

PLANNING COMMITTEE MEETING HELD WEDNESDAY 22 SEPTEMBER 2021

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	Councillors Anderson, MA McKillop
2.	Declarations of Interest	Nil
3.	Minutes of Planning Committee meeting held Wednesday 25 August 2021	Confirmed
4.	Order of Items and Confirmation of Registered Speakers	LA01/2019/0641/O, Site adjacent to and west of 34a Dunlade Road, Greysteel is deferred and site visit held. Remaining Order of Items as presented
5.	Schedule of Applications:	
5.1	LA01/2021/0405/F, Ballintoy Harbour, Harbour Road, Ballintoy	Approve
5.2	LA01/2019/0960/F, 121 Coleraine Road & 5 Errigal Court, Portrush	Approve
5.3	LA01/2019/0849/F, Lands 125m SW of 132 Clooney Road, Eglinton	Deferred for a Site Visit
5.4	LA01/2019/1138/F, 39 Strand Road, Portstewart	Disagree and Approve Delegate Conditions and Informatives
5.5	LA01/2019/1326/F, Ruairi Og CLG, Pairc Mhuire, Middlepark Avenue/Coast Road, Cushendall	Disagree and Approve Delegate Conditions and Informatives
5.6	LA01/2020/1170/O, 160m NE of 86 Bravallen Road, Ballymoney	Disagree and Approve Delegate Conditions and Informatives

6.	Development Management:	
6.1	Revised Planning Enforcement Strategy	<i>that the Planning Committee AGREE to implement the attached Planning Enforcement Strategy.</i>
6.2	Dfl Roads Standing Advice for Planning	<i>that the Planning Committee AGREE to implement the attached Standing Advice from 01 October 2021</i>
7.	Development Plan:	
7.1	Verbal Update	
7.2	Dfl Publication of CC&G Local Transport Study	<i>that the Planning Committee note the contents of this report and Dfl LTS.</i>
7.3	Dfl – Draft Development Plan Practice Note (DPPN) 11 – Receipt of Independent Examination Report and adoption of a ~Development Plan Document	<i>that the Planning Committee agree to the Head of Planning responding to Dfl on behalf of Council</i>
8.	Correspondence:	
8.1	Dfl – Data Sharing Agreement with Mid Ulster Council	<i>Information</i>
8.2	Correspondence from Mrs Y Hamilton – re: Second Homes	<i>Information</i>
8.3	QUB – Postgraduate certificates in Planning	<i>Information</i>
9.	Confidential Items:	
9.1	Report for Noting Finance Period 1-4 2021 22 Update	<i>Information</i>
9.2	PreAction Protocol Letter	<i>Concede</i>
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	
10.1	Timing of Meetings (Councillor McMullan)	<i>Information</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 22 SEPTEMBER 2021 AT 10.30am**

Chair: Alderman J Baird (C)

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

Councillors Dallat O'Driscoll (R), Hunter (R), McGurk (R),
MA McKillop (R), McMullan (R), Nicholl (R) and Scott (C)

Non-Committee Members In Attendance: Councillor McAuley (R)
Alderman Hillis (C) Registered Speaker

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

K Morgan BL (R) (Item 9)

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

Press (1 No.) (R)
Public (13 No. including Speakers) (R)

Registered Speakers in Attendance (R):

Application No	Name
LA01/2019/0960/F	O Given R King Alderman N Hillis D Mountstephen M Adrain K Hannigan
LA01/2019/0849/F	M Kennedy A Hunter
LA01/2019/0641/O	L Kennedy A O'Kane
LA01/2019/1138/F	M Bell D Donaldson
LA01/2019/1326/F	H McAlister
LA01/2020/1170/O	D Donaldson

Key R = Remote C = Chamber

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

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

'Welcome to the Planning Committee Meeting.

I extend a welcome to members of the press and public in attendance. You will be required to leave the meeting when Council goes into committee. You will be readmitted by Democratic Services Officers as soon as the meeting comes out of committee. I would also remind you that the taking of photographs of proceedings or the recording of proceedings for others to see or hear is prohibited.

If you are having technical difficulties try dialling in to the meeting on the telephone number supplied and then Conference ID code which is on the chat feature.

If you continue to have difficulties please contact the number provided on the chat at the beginning of the meeting for Democratic Services staff and ICT staff depending on your query.

The meeting will pause to try to reconnect you.

Once you are connected:

- *Mute your microphone when not speaking.*
- *Use the chat facility to indicate to that you wish to speak. The chat should not be used to propose or second.*
- *Please also use the chat to indicate when you are leaving the meeting if you are leaving before the meeting ends.*
- *Unmute your microphone and turn your camera on when you are invited to speak.*
- *Only speak when invited to do so.*
- *Members are reminded that you must be heard and where possible be seen to all others in attendance to be considered present and voting or your vote cannot be counted.'*

Local Government Code of Conduct

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

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

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

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

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

1. APOLOGIES

Apologies were recorded for Councillors Anderson and McLaughlin.

Alderman Duddy advised that he may have to leave the meeting early.

Alderman Finlay commented, Councillor Anderson was not in attendance as he thought he had not completed training.

The Head of Planning advised that was correct.

2. DECLARATIONS OF INTEREST

There were no declarations of Interest.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 25 AUGUST 2021

Copy, previously circulated.

(Motion withdrawn)

Proposed by Councillor Hunter

Seconded by Alderman Boyle and

AGREED – that the Minutes of the Planning Committee meeting held Wednesday 25 August 2021 were confirmed as a correct record.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

Alderman Finlay clarified he had not proposed nor seconded the confirmation of the Minutes as he was not in attendance for the duration of the meeting and sought clarification of this course of action.

The Head of Planning advised that in order to substantiate the minute, that would be correct.

Alderman Boyle clarified she had not been in attendance for the duration of the meeting and withdrew her second for the proposal.

The Chair retook a proposer and seconder for the confirmation of the Minutes.

Proposed by Councillor Hunter

Seconded by Councillor McGurk and

AGREED – that the Minutes of the Planning Committee meeting held Wednesday 25 August 2021 were confirmed as a correct record.

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

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

Proposed by Councillor Scott
Seconded by Councillor Nicholl and

AGREED – that Application LA01/2019/0641/O, Site adjacent to and west of 34a Dunlade Road, Greysteel is deferred and site visit held, in order to see how the site fits in with the houses around it.

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

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

The Chair undertook a roll call of Speakers.

* **Alderman S McKillop arrived at the meeting in The Chamber (initially present remotely).**

5. SCHEDULE OF APPLICATIONS:

5.1 LA01/2021/0405/F, Ballintoy Harbour, Harbour Road, Ballintoy

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

App Type: Full Planning

Proposal: Removal of 7no. existing lighting columns & installation of 21no. 5.1m aluminium lighting columns to the existing car parks & pathways to satisfy lighting regulations

Recommendation

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

Erratum recommendation

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

Senior Planning Officer presented via PowerPoint presentation.

Slide

- Red line boundary of the site. The site is located within the open countryside as defined in the Northern Area Plan 2016. The site comprises harbour facilities together with associated car parking and amenity areas including walkways, slip ways, toilet block and café. The site is also within the Causeway Coast AONB, within an area designated as an archaeological site and monument and within Ballintoy LLPA.

Slide

- Proposed layout of the lighting. Lighting is proposed along the existing car parks, amenity areas and slip ways.

Slide

- Elevation of one of the lighting columns. The columns are 5.1 m high with an aluminium finish.

Slide

- Photograph looking down on the existing car park and café and walkways further over.

Slide

- Photo of the entrance road to the harbour and out towards the pier.

Consultations have been carried out with DAERA, Environmental Health, SES, HED and DFI Roads. No objections have been raised over the proposed development.

The application includes a lighting installation plan which indicates a schedule of external lighting isolines. This plan shows that the proposed layout has been designed to ensure a light level of no more than 1 Lux around the perimeter of the site and into the water which is the equivalent to moonlight.

It is considered that the proposed lighting scheme will not have an adverse impact on the surrounding area. It is replacing and enhancing the current lighting in the area for the winter months and evenings.

Approval is recommended.

No questions were put to the Senior Planning Officer.

Proposed by Alderman Duddy
Seconded by Councillor MA McKillop and

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

Councillor Nicholl did not respond to the request for vote.

5.2 LA01/2019/0960/F, 121 Coleraine Road & 5 Errigal Court, Portrush

Report, site visit, addendum, erratum, and additional information received previously circulated, presented by Senior Planning Officer J Lundy.

App Type: Full Planning

Proposal: Upgrade of Local Centre to provide extended filling station shop, 1 new hot food unit and additional parking. Increase in height of forecourt canopy. Demolition and replacement dwelling. New fuel pump, trolley store, cycle storage, bollards, new ramps and steps, new white lining and directional arrows, new boundary treatments including fencing, walls, rendering, new hard and soft landscaping, fuel vent pipe relocation, change existing residential garden to commercial use (car parking), relocation of bins, relocation of gas cages.

Recommendation

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

Addendum Recommendation

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

Erratum Recommendation

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

Senior Planning Officer presented via PowerPoint presentation.

LA01/2019/0960F is full permission for an upgrade of a local centre to provide extended upgrade of Local Centre to provide extended filling station shop (PFS), 1 new hot food unit and additional parking.

The proposal includes and increase in height of forecourt canopy, demolition and replacement dwelling, new fuel pump, trolley store, cycle storage, bollards, new ramps and steps, new white lining and directional arrows, new boundary treatments including fencing, walls, rendering, new hard and soft landscaping, fuel vent pipe relocation, change existing residential garden to commercial use (car parking), relocation of bins, relocation of gas cages.

The application is an objection item. An addendum has also been circulated to members and it relates to 4 further letters of objection. Addendum 2 relates to a further objection and a verbal addendum is to be provided to a further objection received. An erratum has also been circulated relating to 2 different measurements that were incorrectly scaled. A site visit was also carried out on Monday and the site visit report was also circulated.

The points raised in the correspondence received throughout the processing of the application relate to: road safety, impact on no 4 Errigal Court by way of loss of amenity through noise, privacy, air pollution, and health impacts, need for the proposal, inaccuracies on the application form, impact on Portrush Town Centre with no quantitative justification for the proposal, the replacement dwelling and reduction in residential curtilage does not respect the surrounding context. These points have been considered in the addenda and Planning Committee Report.

The additional information received relating to the verbal addendum, requests that:

1. To request that planning permission should not be ratified until an enforcement investigation is complete.
2. The potential for disruption in Errigal Court if it is used for purposes deemed necessary by the operation of the Eurospar retail unit.
3. To express disappointment on reply given to request for information regarding an ongoing enforcement investigation.

In response:

1. The ability of the Council to grant planning permission for the proposal is not curtailed by any live enforcement investigation.
2. The proposals do not involve vehicular or pedestrian access to Errigal Court other than to the replacement dwelling at no. 5.
3. Information on ongoing enforcement investigations are confidential.

Points put forward by the Senior Planning Officer via powerpoint presentation as follows:

- The site is located on the Coleraine Road within the settlement development limit of Portrush as defined in the Northern Area Plan 2016 (NAP 2016).
- The site has also been designated as a Local Centre in the NAP 2016. The site was designated as a Local Centre for commercial purposes to ensure retention of the existing facilities and protection from other uses.
- The existing PFS has a large spar providing a range of convenience foods.
- Within the Local Centre designation there are a range of services, from a takeaway, opticians and off license.
- The proposal is to extend the Local Centre site curtilage towards no 5 Errigal Court. No 5's curtilage is to be reduced in size and the dwelling set forward towards the road. The blue arrow shows the extent of the extension for the car parking.
- The pink dashed line indicated the proposed extension of the shop and the hot food unit attached to the left.

As part of the application the agents submitted a Retail Statement. The proposal has also been reduced in the number of units proposed.

NEXUS Planning was procured to provide retail policy advice in respect of the application. This document is uploaded on the Portal. The report assessed the agent's retail statements, the catchment population, the existing shopping environment, expenditure in the catchment, turnover of the proposal, convenience turnover of the existing shops, trade draw of the proposal, trade diversion to the proposal. It advises that there may be a reduction in Town Centre trade around 10-12% which will materially impact on the day to day operations of existing retailers and so has to be considered as adverse but not significant to warrant a refusal. However, it also recognised that the town centre is in reasonable health and benefits from tourist trade; the proposal to extend a Local Centre carried significant positive weight.

In the assessment of need the agent and Nexus agree that there is no obvious quantitative need for the application proposals as there is no significant expenditure growth forecast for the period. In relation to qualitative need the agents ask that the council gives weight to the need to upgrade the existing facilities. Conditions have been provided in section 10 of the Planning Committee Report to ensure the net floor space area is within the approved size.

- The proposed elevations, working left to right, the service yard, screened with a 2m fence, the hot food unit, the new extension and the raised canopy depicted in the red outline.
- The dwelling to be replaced and brought forward closer to the road at Errigal Court.
- The proposed dwelling is L shape design with the bulk of the house onto the Coleraine Road. Though the plot size is significantly reduced in size it is still considered acceptable and in keeping with the surrounding area. A bedroom window is shown on the gable facing No 4 Errigal Court. There is a separation distance of 11.4m gable to gable, given the separation distance and the angle of no 4 in the plot there is no concern relating to overlooking from this bedroom window to the rear private amenity area at the back of the house.
- The relationship between no 4 and the dwelling and PFS. A proposed 1.8m high wall is also proposed along this boundary to the proposed car park.
- Environmental Health (EHD) were consulted on a range of issues relating to potential loss of amenity. A noise assessment was submitted and reviewed by the agent and EHD recommended approval subject to conditions. These have also been set out in the conditions in section 10 of the PCR. On the question of the proposal being detrimental to human health through the increase in the car park. EHD have advised that they do not believe the development will significantly increase vehicle emissions within the locality.
- In the assessment of the application we have recommended approval of the proposal.
- Bryan Edgar is available to answer any questions.

No questions were put to the Senior Planning Officer.

The Chair invited speakers, O Given and R King to present in objection to the application. O Given clarified she would present for 3 ½ minutes and R King, 1 ½ minutes.

O Given advised she was a Planning Consultant, appointed by Mr King. She stated Mr King had lived at No. 4 Errigal Court for thirty years. The proposal included turning a domestic garden into a car park, delivery area, a hot food bar, all down one side of their back garden, would cause general disturbance from vehicles, customers eating takeaway, car stereos and engine noise. O Given referred to Mrs King's health condition and considered the proposal would be at odds with SPPS policy of improving health and wellbeing. The

replacement 1 ½ storey dwelling and bedroom window would cause overlooking to no. 4 Errigal Court. O Given advised that the character of the established residential area must be considered and people living in the neighbourhood. When Mr and Mrs King moved into their property there was no overlooking and their residential amenity was protected. The condition restricting delivery vehicle to two times per day is already exceeded. A Transport Assessment states there will be no HGV's to the site which is unusual. The Planning Department's observations are contrary to the Policy of a Local Centre at 6.276 Page 102 of SPPS where it states there should be no adverse impact on town centres.

O Given stated that she considers the proposal would have an adverse impact on the town centre trade in Portrush, there is no quantitative need for the proposal and it should be limited to the existing curtilage. The development will have an adverse impact on a well laid out cul-de-sac and undermine the quality of the residential amenity.

The Chair observed a technical difficulty with R King who was not contactable.

O Given advised she had received communication from R King and read his presentation to Committee – R King lived with his wife at no. 4 Errigal Court, next door to the proposed development where a residential garden was being changed to commercial use, affecting their health and wellbeing. There is noise of vibration from deliveries from 6am-1am, a busy car park, exhaust fumes and Mr King's wife has a medical condition, and there would be overlooking. They bought their house in 1986 in a quiet residential area in what they thought would be their forever home. They will be driven from their home or be prisoners in it. There is no established need for the proposal, it is simply for profit, and they only have one home. They hope that the Committee will protect their health and well-being by refusing the proposed development.

In response to questions from Elected Members, O Given clarified the area of the garden of R King on the presentation photograph. O Given commented the photograph illustrated dated 2019 and clarified that it is her understanding that there were no longer buses at the property.

The Chair invited Alderman Hillis to present in objection to the application.

Alderman Hillis addressed Committee advising he would normally support expansion of a business but feels the proposed extension is detrimental to the quality of life of residents in the area. The existing Hillcrest Eurospar and Filling Station had already been extended as per planning history and this is a bridge too far. It is immediately beside a small residential development of 5 single dwellings in a horseshoe. The proposal runs along the rear and side of two

dwellings. The planning application means one of the dwellings would be demolished and rebuilt to the north end and the business extended 25m further into the existing dwelling's curtilage. The residents of No.4 would be surrounded on two sides by the commercial property. Errigal Court is purely a residential area, the proposed extension is intrusive and would impact on quality of the residential area.

Ald Hillis referred to the medical condition of the resident at No.4 and advised that there would be an increase in vehicle movement close to the proximity of the family home. Seven large delivery lorries and 2 rigid and commercial vans mean increased vehicle movements per day. Lorries deliver very early, there is a vibration noise and clatter. Alderman Hillis expressed surprised DfI Roads and Environment Health have no objections. He stated he is disappointed that the Planners recommend approving this extension to a non-town centre business and that further closures will be inevitable. There is a direct link to out-of-town centre shopping and town centre closures. Nexus advises it is predicted that the proposed development will affect the town centre trade but unlikely to reach significant levels, however there is a fine dividing line and appeal to reject the application.

In response to questions from Elected Members, Alderman Hillis clarified Mr King parked buses at his property 2 years ago but he no longer operates buses and they were not on site; there was no bus business operating at no. 4 Errigal Court. He advised there would only have been 1 bus out, 1 bus in.

During debate, Alderman Duddy suggested that speakers were not interrupted nearing the end of their speaking time as it appeared to interrupt the flow of the speaker.

The Chair noted the comments.

The Chair invited speakers, D Mountstephen, M Adrian and K Hannigan to present in support of the application.

D Mountstephen advised he was a chartered town planner. The application had undergone a thorough assessment and scale of development had been reduced at Planners request; third party representations were considered thoroughly as part of the process.

D Mountstephen addressed issues surrounding:

- Retail – this is an investment in a Local Centre, had been subject to a full retail assessment. SPPS allows for Local Centre investment. The Northern Area Plan allows for expansion of local centres. Retail Impact Assessment states that it will not have an unacceptable impact on the town centre; Nexus consultant states that the town centre benefits from tourism trade.

- Need - shopping habits are changing, potential to clawback trade leaving Portrush. Quantative need to invest in the site; seasonally busy site. The Retail Assessment is robust and an independent assessment considered it acceptable. Planning does not exist to remove competition and there is no evidence that the proposal will have a significant adverse impact on the town centre.
- Residential amenity – current context is residential property next to the Local Centre and this will remain the same context. Impact on neighbours adjacent at No. 4 Errigal Court has been assessed; acoustic assessment has been reviewed by Environmental Health who have no objections and a range of conditions attached. No.5 Errigal Court is a quality residential environment, the plot size is the same as numbers 2 and 3 and there is no unacceptable overlooking. The car park service area is acceptable and no additional HGVs will result; it will remain the same number of HGVs that will continue to come to the site. Dfl Roads are content.

D Mountstephen advised that the issues have all been thoroughly considered. There is an economic benefit of £2M to the economy, 10 to 15 jobs, support the supply chain and rates to Council. The application considered acceptable under the Northern Area Plan, complies with the SPPS, all statutory consultees content and there is a presumption is in favour of development. Agree with the recommendation to approve.

In response to questions from Elected Members, D Mountstephen clarified there would be no additional HGV service arrangements, 1 HGV per day and every 2 days a second ambient HGV as happens already. The policy regarding a sequential test is not for development in an existing Local Centre; this is a designated Local Centre in the Northern Area Plan so no needs test is required. The test is met as regards the nature and location of the development.

In response to requests for clarification from Elected Members, the Senior Planning Officer clarified more recent photographs of the site were proposed to be included within the presentation and had failed to be copied to the September presentation. The photograph of 23rd of August 2021 was of a coach on the premises. She clarified storage and referred to the site block plan and the additional paragraph. Any lorries coming to the site are to reverse into the area and will be looking out onto the Coleraine Road when parked; vans are lower and will be screened by the 1.8m high wall. The storage area is existing and is being rationalised; the bin stores are for the existing and proposed development with no increased storage. There are 7no. proposed car parking spaces along the boundary and the 1.8m high wall will be an acoustic improvement as opposed to the existing fencing.

The Senior Planning Officer clarified the hot food use as a sui generis use. Do not apply sequential test for hot food use and restaurants, example at McDonald's, Tim Hortons etc. to allow hot food outside the town centre. She advised the Head of Health and Built Environment is here to answer questions.

The Head of Planning clarified information could not be provided in relation to enforcement, that if further detail is required in relation to enforcement it will need to be considered 'In committee'.

In response to questions from Elected Members, the Head of Health and Built Environment clarified Environmental Health content there would be no adverse health effect from the development, no concern from traffic fumes, this is an open site, there was only air quality monitoring in Dungiven and in relation to traffic issues the application had been reviewed for noise, fumes and content there would be no adverse impact on health in the general area. He advised he could not comment on an individual's health.

Proposed by Councillor Nicholl
Seconded by Alderman Finlay and

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

Alderman Duddy stated he would like the following noted - he advised to take note of the fact a planning application in 2004 to turn the area into a car lot selling cars had been refused yet recommending approving parked cars in the same area. It is noted local development is allowed but not enough notice has been taken of the adverse trading impact on Portrush town centre. The report from Nexus states harmful, unfavourable impact to Portrush. Past history has shown out of town supermarkets, pop-ups affecting existing business in town centres. Photographs of buses - everyone has the right to run a business from their home and park their bus in their garden area. The business is no longer operational. Need to look at protecting residential amenity and aesthetics of the area. He stated he does think the proposal will have an adverse significant effect. Told one or two HGV's. In the context of the site, additional vehicles, noise, delivery vehicles will add to those already using the site. The SPPS is there for the improvement of health.

The Chair put the motion to the Committee to vote.
10 Members voted For, 3 Members voted Against, 0 Member Abstained.
The Chair declared the motion carried.

The Chair declared a recess at 12.10pm.

- * **The meeting reconvened at 12.27pm.**
- * **Alderman Duddy did not re-join the meeting.**

5.3 LA01/2019/0849/F, Lands 125m SW of 132 Clooney Road, Eglinton

Report, erratum, additional information received, previously circulated, presented by Senior Planning Officer, J McMath.

App Type: Full Planning

Proposal: Retention of existing farm shop for Longfield Farm, ancillary storage of farm produce and car parking.

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 for the reasons set out in section 10.

Erratum Recommendation

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

Senior Planning Officer presented via PowerPoint presentation.

Erratum amended second refusal reason to state:

The proposal is contrary to Policy CTY 11 of PPS 21 Sustainable Development in the Countryside in that it is not satisfactorily integrated with an existing group of buildings.

Verbal Addendum

Further information was received on 20th September 2021 which included a supporting letter from the agent and letters of support from the Ulster Farmers Union and letters of support from 6 customers. The additional information was uploaded onto the portal on 21st September 2021 and circulated to Committee Members. The points raised are summarized as follows:

- That the Committee Report stated that the farm shop could be located to the south, west or east of the farm buildings but the agent stated that the farm lane floods which would be perilous to customers. To locate to the south would be in the private garden of the dwelling and to the east would require extending the lane; to the west would be in an area of surface water flooding. The agent stated that it would be impossible to police customers/children coming into contact with animals causing bio security concerns. There are health and safety issues with machinery and animals in the working yard. For security reasons the applicant wishes to keep prying eyes away from the yard.

All of these issues are considered in Committee Report

- The Ulster Farmers Union letter referred to safety due to Covid, buy local support local, sustainability and the opening hours of the farm shop 08.00 to 23.00 7 days a week.
- 6 letters of support were received from customers.

Letters of support do not give sufficient determining weight to lead us to set aside the requirements of SPPS and policy CTY11.

Senior Planning Officer presented via PowerPoint presentation.

The site is located SW of 132 Clooney Road in the rural area outside any settlement development limit defined in the Northern Area Plan 2016. The site is also outside of any environmental designation. This is a circular shaped site, 18m back from Clooney Road which contains a rectangular metal container/structure on a concrete base, with an area of parking and turning. The site is accessed from an existing lane which serves the farm.

The proposal is for the retention of existing farm shop for Longfield Farm, ancillary storage of farm produce and car parking. Boundaries are defined with 1 m high post and wire fence with no vegetation on boundaries. The main planning policy relevant to the assessment of the proposal are set out in the SPPS and PPS21.

The SPPS expresses a town centre first approach to retailing but provides an exception for development such as farm shops and states that such retail facilities should be required to be located within existing buildings. The farm shop is located in a metal container/structure on a concrete base within a stoned area that was previously part of an agricultural field. The proposal is not located in an existing building and is located approximately 135m from the closest farm building and is contrary to the SPPS.

Policy CTY11 of PPS21 entitled 'Farm Diversification' supports a diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm and it meets various criteria. DAERA have confirmed that the farm business is currently active and established however policy CTY11 states that the proposal will only be acceptable where it involves the re-use or adaptation of existing farm buildings, exceptionally a new building may be permitted where there is no existing building available to accommodate the use. Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

The case made by the applicant is that the existing buildings are all in use and cannot accommodate the farm shop and a site to integrate with the existing group of buildings is not possible due to bio security, health and safety, farm security, integration, floodplain and surface water flooding. Each of these have been explored in detail in the Committee Report.

Taking these factors into account the applicant has demonstrated that the reuse and adaptation of existing farm buildings is not possible in this instance however the policy still requires a new building to integrate with an existing

group of buildings. No determining reason has been forthcoming as to why the site for the farm shop cannot integrate with an existing group of buildings as required by the policy. Other lands closer to the existing group of buildings on the farm exist which would integrate with the buildings as required by the policy and which would not affect bio security, health and safety or farm security, the flood plain is to the north of the existing farm yard and surface flooding on the lane could be addressed with appropriate drainage.

In terms of character and scale, the metal container/structure on a concrete base used to house the farm shop is not appropriate to the site as it is open, prominent with no mature boundaries, is cut from a larger agricultural field with critical views from the south and south west along Clooney Road. The development is a cut out of an agricultural field and fails to integrate and respect the character of the area. In addition as no overriding reasons have been forthcoming as to why the development is essential the proposal is contrary to policies CTY1, CTY11 and SPPS and refusal is recommended.

The Chair invited speaker M Kennedy and A Hunter to speak in support of the application.

M Kennedy advised principal of farm produce shop is in planning policy and is acceptable. It is difficult to locate the Farm Shop within the farm buildings as all are fully utilised. In terms of bio security, need to follow a strict cleansing and disinfection regime to prevent disease. There are pedigree cattle and 500 free range hens, it would be impossible to prevent visitors interacting with the animals and impractical.

In reference to health and safety, agricultural machinery is dangerous and the Farm Safety Action Plan 2017-2020 main accidents on a farm are being hit by animals, contact with machinery and slips and trips. It is not safe to have visitors coming into contact with farm activity.

M Kennedy advised in terms of farm security referring to rural crime and need to hide valuable farm machinery which is highly attractive to thieves; the need to keep prying eyes away and therefore shop needs to be located away from the farm and farm dwelling. He advised that the applicant had been selling produce on a seasonal basis from a trailer for the last 20 years and referred to the wording in paragraph 6.279 of the SPPS as 'should' and not must. He also advised that policy CTY11 allows for exceptions in terms of location. The other locations are impracticable as the lane floods, another site is outside the front door of the existing dwelling, to site to the east would require the lane to be extended and would be beside the free range chickens, and the other has surface water flooding; the sites are not reasonable or practicable.

A Hunter addressed Committee in support of the application. He queried how the development could be in a settlement? He advised that there are natural boundaries with mature vegetation to the north, east and west. The container has been painted green to integrate into the landscape and no objections have

been received; the locals support it. There has been a 250% increase in customers over lockdown and there are no queues as it is a safe vending machine with no contact with other people. He sells quality produce, there are free range hens and goats. A Hunter stated the case officer did not come to look at the yard.

In response to questions from Elected Members M Kennedy advised the applicant grows and sell potatoes and eggs. It is a seasonal business and the trailer was on-site for 4 or 5 months from July to November. As it was not permanent it is not enough for a CLUD, due to its seasonality. The location is a rational and logical location. He referred to Paragraph 6.279 of the SPSS and policy CTY11 PPS21 Farm Diversification. He advised that the word 'should' allows for exceptions and policy CTY11 allows for exceptions. He has made the points that it has been demonstrated the existing buildings are fully utilized, alternative siting proposals are one in a private front garden, a field to the east requiring breakthrough of hedgerows and boundaries, and the site to the west looks at the entrance of City of Derry Airport and exposed to view.

A Hunter referred to Paragraph 6.279 of the SPSS states, "*should*" not '*must*'. He has been seasonally selling potatoes and expanded to put in a vending machine and to provide a suitable income. There are no objections and DfI Roads are content. He clarified the sheds are occupied due to the harvest, agricultural machines, 300 free range hens, pedigree cattle, that cannot be subject to diseases. Due to Avian Flu the birds are housed, the public cannot be in the yard for biosecurity. The sheds are old stone buildings and the area would not suit parking. In the farm yard protective clothing and boots are worn. The hens are in the east on a half acre plot fenced off from foxes. A Hunter's sons are aged 24years and 21years, at Agricultural University and wish to diversify and upgrade farm and need an income to provide for the family.

In response, the Senior Planning Officer clarified SPPS 6.279 Town Centre first, exception of a retail facility for a farm shop and cited from it regarding should be required to be located in existing buildings. The Senior Planning Officer also cited from PPS 21 policy CTY 11. She advised exceptionally a new building may be permitted but it should satisfactorily integrate with existing buildings. The detailed information and supporting information have all been considered and referred to the Committee Report where it is accepted the existing buildings are in use and various reasons why the new building should not be located in the farm yard.

The Senior Planning Officer advised the erratum clarified refusal reason number 2. In line with policy CTY 11 she referred to other locations where the new building could be located where it would integrate with other buildings. The

issue is the location of farm shop not integrating with the existing group of buildings.

The Senior Planning Officer advised that retailing policy within the SPPS has exceptions for farm shops. She advise that policy CTY 11 refers to integration with existing group of buildings on a farm. The consideration of a CLUD to regularise the development was subject to appeal by the PAC. However, the Commissioner did not certify and the appeal dismissed. The exceptional circumstances – biosecurity, health and safety, flooding have been taken on board and refusal reason number 2 changed to accept the buildings are in use. The location is 135m away from the nearest agricultural building, there are other sites that access the same lane.

Proposed by Alderman Finlay

Seconded by Alderman Baird

- That Planning Committee defer consideration and hold a site visit, as it would be useful to see what is happening on the site, to see how there is no connection with the farm dwellings and shop.

The Chair put the motion to the Committee to vote.

12 Members voted For, 0 Members voted Against, 0 Members Abstained.

The Chair declared motion approved and the application deferred.

The Chair declared a recess at 1.05pm for one hour.

- * **The meeting reconvened at 2.05pm.**
- * **Councillor MA McKillop did not rejoin the meeting.**

5.4 LA01/2019/1138/F, 39 Strand Road, Portstewart

Report and additional information received, previously circulated, presented by Senior Planning Officer, J Lundy.

App Type: Full

Proposal: Erection of proposed 2.5 storey replacement dwelling with basement forming lower level, integral garage and all associated works/ 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 **REFUSE** full planning permission subject to the reasons set out in section 10

Senior Planning Officer presented via PowerPoint presentation.

The site is located within the settlement limit of Portstewart as designated in the Northern Area Plan 2016.

The proposed development has been recommended as a refusal in that the design, scale and massing does not respect the surrounding character and will impact negatively upon neighbouring properties by way of overshadowing and loss of light and amenity.

Further information was received on Monday by the agent and a verbal addendum provided. The agent states that the character should not be defined by dwellings either side of the site, that the proposal is a traditional design. The agent advises that application was caught up in the revised planning protocol, the application was requested to be held from issuing until the protocol was revised and an opportunity was available to take the application to the Planning Committee for determination.

Agent refers to the reference in the Planning Committee Report of a bungalow on site; this is a chalet bungalow with provision of accommodation over two floors. Refers to large houses at 51 to 55 Strand Road.

Agent refers to a planning application at 35 Strand Road, 2 doors down from the site which permitted hard surfacing to the front of the property. The Senior Planning Officer advised that it is the officers' recommendation to remove refusal reason relating to the level of hard surfacing.

Concerns raised that no substantive consideration was given to revised proposals. The Senior Planning Officer advised that amendments were fully considered but they did not address the points clearly raised by the officers.

The Senior Planning Officer advised that the Agent has submitted a section of a site on Burnside Road. This dwelling has the similar finished floor levels as the neighbouring properties, has a continuation of fenestration and ridge height. The proposed development in this case provided accommodation on 3 levels without impacting on the character or amenity of the surrounding properties. Various photographs of properties have also been submitted that have been previously considered during the application process. These are mainly to demonstrate 3 storey dwellings in Portstewart and have no context in this site.

3 letters of objection have been withdrawn from properties to the rear of the site on Prospect Road if it is ensured that the ridge height does not extend above the adjacent dwellings. 1 letter of objection remains from No 41 property to the west, raising concern relating to the boundaries shown, proximity of the dwelling affecting foundations, and maintenance of the gable of the building

and seeks overshadowing and overlooking to be investigated. Amended plans were received moving the building off the boundary by a further metre.

Slides:

- The site shown in red and the dwelling to be replaced in green. From the location map it shows that within this area some of the properties do not follow a distinct building line.
- The property to be replaced set back and elevated. Properties either side are also slightly elevated from the road but have a similar finished floor levels.
- The character of the area showing the context of the site looking east. The dwellings are raised with no in-cutting.
- Looking west the character of Strand Road which provides the site context is distinct from the junction of Prospect Road to Berne Avenue.
- The block plan which shows the development being brought in line with the building line of No 37 and 41. The block plan shows the car parking to the front and the proximity to the adjacent properties boundaries; 1m to no 41 and 1.2m to no 37.
- The dwelling with accommodation provided over 3 floors with the main access to the dwelling through a curved external staircase.
- The proposed dwelling in context with neighbouring properties. To provide this level of accommodation the proposal significantly reduces the ground level of the site. As set out in paragraph 8.6 of the Planning Committee Report, the provision of the 3 levels of accommodation with ridge height similar to the adjacent dwelling appears compressed and jars with the immediate context in that there is no continuation of floor levels across the 3 floors with either neighbouring property. This is further emphasised with the entrance of the dwelling being above the top of the ground floor windows of No 41. This juxtaposition would be incongruous in the streetscape and impact on the local character.
- Potential impact on the white dwelling at no 41 the raised staircase to the entrance rises above the bay windows of No 41 and has the potential to overlook the living space. Due to the extent of the development there is also potential for loss of light to the property.
- The dwelling is to be brought forward in the site due to the proximity of the proposed building to the boundaries, extent of development and orientation.

There is potential for loss of light, overshadowing and dominance to No 37 and 41.

- The elevation to No 37, the gable is 20m long with no break in ridge or step down to reduce the massing. This is 1.5m from the boundary. The development would also be viewed from Prospect Road, it is dominant and out of character.
- The gable to no 14 is 15m long. As previously mentioned officers have concern with the elevated entrance feature looking into the living windows on No 41, 2.5 higher than their finished floor level.

The Chair invited speakers D Donaldson and M Bell to speak in support of the application.

D Donaldson addressed Committee, advising Mr Bell is the project architect who designed the building, that design is subjective to different people, different views and perceptions and cited from paragraph 4.27 of the SPPS stating planning permission should not be refused on design unless exceptional circumstances. D Donaldson referred to paragraph 4.29 of the Planning Committee Report and advised that they had worked to resolve most of the concerns of neighbours and planners should not impose their own particular style. There is a diversity of style on Strand Road. He advised that the Strand Road is not identified as a townscape character area; there is significant diversity of single storey buildings, three-storey houses and apartments. The character of the area immediately adjacent is not relevant in the assessment, it is the existing bungalow that is out of kilter in the established residential area. In reference to ground floor garages on the Strand Road, he advised that the height and scale varies. He referred to PPS7 criteria advising the proposed development respects the surrounding context; ridge height is not a reason to adopt an external garage. The ridge height is lower than numbers 37 and 43 and 2 ft higher than number 41. In terms of gable depth of garages, there is no reason to adopt a similar layout and welcomed the hard standing removed. He advised the principal windows are at the front. D Donaldson advised that the character and diversity of the development are not contrary to the Northern Area Plan and referred to the SPPS guiding principles regarding sustainable development, and only refuse if it causes demonstrable harm. All consultees are content, there are no design constraints.

M Bell addressed Committee in support of the application. He stated the area has a varied building line and there is a lack of alignment of floor levels. He considered this to be a viable proposal.

In response to questions from Elected Members the following were clarified:

D Donaldson clarified no. 41 had made representations to Council, not an objection, sought clarification. There is a retaining wall and the building is moved away from the boundary; comments on overlooking and overshadowing he would not categorise as an objection and construction phase is not relevant. Issues of design are subjective, the building is well designed and attractive. In planning policy the Planners do not have to like the design, the test is against the policy. This is not an area of townscape character, the design is considered consistent within its context. Under the SPPS there is no reason to refuse a variety of styles or design. Proposal will make a positive contribution as the existing dwelling is out of kilter. There is a marginal difference in floor lines and there is no policy requirement to align windows and doors. No.43 is massively higher but diversity allows this to fit into the context without being contrary to the Northern Area Plan and planning policies. There is good separation between neighbours' dwellings and the main windows are to the front. The original issue of hardstanding has now been withdrawn.

M Bell clarified there had been no contact from neighbours, issues of clarification and addressed in an open basis.

Senior Planning Officer clarified through the presentation slides the staggered building line, elevated position of dwellings, immediate dwellings in the site context and wider area. She advised that the concern is the lowering of the ground level of the site when the character is elevated dwellings. The Senior Planning Officer referred to the paragraph 4.27 SPPS and read the remainder of the paragraph referred to by D Donaldson which states that "Planning Authorities will reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings, or not in accordance with the LDP or local design guidance." She advised that there is therefore the need to look at the character of Strand Road and referred to policy QD1 of PPS7 criteria (a) "The development respects surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas." The proposed development is at odds with the context and character of the areas of Strand Road with the front door of the proposal above the bay window of no.41, the ridge height 1m higher to ridge than no. 41, and set back to atrium.

Proposed by Alderman Finlay

Seconded by Alderman S McKillop

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

- The application is not out of character, there are large houses along the area of Strand Road;
- The Planning Committee Report states it may overlook rather than it will overlook. It has been illustrated the windows are looking to the sea; they do not look into the properties, it will not take light away on both sides;
- There are larger houses than this along the Strand Road, there is not over-scale and massing. Proposal is more in character that the existing bungalow;
- Is not contrary to policy LC1 of the addendum to PPS 7 and Policy QD1 of PPS 7. The site is not in an Area of Townscape Character and is consistent with the design of the surrounding area.
- Design is a subjective matter and do not consider it unacceptable in scale, massing, and will not result in overshadowing or loss of light to the neighbouring property;
- The drawings produced by the Architect, who is a specialist in his field.

Alderman Boyle queried whether there had been enough policy reasoning. The Head of Planning advised she has recorded Elected Members reasoning for overturning the officers' recommendation, and read what had been recorded.

* **Councillor Dallat O'Driscoll left the meeting at 2.44pm.**

The Chair put the motion to the Committee to vote.
 8 Members voted For; 2 Members voted Against; 0 Members Abstained.
 The Chair declared the motion carried and application approved.

AGREED – that Conditions and Informatives are delegated to Officers.

Alderman Finlay responded to Alderman Boyle's comments stating he provided his reasoning based on what he heard and he gave his opinion based on the refusal reasons. Alderman Boyle assured Alderman Finlay she was trying to protect the planning process and accepted his points.

5.5 LA01/2019/1326/F, Ruairi Og CLG, Pairc Mhuire, Middlepark Avenue/Coast Road, Cushendall

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

App Type: Full
Proposal: Proposed replacement floodlights and ball stop nets

RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons

for the recommendation set out in section 9 and the policies, guidance and consideration in sections 7 and 8 and resolves to **REFUSE** planning permission for the reason set out in section 10.

Senior Planning Officer presented via PowerPoint presentation.

- Location plan showing site and location of surrounding residents. Full planning permission is sought for proposed replacement floodlights and ball stop nets. The site is located within the development limits for Cushendall as defined in Northern Area Plan 2016.
- A satellite image showing the existing playing fields and the surrounding context. The elements of the proposal which relate to ball stop nets are considered acceptable and meet policy'
- Photos of the site. There have been consultations with Environmental Health, DfI Roads and DfC HED and HMU.

The Senior Planning Officer advised that light pollution is considered a statutory nuisance under the Clean Neighbourhoods and Environment Act (NI) 2011. Environmental Health objects to the scheme and seeks further or amended information. There has been much consultation throughout the processing of this planning application and revisions sought. While the applicant accepts there will be a level of light spill to properties, it considers the community benefits should outweigh any policy concern. The officers sought the levels of light the surrounding properties currently experience from the floodlights in situ. The applicant submitted a further drawing (Drawing No 05), which indicates light levels from the existing floodlights, figures have only been inserted into the drawing showing levels on the pitch and around its boundary. No figures have been provided beyond the boundary to indicate what levels currently affect neighbouring residential properties. Therefore it is not possible to accurately compare or balance the proposed levels of light with current, or gain an understanding of what the nearby residents would experience over and beyond the current situation. Having regard to the intimate relationship between the neighbouring properties, and the advice of Environmental Health it is considered that the replacement floodlights will have an impact on the nearby properties in terms of the levels of light certain properties will experience, and when assessed against policy OS 7 of PPS 8 – Open Space, Sport and Outdoor Recreation, and the information submitted to date, this impact is considered to be unacceptable and therefore contrary to policy OS 7. There have been no other concerns raised by the other consultees.

The Senior Planning Officer advised that there has been 1 letter of support and no letters of objection. He advised that the Head of Health and Built Environment is present at this meeting to answer any specific queries or questions Members may have.

In response to questions from Elected Members, Senior Planning Officer clarified advice regarding lights from Environmental Health. On 26th of February 2020 advised a different lamp design to be used so that most light is directed onto the pitch and mitigating measures suggested. The Applicant has stated it would be more costly and there are existing floodlights in place. To use the pitch for its intended purposes the level of lighting proposed is required and the community benefit of having a modern up-to-date pitch with appropriate lighting. However, Environmental Health advise that light pollution is a statutory nuisance and are not happy with the light spillage submitted.

In response to comments from Councillor McMullan, the Chair advised questions should be addressed and not opinions.

The Chair invited H McAlister to speak in support of the application.

H McAlister address Committee and raised the following:

- The Club requirement is for lights and a ball stop, the current lights have been in place for 16 years and they are not fit for purpose. They are not high enough, there is horizontal light spill and blind spots, players are dazzled with the glare.
- LED flood lighting is the minimum level for hurling. Acknowledge there will be some light spill and effects can be mitigated against. Run at full capacity training on half a pitch matches; they are largely not required for matches.
- Paragraph 8.16 of the Planning Committee Report overestimates matches and is not representative of Club GAA fixtures, October to March is off-season.
- The Institute of Lighting Professionals (ILP) Guidance Document Environmental Zone E2 is for sparsely inhabited rural area whereas this Cushendall is a town in the Northern Area Plan. Para. 2.2 refers to neighbouring uses and these are a boat factory a fire station and the Coast Road with existing street lights. It is not a typical rural village as referred to in the Guidance Document
- Substantial community benefit benefits from the upgrade of the sporting facilities and pitches. Potential effects mitigated by planning condition requiring lights to be turned off at 9 pm and line with paragraph 5.54 of PPS8.
- Hurling and camogie are played during the summer with lights only required for overcast evenings. Spring and autumn limited use of pitches.
- There is significant local community support.

- Homes would no longer be hit by balls with the higher ball stop net.
- Weight should be given to significant community benefit important sporting benefit for Cushendall and the mid Glens area and mitigate with limitation on use beyond 9pm.

In response to questions from Elected Members, H McAlister clarified:

- Properly designed light scheme can direct light onto the pitch; the existing eight columns are not high enough and light is all over the place lighting up the existing residential properties;
- Proposing the high columns allows to direct light downwards and into the goal mouth, with noticeable improvements. Main area of concern is to the north at Ardmoyle Park.
- The Club is being neighbourly, recognises the issue of ball stop nets not being high enough and trying to address this;
- Have looked at the design and need light into the goal area. The contractor suggested louvre lights but this would impact on light to the goal area;
- Balanced community benefit arrived at.

In response to questions from Elected Members, the Head of Health and Built Environment advised that Planning had consulted with Environmental Health who has provided information and advice. The site is classed in environmental zone E2 as set out in the Institute of Lighting Professionals (ILP) Guidance document. Must comply with pre 11pm curfew of 5 Lux and after 11pm 1 Lux. Information from the agent indicates that the nearest affected houses at Ardmoyle Park would achieve 20-22 lux, considerably more than 5 lux guidance. The current light spill affecting properties have not resulted in receipt of any complaints. He advised that suggest conditions should Planning Committee approve the application. He advised that a lighting assessment would normally be requested, for example the application for McDonalds. 1 lux, for example would be standing under street lights. He stated that they are concerned with the estimated levels of light spillage to the properties at Ardmoyle Park.

The Head of Health and Built Environment clarified he could not compare the existing and proposed light spill as no measurements had been provided; it exceeds pre curfew lux levels.

Proposed by Councillor McMullan
 Seconded by Councillor MA McKillop and

AGREED - That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies, guidance and consideration in sections 7 and 8 and resolves to **APPROVE** planning permission for the reason:

- Community benefit, health and safety, it was consulted and no objections have been received from residents, DfI Roads, nor Fire Service;
- Condition the lights will be switched off at 9.00PM,
- October – March pitch is largely unused
- PPS8 – looked at all the relevant ways of doing this and there will be a massive community benefit
- There have been no complaints all the time that the existing lights have been in place.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

AGREED – that Conditions and Informatives are delegated to Officers.

5.6 LA01/2020/1170/O, 160m NE of 86 Bravallen Road, Ballymoney

Report, addendum and letter of support received, previously circulated, presented by Senior Planning Officer E Hudson.

App Type: Outline

Proposal: Proposed 1 no new dwelling with detached garage along with associated lane and landscaping works

Recommendation

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

Addendum 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.

Senior Planning Officer presented via PowerPoint presentation.

Slide

- Planning Application LA01/2020/1170/O. This is an outline application for 1 no. new dwelling with detached garage along with associated lane and landscaping works. There is an Addendum included with the Committee Report.

Slide

- This is the red line boundary of the site. The site is located 160m NE of Bravallen Rd, Ballymoney. The application was accompanied by a P1C

Form and farm maps and as such has been assessed as a dwelling on a farm against the SPPS and Policy CTY 10 of PPS 21.

Slide

- This is an indicative layout plan for the proposed dwelling with the proposed access via a new laneway off the Bravallen Road.
- In terms of policy CTY 10 criteria (a) requires that the farm business is currently active and has been established for at least 6 years. Consultation was carried out with DARD who advised that the applicant has a business ID number allocated in 2005, that the applicant has not claimed any SFP in any of the last 6 years and that the land on which the dwelling is proposed is on land associated with another farm business. Farm maps submitted were incomplete and dated 2012. On requesting the agent for up to date and complete maps he advised that the applicant is currently renting out this land in conacre. The agent further confirmed that the applicant currently leases 6 fields (of which the application site is one) and retains 7 for active farming purposes. He submitted a number of receipts to support active farming and a summary of these are outlined in a paragraphs 8.13 and 8.14 of the Committee Report. Although the receipts do demonstrate a limited level of farming activity these relate to land on which the applicant has retained for his own farming purposes. There is nothing contained within these receipts which state the activity relates to the land which is being farmed by another farm business. As such the proposal fails to meet criteria (a) of policy CTY 10.
- Criteria (c) of policy CTY 10 requires that the newbuilding is visually linked or sited to cluster with an established group of buildings on the farm and where practicable access should be obtained from an existing laneway. Exceptionally consideration may be given to an alternative site elsewhere on the farm provided there are no other sites available at another group of buildings on the farm and where there are either health and safety reasons or plans to expand the business.

Slide

- This shows an existing open ended building with attached pen. This building is located in the NW corner of the application site. The building currently appears to be used for storage.

Slide

- This shows a more recently constructed shed and area of hardstanding and is located outside the application site adjacent to the SE boundary. The shed is on land identified as being with the applicant's ownership. There is no planning history for this shed, it would not be considered to be immune and does not meet the permitted development regulations for

agricultural buildings as outlined in legislation. The building was not being used at time of the site inspection.

- As the dwelling is not located beside an established group of buildings on the farm and no exceptional circumstances have been demonstrated for an alternative site elsewhere the proposal fails to meet criteria (c) of policy CTY 10.

Slide

- This is a photograph taken from the Bravallen Road at the point at which the proposed access lane would be located.

Slide

- This is a photograph looking towards the SE boundary which is undefined showing the newly constructed shed in the corner and the other shed located to the left side of the photograph. The cream coloured buildings are under separate ownership and are not associated with this site.
- The site is set well back from the Bravallen Road although a laneway which runs along the NE boundary of the site serves a number of other properties. It is considered that a dwelling on this plot which abuts this laneway would have a common frontage with other dwellings and buildings adjacent to the site which would visually link and appear as a ribbon of development along the laneway and as such fails policy CTY 8. As the proposal is contrary to policy CTY 8 it would also fail policy CTY 14 as it would create a ribbon and build-up of development
- The recommendation is to refuse planning permission for the reasons outlined in Part 10 of the Committee report.

In response to questions from Elected Members, Senior Planning Officer clarified the site inspection took place on 09 February 2021. She referred to the site location plan and advised the proposed access is coming up from Bravallen Road; the existing laneway may not be in the applicant's ownership.

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

D Donaldson addressed Committee on the following:

- Regarding that a Dwelling on a farm not been demonstrated – there has been a Farm Business since 2005, the applicant has owned the land for 40 years. Basic farm payment has not been claimed and is not essential. There are receipts for reasonable activity;
- There have been no buildings sold off and no objections from Neighbours nor consultees;

- Part of the farm business is taken in conacre but is still on land that forms part of the farm business. This is temporary year-on-year and does not prohibit a farmer from building on a farm;
- Several groups of buildings to group with. Kilraughts Road planning approved for 12 houses; it is logical to build at this location where there is a long established shed, cattle shed and newly constructed shed which the applicant is content is permitted development. Even if the new shed is not factored in, there is still a group of buildings;
- Existing laneway is not owned by the applicant and has poor visibility; new lane will have no adverse effect rural character
- numerous PAC decisions state that policy CTY 10 is the primary policy consideration;
- Determining factors are: that it is a long established farm business, clusters with farm buildings, the laneway and access are acceptable and there will be no harm to the countryside.

In response to questions from Elected Members, D Donaldson clarified part of the land is let in conacre and part retained. The application site is on one of the sites let in conacre. The whole farm is 20 hectares. The policy for dwelling on a farm relates to the farm entity, with some land let year-to-year. The Farm Business is demonstrated to be active and established. The PAC decisions in the Planning Committee Report relate to cases where the whole farm is let in conacre or small holdings or no active business. There is an existing long-established shed. Planning Act provides definition of buildings and the PAC have stated an open silo was a building for the purpose of policy. There is an existing shed, yard area and walls around; the new building has been there for about 9 months to a year and considers it meets permitted development but not relying on it for their proposed site to cluster with an established group of buildings. Home Farm is at 113 Kilraughts Road, Dunaghy. In 2019 planning permission granted was granted for 12 houses and farm buildings demolished. Makes sense to place the new dwelling at Bravallen Road where there is a group of buildings and the main farm land is.

The Head of Planning clarified the proposed access is not using the existing laneway.

Proposed by Alderman Finlay
Seconded by Alderman S McKillop and

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

- The applicant does not own the laneway and no issues with the proposed access; existing access has severe problems with visibility splays

- Complies with policies CTY 10 and CTY14 as it will be on the main farmland at Bravallen Road where the established farm group is; entitled to build a house and cannot say if he will be able to get land in conacre next year as it is a year to year basis;
- House is in keeping with the character of the countryside
- In terms of policy CTY 8 it will not result in a suburban style build-up of development when viewed with existing and approved buildings and would not create or add to a ribbon of development as clustering with existing farm buildings, and will not stick out like a sore thumb.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

AGREED – that Conditions and Informatives are delegated to Officers.

The Chair declared a recess at 3.54pm.

* The meeting reconvened at 4.10pm.

* **Councillor McGurk did not re-join the meeting.**

* **Alderman S McKillop left the meeting.**

6. DEVELOPMENT MANAGEMENT:

6.1 Revised Planning Enforcement Strategy

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

Background

The purpose of the Planning Enforcement Strategy is to set out how Council's Planning Enforcement Team will undertake the role of enforcing planning control in addition to setting out the standards of service the public can expect.

The Council's function as the local planning authority for Causeway Coast and Glens Borough is set out in the Planning Act (Northern Ireland) 2011 ('the Act'). The main enforcement powers available to the Council in relation to Planning are contained in Part 5 of the Act. Section 138 of the Act sets out Council's power to take formal enforcement action on unauthorised development in breach of planning control where it is considered expedient to do so.

Details

The key objectives of planning enforcement are set out within the strategy as

- Bring unauthorised development under control

- Remedy the undesirable effects of unauthorised development including, the removal or cessation of unacceptable development; and
- Take legal action against those who ignore or flout planning legislation.

The revised Strategy sets out how to report a breach and how we respond to complaints, our procedures and priorities. It sets out 7 Service Standards against which performance will be assessed.

A new procedure introduced through this revised strategy is in relation to certain advertisements. Unauthorised advertisements account for a large proportion of cases taken to court for prosecution as direct offences. The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 and the Planning Act (Northern Ireland) 2011 provides Council with powers to

- remove signage
- recover summarily as a civil debt any expenses reasonable incurred by it in that behalf;
- prosecute for breach of Section 175 of the Planning Act (Northern Ireland) 2011

The revised Strategy includes provision to remove certain signage that does not have consent.

IT IS RECOMMENDED that the Planning Committee **AGREE** to implement the attached Planning Enforcement Strategy.

In response questions the Head of Planning clarified TPO's are in relation to trees and reflected in the service standard. Confirmed that negotiation to resolve was always the first step unless a serious direct offence. Clarified that Council did not have the resources to investigate anonymous complaints.

The Head of Planning agreed to look at additional staffing to resource proactive enforcement.

Proposed by Councillor Scott
Seconded by Alderman Boyle and

AGREED - that the Planning Committee **AGREE** to implement the attached Planning Enforcement Strategy.

The Chair put the motion to the Committee to vote.

Committee voted unanimously 10 For.

The Chair declared the motion carried.

* **Alderman Finlay left the Chamber at 4.33pm.**

6.2 DfI Roads Standing Advice for Planning

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

Background

The Planning Department has been reviewing options to improve its performance in processing times for planning applications. Consultation with statutory consultees is one element of the process that has been identified as a delay in the processing of applications.

The Planning (General Development Procedure) Order (Northern Ireland) 2015 (the GDPO) requires local planning authorities (LPAs) to consult on planning applications as set out under Article 13.

The GDPO instructs LPAs to consult with DfI Roads in the following circumstances where a development proposal

- (a) involves the formation, laying out or alteration of any means of access, or is likely to create or attract traffic which may result in a material increase in the volume of traffic –
 - (i) entering or leaving a road,
 - (ii) using a level crossing over a railway, or
 - (iii) which would result in an additional demand for car parking, or loss of or alteration to existing car parking;
- (b) consists of or includes the laying out or construction of a new street;
- (c) is likely to prejudice the improvement or construction of a road or proposed road;
- (d) involves power lines which cross a road;
- (e) involves the installation of a structure over or under a road; or
- (f) is a reserved matters application where an outline planning permission includes roads conditions.

Details

At a meeting held on 04 March with representatives from DfI Roads discussion took place around the level of consultation on planning applications and options to reduce such consultations while still adhering to the legislative requirements for consultation under the GDPO.

The requirement to consult on a planning application falling under the above is removed by Article 13(1) of the GDPO if a consultee has provided or reaffirmed within the last two years standing advice covering the proposal.

Discussions have taken place with DfI Roads and agreement reached on the types of applications that could be covered under Standing Advice. The Standing Advice will form the substantive response of DfI Roads to these types of planning applications in a generic format.

The Standing Advice does not mean that there is no roads reason for objection to an application, but rather it will be for CC&G planning officers to determine whether or not a proposal complies (or can be conditioned to comply) with the advice, and therefore whether or not planning consent should be granted.

The Standing Advice applies to

- (a) residential extensions
- (b) domestic sheds and garages
- (c) commercial extensions less than 10% gross floor area of the existing unit
- (d) advertisements and signs
- (e) boundary structures and gates which do not open outwards over the road
- (f) change of house type
- (g) single replacement dwelling where occupied or recently occupied
- (h) single wind turbine upgrade
- (i) overhead power lines

The Standing Advice also provides agreement on measures to reduce the number of secondary consultations where minor amendments to the proposal are required following initial consultation response from DfI Roads.

The Standing Advice provides a proportionate response in line with the GDPO. It is applicable for a trial period of 1 year and will be reviewed on an annual basis. To facilitate the review the planning Department will keep an ongoing record of all planning applications to which this Standing Advice has been applied and this will be sent to DfI Roads on a monthly basis.

IT IS RECOMMENDED that the Planning Committee **AGREE** to implement the attached Standing Advice from 01 October 2021.

Proposed by Councillor Hunter
Seconded by Councillor Scott and

AGREED - that the Planning Committee **AGREE** to implement the attached Standing Advice from 01 October 2021.

The Chair put the motion to the Committee to vote.
9 members voted unanimously For.
The Chair declared the motion carried.

7. DEVELOPMENT PLAN:

7.1 Verbal Update

Development Plan Manager provided the following update:

- 6 month LDP Work Programme: Work continuing in line with agreed programme. Updated programme will be brought to the October Committee.
- LDP Member Workshops – Draft Plan Policy approach: Member workshops ongoing. Next Workshop is Wednesday 29th September 2021.
- Project Management Team Meetings (government bodies/key stakeholders): Consultation on draft policy approach continues to take place electronically.
- LDP Steering Group Meetings: Will reconvene as and when required to agree Draft Plan Strategy.
- CC&GBC Landscape Study: Informing the LDP draft policy approach regarding protection of the Borough's landscapes & natural heritage assets.
- Sustainability Appraisal/SEA: Currently considering options to carry out SA of Draft Plan Strategy.
- Evidence Gathering: Update of evidence base is ongoing. This is feeding through into our draft LDP policy approach and LDP Member Workshops.
- The Borough's retail, employment & housing monitors are ongoing.

7.2 Dfl Publication of CC&G Local Transport Study

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

Purpose of Report

To advise Members of the Department for Infrastructure (Dfl) publication of a Local Transport Study (LTS) for the Borough.

Background

Dfl wrote to Council on 17th August 2021 (see Appendix 1) to advise that the final version of the CC&G LTS had been published on its website.

The purpose of the LTS (see Appendix 2) is to set out an objective evidence-based assessment in relation to current and future transport issues and future indicative transport measures required to facilitate growth ambitions during the Local Development Plan (LDP) period. It will also ensure that the transport network and transport needs of the area are taken

into account when planning for its future development. Whilst the transport elements are quite distinct in terms of the services they offer and benefits they bring, the key linkages with land-use planning will collectively help deliver on shared regional and local ambitions and outcomes.

The transport measures developed in this LTS are in line with the draft PfG, current government policies and with the direction of the CC&G Community Plan and LDP Preferred Options Paper (POP).

This LTS presents the range of illustrative measures for active travel, public transport and roads for the period up to 2035, in addition to the linkages with the Regional Strategic Transport Network Transport Plan (RSTNTP), which will look at how best to develop the key transport corridors and other main routes.

At this stage, consistent with the LDP POP and Plan Strategy stage, the locations of the transport measures are not described in detail. The detail and specific schemes will be added at LDP Local Plan Policies (LPP) stage, when land use zonings are identified. Therefore, in this LTS, measures are described in terms of strategic locations. CC&G has both urban and rural areas, as such the area has particular needs for both land use planning and transportation infrastructure.

The structure of the LTS is as follows:

- Chapter 1 - provides an introduction to the LTS;
- Chapter 2 - provides the Policy Context that outlines the principal policies and strategies that have informed the preparation of the LTS;
- Chapter 3 - outlines the Transport Evidence Baseline in the form of regional connectivity, accessibility and transport networks;
- Chapter 4 - outlines population growth and development proposals;
- Chapter 5 - outlines a summary of the transport issues and opportunities as developed from an interpretation of the Transport Evidence Baseline;
- Chapter 6 - presents the Transport Objectives which have been developed in light of the strategic policy context, CC&G issues and the direction as set by the Community Plan and the LDP POP;
- Chapter 7 - commences with a discussion of transport options and their merits before presenting the potential Transport Measures; and
- Chapter 8 - summarises the conclusions of the Transport Study and 11no. recommended potential measures, as follows:

1: Improved inter-urban roads on KTCs

New inter-urban road schemes will be identified and prioritised on the Key Transport Corridors. These schemes will be listed in the RSTNTP which is currently being prepared.

2: Improved 'limited-stop' bus services to key hubs

New 'limited-stop' bus services are expected to be identified and prioritised on the Key Transport Corridors to and from Coleraine, Limavady, Ballymoney and Ballycastle. These services will build upon the existing Goldline and Ulsterbus route networks to be listed in the RSTP which is currently being prepared. The bus services will capitalise on continued road improvements.

3: Maintained and improved rail services and connections

It is recommended that service enhancements to the Derry line should be prioritised in order to enhance the current attractiveness of the line. This measure will also be considered as part of the RSTNTP and SRTP.

4: Integration of passenger transport services including innovative transport models such as 'ride-share'

The viability of this measure would be considered in the context of NI-wide policy issues for the Department and transport providers and will be the subject of separate work.

5: New urban road links and supporting sustainable transport infrastructure to facilitate key development funded by developers

The LDP LPP stage will likely generate new zonings or developments that would require new infrastructure to enable their delivery. In some cases new urban road links will be needed simply to provide direct access however active travel and public transport infrastructure and services are also likely to be needed. That infrastructure will need to be funded by the developers and planned and delivered in conjunction with the Council and the Department.

6: Town Centre Parking Strategies including integrated management of long and short-stay spaces

Town Centre Parking Strategies will be required in Coleraine, Limavady, Ballymoney and Ballycastle. The location of public parking and its designation as long or short-stay using payment controls will be identified in the LTS and LDP LPP stages. The strategies should remove extraneous traffic which dominates the town centres and improve the turnover of parking spaces.

7: Provision of improved walking facilities in towns

The provision of improved walking facilities in Coleraine, Limavady, Ballymoney and Ballycastle will be a central measure of the LTP. The current pedestrian networks are incomplete and local levels of walking to work and education are below NI averages. Improvements to the walking facilities may require retro-fitting work and may impact on traffic capacity.

8: Provision of a network of attractive radial cycling routes in towns and greenways between towns

The provision of improved cycling facilities in Coleraine, Limavady, Ballymoney and Ballycastle will likely be a central measure of the LTP. The current cycle networks are incomplete and serve only a small proportion of the residential areas. The provision of a network of radial cycling routes in Coleraine, Limavady, Ballymoney and Ballycastle may impact on traffic capacity. The designation and identification of a network of routes will allow its delivery in coordination with development proposals.

9: Traffic management schemes in urban areas to re-balance modal hierarchy

Consideration of how road-space is designated and used by a range of modes (pedestrian, cyclist, bus, goods service vehicle and general traffic) in Coleraine, Limavady, Ballymoney and Ballycastle. Traffic management schemes can complement physical infrastructure schemes by amending regulations, signing and lining to achieve appropriate priority and provide safer and more coherent networks.

10: Ensure that user behaviour regarding safe use of the transport network is monitored and addressed.

Road safety depends heavily on drivers, pedestrians and cyclists understanding how they should use the infrastructure and the risks of inattention and excessive speed etc. This is especially important for any new pedestrian and cycling facilities and for rural roads.

11: Transport infrastructure to be designed, provided and maintained to 'best practice' standards to maximise performance at all times.

Resilience to system failures, such as traffic signal failures, can be increased by providing 'backup' systems whilst overall urban travel resilience can be increased by ensuring that realistic active travel options are provided.

It is recommended that the Planning Committee note the contents of this report and Dfl LTS.

AGREED - that the Planning Committee note the contents of this report and Dfl LTS.

In relation to a query surrounding site visits and roads issues, the Head of Planning advised that was a matter for the Scheme of Delegation.

* **Alderman McKeown left the meeting at 4.41pm.**

7.3 Dfl – Draft Development Plan Practice Note (DPPN) 11 – Receipt of Independent Examination Report and adoption of a ~Development Plan Document

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

Purpose of Report

To present the Department for Infrastructure's (the 'Department's') informal consultation with the Council on Draft Development Plan Practice Note (DPPN) 11: 'Receipt of Independent Examination Report and Adoption of a Development Plan Document'.

Background

The Department wrote to the Council on 24th August 2021 for comment (by 30th September 2021) on its draft guidance document DPPN 11 (see Appendices 1 & 2 attached).

Proposals

The Council must prepare a Local Development Plan (LDP) for its area. In doing so the Council must publish for comment two formal Development Plan Documents (DPDs): a Draft Plan Strategy (PS) and a Draft Local Policies Plan (LPP). Following consideration of the representations received the Council must submit these documents to the Department so that it may cause an Independent Examination (IE). An IE is a public examination of a DPD that is commenced, conducted and concluded by an independent examiner.

The Department has prepared a series of guidance documents to assist local councils in undertaking this planning function. These aim to ensure that a consistent approach is undertaken throughout Northern Ireland (NI) in relation to the procedural and information requirements which are necessary for an effective and efficient LDP process.

The Council has a statutory duty to take account of guidance issued by the Department.

DFI Guidance – Draft Development Plan Practice Note (DPPN) 11

Circulated to all 11 NI Councils for comment on 24th August 2021 this document deals primarily with procedures as well as good practice that apply to both Development Plan Documents (DPDs): namely, the Draft Plan Strategy (PS) and Draft Local Policies Plan (LPP).

Once a draft Development Plan Document (DPD) has been submitted to the Department and an Independent Examination (IE) has been caused, the Planning Appeals Commission (PAC) or person appointed by the Department, will move forward with facilitating the IE. A report on the Examiner's findings and recommendations will be provided to the Department. This practice note focuses on the key legislative requirements in relation to the consideration of the IE report and adoption of a DPD by a council.

It recognises the fact that the new LDP process is still developing and therefore provides for a degree of flexibility. When the system has had an opportunity to mature the Department will then be in a position to provide more detailed guidance on this stage of the process.

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

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

8. CORRESPONDENCE

The Chair presented the correspondence as read.

8.1 DfI – Data Sharing Agreement with Mid Ulster Council

Copy, previously circulated.

8.2 Correspondence from Mrs Y Hamilton – re: Second Homes

Copy, previously circulated.

The Head of Planning clarified the matter delegated to Local Development Plan.

8.3 QUB – Postgraduate certificates in Planning

Copy, previously circulated.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor McMullan
Seconded by Councillor Scott and

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

- * **Press / Public were disconnected from the meeting at 4.47pm.**
- * **K Morgan BL joined the meeting.**

9. CONFIDENTIAL ITEMS

9.1 Report for Noting Finance Period 1-4 2021 22 Update

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

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 4 of the 2021/22 business year.

Further detail was supplied within the confidential report.

9.2 Pre-Action Protocol Letter

Confidential report, previously circulated.

The Chair invited K Morgan BL to address Committee.

Planning application LA01/2020/1235/O proposed infill site for dwelling between 51 and 53 East Road, Drumsurn at site adjacent 53 East Road, Drumsurn was determined by Planning Committee at the meeting held on 25 August 2021.

Council has received a Pre Action Protocol (PAP) to the Council dated 03 September 2021 regarding *"LA01/2020/1235/O Proposed infill site for dwelling between 51 and 53 East Road, Drumsurn at site adjacent to no.53 East Road, Drumsurn"*. The purpose of a pre-action protocol letter is to allow a prospective applicant to the High Court to set out their claims against the Council and to allow the right of reply.

IT IS RECOMMENDED that the Planning Committee **AGREE** to either Option 1 to apply to quash the decision or, Option 2 to defend Council's actions and instruct legal representation to defend Council's in any Judicial Review proceedings.

K Morgan BL provided confidential advice to Committee and responded to questions.

Proposed by Councillor McMullan
Seconded by Alderman Baird and

AGREED – that Planning Committee concede as per Option 1.

The Chair put the motion to the Committee to vote.
7 Members voted For unanimously.
The Chair declared the motion carried.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor Scott
Seconded by Alderman Boyle and

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

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

10.1 Timing of Meetings (Councillor McMullan)

Councillor McMullan raised the length of time of the meetings.

The Chair advised rushing through applications was not favourable but would not go through the list of speakers at the beginning of the meeting.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 6.00pm.

Chair