

PLANNING COMMITTEE WEDNESDAY 25 SEPTEMBER 2019

Table of Key Adoptions

No	Item	Summary of Key Decisions
1.	Apologies	None
2.	Declarations of Interest <ul style="list-style-type: none"> • Alderman Duddy - LA01/2018/0894/F Tullans Country Holiday Park, 46 Newmills Road, Coleraine • Alderman Finlay - LA01/2019/0731/F, Cloughmills Community Action Team, 60 Main Street, Cloughmills 	Note in Register
3.	Minutes of Meeting held Wednesday 28 August 2019	Confirmed
4.	Order of Items and Confirmation of Registered Speakers/Applications Withdrawn and Site Visit Requests	Agreed to receive Order of Business Agenda Item 6.12, Agenda Item 6.16 after Agenda Item 6.7 due to distance to be travelled
	<ul style="list-style-type: none"> • LA01/2017/0905/F, Lands between 55 Loguestown Road and 122 Atlantic road, Portrush 	Application Withdrawn from Schedule
	<ul style="list-style-type: none"> • LA01/2018/0467/F, 1-3 West Park, Portstewart 	Application Withdrawn from Schedule
	<ul style="list-style-type: none"> • LA01/2017/0650/O, Between 38 & 42 Loughermore Road, Dunbrock, Ballykelly 	Application Withdrawn from Schedule

	<ul style="list-style-type: none"> LA01/2018/0964/F, Ballylinney Cottages, 7 Causeway Road, Bushmills 	Application Withdrawn from Schedule
	<ul style="list-style-type: none"> LA01/2019/0039/F Approx 40m East of 204 Straid Road, Bushmills is deferred and a site visit arranged 	Defer for Site Visit
	<ul style="list-style-type: none"> LA01/2017/1586/F, The Old Flax Mill, 26 Mill Lane, Moneybrannon Road, Aghadowey, is deferred and site visit arranged 	Defer for Site Visit
	<ul style="list-style-type: none"> LA01/2017/0216/F 22-26 Abbey Street, Coleraine is deferred and site visit arranged 	Defer for Site Visit
5.	Business deferred from Council Meeting 28/08/2019	
	5.1 Update on Development Management and Enforcement Statistics 01/04/19 – 30/06/19	Noted
	5.2 Annual Report on Planning Performance	Noted
	5.3 DFI Draft Development Plan Practice Note (DPPN) 10	Noted; Head of Planning issue a response
	5.4 LDP – Revised Timetable	Approved
	5.5 LDP – 6 month Work Programme	Approved
	5.6 MUDC LDP – Draft Plan Strategy – Counter Representations	Noted
	5.7 FODC LDP – Draft Plan Strategy – Counter Representations	Noted
	5.8 NI Councils & DFI Regional Planning IT System – Services Description	Noted
	5.9 Modification to Planning Agreement	Option 1; support amendment
	5.10 AORB – breakdown of live applications	Response provided by Head of Planning

6.	Schedule of Applications	
	6.1 Major LA01/2018/0040/F Lands at Stanalane to West and South of Dunluce School, 16 Dunluce Road, Bushmills	Approve
	6.2 Major LA01/2018/0894/F Tullans Country Holiday Park, 46 Newmills Road, Coleraine	Approve
	6.3 Major LA01/2018/1272/F Lands to the rear and north of 191 Coleraine Road 19-45 Cappaghmore Manor and to the south of 12-14 Cromlech Park, Portstewart	Approve
	6.4 Council LA01/2019/0803/F Existing Planters at the NE corner of The Diamond, Coleraine	Approve
	6.5 Council LA01/2019/0731/F Cloughmills Community Action Team, 60 Main Street, Cloughmills	Approve
	6.6 Referred LA01/2017/1599/O Site between 196 Muldonagh Road and dwelling located 100m North of 2 Muldonagh Cottages, Claudy. Site directly opposite Muldonagh Cottages	Defer for Site Visit
	6.7 Referred LA01/2019/0079/O Between 31 & 33 Killymaddy Road, Ballymoney	Defer for 1 month
	6.8 Referred LA01/2019/0150/O Between 105 & 107 Knocknacarry Road, Cushendun	Defer for 1 month
	6.9 Objection LA01/2016/1197/F 90 Strand Road, Portstewart	Defer for 1 month
	6.10 Referred LA01/2019/0376/A 40m East of 38 Coleraine Road, Garvagh	Refuse Consent

7.	Development Management Performance:	
	7.1 Update on Development Management and Enforcement Statistics 01/04/19 – 31/07/19	Noted
8.	Development Plan	
	8.1 DFC Consultation Paper: Definition of Affordable Housing	Noted
	8.2 Proposed Listing and Delistings	Agree Option 1 – support the listings and delisting
9.	Correspondence	
	9.1 Confirmation of listing of Lime Kilns at The Harbour, Ballintoy	Noted
	9.2 DAERA Letter re Licence for Outfall Pipe at Dunluce Castle	Noted
	9.3 DAERA Marine Construction Licence for Outfall Pipe at Dunluce Castle	Noted
	9.4 Defence Heritage CMPs	Noted
	9.5 Notification of Call In by DFI – Londonderry Arms Hotel, Main Street/Atlantic Avenue, Portrush	Noted
10.	Legal Issues	None
11.	Any Other Relevant Business 32 Church Street, Ballymoney, (Alderman Finlay)	Response provided by Head of Planning

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 25 SEPTEMBER 2019 AT 2:00 PM**

- In the Chair:** Councillor Hunter
- Committee Members Present:** Alderman Boyle, Duddy, Finlay, McKeown, McKillop;
Councillors Anderson, Baird, Dallat O’Driscoll,
Laverty, McGurk, McLaughlin, McMullan, Nicholl
and Scott
- Officers Present:** D Dickson, Head of Planning
S Mathers, Development Management &
Enforcement Manager
S Mulhern, Development Plan Manager
J Lundy, Senior Planning Officer
E Hudson, Senior Planning Officer
J McMath, Senior Planning Officer
M Wilson, Senior Planning Officer
D Hunter, Council Solicitor
S Duggan, Civic Support and Committee & Member
Services Officer (*Item 1 to Item 6.6*)
D Allen, Committee & Member Services Officer
(*Item 6.7 to Item 11*)
- In Attendance:** Brona McLaverty, Environmental Health Officer
A Gillan, Department for Infrastructure, Roads (DfI)
- Registered Speakers:** T Bell, R Agus - LA01/2017/0905/F
D Donaldson - LA01/2018/0040/F
M Howe - LA01/2018/0894/F, LA01/2019/0039/F
LA01/2018/0964/F
LA01/2018/1272/F - G Jobling, L Magill, MJ Byrne -
Councillor S Quigley, P & F Bell, B Campbell
M Kennedy - LA01/2018/0467/F
S Atkinson, D Gray - LA01/2019/0079/O
S Bailey - LA01/2019/0150/O
N Menary, C Cassidy - LA01/2016/1197/F
C Cochrane, C McGirr, R Orr - LA01/2017/0216/F
C Duffy - LA01/2017/1599/O
B Dickson, C McIlvar - LA01/2017/0650/O
D Donaldson, F Duncan - LA01/2017/1586/F
O Quigg - LA01/2019/0376/A

1. APOLOGIES

Apologies were recorded for Alderman McKillop.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded as follows:

- Alderman Duddy - LA01/2018/0894/F Tullans Country Holiday Park, 46 Newmills Road, Coleraine
- Alderman Finlay - LA01/2019/0731/F, Cloughmills Community Action Team, 60 Main Street, Cloughmills.

3. MINUTES OF MEETING HELD WEDNESDAY 28 AUGUST 2019

AGREED - that the Minutes of the Planning Committee Meeting held on Wednesday 28 August 2019 be confirmed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Head of Planning advised the following applications had been withdrawn from the Schedule:

- LA01/2017/0905/F, Lands between 55 Loguestown Road and 122 Atlantic road, Portrush (*Agenda item 6.1*)
- LA01/2018/0467/F, LA01/2018/0467/F, 1-3 West Park, Portstewart (*Agenda Item 6.5*)
- LA01/2017/0650/O, Between 38 & 42 Loughermore Road, Dunbrock, Ballykelly (*Agenda item 6.13*)
- LA01/2018/0964/F, Ballylinney Cottages, 7 Causeway Road, Bushmills (*Agenda Item 6.15*).

The Chair advised the Order of Business would be changed to receive Agenda Item 6.12, Agenda Item 6.16 after Agenda Item 6.7 due to distance to be travelled by speakers.

Prior to presenting the reports, site visits were requested for the following applications.

Proposed by Alderman Finlay
Seconded by Alderman Duddy and

AGREED - that consideration of application LA01/2019/0039/F Approx. 40m East of 204 Straid Road, Bushmills is deferred and a site visit arranged (*Agenda Item 6.14*).

Proposed by Alderman Duddy
Seconded by Councillor Anderson and

AGREED – that consideration of Application LA01/2017/1586/F, The Old Flax Mill, 26 Mill Lane, Moneybrannon Road, Aghadowey, is deferred and site visit arranged (*Agenda Item 6.16*).

Proposed by Alderman Duddy
Seconded by Councillor Anderson and

AGREED – that consideration of Application LA01/2017/0216/F 22-26 Abbey Street, Coleraine is deferred and site visit arranged (*Agenda Item 6.11*).

* **A Gillan, DfI Roads left the meeting at 2.06pm.**

* **B McLaverty left the meeting at 2.06pm.**

The Chair declared a recess at **2.07pm**.

The meeting resumed at **2.11pm**.

5. BUSINESS DEFERRED FROM COUNCIL MEETING 28/08/2019:

5.1 Update on Development Management and Enforcement Statistics 01/04/19 – 30/06/19

Report, previously circulated, presented by the Head of Planning. The Head of Planning advised the Framework included the three statutory planning indicators in addition to new non-statutory indicators.

The Committee was provided with a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of June 2019. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded

from the reports to correspond with official validated statistics published by DFI.

Table 1 within the report details the number of Major planning applications received and decided as well as the average processing times. Please note that these figures are unvalidated statistics. In comparison to the same period last year, the number of major applications received has decreased by 2 however the number of major applications decided has increased by 7.

Table 2 within the report details the number of Local planning applications received and decided as well as the average processing times. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of applications received had increased by 13 applications and the number of decisions issued/withdrawn has decreased slightly by 10 applications.

Table 3 within the report details the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. Please note these figures are unvalidated statistics. In comparison to the same period last year, the number of cases opened has increased by 33 and the number of cases brought to conclusion has remained the same.

Table 4 within the report details the total number of Local applications determined under delegated powers. Determined is taken as the date the decision issued/withdrawn. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 91.53% of applications determined were delegated under the scheme of delegation. However it is important to note that there was no Planning Committee meeting held in May. The two applications indicated as determined by Planning Committee in May were as a result of the determination held at a previous meeting but only issued in May.

Table 5 within the report details the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including major, Council and Local applications. This is taken from the date of the Planning Committee meeting. Of note was that the decisions against officer recommendation were solely on those applications that had been referred to Committee by Members with 50% of those referred being determined against officer recommendation. Furthermore of note was

that of those overturned decisions, all were to grant planning permission for single houses in the countryside.

Table 6 within the report details the number of appeal decisions issued since 1 April 2019. These figures related to planning application decisions only and are unvalidated statistics extracted from internal management reports. No decisions have been issued by the PAC for this Council in the month of April.

Table 7 within the report details the number of applications for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs. One application has been made by both third parties and Council but no decision has been made on the applications by the PAC. One of the costs awarded to Council relate to planning appeal 2018/A0165 erection of dwelling at lands to rear of 11 Randal Park Portrush due to the submission of new plans at the appeal which addressed the reasons for refusal and should have been submitted during the processing of the application. The second related to the late withdrawal of an enforcement notice appeal.

Table 8 within the report details the number of contentious applications which have been circulated to all Members in the months April - June and the number which have referred to the Planning Committee for determination. To date 61.54% of contentious applications have been referred to Planning Committee for determination.

It is recommended - that the Planning Committee note the update on the development management statistics.

Councillor Baird questioned how many reports Council were awaiting a response from NIEA and what was the length of time?

The Head of Planning agreed to bring a report to the Planning Committee meeting and advised of factors and general delays.

AGREED - that the Planning Committee note the update on the Development Management Statistics.

* **Councillor Nicholl left the meeting at 2.12pm and returned at 2.19pm during consideration of the Item.**

5.2 Annual Report on Planning Performance

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

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 and these are reflected in Council's Performance Improvement Plan 2018-19 and the Planning Department Business Plan 2018-2019.

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 2018/19 Annual Statistical Bulletin was published on 20th June 2019 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets. Committee was provided with a link to the published bulletin.

Development Management Planning Applications

Table 1 provided a summary of performance in relation to the statutory targets for major development applications and local development applications for the 2018-19 business year and provides a comparison of performance against all 11 Councils.

The Head of Planning advised in the 2018/19 business year, Causeway Coast and Glens Borough Council received the 2nd highest number of major applications out of the 11 Councils for the second year in a row. In comparison to the 2017/18 Business year, the number of major applications received has remained the same while the number of decision/withdrawn applications increased by 2. Nevertheless, the average processing times for major applications has improved by 8.8 weeks when compared to 2017/18 with average processing time of 49.6 weeks, edging closer to the 30 week statutory target. In terms of applications received, this Council received the 2nd highest number of commercial applications and the 5th highest number of residential applications reflecting a continuing interest in both investing in and living

in this Borough. The number of live applications is 3rd highest out of the 11 Councils even though the number of decisions/withdrawn applications increased by 101 applications compared to 2017/18.

The Head of Planning stated the Planning Department is failing to meet the statutory target for both major and local applications and this reflects two key areas for concern - the number of over 12month applications in the system and the length of time taken to process local applications. It is acknowledged that steps were taken to address this issue by employing additional staff on a temporary basis. The recruitment of these additional staff was only complete in January/February 2018 and staff employed have minimal experience; 2 further additional staff were recruited in January 2019. The impact of these additional staff has started to bear fruit with the improvement in the average processing times for major applications and the continual improvement each quarter of 2018/19 on the percentage of local applications processed within the 15 week target, resulting in a 4.5% improvement compared to 2017/18. However, with a large number of staff on either temporary contracts or agency, the staffing resource is volatile and subject to sudden impact should those staff gain a permanent position elsewhere.

Although the over 12 month applications were carefully monitored to ensure progress, a number of factors impacted on the ability of staff to reduce the number of over 12 month applications in the system over the year. Although the number increased, it remains the 5th lowest in terms of percentage of live applications when compared to the other 10 Council's.

In analysing the key reasons why applications are slow to progress, the key reason continues to be the level of negotiation on planning applications resulting in amended plans or additional information that requires re-consultation, re-notification and re-advertisement. Each re-consultation can add on average 4 weeks to the processing of an application. An analysis of those applications that fell within the 15–22 week category (12.8% of applications decided) indicates that 44% of applications did not meet the 15 week target due to agent delays and 29% due to officer delays.

As continual negotiation is not an efficient use of staff time and resources, consideration must be given as to how to improve the development management process. It is proposed to carry out a review of the development management process to identify blockages and hold a workshop with Planning Committee Members to develop and agree a more efficient process.

With the recruitment of the additional staff, caseloads have now reduced to a manageable level and therefore, this should add to improvements in processing times.

Enforcement

Table 2 detailed statistics in relation to enforcement for the 2018/19 business year. Of note is that of the cases closed, 27.3% were as a result of no breach of planning control being identified and 25.3% were remedied or resolved. Furthermore, the Enforcement team issued the 3rd highest number of prosecutions and had the 3rd highest number of convictions out of the 11 Councils.

Although meeting the statutory target for concluding enforcement cases within 39 weeks, the Council's performance is the second slowest out of the 11 Councils. This is reflective of the number of warning letters sent to offenders and the resulting time that passes before taking formal action. Therefore, Officer's will review the Council's Enforcement Strategy over this business year to reduce the length of time spent negotiating with offenders to resolve breaches before moving to take formal action. A paper on the review will be presented to Planning Committee at a future date for agreement.

Other Activity by Planning Department

Tables 3 and 4 detailed indicate the level of other activity carried out by the Planning Department over the 2018/19 business year.

In addition to the formal applications received, the Planning Department received 201 other types of applications relating to planning applications and dealt with some 861 pieces of correspondence, complaints and appeals.

Of note, is that the two JR decisions were in favour of Council and the grounds for challenge were not upheld by the court in either case. Of the 22 decisions made by the Planning Appeals Commission, the Planning Department successfully defended its decision on 16 appeals (72.7%).

Income

Table 5 detailed a breakdown of the income generated by the Planning Department in 2018/19. Of note, when compared to the 2017/18 business year, income generated in 2017/18 increased by £12k and £218.5k above the predicted income for the year. Furthermore, Planning remained well within its financial budget for 2018/19.

In conclusion, performance within the Planning Department remains steady in terms of applications received and determined and enforcement activity. Planning continues to meet its statutory target for conclusion of enforcement cases. Progress has also been made in processing times for major applications and the percentage of local applications processed within target. However, with fixed term contracts coming to an end this year and the following business year, and the level of planning applications maintained at a steady level, consideration must be had to the need to make these posts permanent in order to reduce the risk of caseloads increasing for staff and the resultant negative impact on processing times of applications.

It is recommended - that the Planning Committee note the Planning Departments Annual Report.

AGREED - that the Planning Committee note the Planning Departments Annual Report.

5.3 DFI Draft Development Plan Practice Note (DPPN) 10

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

The Development Plan Manager advised the Department for Infrastructure (the 'Department') has written to the Council for comment on its draft guidance document 'Development Plan Practice Note (DPPN) 10: Submitting Development Plan Documents for Independent Examination' (see Appendices 1-3 circulated).

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

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

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

DFI Guidance - Development Plan Practice Note 10

Published on 22nd July 2019 this document deals primarily with procedures as well as good practice and must be applied at both the Draft Plan Strategy (PS) and Draft Local Policies Plan (LPP) stages of the Council's LDP preparation. These documents cannot be adopted until their respective IE process has been completed. When both have been adopted they together comprise the LDP for the Borough.

The practice note covers the requirements for the availability of submission documents and the publicity of the IE, which are the responsibility of the Council. Detailed procedures for the running of the IE are the remit of the appointed independent examiner and are therefore not covered in this document.

Other Implications – Published LDP Timetable

It is a statutory requirement that both the PS and LPP must be prepared in accordance with the Council's published LDP timetable. The published timetable must include indicative dates for each stage of LDP preparation (from commencement of the LDP process up to its conclusion at the adoption of the last document – the LPP).

The timetable must also set out the timings of the publication for the preferred options paper and the development plan documents as well as accompanying documents such as the Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA).

This practice note introduces a new non-statutory (good practice) stage to the existing LDP process, known as 'Focussed Changes' (Members will be aware of this additional stage as highlighted at the recent planning training event on 20th June this year).

Following the publication of the Draft PS or LPP it may prove necessary for the Council to consider proposing changes to the document prior to submitting it to the Department for IE, for example:

- following the consideration of representations where an unforeseen issue has been raised that impacts upon the 'soundness' of the DPD, or
- where there has been a sudden change in local circumstances, or

- where new regional planning policy and/or guidance has been introduced.

If the Council deems it necessary to propose changes to the published DPD these changes would be made in the form of 'focussed changes'. However, focussed changes should:

- only be considered in exceptional circumstances;
- be small in number;
- reflect key pieces of evidence,
- not go to the heart of the DPD; and
- affect only limited parts of the DPD.

In order for the focussed changes to be considered at the IE satisfactory consultation should take place, therefore the Department advises that the Council should prepare, publish and consult on them.

It is recommended that an 8 week public consultation is carried out to allow for comments. Comments made can only address and relate to the 'soundness' of proposed focussed changes, as this consultation is not an opportunity to add to the previous representations or to make new comments on parts of the original DPD (either the PS or LPP).

The Department has been carrying out research into LDP preparation in other jurisdictions. The recent inclusion of this new stage into the Northern Ireland LDP process is likely to have an impact on existing LDP Timetables as it was not previously anticipated (by the Department or local councils).

A separate paper, presented to this month's committee, will address proposed amendments to the Council's published LDP Timetable, taking account of the publication of this practice note and other LDP issues.

It is recommended - that Members note the content of the attached consultation document and agree to the Head of Planning issuing a response on behalf of the Council.

AGREED – that Council note the content of the attached consultation document and agree to the head of planning issuing a response on behalf of the Council.

5.4 LDP – Revised Timetable

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

It is a statutory requirement for the Council to prepare a Local Development Plan (LDP). In preparing its LDP the Council must provide a 15-year plan framework to support the economic and social needs of the Borough in line with regional strategies and policies, while providing for the delivery of sustainable development.

It is a statutory requirement to prepare, and keep under review, a timetable for the preparation and adoption of the LDP. The timetable must include indicative dates for each stage of the LDP preparation and the publication of the Preferred Options Paper and the development plan documents (Draft Plan Strategy and Draft Local Policies Plan) as well as accompanying documents such as the Sustainability Appraisal (SA) including Strategic Environmental Assessment (SEA).

Prepared within the context of the Council's Strategy and Community Plan, the initial LDP Timetable was approved at the 26th June 2016 Planning Committee. It was agreed (as legislatively required) by both the Planning Appeals Commission (PAC) and the Department for Infrastructure (the 'Department') prior to its formal publication on 29th November 2016.

A revised timetable, approved at the 25th October 2017 Planning Committee, was agreed by the PAC and the Department prior to its formal publication w/c 4th December 2017. The revision was necessary to enable the LDP team to undertake further evidence gathering prior to the publication of the Preferred Options Paper (POP) to ensure that it was prepared on the basis of 'sound' evidence.

The Council's Development Plan team is currently working towards the preparation of the LDP Draft Plan Strategy, with an indicative timeframe of publication in autumn/winter 2019. However, the ability to meet this date is likely to be impacted by the following:

Preferred Option Paper (POP) - Representations received

The LDP will be examined in relation to the "soundness" tests set out by the PAC. The Council must ensure that representations received have been given full consideration and the additional work generated by these must be completed to establish a robust evidence base to inform the preparation of the Draft Plan Strategy.

The Council received a total of 101 POP representations during the 12 week consultation period (a number were also received outside of this period). The issues raised vary, in terms of both their topics and level of detail/evidence submitted. Whilst the Development Plan team has no control over this, it has resulted in a greater workload than was originally anticipated.

In addition to this, one of the key representations received was from the Department. Due to their key role in overseeing the production of LDP's across all 11 councils their commentary is assisting the Council in determining the most appropriate way forward in the preparation of its draft Plan Strategy. Discussions are ongoing with the Department in relation to this, however, it has also resulted in a greater workload than originally anticipated.

Draft Guidance: 'Development Plan Practice Note (DPPN) 10: Submitting Development Plan Documents for Independent Examination'

In preparing its LDP the Council must take account of guidance issued by NI government departments.

The Department carried out research into LDP preparation in other jurisdictions. In response to this it published Draft DPPN 10 on 2nd July 2019. This practice note introduces a new, non-statutory (good practice), stage known as 'Focussed Changes' to the Northern Ireland LDP process. This is likely to have an impact on existing LDP Timetables as it was not previously anticipated by the Department or local councils.

The 'Focussed Changes' stage applies after the publication of the Draft Plan Strategy or Draft Local Policies Plan, when it may prove necessary for the Council to propose changes to the document, prior to submitting it to the Department for IE, for example:

- following the consideration of representations where an unforeseen issue has been raised that impacts upon the 'soundness' of the DPD, or
- where there has been a sudden change in local circumstances, or
- where new regional planning policy and/or guidance has been introduced.

However, focussed changes should:

- only be considered in exceptional circumstances;
- be small in number

- reflect key pieces of evidence
- not go to the heart of the DPD; and
- affect only limited parts of the DPD.

In order for the focussed changes to be considered at the IE satisfactory consultation should take place. The Department therefore advises that the Council should prepare, publish and consult on them. It is recommended that an 8 week public consultation is carried out. Comments made can only address and relate to the 'soundness' of proposed focussed changes. This consultation is not an opportunity to add to the previous representations or to make new comments on parts of the original DPD (either the Draft Plan Strategy or Draft Local Policies Plan).

Landscape Character Assessment

Committee will be aware of the recent Landscape Character Assessment: Award of Tender paper approved at the 26th June 2019 Planning Committee. The Council requires the expertise of external consultants to undertake a comprehensive review of the existing local Landscape Character Areas (LCAs) identified in the borough, to provide an up to date and 'sound' evidence base for the preparation of the Council's LDP.

The tender process was much longer than originally anticipated as the first advert yielded no bid submissions. Given the level of expertise required to complete this work it was considered necessary to repeat the tender process. Following further research on potential sources of such expertise, a second tender exercise was undertaken (including an advert in the UK Landscape Institute's website). Two bids were received in response to this and the winning bid has been awarded.

On completion this key document will provide the robust 'sound' evidence base that will inform the draft LDP policies and proposals to protect the landscape.

Other factors

There are a number of additional factors that could potentially impact upon the LDP timetable. Section 5 of the revised timetable (attached at Appendix 1, circulated) sets them out, and lists the steps and safeguards to manage the plan making process and to highlight any potential impacts to Members.

The Revised Timetable

New LDP Guidance and Procedures

It is important to note that the NI LDP process is totally new. Although it was anticipated that the new regime would take some time to settle down, it is fair to say that it has been a much steeper learning curve than was originally anticipated for all 11 council's and the Department.

As an evolving process it is inevitable that further up to date departmental guidance will emerge throughout the lifetime of the LDP preparation. The Council has a statutory duty to take account of such guidance, and a failure to do so could result in the LDP being found 'unsound' at IE or potential legal challenges.

This, in turn, has the potential to impact on the LDP timetable as it may result in additional stages of LDP preparation and/or increased workloads.

LDP End Date

In preparing its LDP the Council must provide a 15-year plan framework to support the economic and social needs of the Borough in line with regional strategies and policies, while providing for the delivery of sustainable development.

To plan for this the LDP is given what is known as a "notional" end date. However, the Plan will not suddenly end on this date, unless a replacement plan is adopted.

Work on the LDP commenced in 2015 following the transfer of planning powers to the Council. Based on that commencement date, the original LDP end date was 2030. However, given that the LDP timetable has been amended it is important that the LDP end date also changes to reflect the extended period. Given this, and previous timetable revisions, a new end date of 2035 will be adopted.

Review

The LDP Timetable will be kept under review. Under the Planning Act 2011, the Council may carry out a revision, however, this must be agreed with both the PAC and the Department and publicised in the local newspaper and made available to view on the Council's website

It is recommended - that Members agree to the Draft Revised LDP Timetable attached at Appendix 1 (circulated).

AGREED – that Council agree to the Draft Revised LDP Timetable attached at Appendix 1 (circulated).

5.5 LDP – 6 month Work Programme

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

The attached 6-month indicative Work Programme (Appendix 1, circulated) covers the period from July to December 2019. It outlines the work areas to be carried out by the Development Plan (LDP) team within this timeframe.

LDP Timetable

As per the Council's published LDP Timetable, the indicative date for publication of the Draft Plan Strategy is Autumn/Winter 2019. However, the ability to meet this date is likely to be affected by a number of factors. A separate paper has been presented to Members this month regarding this.

Preferred Options Paper (POP): Representations received

Following the completion of the POP Consultation (26th June to 21st September 2018) the Development Plan team is continuing to analyse the representations received, alongside any further work and/or consultation required.

Meetings are continuing with statutory consultees, key stakeholders, adjoining councils and the Department, and will continue throughout this programme.

LDP Steering Group and Project Management Team

The LDP Steering Group and Project Management Team are operational as per the Council's "Statement of Community Involvement in Planning (SCI)". Meetings will be convened as and when required throughout the work programme.

Working Groups/Collaborative Working

Input into and attendance at a number of regional working groups will also continue throughout the programme (as and when required).

- NI Minerals Group

- NI Coastal/Marine Group
- NI Development Plan Group and
- Cross-Border Development Plan Group.

Collaborative working will also continue on the following:

- Cross-Boundary Group (adjoining councils);
- Sperrin AONB Group; and
- Community Plan: Strategic Partnership Board.

Sustainability Appraisal

Sustainability Appraisal (SA) of the LDP is an iterative process. As such, this will be carried out as and when required throughout the work programme.

Settlement Appraisal

An appraisal will be carried out of the Settlements within the Borough, in line with the Evaluation Framework set out in the Regional Development Strategy (RDS) 2035.

Landscape Character Assessment

Members will be aware the tender process was much longer than originally anticipated as the first advert yielded no bid submissions. Given the level of expertise required to complete this work it was considered necessary to repeat the tender process. Following further research on potential sources of such expertise, a second tender exercise was undertaken (including an advert in the UK Landscape Institute's website). Two bids were received in response to this and the winning bid has been awarded.

On completion this key document will provide the robust 'sound' evidence base that will inform the draft LDP policies and proposals to protect the landscape.

Annual Monitors

Preparatory work is now complete on the Council's annual Housing and Employment Land Monitors. Site visits and data input/analysis will commence within this work programme.

Urban Capacity Studies

Urban Capacity Studies will commence during this work programme.

Reviews

The existing Local Landscape Policy Areas (LLPAs) and Sites of Local Nature Conservation Importance (SLNCIs) identified in the Northern Area Plan 2016 will continue to be reviewed to ascertain if they should be brought forward into the new Plan. Given the number of each designation it is likely that this work will span a number of work programmes.

The Department for Communities is currently carrying out a review of the NI Housing Growth Indicators. It is envisaged that the review will be completed and an update published within this work programme. If so, the Development Plan team will determine if this has an impact on the Council's LDP preparation.

Ad Hoc Meetings/Workshops

There may be ad hoc meetings and/or workshops required within this period.

Building Preservation Notices (BPNs)

Ad hoc requests for the serving of BPNs will be processed throughout the work programme, as and when required.

Trees

Ad hoc requests for Tree Preservation Orders (TPOs) and Works to Trees will be processed throughout the work programme, as and when required.

Other work

In addition to the items above, the Development Plan team will continue to provide input into development management decisions, rota duties, and council consultations from other councils, etc.

It is recommended - that Members agree to the 6-month (indicative) work programme attached at Appendix 1.

AGREED – that Council agree to the 6-month (indicative) work programme attached at Appendix 1 (circulated).

5.6 MUDC LDP – Draft Plan Strategy – Counter Representations

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

AGREED – that Committee note the correspondence.

5.7 FODC LDP – Draft Plan Strategy – Counter Representations

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

AGREED – that Committee note the correspondence.

5.8 NI Councils & DFI Regional Planning IT System – Services Description

Report, previously circulated.

The Head of Planning advised the report was to update Members on the progress on the procurement of the new Regional IT system to replace the Northern Ireland Planning Portal.

It is recommended - that Members note the commencement of the procurement exercise for the new NI Regional Planning Portal.

AGREED - that Council note the commencement of the procurement exercise for the new NI Regional Planning Portal.

5.9 Modification to Planning Agreement

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

The Senior Planning Officer advised Planning application LA01/2018/1164/F at 59 Green Road, Coleraine was currently under consideration for ‘the retention of existing holiday cottage as a dwelling on a farm’.

The holiday cottage previously approved was subject to a Planning Agreement restricting the use of the units approved to Self-Catering only. The applicant now seeks an amendment to the agreement to allow one of the two self-catering units to become a permanent dwelling.

Protocol states that modification of the planning agreement is not a delegated function. Therefore this was required to be considered by the Planning Committee.

The previous history on the site relates to C/2001/0660/O, Green Road, for two holiday cottages granted permission on 14.01.2004, and

C/2006/1152/RM, Site adjoining 55A Green Road, Coleraine for a Proposed Holiday Cottage granted permission 14th June 2007. The dwellings were approved subject to a Planning Agreement restricting the use to holiday accommodation only, Appendix 1 (circulated).

The applicant now wishes for the holiday cottage to be used as a permanent dwelling and has applied for a dwelling on a farm under Policy CTY 10 of PPS 21, planning application LA01/2018/1164/F. This application is being considered under the Scheme of Delegation. This application is considered acceptable in principle meeting with the criteria of CTY 1 and CTY 10, in that it is an active and established farm, no other dwellings or development opportunities have been sold off within 10 years of the date of the application and the existing cottage visually links with other buildings on the farm.

The above application is being held to allow the Planning Committee to consider the modification of the Planning Agreement, see draft attached in Appendix 2 (circulated). If the amendment is agreed, planning permission can be granted. However, if the amendment is not agreed, planning permission would be refused.

To allow the modification of the Planning agreement to permit permanent residential accommodation of the holiday cottage in substitution of a dwelling on the farm is considered to be consistent with the SPPS and PPS 21.

The terms of the agreement shall remain applicable to the other holiday cottage.

Option 1: Agree to support the amendment: or

Option 2: Agree to oppose the amendment.

It is recommended - that Members agree either Option 1 or 2 above to modification of the Planning Agreement.

The Senior Planning officer put Option 1 to the Committee.

Proposed by Councillor Baird
Seconded by Alderman Duddy and

AGREED – that Committee approve Option 1, Agree to support the amendment:

5.10 Any Other Relevant Business (Alderman Duddy)

Information report, previously circulated.

In accordance with Standing Order 12 (o), Alderman Duddy raised the following:

The number of current (live) planning applications up to 12 months in the system.

The number of current (live) planning goes applications 13 to 24 months in the system.

The number of current (live) planning applications 25 to 36 months in the system.

The number of current (live) planning applications 37 months and over in the system.

The above information to be broken down into the following categories for each time period.

A) Domestic major and minor applications.

B) Business minor and major applications.

C) Agricultural minor and major applications.

The Head of Planning provided a written response to each, circulated within the report. Alderman Duddy thanked the Officer for providing the requested information.

6. SCHEDULE OF APPLICATIONS:

6.1 Major, LA01/2018/0040/F Lands at Stanalane to West and South of Dunluce School, 16 Dunluce Road, Bushmills (Agenda Item 6.2)

Planning Committee Report and Addendum previously circulated, presented by the Development Management and Enforcement Officer, S Mathers via Power Point presentation.

The Senior Planning Officer advised the proposal comprised of four main elements: an area for touring caravans; 100 static caravan units; a reception/ amenity building and; 3 small sports pitches.

In terms of the Northern Area Plan 2016, the site is located in the open countryside beyond the settlement development limit of Bushmills. The

Northern Area Plan does not contain specific policies on tourism development, rather directing that regional policies apply.

The Senior Planning Officer stated this was a major planning application so it was preceded by a PAN and accompanied by a pre-application community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Regarding Principle of Development, PPS16 Policies TSM 6 New and Extended Holiday Parks in the Countryside and TSM 7 Criteria for Tourism Development make provision for this development proposal. The area has the capacity to absorb the development without adverse impact on visual amenity and rural character by reason of its integration characteristics. Specifically, views are limited by topography, vegetation, intervening development and distance. Some boundaries are to be augmented by additional landscaping buffers, subject to a planning condition. This would result in a specific improvement from views from Dunluce Road. Some reduction of levels within the site will further assist integration.

The site falls within the Montalto LLPA designated given: the rising ground with scarp slope which defines the western edge of Bushmills and; the significant archaeology/ natural habitats. The policy here requires that the open character of that part of the LLPA with the Causeway Coast AONB to be fully retained. In this case the specific nature of the development is not considered to undermine the open character of the area.

The overall layout complies with policy by comprising groups of units, rather than rigid lines, interspersed by soft landscaping. The overall provision of open space well exceeds the 15% site area requirement specified by policy.

Regarding Amenity, the closest existing dwellings to the site are 3 & 5 Craigaboney Road. The relationship of the proposal with these and the approved dwellings at Dunluce Road is considered acceptable having regard to the separation distances and levels. The proposal is considered acceptable with the school as an adjacent land use.

A new access proposed to Dunluce Road. This was considered acceptable to DfI Roads subject to the provision of a right turn lane. There are archaeological monuments recorded within the site including a rock cut souterrain of local importance. HED were consulted and were

satisfied pending a developer-funded programme of archaeological works.

The Development Management and Enforcement Manager referred Members to the 10 objections detailed in the Planning Committee Report.

The Officer concluded, the proposal met with the policy requirements for a new caravan site/ holiday park in the countryside. It is acceptable in terms of other material considerations including amenity, access and historic monuments. Therefore approval was recommended.

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

Addendum Recommendation - that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the planning application as set out in Section 9 and 10 of the Planning Committee Report.

In response to a query regarding overlooking and environmental impact, the Development Management and Enforcement Officer read from paragraphs 2.2, 2.3 from the planning committee report and paragraphs 4.6, 4.7, 4.8 from the planning committee report.

In response to a query regarding landscaping, the Development Management and Enforcement Officer clarified proposed landscaping and implementation of Conditions.

The Chair invited D Donaldson to speak in support of the proposal. D Donaldson advised he welcomed the recommendation, having worked with Planning and statutory consultees for a well-considered and attractive scheme in a good location.

In response to a request for clarification of 'significant environmental impact', the Development Management and Enforcement Officer advised that the application had been screened under the EIA Regulations; the screening assessed the likelihood of environmental effect taking account of a number of factors listed in the screening determination and in consultation with DfI, Rivers Agency, Roads, Historic Environment

Division, DAERA determined that the proposed development is not likely to have a significant impact on the environment.

Proposed by Alderman Finlay
Seconded by Councillor Anderson

- 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.

- that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** the planning application as set out in Section 9 and 10 of the Planning Committee Report.

The Chair put the proposal to the committee to vote.
Committee voted unanimously in favour.

The Chair declared the motion to **APPROVE** carried.

6.2 Major, LA01/2018/0894/F Tullans Country Holiday Park, 46 Newmills Road, Coleraine (*Agenda Item 6.3*)

* **Alderman Duddy, having declared an interest, left the Chamber at 3.04pm.**

Planning Committee Report, previously circulated, presented by the Development Management and Enforcement Officer, S Mathers, via Power Point presentation.

The Development Management and Enforcement Officer advised the proposal comprised three main elements: reconfiguration of area of previously approved touring caravans (10 spaces); new additional area for touring caravans (30 spaces) and; new area of static caravans (48 units).

In terms of the Northern Area Plan 2016, the site located in the open countryside beyond any settlement development limit. The Officer advised the Northern Area Plan did not contain specific policies on tourism development, rather directing that regional policies would apply.

The Officer advised this was a major planning application so it was preceded by a PAN and accompanied by a pre-application community

consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Regarding Principle of Development, PPS16 Policies TSM 6 New and Extended Holiday Parks in the Countryside and TSM 7 Criteria for Tourism Development make provision for the development proposal. The area has the capacity to absorb the development without adverse impact on visual amenity and rural character by reason of its integration characteristics. Specifically, views of the site restricted by existing vegetation along the southern boundary of the site and also the hedgerows along Newmills Road. A visual impact assessment was submitted to inform this assessment. New boundaries and existing boundaries would be augmented by additional planting. The Officer advised this is subject to a planning condition.

The Development Management and Enforcement Manager stated the overall layout complied with policy by comprising 8 clusters of units, rather than rigid lines, interspersed by soft landscaping. The overall provision of open space met the 15% site area requirement specified by policy.

Regarding Amenity, none of the proposed development was located any closer to neighbouring residential properties than existing development. An assessment had been made of noise and odour impacts and the scheme had been found acceptable.

Consideration of the access arrangements was assisted by submission of a Transport Assessment. The proposed development would be accessed via Newmills Road using the existing access, subject to improvements. This subject to a planning condition.

The Officer stated the application site was located in close proximity to a mound/ rath of likely medieval date and the site of 17th Century mills. HED were consulted and satisfied pending a developer-funded programme of archaeological works.

The Development Management and Enforcement Officer advised that the detail of the 2 objections were given in the report, circulated. The Senior Planning Officer concluded, the proposal met with the policy requirements for extension of an existing caravan site/ holiday park in the countryside. It was acceptable in terms of other consideration including amenity, access and historic monuments and therefore approval was recommended.

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 Chair invited M Howe to speak in support of the proposal. M Howe advised all statutory consultees were content with the proposal, had undergone the highest level of scrutiny, undergone two public consultation events, one letter of objection had been received, the proposal complied with relevant Policy.

Proposed by Councillor Baird
Seconded by Councillor 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 proposal to the committee to vote.
Committee voted unanimously in favour.

The Chair declared the motion to **APPROVE** carried.

* **Alderman Duddy re-joined the meeting at 3.11pm.**

6.3 Major, LA01/2018/1272/F Lands to the rear and north of 191 Coleraine Road 19-45 Cappaghmore Manor and to the south of 12-14 Cromlech Park, Portstewart (Agenda Item 6.4)

Planning Committee Report and Addendum previously circulated, presented by the Development Management and Enforcement Officer, S Mathers, via PowerPoint presentation.

The Development Management and Enforcement Manager advised the proposal comprised a housing development of a total of 87 units, 75 of which were for social housing for Radius Housing Association. The Scheme is mainly semi-detached units but also with 20 apartments, 9 townhouses and 4 detached dwellings. Dwellings and apartments are 2 storey.

The Development Management and Enforcement Officer stated, in terms of the Northern Area Plan 2016, the site was located within the

settlement development limit of Portstewart. It was zoned for housing under zoning PTH 51 which includes a requirement for a minimum of 71 units to be for social housing.

This Officer advised it was a major planning application so it was preceded by a PAN and accompanied by a pre-application community consultation report. In addition, as a major application, it was accompanied by a Design and Access Statement.

Regarding the Principle of Development, the Officer stated the Principle of housing was acceptable given that the site was zoned for housing.

Regarding Character and Context, the overall design, scale, massing and appearance of buildings was considered acceptable in the suburban context, most of which comprises other residential development. While the apartment blocks will appear dominant on approach into Portstewart from the east, their design is a particular response to the need to achieve an acoustic barrier to the wind turbine located adjacent the east boundary. The overall layout was acceptable in terms of the form of the streets, separation distances and softening of car parking by means of in-curtilage parking up the sides of dwellings and paving finishes on the smaller communal parking areas.

The key site requirements specify a density range of 15- 25 dwellings per hectare. The Officer stated the density proposed here was higher than this at 29 units per hectare. However, this was considered acceptable having regard to other considerations including the delivery of social housing.

The site is located in proximity to two archaeological sites and monuments. Historic Environment Division was content with the completed archaeological evaluation and for the scheme to progress subject to a developer funded programme of archaeological works.

The larger areas of open space within the development comprise approximately 8% of the site area. However, this was brought up to 10%, considered to meet policy requirements, when the smaller areas were included too. The dwellings have adequate private amenity space with the majority in the region of 70sqm. Likewise, the provision of amenity space for the apartments was acceptable.

The Development Management and Enforcement Manager advised access was to be provided off one point at Coleraine Road. This was

subject to a previous planning permission for a right turn lane. DfI Roads were satisfied with the roads layout and parking provision.

The site was adjacent other development at Coleraine Road, Cromie Park, Cromlech Park, Comlech Court, Cappaghmore Manor and Cappaghmore Square. Given separation distances, levels and positioning of windows and boundary treatments, all relationships were considered acceptable. The majority of back to back separation distances within the site met 20m. Where this is less it is not by a significant margin which would not result in an unacceptable relationship. A noise survey demonstrated that the proposal was compatible with existing development.

The Development Management and Enforcement Manager stated detail of the 14 objections were given in the report circulated and concluded the proposal met with the policy requirements for a housing development on a zoned housing site and therefore approval was recommended.

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 consent 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 **APPROVE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.

The Chair invited P and F Bell and B Campbell to speak as objectors.

F Bell advised he did not object to the proposal for social housing, rather, it was aspects of size and scale and dangers and risks for road safety at busy times during the tourist season and specifically in relation to the wind turbine, in place since 2007. F Bell advised the turbine will be beside a housing development and there is a risk of turbine blade drop. They requested Conditions that in an adverse event, Radius Housing meet damage and liability on their side of the boundary, and sited concerns relating to anti-social behaviour, damage and increased insurance costs.

B Campbell provided his home location directly beside the proposal. He advised the proposal had meant overlooking into the rear of his property, and requested more secure screening. B Campbell stated a revised

orientation had been submitted and Numbers 18 and 19 would look directly into his garden and bedroom, and requested this be corrected.

* **Alderman McKillop arrived at the meeting at 3.30pm.**

In response to requests for clarification, P Bell provided an explanation regarding turbine blade drop and drop zone and outlined concerns regarding anti-social behaviour. P Bell clarified planning permission for the turbine had no conditions attached. P Bell clarified he requested a low fence as a deterrent, that his main issues had been verbally agreed with Radius Housing and advised of a personal legal arrangement.

The Chair invited G Jobling, L Magill and MJ Byrne to speak in support of the proposal. L Magill advised the application from Radius Housing was worth an investment of £12m and endorsed the view it had been recommended for approval. L Magill stated the proposal had been submitted in 2018, was the subject of rigorous processes and assessment and all statutory consultees recommended approval subject to conditions. L Magill stated opportunities for social housing were few; they had been investigating options to deliver on this site for the last 5 years; and a lesser density would be unviable. L Magill advised of housing stress, affordable housing for sale of mixed tenure. NIHE were supportive, the project to be delivered this year, £6m funding had been secured along with £6M from Radius.

G Jobling assured that measures had been undertaken by the applicant as a result of the engagement and a consultation event had been held. Many competing requirements had been met surrounding planning permission and design criteria and they had addressed concerns where possible, including account through the design of the development close to the drop zone, with the closest property some 40m away. G Jobling advised of the importance of the Open space surrounding the apartments capable to house active older people and intended for passive enjoyment. The structure of planting would prevent encroachment, and the overlooking had been dealt with by the Planning Office; 20m set back was the standard in Creating Places, viewed through trees and therefore would not result in unacceptable overlooking.

In response to Members queries G Jobling clarified, regarding numbers 18 and 19, she did not believe overlooking would be an issue and stated guidance in Creating Places for back-back properties of 10m to boundary with closest distance of 20m; was not looking directly into rear of property as it sits at a slight angle. G Jobling advised specific landscaping structured species had been agreed along with

maintenance, bedroom windows would not be in the eyeline. G Jobling advised she would not wish to undermine the quality of the Open Space for families, there were oversized gardens with some at 262m² and as much separation as possible. She further advised the design had been changed following a public consultation event, the Creating Places test met and exceeded. G Jobling stated the development had been setback from the turbine taking account of the drop zone distance. Apartments were dual fronting internally and outwardly, surveillance element would prohibit any anti-social behaviour referred to. There was no proposal for a boundary fence, the site would be managed and complaints not envisaged.

During discussion, the Chair urged caution on requests for clarification surrounding legal issues.

The Chair invited committee to view hard copy plans with the Officer.

The Chair invited Councillor Quigley to speak in support of the proposal. Councillor Quigley stated constituents were in a housing crisis and some homeless; the affordable housing scheme would allow for a stable home. Councillor Quigley stated NIHE were supportive, she was aware high demand and low turnover and that funding had been ring fenced. Councillor Quigley stated in December 2018, there were 111 first preference applications in Portstewart, 15 had been allocated in 18 months and there was a need for social and affordable housing for families, including those with complex needs, active elderly and affordable, and a balance of house types are required.

Councillor Quigley advised she had worked with Radius and Braidwater and praised the development at Laurel Hill. The housing would be life changing.

During discussion, the Head of Planning clarified any alteration to conditions and landscaping.

Alderman Duddy proposed deferring the proposal, pending amended plans to include planting, supported by Councillor Baird.

Alderman Boyle queried whether a quicker resolution may be found.

The Chair declared a recess, to consider Conditions on the proposal.

* A recess was held at **4.17pm**.

* The meeting resumed at **4.35pm**.

The Head of Planning advised that, in consultation with the Agent and Objectors, **it was recommended** a negative Condition could be imposed requiring landscaping to be carried out for a specified length and depth along the boundary with the wind turbine prior to occupation of the dwellings; species of planting could be specified.

Proposed by Alderman Duddy
Seconded by Councillor Nicholl

- 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 consent subject to the reasons set out in section 10.

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

- that a negative condition is imposed on decision that requires, prior to occupation of the dwellings, a minimum depth of 5m of planting of species to be detailed by planners, along the boundary between the turbine and the proposed apartments and that this area of planting to be clearly marked on the landscape drawing by planners to relate to the condition.

The Chair put the proposal to the committee to vote.
Committee voted unanimously in favour.

The Chair declared the motion to **APPROVE** carried.

(Having arrived during consideration, Alderman McKillop did not vote on the application).

6.4 Council, LA01/2019/0803/F Existing Planters at the NE corner of The Diamond, Coleraine (Agenda Item 6.6)

Planning Committee Report, previously circulated, was presented by Senior Planning Officer, J Lundy via PowerPoint presentation.

The Senior Planning Officer advised the application was for a bronze sculpture located within the Coleraine Town centre and an Area of Townscape Character as designated in the Northern Area Plan 2016;

- The proposal is for a bronze sculpture in front of the town hall and outside the First Trust bank;
- The proposal intends to use the existing planters;
- The sculpture comprises a bronze globe with leaf design and embossed prints on the seat of the lower planter.
- The proposal had been considered acceptable in accordance with the Area plan and the policies set out in the Planning Committee Report.

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

Proposed by Alderman Finlay
Seconded by Councillor Baird

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

The Chair put the proposal to the committee to vote.
Committee voted unanimously in favour.

The Chair declared the motion to **GRANT** carried.

6.5 Council, LA01/2019/0731/F Cloughmills Community Action Team, 60 Main Street, Cloughmills (Agenda Item 6.7)

- * **Alderman Finlay, having declared an Interest, left the meeting at 4.43pm.**
- * **Alderman Duddy left the meeting at 4.43pm.**

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

The Senior Planning Officer presented the full application for gas fired heating system with associated gas bottle storage. The Senior Planning Officer advised the site located in the development limits of Cloughmills

as defined in the Northern Area Plan. The proposal would involve the installation of a boiler house and a gas compound which would be enclosed by mesh fencing. These will site just behind one of the existing buildings on site. Committee was shown the elevations behind which the boiler house and gas compound would site.

The Senior Planning Officer advised the site was located with an LLPA and an area of archaeological potential. Given the nature and scale of the proposal it was not considered that it would have an adverse impact on the LLPA or the area of archaeological potential. The site was also located in the 1 in 100 year fluvial floodplain. A flood risk assessment was submitted previously on the site for another application. DFI Rivers had been consulted and due to the size and nature of the development do not consider that it would lead to an increase in flood risk to the site or elsewhere.

Therefore the recommendation was to approve planning permission.

Recommendation - that the Committee has taken into consideration and agrees with the recommendation set out in 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.

Proposed by Councillor McLaughlin
Seconded by Councillor Laverty

- that the Committee has taken into consideration and agrees with the recommendation set out in 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 proposal to the committee to vote.
Committee voted unanimously in favour.

The Chair declared the motion to **APPROVE** carried.

- * **Press left the meeting at 4.45pm.**
- * **Alderman Finlay was invited to re-join the meeting at 4.45pm.**

6.6 Referred, LA01/2017/1599/O Site between 196 Muldonagh Road and dwelling located 100m North of 2 Muldonagh Cottages, Claudy. Site directly opposite Muldonagh Cottages (Agenda Item 6.12)

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

J McMath referred to the PowerPoint photographs and described the site, located in countryside outside any defined settlement limit; North West of the settlement of Foreglen:

- No zonings or designations cover the site;
- The Site was part of a larger agricultural field situated on Muldonagh Road;
- The character of the area was agricultural fields, existing residential properties to the south and south east with a shed and pigeon shed to the northwest;
- The site rises along the road to the west and slopes steeply down away from Muldonagh Road towards the existing watercourse which defines the northern boundary;
- The eastern boundary was defined by a post and wire fence;
- the western boundary was undefined;
- The roadside boundary was defined by a post and wire fence with some sparse vegetation;

One letter of objection was submitted which raised concerns about overlooking, overshadowing and road safety. As this was outline no details of siting and design have been submitted for comment however given the separation distance and the split level single storey height no significant adverse impact to light or privacy is anticipated. Roads were consulted and have not objected to proposal.

The Senior Planning Officer stated this was an outline application for a site for single storey split level dwelling with detached garage which would fall to be determined under the SPPS and PPS21 in particular policies CTY1, 8, 13 and 14.

The site is located between no 196 and 198 to the east and the outbuilding and pigeon shed to the west. Therefore the site is located between the required number of buildings which have a frontage along Muldonagh Road.

However, the Senior Planning Officer stated the site (as originally submitted) had a frontage of 66m (which has been extended during the processing of the application to 74m), the overall field extends to 126m but the gap between building to building is 130m, frontage lengths of

adjacent properties range from 48m (pigeon) 47.5m (198), 54.9m (196) resulting in an average of 50m frontage.

The Senior Planning Officer advised this size of gap was not considered to be a small gap site sufficient only to accommodate a maximum of 2 dwellings as the gap represents more than 2.5 times the average plot size. This would create ribbon development which would erode rural character and fail to respect the existing pattern of development.

During the processing of the application the applicant identified that a historic lime kiln had existed in the south eastern corner of the site although (there has been no record of this on later maps) no above ground remains exist. The applicant indicated that they proposed to reduce the plot width to exclude the lime kiln and indicated a concept of providing a play area on the site. The Senior Planning Officer stated that while the plot width can be manipulated, the size of the gap remains at 130m between 196 and the pigeon sheds therefore a reduction in size does not overcome the fact that the gap is significant in size and could accommodate more than 2 dwellings of comparable size to the established character of the area.

In addition the gap plays an important role in maintaining rural character. The field provides relief, a degree of openness.

The proposal is therefore contrary to the SPPS and policies CTY8 and 14 of PPS21 and as no overriding reasons have been forthcoming as to why this development is essential the proposal is also contrary to CTY1.

The Senior Planning Officer outlined the following areas:

- Integration - The site devoid of any significant levels of vegetation to provide screening or enclosure and given size of gap the site is significantly open. Additionally, the provision of visibility splays would require hedge removal along the roadside which would open views into the site further. Given the openness of the site a dwelling would fail to integrate and would be reliant on significant levels of new landscaping to define boundaries, provide screening and enclosure. The site elevated above no 196 therefore would be prominent on approach from east.
- Character - As the site was found not to be an exception under CTY8 the development would result in ribbon development and would be prominent in the landscape which would result in suburban style development which is contrary to the SPPS and CTY14.

Refusal was recommended for the reasons set out in the report and refined in the Addendum.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposal would not be considered an exception under Policy CTY 8 of PPS 21. A new dwelling would fail to integrate, have an adverse effect on rural character, and result in ribbon development. The proposal is contrary to Policies CTY13 and CTY 14 of PPS 21, and paragraphs 6.70 and 6.73 of the SPPS.

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

Addendum Recommendation - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 of the Planning Committee Report, with the refusal reasons which have been refined as set out in Section 10.

The Chair invited C Duffy to speak in support of the proposal. C Duffy stated the proposal was for a single infill dwelling under Policy CTY8 where the gap allows for a maximum of 2 infill dwellings. He stated that there is a substantial frontage which satisfies the policy test and the development would be in keeping with the character to the north which is different to the character to the south. He advised that 3 dwellings would be out of keeping with the character and would not comply with policy CTY8.

C Duffy stated that the pattern of development respects, plot size, width, building in line, is set back from road and the pattern of development has already been in place. In summary, the proposal complies with infill policy CTY8 and CTY1 in terms of plot width.

In regard to policies CTY13 & 14, C Duffy advised that the site is not prominent and does not require new boundaries; it has a backdrop to the northern side of the site and the proposed footprint and split level will reduce the amount of earthworks required. He stated that the proposal

will respect the traditional pattern of development and its place making with inclusion of the heritage item.

- * **Alderman Duddy re-joined the meeting at 4.50pm during consideration of the above Item.**
- * **D Allen, Committee & Member Services Officer joined the meeting at 4.55pm.**
- * **S Duggan, Civic Support & Committee & Member Services Officer left the meeting at 5.00pm during consideration of the Item.**

In response to questions from Members, C Duffy explained the plot widths. He clarified that he had met with Planners but had not worked through the detail of the proposed design only discussed that the proposed design needed to be reduced. He clarified that the design had been changed to 1½ storeys and split level to address integration issues and take advantage of views and best utilise the site. He also confirmed that he had sent through mock up images to Planners on how this type of accommodation could be integrated. However, it is only the principle of development at this stage.

The Senior Planning Officers invited Members to view the photographs and maps of the proposed type of accommodation.

The Senior Planning Officer clarified that the frontage was originally 66m which was extended to 74m to allow for road access; there was an Historic Lime Kiln in the right hand corner of the site and the proposal included access to an area of open space. However, there were no remnants of the Lime Kiln visible above the ground and HED had been consulted. She also confirmed that during the process of the application Planning had met with the Agent to outline and discuss the refusal reasons. The agent then changed the design to 1½ storeys.

In response to Members questions the Senior Planning clarified that the application did not meet with Policy CTY8. The gap cannot be regarded as a small gap and therefore the proposal fails to meet the requirements of Paragraph 6.73 of the SPPS and Policy CTY8. It also fails to meet with the requirements of integration and character. The proposed dwelling would be prominent and have an adverse effect on rural character.

Proposed by Councillor Nicholl
Seconded by Councillor McGurk

- that consideration be **DEFERRED** and a Site Visit be held.

The Chair put the proposal to the committee to vote.

The Committee voted unanimously in favour.

The Chair declared the motion to **DEFER** and a Site Visit be held carried.

6.7 Referred, LA01/2019/0079/F, Between 31 and 33 Killymaddy Road Ballymoney (Agenda Item 6.8)

Planning Committee Report, Addendum and Site Visit Report were previously circulated.

Alderman Finlay informed the Chair that he had been made aware of an appeal decision that may have an impact on the application.

Proposed by Alderman Finlay
Seconded by Councillor Anderson

- that consideration be **DEFERRED** for 1 month in order for the appeal decision to be investigated.

The Chair put the motion to the Committee to vote. Committee voted unanimously in favour.

The Chair declared the motion to **DEFER** for one month carried.

* **Councillor Baird left the meeting at 5.20pm.**

6.8 Referred - LA01/2019/0150/O, Between 105 & 107 Knocknacarry Road, Cushendun (Agenda Item 6.9)

Planning Committee Report and Site Visit Report were previously circulated and presented by Senior Planning Officer, E Hudson, via a Powerpoint presentation. She informed Members that a site visit had been carried out that morning.

The Senior Planning Officer described the site and its context for an infill dwelling on lands currently utilised as garden/amenity space for 107 Knocknacarry Road. The site is located on the south eastern side between 105 and 107 Knocknacarry Road, Cushendun and is located in the open countryside and is within the Antrim Coast and Glens Area of

Outstanding Natural Beauty (AONB) as defined in the Northern Area Plan 2016. There is no existing access in place.

The Senior Planning Officer indicated the red line boundary of the site and showed a concept plan for the site. She also showed Members an aerial view of the site.

She informed Members that the site is located within a row of 3 dwellings. The average plot widths of these sites are currently 29.5 metres however the application site has a plot width of 9.4m. Therefore a dwelling on this site would not respect the existing pattern of development along the frontage as required by Policy CTY 8 of PPS 21 which states that an infill dwelling should respect the existing pattern of development along the frontage in terms of size, scale, siting and plot size.

A dwelling on this site would not respect the existing spacing between buildings and would appear cramped and shoehorned into the site when viewed in the context of neighbouring properties. The existing 3 dwellings currently have a spacing of around 10 metres between them. A dwelling on this site would significantly reduce this spacing to between 2 to 4 metres to neighbouring dwellings. The proposal would have an adverse impact on rural character as it would be out of keeping with the existing spacing between buildings and would add to a ribbon of development. The proposal would also have a negative impact on the amenity currently afforded property no. 107. The proposal therefore is contrary to Policy CTY 8 and 14.

The Senior Planning Officer informed Members that DFI Roads have advised that the proposal would prejudice the safety and convenience of users as adequate provision cannot be made for the turning and parking of vehicles attracted to the site.

In conclusion the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal is considered contrary to Policies CTY 1, CTY8, and CTY14 of PPS21 in that the proposed gap site is too narrow and does not respect the existing pattern of development along the frontage in terms of size, scale and plot size and would add to a ribbon of development and would result in a detrimental impact to rural character. The proposal is contrary to Policy AMP 7 of PPS 3 as it has not been demonstrated that adequate provision cannot be made clear of the highway for the parking and turning of vehicles on the site and it would therefore prejudice the safety and convenience of road users. The

proposal is also contrary to Policy NH 6 of PPS 2 in that the plot size and layout is not appropriate to the AONB location. As no overriding reason has been forthcoming as to why the development is essential and could not be located within a settlement, the proposal is contrary to CTY 1 of PPS 21 and paragraph 6.73 of the SPPS.

Refusal is recommended for the reasons set out in section 10 of the Planning Committee Report.

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

The Chair invited S Bailey, Agent to address the Committee in support of the application.

S Bailey informed Members that the application formed part of the side garden of No. 107 Knocknacarry Road and that it was not contrary to Policy CTY8. The frontage of No 107 was longer than that of No 103 and No 105 and stated that No 103 had a 2 storey detached annex. It was intended that the application would also replicate the annex design. He stated that No 107 would still retain a large garden and car parking space and the intended design of the proposed dwelling would only have minimum detrimental change to the rural character. He stated that the dwelling is for the owner of the B7B to retire and allow his daughter to take over the business.

He stated that the space for the parking and turning of vehicles could be altered to meet the requirements of DFI Roads.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Hunter

Seconded by Councillor Dallat O'Driscoll and

AGREED – that the Committee proceed to conduct the following business 'In Committee'.

* **Press, public and registered speakers left the meeting at 5.30pm.**

The Head of Planning responded to Members' questions in relation to the planning status of No 103 Knocknacarry Road.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman Duddy
Seconded by Alderman McKeown and

AGREED - that the Committee proceed to conduct the following business 'In Public'.

- * **Press, public and registered speakers re-joined the meeting at 5.35pm.**

Councillor McMullan suggested that the application be deferred for one month to allow for proposed design changes to the turning space to satisfy the requirements of DFI Roads.

Proposed by Councillor McMullan
Seconded by Alderman Boyle

- that consideration be **DEFERRED** for one month to allow for proposed design changes to the turning space to satisfy the requirements of DFI Roads.

The Chair put the motion to the Committee to vote. 10 Members voted for, 3 Members voted against and 0 Members abstained.

The Chair declared the motion to **DEFER** for one month carried.

- * **Alderman Duddy left the meeting at 5.37pm.**

6.9 Objection - LA01/2016/1197/F, 90 Strand Road Portstewart (Agenda Item 6.10)

Planning Committee Report, Addendum I, Addendum II and Site Visit Report were previously circulated and presented by Senior Planning Officer, J Lundy via a PowerPoint presentation. The Site Visit Reports for the previous site meetings which took place on Wednesday 27 June 2018 and Wednesday 26 June 2019 were also circulated.

The Senior Planning Officer informed Members that the planning proposal had now been amended to the erection of 20 No apartments with associated car parking, road works and landscaping; amended plans were received 31 January 2019.

The application site is located within the settlement limit of Portstewart as defined in the Northern Area plan 2016 and is on land zoned for housing as committed housing site PTH 30. As set out in Section 3 of the Planning Committee Report the development was to be commenced by February 2017, this was not carried out and the planning permission has now expired.

The application also enacted Policy HOU 2 Social and Supported Housing of the Northern Area Plan 2016 which relates to the provision of social housing which states that proposals for schemes of more than 25 residential units, or on a site of 1 hectare or more, will be required to contribute to meeting the needs of the wider community, where there is an established need for social housing. Where this need is identified a minimum of 20% of the total number of residential units will be required to be provided to meet this need. The reduced scheme provides provisions for 20 apartments which falls below the threshold of Policy HOU 2 of the Northern Area Plan which relates to social housing. However, within the Northern Area Plan it states that proposing applications to develop a larger site in phases of less than 25 units or 1 hectare, to avoid delivery of the social housing, will not be acceptable. Given there is no planning application or verifiable plans to develop the adjacent site for any other use Policy HOU 2 will be applied to the whole of the site.

The Senior Planning Officer referred Members to paragraphs 2.2 to 2.9 of the Addendum which sets out the assessment of the Strand Road elevation.

Members were shown the site outlined in red; a corner prominent site located at the roundabout of Strand Road and Burnside Road. Portstewart Golf Club is located to the south of the site and the Strand Beach to the West. A cross section of the site in relation to the Edgewater development which showed the building in detail and how it steps out to the rear at the higher levels and a cross section towards 92 a-c Strand Road was indicated. The proposed 6 storey apartment was shown in the context of the adjacent properties block which would be over bearing and impact on the amenity of these dwellings.

The Senior Planning Officer informed Members that there had been 15 objections to the proposal as detailed in paragraph 8.31 of the Planning Committee Report and paragraph 1.3 of the addendum. She reminded Members that at the June Planning Committee Meeting Members voted in favour of deferring the application for a further 3 months to allow the agent to address the refusal reasons.

The Senior Planning Officer clarified that she attended a meeting with the Agent and S Mathers on 29 August 2019.

At that meeting the Agent outlined what he saw as 4 options for the site:

- Provide a mix of social housing and luxury apartments
- Restaurant/hotel and apartments
- Provide other lands for social housing
- Or leave the site and do nothing.

At the meeting Planning advised the agent:

- that social housing was still required on the site
- that a new application would be required for a hotel on the site
- that the options were to provide a scheme meeting the social housing requirement or submit a second application for hotel on the land located in blue
- that either proposal would require a substantive redesign to address the issues set out in the report.

No further information has been submitted by the Agent following the meeting.

In conclusion, the proposed apartment development is not considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The proposal fails to provide social housing as requested by policy. The design is inappropriate by reason of its scale and finishes. Harm would be caused to neighbouring amenity by reason of overlooking and dominance. Refusal is recommended as set out in Section 10 of the Planning Committee Report.

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

Addendum I Recommendation - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.

Addendum II Recommendation - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.

The Chair invited N Menary NM Developments to speak in support of the application. N Menary stated that the application had been submitted in 2016 and was still no further forward at this stage in 2019.

He made the following points:

- The original application had been submitted for 3 blocks of 10 apartments; now reduced to 2 blocks of 10.
- The height of proposed buildings were the same height as the adjacent building and he was willing to work with Planning on guidelines on height.
- The car parking reasons for refusal were now not relevant.
- There were no overlooking issues in relation to car parking – no objections.
- He had attempted to arrange another meeting with Planning but S Mathers was not available on the date he suggested.
- 75 drawings had now been submitted to Planning.

In response to questions from Members, N Menary clarified that he had suggested a meeting for 10 September 2019 but was advised that S Mathers was not available on this date. He confirmed that there had been various meetings since 2016 but no compromise had been reached. He advised Members that if the Planning Department would stipulate the height of the building he is permitted to build then he could work with the design to reach a compromise and re-submit the application. The issues relating to landscaping, roads and drainage could then be addressed.

In relation to a query raised by Members he stated that he believed that there was an ongoing need for social housing in the area but that it had been taken up by the approval of the other social housing scheme approved at this meeting today.

He further advised Members that he had written to the Housing Association in relation the social housing issue as Planning had stated

that it had to be site specific. He felt that it should be the total area of Portstewart and should be site specific.

In response to questions from Members in relation to the permitted height of the buildings the Senior Planning Officer clarified that it was not the responsibility of Planning to set the height of the proposed buildings but for the Agent/Architect to come up with a design and scale to submit to the Planning Department for consideration.

The Senior Planning Officer clarified that the last meeting held with the Agent/Architect took place on 29 August 2019. She also clarified Policy HOU 2 relating to the provision of social housing as previously stated and as detailed in paragraph 2.17 of Addendum I. She advised Members that the original proposed development was for 30 apartments subsequently reduced to 20 apartments which falls below the threshold. However, within the Northern Area Plan it states that proposing applications to develop a larger site in phases of less than 25 units or 1 hectare, to avoid delivery of the social housing, will not be acceptable. Given there is no planning application or verifiable plans to develop the adjacent site for any other use Policy HOU 2 will be applied to the whole of the site.

Proposed by Alderman McKeown
Seconded by Alderman Finlay

- that consideration be **DEFERRED** for one month to allow the applicant to address the issues raised by Planners.

The Chair put the motion to the Committee to vote. 6 Members voted for, 5 Members voted against and 1 Member abstained.

The Chair declared the motion to **DEFER** for one month carried.

The Chair advised Members that of the 17 Planning Committee reports 7 of them had been deferred 4 for site visits. She reminded Members that they need to be mindful of the number of applications that are recommended to be deferred; the October Planning Committee Meeting would be a lengthy one. In light of this it was:

Proposed by Councillor Hunter
Seconded by Alderman Finlay

- that a full day be allocated for Site Visits in October and that the Planning Committee Meeting commences at 10am on Wednesday 23 October 2019.

The Chair put the motion to the committee to vote. Committee voted unanimously in favour.

* **Councillor Nicholl and Alderman Finlay left the meeting at 6.10pm.**

6.10 Referred, LA01/2019/0376/A, Advertisement Consent, 40m East of 38 Coleraine Road, Garvagh (Agenda Item 6.17)

Planning Committee Report was previously circulated and presented by Senior Planning Officer M Wilson, via PowerPoint.

The Senior Planning Officer described the site and its context for advertisement consent for a 2.4 x 1.25m sign board mounted on 3 No. galvanised posts 40m East of 38 Coleraine Road, Garvagh.

The site is located outside of the settlement development limits of Garvagh, as defined in the Northern Area Plan. It is situated on a Protected Route, is adjacent to the Twenty Acres Local Landscape Policy Area and is also within an archaeological site and monument zoning.

The Senior Planning Officer informed Members that DfI Roads and Historic Environment Division had been consulted and no objections had been raised to the proposal and that there had been no third party objections to the application. He informed Members that the sign was visible from approximately 160m when travelling from the North.

No other signs are within the vicinity of the application site and it is not proposed on the site of an existing or approved commercial enterprise. The application site is predominantly rural in nature, where it is considered that the visual amenity should not be interrupted by advertisements. There are no other signs in the vicinity and is therefore contrary to Policy AD1 of PPS 17 (Control of Advertisements) and the SPSS. The proposal is not on the land to which the advertisement relates and is therefore contrary to the SPSS and Policy AD1 of PPS 17.

The Senior Planning Officer informed Members that an application for a similar advertisement situated approximately 230m from the site application was refused in November 2016. Refusal is recommended. as set out in Section 10 of the Planning Committee Report.

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 CONSENT** subject to the reason set out in section 10.

The Chair invited O Quigg, Agent to speak in support of the application.

O Quigg addressed the following issues raised by Planning:

- (i) **Application site located in countryside.** This is only as far as the Northern Area Plan is concerned is the sign located outside the settlement of Garvagh. The test is whether in the context of the locality it respects amenity. The indication that you are entering Garvagh is the 30mph speed limits, street lighting, crossing islands, Glebe development. These are over a stretch of 160m and are urban features of development. He stated that in this context you would expect to see signage and this sign has been in location for over 5 years.
- (ii) **Prominence.** The sign is black and grey lettering on a white background and surrounded by mature trees; it would only be visible for approximately 20 seconds travelling into Garvagh at 30mph. It is not visible when travelling out of Garvagh and does not distract from road safety.
- (iii) **Precedence.** Considers sign not to be unduly prominent and is of discrete design. Impact assessment on amenity is very subjective. No relevance to previous application as it is not of a similar sign and context is different; no precedence would be set.

* **Alderman Duddy re-joined the meeting at 6.20pm.**

In response to Members questions, the Senior Planning Officer clarified Paragraph 4.8 of Policy PPS 17 which states that the amenity of the countryside is particularly important and there is a need to protect its unique qualities from the negative impacts of advertising. The only advertisements likely to be acceptable in the countryside are those proposed on the site of an existing or approved commercial enterprises. These should be small in scale and not detract from the quality and character of the local landscape.

The Senior Planning Officer stated that the 4m high mounted sign would be unduly prominent on the approach to Garvagh and harmful to the rural character. It would set a precedence if the principal is established for further signage in the countryside.

He also clarified that the sign was located 1 mile away from the advertised premises; if the sign had been located on an existing or approved commercial premises then the Policy would allow the erection of the sign. The sign as currently proposed is unacceptable.

In response to a Member's query in relation to signs erected for the 148th Open Golf he clarified that such signs did not require Planning permission and would be removed in time. He clarified the location of the settlement limit for Garvagh as detailed in the NAP 2016.

The Head of Planning informed Members that the settlement development limits are defined by the Northern Area Plan and not speed limits.

* **Alderman Boyle left the meeting at 6.35pm.**

Proposed by Councillor Scott
Seconded by Alderman McKeown

- 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 CONSENT** subject to the reason set out in section 10.

The Chair put the motion to the Committee to vote. 5 Members voted for, 4 Members voted against and 0 Members abstained.

The Chair declared the motion to **REFUSE CONSENT** carried.

It was **AGREED** that a recess be held at **6.38pm**.

The meeting resumed at **6.55pm**.

* **Councillor McGurk left the meeting at 6.38pm.**

* **The Chair, Councillor Hunter left the meeting at 6.57pm.** Councillor McLaughlin assumed the Chair.

7. DEVELOPMENT MANAGEMENT PERFORMANCE

7.1 Update on Development Management and Enforcement Statistics 01/04/19 – 31/07/19

The Committee was provided with a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of July 2019. Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have been excluded from the reports to correspond with official validated statistics published by DfI.

Table 1 within the report details the number of Major planning applications received and decided as well as the average processing times. Please note that these figures are unvalidated statistics. In comparison to the same period last year, the number of major applications received has decreased by 3 however the number of major applications decided has increased by 7.

Table 2 within the report details the number of Local planning applications received and decided as well as the average processing times. These figures are unvalidated statistics. In comparison to the same period last year, the number of applications received has decreased by 9 applications and the number of decisions issued/withdrawn has decreased by 8 applications.

Table 3 within the report details the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. These figures are unvalidated statistics. In comparison to the same period last year, the number of cases opened has increased by 38 and the number of cases brought to conclusion has decreased by 10.

Table 4 within the report details the total number of Local applications determined under delegated powers. Determined is taken as the date the decision issued and excludes withdrawn applications. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 93.45% of applications determined were delegated under the scheme of delegation. However there was no Planning Committee meeting held in May or July. The applications indicated as determined by Planning Committee in May and July were as a result of the determination held at a previous meeting but only issued in May and July.

Table 5 within the report details the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including major, Council and Local applications. This is taken from the date of the Planning Committee meeting. Of note is that the decisions against officer recommendation were solely on those applications that had been referred to Committee by Members with 50% of those referred being determined against officer recommendation. Furthermore of note is that of those overturned decisions, all were to grant planning permission for single houses in the countryside.

Table 6 within the report details the number of appeal decisions issued since 1 April 2019. Please note that these figures relating to planning application decisions only are unvalidated statistics extracted from internal management reports. No decisions have been issued by the PAC for this Council in the month of April.

Table 7 within the report details the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs. One application has been made by both third parties and Council but no decision has been made on the applications by the PAC. One of the costs awarded to Council relate to planning appeal 2018/A0165 erection of dwelling at lands to rear of 11 Randal Park Portrush due to the submission of new plans at the appeal which addressed the reasons for refusal and should have been submitted during the processing of the application. The second related to the late withdrawal of an enforcement notice appeal.

Table 8 within the report details the number of contentious applications which have been circulated to all Members in the months April - June and the number which have referred to the Planning Committee for determination. To date 61.54% of contentious applications have been referred to Planning Committee for determination.

It is recommended – that the Planning Committee note the update on the Development Management Statistics.

AGREED - that the Planning Committee note the update on the Development Management Statistics.

Alderman Duddy raised concerns on the number of applications that had been deferred and that the Committee needed to address this issue. He suggested that this should be discussed in the October workshop to

agree ways of how this could be improved. Some applications had been deferred several times. He also suggested that it would be helpful to see Schemes of Delegations from other Councils.

* **Councillor Hunter re-joined the meeting at 7:05pm.**

The Head of Planning clarified that statutory targets were set out in legislation.

* **Councillor Hunter resumed the Chair at 7.09pm.**

8. DEVELOPMENT PLAN

8.1 Department for Communities (DfC) – Consultation Paper: Definition of Affordable Housing

The Committee received an information report, presented by the Local Development Plan Manager to advise that the Department for Communities (DfC) published for comment a consultation paper on a proposed update to the current definition of “Affordable Housing”. The closing date for comment is 13 September 2019.

Previously attached to the report was the Definition of Affordable Housing Consultation Paper at Appendix 1; the Current Definition of Affordable Housing at Appendix 2 and Council response on the consultation at Appendix 3.

The Local Development Plan Manager confirmed that the new definition would not impact on social housing. It take accounts of the change in intermediate housing.

It is recommended - that Members **NOTE** the content of the consultation document and the response issued by the Head of Planning on behalf of the Council.

The consultation document was **NOTED**.

8.2 Department for Communities (DfC) – Council Consultation on Proposed Listing

The Committee received a report to inform Members that the Department for Communities (DfC) wrote to Council on 6 September 2019 advising that they were considering a number of proposed listings and a delisting within the Borough under Section 80 of the Planning Act (Northern

Ireland) 2011.

The proposed **listings** within the Borough are at:

- Signal Box, beside 2 Bushmills Rd, Coleraine, BT52 2BN; and
- 54 Ballyversal Rd, Coleraine, BT52 2ND.

The proposed **delisting** within the Borough is at:

- Cutts Lock, Castleroe Road, Coleraine (recommended for de-listing because it does not meet the criteria to be a listed building. It is now “scheduled” rather than listed, as this is considered a more appropriate form of protection).

The Local Development Plan Manager informed Members that in relation to the listing of the Signal Box, Bushmills Road, Coleraine HED had written to both Northern Ireland Railways and Council inviting them to respond. Should Northern Ireland Railways wish it to be demolished at a later date then they would need to be request the delisting to HED.

The Option for the Committee were:

Option 1: Agree to support the listings and delisting: or

Option 2: Agree to oppose the listings and delisting.

It is recommended – that Members agree to Options 1 or 2 (as detailed at Appendix 1 & 2) and to the Head of Planning responding to DfC on behalf of Council.

Proposed by Alderman Duddy
Seconded by Alderman McKillop

- to recommend that Members agree to **Option 1** – to support the listings and delisting.

The Chair put the motion to the Committee to vote. The Committee voted unanimously in favour.

The Chair declared the motion to approve **Option 1** - to support the listings and delisting carried.

9. CORRESPONDENCE

The following items of correspondence were circulated to the Committee.

9.1 Confirmation of Listing of Lime Kilns at The Harbour, Ballintoy

Letter dated 4 September 2019 received from Department for Communities (DfI) informing Council of the listing of the Lime Kilns at the Harbour, Ballintoy.

The item of correspondence was **NOTED**.

9.2 DAERA Letter re Licence for Outfall Pipe at Dunluce Castle & 9.3 DEARA Marine Construction Licence

Letter dated 28 August 2019 received from Department of Agriculture, Environment and Rural Affairs (DAERA) enclosing a formal Marine Construction Licence for the construction of a new outfall pipe at Dunluce Castle, Bushmills.

The items of correspondence were **NOTED**.

9.4 Defence Heritage Conservation Management Plans

Letter dated 3 September 2019 from the Head of Planning at Causeway Coast and Glens Borough Council to the Causeway Coast and Heritage Trust commenting on the draft Conservation Management Plans (CMPs).

The item of correspondence was **NOTED**.

9.5 Notification of Call In by DfI – Londonderry Arms Hotel, Main Street and Atlantic Avenue, Portrush

Letter dated 29 August 2019 received from the Department of Infrastructure (DfI) in response to Councils email of 28 January 2019 notifying the Department of Infrastructure (DfI) of application LA01/2018/0446/LB following Councils decision in relation to the development at Londonderry Arms Hotel, Main Street and Atlantic Avenue, Portrush.

The item of correspondence was **NOTED**.

10. LEGAL ISSUES

There were no legal issues to be discussed.

11. ANY OTHER RELEVANT BUSINESS

Information report, previously circulated.

In accordance with Standing Order 12 (o) Alderman Finlay raised the following:

“Can I have reasons why this planning (32 Church Street Ballymoney) was turned down what seemed something that looked well in the town to be refused and the business closed and the front left an eyesore.”

The Head of Planning provided a written response to Alderman Finlay’s request as circulated within the Planning Committee Report.

The Head of Planning reminded Members that the Planning Committee Meeting scheduled for Wednesday 23 October 2019 would commence at 10am with a full day of Site Visits to take place before this date as was previously agreed in the minutes.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at **7:25pm**.

Chair