

**PLANNING COMMITTEE MEETING HELD WEDNESDAY 27 APRIL 2022**

**Table of Key Adoptions**

<b>No.</b>	<b>Item</b>	<b>Summary of Decisions</b>
<b>1.</b>	Apologies	<b><i>Alderman Finlay</i></b>
<b>2.</b>	Declarations of Interest	<b><i>None</i></b>
<b>3.</b>	Minutes of Planning Committee meeting held Thursday 24 March 2022	<b><i>Signed as a correct record</i></b>
<b>4.</b>	Order of Items and Confirmation of Registered Speakers	<b><i>Received</i></b>
<b>5.</b>	Schedule of Applications:	
<b>5.1</b>	LA01/2021/1438/F, Lands to the rear of 29-55 Church Street (formerly Daintyfit Factory) Church Street, Limavady	<b><i>Approve</i></b>
<b>5.2</b>	LA01/2020/0768/F, 35 Harbour Road, Ballintoy, Ballycastle	<b><i>Approve</i></b>
<b>5.3</b>	LA01/2020/0550/F, Approx. 30m SW of 147 Mountsandel Road, Coleraine	<b><i>Disagree and Approve</i></b> <b><i>Delegate Conditions and Informatives</i></b>
<b>5.4</b>	LA01/2021/1027/O, 50m East of 16 Cloughs Road, Cushendall	<b><i>In light of new information that has come forward from the Agent, defer the application for one month for submission of additional information</i></b>
<b>5.5</b>	LA01/2020/0293/F, 10 Ballyquin Road, Limavady	<b><i>Disagree and Approve</i></b> <b><i>Delegate Conditions and Informatives</i></b>
<b>5.6</b>	LA01/2021/0133/F, Approx 65m NE of 39 Friary Road Armoy, Ballymoney	<b><i>Disagree and Approve</i></b> <b><i>Delegate Conditions and Informatives</i></b>

	LA01/2021/0090/F, 17 Taughey Road, Ballymoney	<b><i>Deferred for a Site Visit</i></b>
<b>5.7</b>	LA01/2021/0676/F, 100m South East of 145 Bridge Road, Dunloy	<b><i>Refused</i></b>
<b>5.8</b>	LA01/2021/0642/O, North of 127 Moneydig Road, Kilrea	<b><i>Disagree and Approve. Delegate Conditions and Informatives.</i></b>
<b>5.9</b>	LA01/2021/1105/O, Between 24 and 26 Creamery Road, Cloyfin, Coleraine	<b><i>Withdrawn</i></b>
<b>6.</b>	Development Management and Enforcement	
<b>6.1</b>	Third Quarterly Report of Planning Performance	<b><i>Information</i></b>
<b>7.</b>	Correspondence:	
<b>7.1</b>	Dalradian Gold Ltd – Invitation to Site Visit	<b><i>Defer Dalradian Gold Ltd invitation to Site Visit report to the Planning Committee meeting in August 2022 for consideration.</i></b>
<b>7.2</b>	Donegal County Council – Review of CPD.	<b><i>Information</i></b>
<b>7.3</b>	DfC – Ballintoy Harbour – Owner Notification	<b><i>Information</i></b>
<b>7.4</b>	DfC – Council’s response – DfC Housing Supply Methodology	<b><i>Information</i></b>
<b>7.5</b>	PAC – Mid & East Antrim BC – Independent Examination LDP 2030 – Draft Plan Strategy	<b><i>Information</i></b>
<b>7.6</b>	DfI – Dunbeg Wind Farm – S26 Determination	<b><i>Information</i></b>
<b>8.</b>	Development Plan	
<b>8.1</b>	Quarterly Verbal Update	<b><i>Information</i></b>
	<b><i>‘In Committee’ (Items 9-9.2)</i></b>	
<b>9.</b>	Confidential Items:	
<b>9.1</b>	Report for Noting Finance Period 1-11 2021 22 Update	<b><i>Information</i></b>
<b>9.2</b>	Update on Legal Issues	<b><i>Information</i></b>

<b>10.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<b>None</b>
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**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND  
VIA VIDEO CONFERENCE  
ON WEDNESDAY 27 APRIL 2022 AT 10.33am**

**Chair:** Alderman Baird (C)

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

**Non-Committee Members Present:** Councillor Holmes (R)

**Officers Present:** D Dickson, Head of Planning (C)  
S Mathers, Development Management and Enforcement Manager (R)  
S Mulhern, Development Plan 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)  
S O’Neill, Senior Planning Officer (R)  
D J Hunter, Council Solicitor (R)  
N Linnegan, Council Solicitor (R)  
S Duggan, Civic Support & Committee & Member Services Officer (C/R)  
I Owens, Committee & Member Services Officer (R/C)  
J Keen, Committee & Member Services Officer (C)

**In Attendance:** A McDermott, Planning Officer (R)  
M McErlain, Planning Officer (R)

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

Public / Registered Speakers 16 no.(R)

**Key R = Remote C = Chamber**

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

<b>Item No</b>	<b>Name</b>
LA01/2021/1438/F	A Stephens L Magill

LA01/2020/0768/F	R Thicknesse M Colwell
LA01/2020/0550/F	M Howe C Black
LA01/2021/1027/O	J Simpson
LA01/2020/0293/F	D Quigley G Jobling
LA01/2021/0133/F	J Martin
LA01/2021/0676/F	D McKeown
LA01/2021/0090/F	L Ross
LA01/2021/0642/O	C McKernan L Kennedy

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

The Chair read extracts in relation to the Remote Meetings Protocol and reminded the Planning Committee of their obligations under the Local Government Code of Conduct.

## **1. APOLOGIES**

Apologies were recorded for Alderman Finlay.

It was noted that Councillor Anderson would be late to the meeting.

## **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **3. MINUTES OF PLANNING COMMITTEE MEETING HELD THURSDAY 24 MARCH 2022**

Copy previously circulated.

Proposed by Councillor Hunter

Seconded by Councillor Scott

- That the Minutes of the Planning Committee meeting held Thursday 24 March 2022 were signed as a correct record.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

**RESOLVED** - That the Minutes of the Planning Committee meeting held Thursday 24 March 2022 were signed as a correct record.

#### **4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS**

The Chair enquired whether there were site visit proposals from Committee.

Proposed by Alderman Duddy

Seconded by Councillor Scott

- That Application LA01/2021/1105/O, Between 24 and 26 Creamery Road, Cloyfin, Coleraine is deferred for two months for reasons not to be stated in the public domain.

The Chair suggested Planning Committee move *'In Committee'* to hear the reasons for requesting a deferral on the application.

#### **MOTION TO PROCEED *'IN COMMITTEE'***

Proposed by Alderman Boyle

Seconded by Alderman Duddy and

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

- \* **Press and public were disconnected from the meeting at 10.44am.**

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

The Chair invited the Head of Planning to read the Protocol for the Operation of the Planning Committee regarding disclosure of reasons for requesting a deferral of an application.

The Head of Planning cited from paragraph 6.3 (x), from the Protocol for The Operation of the Planning Committee regarding planning reasons for requesting a deferral and, after further debate, cited from paragraph 6.8 regarding the process for an application to be withdrawn from the schedule.

The Chair invited the Council Solicitor to provide Opinion on the proposal by Alderman Duddy, seconded by Councillor Scott.

Council Solicitor referred to paragraph 6.3 (x) of the Protocol for The Operation of the Planning Committee.

## **MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Alderman Duddy  
Seconded by Councillor Scott and

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

- \* **Members of the Press and Public were admitted to the meeting at 10.58am.**

Alderman Duddy advised that given the earlier submission, he withdrew his proposal, in agreement with the seconder, Councillor Scott.

### **5. SCHEDULE OF APPLICATIONS:**

#### **5.1 LA01/2021/1438/F, Lands to the rear of 29-55 Church Street (formerly Daintyfit Factory) Church Street, Limavady**

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

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Major Application.

**Proposal:** Section 54 application to vary Condition 2 (Quantitative Risk Assessment), Condition 3 (Remediation Strategy and Implementation Plan) Condition 4 (Remediation measures implementation) and condition 6 (Verification Report) of planning approval B/2005/0827/F - Erection of housing (59 residential units with associated 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 Approve planning permission subject to the conditions set out in section 10.

Development Management and Enforcement Manager presented as follows:

1. This proposal is a Section 54 or variation of condition application for a housing scheme approved in 2011. The conditions relate to land contamination given the previous industrial use of the site.
2. In terms of the Northern Area Plan 2016, the site is located on land identified as an Existing Area of Economic Development. This was on the basis that the site was occupied by the Daintyfit Factory, now demolished.
3. This is a major classified application. However, as a variation of condition application, it was not required to be accompanied by a PAN with pre-application community consultation.

4. The previous conditions required the submission of a risk assessment and remediation strategy prior to development commencing on site. However, these conditions were not complied with as development begun on one of the approved dwellings in October 2015 prior to the submission of the relevant reports etc.
5. This application seeks to vary the conditions to allow development of the site in four phases with agreement on the relevant issues prior to occupation of any of the dwelling units in the respective phases. In turn, this enables discharging the requirements of the conditions through submission of the relevant reports etc. on a phased basis.
6. The conditions, as amended, ensure the submission of a quantitative risk assessment, remediation strategy, implementation plan, implementation and post verification details before any dwellings are occupied in the respective phases. This meets the public health objective.
7. Conclusion- The proposed amendments are acceptable and the recommendation is to approve.

No questions were put to the Development Management and Enforcement Manager.

The Chair invited A Stephens and L Magill to speak in support of the application.

A Stephens advised he was representing Matrix Planning and L Magill Triangle Housing. A Stephens stated he was in support of the recommendation to grant variation of conditions as outlined. The Committee Report and presentation are comprehensive and robust and provide a chronology of history and circumstances of the site. The variation is compliant with its original purpose and all material considerations considered. There have been no objections from third parties nor statutory consultees, is compliant with relevant planning policies and recommendation to grant is correct. The application would enable a phased approach for Triangle Housing, and much needed social housing for local people.

There were no questions put to the speakers.

Proposed by Councillor Scott

Seconded by Councillor McGurk

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

The Chair put the motion to the Committee to vote.



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

**RESOLVED** - 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.

## **5.2 LA01/2020/0768/F, 35 Harbour Road, Ballintoy, Ballycastle**

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

**App Type:** Full

**Reason for presenting to Planning Committee:** Objection application.

**Proposal:** Replacement Dwelling

### **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 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.

### **Addendum 2 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 as follows:

- (Slide) The site is located within the rural area outside of any development limit and is located within the Causeway Coast AONB and Ballintoy Harbour LLPA.
- (Slide) The site comprises the existing dwelling at no 35 Harbour Road.

- (Slide) vacant bungalow, simple rectangular form with pitched roof and flat roof side extension and conservatory, finished in smooth render with pitched slate roof
- (Slide) Topography decreases in level to north.
- The proposal seeks full permission for the replacement of no 35 Harbour Road.
- The existing dwelling has a footprint of (8.2m x 6.4m x 4.4m) 52.5 sqm
- Previous approval for a replacement dwelling granted by Committee 28/1/16 which was live at the time of submission
- The approved dwelling main footprint is 83 sqm finished in smooth render, stone detailing
- The proposed dwelling has a main footprint (11.3m x 7.4m x 5.8m) 84 sqm so is broadly the same size. The main changes are the proposed finishes which proposed cement boards colour blue/black and minor amendments to fenestration, narrow windows to front elevation and the removal of two upper floor windows on east.
  
- This application is brought before Committee as an objection item as 11 objections were received from 9 objectors from 6 addresses. One (1) further representation from one address raised non-committal points. And two further objections were received since the application was added to the Committee schedule and are subject of addendum 1 and 2. A further objection was withdrawn. The points raised by objectors include:
  - Impact on the listed building (Coastguard Cottages)
  - Loss of view from Coastguard Cottages
  - Scale of proposal
  - Use of the dwelling as a holiday home
  - Design is out of context with the area
  - Impact on AONB and LLPA
  - Impact on biodiversity.
  - Visual impact given the location of the site – visible from a number of directions
  - Loss of privacy
  - Increased traffic
  - ownership of lane and right of way
  
- Turning to the assessment of the proposal and consideration of the objections.
  
- The proposal is located within the Ballintoy Harbour LLPA the main features are the cluster of buildings along Harbour Road and it is visually important that this cluster remains compact in this landscape. The proposal replaces an existing dwelling on the same footprint and will therefore not result in the expansion of the cluster, the proposal complies with policy ENV1 of NAP.

- The SPPS and PPS21 support a range of types of development in the countryside, one of which is a replacement dwelling.
- (Slide) No 35 is a vacant bungalow, all 4 structural walls are intact, the roof is intact and all windows and doors have been covered in weatherboarding. The dwelling exhibits the essential characteristics of a dwelling and complies with this section of policy CTY3.
- The proposed dwelling is sited within the established curtilage and complies with policy.
- (Slide) The proposed dwelling is modest in scale and is on the footprint albeit larger of the existing dwelling but officials are of the opinion that the proposed dwelling will not have a visual impact significantly greater than the existing and will have a similar visual impact to the dwelling previously approved by Committee under LA01/2015/0205/F. The proposal is of an appropriate size and utilizes the site contours to introduce a basement with outdoor patio/balcony above. The scale, massing and orientation of the proposed dwelling respects the existing. The proposal complies with policy.
- (Slide) The design is contemporary with large, glazed areas to the north, the southern front elevation is traditional with small porch and appropriate solid to void. Windows have a vertical emphasis and chimneys are expressed in the ridge of a pitched roof. The design is satisfactory in terms of width, depth and height similar to the previous approval and is considered acceptable in the context of the variety of designs and sizes along Harbour Road.
- (Slide) Finishes of blue/black fire cement board and rubble stone walls are to reflect local vernacular and when coupled with siting will allow for successful integration.
- (Slide) All necessary services are available and a treatment plant is proposed within the curtilage of the site. Proposal complies with policy.
- Access is proposed via the existing shared lane, no alterations are proposed to the lane and parking is located on the gravel drive to the southside of the dwelling. Access to the proposed dwelling is acceptable in principle and DFI Roads have no objection. It is noted that the access is substandard but as the existing dwelling could be made habitable with minor works measures could be taken to provide acceptable visibility by way of an informative. Notice was served on the owner of the access. The proposal complies with criteria 5 and PPS3.

- (Slide) The proposal will group with existing development, will be partially screened by no 33 when viewed from Harbour Road, the proposal is not considered to be prominent, and will adequately integrate given scale, mass and location within the existing curtilage.
- (Slide) Historic monuments have been consulted and have no archaeological concerns.
- (Slide) Historic buildings have been consulted due to the proximity of listed buildings such as Bendhu and the Coastguard Cottages and have no objections to the scale, height, massing and alignment which does not impact on the setting of the listed building.
- In addition it is considered that the proposal is acceptable and will not detract from the character and appearance of the AONB.
- A bat survey was carried out and buffer zone of 14m where no development can take place has been proposed. On that basis NED is satisfied that the proposal complies with policy.
- In terms of loss of view, planning does not exist to protect the private interests of one person against the activities of another. A private view is considered to be a private interest.
- In terms of residential amenity, the proposal will not result in unacceptable overshadowing, loss of light or overlooking towards Coastguard Cottages due to the scale and massing, separation distances (21m) and orientation.
- In terms of no 33, this property may experience some overshadowing in the morning as it is on the eastern side of no 33. However, the property replaces an existing dwelling and given the size, scale and separation distance the impact does not merit refusal. The two windows in the western gable are not considered to result in loss of privacy due to their scale and the screen proposed along the patio/balcony could be finished with obscure glazing as per the previous approval to maintain residential amenity.
- On balance taking all the representations into consideration along with all other material considerations, approval is recommended for this replacement dwelling.

In response to questions from Planning Committee, Senior Planning Officer illustrated via a slide, there was no difference in the ridge height between the previous application approved and this application; the existing dwelling ridge height 4.4m and proposed ridge height 5.8m which is the same as previously approved and a difference of 1.4m from the existing dwelling; HED aware of

the application and had various consultations, HED had asked for detail of the sections which were received and raised no objections.

The Chair invited R Thicknesse to speak in objection to the application.

R Thicknesse advised Coastguard Cottages were in favour of a new house replacement but were worried about the size. The Report states it is not significantly larger than the existing however he queried how can a 3 or 4 bed house replace a tiny bungalow? The main body of the house is 62% larger and 33% higher, a largely significant increase. The height is crucial. No 29 Harbour Road had been refused until the proposal lowered, it is inconsistent with this application. This proposal is in a more prominent position in the skyline clifftop. As per the guidelines, reduction in size would benefit the landscape and residents. In 2016, the permission had problems, failed to provide ecological appraisal and Conditions imposed and ignored.

R Thicknesse stated Coastguard Cottages was a tiny settlement of 4 terraces and 1-2 bed, 3 small houses and would be overwhelmed. The enclave is impacted by traffic and this would increase with a 3-4 bed house. Regarding the view from Carrick-A-Rede, the house will stick out and dwarf next door and be prominent in the skyline. The house threatens the area, people's views should be valued and listened to and asked for a simple and reasonable reduction in size.

No questions were put to R Thicknesse.

\* **Councillor Anderson joined the meeting at 11.29am.**

The Chair invited M Colwell to address Planning Committee in support of the application.

M Colwell stated he was reiterating the points raised by the Planning Officer. For those who live close by new development, it is unsettling to see change happening. Throughout there has been liaison with Planning and HED and have not sought to provide a bigger house than had planning permission for. M Colwell stated there had been time spent providing Planning Department and HED with documents showing limited impact with the new proposal. They were reducing site levels to minimise impact and worked with HED regarding materials to ensure contextually it will fit in and they are satisfied. The contextual issue is the main planning objection.

M Colwell stated that throughout he had demonstrated a well-considered and thoughtful proposal, to tie in with the surrounding area and not adversely affect the area. He referred to the concern of the location on a cliff top edge, when in reality, he advised, the site is

further back from the edge by 60m and hidden from view of the Harbour and screened on the existing site and in the landscape. M Colwell stated they had worked hard with all relevant bodies and agree with the expert opinion, other objections raised are not planning matters.

No questions were put to M Colwell.

In response to questions from Planning Committee Members, Senior Planning Officer clarified, regarding size and height, there had been a detailed assessment of acceptability of size, scale and height as detailed within the Planning Committee Report. The footprint of the previous approval by Planning Committee in 2016 is 1m<sup>2</sup> of difference. The height the same as approved at 1.4m higher than the existing dwelling, 5.8m acceptable for modern accommodation. Regarding views of the surrounding area, the same as the previous approval, there is no difference in views. Differences relate to finishes and fenestration. The size, scale and massing are the same as 2016 approval.

Senior Planning Officer clarified she did not know the planning history of no. 29 Harbour Road and could not advise. The AONB had been referred to in paragraph 8.26 of the Planning Committee report.

The Head of Planning clarified the history of no. 29 Harbour Road was separate to this application. The planning history of this application site is a relevant material consideration, the 2016 Planning permission granted by Planning Committee.

Proposed by Councillor Nicholl

Seconded by Councillor MA McKillop

- 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 **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

**RESOLVED** - 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 **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair declared a recess at 11.46am.

- \* **The meeting reconvened at 12.01pm.**
- \* **Committee & Member Services Officer, J Keen left the meeting at 12.01pm.**

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

### **5.3 LA01/2020/0550/F, Approx. 30m SW of 147 Mountsandel Road, Coleraine**

Reports and site visit report, previously circulated presented by Senior Planning Officer, J Lundy.

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Referred Application.

**Proposal:** Proposed split level dwelling and garage

#### **Recommendation**

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

#### **Addendum Recommendation**

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

#### **Erratum**

Addendum Recommendation should read "...to refuse the application..." rather than to approve.

- The application was initially presented to the October Planning Committee and deferred to allow a site visit. It was then presented to the November Planning Committee where it was deferred to allow the submission of amended plans. No amended plans were submitted. However a further appeal was submitted and circulated yesterday and a verbal addendum provided.
- Accompanying the committee report is a site visit note, an addendum and an erratum. The addendum relates to the Development plan teams response to the issue of the thickness of the Settlement Development Limit. As set out in the addendum the development plan team advises that it was a deliberate decision to exclude the rear gardens of the dwellings in this location due to the prevailing wooded character of the River Bann which presented a cohesive and highly attractive landscape, tied into the

Mountsandel Fort, and the rivers environment upstream, towards Loughan. Inclusion within the Settlement Development Limit would have signalled that the development in principle was acceptable in this area when an over-riding public objective was to maintain this highly attractive and continuous river landscape hence the LLPA designation.

- In relation to the additional information submitted. It relates to a PAC decision that was allowed for a dwelling outside the Settlement Development Limit.
- Included in the slide is the map of the Appeal site in relation to the Settlement Development Limit. The appeal was in Halfpennygate in Lisburn. The Commissioner allowed the appeal as an exception to PPS and summarised the reasons why under paragraph 8. Namely that the existing curtilage was within the Settlement Development Limit and the site, shown as a star, was enclosed on 3 sides by the Settlement Development Limit. Secondly the sites western boundary has a substantive tall hedgerow that would provide a stronger edge to the Settlement Development Limit than the weak hedge to the east and the thirdly that the proposal would appear as part of the existing settlement form which encloses it, consolidating the existing settlement form and providing a stronger, more compact and logical edge to the Settlement Development Limit. The application site is not comparable. It is not enclosed by the Settlement Development Limit. The application site is within a LLPA and deliberately excluded to protect the features and would not provide a stronger edge to the settlement limit if approved. Furthermore, it would if approved further encroach into the countryside.
- The site as shown in the red line is located to the rear of No 147. The image on the right has been provided by the Area Plan team. As discussed previously the Settlement Development Limit shown in black is only to show clearly the location of the Settlement Development Limit. It is in fact a narrow line that runs along the features of the base map. This was provided by the Area Plan team. The black line runs to the rear of the curtilages on Kylebeg Avenue and then across the rear gardens of the dwellings on Mountsandel Road. As the site is located within the countryside Policy CTY 1 of PPS 21 is applicable.
- The site for the dwelling is located outside of the Settlement Development Limit as designated in the Northern Area Plan.
- The extract from the area plan. The black line is the Settlement Development Limit and the green hatch relates to LLPA CEL 13 designated in the Plan and detailed on page 8 paragraph 8.11 of the Report. This sets out the features of the designation namely the SLNCI to



the east and the lower density housing and extensive and visually significant woodland on the steep slopes rising from the Bann.

- This slide details the planning permission permitted to the front of the site to replace the 2 storey garage. The agent was advised that there may be scope within the curtilage to provide a 3rd dwelling but this would require a further application or PAD.
- The submitted block plan with the application. Shows the site in context with N0. 147, the vegetation and contours of the land falling to the River Bann. The site falls 5m from the proposed retaining wall to the front of the dwelling. A 2m retaining wall is proposed to the rear along the shared boundary of No. 147 with 3m high retaining walls extending beyond the east and west gables.
- The proposal submitted for the November committee. This proposal is outside of the Settlement Development Limit.
- The existing access from Mountsandel Road. The building in the fore of the garage to be demolished to make way for a new dwelling.
- Photo of the front of the site; the ridge of No 147 is just seen in the tree line.
- the line is the approximate location of the Settlement Development Limit.
- Views from the path to the Mounstandel forest into the site (2 slides)
- From here there will be some views of the western elevation, the 2 storey dwelling and extensive grounds works.
- Views of the site and slope towards the River Bann
- Looking up at the existing house
- Looking across the site west to east. A preliminary ecological assessment was submitted and NIEA NED and SES have no objection subject to conditions if approved.
- 2 storey dwelling, built on a platform with 3m high retaining walls though views are limited we still have concern with the dominance of the proposed dwelling in this rural area extending beyond the Settlement Development Limit.
- A section of the site detailing the levels of cut required.
- The application has been recommended for refusal in that the proposal would also be liable to adversely affect the features of the LLPA and the design of the building is inappropriate for the site and fails to blend with the landform contrary to policy CTY 13. It does not meet with the exceptions of policy CTY 1 for a house in the countryside and would if approved result in urban sprawl and contrary to policy CTY 15 of PPS 21.
- The design and access statement refers to No. 155a , located to the east which they say is also partially on the line. The statement also refers to a boat house on the river and a CLUD approved on the application site.

- No 155a was approved by the PAC 17 years ago when the land was within the Settlement Development Limit of the North East Area Plan 2002. These dwellings were considered under a different planning context and are not relevant to consideration of this application against current policy. The draft Northern Area Plan was prepared in 2004 and the dwelling was most likely not built at that time hence the line dissecting the property.
- We have been unable to find any history for the boat house to the rear of No's 173 to 175 referred to by the agent.

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

- A slide illustrating the Settlement Development Limit; no. 155 had been approved 17 years ago and dwellings not built at the time of 2004 when the Settlement Development Limit was drawn for the draft Northern Area Plan;
- Illustrated the Settlement Development Limit that clips the garage, the remainder on the outside of the Limit. The main body of the house garage attached to the house; it is 11m to the main body of the house from the Settlement Development Limit;
- No. 155a approved by PAC 17 years ago;
- A draft map from 2004 and dwellings most likely were not built at the time and a different Planning context;
- Agent submitted information of a boat house but Planning Department are unable to identify any planning history for a boat house;
- Settlement Development Limit changed since PAC decision 17 years ago – previously North East Area Plan Settlement Development Limit in 2002, the development limit line has changed.

The Chair invited M Howe and C Black to address Planning Committee in support of the application.

C Black stated two separate related points -

- 1) His family had lived in no. 147 Mountsandel Road for 50 years, and can remember the house surrounded by agricultural fields, compared to now with street lighting, urban sprawl. Site bound by South, West, East and the Mountsandel Road and extensive development to the North;
- 2) The dwelling within the Settlement Development limit and had asked the Architects to design a dwelling to enhance the landscape and this proposal achieves this, blends with the natural contours of the land, integrates and enhances the landscape which has been sympathetically managed for 50 years.

M Howe stated the site if within the Settlement Development Limit would remove large mature trees, be in proximity to the Mountsandel walk and there are multiple appeal decisions to support it can be built on the thickness of the Settlement Development Limit. An additional 8.5m of the site would be in the

Settlement Development Limit. The site should be within the Settlement Development Limit to round off, the Settlement Development Limit in the back garden. If refused would go against 2 clear PAC decisions. Policy CTY15 is the visual test, and the development would not mar distinction if it reads as part of the Settlement Development Limit. Regarding Integration, it is not unduly prominent due to the surrounding vegetation. The domestic outbuilding on site could be approved via CLUD. This is a unique site and no precedence would be set; 29 Neighbour Notifications sent out and no objections.

In response to questions from Planning Committee Members, M Howe clarified that it is allowed to develop on the thickness of the development limit line which is 8.5m thick. There is not a feature on the ground that the line has been drawn to; there is nothing on site to infer the reason for the line. The back garden is cut in two; historically there was a fence but this has been removed. The neighbours still have their fence well beyond the development line. M Howe stated he would argue the garage is wholly inside the black development line, and 4<sup>1/2</sup> m takes you to the house. C Black further clarified the original fence was 8-10m south of the where the new development line is supposed to be on the map. M Howe clarified it seems to be running at the back of Kylebeg; to the front of the houses already been built, 3 sites up beyond where this line is supposed to be and the properties in place. The natural contour is well beyond where the line is supposed to be. Photographs on the map in 1982 show that.

In response to a query from The Chair whether photographs and an OS map were submitted on the application, M Howe stated, no, that as part of the new evidence, the overriding information was the new Appeal decision and this was submitted to Planning.

The Chair invited Senior Planning Officer to comment on the Appeal cited, as it may or may not have an impact on the application.

Senior Planning Officer shared her presentation on screen again. She stated the Appeal Site 2013/A0133, the PAC Commissioner advised the site was enclosed by 3 lines of the Settlement Development Limit. At the back of the site is a very strong fence and tree cover, enclosed by development and settlement development Limit and not extending further out to the countryside and read with built development in the area and enclosed on 3 sides. It is not comparable to this site. This application site does not have development on 3 sides and extends out into the countryside, if approved. The Appeal regarding the thickness of the line is referred to in the Addendum. The NEAP was pre-GIS and tape was used to mark the Settlement Development Limit and physically placed on maps resulting a crude line. Kylebeg and rear gardens deliberately excluded from the Settlement Development Limit to maintain the highly attractive landscape from Mountsandel Fort to the Loughan. Senior Planning Officer illustrated via a slide the existing house and extension and advised the

proposed dwelling on the slide was an indicative option that was not proceeded with any further by the agent.

The Head of Planning clarified all that had been resubmitted was the PAC decision and no further amendment to the location of the dwelling since November's meeting. The footprint of the dwelling within the slide is not the proposed development subject to this application as no further information in relation to this was submitted.

Councillor Hunter pointed to a typing error, Senior Planning Officer referred to the Erratum that had corrected to read as a refusal.

Proposed by Alderman Duddy

Seconded by Alderman S McKillop

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the reasons:
- The Settlement Development Limit goes back to 1998 and the thickness of the line. Consideration given to the topography of the area and it is subjective on where the line sits on the ground.
- The current proposal is only 4m into the site if the back of the line is taken; if front of line then 11m into countryside.
- The Planning Committee Report confirms that there are no objections to the application from statutory agencies.
- Taken into account the consideration and impact of re-siting the dwelling within the Settlement Development Limit; re-siting will result in loss of mature trees which is an important consideration and the location in the Mountsandel Forest area.
- The line sits across the roof of the dwellings of no. 155 these houses are up since 2005;
- The accuracy of the line taken into consideration, how it was redrawn;
- The size and scale of the proposed development and given the urban sprawl that already exists in the Mountsandel area, considers the proposal will not have a detrimental impact on the Mountsandel area;
- The site is well bounded by a number of mature trees and visually sits well in with the area;
- There is no planning history for the boat house that sits way below the line;
- Policy CTY15, development would not result in urban sprawl, it already exists in the Mountsandel area and the proposed development will visually link with existing development and will not mar the distinction with the countryside;
- There will be no impact on the proposed cycle path and footpath;
- PAC would consider the site to be natural rounding off of the Settlement Development Limit and it will integrate well.

In response to a question, the Head of Planning clarified the Settlement Development Limit adopted in the Area plan cannot be changed other than through the new Local Development Plan. The Head of Planning clarified it was generally taken to be the inside line that was taken as the edge of the settlement development limit.

Councillor Hunter requested a Recorded Vote.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

There was no response to the call for a vote from Councillor Dallat O'Driscoll.

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

- The Settlement Development Limit goes back to 1998 and the thickness of the line. Consideration given to the topography of the area and it is subjective on where the line sits on the ground.
- The current proposal is only 4m into the site if the back of the line is taken; if front of line then 11m into countryside.
- The Planning Committee Report confirms that there are no objections to the application from statutory agencies.
- Taken into account the consideration and impact of re-siting the dwelling within the Settlement Development Limit; re-siting will result in loss of mature trees which is an important consideration and the location in the Mountsandel Forest area.
- The line sits across the roof of the dwellings of no. 155 these houses are up since 2005;
- The accuracy of the line taken into consideration, how it was redrawn;
- The size and scale of the proposed development and given the urban sprawl that already exists in the Mountsandel area, considers the proposal will not have a detrimental impact on the Mountsandel area;
- The site is well bounded by a number of mature trees and visually sits well in with the area;
- There is no planning history for the boat house that sits way below the line;
- Policy CTY15, development would not result in urban sprawl, it already exists in the Mountsandel area and the proposed development will visually link with existing development and will not mar the distinction with the countryside;
- There will be no impact on the proposed cycle path and footpath;
- PAC would consider the site to be natural rounding off of the Settlement Development Limit and it will integrate well.

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

Recorded Vote Table

For (10)	Alderman Duddy, McKeown, S McKillop
	Councillors Anderson, McGurk, MA McKillop, McLaughlin, McMullan, Nicholl, Scott
Against (3)	Alderman Baird, Boyle, Hunter

The Chair declared a recess at 12:57pm.

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

The Head of Planning undertook a roll call.

- \* **Councillor McGurk did not re-join the meeting.**
- \* **Councillor Dallat O’Driscoll was not in attendance at this time.**

**5.4 LA01/2021/1027/O, 50m East of 16 Cloughs Road, Cushendall**

Report and site visit previously circulated, presented by Senior Planning Officer S O’Neill.

**App Type:** Outline Planning Address: 50m East of 16 Cloughs Road, Cushendall

**Reason for presenting to Planning Committee:** Referred application.

**Proposal:** Infill dwelling and garage

**Recommendation**

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

Senior Planning Officer presented as follows:

- (Slide 1 and 2) This application is for an infill dwelling and garage at 16 Cloughs Road Cushendall. This is a referred item. No objections have been received and the consultees are all content subject to conditions.
- The site is located within the open countryside and is within the Antrim Coast and Glens AONB as designated in the Northern Area Plan 2016.
- The proposal was considered against the policies in the Northern Area Plan, the SPPS and PPS 21 with particular regard to Policies CTY 8, 13, and 14. The proposal was also considered under Policy NH 6 of PPS 2 which relates to AONBs.

- (Slide 3) The site is located between the dwellings at 14 Cloghs Road to the east of the site and by 16 Cloghs Road to the west of the site. There is also a small temporary structure located to the east of the site.
- Within Policy CTY 8 of PPS 21 it is stated that Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- (Slide 4, 5, 6) This photograph shows the dwelling at 14 Cloghs Road which is stepped back from the main road via laneway which provides access to the dwelling and an agricultural laneway.
- This photograph shows the laneway which is used to access the dwelling at 14 Cloghs Road in context with the site and the dwelling at 16 Cloghs Road which can be seen in the background
- This aerial photograph shows that the site is accessed off the main road via a small laneway and does not have a frontage onto Cloghs Road. As the dwelling at 14 Cloghs Road does not have a road frontage it cannot be considered a building located within a substantial and continuously built-up frontage.
- (Slide 7) This is a photo of the dwelling at 16 Cloghs Road which does have a frontage onto the main Cloghs Road. Due to the siting and small scale nature of the garage and barbecue hut these structures do not contribute to a substantial and continuously built up frontage.
- (Slide 8 and 9) This shows the temporary structure located to the east of the site from the main road. This is an unauthorised building and will be taken forward by the Planning department. Given its temporary nature this cannot be considered a building for the purposes of this policy CTY 8. The temporary structure also does not have a frontage onto the main road. Given the fact that the dwelling at 14 Cloghs Road does not have a frontage onto the road and that the temporary building has been discounted, it is considered that the proposed site is not located within a substantial and continuously built-up frontage. There are also concerns regarding the site frontage which extends to 71.4 metres which is considerably larger than the frontage of 16 Cloghs Road which is approximately 49 metres. Given this the proposal fails to respect the

pattern of development in the area. The proposal fails Policy CTY 8 of PPS 21

- (Slide 10) This shows the current frontage of the site. It is considered that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on new landscaping for integration. The proposal will also have a detrimental impact on rural character and the special character of the AONB. The proposal fails to comply with Policies CTY 13 and CTY 14 of PPS 21 and Policy NH6 of PPS 2 which relates to development in an AONB.
- Refusal is recommended.

No questions were put to the Senior Planning Officer.

The Chair invited J Simpson to address Committee in support of the application.

J Simpson stated he had received additional information on the morning of the meeting, a change in the dynamics of the application and would like the opportunity to go through it and to submit it in writing.

The Head of Planning advised it was a matter for Planning Committee whether to defer the application, subject to the submission of further information or have a 5 minute presentation, she clarified the information should have been submitted prior to the Planning Committee meeting.

Proposed by Councillor McMullan

Seconded by Alderman Boyle

- That Planning Committee, in light of new information that has come forward from the Agent, defer the application for one month for submission of additional information.

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 and application deferred.

**RESOLVED** - That Planning Committee, in light of new information that has come forward from the Agent, defer the application for one month for submission of additional information.

\* **Councillor Dallat O'Driscoll joined the meeting at 2.20pm.**



## 5.5 LA01/2020/0293/F, 10 Ballyquin Road, Limavady

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

**App Type:** Full Planning

**Reason for presenting to Planning Committee:** Referred application.

**Proposal:** Change of use from existing community hall to Class A1 use for sale and display of carpets (including storage of carpet rolls), Plus the relocation of the existing access arrangements onto the Ballyquin Rd

### **Recommendation**

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

### **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 as follows:

- (Slide 1) The site is located at 10 Ballyquin Road a former Community Building. The site is located within the Settlement Development Limit of Limavady but outside the designated town centre as provided for by the Northern Area Plan.
- (Slide 2) Rossmar School is situated to the Northern boundary, Limavady Grammar on the opposite side of the road to the west and residential development abuts the southern boundary.
- (Slide 3) The building is single storey, constructed in red brick with pitched roof.
- (Slide 4) The roadside boundary is defined by a red brick wall with black metal railing, the Northern and Eastern boundaries are defined by a 2m high palisade fence and the Southern boundary is defined by a wooden fence.
- This is a full application for the retrospective change of use from community hall to Class A1 retailing use for the sale and display of carpets (including an element of Class B4 storage) and the relocation of the access point along Ballyquin Road.

- 3 letters of objection were received which objected to the loss of parking and impact of deliveries on residential amenity. Roads and EHO have not raised any concern and the proposal will not result in the loss of parking.
- The site is located outside the town centre as provided for by the Northern Area Plan. Therefore the SPPS is the primary policy consideration the aim of which is to support and sustain vibrant town centres through the promotion of established town centres as the first choice of retailing and other complementary functions consistent with the RDS and advises at Paragraph 6.273 that Planning Authorities must adopt a town centre first approach for retail and main town centre uses. SPPS goes on to state that a sequential test should be applied to applications for main town centre uses which are not within an existing town centre and are not in accordance with an up to date plan. J McMath explained the sequential test set out in the SPPS.
- The sequential test submitted by the applicant established the catchment area as being the Limavady area and limited its assessment to Limavady town and identified very specific selection criteria namely
  - (i) Available to rent
  - (ii) 200 sq m floorspace across a single level
  - (iii) On site service yard
  - (iv) Accessible site location
  - (v) Within Limavady catchment
- All ten sites included in assessment were ruled out due to insufficient floorspace for a showroom and storage and no in-curtilage servicing.
- While the information is not disputed, the scope and nature of the methodology is very limited and does not represent a reasonable assessment of available options. For example
  - a. only rental properties are considered with no explanation why properties for sale are not considered. This may have resulted in sites being overlooked.
  - b. A recent search has identified a rental property within the town centre which exhibits the essential criteria and there is no justification for its exclusion from the assessment.
  - c. to separate the showroom and store to two separate properties has been dismissed on the grounds of cost but no evidence to demonstrate that the combined rental expenditure would exceed that of a town centre site has been forthcoming.
  - d. the business originally operated from a property within the town centre and was vacated to relocate to this out of centre location, this has resulted in an increase in vacancy rates and a loss of expenditure in the town centre. The reason for the relocation was given as the business as having outgrown the existing building and lack of customer parking and servicing.

- e. no edge of centre sites were identified or considered.
- It has not therefore been demonstrated that there are no suitable town centre or sequentially preferable sites for this retail unit and therefore it has not been demonstrated that the site is sequentially the most appropriate location for the proposal.
- The Nexus Retail Capacity Update indicates that there is an oversupply to local need of comparison retail in Limavady. The specific figures are quoted in para 8.18 of the Report. As such the Report outlines that there is more retail floorspace within the town centre than the catchment expenditure can support, comparison retail uses should therefore be directed to the town centre to uptake some of the deficit and direct expenditure to the town centre to maintain the vitality and viability of the town centre as required by the policy.
- The planning function seeks to regulate the use of land in the public interest and the concentration of goods and services within a defined retail core strengthens and supports the vitality and viability of the centre and contributes to a sustainable pattern of development by reducing reliance on the car. As a consequence of not demonstrating that there are no sequentially preferable sites to this out of centre location the increase in vacancy rates will have an unacceptable impact on the vitality and viability of Limavady Town centre. It would create an unacceptable precedent.
- Refusal is recommended

No questions were put to the Senior Planning Officer.

The Chair stated at the site visit there was a warehouse with carpets and flooring and potentially another business on the site.

Senior Planning Officer responded, that it appeared there was a groundworks business at the rear of the site, with no application nor planning history and was therefore being looked into by the Planning Department.

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

G Jobling stated the application is for the reuse of an existing building that had been attempted to be used for other businesses and failed and will save the local carpet business. It promotes urban renewal and economic development. The policy is Town Centre first but not Town Centre only. Outside the town bulky goods are acceptable as they are not suitable for the Town Centre due to the carpets size and transport; SPPS allows for this; Town Centre is not viable for 20ft long carpets, there are no loading areas, and challenging for

fitters who may need to be there twice per day. It is not a complete level playing field by having to buy to order, and unable to compete in the market. There is no viability in purchasing a building; new premises are needed otherwise the business would fold. The SPPS sequential site assessment allows Town Centre, edge of town and then outside Town. Methodology applied is relative to the scale of development, properties for rent of sufficient size and length, for 20 ft loading areas and proportionate to use. Complies with 6.279-6.281 of SPPS and justified where there is no demonstrable harm. Benefits include the use of a vacant site, 13 jobs, 10 carpet fitters, business rates and HMRC payee in a mixed use urban area, serviced by bus routes and permissible under Policy. Refusal would jeopardise the business and leave the site vacant, is reuse of a vacant building and an opportunity to reutilise and reuse.

In response to questions from Planning Committee, G Jobling clarified the business originally located in Connell Street, Limavady, on a single floor 2-storey building for one year. Moved directly to the current site and is a retrospective application. G Jobling advised the applicant could not store carpets within the building; having samples on display, and had to order as a customer purchased. The applicant can now buy in bulk and offer a competitive rate. An opportunity to rent in the Town Centre was not available would have to employ another staff member for a separate warehouse.

In response to questions from Planning Committee, Senior Planning Officer illustrated a slide regarding the Town Centre boundary location, within draft Northern Area Plan 2004, Northern Area Plan 2016.

Proposed by Councillor Nicholl  
Seconded by Alderman Duddy

- That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to Approve planning permission for the reasons:
  - Accepts the agents rationale
  - SPPS does allow for out of town centre. The site is surrounded by other uses outside the Town Centre boundary;
  - Sequential Test has been applied; to have to work out of two buildings in Limavady Town Centre is not practical given age and infrastructure of the Town Centre.
  - Two separate units are not economically viable, other options have been looked at;
  - Things have substantially moved on in society and business has as well. The business is of economic benefit to Limavady, SPPS allows out of Town for bulky goods, given more recent larger stores such as Tesco, Lidl, Home Bargains in Limavady and are all purpose built.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

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

- Accepts the agents rationale
- SPPS does allow for out of town centre. The site is surrounded by other uses outside the Town Centre boundary;
- Sequential Test has been applied; to have to work out of two buildings in Limavady Town Centre is not practical given age and infrastructure of the Town Centre.
- Two separate units are not economically viable, other options have been looked at;
- Things have substantially moved on in society and business has as well. The business is of economic benefit to Limavady, SPPS allows out of Town for bulky goods, given more recent larger stores such as Tesco, Lidl, Home Bargains in Limavady and are all purpose built.

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

- \* **Committee and Member Services Officer, I Owens arrived in The Chamber at 2.57pm, having joined remotely previously.**
- \* **Civic Support & Committee & Member Services Officer left The Chamber and joined remotely.**

#### **5.6 LA01/2021/0133/F, Approx 65m NE of 39 Friary Road Armoy, Ballymoney**

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

**Reason for presenting to Planning Committee:** Referred Application

**App Type:** Full Planning

**Proposal:** Proposed 2 no. agricultural sheds

#### **Recommendation**

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

#### **Erratum 1 Recommendation**

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

Senior Planning Officer presented as follows:

- (Slide) Planning Application LA01/2021/0133/F. This is a full application for 2 no. agricultural sheds at lands approximately 65 metres NE of no. 39 Friary Road, Armoy.
- There is an erratum to accompany the committee report.
- (Slide) This is the red line boundary of the site. The site is located in the countryside as defined in the Northern Area Plan. The site has a roadside location cut out of a larger agricultural field and with the majority of the boundaries undefined.
- (Slide) This is the site layout drawing showing the location of the 2 agricultural sheds. The sheds are to house hay and farm machinery. The proposal falls to be considered under the SPPS and Policy CTY 12 of PPS 21. Firstly, to comply with policy CTY 12 the applicant needs to demonstrate that the farm holding is active and established. The applicant provided details of the land owned and rented. The only land owned by the applicant is the application site together with adjacent lands totalling 10.5 acres which were purchased by the applicant in November 2020. The applicant has rented additional lands, outside the Council area, at Newtowncrommelin and Cargan – between 12 and 8 miles from the application site. The only part of the farm holding which the applicant claims has been farmed for more than 6 years is the rented lands at Cargan and Newtowncrommelin. A letter from the landowner advises that the applicant had use of the land for grazing purposes for the past 6-7 years. Several receipts were submitted ranging from 2016 – 2021. They included confirmation of payments for cattle feed, vet bills and livestock medicines as well as a herd list dated March 2022 from DAERA referring to 18 cattle. It is accepted that the applicant has an active and established farm business.
- However, the land on which the application is proposed was purchased by the applicant in November 2020 and as such has not formed part of the holding for the required 6 years as required by Policy CTY 12. There are a number of relevant PAC decisions on this issue and are referenced in the Committee report. Ref 2018/A0164, the Commissioner stated that despite the period of agricultural activity having been met the appeal site did not form part of their farming activities until their purchase and there was no justification for allowing development on lands purchased less than 6 years ago.
- The applicant currently rents sheds at no. 11 Friary Road. It hasn't been demonstrated that the applicant cannot continue this arrangement or find alternative sheds to meet the needs of the farm business. Also this site is a remote distance from other lands rented and would appear as a

less practical and efficient option. It has not been demonstrated that the proposal is necessary for the efficient use of the holding.

- (Slide) Looking at some photographs of the site. This is a view of the site frontage and provides a certain level of screening to the site on approach along Friary Road from a northern direction.
- (Slide) This is approaching the site from the opposite direction. On this approach it is evident that the site lacks long established natural boundaries to provide enclosure. Due to the raised site levels any buildings on this site would appear prominent and fail to integrate. The proposal also fails policies CTY 13 and 14 of PPS 21.
- Recommendation is to refuse planning permission

There were no questions put to the Senior Planning Officer.

The Chair invited J Martin to address the committee in support.

J Martin advised that registered speaker, P McGuigan MLA would not be in attendance.

J Martin addressed Planning Committee,

- Policy CTY12 - Planning Appeals Commission decision of 2018/A0164 – the Farmer on that appeal only had a Business ID for 1 year thus not comparable and PAC Appeal Decision 2017/A010 also was not comparable.
- The Farm has been in existence for more than 6 years and there has been established agriculture activity for over at least 6 years.
- The additional land is not a new holding. It was previously claimed by the farmer in 2019 and this would be confirmed if DARD were re-consulted.
- Require a degree of security by buying rather than renting;
- PAC Appeal Decision 2018/A0211 - There are established hedge rows in place and not out of character as a farm building in the countryside is not an unexpected sight. Additional planting can be provided to aid integration.
- 2015/A0157 - purpose of PPS 21 is to achieve sustainable development in the countryside; integration is not fatal.
- There is a degree of security provided with the application and is not efficient to have buildings located away from the farm and cannot rent elsewhere;
- An incorrect interpretation of Planning Policy, the application meets with requirements within Policy and farming is not an easy profession.

There were no questions put to J Martin.

In response to questions from Elected Members, the Senior Planning Officer advised the claim of a grant for hedging and fencing was made by another farm business and stated the site needed to be part of the farm holding for 6 years.

Senior Planning Officer advised that only what was detailed on the application would be considered by Planning Officers and no alternative sites were suggested. Senior Planning Officer further advised there was evidence of farming and receipts provided by the Agent that showed purchases of animal feed and medicines; the business itself was not in dispute, it was the length of time as part of the holding that was questionable.

Alderman Duddy suggested the application could be approved with a Condition that landscaping be included and although the holding had only been acquired for 2 years, there was evidence of farming for over a 6 year period and the applicant was endeavouring to make a better life for themselves.

Proposed by Alderman Duddy

Seconded by Councillor McLaughlin

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

- Land secured 2 years ago despite the farm business is on the go for more than 6 years;
- Expanded and trying to improve his business and expand in the countryside and make a better life for themselves.
- Take on board site and typography not bounded by hedge and mature trees;
- Are in the countryside and not unusual to see buildings on fields or hills; need farms to expand;
- Could Condition landscaping.

The Chair put the motion to the Committee to vote.

8 Members voted For; 3 Members voted Against; 1 Members Abstained

The Chair declared the motion carried and application approved.

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

- Land secured 2 years ago despite the farm business is on the go for more than 6 years;
- Expanded and trying to improve his business and expand in the countryside and make a better life for themselves.
- Take on board site and typography not bounded by hedge and mature trees;



- Are in the countryside and not unusual to see buildings on fields or hills; need farms to expand;
- Could Condition landscaping.

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

- \* **Alderman Duddy left the meeting at 3.20 pm.**
- \* **Alderman Boyle returned to The Chamber.**

The Chair declared a comfort break at 3.25 pm.

- \* **The meeting reconvened at 3.50 pm.**

The Chair advised of a short delay due to technical issues and the meeting resumed at 4.00 pm.

The Head of Planning undertook a roll call.

Councillor Scott apologised for the lateness of his request but wished to propose a Site Visit for Application LA01/2021/0090/F, 17 Taughey Road, Ballymoney to further determine the location of additional lands referred to. Councillor Scott further requested the Chair permit scheduling of this for June due to his unavailability in May.

Proposed by Councillor Scott

Seconded by Alderman S McKillop

-that application LA01/2021/0090/F, 17 Taughey Road, Ballymoney, is deferred for a site visit, to be held in June, to further determine the location of additional lands referred to.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried unanimously and application deferred for a site visit, in June.

**RESOLVED** – that application LA01/2021/0090/F, 17 Taughey Road, Ballymoney, is deferred for a site visit, due to request to further determine the location of additional lands referred to.

## **5.7 LA01/2021/0676/F, 100m South East of 145 Bridge Road, Dunloy**

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

**Reason for presenting to Planning Committee:** Referred Application

**App Type:** Full

**Proposal:** Change of house type to that previously approved ref:  
D/2008/0131/RM

## **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 for the reasons set out in section 10.

## **Addendum 1 Recommendation**

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

Senior Planning Officer presented as follows:

- Full planning permission is being sought for a change of house type from the previously approved D/2008/0131/RM.
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. Accompanying the committee report is an addendum. The addendum relates to information that has been submitted for DfI Roads, and following consultation with DfI Roads, it is now satisfied with the proposal regarding roads matters. This addendum reflects this position and recommends that the second refusal reason relating to policy AMP 2 of PPS 3 is now removed. There is now only 1 reason for refusal.
- The site is located within the open countryside as designated in the Northern Area Plan 2016. [SLIDE]
- The application is for a change of house type. The previously approved applications (D/2004/0703/O and D/2008/0131/RM) were granted permission under a different policy regime. As there is no current policy basis for approving the application under consideration, and in the absence of a certificate of Lawfulness or development (CLUD), the applicant was asked for information to demonstrate a material start had been made prior to the 2008 approval expiring.
- Information has been submitted to try and demonstrate that the development commenced before the expiration date. The primary evidence submitted relates to a building control inspection that took place on 18th June 2010. The building control notes state that “trial hole excavated to 3.6m and still on peat, so advised that foundations should be piled; further inspection required.” This confirms that only a trial hole had been excavated and advice was given regarding foundations. It does not confirm that any foundation trench had been dug or any foundations poured or piled. The Building Control information submitted states that a further inspection took place and states that “piles all driven as piling log no. 4025 all in order.” However, that inspection did not take place until 4th

November 2011; almost 18 months after planning permission had expired. The agent was asked to submit any further evidence to demonstrate a material start had been. A letter from a Planning Agent was then submitted and this primarily relies on the building control evidence.

- It is considered that there are no overriding reasons why the proposal is acceptable under policy CTY 1 of PPS21.
- No letters of objection or support have been received.
- Consultations have been carried out with
  - HED Historic Monuments
  - DAERA Water Management Unit
  - NI Water
  - Environmental Health
  - DfI Roadsand no objections have been raised.
- (Slides) Views north and south and plans and elevations which are acceptable.
- On the basis that it has not been demonstrated that a material start was made prior to planning permission D/2008/0131/RM expiring, refusal is recommended.

There were no questions put to the Senior Planning Officer.

The Chair invited D McKeown to address the committee in support.

D McKeown advised as follows:-

- Outline Planning Permission was granted 17 years ago in 2005 and full Reserved matters on 26 June 2008;
- Commencement of development was required within 2 years;
- The original owner of the site has deceased and it was sold to the applicant in 2015;
- Referred to Section 23 of the Planning Act and the meaning of development and Section 23(2)(3) and read to Members
- Building works have been carried out clearing site, trial hole 6.3m deep and this confers development; making any material change from agricultural land to domestic building site;
- Development under Section 23(2) has been confirmed by competent authority;
- Not reverted to agriculture in subsequent years;
- Structure is awaiting on roof;
- Development has commenced prior to expiry of permission.

There were no questions put to D McKeown.

In response to Elected Members query regarding Department of Infrastructure Roads feedback the Senior Planning Officer advised that Department of Infrastructure Roads were now content, and only one refusal reason remained.

Councillor McLaughlin said that given there was only one reason given for recommending refusal and the application was for a single storey with acceptable design which integrated well and was a family home he could see no reason not to approve.

The Head of Planning advised the application was not compliant with PPS21 as there are no over-riding reasons under policy CTY1 and referred Members to Commencement of Development requirements set out in the Planning section on the Council website.

Proposed by Councillor McLaughlin

Seconded by Councillor MA 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 for the reasons:

- Building in the Countryside there are no reference to Policies in PPS 21 to which it complies;
- The agent has provided information on commencement of development.

Councillor Scott requested a Recorded Vote.

The Chair put the motion to the Committee to Vote.

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

The Chair declared the application refused.

#### Recorded vote table

For (4)	Councillors MA McKillop, McLaughlin, McMullan, Nicholl
Against (6)	Alderman Baird, Boyle, McKeown
	Councillors Anderson, Hunter, Scott
Abstain (1)	Councillor Dallat-O'Driscoll

There was no response to a call to vote from Alderman S McKillop.

**RESOLVED** – 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 for the reasons set out in section 10.

\* **Alderman Boyle left the meeting at 4.20 pm.**

## **5.9 LA01/2021/0642/O, North of 127 Moneydig Road, Kilrea**

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

**App Type:** Outline

**Reason for presenting to Planning Committee:** Referred Application

**Proposal:** Proposed replacement dwelling for private use

### **Recommendation**

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

Senior Planning Officer presented as follows:

- (Slide) This application is for a proposed replacement dwelling for private use at lands North of 127 Moneydig Road. This is a referred item. No objections have been received and the consultees are all content subject to conditions.
- (Slide) The site is located within the open countryside and is not located within any designations as shown in the Northern Area Plan 2016. The proposal was considered against the policies in the Northern Area Plan, the SPPS and PPS 21 with particular regard to Policies CTY 3, 13, and 14.
- The site is located on lands north of 127 Moneydig Road Kilrea and is located on a roadside site.
- Within Policy CTY 3 of PPS 21 it is stated that Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. All replacement cases must also meet 5 other criteria relating to the proposed curtilage, the overall size and visual impact, the design, services and access.
- (Slide) This photograph shows views of the site from the road which is well vegetated.
- (Slide) This photograph shows the building to be replaced which was significantly overgrown at the time of the first site inspection.

- (Slide) This photograph shows the gable wall which has mostly fallen-in and a section of the wall is at ground level. It is considered that this wall is not substantially intact.
- (Slide) This photograph shows the side elevation and other gable of the building to be replaced in which a large section has fallen to ground level. These walls are not substantially intact.
- (Slide) This photograph shows the side wall which is considered to be intact. Given the fact that only one wall is substantially intact it is considered that the proposal fails to comply with Policy CTY 3 of PPS 21. During the clearance of the site it was stated that some of the stones had fallen however if these stones were in place it still wouldn't have been substantially intact. Further to this it is not possible to identify if the building exhibits the essential characteristics of a dwelling given its current condition with only one window opening and no features like a chimney or fireplace visible. It is considered that the proposal would comply with the other 5 criteria relating to curtilage, visual impact, design, services and access. Although the design would be considered at reserved matters stage. It is also considered that a dwelling at this site would comply with Policies CTY 13 and CTY 14.
- The principle of development is considered unacceptable having regard to Policy CTY 3 as it is not evident that the building exhibits the essential characteristics of a dwelling. Further to this all external walls are not substantially intact. Refusal is recommended.

There were no questions put to the Senior Planning Officer.

The Chair advised registered speakers, C McKernan and L Kennedy were in attendance. The speakers were in agreement for the Chair to apportion their timing for speaking accordingly.

The Chair invited C McKernan to address Committee in support.

C McKernan raised a concern with The Chair that many of the Planning Committee had not been in attendance or had left the meeting.

The Chair clarified the meeting was quorate and could continue in line with Standing Orders.

The Chair invited C McKernan to address committee in support.

C McKernan advised as follows:-

- This has never been a substantial dwelling at any time of its life and is a typical rural cottage;

- Regarding the amount of walls there, walls knocked down when taking vegetation off; Works were undertaken to make safe the site for a Case Officer to undertake a site visit had removed a great deal of what was left of the building;
- It is clear that a dwelling had been in existence;
- Can see Stones laying on the ground which formed the walls and it is clear that doors, windows and walls had been there, however not a lot of wall remaining due to clearance;
- Moneydig Road has a lot of development, if it was not for fields between would apply for infill;
- There is enough evidence walls are there at wall plate level, you can see the walls, door, windows and do not fulfil policy CTY3 100% otherwise would not be having this meeting;
- A site visit would be beneficial; Moneydig Road is characterised by a house, field, house, field, and is well built up.

The Chair invited L Kennedy to address the Committee in support.

L Kennedy stated he was the owner of the land and grew up on a farm beside it and his sister who is still there, and always hoped to return to this piece of land, and this was the plot for him. He was brought up in this area and although has been away for 30 years would like to build a home on this piece of land. This site is of sentimental value. There was a dwelling there, the roof caved in, the building is dilapidated and overgrown, there are good signs of a dwelling and stated he should have kept a better eye on it. When removing the shrubbery to make it safe for a case officer to site visit a lot of what remained of the building was removed.

There were no questions put to L Kennedy.

In response to queries from Elected Members regarding the fact that plants had been removed, resulting in walls falling down the Senior Planning Officer advised that a Case Officer had no access to the site due to too much vegetation and trees, which resulted in a request for the site to be cleared. On the second inspection, even with the stones that were on the ground having been in place, the walls would still not have been substantially intact based on the stone on site.

C McKernan wished to address Committee again, however, was advised by The Chair that it was not in line with Planning Committee Protocol.

Councillor Scott proposed that Committee Agree with Officers to refuse the application. The Chair advised the proposal had not been seconded.

Councillor Anderson said he wished to recommend approval of the application, based on its structure in place and that it was obvious there had been a building in place at some time.

Proposed by Councillor Anderson

Seconded by Councillor Nicholl

- 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 reasons
- Based on the structure there and stonework around the building;
- evidence there has been a dwelling with windows
- replacement dwelling should be located on same site;
- The walls were all substantially intact before vegetation was removed;
- Exhibits characteristic of a dwelling and walls substantially intact.

The Chair put the motion to the Committee to Vote.

7 Members voted For; 3 Members voted Against; 1 Member Abstained.

The Chair declared the motion carried and application approved.

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

- Based on the structure there and stonework around the building;
- evidence there has been a dwelling with windows
- replacement dwelling should be located on same site;
- The walls were all substantially intact before vegetation was removed;
- Exhibits characteristic of a dwelling and walls substantially intact.

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

\* **Councillor Scott left the meeting at 4.55 pm.**

## **5.10 LA01/2021/1105/O, Between 24 and 26 Creamery Road, Cloyfin, Coleraine**

The Chair advised the application had been withdrawn.

## **6. DEVELOPMENT MANAGEMENT AND ENFORCEMENT**

### **6.1 Third Quarterly Report of Planning Performance**

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

#### **Background**

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases.



The statutory targets are:

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

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The Third Quarter 2021/22 Statistical Bulletin was published on 31 March 2022 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

### **Details**

Web link <https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-october-december-2021> provides the link to the published bulletin.

### **Development Management Planning Applications**

Table 1 circulated provided a summary of performance in relation to the statutory targets for major development applications and local development applications for the year-to-date (April – December) of 2021-22 business year and provides a comparison of performance against all 11 Councils.

The number of planning applications received Q1-Q3 of 2021-22 has increased by 98 when compared with the same period last year. The number of decisions has also increased by 296 decisions when compared to the same period last year. This is largely due to the reduction in applications and decisions issued in Q1 of 2020-21 due to the pandemic. The knock-on effect from the drop in decisions issuing in 2020-21 has resulted in an increase in the number of applications in the system over 12 months. The approval rate has increased from 95.6% to 96.2% when comparing Q1-Q3 of 2020-21 to Q1-Q3 of 2021-22.

The Planning Department continues to issue the 2<sup>nd</sup> highest number of major planning applications and continues to issue these decisions faster than the Northern Ireland average in an improved average processing time of 51.4 weeks, 27.9 weeks faster than the same period last year with 100% approval rate. This continues the significant improvement in performance in assessing major planning applications by the Department over this business year. The number of major planning applications received remains the same as that received for the same period last year, receiving the 7<sup>th</sup> highest number of major planning applications year to date when compared to the other 10 Councils.

Almost 100 (98) more local applications were received in Q1-Q3 of 2021-22 and almost 300 (295) decisions issued when compared to the same period last year. The Planning Department sits mid-rank in relation to local category of

planning applications both received and decided year-to-date. Improvement is maintained on the average processing times with approval rates 2.8% above the Northern Ireland average and 5<sup>th</sup> highest out of the 11 Councils.

Of the types of applications received, this Council received the 3<sup>rd</sup> highest number of residential applications out of the 11 Councils and 2<sup>nd</sup> highest number of change of use applications in Q3.

The impact of the reduced number of decisions issued in 2020/21 due to restrictions imposed as a result of the pandemic continues to have a knock-on effect in relation to live applications and the number of applications in the system over 12 months. Although progress has been made to reduce the number of live applications in the system when compared to Q2, the number of those in the system over 12 months increased from 206 at the beginning of the year to 253 year-to-date. The target set out in the Planning Department Business Plan to reduce the over 12 month applications will not be achieved and focus for 2022/23 will be to focus on reducing the number of older applications in the system whilst balancing this with the need to continue to reduce the average processing times for issuing decisions.

Recruitment of staff within development management section is almost complete. It is hoped that with stability in the staffing resources this will assist in reducing the number of live applications and older applications in the system in the next business year.

#### Enforcement

Table 2 circulated showed statistics in relation to enforcement year to date at end of Q3 of 2021/22 business year. The Enforcement Team continues to meet the statutory target to conclude 70% of cases within 39 weeks, improving performance to increase the percentage of cases concluded within the 39 week statutory target when compared to the same period last year. At end of Q3, the enforcement team continues to have the highest number of prosecutions and has also the highest number of convictions out of the 11 Councils. Of the cases closed, 31% were closed due to no breach occurring, 26% were considered not expedient to pursue, 20% were remedied/resolved and 18% were closed due to the granting of planning permission.

However, the number of cases closed and concluded is lower than most Councils largely due to instability of staffing within the enforcement section. Unfortunately, it will be Q2 of the new business year before the staffing within the enforcement section will be stabilised through the appointment of a permanent Planning Assistant and recruitment of a permanent Senior Planning Officer to fill the post due to be vacated in Q4 of 2021-22.

Table 3 circulated indicated the level of other activity carried out by the Planning Department year to date at end of Q3 of 2021-22 business year.

In addition to the formal applications received, YTD at end of Q3 the Planning Department received 177 other types of applications relating to planning applications. The high number of discharge of conditions received is a good indicator of the imminent commencement of development. The number of PANs is also a good indicator of the number of major applications likely to be

submitted. These two types of 'other activity' indicates a strong interest in investment in this Council area.

#### Income

Table 4 circulated provided a breakdown of the income generated by the Planning Department in Q1-Q3 of 2021-22. Income (including Property Certificates) exceeds that predicted for this period by 7%.

#### Conclusion

In conclusion, performance within the Planning Department continues to steadily improve. The enforcement team continue to meet the statutory target for conclusion of cases. However, due to workload pressures the number of cases brought to a conclusion is lower than most other Councils. With the recruitment of the Planning Assistant to fill the vacant post this will assist in the output of this team. However, monitoring is required to ensure caseloads are reduced to a manageable level.

The knock-on effect from the dip in decisions issuing in 2020/21 continues to impact the number of applications in the system over 12 months. Whilst staff vacancies reduce, the aim is to maintain this performance in Q4 to achieve the Planning Department Business Plan targets for local and major planning applications and continue to meet the statutory target for concluding enforcement cases.

Focus for Q4 is to maintain the improvement in the average processing times for both major and local applications and meet the statutory target for concluding enforcement cases. An action plan to deal with over 12 month applications will be required going forward to address this increasing concern. Continual monitoring of caseloads will ensure that workloads are maintained at a manageable level to assist in continuing improvement in performance.

#### **Recommendation**

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

## **7. CORRESPONDENCE**

### **7.1 Dalradian Gold Ltd – invitation to Site Visit**

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

#### Background

This Report is to provide Members with details on the invitation issued by Dalradian Gold Ltd to visit their site and arrangements previously made with limited update in attendance.

#### Details

On 25 October 2021 Mr Brian Kelly, Managing Director of Dalradian Gold Ltd wrote to Council in relation to their planning application and its referral to the

Planning Appeals Commission by the Department of Infrastructure Minister. Mr Kelly invited Members to a site visit at the Dalradian site.

The invitation was discussed at the Planning Committee meeting held on 24 November 2021 when it was resolved that the Planning committee send a delegation, subject to clarification from the Head of Planning on venue and timing of event.

Details of the site visit to be held on 25 March 2022 issued to Planning Committee Members on 02 March 2022. Unfortunately, only 1 Member was available to attend and therefore the site visit was postponed.

This report seeks members agreement to:

Option 1 – decline the offer to visit the Dalradian site

Option 2 – schedule a further date for the visit to the Dalradian site

Recommendation:

**It is recommended** that the Committee notes the Report and AGREES to either Option 1 to decline the invite or Option 2 to schedule a further date for the visit to the Dalradian site.

Proposed by Alderman Baird

Seconded by Alderman S McKillop

-that Planning Committee defer Dalradian Gold Ltd invitation to Site Visit report to the Planning Committee meeting in August 2022 for consideration.

Councillor Hunter sought clarity on whether a conflict of interest may factor into such a visit for Elected Members.

The Head of Planning advised that it was for Elected Members to make the decision for themselves in this regard.

The Chair put the motion to the Committee to Vote.

The Chair declared the motion carried unanimously.

**RESOLVED** – that Planning Committee defer Dalradian Gold Ltd invitation to Site Visit report to the Planning Committee meeting in August 2022 for consideration.

The Head of Planning presented the remaining correspondence as read.

## **7.2 Donegal County Council – Review of CPD**

Copy correspondence previously circulated.

## **7.3 DfC – Ballintoy Harbour – Owner Notification**

Copy correspondence previously circulated.

#### **7.4 DfC – Council’s response – DfC Housing Supply Methodology**

Copy correspondence previously circulated.

#### **7.5 PAC – Mid and East Antrim BC – Independent Examination LDP 2030 – Draft Plan Strategy**

Copy correspondence previously circulated.

#### **7.6 DfI – Dunbeg Wind Farm – S26 Determination**

Copy correspondence previously circulated.

### **8. DEVELOPMENT PLAN**

#### **8.1 Quarterly Verbal Update**

The Development Plan Manager provided Elected Members with the following update:

- Update of evidence base is ongoing and is feeding through into our topic-based policy approach papers. This includes updated monitors and surveys, where required.
- Project Management Team (which includes government bodies/key stakeholders): Consultation continues with key departments.
- LDP Member Workshops – last scheduled policy workshop is 18th May.
- LDP Steering Group Meetings: Next meeting scheduled for 26<sup>th</sup> May – to agree last batch of draft policies.
- Sustainability Appraisal/SEA: We have appraised the first batch of draft policies. Last batch scheduled for appraisal w/c 6<sup>th</sup> & 13<sup>th</sup> June 2022.

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

Proposed by Councillor Hunter

Seconded by Councillor Nicholl and

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

- \* **Press and public were disconnected from the meeting at 5.05 pm.**
- \* **Civic Support & Committee & Member Services Officer left the meeting.**

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

## **9. CONFIDENTIAL ITEMS**

### **9.1 Report for Noting Finance Period 1-11 2021 22 Update**

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

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 11 of the 2021/22 business year. Detail was provided within the confidential report.

#### **Recommendation:**

**IT IS RECOMMENDED** that the Committee notes the update provided on the Planning budget as of end of period 11 of 2021/22 financial year.

### **9.2 Update on Legal Issues**

#### **9.2.1 East Road Judicial Review**

Council's Solicitor advised that regarding the Notice of Appeal lodged by Mr Duff the initial completed questionnaire was with the Court of Appeal and interlocutory submissions were being finalised.

#### **9.2.2 Craigall Quarry Judicial Review**

Council's Solicitor advised that Mr Duff has written to the Judicial Review Court requesting an update in this regard.

#### **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Nicholl  
Seconded by Alderman S McKillop

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

## **10. ANY OTHER BUSINESS (IN ACCORDANCE WITH STANDING ORDER 12 (o))**

There was no other relevant business notified.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 5.10 pm.

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Chair