is needed and what is necessary. He asked Members to overturn the recommendation for refusal which had unintended consequences, the local

economy would benefit from. The proposal would continue to safeguard the coastline of Portrush; the 5th and 6th holes from further coastal erosion. I Paisley clarified he was confident from what had been heard today from technical experts it would cause no harm. The proposed development is of critical importance and required to mitigate further risk to coastal erosion; a modest taper of 20m to finish the job started. He proposed the development is crucial and essential to safeguard the golf course from coastal erosion, the beach, local economy and environmental protection and emphasised doing nothing not an option. In 2025 The Open would be taking place, the clock ticking and could not be delayed. He stated Royal Portrush Golf Club is a high profile tourism asset, one of the highest in Northern Ireland, and high profile for Causeway Coast and Glens and N Ireland economics. The Open Championship and NI £106M benefit to the economy and to the Causeway Coast and Glens £26.2M, transformative income, with 10,000 visitors per year. I Paisley appealed to overturn and support Royal Portrush Golf Club.

Proposed by Alderman S McKillop
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 planning permission subject to the reasons set out:
 - there is sufficient information to demonstrate that the development will not exacerbate coastal erosion;
 - it will not adversely affect the integrity of designated sites, priority habitats or species
 - it has been demonstrated that it is not likely to have a significant adverse impact on the Portrush Golf Links Site of Local Nature Conservation Importance
 - Will not impact on rural character, integrity of Royal Portrush LLPA or the character of the Area of Outstanding Natural Beauty
 - Not convinced by the Department's argument and lack of evidence; hypothetical risk
 - proposal will mitigate coastal erosion Excellent presentation vital qualified to make a decision
 - Economic impact if not passed and result in loss of the green which would be terminal for Royal Portrush.

Councillor Nicholl asked that it was noted it had pained him that the application had taken 4 years, and questioned why had there not been meaningful communication with stakeholders; he advised of frustration that leadership should have been shown.

In response to Alderman Duddy, the Chair advised experts had been in attendance to answer questions.

Alderman S McKillop asked that it was noted she concurred with the speakers, disappointed not have expert advice from Officers in relation the application, the speakers were compelling.

In response to Alderman S McKillop, the Chair advised the experts were in attendance to answer questions.

The Chair invited C Vincent to comment on climate change in the next 40 years.

Alderman Duddy raised that a proposal was on the table.

The Chair enquired whether Council solicitor had joined the meeting.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Alderman Duddy
Seconded by Councillor Anderson

- that Planning Committee move ‘*In Committee*’.

- * **Press, public and non-Planning Committee Members were disconnected from the meeting at 12.47pm.**

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

Council Solicitor provided legal considerations, he referred to the following – Council Standing Orders, ‘precautionary approach’, Marine Act NI, UK Marine Policy Statement, Draft Marine Plan NI, Article 43 of the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995, case Boggis v Natural England and Judicial Review.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Anderson
Seconded by Alderman S McKillop

- that Planning Committee move ‘*In Public*’.

* **Press, public and non-Planning Committee Members re-joined the meeting at 1.36PM.**

Proposed by Councillor Anderson
Seconded by Alderman S McKillop

- That The Question Now Be Put.

Alderman S McKillop added a reason for approval, under Article 43, the application unlikely to have an adverse effect on the integrity of a designated site.

Alderman S McKillop requested a Recorded Vote.

The Head of Planning clarified the refusal reasons and set them out:

- there is sufficient information to demonstrate that the development will not exacerbate coastal erosion;
- it will not adversely affect the integrity of designated sites, priority habitats or species
- it has been demonstrated that it is not likely to have a significant adverse impact on the Portrush Golf Links Site of Local Nature Conservation Importance
- Will not impact on rural character, integrity of Royal Portrush LLPA or the character of the Area of Outstanding Natural Beauty
- Not convinced by the Department's argument and lack of evidence; hypothetical risk
- proposal will mitigate coastal erosion Excellent presentation vital qualified to make a decision
- Economic impact if not passed and result in loss of the green which would be terminal for Royal Portrush.
- Under Article 43 of The Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995, the application is unlikely to have an adverse effect on the integrity of the site.

Alderman Baird proposed an amendment.

The Chair advised under Standing Order 16 an Amendment could not be taken.

The Chair put the motion to the Committee to vote.

5 Members voted For; 3 Members voted Against; 6 Members Abstained.

The Chair declared the motion to approve carried.

It was Agreed – that Conditions and Informatives be delegated to Officers.

The time being 1.49pm, the Chair declared a recess until 3pm.

- * **The meeting reconvened at 3.03pm.**

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

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

- * **Councillor McMullan was not in attendance at this point in the meeting.**

5.5 LA01/2020/1200/F, Land at Asda, 1 Ring Road, Coleraine

- * **Alderman Finlay arrived at the meeting at 3.09pm and did not vote on the application.**

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

App Type: Full

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

Recommendation

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

Addendum Recommendation

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

Erratum Recommendation

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

The Development Management and Enforcement Manager presented as follows:

1. The proposal comprises the main element of a new single storey drive-through format restaurant with other ancillary development including an outdoor patio area with seating, a children's play area and reconfigured car parking. The site is located within a portion of the car park next to the Ring Road which serves the Asda supermarket. The application has been submitted as an alternative layout to the previously submitted proposal.
2. In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Coleraine. It is located on unzoned land. The Northern Area Plan does not contain specific policies on restaurants. Therefore relevant regional policies apply.
3. This is a Local application and is being presented to the Planning Committee on the basis on a Head of Planning referral.
4. Principle Of Development- The SPPS provides specific policies for retailing and other main town centre uses. This policy directs a town centre first approach. As the SPPS sets out what "other main town centre uses" comprise and as this list does not include restaurants/ cafes, this policy provision does not apply to this proposal. Therefore, the proposed use is considered acceptable in principle at this out of centre location.
5. Amenity Considerations- The nearest receptors to the proposal are the Lodge Hotel and the Cottage Nursing Home. The side façade of the Lodge Hotel is in close proximity to the proposed development. The distance between the side façade of the proposal to the boundary is approximately 39 meters at the closest point. Given that the distance from the side façade of the Lodge Hotel is approximately 6 meters from the boundary, this gives an overall separation distance, building to building at the closest point of approximately 45 meters. Noise and odour assessments have been submitted and considered by the Environmental Health Department. Subject to a range of mitigating measures including installation of abatement equipment, restricted opening hours and restricted servicing times, the Environmental Health Department as the competent authority is content. Having considered other considerations such as overlooking and overshadowing, the proposal is not considered to present an unacceptable relationship with existing neighbouring development.
6. Access & Parking- The access to the restaurant is through the existing main access to the Asda supermarket and the existing internal car park. No new access to the Ring Road is proposed. The proposal shall result in the loss of approximately 92 existing car park spaces which are peripheral to the Asda supermarket building. 35 new car park spaces are proposed.

The application was accompanied by a Transport Assessment. DfI Roads as the competent authority are content with the impact of the proposal on the road network and the provision of car parking, both to the proposal and to the existing Asda supermarket.

7. Design- The proposed building is single storey. It is of modern, contemporary design and is finished using panel systems. Given the suburban location where there are a variety of building styles, this is considered acceptable. The appearance of the proposal will be enhanced through hard and soft landscaping.
8. Employment Considerations- Information supplied with the application states that 65 full and part time staff are to be employed at the new restaurant.
9. Representations- The detail of these is set out in the report.
10. Conclusion- Proposal is considered acceptable and recommendation is to approve.

The Chair invited N Wilkinson to speak in objection to the application. The speaker was not in attendance.

The Chair invited Councillor McCandless to speak in objection to the application. Councillor McCandless advised the linchpin of tourism, there was a severe lack of hotels. The Lodge Hotel had been in operation for 55 years and employed in excess of one hundred people. He advised they would be forced out of business, an essential venue for locals and tourists. In 2019 there were £1.19m from bed nights in this area. Councillor McCandless stated the North Coast a premier tourism asset. He objected to the previous application and the flip around had not allayed concerns for the Lodge Hotel as noise emanating from and other issues would cause severe problems. Councillor McCandless stated there would be an impact on the day-to-day running of the Lodge Hotel. During 2020 it had survived out of sheer tenacity and invested tens of thousands of pounds in renovations. It was a duty to support The Lodge Hotel; the application would have a deep impact on a long established business in Coleraine.

The Chair again invited N Wilkinson to speak in objection to the application. The Chair further advised, the speaker not being in attendance, moved to debate.

In response to questions from Elected Members, the Development Management and Enforcement Manager clarified the following:

- there was no acoustic fence for this application. He referred to Condition 10 and cited from the report. A noise report had been submitted by the applicant and Environmental Health deemed acceptable. He advised the Head of Health and Built Environment was in attendance to answer questions;
- 6m high lighting was already there in the Asda Car Park, Conditions Environmental Health 13 and 14, a post verification assessment of lighting and regulated;
- There was no barrier on the drawings, nor gates, suggested it is left open however, open regardless;
- the area is not used often by Asda customers, if successful more cars parked in the area.

The Head of Health and Built Environment clarified a noise report had been submitted as part of the application; it had not been considered necessary to ask for an acoustic fence due to location of building. Assessment considered all fixed plant on the premises and silencers to be fitted to extract system; recommended condition be imposed on hours of use. Technical details, a 0dB increase calculation could be achieved.

The Head of Health and Built Environment stated some concern with traffic noise accessing and exiting and radio's playing. He advised this was difficult to deal with on a legislative basis. He stated management of the premises would have responsibility to monitor and manage the customer to ensure they do not cause disturbance. A condition is recommended regarding any complaints that are substantiated. The Condition on lighting considered in the report and content. He advised the Ring Road is lit in the evening as well as surrounding area. Pollution is not considered directly due to proximity to the dual carriageway and roundabout and did not believe was going to add levels of pollution in the area. Where it would have an effect on pollution in bedrooms, there is a condition for operation between 6am -11pm; levels of pollution at that time will therefore be no greater than what they currently are.

An Elected Member queried whether N Wilkinson would be able to speak. The Chair advised Committee was too far into the debate and was declined.

Proposed by Councillor McLaughlin
Seconded 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 following reasons:

- Detrimental impact on the tourism industry; late noise and smell would spoil everyone's experience of visiting The Lodge Hotel. The Hotel is a vital asset to Coleraine and the Causeway Coast and Glens;
- Considerable impact on The Cottage Nursing Home and Lodge Park, noise and disturbance, smell and fumes, the experience of the existing McDonalds Restaurant does not lend to positive weight;
- The built heritage and natural environment should be taken into consideration;
- Economic impact to be taken into consideration as The Lodge Hotel is a significant tourism asset and employer for Coleraine and Causeway Coast and Glens area.
- Disagree with assessment of parking and concern at increased traffic flow, resulting in congestion on main road and in Asda carpark;
- concern at loss of 95 car parking spaces.
- often long queues waiting to get out of Asda and the traffic impact is considered to be understated.

Alderman Baird stated frustration on behalf of N Wilkinson she could not get online and queried whether every effort had been made to do so. The Head of Planning, having consulted with IT, advised it had. The Chair confirmed Standing Orders had been checked.

The Chair put the motion to the committee to vote.
 9 Members voted For; 1 Member voted Against; 2 Members Abstained.
 The Chair declared the motion to refuse carried.

On a separate matter and in response to an Elected Member, the Head of Planning referred to paragraph 8.6 of the Protocol for the Operation of the Planning Committee in relation to requesting a site visit, non-attendance and subsequent sitting in the planning committee meeting. The Head of Planning advised the phrase "determined" may be required to be looked at with a view to making it clear.

5.4 LA01/2019/0281/F, Land at Asda, 1 Ring Road, Coleraine

- * **Councillor McMullan arrived at the meeting at 4.17pm during consideration of the Item and did not vote on the application.**

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

App Type: Full Address: Land at Asda 1 Ring Road Coleraine

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

Recommendation

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

Site Visit Report: Monday 24th August 2020 circulated.

Erratum 1 Recommendation

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

Addendum and Erratum Recommendation

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

Addendum 2 Recommendation

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

Addendum 3 Recommendation

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

Addendum 4 Recommendation

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

Addendum 5 Recommendation

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

The Development Management and Enforcement Manager presented as follows:

1. The proposal comprises the main element of a new single storey drive-through format restaurant with other ancillary development including an outdoor patio area with seating, a children's play area and reconfigured car parking. The site is located within a portion of the car park next the Ring Road which serves the Asda supermarket.
2. In terms of the Northern Area Plan 2016, the site is located within the settlement development limit of Coleraine. It is located on unzoned land. The Northern Area Plan does not contain specific policies on restaurants. Therefore relevant regional policies apply.
3. This is a Local application and is being presented to the Planning Committee on the basis that there were more than 5 objections from separate addresses.
4. Principle Of Development- The SPPS provides specific policies for retailing and other main town centre uses. This policy directs a town centre first approach. As the SPPS sets out what "other main town centre uses" comprise and as this list does not include restaurants/ cafes, this policy provision does not apply to this proposal. Therefore, the proposed use is considered acceptable in principle at this out of centre location.
5. Amenity Considerations- The nearest receptors to the proposal are the Lodge Hotel and the Cottage Nursing Home. The side façade of the Lodge Hotel is in close proximity to the proposal. The distance between the side façade of the proposal to the boundary is approximately 14 meters. Given that the distance from the side façade of the Lodge Hotel is approximately 6 meters from the boundary, this gives an overall separation distance, building to building of approximately 20 meters. Noise and odour assessments have been submitted and considered by the Environmental Health Department. Subject to a range of mitigating measures including installation of abatement equipment, an acoustic barrier, restricted opening hours and restricted servicing times, the Environmental Health Department as the competent authority is content. Having considered other considerations such as overlooking and overshadowing, the proposal is not considered to present an unacceptable relationship with existing neighbouring development.
6. Access & Parking- The access to the restaurant is through the existing main access to the Asda supermarket and the existing internal car park. No new access to the Ring Road is proposed. The proposal shall result in the loss of approximately 55 existing car park spaces which are peripheral to the Asda supermarket building. 6 new car park spaces are proposed. The application was accompanied by a Transport Assessment. After consideration of amendments to the Transport Assessment, DfI Roads as

the competent authority are content with the impact of the proposal on the road network and the provision of car parking, both to the proposal and to the existing Asda supermarket.

7. Design- The proposed building is single storey. It is of modern, contemporary design and is finished using panel systems. Given the suburban location where there are a variety of building styles, this is considered acceptable. The appearance of the proposal will be enhanced through hard and soft landscaping.
8. Employment Considerations- Information supplied with the application states that 65 full and part time staff are to be employed at the new restaurant.
9. Representations- The detail of the representations are set out in the report.
10. Conclusion- Proposal is considered acceptable and recommendation is to approve.

The Chair invited N Wilkinson to speak in objection to the application. N Wilkinson advised she was one of three owners of the Lodge Hotel and had been in business for over 40 years supporting the economy. She objected to the application for the outlined reasons; due to the close proximity to the bedroom and conference block, the road access, odour, fumes including carbon monoxide and noise.

N Wilkinson stated DfI Roads had considered the proposal however, she raised concern that the parking was not sufficient given the demands of the Asda store which is nearly full on a Saturday and Sunday without the additional traffic for McDonald's restaurant. She questioned how long ago the survey was taken and when the assessment had been carried out as Asda car park was full to capacity.

N Wilkinson stated the area of the Asda car park designated was full of cars and refuted the suggestion Environmental Health were content with the odour assessment having no adverse impact nor any evidence of an increase in carbon monoxide. N Wilkinson referred to the odour from the existing McDonald's restaurant and another food business.

With regards to noise disturbance N Wilkinson stated there would be noise from seagulls, early morning noise during construction. Works before 9.30am would mean the Conference Block would be unusable over the period. Overnight noise levels are a concern. She advised McDonalds will operate from 6am-11pm, with only 7 hours of no business activity.

N Wilkinson stated Asda could offer an alternative site at the far side of the car park and queried the feasibility study for having 2 McDonald's restaurants in the area. The Lodge Hotel employ 100 people, and have recently invested £250,000 for a high level product.

The Chair invited N Hennessy to speak in support of the application. N Hennessy stated he was disappointed the revised application has been objected to. He stated noise on the boundary could be controlled and the odour assessment stated control as well.

In response to questions from Elected Members, N Hennessey stated the new restaurant was 100 seater, the Riverside restaurant 120 seater, the footprint similar. N Hennessy stated existing site is close to capacity and the very busy restaurant is put people off coming in. he advised that a number of feasibility studies were carried out and there is additional business in the area with the Asda site being the best option presented to them. He stated awareness of the traffic at Riverside, the application would alleviate and divert away, trade-offs had been built in.

The Chair invited Councillor McCandless to speak in objection to the application. Councillor McCandless stated tourism a major economic activity for the borough and visitors to the area, spending their money in the local economy. In 2019 £192M to the area from tourism and overnight trips of £1.1M. The Lodge Hotel is a key facilitator to enticing visitors to stay in the area longer. He advised visitors experience a range of events, resorts, natural beauty, restaurants and has attended numerous meetings on discussions to attract visitors. Councillor McCandless stated support for the tourism partner for Coleraine, The Lodge Hotel and the gateway to the North Coast. Councillor McCandless stated McDonald's Restaurant do nothing to attract guests to the area, and the application would impinge guests staying. He referred to noise, pollution from cars, car parking and anti-social behaviour. Councillor McCandless considered managers feeling they could control noise and odour would not offer a guarantee and detrimental to the future of the Lodge Hotel.

Alderman Finlay proposed Committee support the recommendation to approve.

Proposed by Councillor McLaughlin
Seconded by Alderman Baird

- 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 subject to the following reasons:

- The Lodge Hotel would be driven into the ground;
- The McDonald's Restaurant could be built elsewhere;

- Detrimental impact on the tourism industry; late noise and smell would spoil everyone's experience of visiting The Lodge Hotel. The Hotel is a vital asset to Coleraine and the Causeway Coast and Glens;
- Considerable impact on The Cottage Nursing Home and Lodge Park, noise and disturbance, smell and fumes, the experience of the existing McDonalds Restaurant does not lend to positive weight;
- The built heritage and natural environment should be taken into consideration;
- Economic impact to be taken into consideration as The Lodge Hotel is a significant tourism asset and employer for Coleraine and Causeway Coast and Glens area.
- Disagree with assessment of parking and concern at increased traffic flow, resulting in congestion on main road and in Asda carpark;
- Concern at loss of 95 car parking spaces.
- Often long queues waiting to get out of Asda and the traffic impact is considered to be understated.
- Extensive evidence to support refusal

The Chair put the motion to the committee to vote.

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

The Chair declared the motion to refuse carried.

It Was Agreed – that Conditions and Informatives be delegated to Officers.

- * **Alderman Duddy left the meeting at 4.31pm.**
- * **Councillor McCandless left the meeting at 4.32pm.**
- * **Alderman S McKillop left the meeting at 4.32pm.**

5.6 LA01/2019/0430/F, Rock House, 7 Rock Drive, Portstewart

Reports, previously circulated, presented by Planning Officer S O'Neill via powerpoint presentation.

App Type: Full

Proposal: Erection of 1 No. two storey dwelling and 4 No. apartments replacing existing holiday accommodation, apartment and all associated works.

Recommendation

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

Site Visit Report: Monday 26th April 2021

Erratum Recommendation

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

Addendum Recommendation

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

The Planning Officer, S O'Neill presented as follows:

The Documents provided include the Planning Committee Report, Addendum which relates to a representation letter which raised concerns in regard to road safety and access and an Erratum which corrects house numbers for quoted properties. This is an objection item.

The key issues in assessing this application relate to impacts on character, proposed scale and massing, impacts on the privacy of existing dwellings, road safety and increased traffic and concern regarding the use of a private road to access the site.

The proposal was considered against the policies in the Northern Area Plan 2016, the SPPS, PPS2, PPS 3, PPS 7 and its addendum along with all other material considerations such as the representations as detailed and considered in the Planning Committee report.

- The site is located in the Settlement Development Limit of Portstewart as designated in the Northern Area Plan. The coast and coastal path bounds the site to the west. Strand Road runs along the site to the east and is at a higher level to the site. The green footprint represents the existing building to be replaced. The brown footprint shows the retirement home to be retained.
- The block plan shows the proposed ground floor footprints with car parking to the front which is to an acceptable standard. The block plan also reflects the slightly curved nature of the proposed building, making the most of the site and steep embankment to the rear. Given the change in levels between Strand Road and the proposed site and the reduced height there is no concern in regard to overlooking, loss of light or overshadowing to the dwellings at Strand Road. In regard to the dwelling at 4 Rock Drive there are no upper floor windows looking toward this dwelling and the proposed footprint is similar to the existing building.

- This shows the elevations which include a contemporary design with a flat roof with mostly glazed frontages. The house types are predominately gable roofed and hipped in the vicinity of the site but there are also examples of such contemporary design further along the coastal path and on O'Hara Drive. The proposed design and use of materials is acceptable.
- This shows the rear elevation of the proposed property which looks toward Strand Road, the proposed windows at 1st floor level are primarily bedroom, bathroom and hall windows.
- This plan shows a section of the site showing the site in the context with the dwellings on Strand Road. There is a significant drop in levels between the dwellings on Strand Road and the existing site.
- This photo shows the existing holiday accommodation, 2 storey with a heavy mansard roof. The cream building is also to be replaced. To the rear of the existing buildings, you can see the rear of the dwellings on Strand Road.
- The approach to the site is along O'Hara Drive. This photo shows the context of the site in relation to the existing dwellings and the coast. You can see the existing side elevation which has two 1st floor windows which look toward the dwelling at 4 Rock Drive. The proposed building will have no upper floor windows and only one ensuite window at ground floor level. DFI Roads was consulted on the proposal and the objections received. O'Hara Drive is a private road and the splays are available at the junction with the adopted road at Berne Avenue. DFI Roads has considered the previous use of holiday accommodation on the site and considered that the proposed development would not lead to a significant intensification at the site. The scheme has been significantly reduced in terms of height since the initial submission.
- This photo shows views of the site form Strand Road. You can just see the existing roof tops.
- The views from No 72 Strand Road. The proposed development will not adversely impact on the surrounding dwellings.

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

In response to a question from an Elected Member, the Planning Officer clarified there was some existing holiday accommodation at the site, Dfl had

considered and no increased intensification and content to include visibility splays at Berne Road.

The Chair invited Dr M Nicholl to speak in objection to the application. Dr M Nicholl stated this was an unusual position where access to Rock House is via Strand Road an adopted road, and then via a private road owned by each resident. He stated sensitivities regarding condition and damage to the road, that in 1993 owners banded together and had it resurfaced. Dr M Nicholl stated he was not informed of the change of use that would affect his property, no.4 had been given the information. He requested committee consider a Condition where damage to the road would be promptly repaired as regards construction, utilities and cleansing and debris, further informing he was Secretary to the Residents' Association.

In response to questions from Elected Members, Dr M Nicholl clarified there was rights of ways top other properties from the private road. 1981 deeds for Rock House have provision for right of way historically. No legal requirement for cleansing and repair of road within his deed; don't want legal recourse with neighbours. Rock House, in 1993, had contributed to the repairs of the road and he stated concern it would return to a bad state. He confirmed third party insurance.

The Chair invited M Bell to speak in support of the application. M Bell advised TBF Thompson KL Trust support many individuals and groups. The fund supported by investments and buildings, priorities had changed. M Bell advised a compromise in reduced height and concern remaining regarding access. He was content Roads assessed and signed off as acceptable. The Guest House acceptable and no impact. Repairs and maintenance had been undertaken in 1993 and there was no unwilling nature. The Right of Way is of a benefit to all who have access. M Bell requested support for the application and grateful for time taken to hear the evidence.

Proposed by Councillor Nicholl
Seconded by Alderman Finlay

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

In response to an Elected Member, the Head of Planning clarified of an Informative to the decision notice, advice and guidance provided by consultees.

The Chair put the motion to the committee to vote.

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

- * **The Development Plan Manager joined the meeting at 4.50pm during consideration of the above item.**
- * **Alderman Boyle left the meeting at 4.55pm.**

The Chair declared a recess at 4.55pm.

- * **The meeting reconvened at 5.09pm.**

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

5.7 LA01/2020/0525/F, 54 Castlerock Road, Coleraine

Reports, previously circulated, presented by Senior Planning Officer, J Lundy, via powerpoint presentation.

App Type: Full Planning

Proposal: Proposed residential development of 12no. 2 bed apartments. Proposal includes all associated site works, including access, car parking/bin store & landscaping generally as approved under previous Full planning Permission C/2005/0859/F.

Recommendation

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

The Senior Planning Officer presented as follows:

The application being presented has 41 objections from 27 objectors. The points of concern raised by the objectors are set out in section 5 of the report. They relate to the traffic issues, previous permission, car parking, privacy, overlooking, dominance, levels, retaining wall, amenity space, density, plans and loss of vegetation. These issues have been addressed in the committee report and the assessment of the proposal.

- The site is located off a cul de sac off the Castlerock Road, opposite the Coleraine Grammar School. The site is within the settlement development limit of Coleraine and the LLPA (CEL) 21 as designated in the Northern

Area Plan 2016. The features of the LLPA of relevance refers to the central section of trees across from the school particularly in the grounds of Holme Lea as it is a Listed Building. It advises that any development in the area will be required to be of modest scale and sensitively sited to minimise any impact on the existing woodland and the setting of the Listed Building.

- The proposal includes a 3 storey apartment block located centrally on the site, with communal amenity areas provided around the perimeter of the site.

The proposal has also been sited to ensure maximum tree retention with only 1 tree being felled to the rear of the site. The proposal was not thought to harm the LLAP due to the significant vegetation coverage, the size of the site, the distance and lack of views with the school or Holme Lea.

There is a previous approval on the site for 9 apartment's however no CLUD has been submitted to determine if the previous approval is extant. The application has been considered in line with the NAP and all other material considerations such as the sites planning history and planning policies. Since the previous planning permission the Plan has been adopted, the SPPS and the addendum to PPS 7 safeguarding the character of established residential area has been published.

- The proposed building has a depth of 15m, a frontage length of 23.5m, an eaves height of 7.3m and a maximum ridge height of 10.8m. The height of the previous approval has been shown in faint line above the proposed ridge. The application site ground level is 0.54m higher than No. 52 Castlerock Road. The ridge height of No. 52 Castlerock Road is approx. 7.3m and the ridge height of the apartment building is 10.8m so this is a difference of 4.04m taking into account the raised ground level. It is acknowledged the apartment development differs from the surrounding context in terms of layout, design, scale and massing however, the relationship is deemed suitable given the characteristics of the site and the connection with neighbouring properties. The proposal is not considered to adversely impact upon the character and appearance of the local area.
- The rear of the site looks toward a heavy bank of vegetation.
- The side elevation to no 52 Castlerock Road. The proposed finished floor level is 0.54m above the finished floor level of no 52. Due to the offset and reorientation of the apartment block to No 52 and the roof pitching away, the impacts of the proposal were not considered to be so adverse to

warrant a refusal. The only windows to this elevation relate to a ground floor and 1st floor bedrooms with velux on the roof. The ground and 1st floor windows are relatively small and will be directed towards rear garden.

- The elevation onto the Castlerock Road, due to the vegetation full views will be obscured.
- The location of the site.
- The location of the site from the Castlerock Road
- The site itself a previous building was on the site now demolished
- The retaining wall
- The open boundary to No. 52. A fence and planting are proposed.
- View from the neighbouring property into the site.

The Chair advised D McLaughlin and N McKee were in attendance to answer queries.

Proposed by Councillor Nicholl
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.

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

The Chair declared the motion to approve carried unanimously.

5.8 LA01/2019/0923/O, Land 80m North West of, 100 Glenhead Road, Ballykelly

* **Alderman McKeown, having declared an interest, left the meeting at 5.28pm.**

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

App Type: Outline Planning

Proposal: Site for single storey dwelling in accordance with Policy CTY 6 - personal and domestic circumstances

Recommendation

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

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

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to Refuse the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.

Additional information received from Agent, M Smyth, circulated.

This is an outline application for a single storey dwelling at Glenhead Road, Limavady under policy CTY6 of PPS21. The site is in the rural area outside any settlement or environmental designation as defined in Northern Area Plan 2016. The site is in rural area in close proximity to settlements of Limavady, Ballykelly, Glack and Largy.

The site is 80m west of no. 100 Glenhead Road. The site comprises the western strip of a larger roadside field. Western boundary is defined by a hedgerow, southern boundary is defined by P&W fence and vegetation, eastern boundary is undefined, roadside boundary is defined by a 2m high hedge.

Policy CTY6 permits a dwelling for the long term needs of the applicant where there are compelling, site specific reasons related to the applicants personal and domestic circumstances and provided the dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if refused and there are no alternative solutions eg extension/ annex/ conversion/ reuse/ temporary mobile.

The case as provided by the applicant is set out in the Committee report and the additional information circulated to members. Medical evidence states applicant needs a single storey dwelling and it would be beneficial to be in close proximity to family members and horses.

No 33a is a bungalow and up until recently has been in close proximity to the applicant's stables and paddock, meeting the needs of the applicant. The need for a new dwelling has resulted from the decision to transfer the dwelling and business at which the applicant currently resides to another family member. The reason for the location of the site is ownership and due to the fact that the horses are being grazed at this location, alternative solutions could be found to meet the particular needs of the applicant. Insufficient information has been provided to demonstrate that all alternative solutions have been fully explored as required by policy with regards to potential dwellings in surrounding settlements, development opportunities in vicinity or other opportunities such as

the dwelling vacated by the applicants brother or annex at another family members place of residence.

Officials do not consider that refusal will cause undue hardship in that day to day interaction with the applicant's horses could be maintained from an alternative location. As no overriding reason has been forthcoming as to why the development is essential in this location the proposal is contrary to policies CTY1 and 6 of PPS21, refusal is recommended.

The Chair invited M Smyth, Vivienne and Danny Whyte to speak in support of the application.

M Smyth stated the application is for a modest dwelling, a case of genuine need. There were no objections and under policy CTY6 of PPS21 allowed for site specific reasons. M Smyth outlined the medical needs of V Whyte and the site specific reasons. He advised of the long established business at 33a with stable block and riding arena and horses graze at application site. He advised there is no scope to provide an extension and no other buildings to convert. M Smyth advised Vivienne required a modest dwelling and care, but also independent living and to be able to access horses for health reasons, a case of genuine need.

V Whyte spoke in support of the application she advised she required a house beside horses, they were her life and assisted with her daily struggles. She advised the horses lifted her mind from her disability, enjoyed interacting and the company of the horses.

In response to questions from Elected Members, M Smyth confirmed V Whyte was dependent on carers including family members.

D Whyte confirmed the family practical care for V Whyte.

During early consideration The Chair reminded the speaker, M Smyth, he was within a public forum and consider that when discussing personal information. M Smyth that there were no sites available within Ballykelly; not on social need list; and, need for interaction with horses.

In response to questions from Elected Members, the Senior Planning Officer advised she was familiar with an application referred to as precedent. The Senior Planning Officer advised a PAC decision and specifics of the case and alternatives had not been fully explored.

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 planning permission subject to the following reasons:
 - Demonstrated the application is essential. V Whyte is required to be close to family members and have independent living;
 - A purpose built dwelling is required for her, rather than adapting;
 - It has been explored other alternatives but these are not feasible and house in the local vicinity is required;
 - It has been demonstrated is a case of genuine hardship if it is not permitted to go ahead;
 - The dwelling will allow independent living and interaction with horses and along with a family support mechanism;
 - It will benefit V Whyte's mental health.

The Chair put the motion to the committee to vote.

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

The Chair declared the motion to approve carried.

* **Alderman McKeown re-joined the meeting.**

5.9 LA01/2019/1267/O, Approx 165m East from 53 Ballybrakes Road, Ballymoney

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

App Type: Outline Planning Address: Approx 165m East from 53 Ballybrakes Road, Ballymoney.

Proposal: Site for replacement dwelling with domestic 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 reasons set out in section 10.

Senior Planning Officer presented via powerpoint presentation as follows:

- Information was submitted by the agent yesterday in support of the application and circulated to Members. The information included a copy of the supporting statement which was submitted as part of planning application D/2012/0048 for a replacement dwelling on the site and

photographs taken on site on the 9th March 2021. This information was previously submitted as part of this proposed application, has been uploaded to the Planning Portal and has been considered as part of our assessment as detailed in the Committee report.

- The site location plan. The site is located 165 metres east of 53 Ballybrakes Road, Ballymoney. The site is located in the open countryside as defined in the Northern Area Plan 2016. The site has a roadside location and is long and narrow with the existing building sited fairly centrally within the site. An informal access track exists along the eastern boundary and a railway line is sited approximately 25m north of the site. The site was subject to previous planning permission in 2012 and a more recent application submitted in 2019 was withdrawn by the applicant.
- Image of the building when it was approved in 2012 and this has been submitted by the agent as it formed part of the supporting statement submitted with the application at that time.
- View of the same gable elevation taken more recently. The gable elevation has collapsed substantially since the time of the previous approval.
- Closer view of the same elevation. Internally the building comprises substantially of rubble along with significant vegetation growth. There is no evidence within the building of any internal features such as fireplaces or subdivision and the roof is completely missing.
- View of the front elevation of the building which remains fairly intact to approx. wall plate level and includes a front door opening and single window openings on either side.
- View of the rear elevation which is not as intact as the front elevation with greater areas missing between the top of openings and the wall plate level. The ground level to the rear appears to have increased from that which would have originally existed.
- View of the other gable elevation which is missing the entire central section from the ground floor. Both gables have suffered significant structural deterioration evidenced here as you can see through the entire building and out through the opposite gable.

Although there is evidence that the building was once used as a dwelling it has deteriorated substantially. No part of the roof remains and although the front elevation remains largely intact the 3 remaining elevations have deteriorated further, in particular the gables. As all external walls are not substantially intact the proposal fails to meet the policy test for replacement as outlined in Policy CTY 3.

There have no consultee or 3rd party objections received.

Recommendation is to refusal planning permission as

1. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 6.73 of the Strategic Planning Policy for Northern Ireland (SPPS) and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling with all external structural walls substantially intact.

In response to a question from an Elected Member, the Senior Planning Officer clarified the previous permission expired June 2017.

The Chair invited R Hunter to speak in support of the application.

R Hunter stated the same application had been submitted in 2012 had expired and a further application made under the same Planning Policy. In 2012 the external walls were substantially intact under Policy CTY3 and now not considered the case. In March further material information had been submitted in support including photographs and a covering letter. He advised in 2012 the total wall structure was 88% intact and currently 80%, 8% difference, due to the bursting of one of the gables by a tree. The other gable had not deteriorated and no-one had contested the figures. R Hunter advised the report had stated the structure had deteriorated by 8% which is not significant. He advised paragraph 8.21 of the Planning Committee report did not make sense. R Hunter cited from the conclusion of the report and advised he disagreed as it was incorrect.

The Chair apologised to R Hunter for the wait to speak.

In response to questions from Elected Members, the Senior Planning Officer clarified under Policy CTY1 it had not met any criteria identified for a

replacement and is recommended to be refused under Policy CTY3 and therefore failed to meet policy CTY1 as well.

Proposed by Alderman Finlay
Seconded by Alderman Baird

- 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 subject to the following reasons:

- The building was intact in 2012 and by in large still intact as pervious; take the view deterioration by 8% to do with tree roots minimal; as no significant change since the building approved in 2012 see no reason as to why not approve now.

The Chair put the motion to the committee to vote.

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

The Chair declared the motion to approve carried.

- * **Alderman Finlay left the meeting at 6.04pm.**
- * **Councillor MA McKillop left the meeting at 6.04pm.**

6. DEVELOPMENT MANAGEMENT:

6.1 Update on Development Management and Enforcement Statistics – 01/04/20 – 28/0/2021

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 February 2021 was available on the Council's website at the link below:

<https://www.causewaycoastandglens.gov.uk/live/planning/schedule-of-applications>

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 1 application and the number of major applications decided has decreased by 8. No Major applications issued in February. Taking account of restrictions relating to Covid-19 pandemic, average processing times are 9 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 13 applications and the number of decisions issued/withdrawn has decreased by 273 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. The number of local decisions issued in February was the highest since at least April 2016. Processing times are only 1 week 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 119 and the number of cases brought to conclusion has decreased by 92

The statutory target for concluding 70% of enforcement cases within 39 weeks has not been met by our Enforcement team with 68% of cases YTD concluded within the statutory target a decrease of 18.9% when compared to the same period last year. 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 is 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 92.12% 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 16 out of 28 referred local applications had the officers' recommendation overturned at Planning Committee which is a 57.14% overturn rate for referred applications and a 25.7% 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.

18 Planning Appeals decisions have issued by the PAC YTD of which the Planning Department has successfully defended its decision on 77.8% of appeals.

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.

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 February 2021

almost 57% 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.

* **Councillor McMullan re-joined the meeting at 6.10pm.**

6.2 Third Quarterly Statistics 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.

The statutory targets are:

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

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The Third Quarter 2020/21 Statistical Bulletin was published on 25 March 2021 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

Details

The Website link circulated provided the 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 third quarter of 2020-21 business year and provides a comparison of performance against all 11 Councils.

Of note is that we issued the 3rd highest number of major planning applications out of the 11 Councils in Q3 and have the 4th highest number of live

applications. There has been a reduction of only 13 in the number of decisions issued when compared to the same period last year. In terms of decisions issued in Q3, we issued the 5th highest number of decisions out of 11 Councils in this quarter.

In terms of average processing times in Q3, we were the 3rd highest (i.e. longest time) for both major and local applications.

Table 2 circulated provided the YTD position at end of Q3. Causeway Coast and Glens Borough Council sits mid-ranking in terms of applications received, live cases and percentage of live cases over 12 months old. Performance has also improved in relation to the average processing time for local applications. Major planning application processing times were impacted by the postponement of Planning Committee meetings in March, April and May and no Committee meeting in July, impeding the progression to decision of the major applications.

Focus on the over 12 month applications in the system is required to continue to reduce the number of older applications in the system. Concentration on these applications will take place in Q4 which will have a negative impact on processing times during that period.

Enforcement

Table 3 circulated showed statistics in relation to enforcement for Q3 of the 2020/21 business year and Table 4 shows the position year to date at end of Q3. Of note is that the Enforcement Team continues to meet the statutory target to conclude 70% of cases within 39 weeks. To note, the enforcement team closed the 6th highest number of cases with over 41% as a result of no breach of planning control being identified. Furthermore, the Enforcement team had the highest number of prosecutions in Q3 out of the 11 Councils. The Enforcement Team have the 6th highest number of live enforcement cases with the 8th highest percentage of cases over 2 years in the system.

Other Activity by Planning Department

Tables 5 and 6 circulated indicated the level of other activity carried out by the Planning Department over Q3 and year to date at end of Q2 of 2020/21 business year.

In addition to the formal applications received, YTD at end of Q3 the Planning Department received 109 other types of applications relating to planning applications.

Income

Table 5 circulated provided a breakdown of the income generated by the Planning Department in Q3 of 2020/21. Income (including Property Certificates but excluding DfC Covid Fund) is 72% of that predicted for this period.

Conclusion

In conclusion, performance within the Planning Department continues to steadily improve when compared to other Councils. However areas of concern remain with the number of applications in the system over 12months and the length of time taken to process local applications. With the recruitment of additional staff ongoing, focus in Q4 will be on reducing the number of older applications and enforcement cases in the system which will have a negative impact on average processing times.

IT IS RECOMMENDED that the Planning Committee note the Planning Departments Quarterly Report.

* **Councillor McMullan re-joined the meeting at 6.10pm.**

6.3 Amendment to Scheme of Delegation

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

Background

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

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

Details

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

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

Alderman Baird advised due to the lateness of the hour, consideration be deferred.

Proposed by Alderman Baird
Seconded by Councillor Scott

- that Planning Committee defer the Item, Amendment to Scheme of Delegation; applications that are impacted are not issued with a refusal.

The Chair put the motion to the committee to vote.

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

The Chair declared the motion to defer carried unanimously.

* **Councillor Scott left the meeting at 6.24pm.**

Proposed by Councillor McGurk

Seconded by Councillor Hunter

- that Planning Committee place Amendment to the Scheme of Delegation at the start of the Agenda of the next Planning Committee meeting.

The Chair put the motion to the committee to vote.

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

The Chair declared the motion carried unanimously.

6.4 Planning Business Plan

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

Purpose

The purpose of the Planning Service Business Plan is to set out the key business focus for Planning over the next business year for consideration and agreement by Members.

Introduction

The last business year was severely impacted by the restrictions imposed by Covid-19. The business plan includes continuation of the focus of last year as well as new targets to bring Planning closer to achieving the statutory targets set out in The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

Detail

The strategic aims of the Service are:

- To contribute to the growth of a sustainable economy and investment in the Borough by making timely decisions and developing sound planning policies.
- To contribute to the protection of the environment and the creation of safer communities by making sound decisions and developing sound policies through the development plan process.

- To engage customers, stakeholders and partners more effectively in order to increase understanding of and compliance with processes and regulation.
- To manage finance, staff, information and other resources effectively and efficiently within a strong corporate governance framework.

The business plan objectives are

- To improve performance in relation to processing of planning applications
- To manage finance, staff, information and other resources effectively within the corporate governance framework

The Planning Service Business Plan is attached at Appendix 1 (circulated).

IT IS RECOMMENDED that the Planning Committee APPROVE the Planning Service Business Plan 2021-22.

Proposed by Councillor McGurk
Seconded by Councillor McMullan

- that the Planning Committee approve the Planning Service Business Plan 2021-22.

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

7. **DEVELOPMENT PLAN** - Verbal Update

The Chair advised the Item was withdrawn from the Agenda.

8. **CORRESPONDENCE**

8.1 **Response from National Trust regarding car parking congestion at the Giant's Causeway**

Correspondence, previously circulated, presented by the Head of Planning.

8.2 **Correspondence from Mid & East Antrim Borough Council LDP(2030) – Submission of documents to DfI**

Correspondence, previously circulated, presented by the Head of Planning.

8.3 Letter from Dfl – Actions from Planning Forum

Correspondence, previously circulated, presented by the Head of Planning.

8.4 Dfl – Call for Evidence – Review of the Implementation of the Planning Act 2011

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

Background

On 15 February 2021, the Department for Infrastructure commenced a review of the implementation of the Planning Act (Northern Ireland) 2011 as required by Section 228 of the Act. The Dfl wrote to Council on 16 February 2021 inviting us to submit our views in response to the Call for Evidence by 4pm on 15 March 2021 (Appendix 1) (circulated).

On 19 February 2021 the Head of Planning wrote to Dfl requesting an extension to the timeframe for submission of views until 09 April 2021. This extension was agreed by Dfl on 02 March 2021.

On 08 March 2021, Dfl wrote to Council advising that the timeframe for submission of views has further extended to 16 April 2021.

At the Planning Committee meeting it was resolved to hold a workshop to discuss in detail response to Dfl. A workshop was held via MS Teams on 31 March 2021. It was agreed that a draft response would issue from Head of Planning within the 16 April 2021 timeframe followed by Planning Committee agreed response.

Details

The Northern Ireland planning system was fundamentally reformed in 2015 with the transfer of most major and local planning decisions, enforcement and plan making to local government. This also involved commencement of significant new primary legislation in the form of the Planning (NI) Act 2011, together with a raft of other supporting subordinate legislation to implement the reform.

The key aims of the reform were to:

- deliver Northern Ireland Executive decisions to transfer the majority of planning functions to the newly formed councils thus creating a two tier planning system; and
- bring forward short, medium and long term process improvements to modernise the system.

The main objectives for reforming and transferring planning were:-

- the continued formulation and co-ordination of planning policy by the Department;
- councils preparing local development plans;
- councils determining the majority of planning applications for development; and
- councils taking appropriate enforcement action where a breach of planning control may have taken place.
- further sustainable development;
- enhance community involvement in the planning process;
- make more timely decisions in ways which are transparent and demonstrably fair;
- Allow higher fines for planning offences; and
- Reform the planning appeals system

Section 228 of the Act requires the Department to review and publish a report on the implementation of the Act no later than 3 years after the commencement of Part 3 of the Act and at least once every 5 years thereafter. As required by Section 228(2) the Department made regulations on 12 October 2020 setting out the terms of the review. The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020 came into operation on 02 November 2020 and specified that the Review must:

- Consider the objectives intended to be achieved by the Planning Act;
- Assess the extent to which those objectives have been achieved; and
- Assess whether it is appropriate to retain, amend or repeal any of the provisions of the Planning Act or subordinate legislation made under the 2011 Act, in order to achieve those objectives.

The purpose and scope of the review is to provide a level of assurance that the legislative framework for the delivery of a reformed planning system has been implemented and in a timely fashion. The focus of the review is on the implementation of the Act and the extent to which the original objectives of the Act have been achieved. This will inform whether there is a need to retain, amend or repeal any provisions of the Act.

The review will also provide an opportunity to consider any improvements which may be required to the way in which the Act has been commenced and implemented in subordinate legislation. Issues that have surfaced as a result of the Coronavirus pandemic will likely be considered as part of the review.

The Minister is keen to look at how the provisions of the Act are working in practice and whether there are any changes that could be implemented to further improve the system for all stakeholders.

The Department is keen to hear views as set out in the key questions detailed in the attached Call for Evidence paper.

Any recommendations emerging from the review which might involve legislative changes will follow normal policy development process including public consultation on any frat proposals and Assembly scrutiny where appropriate.

The draft response is attached at appendix 2 (circulated).

IT IS RECOMMENDED that the Committee APPROVES the attached response and AGREES to the Head of Planning responding to the Call for Evidence to DfI.

In response to questions from Elected Members, the Head of Planning clarified no timeframe had been included for the process.

Members thanked the Head of Planning for the work. Alderman Baird requested that removal of trees be included, to cut down to facilitate the development of a site for commensurate gain be a criminal offence.

Proposed by Alderman Baird
Seconded by Councillor Nicholl

- that the Planning Committee approve the attached response and agree to the Head of Planning responding to the Call for Evidence to DfI; to include to cut down trees to facilitate the development of a site for commensurate gain be a criminal offence.

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

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Nicholl
Seconded by Alderman Baird and

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

* **Press and public were disconnected from the meeting.**

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

9. CONFIDENTIAL ITEMS

9.1 Verbal Update – Legal Issue

Council Solicitor provided an update on the current JR proceedings.

9.2 PAP letter to DfI – Legal Issue

Confidential Correspondence, previously circulated, presented by the Head of Planning.

9.3 Fermanagh & Omagh District Council Correspondence

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

Proposed by Alderman Baird
Seconded by Councillor McGurk

- that the Planning Committee refer Fermanagh & Omagh District Council Correspondence to the Corporate Policy & Resources Committee.

The Development Plan Manager clarified Sperrins Future Search was within remit of Leisure and Development Committee; that Sperrins Forum was a separate Group, Local Development Plan related, and had not met since before Covid.

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

9.4 Planning Department – Budget Period 1-11 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 11 of the 2020/21 business year.

IT IS RECOMMENDED that the Committee notes the update provided on the Planning budget as of end of period 11 of 2020/21 financial year.

Councillor Hunter commended the report as it had been a very tough year.

Alderman Baird commended the Head of Planning stating the Department was exemplary.

9.5 Signage in Ballycastle

Confidential report, previously circulated, presented by the Development Plan Manager.

IT IS RECOMMENDED that Members agree to visit Ballycastle and provide a response through the Head of Planning.

Proposed by Alderman Baird
Seconded by Councillor McGurk

- that Planning Committee decline.

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

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Nicholl
Seconded by Alderman McKeown and

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

10. Any Other Relevant Business (in accordance with Standing Order 12 (o))

There were no matters of Any Other Relevant Business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 7.23pm.

Chair