

**PLANNING COMMITTEE MEETING HELD
WEDNESDAY 25 JANUARY 2023**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	Alderman S McKillop
2.	Declarations of Interest	Councillor Storey
3.	Minutes of Planning Committee meeting held Wednesday 21 December 2022	Confirmed as a correct record
4.	Order of Items and Confirmation of Registered Speakers	Received
5.	Schedule of Applications	
5.1	LA01/2022/1029/F (Council) Unit 4/5 Diamond Centre, Bridge Street, Coleraine	Approve
5.2	LA01/2022/0070/F (Objection) 36 Seafield Park, Portstewart	Approve
5.3	LA01/2021/0232/O (Referral) Lands adjacent to No. 16 Laurel Road, Glack Limavady	Disagree and Approve Conditions and Informatives are delegated to Officers
5.4	LA01/2019/1411/F (Referral) Approximately 60M South East of 204 Straid Road Bushmills	Defer to hold a meeting with the Agent and if satisfactory to approve the application, delegate to Officers to determine; otherwise bring the application back to the Planning Committee
5.5	LA01/2022/0323/O (Referral) Lands north of 99 Carnbore Road, Liscolman Ballymoney	Defer for Site Visit

5.6	LA01/2022/0701/RM (Referral) 55 Letterloan Road, Macosquin	Disagree and Approve Conditions and Informatives are delegated to Officers
5.7	LA01/2021/0063/F (Referral) Site approximately 20 metres South of No.2 Craighad Road, Ballycastle	Defer the application for 2 months to allow the applicant to submit the required information regarding access to the site
6.	Local Development Plan	
6.1	Quarterly verbal update	Noted
7.	Correspondence	
7.1	Dfl – PAN – Carnbuck Wind Farm	Noted
7.2	Dfl – Planning Improvement Programme	Noted
8.	Reports	
8.1	NI Planning Monitoring Framework Annual Report 2021/22	That the Head of Planning - Write to the Department for Infrastructure regarding issues experienced with the Planning Portal - Organise training for Members in using the Planning Portal
8.2	Quarterly Report on Planning Performance	Noted
	'In Committee' (Item 9, 9.1, 9.2)	
9	Confidential Items:	
9.1	Update on Legal Issues	to agree to oppose the Judicial Review in relation to Rigged Hill Wind Farm and employ Legal Counsel
9.2	Finance Period 1 – 8 - Update 2022/23	Noted
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	Nil

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS
AND VIA VIDEO CONFERENCE
ON WEDNESDAY 25 JANUARY 2023 AT 10.30AM**

Chair: Councillor McMullan (C) (Items 1-5.7 inclusive)
Alderman Duddy (C) (Items 6-10 inclusive)

Committee Members Present: Alderman Baird (C), Boyle (C), Duddy (C), McKeown (R);
Councillors Anderson (C), Dallat O'Driscoll (R), Hunter
(R), McGurk (R), MA McKillop (C), Nicholl (R), Peacock
(R), Scott (C), Storey (C).

Non Committee Members Present: Councillor McAuley (R), Councillor Callan (R)

Officers Present: D Dickson, Head of Planning (C)
D Hunter, Senior Council Solicitor (R)
S Mulhern, Development Plan Manager (R)
R Beringer, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
E Hudson, Senior Planning Officer (R)
J McMath, Senior Planning Officer (R)
S O'Neill, Senior Planning Officer (R)
S Duggan, Civic Support & Committee & Member
Services Officer (R)
J Keen, Committee & Member Services Officer (C)

In Attendance: J Winfield, ICT Manager (R)
A Lennox, ICT Officer (C)

Public 7 no. (R)

Key: R = Remote C = Chamber

Registered Speakers

Application No	Name
LA01/2021/0232/O	M Kennedy A O'Hara
LA01/2019/1411/F	M Howe K Carlin
LA01/2022/0323/O	N Lamb
LA01/2021/0063/F	J Muldoon

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 received for Alderman S McKillop

2. DECLARATIONS OF INTEREST

Councillor Storey declared an interest in Item 5.4 LA01/2019/1411/F (Referral) Approximately 60M South East of 204 Straid Road Bushmills, stating that the applicant was a family relation. Having declared an interest, Councillor Storey left the Chamber during consideration of this item and did not vote.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 21 DECEMBER 2022

Copy, previously circulated.

Proposed by Alderman Duddy
Seconded by Councillor MA McKillop

- that the Minutes of the Planning Committee meeting held Wednesday 21 December 2022 are signed as a correct record.

The Chair put the motion to the Committee to vote.
10 Members voted For, 0 Members voted Against, 2 Member Abstained.
The Chair declared the motion carried.

RESOLVED - that the Minutes of the Planning Committee meeting held Wednesday 21 December 2022 are signed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair invited proposals for site visits. No proposals were put.

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2022/1029/F (COUNCIL) UNIT 4/5 DIAMOND CENTRE, BRIDGE STREET, COLERAINE

Report, previously circulated, was presented by Senior Planning Officer, R Beringer

Reason for Referral: Major
App Type: Full Planning

Proposal: Change of Use from Class A1 Shops to Class D1 (F) Museum and associated storage

RECOMMENDATION

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

The Senior Planning Officer presented via Powerpoint presentation:

- (Slide) The site as shown in the red line is located within the Diamond Centre in Coleraine, and comprises the unit known as 4/5 Diamond Centre. The site is located at ground floor level, from the main access to the Centre on Bridge Street. The site lies within the Town Centre boundary as identified in the NAP 2016 and is within the Coleraine Area of Townscape Character.
- (Slide) The application seeks full planning permission for a change of use from Class A1 Shops to Class D1 (f) Museum and associated storage. There are no alterations proposed to the unit itself. Access is from within the Diamond Centre.
- Paragraph 6.267 of the SPPS states that town centres are important hubs for a range of land uses and activities and can have a positive impact on those who live, work and visit them. They provide a wide variety of retailing and related facilities, including employment, leisure and cultural uses.
- The proposed use as a museum is acceptable in this town centre location and is consistent with the policy provisions of the SPPS. No alterations are proposed to the unit itself and the proposal satisfies policy requirements with regards to Policy DES 2 of the PSRNI and Policy ATC 2 of APPS 6.
- No objections have been received in relation to this proposal.
- Approval is recommended.

* **Alderman Baird arrived in the Chamber at 10.44 am.**

In response to questions from Elected Members regarding the loss of retail space, the Senior Planning Officer advised that the proposed use is considered town centre use in accordance with town centre use; no supporting information is required; the unit is vacant and the use of the museum is in compliance with SPPS.

In response to questions from Elected Members, the Head of Planning clarified town centre use. In regard to retail premises at the Riverside Retail Park in Coleraine, assessments were received in relation to the impact of divergence of trade from the town centre. The Head of Planning also confirmed that as this is not a major application, a public consultation is not required to be carried out by the applicant; that cultural use of units can be part of town centre space and that the legislative requirements of advertisement and neighbour notification had been undertaken by the

Planning Department. Any further public consultation is a matter for the Agent and the applicant and is not a legislative requirement.

Proposed by Alderman Boyle
Seconded by Councillor MA McKillop

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

The Chair put the motion to the Committee to vote.
9 Members voted For, 2 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 LA01/2022/0070/F (OBJECTION) 36 SEAFIELD PARK, PORTSTEWART

Report, previously circulated, was presented by Senior Planning Officer, R Beringer.

Reason for Referral: Objection

App Type: Full Planning

Proposal: Single storey en-suite extension to the rear, garden store on the east boundary, new Bi-Fold doors to the southern facade giving access to a raised patio with screen walls on elevation facing Seafield Park with associated landscape works.

RECOMMENDATION

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

The Senior Planning Officer presented via Powerpoint presentation:

- (Slide) The site as outlined in red, is located to the northern side of Seafield Park, on the corner with Seaview Drive North. The site is located within the settlement development limit for Portstewart.
- (Slide) The site comprises an existing detached single storey dwelling with attached garage. There are two areas of driveway parking, one accessed from Seaview Drive North and one from Seafield Park as shown on the block plan. Existing boundaries are defined by a retaining wall that steps down from the north-east to the north-west of the boundary, along the northern site boundary with the existing open space in Seaview Park North. To the north-west side of this there is a 1.8 metre

closed boarded fence on top. There is a stepped wall to the south-eastern boundary and higher walling to the north-eastern boundary. There are no boundary treatments to the western and southern boundaries. The existing garden slopes down towards the footpaths along Seafield Park and Seaview Drive North.

- (Slide) The proposal includes a single storey en-suite extension to the rear, new garden store on the east boundary, new Bi-Fold doors and raised patio area to the Southern elevation of the existing dwelling, facing onto Seafield Park, and associated landscaping.
- (Slide) There are 16 objections to the proposal raising issues in relation to the proposed raised patio area, overlooking and privacy, and the character of the area with regards to the building line.
- (Slide) View of No. 36
- (Slide) View looking up Seafield Park, staggered setbacks and range of boundary treatments to the front.
- (Slide) View showing existing relationship between No. 34 and No. 36
- The proposal includes a rear extension, which is small in scale and provides an en-suite bathroom to the existing dwelling. A velux sun tunnel is proposed on the western roof elevation to provide light into an internal corridor. The scale, design and materials proposed are acceptable, and it will not have an unacceptable impact on neighbouring properties.
- There are no amenity concerns arising from the position of the small garden shed to the rear of the property. It is small in scale and is positioned below the existing boundary treatment to No. 34 Seafield Park.
- The proposed Bi-fold doors to the southern elevation are in place of an existing window and will provide access onto the proposed raised patio. A pergola style roof will extend 1.1 metres from the existing fascia, 3 metres above the existing ground level. The proposed raised patio area will sit 670mm above the existing ground level and is enclosed by a cedar clad masonry wall with a glazed screen on top. The cedar clad surround will rise 1.2 metres above the existing ground level, up to a maximum of 1.5 metres along the eastern elevation due to the sloping topography of the site, with an 800mm glazed screen on top. The proposed patio area will extend 5.7 metres from the existing side gable for a length of 6.5 metres. Additional landscaping in the form of a box hedge, is also proposed to the eastern elevation.
- The proposed scale, design and materials are in keeping with the area and will not detract from the appearance and character of the surrounding area. The proposal will not have an unacceptable impact on the existing street scene. The proposed raised patio sits at a lower level than the neighbouring property at No. 34 and the formalisation of existing amenity in the form of a raised patio will not result in an unacceptable impact on the amenity of neighbouring residents in this existing built up residential area. The existing boundary treatment along with the proposed screening to the patio area, between No 34 and 36, will ensure there will be no unacceptable overlooking from the patio area.

- The proposed scale, design and materials are acceptable, and the proposal will not detrimentally impact on the character or appearance of the area. The proposal will not unacceptably impact the privacy or amenity of neighbouring properties. The proposal complies with Policy EXT 1 of the Addendum to PPS 7.
- Conditions with regards to the provision of the glazed screen and the proposed landscaping are recommended.
- Representations are covered in detail within the Planning Committee report.
- Approval is recommended.

In response to questions from an Elected Member, Senior Planning Officer described the boundary treatment.

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

- 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.
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 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.

5.3 LA01/2021/0232/O (REFERRAL) LANDS ADJACENT TO NO. 16 LAUREL ROAD, GLACK LIMAVADY

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

Reason for Referral: Referral
App Type: Outline Planning
Proposal: Proposed farm dwelling

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.

The Senior Planning Officer presented via Powerpoint presentation:

- Committee November 22 deferred for Site Visit

- Committee report is accompanied by 2 Addenda and a Site Visit note
- First addendum deals with where to access documents only
- Second addendum updates the reader as to where to access documents and assesses the medical information submitted.
- Site is located in rural area, outside the settlement limit of Glack. At the end of a row of 8 rural dwellings.
- The site is a flat open field with no vegetation on the boundaries.
- The proposal seeks outline permission for a farm dwelling and was brought to committee in November with a recommendation to refuse because the proposal was contrary to policies CTY1, 10, 8, 13 and 14.
- It has not been demonstrated that the land on which the site is located is on the applicant farm and it has not been demonstrated that the farm business has been actively farmed over the last 6 years. The proposed site fails to adequately integrate, would add to ribbon development and would result in build up. Refusal is recommended.
- Following the deferral for a site visit, the applicant submitted a letter on 14 December 2022 from GP which outlined medical information of the applicants parents and how their daughter living nearby would be in their best interest. The agent was given the opportunity to change the description and submit further information in support of the application under policy CTY6 but the agent advised that the description would not be changed and no further information has been submitted.
- Policy CTY6 supports applications for the long terms needs of the applicant where there are compelling and site specific reasons related to the applicant's personal and domestic circumstances providing 2 criteria are met, firstly that satisfactory evidence is provided that the dwelling is a necessary response to the circumstances and genuine hardship would be caused if refused and secondly there are no alternative solutions available.
- From the information available, no evidence has been provided on who currently provides care or the extent of care required or administered. The applicant currently lives at no 16 with her parents and no information has been forthcoming to demonstrate the change in circumstances therefore the dwelling is not a necessary response to the circumstances of the case and no genuine hardship would result as the applicant currently resides with her parents. In addition, no information has been forthcoming to demonstrate that all alternative solutions have been exhausted such as an extension to the existing dwelling, an annex or the purchase or rent of alternative accommodation in the vicinity.
- The proposal is therefore contrary to policies CTY1, 6, 10, 8, 13 and 14 of PPS21 and refusal is recommended.

In response to questions from Elected Members, the Senior Planning Officer advised that DAERA confirmed there is a farm business at the location for over 6 years but has not claimed any benefits; the site is on land associated with another business; the rest of the land is woodland for woodland business. The receipts received by the Planning Department did not demonstrate active farming.

In response to a query from an Elected Member, the Head of Planning clarified that the two speakers in attendance have registered to speak in accordance with protocol, that one speaker can present and one speaker can answer questions if they so wish.

The Chair invited Mr Kennedy to speak in support of the application.

Mr Kennedy referred to Policy CTY10 and stated the application does meet the 3 tests. DAERA have confirmed the farm business has been operational for over 6 years, there are 32 hectares of farmland 6 of which are conacre; receipts and invoices have been provided as part of the application including for a Christmas tree field and for concrete. There is an active business and this will have been evident at the site visit. The farm is kept in good agricultural condition and the applicants actively farm most of the unit; no units of the farm have been sold. A significant proportion of farmland is used for woodland which is sustainably harvested by the applicant; DAERA grants have been received by the applicant for 2 acres of Christmas trees. Mr Kennedy referred to the Agricultural Act (NI) 1949 stating that the farmland is kept in good agricultural condition. The Ulster Farmers Union have written a letter of support for this application. The proposed site is visually linked to the cluster within the existing farm and is accessible from the farm lane, therefore complies with policy CTY10 as this is the only group of buildings on the farm. There is visual integration as the site clusters with existing farm buildings and meets siting requirements set out in Policy CTY10. There have been two previous approvals on this site. Personal circumstances have been submitted by the applicant, who remains in the dwelling on the farm.

In response to questions from Elected Members, Mr Kennedy stated that under Policy CTY12 there is provision of agricultural buildings; that the definition of agriculture includes woodland management and referred to paragraph 5.39 of the policy – keeping land in good agricultural condition.

In response to questions from Elected Members, the Senior Planning Officer clarified that Policy CTY10 refers to dwellings on a farm; Policy CTY12 refers to forestry and farm buildings. The Senior Planning Officer cited from the Agricultural Act (NI) 1949 confirming that the woodland is considered separately; that there are two parcels of land, 6 hectares of land are let out to another farming business. The receipts received by the Planning Department, dated between 2017 and 2019, are not enough evidence to show an active farm business. The Senior Planning Officer defined the term horticultural as being, crops. The Senior Planning Officer confirmed that the application is for a dwelling on a farm; the primary policy for this is Policy CTY10; Policy CTY12 relates to farm buildings.

Proposed by Councillor Nicholl
Seconded by Councillor Peacock

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

guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the reasons set out in section 10 for the following reasons:

- The medical information provided supports the application;
- That refusal is contrary to CTY10 as the 3 tests have been met; DAERA has confirmed the farm business, information has been submitted, the woodland is supported through DAERA, the Ulster Farmers Union supports the application;
- The detailed plans can be conditioned; aerial view shows that the dwelling will round off the development;
- Statutory bodies have no objections;
- Planning history from 8 years ago is a material consideration.

The Chair put the motion to the Committee to vote.

10 Members voted For, 2 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** planning permission subject to the reasons set out in section 10 for the following reasons:

- The medical information provided supports the application;
- That refusal is contrary to CTY10 as the 3 tests have been met; DAERA has confirmed the farm business, information has been submitted, the woodland is supported through DEARA, the Ulster Farmers Union supports the application;
- The detailed plans can be conditioned; aerial view shows that the dwelling will round off the development;
- Statutory bodies have no objections;
- Planning history from 8 years ago is a material consideration.

RESOLVED - That Conditions and Informatives are delegated to Officers.

* **Having declared an interest. Councillor Storey left the Chamber during consideration of this item and did not vote.**

5.4 LA01/2019/1411/F (REFERRAL) APPROXIMATELY 60M SOUTH EAST OF 204 STRAID ROAD BUSHMILLS

Report and Addendum, previously circulated, was presented by Senior Planning Officer, J Lundy

Reason for Referral: Referral

App Type: Full

Proposal: Retrospective application for staff car parking and parking area for the servicing department with alterations to existing access

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.

Addendum

Update

Following publication of the Planning Committee Agenda, the Agent has requested a meeting to be held on the application to discuss the principle of development.

The Senior Planning Officer presented via Powerpoint presentation:

- Following publication of the Planning Committee Agenda, the Agent requested a meeting to be held on the application to discuss the principle of development.
- A meeting has been arranged for Monday 30th January 2023. Therefore to facilitate the meeting, we are seeking a deferral to allow the meeting to proceed to discuss the principle of development and policy test.

Proposed by Councillor Peacock

Seconded by Councillor Scott

- That the Committee agree for the Head of Planning to hold a meeting with the Agent and if resolved satisfactory to approve the application, delegate to Officers to determine; otherwise bring the application back to the Planning Committee.

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

RESOLVED - That the Committee agree for the Head of Planning to hold a meeting with the Agent and if satisfactory to approve the application delegate to Officers to determine; otherwise bring the application back to the Planning Committee

* **The Chair declared a recess for a comfort break at 11.36am.**

* **The meeting resumed at 11.44am.**

* **Councillor Storey returned to the Chamber**

The Head of Planning undertook a roll call.

5.5 LA01/2022/0323/O (REFERRAL) LANDS NORTH OF 99 CARNBORE ROAD, LISCOLMAN BALLYMONEY

Report, and correspondence by letter and email, previously circulated, was presented by Senior Planning Officer, S O'Neill.

Reason for Referral: Referral

App Type: Outline

Proposal: 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** full planning permission subject to the reasons set out in section 10.

The Senior Planning Officer presented via Powerpoint presentation:

- (Slide) This is a deferred application. The documents include the Planning Committee report and an Addendum which relates to submissions made by the agent and applicant advising why the proposed dwelling can't be located at the farm building at 116 Carnbore Road. The proposal is for a dwelling and garage on a farm on lands north of 99 Carnbore Road Ballymoney. The site is located within the rural area and is not located outside the Settlement Development Limit. There are no other designations linked to this site.
- Policy CTY 1 of PPS21 identifies a number of instances when an individual dwelling house will be granted permission. These include a dwelling on a farm in accordance with Policy CTY 10.
- Policy CTY 10 states that all of the following criteria must be met:
 - The farm business is currently active and has been established for at least 6 years;
 - No dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
 - The new building is visually linked or sited to cluster with an established group of buildings on the farm.
- DAERA confirmed that the farm business was active and established and has claimed SFP for at least 6 years. There have been no sell offs from the farm within the last 10 years.
- The key concern regarding this proposal is under criteria (c). The proposed dwelling is to be located approximately 215 metres north of the farm buildings at 99 Carnbore Road which includes a dwelling, shed and poultry unit. A noise impact assessment has been provided which demonstrates that the dwelling should be located away from the existing farm buildings due to noise from the poultry units. However, this does not demonstrate why an alternative location on the farm at the primary farm at 116 Carnbore Road could not be provided.
- This was queried with the agent and a supporting document was provided. Within this document it was stated that using the existing lane would create a health and safety risk given large vehicles use the lane to access the farm. It was also stated that the lane is narrow with no space to pass oncoming vehicles.
- It was stated that a dwelling in field 5 is the only viable field as any other site would require accessing the site through a working farm and this is accepted by the Planning Department. It was stated that only the western portion of this field could be accessed directly by the laneway.

Within the western section of this field the lands do rise toward the existing farm buildings before levelling off. The agent argued that this site would be prominent and would require a large amount of cut and fill.

- However, it is not accepted that the western section of this field is the only viable section for development as there is potential to site a new dwelling to the side of the existing buildings at 116 Carnbore Road at a more level section of the site set further back from the main road and beyond the ridge of these lands. The issues raised would be typical of any busy working farm and would not be considered demonstrable health and safety reasons to cite a new dwelling away from these buildings on the farm. These reasons have also not been supported by an independent authority like the Health and Safety Executive or Environmental Health. Given this it is considered that the proposal fails criteria (c) of Policy CTY 10 as a proposed dwelling could be sited at another location on the farm that will visually link with existing buildings on the farm. The proposal also fails criteria (g) of Policy CTY 13.
- The proposal also fails criteria (b), (c) and (f) of Policy CTY 13 as the site lacks long established natural boundaries and is unable to provide a degree of enclosure for the building to integrate into the landscape. It is also considered that the proposal would rely primarily on the use of new landscaping for integration.
- (Slide) This is an aerial view of the proposed site located north of the existing farm buildings at 99 Carnbore Road with site located here.
- (Slide) This shows the proposed site north of 99 Carnbore Road highlighted in red and the farm at 116 Carnbore Road which is considered the alternative site.
- (Slide) This shows the site of the farm at 116 Carnbore Road with field 5 located to the south of the existing buildings. It is considered that a dwelling in close proximity to the existing farm buildings would be a more appropriate site. The lands here do rise before levelling off at and beyond the dwelling and farm buildings at 116 Carnbore site. A dwelling at the more level section of the site would be most appropriate.
- (Slide) This is a view travelling north toward the site which shows the existing boundary treatments which will provide minimal screening of the site. It must also be noted that the level of the road falls towards the site and on approach you would be looking down into the site which will emphasise its prominence.
- (Slide) This is a closer view of the site which again shows minimal screening of the site. A section of the roadside hedgerow will have to be removed to provide the visibility splays and this will open up the site further.
- (Slide) This is a view of the site travelling south with the site shown by the blue arrow. The proposed dwelling will be located toward the front of the site and will be viewed from this location.
- (Slide) This is a closer view of the site which shows minimal screening and also shows the existing hedgerow which bounds the road which will have to be partially removed to provide the splays opening up the site.
- (Slide) This view shows the topography of the site which rises toward the south.

- (Slide) This shows the farm buildings at 116 Carnbore Road where is considered that a farm dwelling could integrate effectively into the landscape. Any new dwelling should be located beyond the ridge of the lands which will allow it to effectively integrate and visually link with existing buildings on the farm.
- This proposal is recommended for refusal.

In response to questions from Elected Members, the Senior Planning Officer stated that health and safety issues that were raised were in relation to the laneway, a number of vehicles use the laneway, similar to other farms; traffic on this laneway is infrequent. A noise impact assessment demonstrated why the proposed dwelling should not be located adjacent to the existing farm buildings at 99 Carnbore Road. The Senior Planning Officer advised that there was no information provided regarding the impact of noise and smell from the farm at 116 Carnbore Road and that the dwelling could be located in field 5 with separation and remain visually linked. The Senior Planning Officer advised the site falls by 1 – 2 metres in the corner. The planning application was reviewed and a site visit completed; the level of integration was unacceptable. The boundary to the west is a post and wire fence; the site is very open and would rely on new planting for integration.

In response to questions from Elected Members, the Head of Planning advised that the laneway is the preferred entrance to the proposed site but a new access could be provided.

The Chair invited Mr Lamb to speak in support of the application.

Mr Lamb stated that the application meets policy CTY10 (a) (6), the only issue is the location. The application is appropriate; he accepts the noise impact assessment for siting and conclusions made; there are no objections to the application and the dwelling would not change the rural character of the area. The report presented to Committee contradicts the Case Officer Report. The report from the Case Officer should hold more weight. There are mature trees and site is 1-2 metres below the road. The lands at no. 99 are the only lands on the farm that comply with Policy CTY10. Land at 116 Carnbore Road are not appropriate; there are farm operations, would be contrary to health and safety matters due to necessary use of laneway; a new laneway can not be provided due to ownership of land, the laneway in question is particularly narrow. New landscaping would also be required, which would be higher due to cut and fill and would overlook amenity area; the application site will cluster with other properties. There is machinery and air pollution at 116 Carnbore Road.

In response to questions from Elected Members, Mr Lamb stated that the second reason for refusal was added after referral; decisions were made based on the Case Officer report for considering referral - goal posts are being moved. Mr Lamb fundamentally disagrees with the procedure and the refusal reason.

In response to the Chair, the Senior Planning Officer confirmed the location of the proposed site. Mr Lamb confirmed the dwelling would not hamper expansion to the farm; it is within the green screening.

Proposed by Alderman Baird
Seconded by Alderman Boyle

- That the Planning Committee defer for a site visit due to difficulty judging the topography.

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 Planning Committee defer the application for a site visit due to difficulty judging the topography.

5.6 LA01/2022/0701/RM (REFERRAL) 55 LETTERLOAN ROAD, MACOSQUIN

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

Reason for Referral: Referral

App Type: Reserved Matters

Proposal: Proposed new two storey dwelling - Reserved Matters

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.

ERRATUM

Update

Paragraph 4.1 of the Planning Committee Report states;

4.1 Application for outline permission for a dwelling within a cluster.

This should state;

4.1 Reserved Matters Application for a replacement dwelling.

The first bullet point of the executive summary states;

- Reserved Matters planning permission is sought for a replacement dwelling within a cluster in accordance with Policies CTY3, CTY13 and CTY14 of PPS21.

This should state;

- Reserved Matters planning permission is sought for a replacement dwelling in accordance with Policies CTY3, CTY13 and CTY14 of PPS21.

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.

The Senior Planning Officer presented via Powerpoint presentation:

- (Slide) The proposal is for a two-storey dwelling at 55 Letterloan Road Coleraine. This is a reserved matters application. The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016.
- The principle of development has already been established at the site under application LA01/2018/0059/O which was approved with conditions. While the proposal was approved at outline stage for a replacement dwelling, the proposed scale, massing and design are material considerations to the Reserved Matters (RM) application which should allow it to integrate into the surrounding area and it should not have a visual impact significantly greater than the existing dwelling.
- Application LA01/2021/0834/RM which was a similar proposal on this site was refused. This application is now subject of an appeal. The only changes being the fenestration of the windows and reduction in two storey rear return. A further application LA01/2023/0028/RM has also recently been submitted for the same site which proposes a new design. No formal opinion has been formulated on this application.
- Within the second criteria of Policy CTY 3 it is stated that the overall size of the dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. The dwelling to be replaced is a modest 1.5 storey dwelling finished with front dormers and a pitched roof. The appearance of this building is considered to be sympathetic to the character of the area. The overall footprint of the dwelling to be replaced measures some 65sqm.
- The dwelling proposed is two-storey, measuring 6.5 metres above finished floor level. The proposed dwelling comprises a main rectangular element with a frontage of 13metres and gable width of 7.6metres and is finished with a hipped roof. The dwelling incorporates a two-storey rear return measuring 6.85metres in length by 17.2metres in width. The rear return includes an integral garage which protrudes from the eastern portion of the dwelling when viewed from the Letterloan Road. The ridge height of the two-storey rear return is the same height as the main element of the dwelling (6.5metres). The overall footprint of the dwelling measures approximately 217 sqm and this is over 3 times larger than the existing dwelling.
- The existing dwelling and outbuildings are to be removed from the site to accommodate this new dwelling, which will open up the site. Combined with the lack of mature vegetation on this site, the proposed dwelling would be incongruous in the landscape, and fail to integrate. It is considered that the overall scale, design and massing of the proposed dwelling would fail to integrate into the surrounding area and would have a significantly greater visual impact than the existing dwelling. The proposal fails the second and third criterion of policy CTY3.

- The overall proposal is considered to be inappropriate to the site and the locality given the scale, massing and design which would be incongruous to the site and out of character in this rural area- in particular the hipped roof, integral rear garage that protrudes from the side elevation of the dwelling; and the proposed rear return, which when travelling along the Letterloan Road, will be read as one block and dominate the landscape. The proposed dwelling would be a prominent feature in the landscape and given that the existing boundaries are not substantial enough to provide adequate screening the proposal also fails Policies CTY 13 and CTY 14 of PPS 21.
- The proposal also fails Paragraph 4.12 of the SPPS given that there is only 24 square metres of private amenity space. This issue is raised due to the scale and restricted curtilage of the proposed dwelling.
- Appeals 2019/A0245 (Portbradden Road, Bushmills) and 2018/A0041 (Seacoast Road, Castlerock) is similar to this proposal and was dismissed due to the design of the proposed new dwelling not being appropriate to its countryside location given the scale, massing and design.
- (Slide) This is the block plan which shows the restricted curtilage in green with the dwelling in pink showing the overall footprint which takes up the majority of the site.
- (Slide) These are the elevations of the proposed development with high eaves and shallow hipped roof which adds to the dominance of the proposed development. You can also see the large 2 storey rear return.
- (Slide) This shows the floor plans of the proposed dwelling.
- (Slide 6 and 7) These show the massing drawings provided by the agent which shows that the proposed dwelling is much larger than the existing dwelling. It is considered that the proposed design is too extensive in terms of scale and massing and would be dominant in the landscape when travelling along the Letterloan Road
- (Slide) This shows the existing dwelling located on site which is a modest 1.5 storey dwelling.
- This is a view of the existing buildings which will be removed and open up the site further.
- (Slide) This is a critical view of the site travelling south toward the site with dwelling. The new dwelling will be located toward the rear of the existing dwelling and would sit prominently above the one storey building.
- (Slide) This is a closer view of the site which is very open with no screening along its frontage.
- (Slide) This is a view of the site travelling north toward the site. There is some screening located along the southern boundary of the site but a dwelling of this scale will still be visible and will be prominent when viewed from this location.
- Refusal is recommended.

In response to questions, the Senior Planning Officer advised that although the reserved matters application did meet all the conditions it is not acceptable on scale or design; design should avoid dominant roofs on a large scale,

hipped roofs should be in a well screened sites; hipped roofs are out of character in this area. The design is a key element of assessing reserved matters. The Senior Planning Officer confirmed that the dwelling will be 15m from the road and that there is a commercial unit in situ. It was further advised that rural dwellings should have a greater private amenity area; there should be high quality rural design in keeping with character of the area. The Senior Planning Officer confirmed the curtilage restriction and that the amenity space is limited to curtilage.

The Head of Planning referred to condition 2 in relation to approval of external appearance. The application at reserved matters stage needs to comply with all the conditions; the character of the area is of modest dwellings in a rural area with significant amenity areas.

Proposed by Councillor Storey
 Seconded by Alderman Duddy

- That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the reasons set out in section 10:
 - o Information clearly indicates the application meets the requirements of the outline permission; particularly massing, integration, ridge height and all conditions have been complied with;
 - o What is proposed is less in visual impact than what is currently there.

Alderman Baird requested a Recorded Vote.

The Chair put the motion to the Committee to vote.
 7 Members voted For, 6 Members voted Against, 0 Members Abstained.
 The Chair declared the motion carried and application approved.

Recorded Vote Table

For (7)	Alderman Duddy
	Councillors Anderson, McMullan, Nicholl, Peacock, Scott, Storey
Against (6)	Alderman Baird, Boyle, McKeown
	Councillors Dallat O’Driscoll, Hunter, MA McKillop

RESOLVED - That the Committee has taken into consideration and disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the reasons set out in section 10:

- o Information clearly indicates the application meets the requirements of the outline permission; particularly massing, integration, ridge height and all conditions have been complied with;
- o What is proposed is less in visual impact than what is currently there.

RESOLVED - That Conditions and Informatives are delegated to Officers.

5.7 LA01/2021/0063/F (REFERRAL) SITE APPROXIMATELY 20METRES SOUTH OF NO.2 CRAIGFAD ROAD, BALLYCASTLE

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

Reason for Referral: Referral

App Type: Full

Proposal: Farm diversification project to accommodate 2 no. glamping pods utilising existing access, parking, and pedestrian field access.

RECOMMENDATION

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

The Senior Planning Officer presented via Powerpoint presentation:

- A Farm diversification proposal for 2 no. glamping pods
- (Slide) The site is located adjacent to no. 2 Craigfad Road, Ballycastle. The site is located in the open countryside and within the Antrim Coast and Glens AONB.
- (Slide) The site layout drawing. The site comprises 2 glamping pods, access and parking area and is sited in the northern corner of a larger agricultural field. The site has been amended from 5 glamping pods to 2 with access taken through the existing farm yard.
- In terms of policy it falls to be considered under policy CTY 11 as a farm diversification proposal. It has been confirmed that the farm business is currently active and established for the purposes of the policy. A proposal will only be acceptable under this policy where it involves re-use of existing buildings. Exceptionally a new building may be permitted where no existing buildings are capable or available to accommodate the proposed use, either because they are essential for the maintenance of the farm enterprise or are unsuitable. Where a new building is justified it should be satisfactorily integrated with an existing group of buildings. A proposal should also be appropriate to its location and not have an adverse impact on natural or built heritage.
- (Slide) These are the elevations of the proposed glamping pods.
- (Slide) This is a view of the site along the site frontage with Craigfad Road.
- (Slide) A view of the existing agricultural buildings and farm dwelling adjacent to the site.
- (Slide) A view of the site on approach along the Craigfad Road. The site is roadside and has limited natural boundaries to provide a suitable degree of enclosure. The site would rely heavily on new landscaping and planting to successfully integrate which is contrary to policy CTY 13 of PPS 21. As the proposal is for tourism development it has been considered against PPS 16 on tourism. It is contrary to policy TSM 7 of

this policy as the proposal lacks appropriate boundary treatments and enclosure. A proposal of this nature would also detract from the landscape quality and character of this AONB location. The area is characterised by small clusters of agricultural buildings and farm dwellings and the proposal for 2 glamping pods on this open site would appear out of place and damage the character of the AONB. As such the proposal is contrary to Policy NH 6 of PPS 2 as well as parts b and c of policy CTY 11.

- There have been a number of consultations carried out with DFI Roads to establish acceptable access arrangements. The latest consultation response from them was in August 2022. The agent was made aware of the required amendments at this time and they were subsequently chased up. However the agent has advised that they have been instructed that they need to establish the principle of development before further roads amendments are submitted. As such and at this time there is also a roads reason for refusal under Policy AMP 2 of PPS 3 in that it has not been demonstrated that the proposed access can be provide to an adequate standard.
- Our recommendation is to refusal planning permission as it is contrary to the SPPS Policies CTY 1, 11 and 13 of PPS 21. Policy TSM 7 of PPS 16. Policy NH6 of PPS 2 and Policy AMP 2 of PPS 3.

In response to the Chair, the Senior Planning Officer confirmed that the site has very limited vegetation; the boundaries are very open.

The Chair invited the Speaker to address the Committee.

Ms Muldoon stated that this application is for farm diversification for 2 glamping pods. Slide 2 in the presentation from the Planner shows a dashed blue line showing boundaries – the applicant could build an agricultural shed which would have greater visual impact than the glamping pods. There are 6 reasons for refusal which Ms Muldoon wished to address:

- It is obvious the glamping pods cannot be located within the settlement;
- The assessment is incorrect; the character of the Area of Outstanding Natural Beauty is the lack of trees and landscaping; the backdrop is a bungalow and chicken houses;
- There are no key vantage points; the area is very remote;
- The concern regarding access from the Department from Infrastructure Roads Department can be resolved;
- This is a farm diversification project to overturn a difficult area of farming; approval of this application will allow the second generation of the family to remain and farm the area;
- The key issue is integration and boundaries but the key characteristic is that the land is open, with no vegetation and a backdrop of the buildings.

In response to questions from the Elected Members, Ms Muldoon stated the applicant had reduced the number of pods and that the applicant does not wish to incur more costs addressing the concerns regarding access until the planning permission is agreed in principle. Ms Muldoon stated that the road where access is required is a very quiet road and fully understands the issues

of the Department for Infrastructure; she is seeking approval, in principle, to give the client confidence to resolve the access issues. Ms Muldoon advised this is an area of Outstanding Natural Beauty; that it is a highly exposed area; that dwellings can be seen from a distance; there is no mature planting or hedgerows, this would be out of keeping for the area. The backdrop is the existing built farm; the character is the cluster of farm buildings. Ms Muldoon stated the glamping pods are a farm diversification project; that Permitted Development rights would allow for an agricultural shed which would have greater impact than the glamping pods.

The Head of Planning advised there is no comparison between policies for different uses; a different policy would be applied to the agricultural building than a glamping pod with different criteria applied.

Councillor Hunter proposed that Committee defer for a site visit to see the topography and context in the area. This was seconded by Alderman Baird.

The Chair stated Fairhead was one of the most exposed landscapes.

In response to questions, the Head of Planning clarified that the Committee did not have all the information in terms of access due to outstanding information that had not been submitted. In response to a question about holding a site visit without having all the relevant information, the Head of Planning confirmed the reasons provided for the site visit.

Councillor Hunter stated she would withdraw her proposal for a site visit if Elected Members wished to make a decision today.

Proposed by Alderman Duddy
Seconded by Councillor Scott

- That Committee defer the application for 2 months to allow the applicant to submit the required information regarding access to the site.

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 deferred

RESOLVED - That the Committee defer the application for 2 months to allow the applicant to submit the required information regarding access to the site.

The Chair advised that he would not be in attendance for the remainder of the meeting, in the absence of the Vice Chair, the Chair asked the Planning Committee to nominate an Elected Member to preside as Chair during the remainder of the meeting.

RESOLVED - That Alderman Duddy preside as Chair during the remainder of the meeting

- * **The Chair declared a recess for lunch at 1.30pm.**

- * **Councillor McMullan left the meeting at 1:30pm**
- * **Alderman McKeown left the meeting at 1:35pm**
- * **Councillor Anderson left the meeting at 1:55pm**

- * **The Meeting reconvened at 2.00pm**

Alderman Duddy assumed the Chair.

The Head of Planning undertook a roll call.

6. LOCAL DEVELOPMENT PLAN

6.1 Quarterly verbal update

The quarterly verbal update was presented by the Development Plan Manager.

Draft Plan Strategy Publication

Members will be aware of the work undertaken to date to get us to this stage of the Plan-making process – draft Plan Strategy publication. The draft Plan Strategy was agreed at the August 2022 Planning Committee. At that stage the indicative publication date was late 2022/early 2023. The draft Plan Strategy was presented at the 1st November 2022 Full Council Meeting where it was deferred for further consideration.

Party Group Meetings were held during November and December 2022. As a result, policy review is ongoing and we await some further information/ evidence from Members.

An (all Member) workshop is to take place before bringing the draft Plan Strategy back to Full Council.

Impact on LDP Timetable

Current published LDP Timetable sets out an indicative date for draft Plan Strategy publication as spring/summer 2022. Given the ongoing work there will be a revised indicative date for publication. Following the workshop a revised LDP Timetable will be brought to the Planning Committee prior to submission for agreement with the PAC and Dfl.

7. CORRESPONDENCE

7.1 Dfl – PAN – Carnbuck Wind Farm

Correspondence, previously circulated was presented by Head of Planning.

RESOLVED – That Planning Committee note the correspondence report

7.2 Dfl – Planning Improvement Programme

Correspondence, previously circulated was presented by Head of Planning.

RESOLVED – That Planning Committee note the correspondence report

8. REPORTS

8.1 NI Planning Monitoring Framework Annual Report 2021/22

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

Purpose

The purpose of this report is to provide Members with an analysis of the Northern Ireland Planning Monitoring Framework Annual Report 2021/22 published 15 December 2022 by the Department for Infrastructure.

Background

The Northern Ireland Planning Monitoring Framework sets out the reporting arrangements to the Department of Infrastructure which came into effect on 1 April 2019. This is the fourth Northern Ireland Planning Monitoring Framework Bulletin published. The Framework includes the three statutory planning indicators in addition to non-statutory indicators.

Details

Website link 1 [Northern Ireland Planning Monitoring Framework 2021/22 | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/northern-ireland-planning-monitoring-framework-2021-22) provides a link to the full Framework publication. The Statistical Tables are attached at Appendix 1 (circulated).

The Framework provides details on performance across the three statutory targets along with a suite of additional indicators that are intended to provide a more comprehensive assessment of planning activity. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded from the reports to correspond with official validated statistics published by DFI.

Table 1 below (circulated) details the performance against each Indicator and how this compares to all 11 Council's performance. Performance against all indicators excluding indicator 5 improved in ranking when compared to the previous year's performance. The number of applications determined by the Planning Committee decreased slightly when compared to the previous year, however, the percentage of Planning Committee decisions that were made against officer recommendation increased significantly and is the highest over the four years of reporting and more than double that of the Northern Ireland average. The percentage of appeal decisions dismissed (agreeing with Council's decision) also significantly increased when compared to the previous year and above the Northern Ireland average. One award of cost was made by the PAC against Council, similar to previous years.

Focus for the next year will be to continue the improvement in processing times and balance this with the issuing of applications and cases in the system

over 12 months. Continuity of workforce over the next year is a key component in reducing processing times and caseloads and vacant posts must be filled without delay. The implementation of the new planning Portal in Q3 of the next business year will have an impact on performance as staff familiarise themselves with the new system and resolve any teething problems that arise.

Table 1 Performance (circulated)

Source: Northern Ireland Planning Monitoring Framework 2021/22

Recommendation

IT IS RECOMMENDED that the Planning Committee **Note** the attached Planning Monitoring Framework Report.

In response to questions, the Head of Planning provided an update on current vacancies within the Planning Department.

In response to questions regarding the Planning Portal, the Head of Planning provided an update on the issues currently being experienced. Elected Members provided information about specific issues including gaining access to outline plans, accessing ZIP files on ipads and Agents not being able to access objections on applications.

Proposed by Alderman Baird
Seconded by Alderman Boyle and

RESOLVED - That the Head of Planning

- Write to the Department for Infrastructure regarding issues experienced with the Planning Portal;
- Organise training for Elected Members in using the Planning Portal.

8.2 Quarterly Report on Planning Performance

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

Background

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

The statutory targets are:

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

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The Second Quarter 2022/23 Statistical Bulletin was published on 08 December 2022 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

Details

Website link 1

<https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-july-september-2022> provides the link to the published bulletin.

Development Management Planning Applications

Table 1, circulated, below provides a summary of performance in relation to the statutory targets for major development applications and local development applications for the year to date (April – September) of 2022-23 business year and provides a comparison of performance against all 11 Councils.

The Planning Department has issued the 2nd highest number of major planning applications out of the 11 Councils year to date with all 9 applications approved in an average processing time of 25.8 weeks, a staggering 26.6 weeks faster when compared to the same period last year. This is the fastest average processing time out of all 11 Councils and the only Council to meet the statutory target for processing major planning applications. This is a significant improvement on performance in this area and is the fastest average processing time for major applications since transfer of planning functions to Council.

In relation to local planning applications, the Planning Department continues to receive the 5 highest number of this category of planning applications and issue the 5 highest number of decisions with approval rate above the Northern Ireland average.

Improvement on the average processing times as been maintained into Q2 with average processing times remaining at 18.0 weeks, just 1 week slower than the Northern Ireland average. Of the decisions issued, 95.8% were approved, the 5th highest approval rate out of 11 Councils and higher than the Northern Ireland average.

Table 1: YTD Planning Applications Statistics (circulated)

Vacancies at Planning Officer grade due to resignation and long term sick leave has impacted the number of decisions issuing in Q2 when compared with the previous quarter. Nevertheless the number of decisions issued is greater than applications received resulting in a decrease in the number of live applications. The number of applications in the system over 12 months has been maintained with a very slight decrease. Focus in Q3 will be to reduce

the number of over 12 month old applications, although this is likely to impact on the average processing times for local applications.

As stability of the workforce is an important factor in the drive to improve performance and reduce the number of older applications, we will continue to work to recruit temporary planning officers to fill the vacant posts. However, due to the temporary nature of these posts this has been proving difficult to date with limited interest through the agency and difficulty attracting those with the necessary qualifications and experience.

Enforcement

Table 2, circulated, below shows statistics in relation to enforcement for year to date at end of Q2. During this period, the enforcement team the number of prosecutions and convictions equalled that of 3 other Councils; all other Councils are recorded as having zero convictions YTD. Conclusion times for 70% of cases dipped below the statutory target in Q2 due to focus on concluding an increased number of cases in a drive to constrain the continual increase in live cases. Of the cases concluded, 34.7% were closed due to no breach being identified. Nevertheless, these cases still required to be site visited and research undertaken, report written and discussed at a meeting with the authorised officer to agree the 'no breach' decision.

As the number of cases opened continues to exceed those closed, the number of live cases continues to rise with the 3rd highest live cases out of the 11 Councils, an increase of 63 cases when compared to the end of Q2 of 2021/22.

Table 2: YTD Enforcement Statistics (circulated)

Other Activity by Planning Department

Tables 3, circulated, below indicates the level of other activity carried out by the Planning Department year to date at end of Q2 of 2022/23 business year.

In addition to the formal applications received, YTD at end of Q2 the Planning Department received 98 other types of applications relating to planning applications, a slight reduction when compared to Q1.

Table 3: YTD Other Activity (circulated)

In addition to the formal applications received and other activity detailed above, YTD at end of Q2 the Planning Department received 18 requests for information, 130 general correspondence and 13 complaints at varying stages. This is a significant decrease in the number of general correspondence, requests for information and complaints received when compared to the same period last year.

Income

Table 5, circulated, below provides a breakdown of the income generated by the Planning Department year to date end of Q2 of 2022/23. Income

(including Property Certificates Q1 and Q2) was below that predicted by over £80k.

Table 5: Income (circulated)

Conclusion

Significant improvement in the processing of major planning applications is reflected in this Council being the only Council to meet the statutory performance target for major planning applications out of all 11 Councils and at the same time issuing the second highest number of major application decisions with 100% approval rate. This demonstrates the focus of staff on processing the most significant economic development applications in a timely fashion. Performance continues to steadily improve towards meeting the local statutory target. The approval rate for both major and local planning applications is above the Northern Ireland average.

Although, the statutory target for enforcement was just missed, the enforcement team continues to achieve the highest number of prosecutions and convictions out of all 11 Councils.

Focus going forward in Q3 will be on reducing the number of planning applications and enforcement cases in the system over 12 months and maintaining caseloads at a manageable level. Stability of the workforce is an important element in achieving further improvement and recruitment of suitably qualified staff into vacant posts remains a concern and a priority.

Recommendation

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

Alderman Duddy congratulated staff on their performance.

Councillor Storey stated that the work completed is appreciated; acknowledged the difficulty in recruiting and retaining staff especially when competing against the private sector and queried procedures surrounding enforcement.

In response to questions, the Head of Planning stated that streamlining the enforcement process can be looked at.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Boyle

Seconded by Alderman Baird and

AGREED – that Planning Committee move 'In Committee'.

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 Update on Legal Issues

The Senior Council Solicitor provided a verbal update on three ongoing legal issues in relation to Planning matters.

The Senior Council Solicitor sought Planning Committee approval to oppose the Judicial Review in relation to Rigged Hill Wind Farm and employ Legal Counsel.

Proposed by Alderman Baird
Seconded by Councillor Storey and

RESOLVED – to agree to oppose the Judicial Review in relation to Rigged Hill Wind Farm and employ Legal Counsel.

In response to questions, the Senior Council Solicitor provided legal Counsel's opinion on Council's position in relation to the grounds for the Judicial Review.

9.2 Finance Period 1 – 8 - Update 2022/23

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

Background

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 8 of the 2022/23 business year.

Recommendation:

IT IS RECOMMENDED that the Committee notes the update provided on the Planning budget as of end of period 8 of 2022/23 financial year.

RESOLVED - the Committee notes the update provided on the Planning budget as of end of period 8 of 2022/23 financial year.

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

There was no Any Other Relevant Business.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Scott
Seconded by Councillor MA McKillop

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

This being all the business the Chair thanked everyone for being in attendance, and the meeting concluded at 2:52pm

Chair

UNCONFIRMED