

**PLANNING COMMITTEE MEETING HELD
WEDNESDAY 24 JANUARY 2024**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	
2.	Declarations of Interest	<i>Councillor Storey in Item LA01/2022/1152/O</i>
3.	Minutes of previous meetings	
3.1	Minutes of Planning Committee meeting Pre Determination Hearing held Friday 17 November 2023	<i>Confirmed as a correct record</i>
3.2	Minutes of Planning Committee Meeting held Wednesday 22 November 2023	<i>Confirmed as a correct record</i>
4.	Order of Items and Confirmation of Registered Speakers	
4.1	LA01/2021/1548/F, Referral, 76 Fivey Road, Ballymoney	<i>Deferred for one month</i>
5.	Schedule of Applications	
5.1	LA01/2022/0981F, Major, Lands approximately 6km North East of Limavady accessed of the Broad Road in the townland of Gortcorbies Co Derry/Londonderry	<i>Approved</i>
5.2	LA01/2021/0634/F, Council Interest, Adjacent to 29 Roe Mill Road, Limavady	<i>Approved</i>
5.3	LA01/2021/0761/LBC, Council Interest, Adjacent to 29 Roe Mill Road, Limavady	<i>Grant</i>
5.4	LA01/2023/0298/F, Council Interest, Dervock MUGA, Knock Road, Dervock	<i>Grant</i>
5.5	LA01/2023/0712/LBC, Council Interest, Castlerock Footbridge, Castlerock Railway station, Sea Road, Castlerock	<i>Grant</i>
5.6	LA01/2022/0726/F, Objection, Lands at 1 Milltown Road, Ballymoney	<i>Approved</i>
5.7	LA01/2023/1047/F, Objection, 8 Granary Court, Coleraine	<i>Approved</i>
5.8	LA01/2022/0729/F, Referral, 141m North East of 30 Clontyfinnan Road, Armoy	<i>Disagree and Approve</i>

5.9	LA01/2021/1166/F, Referral, 30m NW of 32 Quay Road, Ballycastle (5.11)	Disagree and Accept the principle of Backland Development; design deferred to Planning Officers
5.10	LA01/2023/0129/O, Referral, Lands immediately West of 17 Glebe Road, Garvagh	Site Visit
5.11	LA01/2021/1351/O, Referral, 65m NE of 45 Glenedra Road, Feeny	Site Visit
5.12	LA01/2022/0779/F, Referral, Land at 200m NW of 293 Drumsurn Road, Drumsurn, Limavady	Site Visit
5.13	LA01/2022/1152/O, Referral, 70M South West of 16 Clady Road, Cushendun	Disagree and Approved
5.14	LA01/2023/0117/O, Referral, 248m South West of 97 Cashel Road, Macosquin	Site Visit
5.15	LA01/2021/1545/MDA, Planning Agreement, 1 Moneyvart Cottage, Layde Road, Cushendall	Approve
6.	Correspondence	
6.1	LTWS Action Plan Update	Noted
6.2	Craigall Quarry Determination	Noted
6.3	CCGBC Planning Department response to dTDPNI	Noted
6.4	Consultation letter on Review of the – Classes and Thresholds, PACC and Removal of mandatory PDHs	Noted
6.5	New Homes Quality Code Consumer-Code-Book-Print-V5 (1)	Noted
6.6	NIEA letter to Council Heads of Planning – Update re NIEA Ammonia Planning Advice 12 Dec 2023	That the Head of Planning send to Ulster Farmer's Union for commentary and write to Department of Agricultural Permanent Secretary stating concerns.
6.7	NIEA letter to Council Heads of Planning – Update re NIEA Ammonia Planning Advice 19 Dec 2023	Noted
6.8	Letter to Solace re Environmental Governance Work Programme	Information
6.9	Onshore Petroleum Licensing Policy – Notification of Consultation	Information
7.	Reports	
7.1	Finance Report – Period 1 -8 Update	Noted

7.2	Information Leaflet on Referral of Applications	<i>That the Committee considers the attached Information Note and agrees to the circulation to Members and uploading onto the Planning Section of Council's website</i>
7.3	Information leaflet on Renewal of Planning Applications	<i>That the Committee considers the attached Information Note and agrees to its publication on the Planning Section of Council's website</i>
7.4	LDP Working Group	<i>That the Committee considers the above options and approves Option 1 agreeing to the establishment of a working group to explore the housing allocation and policies for houses in the countryside for inclusion within the draft Plan Strategy; agreeing that the working group will consist of 1 Member from each Party Group to be nominated by the Group Party Lead, supported by external legal advice as required with a maximum budget of £15k; The Planning Committee noted the Terms of Reference</i>
7.5	Q2 Performance Report Update	<i>Noted</i>
7.6	SPPS Call for Evidence	<i>That the Committee agrees to the Head</i>

		<i>of Planning responding to this Call for Evidence</i>
7.7	Standing Advice Dfl Roads	<i>That the Committee agrees to implement the updated Standing Advice from Dfl Roads with immediate effect</i>
8.	Confidential Items	
8.1	Update on Legal Issues	
(i)	East Road, Drumsurn	Noted
(ii)	Rigged Hill	Noted
8.2	Update on Soil Samples	Noted
9.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	None

UNCONFIRMED

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND
VIA VIDEO CONFERENCE
ON WEDNESDAY 24 JANUARY 2024 AT 10.30AM**

Chair: Councillor McMullan (C)

Committee Members: Alderman Boyle (C), Coyle (C), Hunter (R), S McKillop (C), Scott (C), Stewart (C);
Councillors Anderson (C), C Archibald (C), Kennedy (C), McGurk (R), Nicholl (R), Peacock (R), Storey (C), Wallace (C), Watton (C)

Non-Committee Member in Attendance: Alderman Callan (R)

Officers Present: D Dickson, Head of Planning (C)
S Mathers, Development Management and Enforcement Manager (C)
R Beringer, Senior Planning Officer (R)
E Hudson, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
R McGrath, Senior Planning Officer (C)
J McMath, Senior Planning Officer (R)
M Wilson, Senior Planning Officer (R)
S McKinley, Planning Officer (R)
J Mills, Council Solicitor, Land and Property, (R)
S Duggan, Civic Support & Committee & Member Services Officer (C/R)
I Owens, Committee & Member Services Officer (R/C)

In Attendance: A Lennox, ICT Officer (C/R)
C Ballentine, ICT Officer (R)

Public 14no. (C) 9no. (R)
Press 1 no (R)

Key: R = Remote C = Chamber

Registered Speakers in Attendance

Item No.	Name
LA01/2021/0634/F	M Bell (C)
LA01/2021/0761/LBC	M Bell (C)
LA01/2022/0726/F	S Dill (C) K Kitchen (R)
LA01/2022/0729/F	J Simpson (R)
LA01/2021/1166/F	M Howe (C)
LA01/2023/0129/O	O Dallas (C)
LA01/2021/1351/O	Professor D Hassan (C)
LA01/2022/0779/F	T Lamb (no record of attendance)
LA01/2022/1152/O	M McNeill (C)
LA01/2023/0117/O	J Simpson (R)
LA01/2021/1545/MDA	J Morgan (R)

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

The Head of Planning advised that Alderman Boyle would be late to the meeting.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for Councillor Storey during consideration of Item LA01/2022/1152/O, Referral, 70M SouthWest of 16 Clady Road, Cushendun. Councillor Storey left the meeting during consideration of this Item.

3. MINUTES OF PREVIOUS MEETINGS

3.1 Minutes of Planning Committee meeting Pre Determination Hearing held Friday 17 November 2023

Copy previously circulated.

Proposed by Councillor Storey

Seconded by Alderman Scott

- That the Minutes of Planning Committee meeting Pre Determination Hearing held Friday 17 November 2023 are confirmed as a correct record.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

RESOLVED - That the Minutes of Planning Committee meeting Pre Determination Hearing held Friday 17 November 2023 are confirmed as a correct record.

3.2 Minutes of Planning Committee Meeting held Wednesday 22 November 2023

Copy previously circulated.

Proposed by Councillor Watton

Seconded by Councillor Storey

- That the Minutes of the Planning Committee meeting held Wednesday 22 November 2023 are signed as a correct record.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

RESOLVED - that the Minutes of the Planning Committee meeting held Wednesday 22 November 2023 are signed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair enquired whether there were any requests for site visits.

4.1 LA01/2021/1548/F, Referral, 76 Fivey Road, Ballymoney

Proposed by Councillor Storey

Seconded by Alderman Scott

- That application LA01/2021/1548/F, Referral, 76 Fivey Road, Ballymoney is deferred for one month, as the Agent is unavailable due to health reasons.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred.

RESOLVED - That application LA01/2021/1548/F, Referral, 76 Fivey Road, Ballymoney is deferred for one month, as the Agent is unavailable due to health reasons.

5. SCHEDULE OF APPLICATIONS:

5.1 LA01/2022/0981F, Major, Lands approximately 6km North East of Limavady accessed of the Broad Road in the townland of Gortcorbies Co Derry/Londonderry

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

Major Application to be determined by Planning Committee

App Type: Full Planning

Proposal: Proposed amendment to the previously consented Dunbeg South Wind Farm (LA01/2018/0200/F) - Construction of wind farm comprising 9 No. wind turbines (maximum 149.9 metres to blade tip) and associated infrastructure including external electricity transformers, crane hardstandings, underground cabling, control building, substation compound, newly created site entrance, new and upgraded on-site access tracks, turning heads and all other associated ancillary works. During construction and commissioning there will be a number of temporary works including a construction compound with car parking, temporary parts of crane hardstanding and welfare facilities. This amendment is to include an alternative turbine model increasing the rotor diameters up to a maximum of 117m and retaining a hub height up to a maximum of 100m. The overall tip height of the turbines shall remain at the previously consented 149.9m.

Recommendation

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

The Development Management and Enforcement Manager presented via Power point as follows:

- This proposal is for a new windfarm on a site with previous planning history for a similar proposal, approved in December 2020. The proposal is for 9 wind turbines, each with a tip height of 149.9m producing up to a total of 37.8 MW. In addition, the proposal includes a control building with substation compound and a new site entrance from the A37 Broad Road.
- As indicated in the Northern Area Plan 2016, the site is located within the Binevenagh AONB. The Northern Area Plan 2016 is silent on the matter

of wind farm development. Therefore, regional polices apply.

- As this is a major planning application, it was preceded by a PAN accompanied by a community consultation report together with a Design and Access Statement.
- As this proposal is EIA development, it was accompanied by an Environmental Statement which was requested by the Planning Department.

Main Issues

- **Public Safety/ Human Health & Residential Amenity-** The fall over distance from public roads is met. Concerning the separation distance to occupied property, there are no dwellings within 10 times the rotor diameter area of 1220m. In terms of noise, Environmental Health was content with the effect of the proposal on all properties. Given the separation distance, the maximum potential for shadow flicker at any dwelling is likely to be very low.
- **Visual Amenity/ Landscape Character-** The most critical views of the proposal are from the south west approach from Limavady on the A37 Broad Road. From here, by reason of the siting and scale of the turbines, the proposal will appear as a prominent and skyline feature in the landscape. However, significant weight is given to the fall-back position of the previous approval for a similar windfarm in 2020 which could be constructed. The proposed windfarm differs from the approved one solely on the type of turbine design- specifically, with a lower hub and longer blades but with the same overall tip height. The number and siting of the turbines remain the same. The approved windfarm remains a live planning permission. In considering the previous application, in the Planning Committee recommendation significant weight was given to the consultation response of the Protected Landscapes Team in NIEA who considered the impact on the AONB. While they acknowledged the extension of the visual impact and impact on landscape character towards Limavady, they did not consider the impacts to be significant enough to sustain an argument against the proposal. Their response stated their preference is always to look more favourably on extensions to existing windfarms as opposed to new schemes. As the visual impact of the proposal will be no greater than that approved, the proposal is considered acceptable on that basis.
- **Natural Heritage-** Consideration has been given to a range of issues such as priority habitat, the presence of badgers, birds, bats and impacts on the water environment including the River Roe and its Tributaries SAC. There is no development proposed on active peatland. Through the submission of various reports, consultation with the relevant authorities

and the use of specific conditions, the proposal is considered acceptable in this respect.

- Access- The proposal includes a new access to the A37 Broad Road, a Protected Route. This is contrary to Policy AMP 3 which only permits use of an existing access onto a Protected Route. However, as use of the access is limited to construction, periodic maintenance and decommissioning, the proposal is considered an exception to the policy. Therefore, the specific circumstances are considered to outweigh the requirements of the Policy.
- Other Issues- No unacceptable issues are arising regarding water quality, peat slide, telecommunications or aviation safety.
- Economic, Environmental and Social Benefits- The proposal offers significant economic and environmental benefits. However, as the proposal is considered acceptable, there is no need to scrutinise these.
- Representations- There were no objections or support representations.
- Conclusion-. Having regard to the relevant issues, the proposal is considered acceptable. Therefore, approval is recommended.

Councillor Watton queried how many additional homes could be serviced.

The Development Management and Enforcement Manager referred to the Environmental Statement that stated 23,000 homes, equivalent to 41.2% of the housing stock in Causeway Coast and Glens Borough.

Proposed by Alderman Stewart
Seconded by Alderman Coyle

- 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 vote.

15 Members voted For; 0 Members voted Against; 0 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 the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

* **Alderman Callan arrived at the meeting remotely at 10.51am.**

5.2 LA01/2021/0634/F, Council Interest, Adjacent to 29 Roe Mill Road, Limavady

Report and speaking rights were previously circulated and presented by Senior Planning Officer, J McMath. Senior Planning Officer stated the application was in conjunction with Agenda Item 5.3.

Council Interest Application to be determined by Planning Committee.

App Type: Full Planning

Proposal: Proposed Refurbishment of Existing Barn, Reinstatement of First Floor & Roof (following demolition works as building was at risk of imminent collapse and was presenting a significant risk to pedestrians and vehicles on adjacent footpath and road) to Provide 2 No. Apartments (1 No. apartment as ancillary to the main dwelling and 1 No. apartment as a self contained unit, for separate rental) with the Essential Characteristics of the Barn Retained & Enhanced, installation of septic tank with soakaway & to include All Associated Works.

Recommendation

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

The Senior Planning Officer presented via Power point as follows:

- LA01/2021/0634/F is a Full application and as the building is listed it is read in conjunction with LA01/2021/0761/LBC which is item 5.3 on the agenda.
- This application seeks Full Planning Permission for the proposed refurbishment of existing barn, this involves the reinstatement of first floor and roof to Provide 2 No. Apartments (1 No. apartment as ancillary to the main dwelling and 1 No. apartment as a self contained unit, for separate rental). The scheme also includes the installation of septic tank with soakaway and site works such as parking spaces, demolition of adjacent garage to provide amenity space and reinstatement of a boundary wall.
- The site is located within the development limits of Limavady as defined in the Northern Area Plan 2016.
- The site is adjacent to 29 Roemill Road, Limavady.
- No29, the building subject to this application and a number of outbuildings are grade B2 listed buildings.

- The building subject to this application was a two storey red brick building with natural slate roof and archway which provided access into the internal courtyard.
- The building was partially demolished with the roof and first floor removed. P1 form states demolition works as building was at risk of imminent collapse and was presenting a significant risk to pedestrians and vehicles on adjacent footpath and road.
- Falls to be considered under PPS6 and PPS7 and addendum.
- The proposal complies with policy BH7 of PPS6 in that the Change of Use to residential of the Listed Building is acceptable and secures its upkeep and survival and the character and architectural / historic interest of the building would be preserved or enhanced.
- The self-contained unit comprises a 3 bedroom unit with first floor living accommodation. It has been found to be acceptable under policy and creates a quality residential unit.
- The design and finishes are acceptable, the design replicates the dimensions, apertures and architectural details of the original. The scheme reuses original brick and slates retained from the partial demolition process.
- HED have been consulted and have not raised any objection to the final scheme.
- Adequate parking and amenity space has been provided for the self-contained unit which is directly accessible to the unit. Given the separation distances, orientation and use of obscure glazing the proposal is not considered to have negative impact on adjacent residential properties.
- The ancillary unit comprises a one bedroom unit. Policy supports the reuse of an existing building for ancillary accommodation where it provides a modest scale of accommodation. The ancillary accommodation is considered modest (25%) and would be less harmful to the listed dwelling than a new build extension and would better protect its character and appearance and will assist in its upkeep and survival. Parking and amenity space will be shared with no 29.

- Foul sewage is to be dealt with by means of a septic tank, Environmental Health, Water Management Unit have not raised any issues.
- Officials are satisfied that ecological surveys are not required in this instance due to the extent of demolition works which have taken place to date.
- Five letters of objection from 3 addresses have been received to this proposal, details of the issues are available in the committee report but a summary of the issues are as follows.
 - Will walls of existing garage (boundary to No. 31) be removed.
External walls are to be retained
 - Will remainder of barn be demolished.
Ground floor walls are to be retained and stabilisation measures have been provided to allow retention and reconstruction.
 - Will the building be rebuilt with the original brick and slate and what bond of brickwork will be used.
Materials have been retained from the partial demolition process which will be reused. Additional materials are to be similar
 - Will there be doors and windows where there were previously none.
Original apertures are to be used
 - Why is a septic tank proposed.
Septic tank is needed as there is no capacity within NIW network
 - Object to living room/kitchen windows at first floor. Loss of privacy, overlooking.
Within the urban area, areas to front of dwellings are generally not regarded as private amenity areas due to public views from roads and paths. The separation distance of 15m between front facades with a public road in between is considered adequate to maintain privacy and determining weight is given to reinstatement and preservation of a listed building.
 - Concerns regarding location of proposed car parking and whether this will result in a loss of on-street parking. Can alternative parking be provided.
The proposal was amended during processing to propose parking in curtilage. No loss of on street parking.
 - Proposal is not in keeping with the residential area of Roemill Road.
Roemill road is predominantly residential.
- The proposal is considered to comply with all relevant planning policies including the Northern Area Plan. The proposed layout, scale and design is considered acceptable in regard to the surrounding context. It is considered that there will be no unacceptable impacts on adjacent

dwellings from overlooking, loss of light or overshadowing. Satisfactory amenity, access, parking and sewage arrangement have been demonstrated and the proposal will assist in the preservation and upkeep of a listed building.

- Approval is recommended.

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

M Bell stated he had no comments, was in attendance to answer queries and supported the recommendation to approve.

There were no questions put to the speaker.

Proposed by Councillor C Archibald
Seconded by Alderman Scott

- 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.

15 Members voted For, 0 Members 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.

5.3 LA01/2021/0761/LBC, Council Interest, Adjacent to 29 Roe Mill Road, Limavady

Report and speaking rights were previously circulated and presented by Senior Planning Officer, J McMath.

Council Interest Application to be determined by Planning Committee.

App Type Listed Building Consent

Proposal: Proposed Refurbishment of Existing Barn, Reinstatement of First Floor & Roof (following demolition works as building was at risk of imminent collapse and was presenting a significant risk to pedestrians and vehicles on adjacent footpath and road) to Provide 2 No. Apartments (1 No. apartment as ancillary to the main dwelling and 1 No. apartment as a self contained unit, for separate rental) with the Essential Characteristics of the Barn Retained & Enhanced, installation of septic tank with soakaway & to include All Associated Works.

Recommendation

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

Senior Planning Officer presented via powerpoint presentation as follows:

- LA01/2021/0761/LBC is the Listed Building Consent application which is to be read in conjunction with LA01/2021/0634/F item 5.2 on the agenda.
- This application seeks listed building consent for the proposed refurbishment of existing barn. This involves the reinstatement of first floor and roof to Provide 2 No. Apartments (1 No. apartment as ancillary to the main dwelling and 1 No. apartment as a self-contained unit, for separate rental) the scheme also includes the installation of septic tank with soakaway and site works such as parking spaces, demolition of adjacent garage to provide amenity space and reinstatement of a boundary wall.
- The site is located within the development limits of Limavady as defined in the Northern Area Plan 2016.
- The site is adjacent to 29 Roemill Road, Limavady.
- No29, the building subject to this application and a number of outbuildings are grade B2 listed buildings.
- The building subject to this application was a two storey red brick building with natural slate roof and archway which provided access into the internal courtyard.
- The building was partially demolished with the roof and first floor removed. P1 form states demolition works as building was at risk of imminent collapse and was presenting a significant risk to pedestrians and vehicles on adjacent footpath and road.
- One letter of representation was received which raised the storage of building rubble and other items. These materials are to be reused on the reconstruction of the building and will be removed upon commencement of the development.
- The proposal falls to be determined under PPS6 policies BH8 and BH11 which deal with the extension and alteration of a Listed Building and works within the setting of a Listed Building.
- Supporting information submitted with the application included a structural report drafted prior to the partial demolition taking place which made recommendations regarding making the building safe including removing the roof and part of the first floor walls and propping of walls and the archway.

- A stabilisation report detailed the methods for stabilising the remaining walls to provide a solid base to facilitate the reconstruction of the first floor and roof, repairing cracks, repointing joints, underpinning foundation and walls, installing wind frames and concrete ring beams to tie the existing and new walls together.
- The Design and Access statement outlined that the proposal aims to retain and replicate features and reuse materials from the partial demolition and source suitable new materials where needed. Proposes to maintain the buildings character, appearance and setting and will be sympathetic to adjacent dwelling and outbuildings.
- In consultation with HED the Planning Department is satisfied that the proposal complies with PPS6.
- The proposal is considered acceptable having regard to the Northern Area Plan 2016 and other material considerations. The proposed development seeks to reinstate the building to its original form and dimensions, it will restore the building, retain the character, use traditional materials without detriment to the Listed Building. the recommendation is to grant Listed Building Consent.

Alderman S McKillop requested to view a slide which was illustrated for Committee.

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

M Bell stated he was happy to answer questions.

There were no questions put to the speaker.

Proposed by Councillor C Archibald

Seconded by Alderman Scott

- 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 Grant Listed Building Consent subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and consent granted.

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 Grant Listed Building Consent subject to the conditions set out in section 10.

5.4 LA01/2023/0298/F, Council Interest, Dervock MUGA, Knock Road, Dervock

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

Council Interest Application to be determined by Planning Committee.

App Type: Full Planning

Proposal: The proposal involves development of a multi-use games area (MUGA) on land currently used as a grass field. The proposal comprises an artificial surface and new pedestrian access with floodlighting and fencing.

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 **GRANT** planning permission subject to the refusal reasons set out in section 10.

Senior Planning Officer presented as follows:

- (Slide) The site is located within the Dervock Settlement Development Limit as defined in the Northern Area Plan 2016. The site is located within a Major Area of Existing Open Space, an Area of Archaeological Potential and Local Landscape Policy Area Designation DVL 01: Dervock River which runs along the eastern boundary. 19 neighbours notified. One letter of support received.
- (Slide) The proposal includes the development of a pitch with polymeric surfacing enclosed by a 4 metre high boundary fence and covered with 4 metre high roof netting. The netting is supported by 4.5 metre high posts. Surrounding the pitch are 6 metre high lighting columns.
- (Slide) Works also include re-surfacing and additional paths leading to the proposed pitch with the addition of a bike shelter. Road markings are proposed on Knock Road to create a right turning lane. A bin currently located on the footpath is to be relocated behind the visibility splays. DFI Roads as the competent authority have no objection to the proposal.
- (Slide) The blue indicates the location of the MUGA. Main policy consideration is under PPS 8: Open Space and Recreation. Policy OS 1 protects the loss of open space. It was considered that while the proposal may alter the formal use and appearance of the land, it was considered that the proposal does not represent a loss of open space, but rather the redevelopment and formalisation of open space to provide high quality recreational facilities.
- Amenity and potential residential impacts have also been considered, noise and lightening reports have been submitted. Opening hours have been limited to 9am to 10pm and will be conditioned as part of any subsequent planning approval. A Construction Noise Management Plan was also been

conditioned to be submitted prior to construction.

- (Slide) The river is located along the tree line to the left in the photo. NIEA and SES were consulted and have both raised no objection. The site is also designated as an LLPA in the plan and the proposal does not have a detrimental impact on the features of the LLPA. HED are also content in relation the area of archaeological potential.
- (Slide) Looking towards the site which is the other side of the outdoor gym
- (Slide) View of the car park and entrance
- (Final slide) Existing access. The bin is to be relocated behind the wall to ensure a safe and adequate access has been provided.

In response to questions from Elected Members the Senior Planning Officer clarified all reports had been submitted for the required consultees. There were negative Conditions as part of the planning permission relating to further works prior to the commencement of development consisting of a construction noise management plan and Environmental Health had requested the methodology on the effect of vibration.

Proposed by Alderman Hunter
Seconded by Alderman S 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 **GRANT** planning permission subject to the refusal reasons set out in section 10.

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

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 **GRANT** planning permission subject to the refusal reasons set out in section 10.

5.5 LA01/2023/0712/LBC, Council Interest, Castlerock Footbridge, Castlerock Railway station, Sea Road, Castlerock

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

Council Interest Application to be determined by Planning Committee.

App Type: Listed Building Consent

Proposal: This application relates to the refurbishment and re-installation of the metal pedestrian footbridge over the railway line at Castlerock Station.

Works include structural repairs, repainting and re-erection of the bridge in its original position.

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 **GRANT** listed building consent for the reasons set out in section 10.

Senior Planning Officer R Beringer presented via powerpoint presentation as follows:

- (Slide) The site as outlined in red comprises the application site, which currently comprises the temporary footbridge. The application site is located within the settlement limits of Castlerock as set out in Northern Area Plan 2016.
- (Slide) The proposal seeks listed building consent for the refurbishment and re-installation of the Grade B1 listed Overbridge (or pedestrian footbridge). The schematic bridge plan layout indicates the positioning of this structure on the site.
- (Slide) View of the application site from Sea Road, with the temporary footbridge visible.
- (Slide) Closer view of the footbridge site.
- The proposed works include structural repairs, repainting and re-erection of the bridge in its original position. The proposal seeks to maintain the original structural form and replicate original detailing of all bridge components, as far as is reasonably practical. The rehabilitated structure will be painted black, to match the original colour.
- As the structure is listed, consultation was carried out with HED-Historic Buildings who are content with the proposal.
- The proposal complies with the Policy Requirements of the SPPS and PPS 6, Policy BH8 Extension or Alteration of a Listed Building.
- The recommendation is that Consent is Granted.

In response to questions from Elected Members, the Senior Planning Officer clarified the application was for Listed Building Consent only and was a Council application.

The Head of Planning clarified Council had taken away the bridge and was replacing it, Committee was solely looking at Listed Building Consent, reinstatement and refurbishment.

Proposed by Alderman Scott
Seconded by Alderman S 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 **GRANT** listed building consent for the reasons set out in section 10.

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

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 **GRANT** listed building consent for the reasons set out in section 10.

5.6 LA01/2022/0726/F, Objection, Lands at 1 Milltown Road, Ballymoney

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

Objection Application to be determined by Planning Committee.

App Type: Full Planning

Proposal: Proposed residential development consisting of 9no. apartments and 8 Semi-detached dwellings

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 refusal reasons set out in section 10.

Senior Planning Officer presented via powerpoint presentation as follows:

- (Slide) Planning Application LA01/2022/0726 is a full application for a Proposed residential development consisting of 9 no. apartments and 8 semi-detached dwellings at lands at no. 1 Milltown Road, Ballymoney.
- The application is being presented as an Objection Item.
- (Slide) Red line boundary of the site. The site is located within the settlement development limits of Ballymoney and is not zoned for any particular use in the Northern Area Plan 2016. The site was previously used over the years for various commercial and industrial uses. The site is considered to be a brownfield site within a predominantly residential area. The area adjoining the eastern boundary of the site is within the floodplain and remains undeveloped. There are recently constructed

residential properties adjoining the southern boundary of the site and part of the eastern boundary. There is a Petrol Filling Station, shops and fast food outlets site just to the NW of the site.

- 7 objections have been received and one non-committal letter. Objections are from the housing development to the south and east of the proposal. Issues raised include:
 - Character, design, privacy, amenity space, bin storage, sewage capacity, lack of demand, loss of light and access.
- The proposed development has been considered against all relevant policy including the Northern Area Plan 2016, SPPS, PPS 7, Creating Places and DCAN 8 and those outlined in Part 7 of the Committee report. Our recommendation is to approve planning permission.
- (Slide) This is the site layout drawing. The site comprises a block of apartments along the site frontage. Marked as A on the site layout and then B - 2 storey semi-detached dwellings along the rear of the site. A watercourse runs along the northern boundary of the site. DfI Rivers have been consulted and are content with the proposed layout. This area is also included in a local landscape policy area.
- Access to the site is taken from the southern portion of the site and runs along the rear of the apartment development and front of the dwellings. The proposal incorporates both public and private areas of open space and meets the relevant standards. Given the historic industrial use of the site the proposal will provide enhanced landscaping and greening of the site.
- (Slide) This is a contextual drawing of what the development will look like along Milltown Road. The topography of the site is generally flat and sits at a much lower level than the adjoining lands. The proposed apartment block is 3 storey in height with a maximum height of 10.8m and 8 m to the eaves. The building includes a saw-tooth design and narrow gables due to the stepped footprint. Scale and massing is broken up vertically and horizontally through the use of architectural detail and materials. Materials include grey facing brick and grey metal cladding on the upper third of the building. The proposed design and scale is considered acceptable on this site when taking into account the historical industrial use of the site and the buildings which remain on site.
- (Slide) A slide of the proposed dwellings. They are semi-detached in character with a hipped roof which aren't dissimilar to other dwellings in the area. The proposed dwellings are located to the rear of the site which screens them largely from critical views.
- (Slide) A view along the site frontage. A lot of development has been demolished on site however there are a number of redundant buildings remaining in the northern portion of the site.

- (Slide) A view along the frontage. The site is along a main arterial route close to the town centre and as such represents a key site within the town. Due to the previous uses on site the potential for contamination exists. A Preliminary Risk Assessment was provided and consultation carried out with NIEA Regulation unit and Environmental Health. No unacceptable risks to environmental receptors were identified.
- (Slide) Another view across the site showing existing redundant buildings.
- (Slide) This is a view along the eastern boundary showing the rear of properties along Millbrooke Drive. These properties sit elevated above the site. The access road and area of open space run along the southern shared boundary and so help to provide enhanced separation between the proposed built development and existing properties along Millbrooke Drive. The apartment block will have a FFL 3 metres below those properties along Millbrooke Drive and a separation distance of approximately 31 m. The proposed dwellings are positioned along the eastern boundary which forms an area of open space associated with nearby development and as a result any potential impact is negligible.
- (Slide) This is a view towards the northern boundary of the site. The rear elevation of this existing building on site forms part of the existing riverbank. This structure is to be maintained as part of the development to provide necessary retaining structure as well as a flood defence.
- (Slide) This is a view looking down the southern boundary of the site. This area is within the floodplain and remains undeveloped.
- (Slide) View of the southern boundary of the site will dwellings under construction along Millbrook Drive.

There were no questions put to the Senior Planning Officer.

The Chair invited S Dill and K Kitchen to speak in support of the application.

K Kitchen referred to the 2023/2024 NIHE development programme, and development due to start before the end of March 2024. K Kitchen stated there was a massive need in Ballymoney, there were 227 applicants on the waiting list and continues to grow daily. K Kitchen stated out of the 17 social homes, there were 8 houses and 9 apartments, two of which were for wheelchair and complex needs properties. There were twenty-six car parking spaces, two less than Creating Places but accepted by DfI Roads and Planning, this mitigated by being close to the town centre, proposed car ownership low, proximity to shops and excellent transport network uses therefore, reduce the need for car usage; the train station a ten minute walk. K Kitchen advised that when built, Triangle Housing will be responsible for the development, with a Contractor for maintenance, and an Asset Housing Officer managing the scheme. K Kitchen

welcomed approval of much needed social housing in Ballymoney at this location.

S Dill referred to the gateway to Ballymoney, a derelict site, that respects the surrounding context. S Dill stated they had liaised with the case officer during the process and taken on board comments. S Dill stated the application was designed around the Open Space, meets density, scale and massing of the character of the area, designed around open space with minimum 40sq.m private amenity. Regarding the private dwelling to the rear, the levels are acceptable, there is a 31m separation distance, the buffer further enhanced by planting; overlooking minimised and orientation for minimising overlooking. Regarding car parking, there are 26 spaces, two less, however due to the close proximity to shops, pubs and transport and agreed by DfI Roads and Planning. S Dill advised there will be a new crossing point at Milltown Road for pedestrians. Flooding – there is a buffer along the Ballymoney River and all aspects of flood measures agreed with DfI Rivers.

In response to questions from Elected Members, S Dill clarified the location of the pedestrian crossing point referred to. Senior Planning Officer illustrated this location on slide during discussion. S Dill clarified there was no space to continue the path, hence the crossing point island on the road. S Dill clarified there was no central reservation on the Ballybrakes Road, clarified path of the sun, rising east to west, the level of site will resolve issues. S Dill clarified the original footpath extends to the bridge, but bridge is not wide enough for a footpath.

In response to comments from Elected Members, S Dill agreed to look at the issue of a footpath on the inside of the bridge, in relation to road safety aspects.

Proposed by Councillor Kennedy
Seconded by Councillor Wallace

- 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 refusal reasons set out in section 10.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried 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 refusal reasons set out in section 10.

5.7 LA01/2023/1047/F, Objection, 8 Granary Court, Coleraine

Report addendum and additional information received were previously circulated, presented by Senior Planning Officer, R Beringer.

Objection Application to be determined by Planning Committee.

App Type: Full

Proposal: Proposed change of use to H.M.O.

Recommendation

That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 8 and the policies and guidance in sections 7 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 with the recommendation to Approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

Senior Planning Officer presented via powerpoint presentation as follows:

- This is an objection item. There are 10 letters of objection from 7 no. addresses which are considered within the Planning Committee Report and the Addendum.
- An Addendum accompanies the Committee Report.
- (Slide) The application site, as outlined in red, comprises the existing dwelling and detached garage, set within its own curtilage. The site occupies a corner plot within an existing residential cul-de-sac and is located within the settlement development limits of Coleraine as set out in Northern Area Plan 2016.
- (Slide) The proposal is for the change of use of the dwelling to an HMO. There are no changes proposed to the existing arrangements on the site, in-curtilage parking is provided within the site and the existing garage is to be retained. There is an enclosed side and rear garden area. These areas are as identified on the block plan.
- (Slide) Existing floor plans are provided indicating that there are no internal alterations proposed as part of this application. There are four existing bedrooms, three of which benefit from ensuite facilities, along with main bathroom, kitchen/dining room, utility room and living room. The proposal seeks to change the use from a dwelling house (Class C1) to a House in Multiple Occupation (HMO) which is a Sui Generis Use. The end use remains residential.
- (Slide) View of the application site itself.
- (Slide) View of the rear of the property, with the side and rear garden areas.

- (Slide) View of driveway parking, with existing detached garage to the rear.
- (Slide) View of further parking area to the front of the property.
- The proposal is for the change of use of an existing 4 bed dwelling house to a 4 bed HMO. Policy HOU 4 of the Northern Area Plan 2016 relates to the use of dwellings for Multiple Occupation and states that Planning Permission will only be granted for the use of dwellings for multiple occupation where all of the 5 criteria are met.
- There are no internal alterations proposed as part of this application. The dwelling currently benefits from 4 bedrooms, 3 of which have ensuite shower rooms, a main bathroom, a kitchen/dining area and a separate living area. Externally there is driveway parking available to the front and side of the property, along with a garage. Adequate enclosed amenity space is available. Consultation was carried out with NIHMO unit who responded to advise that they had no further comment to make. The proposal would require to be licensed under The Houses in Multiple Occupation Act (NI) 2016, which is a separate process to the planning application. The premises are suitable to accommodate the proposed number of occupants.
- Externally there are no changes proposed to the existing arrangements. The character of the surrounding area is residential, and while the proposal requires permission for a change of use, the end use remains of a residential nature. The planning history of the surrounding area does not indicate any other HMOs in the immediate vicinity of the application site. Issues raised in objections referred to the impact on character but it is considered that the proposal in itself will not adversely impact on the amenity of neighbouring properties or the character of the surrounding area. The character of the area would remain residential in its nature.
- The external spaces include areas of private amenity space to the side and rear which are of an acceptable standard. There is easy and convenient access to this space and bin storage can be accommodated within the site. The property also benefits from an existing detached garage and driveway parking for up to 5 cars.
- There are no changes proposed to the existing in-curtilage parking arrangements. Parking and service requirements would not result in an adverse impact or detract from the amenity of local residents. Issues raised in objections referred to the level of parking available, its arrangement and the impact on character and amenity. As outlined, there are no changes proposed to the existing arrangements. It is considered

that the proposal would not intensify the current arrangements to an unacceptable degree, nor would it result in an unacceptable impact on the character or amenity of residents and the surrounding area.

- The existing landscaping and hardstanding arrangements are to remain, with no changes proposed as part of this application. The external appearance of the property will not change. There are no objections from Consultees.
- The proposal complies with the criteria outlined in Policy HOU 4 of the Northern Area Plan 2016 and Approval is recommended.

An Elected Member considered that whilst respecting the objections, a precedent had been set as a HMO had been approved at the last meeting and DfI Roads had no concerns.

An Elected Member stated concern the Policy did not state how many HMO's there could be on one street. In reference to the issues raised, he stated they should be considered Planning matters, there was opposition to HMO's approved in quiet, built up, settled, residential areas.

Proposed by Councillor Anderson
Seconded by Councillor Wallace

- That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 8 and the policies and guidance in sections 7 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10;
- That the Committee note the contents of this Addendum and with the recommendation to Approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

The Chair put the motion to the Committee to vote.

13 Members voted For, 1 Member 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 8 and the policies and guidance in sections 7 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10;

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

5.8 LA01/2022/0729/F, Referral, 141m North East of 30 Clontyfinnan Road, Armoy

Report, addendum, Site Visit Report and speaking rights were previously circulated, presented by Senior Planning Officer E Hudson.

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report.

App Type: Full

Proposal: Proposed new farm shed (clustered with existing cattle crush)

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 Recommendation

That the Committee note the contents of this Addendum 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 via powerpoint presentation:

- (Slide) Planning Application LA01/2022/0729/F is a full application for a new farm shed located 141m north east of 30 Clontyfinnan Road, Armoy.
- A site visit was carried out on Monday and Site Visit report circulated. There is an addendum to accompany your Committee report.
- (Slide) This is the red line boundary of the site. The site is located within the open countryside as defined in the Northern Area Plan 2016.
- (Slide) This is the site layout drawing. The blue buildings on the layout are the applicants dwelling and garage. The proposed building is located in the far corner of a larger agricultural field approx. 120 m back from the public road. The northern and western boundaries of the site are undefined and there is a cattle crush along the rear boundary.
- (Slide) This is the proposed building. The building is split in two with two separate accesses.
- The application falls to be considered under policy CTY 12 of PPS 21. The applicants farm business has been in existence for more than 6 years and has claimed Single Farm Payment in the last years. However, prior to 2022 the land on which the building is proposed was located on land associated with another farm business. As the land has not formed part of the applicants active and established agricultural holding for the last 6 years it fails to meet Policy CTY 12.
- The land was acquired by the applicant in 2022. The farm holding extends to around 11 ha, including the land adjacent to the applicants dwelling. The remaining land on the holding is taken in conacre at 2 separate locations – lands at 166 Castlecat Road, Dervock and at 59 Bregagh Rd, Armoy. The agent stated that the applicant has no other buildings and during the

processing of the application stated he currently utilises a rented shed at Castlecat Road as well as storing feed at his property and using external contractors. Supporting information indicates that the shed is necessary for the efficient functioning of the farm as the current situation is impractical. It is to be used to store animal feed, veterinary products and machinery.

- To verify the supporting information confirmation was sought in relation to the ownership of the machinery. However, it was advised that the applicant was not in possession of receipts with the exception of a trailer and fertiliser sower. Remaining equipment was purchased without receipt and is stored at rented sheds at Castlecat Road and the applicant's father's address. To verify this information a site inspection at these lands was carried out and didn't identify any of the machinery on site. Discussions with the land owner indicates that the building has not been rented out at any time for the purposes outlined in the supporting info. In a recent email to the Planning Dept the agent confirmed that the applicant is no longer using these sheds at Castlecat Road and is currently parking farm equipment around his dwelling until such time as he finds an alternative location. To verify this updated information a further site inspection was carried out at the applicants dwelling yesterday however no farm equipment was evident on site at time of inspection.
- It is unclear where the applicant is currently storing machinery/supplies. On this basis, it is our consideration that it has not been demonstrated that the proposed shed is necessary for the efficient functioning of the holding and as such fails criteria (a) of Policy CTY 12.
- (Slide) Photos of the proposal.
- In terms of integration critical views are limited and in combination with the distance back from the road and sufficient level of integration is provided for a building of this scale.
- Our recommendation is to refuse planning permission as outlined in Part 10 of the Committee report.

In response to questions from Elected Members, Senior Planning Officer clarified the land was added to the Farm Business Id since 2022 and therefore, the site is not eligible under the 6 years until 2028. Senior Planning officer clarified other assessments under policies CTY 13 and 14 are satisfactory, the key issue is of the principle of development.

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

J Simpson stated the following matters:

- Location – this site has the least impact and is the closest. The case officer agreed the scale was acceptable and design ok. The critical views are restricted and there is a drop in levels and sufficient integration. There are no objections;
- Cited Appeal 2014/A0255 in relation to group of buildings;

- Actively Farming Business ID for 6 years. DARD have confirmed 21 cattle, 45 sheep. Require shed to store animal feed and machinery. Cited Animal Welfare 2012, Code of Practice. Current arrangements unsatisfactory.
- There are no receipts for the machinery which was purchased a number of years ago. The machinery is parked at the dwelling and needs to be housed. Machinery moved due to the storm last night;
- There was a gentleman's agreement over storage elsewhere but there had been a fall out;
- Shed is needed for efficient running of the farm holding.

In response to questions from Elected Members, J Simpson clarified the client had explored alternatives, there is nothing available, alternatives are too far away for the active farm. The cattle and sheep are not housed and out on fields. The shed is required for animals, feed and machinery for welfare purposes, to look after and care for them. Needs the shed on his own land.

Proposed by Councillor Storey

Seconded by Councillor Kennedy

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

- It can be established from the comments there is no suitable alternative and is essential for the use of this farm, it could not be located in a settlement;
- The application is in keeping with policies CTY 13 and CTY 14;
- The Agent referenced Appeal 2014/A0255 and support the comments made;
- DARD have confirmed an Active Farm;
- Issue of policy CTY 10 states clearly in paragraph 5.38, "*New houses on farms will not be acceptable unless the existing farming business is both established and active*", The Policy is the spirit of the law, as opposed to the letter of the law. Active ID includes this land. No spirit of Policy would say when you add to the portfolio, this excludes you.
- 6 years or more.
- Under policy CTY 12 site is on land that is part of Farm ID and active Farm. Land is now part of his portfolio would be capable to apply for Single Farm payment as part of Farm ID, as part of this active Farm.

During consideration of the reasons, the Head of Planning cited the refusal reasons and sought comments under Policy CTY 12.

The Chair put the motion to the Committee to vote.

14 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 disagrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** planning permission for the following reasons:

- It can be established from the comments there is no suitable alternative and is essential for the use of this farm, it could not be located in a settlement;
- The application is in keeping with policies CTY 13 and CTY 14;
- The Agent referenced Appeal 2014/A0255 and support the comments made;
- DARD have confirmed an Active Farm;
- Issue of policy CTY 10 states clearly in paragraph 5.38, “*New houses on farms will not be acceptable unless the existing farming business is both established and active*”, The Policy is the spirit of the law, as opposed to the letter of the law. Active ID includes this land. No spirit of Policy would say when you add to the portfolio, this excludes you.
- 6 years or more.
- Under policy CTY 12 site is on land that is part of Farm ID and active Farm. Land is now part of his portfolio would be capable to apply for Single Farm payment as part of Farm ID, as part of this active Farm.

RESOLVED – that Conditions and Informatives are delegated to Officers.

The Chair declared a recess for a comfort break at 12.23pm.

- * **The meeting reconvened at 12.30pm.**
- * **Alderman Boyle joined the meeting at 12.30pm.**

5.9 LA01/2021/1166/F, Referral, 30m NW of 32 Quay Road, Ballycastle

Report, Site Visit Report and speaking rights were previously circulated, and presented by Senior Planning Officer R Beringer.

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Full

Proposal: Proposed three storey 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 **REFUSE** full planning permission for the reasons set out in section 10.

Senior Planning Officer presented via powerpoint presentation as follows:

- (Slide) The site as outlined in red comprises the application site, which incorporates the existing residential dwelling in the southern portion of the site, along with the existing outbuilding and garden area to the rear of the site. The site lies within the settlement development limit of Ballycastle which is within the Antrim Coast and Glens Area of Outstanding Natural Beauty. The site is located within the Ballycastle Conservation Area.

- (Slide) The proposal is for a proposed new 3 storey dwelling, to be sited in the rearmost part of the application site. The existing outbuilding is to be demolished to allow for access to the proposal. Access arrangements are proposed to be shared with the existing dwelling at No. 32, with parking provided to the rear of No.32.
- (Slide) The proposed elevations indicate the siting of the proposed dwelling relative to the existing dwelling. Owing to the existing topography of the site, the dwelling is sited in the most elevated part of the site. The outline of the existing outbuilding, which is to be demolished, is shown by the dashed red line.
- (Slide) This first image is of the site when viewed from Quay Road, with the existing dwelling in the foreground, and the existing outbuilding to the rear.
- (Slide) This is a view of the outbuilding with the existing rear garden where the new dwelling is to be sited.
- (Slide) This is a view of the application site from the boundary between Nos 30 and 32 Quay Road.
- (Slide) This is a view of the application site from the amenity space at the rear of the neighbouring site at No. 30, at Abbeyfield.
- (Slide) This is a view of the site from the rear amenity space of the neighbouring property at No. 34 Quay Road.
- PPS 7 promotes quality residential development in all types of settlements, and this is further supplemented by the guidance contained in DCAN 8 and Creating Places. Paragraph 5.7 of DCAN 8 states that backland development on plot depths of less than 80m is unlikely to be acceptable. The application site plot measures 63m from front to back, significantly below the recommended requirement. The principle of backland development on this site is not acceptable.
- Where careful design may be able to overcome concerns in relation to sites which measure less than 80m, the specific characteristics of this site result render the development unacceptable.
- Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. All proposals for residential development will be expected to conform to all of the nine criteria listed.

- The proposed dwelling is three storey in scale and sited in the rearmost part of the existing garden. By virtue of its existing topography, this is the most elevated part of the rear garden, and as such the proposed new dwelling will be sited in an elevated position relative to the existing dwelling. The established character of the site and immediate surrounding area is of traditional detached, semi-detached and terraced dwellings with small, subordinate outbuildings and gardens located to the rear. The application site itself is an historical plot with the detached two storey late 19th Century Victorian townhouse, associated outbuilding and raised garden to the rear. This contributes positively to the character and is an important asset of the Conservation Area. The overall mass of the proposed new dwelling fails to respect the surrounding context and character of this location.
- The overall thrust of the design of the proposed new dwelling is modern in its character and it is considered that this fails to respect the character of the Conservation Area. The loss of the garden to accommodate the proposed new dwelling and parking for both the existing and proposed dwelling, disrupts the existing grain and introduces additional hardstanding. This results in a form of development which is inappropriate in this location.
- The proposed amenity space arrangements, while providing an acceptable level of open space, fall far below the quality of that provided by the existing rear garden of No. 32. No 32's amenity space will be bound by the access to, and parking for, the proposed new dwelling at the rear. Additionally, given the elevated position of the new dwelling, this space will be dominated by the presence of the new building and the impact from overlooking, both direct and perceived, will result in an unacceptable impact on the existing dwelling at No. 32.
- Parking is proposed to the rear of the existing dwelling, between No. 32 and the proposed new dwelling. While DfI Roads raise no objection to the propose access arrangements, as previously mentioned, this arrangement is considered unacceptable in terms of the impact on amenity. The level of parking is considered to fall below that required in Creating Places for a dwelling of this size, particularly when considered in cumulation with the parking that is required to serve the existing dwelling.
- The design and layout of the proposal will have a dominant and overbearing impact on the existing dwelling at No. 32, along with the neighbouring properties at Nos. 30 & 34 Quay Road. The level of glazing to the front elevation including the elevated position of the terrace, which directly faces the rear of No. 32, will result in the overlooking of this dwelling. As a result of the elevated position of the new dwelling, at the rearmost part of the site, it will also result in unacceptable overlooking,

both direct and perceived, of the neighbouring properties at Nos. 30 & 34 Quay Road. This is compounded by the depth of the site which falls below the recommended depth as outlined in DCAN 8.

- A key material consideration in the assessment of this proposal is the planning history on this site. A previous application for a similar proposal was withdrawn in October 2018. Concerns were raised in respect of the principle and form of development. The proposals are similar in scale, with a modern design influence. No consideration has been given to the Conservation Area in this most recent application. The policy context has not changed. The issues highlighted and raised during the consideration of the previous application have to some extent been exacerbated by the siting of the proposed dwelling further to the rear of the site. This results in the proposal being dominant and overbearing on this site and fails to take account of any of the characteristics or features of the Conservation Area.
- Additional information provided by the agent in relation to other backland development is considered within the report. The specific issues pertaining to the application site are such that the principle of backland development is not acceptable.
- The proposal fails to provide a quality residential environment and results in a detrimental impact on the established character of the Conservation Area. The principle of backland development is considered unacceptable on this site, and the scale, massing and design of the proposal is not sympathetic to the special character of this Conservation Area and AONB location.
- (Slide) A matter raised at the site visit was in relation to the extent of the Ballycastle Conservation Area, a Map of the Conservation Area is shown here, with the location of the site within it also identified.
- Members also asked at the site visit about the recently constructed development adjacent to the War Memorial and whether this was comparable. That development is not considered directly comparable to the current proposal and related to a comprehensive scheme for the redevelopment of a broader site, encompassing a former terraced row and the land to the rear. Notwithstanding this, each site must be assessed on its own merits, and the principal of the current proposal in front of us is unacceptable given the specific characteristics of this site.
- A further matter raised at the site visit was in respect of the height of the building relative to the rear wing of the building at No. 30. From reviewing the plans and levels submitted the difference between these buildings would be in the region of 1.47m, with the ridge height of the proposed

dwelling sitting ~1.47m higher than the ridge height of the rear wing at No. 30.

- The proposal is contrary to Policy QD 1 of PPS 7, Policy BH 12 of PPS 6, Policy NH 6 of PPS 2 and DCAN 8.
- Refusal is recommended.

In response to questions from Elected Members, Senior Planning Officer clarified a comment could not be made on an entirely different proposal; the building is identified as an 'outbuilding'. The development further down Quay Road, opposite the War Memorial is a broader development proposal. It is a redevelopment of a larger site, as opposed to a single development, within an existing garden area, to the rear as proposed. Senior Planning Officer stated the specific character of this site and proposal is where concerns lie.

The Head of Planning advised the Agent on advised by the Senior planning Officer the building is an 'outhouse' as illustrated on the drawings.

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

M Howe stated the report was very long, five minutes was insufficient to refute it and had submitted a comprehensive response in Annex A. M Howe stated the application lodged in 2017, withdrew in 2018, HED had engaged in pre application discussion to achieve a design that was acceptable that would not object to. M Howe stated HED / Conservation were similar experts and assumed the application would satisfy Conservation, he had engaged with Transport NI. M Howe was told principle of backland development was unacceptable. M Howe stated he should have had similar engagement with the Conservation Officer but when he did, the Conservation Officer did not respond, he stated disappointment with the lack of communication, now recommended for refusal. M Howe stated he had produced backland development analysis of other sites. including sites shorter than this property.

M Howe stated he had engaged with two out of the four bodies and have resolved issues, he is willing to amend the design if the principle of the backland can be resolved. M Howe asked Planning Committee to send the application back to Planning to resolve design issues. M Howe referred to the Planning Committee report – backland development 80m depth – DCAN 8 except where existing urban grain is very urban in character.

In response to questions from Planning Committee members, M Howe stated he attempted to contact the Conservation Officer by email but never received a reply. An email from the Planning Officer did receive a reply but there was no opportunity to talk of design because the principle of backland development required to be resolved.

M Howe referred to the previous application at the Committee meeting for Ballymoney which stated a separation distance of 31m, whilst the separation distance of this application 30m. M Howe clarified the applicant owns the house, lives there, urged to engage with Planners to design something that fits this site.

M Howe stated that by not discussing merits of the design, and talking, he had missed out on an element of the process.

M Howe clarified the outbuilding was being removed.

Senior Planning Officer clarified HED Conservation response “note refer to Conservation Officer for impact”. The Conservation Officer response provided and uploaded. The Senior Planning Officer advised that having reviewed the email correspondence the email had been sent to @doeni.gov.uk and this email address no longer applies since 2015, the agent would have received an out of office or undeliverable. An office meeting was held in line with protocol for processing an application.

Proposed by Councillor Storey
Seconded by Councillor Kennedy

- 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 the principle of backland development and refer back to Planning Officers consideration of the design for the following reasons:

- The application does provide a quality, residential environment in keeping with criteria (a), (b), (c), (d), (e), (f), (g), (h) and (i) of policy QD 1 as outlined from the Agent, correspondence sets out Planning reasons as to why it should be approved.
- There is no detrimental impact to no. 32;
- There have been no objections from Roads Service regarding parking; there is on street parking and a Council carpark opposite;
- Other developments have been approved in the Conservation Area in more density and number;
- The Application would not have a detrimental impact on the character of the area and AONB, complimentary to most tourism areas of the borough;
- Design acceptable with HED. Take on board that it is to be referred to Conservation Officer, the comment is at variance of the case officer and do not agree;
- Issue of separation distance of 30m proves that every effort has been made to ensure quality residential development and not to the detriment of the adjoining property, and character of the Conservation Area;
- There should be meaningful discussion on design with Planners;
- Accept the principle of backland development; in relation to design refer back to Planning Officers.

The Head of Planning recited the reasons for recommending approval.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and referred to Planning Officers.

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 the principle of backland

development and refer back to Planning Officers consideration of the design for following reasons:

- The application does provide a quality, residential environment in keeping with criteria (a), (b), (c), (d), (e), (f), (g), (h) and (i) of policy QD 1 as outlined from the Agent, correspondence sets out Planning reasons as to why it should be approved.
- There is no detrimental impact to no. 32;
- There have been no objections from Roads Service regarding parking; there is on street parking and a Council carpark opposite;
- Other developments have been approved in the Conservation Area in more density and number;
- The Application would not have a detrimental impact on the character of the area and AONB, complimentary to most tourism areas of the borough;
- Design acceptable with HED. Take on board that it is to be referred to Conservation Officer, the comment is at variance of the case officer and do not agree;
- Issue of separation distance of 30m proves that every effort has been made to ensure quality residential development and not to the detriment of the adjoining property, and character of the Conservation Area;
- There should be meaningful discussion on design with Planners;
- Accept the principle of backland development; in relation to design refer back to Planning Officers.

- * **The Chair declared a recess for lunch 1.13 pm.
The meeting reconvened at 2 pm.**

The Head of Planning undertook a roll call of Committee Members present.

- * **Alderman Scott did not rejoin the meeting.**

5.10 LA01/2023/0129/O, Referral, Lands immediately West of 17 Glebe Road, Garvagh

Report, Addendum and Supporting information from Agent, previously circulated, was presented by Senior Planning Officer, J McMath.

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Outline

Proposal: New dwelling and garage on a farm (application to relocate dwelling position on site and changes to site access as approved LA01/2020/1385/O)

Recommendation

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

Addendum Recommendation

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

Proposed by Councillor Storey
Seconded by Alderman McKillop

- That a site visit takes place as it would be advantageous to consider all issues in relation to the site.

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

RESOLVED – that a site visit takes place as it would be advantageous to consider all issues in relation to the site.

5.11 LA01/2021/1351/O, Referral, 65m NE of 45 Glenedra Road, Feeny

*** Alderman Scott re-joined the meeting in the Chamber at 2.10 pm**

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

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Outline

Proposal: Proposed 1.5 storey dwelling house with detached garage at an existing cluster of development assessment under CTY 2a of PPS 21.

Recommendation

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

Senior Planning Officer, M Wilson presented as follows via powerpoint presentation.

- Outline planning permission is sought for a dwelling within a cluster in accordance with Policy CTY2a of PPS21.
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. You have the planning committee report in front of you. There is also a verbal erratum to update the Planning Committee Report. The site is also located within the Sperrins AONB. It follows then that, if the proposal is found to have an unacceptable impact on the countryside or rural character, it would also cause harm to the AONB.

- (Slide) The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and is located within the Sperrins AONB. The site is located on land 60m NE of 45 Gledreda Road, Feeny.
- As set out in the Report, the proposal has been assessed against the relevant policy within Planning Policy Statement 21, which is policy CTY 2A, and goes on to consider and assess if the area meets the necessary criteria for a dwelling and if the proposed site qualifies as an acceptable site within that cluster. [SLIDE] A satellite image of the site and the surrounding context.
- The site is located at the junction of Gledreda Road and Coolnamonan Road. [Slide] It is a long rectangular site that runs from Gledreda Road towards a dwelling sited approximately 120 metres along Gledreda Road. You will note from the site layout the size of the site and length of frontage compared to the surrounding development and the development pattern of the area. For comparison, the frontage length of the Church, including the Church grounds, is a similar frontage length @125 metres to the application site. By further comparison, the 4 dwellings to the east of the Church on the same side of the Gledreda Road have an entire frontage length of less than 100 metres. This proposal fails to deliver development that consolidates the existing cluster and results in development being extended into the countryside.
- Here are some photos showing the site in relation to surrounding development – this is a view, from Coolnamonan Lane, with St Joseph’s Church in the background and then [slide] a view from Gledreda Road looking towards the Church with the site out of sight, on the left of the slide.
- The proposal fails to meet the criteria for the principle of development under Policy CTY 2a.
- (Slide) – moving to some photos of the site; the proposal also fails policies CTY13 and CTY14 in that approving a dwelling on this site would be prominent and result in a suburban style build-up of development when viewed with existing buildings and would result in ribbon development.
- (Slide) – these photos show the extent of the site, and how open it is and the requirement for additional planting and landscaping. It follows that if the proposal is found to not comply with these policies it will also be contrary to Policy NH6 of PPS 2 due to the impact on the AONB.
- (Slide) The site is located close to St Joseph’s R.C. Church on Gledreda Road which is a listed building. Historic Environment Division: Historic Buildings Unit has been consulted as the competent authority on listed buildings, and it is satisfied that the proposal meets the requirements of SPPS 6.12 and BH 11 of PPS 6.

- Historic Environment Division: Historic Monuments Unit has been consulted as the competent authority on archaeology matters. It has responded with no objection to the proposal.
- DFI Roads has been consulted as the competent authority and raises no objection to the proposed access.
- NI Water and NIEA (Water Management Unit), Environmental Health and HED were consulted on the application and raise no objection.
- There are no third-party representations on the proposal.
- The application is recommended for Refusal.

The Chair invited questions from Elected Members for the Senior Planning Officer.

At the request of an Elected Member, the Senior Planning Officer displayed some slides previously viewed for clarity and to better understand the current level of development in the area. The Elected Member referred to a similar application in Feeney.

As an Elected Member asked for a definition of a cluster, the Senior Planning Officer referred to pages 8 and 9 of the Planning Committee report and the Head of Planning read an extract from policy CTY2A.

The Senior Planning Officer advised of a typing error at para. 9.5 of the Planning Committee report which should read policy CTY2A and not policy CTY8.

At the request of an Elected Member, the Senior Planning Officer confirmed that only one dwelling was permitted under policy CTY2A.

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

Professor Hasson stated that he was the co-applicant and was not in agreement with the assessment determined by the Senior Planning Officer. This land has been managed by a farming family for 300 years and his desire is to return to take over the farm. Full planning permission was granted in July 2019 but this cannot be progressed as it is landlocked due to access, the valid permission will lapse. This application supports the rural community and local primary school as there are 3 children of Primary School age. Apart from the established family home there has not been a dwelling applied for in 20 years on this land as young people tend to leave the area. In relation to Design and Access Statement a cluster exists at the crossroads with 9 individual dwellings, a place of worship, shop, post box and Primary School. The site is bounded on 3 sides, one of which is the current family home. The building will not be seen on the main approaches on the B47. For reference, under policy CTY2A, applications LA01/2022/0166 and LA01/2021/1506 were both approved and not bounded on 3 sides. Support

is sought for the family to enjoy the rural way of life and sustain the farming profession.

The Chair invited questions from Elected Members for the speaker.

At the request of an Elected Member the speaker advised that consideration had been given to moving the dwelling closer to the crossroads but there were restrictions caused by power lines.

An Elected Member said the area was scattered with clusters which was typical of the Feeny/Park area and referred to the particular site as being on a steep dip from the road which would not impact adversely on views. The Speaker confirmed that on approach from the Feeny direction the proposed dwelling would be 10-12 ft below ground level and would only be visible on approach to the site itself. An Elected Member felt that the photograph shown did not accurately show the topography of the area.

Proposed by Alderman Coyle
Seconded by Alderman Boyle

- that a site visit take place to properly consider the topography of the area.

The Chair put the motion to the Committee to vote.
15 Members voted For, 0 Members voted Against, 1 Members Abstained.
The Chair declared the motion carried.

RESOLVED – that a site visit take place to properly consider the topography of the area.

5.12 LA01/2022/0779/F, Referral, Land at 200m NW of 293 Drumsurn Road, Drumsurn, Limavady

* **Councillor Watton left the Chamber at 2.44 pm and returned at 2.48 pm**

Report, Addendum and supporting information from Agent, previously circulated, and presented by Senior Planning Officer, M Wilson.

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Full

Proposal: A new one and a half storey dwelling on a farm. With associated ancillary works and water treatment system.

Recommendation

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

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application as set out in Section 1 of the Planning Committee report.

Senior Planning Officer, M Wilson presented as follows via powerpoint presentation.

- Full planning permission is sought for a one and a half storey dwelling on a farm
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. You have the planning committee report and an addendum in the packs in front of you. There is also a verbal erratum to the planning committee report. This is to make an amendment to the second page of the Report, which is the title page with the “details box”.
- The address referred to within this box gives the incorrect location; the address should read as 200m NW of 293 Drumsurn Road. The address is correct elsewhere in the Report.
- The addendum relates to a noise impact assessment which has been submitted in support of the application. There was no requirement to submit this, and the survey was carried out at no. 293 Drumsurn Road, rather than the application site. That said, despite the assessment not being carried out at the proposed site, as there is no reason for refusal or objection relating to noise impact, the proposed site is acceptable in this regard.
- Moving onto the slides; (Slide) The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. And as mentioned in the verbal erratum, the site is located on land 200 metres Northwest of no. 293 Drumsurn Road, Drumsurn. (Slide) A satellite image showing the site and the surrounding context.
- This proposal seeks Full planning permission for a dwelling on a farm – policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all criteria can be met – which are the 3 tests. Criterion c is no lesser of a test than the other 2. Criterion (c) requires “..the new building to be visually linked or sited to cluster with an established group of buildings on the farm. While consideration can be given to an alternative site, this is in exceptional circumstances.
- Although there are no plans to expand the farm business at the group of buildings, the Applicant’s agent has put forward health and safety reasons relating to noise and nuisance from the GAA pitch and the agricultural buildings. There are dwellings currently beside both these uses.
- The argument suggested that a dwelling cannot be located near to a GAA pitch due to potential noise and light disturbances does not carry sufficient

weight to set policy aside as this is not a constant noise and it is not unusual for dwellings to be sited beside sports pitches.

- As the policy head note is a dwelling on a farm, it would be expected that some loss of amenity may be likely and given this very policy objective is to associate dwellings with a group of buildings on the farm, general activities or nuisances associated with farming/buildings on farms would not carry determining weight in seeking a site elsewhere as this would entirely undermine the policy intention.
- A further exception put forward is in relation to potential flooding. PPS 15 adopts a precautionary principle regarding flooding. However, this issue remains with the site under consideration as set out in Paras 8.6-8.7 of the PlanniCR.
- The proposal fails to meet the criteria for the principle of development under Policy CTY10 (c) as the proposal fails to visually link or cluster with a group of buildings on the farm.
- As the proposal does not link with a group of buildings on the farm, the proposal is also contrary to criterion (g) of policy CTY 13.
- The proposal is also contrary to policy FLD1 of PPS 15. DfI Rivers was consulted and it raises objection to the proposal under policy FLD 1 of PPS 15 as no River Model to identify the extent of the floodplain affecting the site or a Flood Risk Assessment has been submitted.
- (Slide) – the proposal seeks to utilise an existing access to the site. DfI Roads has been consulted and it raises no objection to the proposal.
- (Slide) A photo of the site from Drumsurn Road; it is considered that in respect of integration and rural character, the proposal complies with policies CTY 13 and 14 – with the exception of not visually linking with a group of buildings on the farm.
- (Slide) As this is a full application, the details of the proposed house have been submitted. This is the floor plan proposed, and [Slide] these are the proposed elevations. Having regard to policy and guidance it is considered, on balance, the proposed design is acceptable.
- DfI Roads, NI Water and NIEA (Water Management Unit), Environmental Health, DAERA and SES were consulted on the application and raise no objection. DfI Rivers raises an objection regarding flooding.
- There are no third-party representations on the proposal.
- The application is recommended for Refusal.

Proposed by Councillor McMullan
Seconded by Councillor Archibald

-that a Site Visit take place due to information provided in relation to the potential for flooding.

The Chair put the motion to the Committee to vote. 16 Members voted For, 0 Members voted Against, 0 Members Abstained. The Chair declared the motion carried.

RESOLVED – That a Site Visit take place due to information provided in relation to the potential for flooding.

5.13 LA01/2022/1152/O, Referral, 70M South West of 16 Clady Road, Cushendun

Report and Letter of Support, previously circulated, was presented by Senior Planning Officer, M Wilson.

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Outline

Proposal: Proposed site for dwelling & garage within an existing cluster compliant under CTY2A of PPS21

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 for the reasons set out in section 10.76

Senior Planning Officer, M Wilson presented as follows via powerpoint presentation.

- Outline planning permission is sought for a dwelling and garage under policy CTY2a of PPS21 Dwelling in a Cluster
- This is a local application and is being presented to Committee as it has been referred to the Committee for decision. You have the planning committee report in front of you. There is also a verbal addendum. A further letter of support has been received from Cllr Margaret Anne McKillop. This also changes the no. of letters of support on the title page from 3 to 4.
- Cllr McKillop supports the application and is disappointed the application has not been approved. The email goes on to say that the applicants are both valued members of the community and provide voluntary work within it. It goes on to state that there is a need for young people to remain in the community, and their loss would be felt within it, and that members support the cluster at Creagh Wood and the mass rock which is situated not far from Creagh Wood, as focal points associated with the cluster. There is also

concern with lack of housing in this area and decline in numbers in the local school and other rural activities and facilities. In addition there is support for the personal and domestic circumstances.

- Considering this letter of support, similar matters have been raised within the other support letters. With regards to the Creagh Wood and the mass rock as focal points; when considered against policy these would not be focal points associated with any cluster due to the intervening agricultural land, a river, and that these are on a different road.
- (Slide) The site is not located within any settlement development limit as defined in the Northern Area Plan 2016 and lies within the Antrim Coast and Glens AONB.
- There is a relevant planning history on this site including a planning appeal that was dismissed which considered many of the matters associated with this application. This is set out in paras 8.5-8.14 of the Report, and para. 8.24 of the Report states that the dwelling is to be sited in a different part of the site; moved closer to No.16.
- As set out in the Report, the proposal has been assessed against the relevant policy within Planning Policy Statement 21, which is policy CTY 2A, and goes on to consider and assess if this area meets the necessary criteria for a dwelling and if the proposed site qualifies as an acceptable site within that cluster;
- (Slide). A satellite image of the site and the surrounding context.
- This part of Clady Road is predominately roadside buildings and dwellings that front onto Clady Road. Almost all of this development is on the eastern side of the road. There is a dwelling at the T-Junction with Knocknacarry Road, with a second dwelling located a further field away from the junction and these are the only two dwellings on the western side of Clady Road. The development pattern and character is linear development along the road, and is mostly contained to the west of the road.
- The red asterix shows that the site is not contained within the development and would intrude into the countryside, is not bound on 2 sides by development
- There is relevant planning history on this site including a planning appeal that was dismissed which considered many of the matters associated with this application.
- The principle of development is considered unacceptable under Policy CTY2a as the development is not associated with a focal point or located at a crossroads, the land is not rounding off or consolidating any existing development, is visually intruding into the countryside, and does not have a

suitable degree of enclosure or bound on two sides and therefore cannot be absorbed into any cluster.

- (Slide) This slide will help give you an understanding of the relationship between the proposal and the woodland.
- The principle of development is considered unacceptable under Policy CTY 6 Personal and Domestic Circumstances which is set out in the Report at paras 8.18-8.23.
- (Slide) This is a view towards Clady Road with the dwellings in the background.
- (Slide) this is a view travelling north along Knocknacarry Road, with no.16 to the left. The site is sited behind this.
- (Slide) This is a view looking south towards Knocknacarry Road.
- (Slide) From outside No.16, with the site located to the rear of No.16. It is considered that that a dwelling would not visually integrate into the surrounding landscape and would be a prominent feature in the landscape contrary to Policy CTY13.
- The proposal is contrary to policy CTY 14 as the proposal would result in a suburban style build-up of development when viewed with existing buildings and does not respect the traditional pattern of settlement exhibited in the area. A couple of photos of the site – a view coming up from the proposed access to the site, with the site in the background, and then a view of the site itself
- (Slide) DFI Roads, NI Water and NIEA (Water Management Unit), Environmental Health, Historic Environment Division were consulted on the application and raise no objections to the proposal.
- There have been 4 letters of support.
- The application is recommended for Refusal.

The Chair invited questions from Elected Members for the Senior Planning Officer.

At the request of an Elected Member, the Senior Planning Officer advised that details of the personal circumstances provided did not merit the granting of a new dwelling, the details of which could be heard, '*in committee*'.

An Elected Member questioned application of criteria within policy CTY2A not being applied and fairness when considering the property identified as No.22 which is behind existing development. The Senior Planning Officer referred to

application LA01/2019/1077/0 and referenced the Planning Appeals Commission decision where it refers to this as an anomaly with the Commissioner accepting this analysis. The Senior Planning Officer said that consideration should be given in the first instance to extension of existing dwelling rather than another building.

The Head of Planning suggested that it might be useful for the Committee to consider the personal circumstances at this point.

An Elected Member felt that the photographs were deceiving and did not accurately reflect the make up of the area, stated the application was bounded on two sides and pointed out that DfI Roads had no objections to the application.

The Chair ruled that the speaker in support of the application would be heard in advance of moving '*in committee*' to consider the medical evidence provided.

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

M McNeill stated as follows:-

There is a need for a rural community to be vibrant and prosperous. Due to the depletion of 20-30 year olds in rural areas sustainability of schools, churches and clubs are threatened. Applicants are key workers who undertake voluntary work in their community and provide support to neighbours. This site is relatively low with environmental factors considered in design and will be bounded on two sides. The whole area is a focal point which includes the Mass Rock, Architectural Viaduct, Creagh Wood and features as a Rally Stage. The building will not be prominent or visible and will form part of suburban farm with at least 3 buildings to the rear in addition to agricultural buildings.

The Chair invited questions to the speaker from Elected Members.

At the request of an Elected Member, the speaker said he believed that the recommendation was voluminous and unnecessary, the application met with the aims and objectives of PPS21 and referred to the 7.4% depletion of 20-30 year olds from the area in the last 18 months alone.

An Elected Member referred to a letter of support received in relation to this application from Councillor Storey and the Head of Planning confirmed that the letter of support dated 27.6.2022 was referred to on page 6 of the Planning report.

- * **Councillor Storey having provided a letter of support declared an interest and left the Chamber 3.40 pm.**

MOTION TO PROCEED '*IN COMMITTEE*'

Proposed by Councillor Watton
Seconded by Alderman Boyle and

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

- * **Press and Public left the meeting at 3.40 pm**

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.

Senior Planning Officer, M Wilson provided Elected Members with the medical evidence supplied in respect of two individuals who were reliant on the applicants for assistance/care which included details of the medical conditions and level of care/assistance required.

The Head of Planning advised that members may wish to consider if some of the cluster policy requirements were met but there is no clear focal point and advised that this could be balanced by giving some weight to the medical evidence provided.

At the request of an Elected Member the Senior Planning Officer advised that the agent had stated that an extension to an existing building was not achievable due to the level of care/assistance required for two individuals.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor McMullan
Seconded by Councillor Kennedy and

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

Proposed by Councillor McMullan
Seconded by Alderman Hunter

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

- To approve on the grounds it complies with SPPS – existing cluster;
- Will not alter character or intrude into the countryside;
- Where necessary if augmented by new planting, planting can be carried out.
- Policy CTY13 – where necessary can be augmented by new planting. Careful consideration has been given to site which was moved further down slope and was virtually impossible to see and integrates more into the landscape around it.
- Reference policy CTY2A – criteria 3, 4 and 5, site is beside crossroads with a good degree of enclosure and does not alter character of area. From surrounding area very hard to see evidence of being intrusive on landscape and integrates into landscape.
- Does not alter pattern of development.

- DfI Roads are content and have endorsed the road safety aspect of the application;
- Sensitive to character of area, heritage and wildlife.
- Family lived in area close to a century, worked the land and take wildlife into consideration.
- Family could be classed as custodians of the countryside and are respected as such.

Alderman Hunter said that having considered the medical evidence, while the application did not form a cluster in normal planning terms, exceptional circumstances would be acceptable under policy CTY6.

Alderman Boyle and McKillop concurred with the remarks made by the Proposer and Seconder.

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

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 for the following reasons:-

- To approve on the grounds it complies with SPSS – existing cluster;
- Will not alter character or intrude into the countryside;
- Where necessary if augmented by new planting, planting can be carried out.
- Policy CTY13 – where necessary can be augmented by new planting. Careful consideration has been given to site which was moved further down slope and was virtually impossible to see and integrates more into the landscape around it.
- Reference policy CTY2A – criteria 3, 4 and 5, site is beside crossroads with a good degree of enclosure and does not alter character of area. From surrounding area very hard to see evidence of being intrusive on landscape and integrates into landscape.
- Does not alter pattern of development.
- DfI Roads are content and have endorsed the road safety aspect of the application;
- Sensitive to character of area, heritage and wildlife.
- Family lived in area close to a century, worked the land and take wildlife into consideration.
- Family could be classed as custodians of the countryside and are respected as such.
- Having considered the medical evidence, while the application did not form a cluster in normal planning terms, exceptional circumstances would be acceptable under policy CTY6.

AGREED – that Conditions and Informatives are delegated to Officers.

- * **The Chair declared a comfort break at 4.05 pm**
- * **The meeting reconvened at 4.10 pm**

5.14 LA01/2023/0117/O, Referral, 248m South West of 97 Cashel Road, Macosquin

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

Referral Application to be determined by Planning Committee, details of referral request attached to Planning Committee Report

App Type: Outline

Proposal: Site of dwelling and garage on a farm

Recommendation

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

Senior Planning Officer, R McGrath presented as follows via powerpoint presentation.

- A local application which has been referred to the Planning Committee for decision.
- Outline planning permission is sought for a dwelling on a farm under Planning Policy Statement 21, on lands 248m south west of 97 Cashel Road.
- The proposal has been assessed against the relevant policies within PPS 21, which include policies CTY 10, CTY 13 and CTY 14 as set out in the Report;
- The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016;
- Whilst the proposal meets criterion a and b of policy CTY 10, criterion c of the policy requires the proposal to visually link or cluster with the existing buildings on the farm;
- (Slide) This slide shows the site as outlined in red. You will note that the proposal is sited beside an existing dwelling, which is 105 Cashel Road. This property is in 3rd party ownership and is not associated with the application or the operation of the farm holding;
- The main farm buildings are located 1 mile to the south of the application site at 129 Cashel Road;

- Members will be aware that criterion c allows in exceptional circumstances for consideration of an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building group(s).
- A Planning Statement was submitted on 7th April 2023 stating the applicant is unable to provide a safe access to the public road at 129 Cashel Road as this would require visibility splay across 3rd party lands;
- (Slide) The next two slides show the existing access at 129 Cashel Road. You will note from this slide the visibility splay is in place on the critical right hand side and that there is capacity to increase the left hand side;
- The PAC in their consideration of a similar case, Appeal Ref: 2016/A0214 did not accept the argument as being related to safety, but rather land ownership – which is a civil matter between parties. It is considered that the issue with the intensification of the access at the existing farm holding would not be deemed an exception under criterion (c) of policy CTY10;
- A further Planning Statement was submitted on 22nd August 2023 which states that the lands at the farm holdings are being retained for future farm buildings which will be grouped with the existing farm buildings, however, there are no verifiable plans to expand the farm business and there are no constraints to the extension of the existing farm grouping as you can see from the final slide;
- Therefore, the proposal fails to meet the criteria c of Policy CTY10 of Planning Policy Statement 21, in that a dwelling fails to visually link or cluster with the existing buildings on the farm;
- The proposal fails Policy CTY 13 of Planning Policy Statement 21 in that the proposal would fail to visually integrate with existing buildings on the farm;
- Given the relationship to the adjacent 3rd party dwelling, the proposal also fails Policy CTY14 in that if approved, it would result in a suburban style build-up of development when viewed with existing buildings, thus causing a detrimental change to the rural character of the area;

- DFI Roads, Environmental Health, NIEA's Water Management Unit and NI Water and were consulted on the application and raised no objection;
- There are no objections to the proposal;
- The application is recommended for Refusal.

The Chair invited questions from Elected Members for Senior Planning Officer.

At the request of an Elected Member the Senior Planning Officer advised that it was not possible to obtain the visibility splays required and provided clarity with the use of visual aids, previously shown. The Senior Planning Officer advised that the distance from the farm to the proposed dwelling was 1 mile.

Proposed by Councillor Watton
Seconded by Alderman Scott

-That a site visit take place to provide context required regarding visibility splays.

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

RESOLVED - That a site visit take place to provide context required regarding visibility splays.

5.15 LA01/2021/1545/MDA, Planning Agreement, 1 Moneyvart Cottage, Layde Road, Cushendall

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

Planning Agreement

App Type: Modification/Discharge of Planning Agreement

Proposal: Original application reference E/1999/0168/O dated 18/10/2001 and E/2004/0476/RM dated 25/05/2005.

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** the discharge of a planning agreement 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 refuse the discharge of planning agreement in accordance with paragraph 1.1 of the Planning Committee Report.

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the discharge of a planning agreement in accordance with paragraph 1.1 of the Planning Committee Report.

Addendum 3 Recommendation

That the Committee note the contents of this Addendum and agree to defer the application to allow for the submission of a substantively revised proposal.

Addendum 4 Recommendation

That the Committee note the contents of this Addendum and agree to grant permission for the modification of the Planning Agreement to allow No 1 Moneyvart Cottage to be used for private holiday use.

Senior Planning Officer, R Berringer presented as follows via powerpoint presentation.

- The application has been presented to the Committee in 2023 and was last before the Planning Committee in September where it was deferred to allow for the submission and consideration of a substantively revised proposal to modify the terms of the Planning Agreement.
- There are four Addenda accompanying the Committee Report.
- Addendum 4 considers the submission of this revised proposal which now seeks the modification of the Planning Agreement insofar as it relates to No. 1 Moneyvart Cottage.
- The site is located within the countryside, outside of any settlement limit as defined in the Northern Area Plan 2016 and lies within the Antrim Coast and Glens AONB.
- No. 1 Moneyvart Cottage is identified in red and comprises an existing single storey cottage with roofspace accommodation. No. 1 is attached to the neighbouring cottage to its rear, at right angles. The amenity space to No. 1 is positioned to the front of the Cottage and is enclosed by a timber board fence approx. 1m high.
- Photograph showing No. 1 with its amenity space to the front
- Photograph of No. 1, with adjoining cottage to the rear attached at right angles. Steps in the foreground providing pedestrian access to the cottages located towards the rear of the site.
- Photograph showing the adjacent side of the holiday cottage development.
- The Planning Department has considered the amended proposal which now seeks the modification of the existing Planning Agreement to permit

private holiday use at No. 1 in lieu of holiday letting use. While the matter of private holiday use, relative to holiday letting use, is ordinarily distinguishable, the Planning Department has considered the specific circumstances surrounding the Article 40 in this case.

- The proposed modification would permit the use of No 1 Moneyvart Cottage as a private holiday home and would not be at odds with the overall thrust and intent of the Planning Agreement, which was to prevent permanent residential use of the units. Their layout, design and arrangement, with limited private amenity space, is typical of a development designed for holiday letting use.
- Given the length of time that No. 1 has been used as a private holiday home and the specific difficulties surrounding the enforceability of the Planning Agreement, it is considered that the proposed modification would result in the Planning Agreement continuing to serve a useful purpose, as per its original intention. Specifically, it's useful purpose would be to deter permanent occupation, consistent with the specific reason for approving the development (which otherwise would not have obtained planning permission) and the unacceptable amenity provision.
- The recommendation is to grant permission for the modification of the Planning Agreement to allow No. 1 Moneyvart Cottage to be used for private holiday use.

The Chair invited question from Elected Members for the Senior Planning Officer.

At the request of an Elected Member, R Berringer confirmed that the purpose of the application was a change of use from holiday let to permanent holiday home and was compliant with historic legislation.

The Chair invited J Morgan to speak in support of the application.

J Morgan thanked the Committee for taking time to consider the application.

The Chair invited questions from Elected Members for the speaker.

There were no questions put to the speaker.

Proposed by Alderman Scott
Seconded by Councillor McMullan

- That the Committee note the contents of this Addendum and agree to grant permission for the modification of the Planning Agreement to allow No 1 Moneyvart Cottage to be used for private holiday use.

The Chair put the motion to the Committee to vote.

14 Members voted For, 0 Member voted Against, 1 Member Abstained.

The Chair declared the motion carried

RESOLVED – That the Committee note the contents of this Addendum and agree to grant permission for the modification of the Planning Agreement to allow No 1 Moneyvart Cottage to be used for private holiday use.

6. CORRESPONDENCE:

6.1 LTWS Action Plan Update

Copy correspondence, previously circulated presented by The Head of Planning.

Committee NOTED the report.

6.2 Craigall Quarry Determination

Copy correspondence, previously circulated presented by The Head of Planning.

Committee NOTED the report.

6.3 CCGBC Planning Department response to dTDPNI

Copy correspondence, previously circulated presented by The Head of Planning.

Committee NOTED the report.

6.4 Consultation letter on Review of the – Classes and Thresholds, PACC and Removal of mandatory PDHs

Copy correspondence, previously circulated presented by The Head of Planning.

Committee NOTED the report.

6.5 New Home Quality Code Consumer-Code-Book-Print-V5 (1)

Copy correspondence, previously circulated presented by The Head of Planning.

Committee NOTED the report.

6.6 NIEA letter to Council Heads of Planning – Update re NIEA Ammonia Planning Advice 12 December 2023

Copy correspondence, previously circulated presented by The Head of Planning.

Elected Members spoke of the implication on applications which was a blow to the agricultural and farming community and placed the Planning Committee and Planning Officials in a difficult situation. Elected Members also raised concerns regarding applications yet to be determined.

Proposed by Councillor Storey
Seconded by Alderman Hunter and

RESOLVED - That the Head of Planning send to Ulster Farmer's Union for commentary and write to Department of Agricultural Permanent Secretary stating concerns.

6.7 NIEA letter to Council Heads of Planning – Update re NIEA Ammonia Planning Advice 19 December 2023

Copy correspondence, previously circulated presented by The Head of Planning.

6.8 Letter to Solace re Environmental Governance Work Programme

Copy correspondence, previously circulated presented by The Head of Planning.

Committee NOTED the report.

6.9 Onshore Petroleum Licensing Policy – Notification of Consultation

Copy correspondence, previously circulated presented by The Head of Planning.

Committee NOTED the report.

7. REPORTS

7.1 Finance report – Period 1-8 Update

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

Purpose

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 8 of the 2023/24 business year.

Details

Planning is showing a variance of over £56k favourable position at end of Period 8 based on draft Management Accounts.

The favourable position at the end of Period 8 is due to increased income from planning applications and property certificates resulting in an increase in income of over £105k from that predicted for this period (Budget £863,081.38 v Actual £968,356.88).

In terms of expenditure, Salaries and Wages (including Agency staff) are showing an overspend of over £88k. Payment of staff backpay will increase this deficit. The increase in income continues to offset the deficit in salaries and wages. The favourable position in other expenditure codes will be reduced throughout the year as some payments are made on an annual basis and legal challenges to planning decisions continue.

Recommendation

It is recommended that the Planning Committee considers the content of this report for the Period 1-8 of 2023/24 financial year.

The Head of Planning provided commentary and reported a favourable position at Period 8 due to income from Planning applications and Property Certificates.

Committee NOTED the report.

7.2 Information Leaflet on Referral of Applications

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

Purpose of Report

This Report is to provide Members with guidance on how to refer a planning application to Planning Committee for determination.

Background

The Scheme of Delegation sets out at Part B the exception to the list of applications delegated to nominated officers for determination. One category of exception is the applications listed on the weekly 'Contentious Delegated Decisions to Issue'.

A contentious application is one where the decision is to refuse permission or consent and excludes Pre-Application Notices, Applications for Works to Trees, Discharge of Conditions, Non-Material Changes, Certificates of Lawful Development and those applications where the refusal relates to road safety, flooding, or where additional information or amendments have been requested but not submitted in full within the timeframe provided, as set out in the Protocol for the Operation of the Planning Committee.

Para.7 of the Protocol for the Operation of the Planning Committee sets out the procedures for referring a planning application from the weekly 'Contentious Delegated Decisions to Issue' to Planning Committee for determination. A referral can only be requested by an Elected Member of this Council.

The attached Information Leaflet provides guidance to Elected Members on how to submit a referral request for consideration by the Head of Planning or other authorised officer and the Chair of the Planning Committee and/or Vice Chair.

Recommendation

It is recommended that the Committee considers the attached Information Note and agrees to the circulation to Members and uploading onto the Planning Section of Council's website.

An Elected Member said that it was not equitable that objectors could lodge information up to the day of the Planning Committee and those in support were denied the same opportunity. The Head of Planning said she had raised this with the Department for Infrastructure and would seek further legal advice.

An Elected Member questioned the process of only referring contentious applications and the Head of Planning advised that further referrals would significantly add to the workload of Planning Officers

and add to the backlog of applications referred to the Planning Committee. The Head of Planning advised she was currently working up a business case for an increase in staff numbers and referred to the background work required by Senior Planning Officers in advance of Planning Committee.

The Head of Planning said that further consideration could be given to Causeway Coast and Glens Borough Council referral policy at a forthcoming workshop.

An Elected Members requested that the Planning Agenda be circulated to Members on the Wednesday morning of the week prior to the Planning Committee meeting. The Head of Planning advised that this would be a matter for Democratic Services.

Proposed by Councillor McMullan
Seconded by Alderman Boyle

- That the Committee considers the attached Information Note and agrees to the circulation to Members and uploading onto the Planning Section of Council's website.

The Chair put the proposal to the Committee to Vote
14 Members voted For; 0 Members voted Against; 0 Members Abstained
The Chair declared the Motion Carried.

RESOLVED - That the Committee considers the attached Information Note and agrees to the circulation to Members and uploading onto the Planning Section of Council's website.

7.3 Information Leaflet on Renewal of Planning Applications

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

Purpose of Report

This Report is to provide stakeholders with an Information Leaflet detailing the legislative provisions and guidance on renewal of planning permission applications.

Background

The legislative requirements for the submission of a renewal of planning permission application is set out in the Planning Act

(Northern Ireland) 2011 and The Planning (General Development Procedures) Order (Northern Ireland) 2015 and as amended.

Article 3(5)(a) of The Planning (General Development Procedure) Order (Northern Ireland) 2015 makes provision to apply to renew planning permission prior to the expiration of the time limit for implementation of the planning permission where the development previously granted has not yet begun.

Article 3(5) states that an application for renewal of planning permission shall be made in writing and give sufficient information to identify the previous grant of planning permission and any condition.

Article 8 requires notification of all applications in at least one newspaper circulating in the locality and to serve notice of the application to any identified occupier on neighboring land in accordance with the procedures set out in Article 8(2), this includes renewal of planning permission applications. The application is also listed on Planning section of Council's website.

Article 13 requires consultation with statutory consultees before the determination of the renewal planning application.

Section 42 of the Planning Act (Northern Ireland) 2011 requires the submission of a Certificate of Ownership and this must accompany the renewal application letter otherwise the application will not be validated.

Regulation 3 of Schedule 1 Part 1 of The Planning (Fees) Regulations (Northern Ireland) 2015 and as amended, sets out the fee payable for an application to renew planning permission shall be one-quarter of the amount that would normally be payable.

The attached Information Leaflet provides guidance to Developers on how to apply to renew planning permission prior to the expiration of the time limit for implementation of the planning approval and how their application will be processed.

Recommendation

It is recommended that the Committee considers the attached Information Note and agrees to its publication on the Planning Section of Council's website.

Proposed by Councillor Kennedy
Seconded by Alderman Scott

-That the Committee considers the attached Information Note and agrees to its publication on the Planning Section of Council's website.

The Chair put the proposal 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 Committee considers the attached Information Note and agrees to its publication on the Planning Section of Council's website.

7.4 LDP Working Group

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

Purpose of Report

This Report is to seek Members' agreement to set-up a working group to progress the Local Development Plan draft Plan Strategy.

Background

The draft Plan Strategy was presented to full Council on 01 November 2022 for ratification following 18 workshops and presentation at two Planning Steering Groups. Council resolved to defer for one month in order to allow the opportunity for Party Group meetings with the Head of Planning.

Two rounds of party group meetings have been held since that time and a 40 Member workshop was held on 07 December 2023.

At the workshop held on 07 December, it was recommended that a working group be set up to explore the housing allocation and policies for houses in the countryside.

Proposal

The role of the working group is to act as an advisory group, supporting the gathering of evidence and development of planning policy within the draft Plan Strategy in relation to the housing allocation and housing in the countryside. It is proposed that the working group will be supported by external legal advice as required with a maximum budget of £15k.

Option 1

A working group is established to explore the housing allocation and policies for houses in the countryside for inclusion within the draft Plan Strategy. The working group will consist of 1 Member from each Party Group to be nominated by the Group Party Lead. This would result in a total of 7 Members. The working group will be supported by external legal advice as required with a maximum budget of £15k.

Option 2

Do not set up a working group and return the draft Plan Strategy to Full Council for ratification.

Recommendation

It is recommended that the Committee considers the above options and approves Option 1 agreeing to the establishment of a working group to explore the housing allocation and policies for houses in the countryside for inclusion within the draft Plan Strategy; agreeing that the working group will consist of 1 Member from each Party Group to be nominated by the Group Party Lead, supported by external legal advice as required with a maximum budget of £15k.

Proposed by Councillor McMullan
Seconded by Alderman Coyle

-That the Committee considers the above options and approves Option 1 agreeing to the establishment of a working group to explore the housing allocation and policies for houses in the countryside for inclusion within the draft Plan Strategy; agreeing that the working group will consist of 1 Member from each Party Group to be nominated by the Group Party Lead, supported by external legal advice as required with a maximum budget of £15k;

The Chair put the proposal to the Committee to Vote
14 Members voted For; 0 Members voted Against; 0 Members Abstained
The Chair declared the Motion Carried.

RESOLVED - That the Committee considers the above options and approves Option 1 agreeing to the establishment of a working group to explore the housing allocation and policies for houses in the countryside for inclusion within the draft Plan Strategy; agreeing that the working group will consist of 1 Member from each Party Group to be nominated by the Group Party Lead, supported by external legal advice as required with a maximum budget of £15k;

Planning Committee NOTED the Terms of Reference.

7.5 Q2 Performance Report Update

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 Planning Department Business Plan 2023-24 sets out the key performance indicators to progress towards improving Planning performance against these targets.

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 2023/24 Statistical Bulletin was published on 14 December 2023 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

Details

Website link circulated provides the link to the published bulletin.

Development Management Planning Applications

Table 1, previously circulated below provides a summary of performance in relation to the statutory targets for major development applications and local development applications for the second quarter of 2023-24 business year and provides a comparison of performance against all 11 Councils and against Business Plan KPIs.

The Head of Planning referred to a typographic error within the table relating to target for major applications which should read 'met' instead of 'not met'.

At the request of an Elected Members the Head of Planning advised that due to staff sickness and resignations she was progressing a business case for consideration at the Corporate Policy and Resources Committee. The Head of Planning also spoke of the difficulties filling fixed term and temporary posts.

Committee NOTED the report.

7.6 SPSS Call for Evidence

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

Purpose

This Report is to bring to Members attention the Call for Evidence by DfI on planning policy and climate change which closes on 28 March 2024.

Details

DfI has launched a 12 week Call for Evidence to review how its planning policies can help reduce carbon emissions given the climate emergency and

the Climate Act (Northern Ireland) 2022 as we collectively chart the path to net zero by 2050. The Call for Evidence closes on 28 March 2024 and is available to view at <https://www.infrastructure-ni.gov.uk/consultations/call-evidence-future-focused-review-SPPS-climate-change> .

The primary purpose of the Call for Evidence is to engage with stakeholders on the proposed areas of focus for a review of the SPPS and to invite submissions of evidence on the relevant factors that can assist with determining the best way forward.

The information gathered through the Call for Evidence will be considered by the Department and will help inform any decision by a future Minister on a potential review of the SPPS. In the absence of Ministers, any decisions will be taken in light of the decision-making framework at that time.

Recommendation

IT IS RECOMMENDED that the Committee agrees to the Head of Planning responding to this Call for Evidence.

Proposed by Councillor McMullan
Seconded by Councillor Archibald and

RESOLVED - that the Committee agrees to the Head of Planning responding to this Call for Evidence.

7.7 Standing Advice DfI Roads

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

Purpose of Report

This Report is to provide the Planning Committee with an update on the status of the Standing Advice from DfI Roads regarding the circumstances where consultation by the Council is not required on specific types of planning applications. Furthermore, it requests the Committee to agree to implement the updated Standing Advice from DfI Roads with immediate effect.

Background

Planning legislation, specifically Article 13 of The Planning (General Development Procedure) Order (Northern Ireland) 2015 requires the Council to consult with DfI Roads in circumstances where the proposal involves the formation, laying out or alteration of an access or where there would be a material increase in the volume of traffic entering or leaving a road. In addition, the legislation requires consultation with DfI Roads in a range of other circumstances including where a proposal: would likely result in an increase in demand for car parking; would likely result in a loss or alteration to car parking; involves creation of a new street; is likely to prejudice the construction or improvement of a road; involves structures crossing roads including powerlines and; a reserved matters application where the outline planning permission includes roads conditions.

Exceptions to the requirement for consultation are provided by Article 13(b) of the same legislation. One of these is where the development is subject to any standing advice provided by the consultee to the Council in relation to categories of development.

The operation of standing advice provides benefits to both the Council and the consultee. Benefits to the Council include the speedier processing of planning applications by reducing the number of consultations issued and the time expended waiting on responses. Benefits to the consultee include a reduced consultation workload allowing speedier consultation responses on other consultations and allowing more time to consider complex consultations.

The Planning Committee agreed to implement Standing Advice from DfI Roads on 22 September 2021. The Standing Advice became operational from 01 November 2021 (see appendix). The Standing Advice sets out that consultation with DfI Roads is not required on the following types of applications:

1. Residential extensions.
2. Domestic sheds and garages.
3. Small commercial extensions.
4. Advertisements and signs (specific types only).
5. Boundary structures and gates (outside road boundary).
6. Change of house type.
7. Single replacement dwelling.
8. Single wind turbine upgrade.
9. Overhead powerlines.

In addition to the above, the Standing Advice set out that secondary (re-consultation) was not required with DfI Roads where minor adjustment/ amendments to plans can be verified by the Planning Department.

The operation of the DfI Roads Standing Advice has been successful by reducing the need for consultation. Over the period since implementation, the Standing Advice has been engaged for all categories of development listed in Paragraph 2.4. The Planning Department does not consider that amendments or additions are required to the types of applications/ circumstances set out in the Standing Advice.

Regarding the “commercial extensions” category, a gross floor area increase limit of 10% applies in the current Standing Advice. To more closely align with the extent of extensions permissible as permitted development under the Schedule to The Planning (General Permitted Development) Order (Northern Ireland) 2015 i.e. circumstances where planning permission is not required and

hence consultation with DfI Roads is not required, the Planning Department proposed some modest changes to this category as follows:

- Extension to an industrial building or warehouse- extension less than 25% size of the gross floor area of the original unit.
- Extension to a shop, financial and professional services establishments- extension less than 25% of the gross floor area of the original unit or 50 sq metres, whichever is the lesser.
- Extension to an office building- extension less than 25% of the gross floor area of the original unit or 50 sq metres, whichever is the lesser.
- Extension to schools, colleges, universities and hospitals- extension less than 25% of the gross floor area of the original unit or 100 sq metres, whichever is the lesser.

These proposed changes have been considered and accepted by DfI Roads subject to the caveats set out in the current Standing Advice that: any of the above do not compromise existing parking provision or space for on-site loading and manoeuvring of goods vehicles and are not within 12 meters of the middle of a carriageway of a first-class or a second-class road; or not within 9 meters of the middle of a carriageway of any other road.

Article 13 of The Planning (General Development Procedure) Order (Northern Ireland) 2015 states that continued operation of Standing Advice, where issued more than two years previously, is dependent upon the advice having been amended or confirmed by the consultee. As the Standing Advice has now been operational for over two years, such amendment or confirmation is required by DfI Roads if it is to remain operational.

DfI Roads has prepared updated Standing Advice (Version No.1.4) dated 07 December 2023 (see appendix). This incorporates the proposed changes to the commercial extensions category. This is subject to the caveat at Paragraph 2.4 that it is applicable for a trial period of 1 year from the agreed date of introduction and will be reviewed on an annual basis, with any amendments formally agreed by both the Council and DfI Roads.

Proposal

To implement the updated Standing Advice from DfI Roads with immediate effect.

Recommendation

It is recommended that the Committee agrees to implement the updated Standing Advice from DfI Roads with immediate effect.

Proposed by Alderman Scott
Seconded by Alderman McKillop and

RESOLVED - that the Committee agrees to implement the updated Standing Advice from DfI Roads with immediate effect.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Storey
Seconded by Alderman Boyle and

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

* **Press and Public left the meeting at 5.05 pm**

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.

8. Confidential Items

8.1 Update on Legal Issues

(i) East Road, Drumsurn

The Head of Planning advised awaiting High Court decision.

(ii) Rigged Hill

The Head of Planning advised that the Court of Appeal hearing was being held this morning.

8.2 Update on Soil Samples

The Head of Planning provided commentary and updated Elected Members on the confidential correspondence, previously circulated.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor McMullan
Seconded by Alderman Scott and

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

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

There were no matters of Any Other Relevant Business.

This being all the business the Chair thanked everyone for being in attendance and the meeting concluded at 5.30 pm.

Chair

UNCONFIRMED