

PLANNING COMMITTEE MEETING HELD WEDNESDAY 26 JANUARY 2022

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Alderman S McKillop</i>
2.	Declarations of Interest	<i>None</i>
3.	Minutes of Planning Committee meeting held Wednesday 22 December 2021	<i>Confirmed</i>
4.	Order of Items and Confirmation of Registered Speakers	<i>Information</i>
5.	Schedule of Applications:	
5.1	LA01/2019/0890F, Existing Rigged Hill Windfarm site 6km East/South East of Limavady	<i>Agree and Deferred</i>
5.2	LA01/2018/0570/F, Keady Quarry, 121 Broad Road, Limavady	<i>Deferred and hold a Site Visit</i>
5.3	LA01/2021/0113/F, Council Multi-Use Games Area, Junction of Fivey Road & Main Street, Stranocum, Ballymoney	<i>Agree and Approved</i>
5.4	LA01/2019/0629/O, Land at 29 Drumavoley Road, Ballycastle	<i>Agree and Approved</i>
5.5	LA01/2021/0259/F, 5 Fortview, Portballintrae	<i>Agree and Approved</i>
5.6	LA01/2020/0377/F, Between 241 & 243 Finvoy Road, Rasharkin	<i>Agree and Approved</i>
5.7	LA01/2018/1158/F, Approx 30m South East of 20 Glenariffe Road, Glenariffe, Ballymena	<i>Deferred</i>
5.8	LA01/2019/1380/F, 6 & 8 Crocknamack Road, Portrush	<i>Agree and Deferred</i>

6.	Development Management and Enforcement	
6.1	Quarterly Report on Planning Performance	Information
7.	Development Plan:	
7.1	Local Development Plan – 6-month LDP Work Programme (Jan-Jun 2022)	Information
7.2	TPO Confirmation – Ballymoney Music Centre	Option 1: Resolve to confirm the TPO as detailed
8.	Correspondence:	Information (Items 8.1-8.6 inclusive)
8.1	DfI - Review of Strategic Planning Policy on Renewable and Carbon Energy	
8.2	DFI – In response to Council’s comments Section 45 The Planning Act (NI) 2015 and Article 8 The Planning (General Development Procedure) Order (NI) 2015	
8.3	DFI – Response to Solace – Standing Orders of Councils and Implications of the ‘Hartlands Case’	
8.4	Annual NI Planning Conference – 22 March 2022	
8.5	PAC – Mid & East Antrim BC – LDP Independent Examination	
8.6	Dalradian Gold Ltd – Response re: site visit	
	‘In Committee’ (Items 9.1-9.3 inclusive)	
9.	Confidential Items:	
9.1	Legal Advice: East Road JR	That Planning Committee concede to the application to quash the decision having considered Legal Advice in relation to the interpretation of Policy CTY8 in considering the fence to

		<i>the curtilage of no. 51 East Road to form road frontage and the impact of the laneway on ribbon development.</i>
9.2	Report for Noting Finance Period 1-8 2021 22 Update	<i>Information</i>
9.3	New Planning IT System – Intelligent Client Function – SLA	<i>Agree to the signing of this Service Level Agreement with Belfast City Council</i>
10.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<i>None</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS AND
VIA VIDEO CONFERENCE
ON WEDNESDAY 26 JANUARY 2022 AT 10.30AM**

Chair: Alderman Baird (C)

Committee Members Present: Alderman Boyle (C), Duddy (R), Finlay (C), McKeown (C&R)
Councillors Anderson (C), Dallat O'Driscoll (R), Hunter (R), McGurk (R), MA McKillop (R), McMullan (R), McLaughlin (R), Nicholl (R) and Scott (C)

Officers Present: D Dickson, Head of Planning (C)
S Mathers, Development Management and Enforcement Manager (R)
S Mulhern, Development Plan Manager (R)
C McKeary, Senior Planning Officer (R)
J McMath, Senior Planning Officer (R)
M Wilson, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
N Linnegan, Council Solicitor (R)
S Duggan, Civic Support & Committee & Member Services Officer (C)
I Owens, Committee & Member Services Officer (C)

In Attendance: A Gillan, DfI Roads (R)

A Lennox, Mobile Operations Officer (C)

Public 5 no. (R)

Registered Speakers in attendance 13 No. (R)

Press 1no. (R)

Key R = Remote C = Chamber

Registered Speakers in Attendance (R):

Application No.	Name
LA01/2019/0890/F	L McLaughlin
	O Kirk
	V Ferry
	S Caldwell Nichols
	P Phillips
LA01/2018/0570/F	T Beattie
	A Harley

Application No.	Name
	D Harley
	J Hurlstone
LA01/2019/0629/O	M Smyth
LA01/2020/0377/F	J Simpson
LA01/2018/1158/F	C Cassidy
LA01/2019/1390/F	M Kennedy

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

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

1. APOLOGIES

Apologies were recorded for Alderman S McKillop.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 22 DECEMBER 2021

Copy previously circulated.

Proposed by Councillor Hunter

Seconded by Councillor Scott

- That the Minutes of the Planning Committee meeting held Wednesday 22 December 2021 are confirmed as a correct record.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion unanimously carried and minutes confirmed.

RESOLVED - That the Minutes of the Planning Committee meeting held Wednesday 22 December 2021 are confirmed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Chair advised the Order of Business would be as presented.

5. SCHEDULE OF APPLICATIONS:

5.1 LA01/2019/0890F, Existing Rigged Hill Windfarm site 6km East/South East of Limavady

Report, previously circulated, presented by Senior Planning Officer C McKeary.

App Type: Full Planning

Proposal: The Repower of the existing Rigged Hill Windfarm comprising the following main components; (i) Decommissioning of the existing 10 turbines (ii) Removal and restoration of the existing substation building and compound (iii) Removal and restoration of other redundant infrastructure (iv) 7 No. wind turbines with an output of around 29MW (v) Construction of approximately 4.82km of new access tracks; (vi) Upgrade of approximately 1.75km of existing access tracks; (vii) Construction of temporary and permanent hardstanding areas for each turbine to accommodate turbine component laydown areas, crane hardstanding areas and external transformers and/or switchgears; (viii) Temporary construction compound/laydown areas; (ix) Turning heads and passing places incorporated within the site access infrastructure; (x) New Road Junction with Terrydoo Road; (xi) Meteorological Mast; (xii) Substation with roof mounted solar panels, and associated compound (xiii) Removal of self-seeded trees in East of the Site and (xiv) all associated ancillary works.

Recommendation

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

Erratum 1 Recommendation

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

Erratum 2 Recommendation

That the Committee note the contents of this Erratum 2 and agree with the recommendation to approve the application in accordance with Paragraph 1.1 of the Planning Committee report.

Addendum 1 Recommendation

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

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree to defer the application pending the response from the consultees.

Addendum 3 Recommendation

The recommendation is that the Committee notes the contents of the report, the Erratum, the Addendum, Addendum 2, and this Addendum 3 and agree to defer the application pending the response from the consultees.

Senior Planning Officer C McKeary presented as follows:

- This is item 1 a major planning application, application reference LA01/2019/0890/F the Repowering of the existing Rigged Hill Windfarm. The repowering includes the removal of the existing 10 turbines which are 57m high and their replacement with 7 turbines which will be 137m high to tip
- The detailed proposal is for the “The Repower of the existing Rigged Hill Windfarm comprising the following main components; (i) Decommissioning of the existing 10 turbines (ii) Removal and restoration of the existing substation building and compound (iii) Removal and restoration of other redundant infrastructure (iv) 7 No. wind turbines with an output of around 29MW (v) Construction of approximately 4.82km of new access tracks; (vi) Upgrade of approximately 1.75km of existing access tracks; (vii) Construction of temporary and permanent hardstanding areas for each turbine to accommodate turbine component laydown areas, crane hardstanding areas and external transformers and/or switchgears; (viii) Temporary construction compound/laydown areas; (ix) Turning heads and passing places incorporated within the site access infrastructure; (x) New Road Junction with Terrydoo Road; (xi) Meteorological Mast; (xii) Substation with roof mounted solar panels, and associated compound (xiii) Removal of self-seeded trees in East of the Site and (xiv) all associated ancillary works. (Slide)
- The site is located approx. 6km east/southeast of Limavady on Rigged Hill, The land rises from the Terrydoo Road to the west of site to a summit of 377m (AOD). Limavady is to the West (Slide)
- The application is now the subject of a report, 2 erratums, and 3 addendae. There are now 13 objections and 5 letters of support.
- The application was presented to the Planning Committee on 24th November 2021 and the Committee resolved that the Planning

Department would undertake further consultations to explore the issues raised in late objections and return the application to the Committee for determination in January 2022.

- Since then, the Planning Department consulted SES, NIEA/DAERA and DETI – Geological Survey.
- Geological Survey NI responded on 22nd January 2022 and have advised that they are content. A reminder was sent to NIEA/DAERA on 10th January 2022 because their consultation period had expired. SES's consultation period expired on 13th January 2022. A reminder has now been sent.
- Until all these consultees respond, the Planning Department cannot confirm that all matters within the late objections have been adequately addressed and a recommendation cannot be made to progress the application.
- It is recommended that the Committee notes the contents of the report, the Erratum, the 3 Addendae, and agree to defer the application pending the response from the consultees.

The Chair undertook a roll call of registered speakers and sought to clarify the 5 minute speaking timeframe amongst the speakers.

* **(M Bradley MLA, Registered Speaker, was not in attendance)**

O Kirk stated it was noted and agreed with the recommendation to defer.

In response to comments and questions, the Senior Planning Officer clarified Planning had corresponded with consultees, NIEA were unwilling to commit to a timeframe for a response and without their response, Shared Environmental Services were unable to respond. NIEA had been invited to respond on 25th November 2021 and a reminder issued on 10th January 2022.

The Chair considered another reminder should be issued by Planning Department.

Proposed by Councillor Scott
Seconded by Alderman Duddy

- That Planning Committee notes the contents of the report, the Erratum, the Addendum, Addendum 2, and this Addendum 3 and agree to defer the application pending the response from the consultees.

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

RESOLVED - That Planning Committee notes the contents of the report, the Erratum, the Addendum, Addendum 2, and this Addendum 3 and agree to defer the application pending the response from the consultees.

- * **Councillor Nicholl could not be contacted during the vote.**
- * **Councillor McMullan joined the meeting at 10.49am during consideration of the Item and did not vote.**

5.2 LA01/2018/0570/F, Keady Quarry, 121 Broad Road, Limavady

Report, previously circulated, presented by Senior Planning Officer C McKeary.

App Type: Full Planning

Proposal: Retrospective application for extraction of basalt within existing quarry, retention of processing plant, weigh bridge, site offices and access road including a lateral extension incorporating wheel wash, realigned quarry access road, landscaping and full site restoration

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.

Erratum Recommendation

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

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with a new recommendation to defer the application to enable the Planning Department to further consider the points raised by the agent in support of the application.

Addendum 2 Recommendation

That the Committee note the contents of the Planning Committee Report, Addendum, and Addendum 2 and agree with the recommendation to refuse the application.

Senior Planning Officer C McKeary presented as follows:

- This is item 5.2 application reference LA01/2018/0570/F for retention of existing quarry works and proposed quarrying. (Slide)
- Keady Quarry is located on Keady Mountain, north east of Limavady and the site falls within the Binevenagh AONB. The nearest main road is the Broad Road which is the A37 between Coleraine and Limavady. (Slide)
- This application is the subject of a report and 2 addenda and was previously presented at the August 2021 Committee Meeting.

Introduction

- This is a major application due to the size of the site. The applicant has submitted a Proposal of Application Notice and has carried out the subsequent community consultation process. A voluntary Environmental Statement was also submitted along with application meaning that an EIA Determination was not required.
- The detailed proposal is for the “Retrospective application for extraction of basalt within existing quarry, retention of processing plant, weigh bridge, site offices and access road including a lateral extension incorporating wheel wash, realigned quarry access road, landscaping and full site restoration” at Keady Quarry, 121 Broad Road, Limavady.”
- The site life expectancy is 5 years for extraction carried out in the 3 phases as shown on the map, followed by 1-2 years for restoration.

Synopsis of Report

- Minerals development is dealt with under the retained policies within the Planning Strategy for Rural Northern Ireland and there is a presumption in favour of expansion of existing quarries. (Slide)
- In this case there is a historical approval from 1979 shown on the map. At some point after this date, quarrying commenced to the East and outside this approval without the required planning permission making it unauthorised EIA development. This application seeks to regularise this. There is also an element of proposed works to the quarry which will further extend to the East as shown in the slide.
- Current case law only permits the approval of unauthorised EIA development such as this in exceptional circumstances. In this case the Planning Department has accepted that the development is exceptional, and that the developer has not gained an unfair advantage and/or been unfairly able to circumvent EU Law, therefore meeting the circumstances outlined in the caselaw.
- The application has met all the required planning policies regarding natural heritage, archaeology, impact on hydrology and hydrogeological

links and flooding. The consultees were content subject to conditions recommended and no reasons for refusal were supplied.

Visual amenity

- (Slide) The proposal is not located on the escarpment summit (which is one of the key landscape characteristics of the AONB) but rather is down slope from the profile of Keady Mountain. This lower central part of the escarpment of Binevenagh Ridge is less sensitive than the more prominent Northern and Southern sections.
- It should be noted that Keady Quarry existed before the current Binevenagh AONB designation in 2006 and before the one that preceded it which was the North Derry AONB designated in 1966. Therefore this quarry has always been an accepted part of the AONB landscape.
- Views of the quarry are possible from a long range views due to the elevated landscape from Bolea Road, Gortcarn Road, Ringsend Road, Drumalief Road, Ballyavelin Road, Drumsurn Road, Terrydoo Road, Edenmore Road, and Windyhill Road where the impact is slight to moderate. The most significant views are when passing on the Broad Road from Limavady to Coleraine. For context, the view from Ringsend Road is included which is where the proposed access to the quarry is located. (Slide)
- The proposal for the extension of the quarry is to the East which is uphill from the existing quarry but does not extend to the summit of the hill which is approximately a further 50m higher. The higher landmass behind the quarry face would still be discernible and the overall character of the area would be retained. Therefore any visual impact is acceptable.
- Environmental Health, the Health & Safety Executive NI, the Drinking Water Inspectorate and the Industrial Pollution and Radiochemical Inspectorate were all consulted and were content subject to conditions that the impact on health and safety and on neighbouring amenity was acceptable.
- The economic benefit put forward by the applicant is limited and indicates that there will be 9 full time employees with up to 4 more employed on a seasonal basis. This is in addition to the commercial rates that would be paid to the Borough.
- Waste management is governed by the Planning (Management of Waste from Extractive Industries) Regulations (NI) 2015 which set out specific requirements on operators of quarries for the management of waste produced by them. It states that planning permission shall not be granted unless a waste management plan has been submitted. The waste

management plan submitted was considered to be acceptable by the statutory consultee.

- In the restoration plan, it is proposed that at the end of phase 3 the quarry faces will be retained and the quarry floor will be allowed to naturally regenerate. The benches created by quarrying will be slightly graded using overburden to create new landforms. The quarry will have a mix of natural regeneration, open mosaic habitat, and scrub with hedging at the entrance to the quarry faces. The Environmental Management Plan lays out how the retained habitats will be protected during extraction; how continued management is undertaken post restoration and how the results are monitored to allow management revisions as necessary. This monitoring will be undertaken for the first 5 years after restoration.

Access & Fall-back

- While the access from the quarry onto the Keady Road is satisfactory, the applicant is not able to achieve the required standards for the access onto Ringsend Road which is where they propose to exclusively enter and exit the site. DfI Roads consider that the access onto Ringsend Road as it stands is substandard and no improvements are proposed within the application. DfI Roads have advised that 3rd party lands are required to achieve the standards and have recommended refusal as it would prejudice the safety and convenience of road users. (Slide)
- The applicant does not accept that they need to meet the standards required by Roads due to their fall-back position. The fall-back position is based on the 1979 approval and that the applicant considers that they can continue to quarry and use the access without improvements. However, the Planning Department does not agree that the fall-back position is anything greater than theoretical.
- The applicant has not demonstrated that the reserves are not exhausted or obtainable and the Planning Department is also mindful that a large part of the lands within the 1979 approval are now taken up by internal road arrangements. It appears that this approval now only exists in theory and that the quarry could not really operate using only the lands and reserves within this approval. This means that as there is no fall-back that the current Roads standards can be applied.
- There were 152 objections to the application and no letters of support. Consideration of objections is set out in the planning Committee report.

Addendum

- Between the submission of the papers to the Committee and the Committee meeting on 25 August 2021, the agent made a further submission. This comprised some of the points raised in the Planning Committee Report relating to the fall-back position, technical details about

obtaining the remaining reserves within the 1979 approved quarry, and application of Policy AMP 2 of PPS 3 Access Movement and Parking.

- At the 25 August 2021 Planning Committee meeting, the Committee resolved to defer the application to further consider the points raised by the agent in support of the application.
- On 27 August 2021, the Planning Department wrote to the agent seeking details of the case law referred to in their submission. The Planning Department also advised that if the applicant sought to depend on the fall-back position and a lawful commencement of the 1979 quarry permission, submission of an application for a Certificate of Lawful Development (CLUD) was required.
- Further to exchanges with the Planning Department in the intervening months, on 22 December 2021 the Agent submitted further information contending a lawful start on the 1979 quarry approval. However, this was not submitted in the form of the required CLUD application. Planning case law, specifically *Saxby v Secretary of State for the Environment, Transport and Regions* and *Westminster City Council 1998 EWHC Admin 462*, which makes it clear that the appropriate mechanism to demonstrate lawfulness is submission of a lawful development application (CLUD).
- The Planning Department advised the agent on 29 December 2021 that the information provided was not in the form of a CLUD application as required and that this matter could not be considered as part of the current planning application. The agent was given until the 12 January 2022 to advise their client of the Council's position and to respond accordingly.
- On 11 January 2022 the Agent confirmed that no CLUD application would be submitted. The Agent questions why a CLUD is required given that the 1979 planning permission (B/1978/0124/F) exists on the site. They specify the number of quarries in the Borough and query whether each operator will be asked to submit a CLUD application to ensure the lawfulness of their operations. They state the cost of a CLUD application and underline the low threshold that constitutes development within the minerals sector. In addition, they question whether the Council would issue an enforcement notice if extraction was to take place within the area approved by the 1979 permission. They make clear their intention to appeal any refusal of planning permission and apply for costs.
- Notwithstanding the position in the *Saxby* case law, they argue that it is not necessary for the Council to issue a formal decision on this matter. They add that the applicant is willing to "surrender" their existing planning permission (Ref: B/1978/0124/F) if planning permission is granted for this application. They refer to *R v Secretary of State for the Environment ex*

parte P F Ahern which refers to the assessment of implications for impact on the environment relative to those to which the site might be put if the proposed development were refused. They argue that the proposed development offers improved amenity and landscape impacts relative to the former permission Ref: B/1978/0124/F, aligning the site with modern day conditions and current environmental standards.

- As set out in Paragraph 8.14 of the Planning Committee Report, the majority of the existing quarry exists outside the red line (approved area) of the Ref: B/1978/0124/F approval. This casts doubt on whether the Ref: B/1978/0124/F approval was ever lawfully implemented or whether it could be meaningfully surrendered as suggested by the applicant.
- To reconcile this matter, submission of a CLUD application is required. This would allow it to be clearly established whether or not there is a fall-back position regarding use of Keady Road for quarry operations. If circumstances were similar to other minerals proposals, it is likely that the Planning Department would take the same approach.
- It is recognised that a modern quarry approval is likely to offer greater environmental safeguards relative to that approved by Ref: B/1978/0124/F. However, without a CLUD, the lawfulness of that development cannot be conclusively presumed. Whether enforcement action is warranted for quarry operations is a matter separate from assessment of the current application.
- Therefore, a fall-back position has not been demonstrated to allow for assessment as a material consideration. Accordingly, there is no change in the Planning Department's recommendation.
- The recommendation to the Committee is to note the contents of the Planning Committee Report, Addendum, and Addendum 2 and agree with the recommendation to refuse the application. The refusal reason is because the visibility splays and forward sight distances proposed do not meet the required standards and would prejudice the safety and convenience of road users.

No questions were put to the Senior Planning Officer.

The Chair undertook a roll call of registered speakers and sought to clarify the 5 minute speaking timeframe amongst the speakers.

T Beattie addressed Committee in support of the application:

- The application submitted in May 2018, 4 years ago;
- Accept all but standard of visibility splays, cannot provide upgrade beyond access.

- OS Map dated 1830, shows the Road junction has existed for two-hundred years;
- 160m splay to the East achieved, visibility on the West, Keady Road is available and achieved for drivers;
- The 200mm crest in the road at the East junction prevents drivers seeing but does not prevent drivers seeing other drivers but does not prevent them seeing cars; DfI have stated drivers are unable to see if someone is lying on the road;
- HGV drivers sit higher and can see over the crest;
- The Fall-back position; DfI state if a lawful fall-back exists then upgrade to the junction would not be requested;
- Very minor works all that would be required and can provide a sworn affidavit;
- Extraction not open to enforcement;
- Planning Department will not take into account fall-back position unless a CLUD is submitted with an application fee of around £21,000. The Quarry is already permitted to use the existing access;
- There is no detrimental highway impact;
- Full site restoration will be provided;
- Small visibility impact;
- Greater separation distance to neighbouring dwellings;
- T Beattie advised of the speakers in attendance and available for specific questions; J Hurlstone who specialises in highway advice.

In response to questions T Beattie clarified the existing quarry benefits from using either junction. This application proposes using Ringsend junction only as it has better visibility than Broad Road.

In response to questions J Hurlstone advised

- Ringsend Road has better visibility than Broad Road,
- Dealing with a landowner to improve visibility splays at Ringsend Road but this fell through. The existing junction better than Broad Road in the interests of highway safety. DfI Roads advise this is intensifying the junction and the visibility is sub-standard as Trunk Road standards apply. These are visibility 1.05m above road level and 2m to an object. HGV drivers are able to see down to the object height of 10 inches. There has been no bearing on the ability to see vehicles. The Design Standard between divers can be achieved for drivers to see each other. The crest is 8inches high and does not stop seeing each other, and only losing the bottom part of the car rather than the whole car. J Hurlston stated he was at a loss as to why DfI Roads object which they consider to be nonsensical.
- The operator can use the both accesses but the Broad road access has worse visibility; this is a far safer access. DfI Roads concerns has nothing to do with the safety of the access; it has something that has no bearing on highway safety.

The Chair invited A Gillan, DfI Roads to address Committee. A Gillan stated the Design Manual for Roads and Bridges referred to by the speaker J Hurlstone, applied to all roads. He advised relaxing DCAN 15 was for access rather than road junctions and quoted from the document. The site visibility splays to the junction at Keady Road/ Ringsend Road require third party land. The forward sight distance is restricted by the summit in the road. Full stopping distance is not available because of the crest, and stated serious concerns with visibility splays and forward sight distance with the intensified use of the substandard access on a busy, fast stretch of the road with a history of accidents. The Broad Road does have difficulties as well with forward sight distance but the proposal is only to use Ringsend Road.

In response to questions, A Gillan clarified there are two issues visibility splays are not achieved and vertical alignment of the road obscuring forward site distance. The standards are clear that the full envelope of visibility is required with no obstruction. Normal access assessment as DCAN 15. The Ringsend / Keady Road junction is assessed under the Design Manual for Roads and Bridges and a different document. The visibility splays 2.4m x 160m required and 2.4m x 60m west, 2.4m x 40m east are what exist, considerably less than the standard required.

In response to questions, Senior Planning Officer clarified the location of the Broad Road and Ringsend Road. Referring to paragraph 8.66 of the Planning Committee report clarified both roads are currently used and in the event of an approval of this application, access would be only onto Ringsend Road and the other access onto Broad Road closed.

Proposed by Councillor Nicholl
Seconded by Alderman Baird

- That Planning Committee defer LA01/2018/0570/F, Keady Quarry, 121 Broad Road, Limavady and hold a Site Visit, to look at the site around the concerns mentioned; it would be useful having now heard the technical evidence, it is difficult to appreciate the visibility at the junction.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried unanimously and application deferred for a Site Visit.

RESOLVED- That Planning Committee defer LA01/2018/0570/F, Keady Quarry, 121 Broad Road, Limavady and hold a Site Visit, to look at the site around the concerns mentioned; it would be useful having now heard the technical evidence, it is difficult to appreciate the visibility at the junction.

- * **Alderman Finlay arrived in The Chamber at 11.30am and did not vote on the application.**
- * **The Chair declared a recess at 11.41am.**

The meeting reconvened at 11.57am.

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

5.3 LA01/2021/0113/F, Council Multi-Use Games Area, Junction of Fivey Road & Main Street, Stranocum, Ballymoney

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

App Type: Full

Proposal: Installation of 6no. 6m floodlighting columns to illuminate the existing M.U.G.A., along with 3no. 5.1m pathway lighting columns

Recommendation

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

Senior Planning Officer M Wilson presented as follows:

- Full planning permission is sought for the installation of 6 no. 6m floodlighting columns to illuminate the existing M.U.G.A. along with 3 no. 5.1m pathway lighting columns.
- This is a Local application and is being presented to the Planning Committee on the basis that the Council is the applicant. Planning Committee report previously circulated.
- The site is located within the development limit of Stranocum as defined in the Northern Area Plan 2016.
- The location plan of the site in Stranocum, on the junction of Fivey Rd, Main St./Kirk Road. The MUGA is surrounded by trees with limited views from surrounding vantage points due to the screening. Slide showing the site looking from Fivey Rd which is sited behind the trees and (Slide) a view from Main Street.
- (Slide) A view of the MUGA.
- The floodlighting columns will be located at intervals around the perimeter of the playing field. Two of the 5.1m lighting columns are positioned 15m apart on the east side of the walkway with the other one being located on the west side of the walkway, closer to the entrance of the MUGA.
- When assessed against policy OS 7, it is decided that there will be no unacceptable impact on the amenities of people living nearby, there will be no adverse impact on the visual amenity or character of the locality and the proposal will not prejudice public safety. Environmental Health raises no objection.

- Given the proximity of the lighting columns to the trees a bat roost potential survey was carried out and NIEA has no objection subject to the imposition of conditions as set out in the report.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, and PPS 2, PPS 6 & PPS 8.
- (Slide) – An illustration of the lighting columns.
- No objections were received for this proposal.
- Consultations were issued to the following consultees and no objections were raised:
 - Environmental Health
 - DFI Rivers
 - NIEA
 - HED
 - NIE
- Approval is recommended.

In response to questions, Senior Planning Officer clarified the neighbours consulted; the lighting conditioned, maximum luminous pre and post curfew and was low.

Proposed by Alderman Baird
 Seconded by Alderman Boyle

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

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

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

Councillor McGurk advised she had missed some of the Item and had therefore abstained during the vote.

- * **Councillor McMullan could not be contacted during the vote.**
- * **Alderman McKeown arrived in The Chamber, having been in attendance remotely prior.**

5.4 LA01/2019/0629/O, Land at 29 Drumavoley Road, Ballycastle

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

App Type: Outline Planning

Proposal: Site for residential development

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

Erratum Recommendation

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

Addendum Recommendation

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

Senior Planning Officer J McMath presented as follows:

- (Slide) Planning Application LA01/2019/0629. This is an outline application for a proposed residential development at 29 Drumavoley Road, Ballycastle.
- There is an Erratum to accompany planning papers previously circulated.
- (Slide) The red line boundary of the site. The site is located on the edge of the Settlement Development Limit of Ballycastle. The site extents to approximately 0.68 hectares and currently comprises a 2 storey detached dwelling and garage.
- (Slide) AONB and southern most section of site in LLA as designated in Northern Area Plan 2016.
- (Slide) The indicative site layout plan. It is proposed that the existing dwelling and garage will be demolished, with five new detached dwellings being constructed and accessed via a private internal roadway which will continue from the existing avenue currently serving the site. The application has been considered acceptable taking into account relevant

planning policies including the Northern Area Plan 2016, PPS 7, Creating Places; detailed assessment is set out in the Planning Committee report.

- The illustrative plan indicates the development will consist of a mix of 1 and a half and 2 storey dwellings and adheres to the building line established by existing adjacent dwellings. The existing planting around the site will be retained where possible together with a proposed scheme of additional planting.
- The site is located within an established residential area with a mix of house types. Being on the edge of the settlement limits of Ballycastle, the surrounding area is semi-rural in character. The lands to the north and east are dominated by residential development, with agricultural land to the south and west.
- (Slide) There have been 17 objections received from 6 separate properties within Drumavoley Grange which abuts the northern and eastern boundaries of the site. Issues raised include privacy, drainage, loss of light, overshadowing, ground stability, density, loss of vegetation, impact on protected species and substandard access.
- (Slide) The indicative layout and these sectional drawings show how the proposed 5 dwellings would relate to the existing residential development surrounding the site. There is adequate separation distance between adjoining properties on Drumavoley Grange which would alleviate concerns in relation to overlooking, privacy, overshadowing or dominance. The site sits at a higher level than the properties on Drumavoley Grange and also slopes in a south easterly direction. Density equates to 8 per hectare which is comparable.
- A tree survey has been submitted for the site indicating the level of tree retention and removal. The majority of the more visually significant stands of trees along the south-western external boundary of the site remain largely unaffected by the development and will continue to function as a screen and provide enclosure to the site at this location. They will also help to assimilate and soften its impact on the surrounding countryside. The proposal also includes new landscaping.
- The site is not located within an area of flooding. A public surface water sewer is located within 20m of the site. As this is an outline application full drainage details have not been submitted for consideration at this stage. A further condition in addition to those in the report shall be added if approved by Committee requiring drainage details at Reserved Matters

- Some photographs of the site and surrounding area.
- (Slide) Existing access is off the Drumavoley Rd. The site will utilise this existing access. DfI Roads have considered the proposal and representations and have no objection. The access complies with Policy.
- (Slide) The existing dwelling on site.
- (Slide) A view from the rear of the site looking towards the rear of properties along Drumavoley Grange.
- (Slide) A much longer distant view of the site across from Glenshesk Road. Proposed Site 1 is located within the Glenshesk LLPA which extends further south of the site and east towards the Glenshesk River. The LLPA designation defines the distinguishing feature of this LLPA as the sloping banks of the Glenshesk River which define the south eastern approaches to Ballycastle. The site incorporates a small portion of the larger LLPA and sits on the upper slopes of the Glenshesk River Valley approximately 260m to the west of the River with intervening residential development and mature vegetation. Given the separation distance from the river, the existing natural screening of this plot, previous planning histories it is determined that the proposal will not create any adverse impacts on the distinguishing features of the LLPA.
- (Slide) View from Drumavoley Road shows existing trees to be retained along with established dwellings in Drumavoley Grange.
- As well as a tree survey a Preliminary Ecological assessment and bat survey reports have been submitted and DAERA have no objections on natural heritage grounds.
- No other consultees have offered any objections.
- The issues raised by objectors have been fully considered.
- Details including design and scale of dwellings would be accessed at Reserved Matters stage but it is considered that the principle of 5 dwellings is acceptable on this site.
- Approval is recommended

- Condition Site drainage details are to be submitted at Reserved Matters Stage.

In response to a question, Senior Planning Officer clarified the colour coding on the map, Housing Designations, Settlement Development Limit of Ballycastle and LLPA.

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

M Smyth advised of a robust presentation, was fully compliant with policies and no consultees had raised any objections.

Proposed by Alderman Finlay

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

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

* **Councillor Mc Mullan could not be contacted during the vote.**

5.5 LA01/2021/0259/F, 5 Fortview, Portballintrae

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

App Type: Full

Proposal: Proposed side extension, including attic space, to existing dwelling

Recommendation

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

Senior Planning Officer M Wilson presented via powerpoint presentation as follows:

- Full planning permission is sought for a proposed side extension, including attic space, to existing dwelling.
- The site is located within the development limit of Portballintrae as defined in the Northern Area Plan 2016.
- The scale, massing, design and external materials for the proposed extension is complementary to the existing dwelling and the proposal will not significantly impact the privacy or amenity of neighbouring dwellings.
- There is limited impact on amenity space, and no demonstrable impact on the parking and manoeuvring of vehicles.
- The proposal will not undermine the features of the Causeway AONB.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, and Addendum to PPS 7.
- A total of 9 objections from 6 objectors were received regarding this proposal raising concerns on road matters, noise and unacceptable impact on the character of the area.
- Consultations were issued to the following consultees who raised no objection:
 - DfI Roads
 - DFI Rivers
- Approval is recommended.

In response to questions from Elected Members, Senior Planning Officer clarified that in the wider character of the area there are dormer windows, the initial proposal had a large dominant dormer but the Agent amended to a smaller dormer. On balance in a corner cul-de-sac location with limited views overall prominence/dominance is not significant to warrant refusal. As regards to any precedent, he clarified that each application is determined on its own merit, views of the proposal are very limited, and it is a matter for committee to consider.

The Chair reminded Committee not to make proposals on the chat facility.

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, guidance, and consideration in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried unanimously and application approved.

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

5.6 LA01/2020/0377/F, Between 241 & 243 Finvoy Road, Rasharkin

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

App Type: Full Planning

Proposal: 2No. Infill dwellings and garages

Recommendation

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

Senior Planning Officer J Lundy presented via powerpoint presentation as follows:

- The site is located in the rural area as designated in the Northern Area Plan 2016 and the SPPS and PPS 21 are the most relevant Planning Policy.
- The application is an objection item and is recommended for approval.
- The points set out in the objection letters are set out in the Planning Committee Report at paragraph 8.28 and relate to impact on rural character, road safety, access to farm land, reliant on proposed landscaping, accuracy of maps, levels, site drainage, underground electricity infrastructure and planning history.
- A verbal addendum to advise that a response from NIE has been received and they have concerns with the proposal due to the location of equipment in the site. They are seeking the applicant to liaise with them to ensure that adequate way leave is provided to the electricity lines on the northern boundary of the site. This is not seen as insurmountable due to adequate spacing between the dwelling and the line to provide the way leave.
- It is recommended that this is dealt with by way of a negative condition to ensure that agreement is achieved with NIE that statutory clearance from NIE equipment during construction and maintenance is achieved.
- The site is road side and has development to the north and south. The land falls east to west from the road.
- The red line of the site. The 2 storey dwelling at No 241 to the north and the buildings on the boundary to the north with No 243 to the south

provide a substantial and continuously built up frontage for the purposes of policy CTY 8. The gap site is sufficient to accommodate a max of 2 dwellings and is in keeping with the plots north and south of the site. The proposal is considered to meet the requirements of policy CTY 8.

- The block plan showing the location of the dwellings in red and garages in blue. The section shows the finished floor level of the dwelling being around 1m below the road and the rear garden raised to 2m from the existing ground levels with retaining structured proposed to the rear of 1.72m. As set out in the report there will be limited public views of the retaining features due to the buildings in the locality.
- The design of the dwellings are 1.5 storey and in keeping with the design scale and massing within the locality.
- No 241 the outbuildings and the frontage of the site shown
- No 243 which has approval for a replacement dwelling.
- The site itself showing the fall in the land east to west.
- The existing access gate. Individual access to the 2 dwellings are proposed and considered acceptable by DFI Roads.

In response to questions, Senior Planning officer clarified the gap to the frontage 42m, site south No. 243 is 45m, to north is 80m, and outbuilding frontage is 20m; the average is acceptable and meets Planning Policy. She advised Planning had consulted with Dfl Roads on a number of occasions and shared the objections with them and Dfl raised no objections and provided condition for the required visibility splays.

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

J Simpson stated the principle of development is acceptable; there had been no objections from consultees; and, the proposal complies with integration and design requirements. He advised that the outstanding issues with NIE will be resolved.

Proposed by Councillor Nicholl

Seconded by Councillor McLaughlin

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

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application approved.

RESOLVED - That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and

guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

5.7 LA01/2018/1158/F, Approx 30m South East of 20 Glenariffe Road, Glenariffe, Ballymena

Reports, site visit, correspondence from Agent, previously circulated, presented by Development Management and Enforcement Manager S Mathers.

App Type: Full Planning

Proposal: Retrospective planning application for retention of 2 No. farm Storage Sheds.

Recommendation

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

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report and the reason outlined in Part 10.

Addendum 2 Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report and the reason outlined in Part 10.

Development Management and Enforcement Manager, S Mathers presented as follows:

- The proposal comprises the retention of two sheds- one “L” shaped and open sided, the other closed with a gabled roof. The location is at an established small farm yard at Glenariffe Road.
- In terms of the Northern Area Plan 2016, the site is located in the open countryside. The Northern Area Plan does not contain specific policies on agricultural development, rather directing that regional policies apply. The site is located within the Antrim Coast and Glens AONB.
- This application is presented to the Planning Committee as a referred item.

Key Issues

- Principle Of Development- The lead policy to assess this proposal is SPPS and Policy CTY 12 of PPS 21. This requires proposals for new agricultural sheds to be necessary for the efficient use of the agricultural

holding. In addition, the policy requires it to be demonstrated that there are no suitable existing buildings on the holding that can be used. In this case, the holding is small at approximately 6 hectares (approx. 15 acres) and there is already approximately 400sqm of established shed accommodation available. It has not been demonstrated how a further 557sqm of shed accommodation is necessary to meet the needs of such a small farm holding.

- Other Issues- While the principle of development has not been established, the shed is otherwise acceptable with regard to the other main issues of: the farm business details, integration, rural character, access, residential amenity and natural heritage. Considering the latter two points, the sheds are only acceptable on the basis that no livestock is to be accommodated.
- Conclusion- As the principle of development is not accepted refusal is recommended.

The Chair invited C Cassidy to speak in support of the application.

C Cassidy stated the Applicant had a DAERA Farm Business, active and established for six years and received single farm payments. In 2018 there had been no objections. In 2017 the Applicant had bought pedigree cattle and had commenced a shed assuming he had Permitted Development Rights and applied for planning permission. The farm is 21 acres, he farms common shared land and received countryside management payments, had 16 pedigree cows, 43 ewes, 2 rams.

C Cassidy detailed the condition of the three older existing sheds –

- a large 1950's corrugated shed in poor repair used for cattle pens and had no storage;
- 2) an open animal housing unit clean and dry for bio-security in order to isolate animals for twenty-eight days on arrival at the farm,
- 3) a single block structure with a tin roof, stocked with material for the applicant's business for over 5 years. C Cassidy advised that the Council accepts it has been in operation for five years.

The proposed sheds are for housing existing machinery, 2 tractors, telescopic machine etc and has receipts to show the applicant owns the machinery. The design appears similar to other agricultural sheds and visually integrate. The sheds cluster with the buildings on the farm and the design is acceptable. The holding is open and exposed to adverse weather and the machinery and fodder is exposed to theft due to the roadside location. There is a need for the shed, there would be genuine hardship if refused, and the existing farm sheds are not suitable for secure storage of modern farm machinery.

In response to questions C Cassidy advised Coleraine DAERA Office will advise of 45 sheep weathered on the mountain; shared common land extends to the whole mountain and shared countryside management of the Mountain. At the site visit it was demonstrated the existing sheds are in a poor state of repair, animals to be held in isolation for twenty-eight days in adverse weather for bio-security purposes will have nowhere to go if this is refused. C Cassidy advised over four years there had been a number of submissions of information outlining why the shed was needed, some information had been offered and informed there was no need for it.

In response to questions, Development Management and Enforcement Manager advised Planning were aware of eleven bovine livestock, was not aware of the ewes; the sheds cannot be used for livestock due to ammonia and environmental designation impact from run-off which is relevant to the Habitat Regulations Assessment.

The Head of Planning clarified regarding bio-security of livestock, the shed could only be used for storage of machinery and fodder due to Habitat Regulations Assessment, as in close proximity to a water course that leads to Red Bay Special Area of Conservation.

Proposed by Councillor McMullan
Seconded by Councillor Nicholl

- That Planning Committee defer the application in order that all relevant information is brought before Committee; the necessity of storage; information on farming practices within the farm holding; the information currently states bovine farming only.

Alderman Duddy sought clarification as to what additionality was required, it was clear the shed for storage and not housing animals, the process was being held back.

The Chair ruled it could not be said whether the information relevant or not and took the motion.

Councillor McMullan considered if the required information was acceptable, the application could be delegated.

The Head of Planning clarified additional information would be brought to the Planning Committee and the application could not be delegated as it has been referred to Planning Committee for determination.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried and application deferred.

RESOVLED - That Planning Committee defer the application in order that all relevant information is brought before Committee; the necessity of storage; information on farming practices within the farm holding; the information currently states bovine farming only.

The Chair declared a recess for lunch at 1.27pm for one hour.

- * **The meeting reconvened at 2.30pm.**

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

- * **Councillor Anderson did not re-join the meeting.**
- * **Alderman Finlay did not re-join the meeting.**

5.8 LA01/2019/1390/F, 6 & 8 Crocknamack Road, Portrush

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

App Type: Full Planning

Proposal: Proposed mews retirement development to provide single (1 no.) two storey retirement unit as annex to dwellings approved on 6 Crocknamack Road, Portrush.

Recommendation

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

Addendum Recommendation

That the Committee note the contents of this Addendum and agree with the recommendation to defer the application.

Senior Planning Officer J Lundy presented as follows:

- LA01/2019/1390/F full planning permission is sought for a proposed mews retirement development to provide 1 single 2 storey retirement unit as an annex to dwellings approved on 6 Crocknamack Road.
- A verbal erratum is provided to amend the last sentence of paragraph 8.9 of the Planning Committee Report as there are no windows overlooking this site from No 5 Hopefield Avenue. The sentence should read - Due to the siting of no. 5 on the boundary of the site the proposals development will be hemmed in and will be overshadowed by No 5.
- An addendum has been circulated to members recommending deferral of the proposal to ensure the correct certificate has been served on the appropriate land owner in relation to the proposed repositioning of the access and splays. This has also been sought by the agent in an email received yesterday.

- Refusal has been recommended. 3 letters of objection have been received relating to the over development of the site, car parking, access onto an unadopted lane and the height of the proposal.
- The site is within the Settlement Development Limit of Portrush and is located in the approved rear gardens of a semi-detached 3 storey block. The proposed access is from a private lane out onto Croc Na Mac square. The access to Hopefield Road is unsafe in that adequate visibility spays cannot be achieved.
- The description of development advises that the proposal is an annex and ancillary to the 2 dwellings. This is contrary to the layout and design as the proposed dwelling operates as a distinct independent unit. The Addendum to PPS 7 states the construction of a separate building within the curtilage of an existing dwelling house will not be acceptable unless a separate dwelling would be granted planning permission in its own right. As such the application is considered under the policies of PPS 7 and its addenda, guidance set out in Creating Places and Development Control Advise Note 8.
- (Slide) The approved layout for the 2 semi-detached dwellings with the proposed site located within the rear gardens of both dwellings.
- (Slide) Shows the 3d images of the approved scheme and the garden design showing laid lawn and additional car parking to the rear for the 2 dwellings.
- The proposed 2 storey dwelling is located in the rear gardens of the dwellings. As backland development, policy guidance seeks a minimum of 80m plot depth to provide a quality residential scheme without impact on surrounding properties. The plot depth is 52m which is below this guidance. It is therefore appropriate to assess the proposed development in relation to the principle of the proposal and if it provides a quality residential scheme without impacting on surrounding dwellings.
- The proposed dwelling has been designed as 2 interlinking blocks with private amenity space to the rear as shown on the block plan at the bottom of the slide. The proposed dwelling is only 1m off the rear shared boundary and well below the 10m advocated in policy. The guidance of 10m from a shared boundary is to ensure no impact on residential amenity to either properties. The proposed rear garden spaces measures 44m² and is well below the minimum standards of 70m² for a 3 bedroom house. The dwelling has been designed to reduce the overlooking to the

surrounding properties. However, the proposal results in conflict with surrounding properties reducing the garden space of the existing dwellings to below the standards (below 60m² each), the proposed dwelling would also overshadow their amenity space and the amenity space of the dwellings to the east.

- The dwellings at Croc Na Mac Road approved as 3 storey semi-detached.
- The rear gardens of the approved dwellings shown in the photo against the boundary of No 5 Hopefield Avenue. The rear garden has yet to be completed as approved. The proximity of No. 5 Hopefield Avenue just on the boundary. The gable of No. 5 is right on the boundary with the site and will overshadow the site and enclose the development with a sense of being hemmed in.
- The rear of the existing dwellings with balconies of the main living areas at 1st floor level. The separation distance from the rear of the existing dwelling to the proposed dwelling is 9metres and well short of the 20m recommended in policy guidance. There will be overlooking of the private amenity of the proposed private amenity from the balconies. Due to the separation distance of the buildings and rear boundaries below standard the existing dwelling will be dominant to the site and also over bearing.
- The proximity of No. 3 Hopefield Avenue to the site.
- The rear of the dwellings to Rodney Square. Concern raised due to the proximity of the 2 storey dwelling to the shared boundary; there would be potential to overshadow and result in a loss of light to this dwellings located on the eastern boundary.
- The proposed development is overdevelopment of the site and does not provide a quality residential development and would impact on adjacent properties. It significantly reduces the garden spaces of the existing dwellings to below standards. Due to the proximity of the boundaries it would impact on loss of light to the dwellings to the north and east. The proposal does not provide a quality residential development and is hemmed into the site with a poor provision of private amenity space.
- As set out at the start of the presentation it is recommended that the application is defer the application to resolve the landownership query.

* **Councillor Dallat O’Driscoll left the meeting at 2.45pm.**

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

M Kennedy advised that regarding notification of the proposal in relation to the extension of the red line, agreed with the recommendation to defer to allow planning procedure to be carried out.

Proposed by Alderman Duddy
Seconded by Councillor Nicholl

- That the Committee agree with the recommendation to defer the application to allow the issues to be resolved and brought back to Planning Committee to be determined.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried unanimously and application deferred.

RESOLVED - That the Committee agree with the recommendation to defer the application to allow the issues to be resolved and brought back to Planning Committee to be determined.

6. DEVELOPMENT MANAGEMENT AND ENFORCEMENT

6.1 Quarterly Report on Planning Performance

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

Background

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

The statutory targets are:

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

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The Second Quarter 2021/22 Statistical Bulletin was published on 16 December 2021 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

Details

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

Development Management Planning Applications

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

The Planning Department has issued the 2nd highest number of major planning applications out of the 11 Councils year to date with all 9 applications approved in an average processing time of 52.4 weeks, a staggering 35.4 weeks faster when compared to the same period last year. This is the 5th fastest average processing time out of all 11 Councils and faster than the Northern Ireland average. This is a significant improvement on performance in this area with continued reduction in average processing times moving closer towards meeting the statutory target. Although we have received the 2nd lowest number of major applications during this period, we have received the 4th highest number of pre application notices indicating the intention to submit the formal major planning application.

In relation to local planning applications, the Planning Department continues to receive the 5th highest number of this hierarchy of planning applications and issue the 5th highest number of decisions. Of note, this Council received the highest number of agricultural applications in Q2 than any other Council and the 4th highest number of commercial and mixed use categories of development.

In terms of local applications decisions issuing, again this Council sits mid-rank in terms of the number of decisions issued. Improvement continues on the average processing times; 1.8 weeks faster when compared to same period last year and just 3.4 weeks off the statutory target at 18.4 weeks and 2.4 weeks below the Northern Ireland average. Of the decisions issued, 95.8% were approved, the 5th highest approval rate out of 11 Councils and higher than the Northern Ireland average.

The decrease in the number of applications issuing in Q1 and Q2 of 2020/21 due to restrictions resulting from the coronavirus pandemic has resulted in an increase in the over 12 months applications in the system. It will be important going forward to continuously reduce the number of these applications in the system. It is considered that the target set out in the Planning Business Plan for 2021/22 will unlikely be achieved. Focus on the over 12 month applications in the system continues, balanced against progression of other applications in the system. However, stability of workforce is an important factor in the drive to improve performance. The need to transfer applications from one officer to another officer impacts considerably on the processing of such applications. Recruitment of agency staff to fill existing vacant posts due to their temporary

nature e.g. sick leave/maternity leave/fixed term post continues but progress is slow due to difficulty attracting those with the necessary qualifications and experience.

Enforcement

Table 2 circulated illustrated statistics in relation to enforcement for year to date at end of Q2. The Enforcement Team continues to meet the statutory target to conclude 70% of cases within 39 weeks. During this period, the enforcement team had the highest number of prosecutions and 2nd highest convictions out of the 11 Councils. Of the cases concluded, 32.3% were closed due to no breach being identified. Nevertheless, these cases still required to be visited and research undertaken and report written and discussed at a meeting with the authorised officer to agree the 'no breach' decision.

The reduction in staffing due to maternity leave has impacted on the number of cases closed. As the number of cases opened continues to exceed those closed, the number of live cases continues to rise with the 4th highest live cases out of the 11 Councils.

Other Activity by Planning Department

Tables 3 circulated indicate the level of other activity carried out by the Planning Department year to date at end of Q2 of 2021/22 business year.

In addition to the formal applications received, YTD at end of Q2 the Planning Department received 116 other types of applications relating to planning applications; 3rd highest number of discharge of conditions indicating the commencement of development and 4th highest number of Pre Application Notices indicating the intention to submit a major planning application.

In addition to the formal applications received and other activity detailed above, YTD at end of Q2 the Planning Department received 42 requests for information, 236 general correspondence and 24 complaints at varying stages. This is a decrease in the number of general correspondence and complaints received when compared to the same period last year and an increase in the number of requests for information.

Income

Table 5 circulated provided a breakdown of the income generated by the Planning Department year to date end of Q2 of 2021/22. Income (including Property Certificates Q1 and Q2) was above that predicted by over £72k.

Conclusion

In conclusion, the statutory target for enforcement continues to be achieved with the highest number of prosecutions out of all 11 Councils. Performance continues to steadily improve towards meeting the other statutory targets. Significant improvement has been made in the average processing times for

major planning applications, processed faster than the Northern Ireland average. The approval rate for both major and local planning applications is also above the Northern Ireland average.

Focus going forward remains on the number of planning applications and enforcement cases in the system over 12 months and the reduction in time taken to process both major and local applications. Stability of the workforce is an important element in achieving further improvement and recruitment of suitably qualified staff into vacant posts is therefore a priority. Improving processes for the assessment of planning applications by the implementation of Advice and Guidance from key statutory consultees to reduce consultations will also assist in reducing timeframes and will be a key area of work going forward.

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

The Chair congratulated the Head of Planning and staff for their hard work great improvement in results. Committee Members concurred.

In response to a question, the Head of Planning clarified the current ongoing recruitment exercises.

7. DEVELOPMENT PLAN:

7.1 Local Development Plan – 6-month LDP Work Programme (Jan-Jun 2022)

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

Purpose of Report

To present, in line with Section 5 of the published LDP Timetable, the 6-month indicative LDP Work Programme (attached at Appendix 1 (circulated)) which outlines the work areas to be carried out by the Council's Development Plan team within this programme (Jan – Jun 2022).

Background Revised LDP Timetable

Members agreed a revised LDP Timetable at 24th March 2021 Planning Committee. The indicative date for publication of the Draft Plan Strategy is spring/summer 2022. The timetable is kept under review and the Planning Committee (LDP Steering Group) is updated quarterly on progress.

LDP Project Management Team & Steering Groups

Consultation with the LDP Project Management Team (key consultees and stakeholders) on the draft policy approach has continued electronically due to

ongoing government guidance. This is also likely to remain in place for the duration of this work programme.

LDP Steering Group Meetings are scheduled for Thursday 27th January & Wed 18th May 2022 to agree draft policy approach discussed at Member Workshops. Ad hoc Steering Group meetings may be required throughout the programme.

Member Workshops on the LDP draft policy approach are ongoing and will continue throughout this programme.

Working Groups/Collaborative Working

Virtual meetings of the NI Development Plan Working Group will continue throughout this programme. The next meeting is scheduled for 7th February 2022.

Collaborative work will also be undertaken on the following, as and when required:

- NI Coastal/Marine Group (a meeting of the Coastal Forum Working Group was held on 2nd December 2021);
- Cross-Border Development Plan Group;
- Cross-Boundary Group (adjoining councils); and
- Sperrin AONB Group.

Sustainability Appraisal

A Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA) of the LDP is an iterative process, continuing throughout the entire Plan-making programme.

The Council has employed SES to carry out the LDP SA/SEA. LDP policy appraisals will be held w/c 14th & 21st March and w/c 7th June 2022.

Settlement Appraisal

In line with the Evaluation Framework set out in the Regional Development Strategy (RDS) 2035, further work on this will continue throughout this work programme, to inform the LDP preparation.

Landscape Study

Given the level of landscape and environmental designation covering the Borough (over 40% coverage), this study is a key piece of evidence required to inform our LDP policy approach. The Study will provide a robust 'sound' evidence base that will inform the draft LDP policies and proposals.

Annual Monitors

Work will continue on the Council's annual retail, employment and housing monitors within this work programme.

Building Preservation Notices (BPNs)

Ad hoc requests for 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 assist our development management colleagues with planning applications, LDP and Conservation Area consultation responses and duty planner rota duties. Council consultations from other councils, as well as other ad-hoc papers etc will be processed and/or presented as and when required.

Attendance at other councils' Independent Examinations (IEs) will continue in line with the Planning Appeals Commission (PAC) schedule as this is a crucial learning resource on the evolution of the Northern Ireland Plan-Making process.

Recommendation

IT IS RECOMMENDED that the Planning Committee note the content of this report.

7.2 TPO Confirmation – Ballymoney Music Centre

Report previously circulated, presented by the Development Plan Manager.

The Development Plan Manager presented the report to Members highlighting the following points:

- The Council may make a TPO for the purpose of protecting trees if they are considered to be of special value in terms of amenity, history or rarity, which may or may not be under threat. Therefore to be considered for a TPO, trees must be of high amenity value and in reasonable condition. The following criteria are used when assessing the merits of a potential TPO:
 - Potential Threat
 - Visibility
 - Individual Impact
 - Wider Impact
 - Historical Importance:
 - Rarity
- All types of tree can be protected. The Order can cover anything from a single tree to woodlands. Normally, unless a Woodland TPO is proposed, only trees over 3.5m in height are considered for a TPO. Hedges, bushes and shrubs will not be protected.
- The site is located within the urban area and Settlement Development Limits of Ballymoney and includes lands at the junction between 22, 23, 25 & 27 Charles Street and North Antrim College, 2 Coleraine Road, (see map at Appendix 1 to Report).

- The TPO site comprises of a number of visually significant mature broadleaved trees (including Lime, Oak, Horse Chestnut and Beech). The trees have high public amenity value, being located in a prominent roadside location within a key route in the town and form a significant landscape feature in the local area, contributing to the character and attractive setting to the adjacent Listed Buildings (No's 23, 25 & 27 Charles Street) and approach to the Conservation Area.
- As they are visually significant, with high amenity value, they should be retained and protected from any future development and are considered worthy of TPO protection.
- The consideration of a TPO is in response to potential future redevelopment proposals at the Music Centre Site (No.23) and the Northern Regional College (No.2 Coleraine Road), with the other Listed properties of No's 25 & 27 and their treed character having an important visual link between these sites. Planning officers considered that a level of protection was required to these trees, due to a number of factors including the high public amenity value and profile of the existing trees, their relationship and value to the surrounding historic built form, alongside the potential threat and pressure from future re-development opportunities. A Provisional TPO was therefore served on site on 2nd September 2021 (see Appendix 1 to Report).
- This notice took effect immediately and provided protection for all trees on site for a period of six months - until 2nd March 2022.
- A copy of the Provisional TPO documentation was posted to inform interested parties and adjoining neighbours on 2nd September 2021. Copies of the Order were also attached to protected trees in obvious locations within the site on 2nd September 2021. No representations have been received.
- An independent Arboricultural Consultant surveyed the site in December 2021 with a total of 21 trees identified on site. Of these, 20 have been found suitable for TPO protection. The exception being Tree No.8 (Cherry) within the grounds of the college. This tree is reported to be dead with a recommendation to fell. Of the 20 trees found suitable for protection 12 are considered to be Category B and in Fair condition which includes the most visually significant trees; Trees No's 2-5 (Beech, Lime and Horse Chestnut) along the road frontage of the College and also Trees 13, 16-18 (Lime, Oak and Horse Chestnut) fronting the former Music Centre Site and the attractive Beech Tree (No.20) immediately adjacent in front of the Dental surgery. (Appendix 3 (circulated) shows Location of Trees). The remaining 8 trees are classified as category C with the majority also in fair condition. It is therefore welcomed that the vast majority of trees on site are in healthy condition, and all positively contribute to the character and setting of the Area and are considered worthy of TPO Protection.
- In summary, the vast majority of trees (20 out of the 21 surveyed), are considered worthy of TPO protection. These trees have high public amenity value, being located in a roadside prominent section along the public Road. The trees at these locations provide an important and valued contribution to the local environment and character of the area, creating an attractive landscape within the setting of Ballymoney and approach to the Conservation Area, therefore, worthy of TPO protection.

- Given the detailed specialist report carried out it is recommended that the TPO is confirmed with modifications, to protect all trees on site with the exception of Tree No.8 (Cherry) which is dead and recommended for felling. Confirmation of the TPO with the above modifications would ensure the protection of the existing healthy trees and help towards the continuity of the important landscape amenity and character afforded by the trees in this locality.

Option 1: Resolve to confirm the TPO as detailed above.

Option 2: Resolve not to confirm the TPO.

IT IS RECOMMENDED that Members agree either Option 1 or 2 above.

Alderman McKeown stated the trees were iconic to the Street and Ballymoney and there was history attached to the building.

Proposed by Alderman Boyle

Seconded by Alderman McKeown

- That Planning Committee approve Option 1: Resolve to confirm the TPO as detailed above.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

RESOLVED - That Planning Committee approve Option 1: Resolve to confirm the TPO as detailed above.

8. CORRESPONDENCE:

Copy correspondence circulated, presented as read.

8.1 DfI - Review of Strategic Planning Policy on Renewable and Low Carbon Energy

The Head of Planning invited comments by Friday 4th February 2022.

8.2 DFI – In response to Council’s comments Section 45 The Planning Act (NI) 2015 and Article 8 The Planning (General Development Procedure) Order (NI) 2015

8.3 DFI – Response to Solace – Standing Orders of Councils and Implications of the ‘Hartlands Case’

8.4 Annual NI Planning Conference – 22 March 2022

8.5 PAC – Mid & East Antrim BC – LDP Independent Examination

8.6 Dalradian Gold Ltd – Response re: site visit

The Head of Planning advised she would liaise with Dalradian Gold Ltd and propose site visit dates to take place in February or March.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor McMullan
Seconded by Alderman Boyle and

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

- * **Members of the Public were disconnected from the meeting at 3.15pm.**

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

9. CONFIDENTIAL ITEMS:

The Chair presented Legal Advice: East Road JR as the next Item of business.

9.1 Legal Advice: East Road JR

Confidential documents previously circulated.

Council Solicitor provided an apology for Counsel who was unable to attend.

Council Solicitor provided a summary of the matter, updating members on the position adopted by the other interested parties and that following a Court review the matter had now been listed for a Leave Hearing on 3rd February 2022.

Members were advised that a position paper was required for the Court in advance of the Leave Hearing confirming Council’s position in respect of the application and formal reasoning for resolving to not contest the proposed challenge of the applicant.

Updated legal advice from Counsel was read by the Council Solicitor, who along with Head of Planning responded to questions and comments from Elected Members before seeking the Planning Committee's instructions

Proposed by Councillor Scott

Seconded by Councillor McGurk

- that Planning Committee concede to the application to quash the decision (LA01/2020/1235/O Proposed infill site for dwelling between 51 and 53 East Road, Drumsurn at site adjacent to no.53 East Road, Drumsurn) having considered Legal Advice in relation to the interpretation of Policy CTY8 in considering the fence to the curtilage of no. 51 East Road to form road frontage and the impact of the laneway on ribbon development.

The Chair put the motion to the Committee to vote.

7 Members voted For; 0 Members voted Against; 2 Members Abstained.

The Chair declared the motion carried.

RESOLVED – that Planning Committee concede to the application to quash the decision (LA01/2020/1235/O Proposed infill site for dwelling between 51 and 53 East Road, Drumsurn at site adjacent to no.53 East Road, Drumsurn) having considered Legal Advice in relation to the interpretation of Policy CTY8 in considering the fence to the curtilage of no. 51 East Road to form road frontage and the impact of the laneway on ribbon development.

- * **Councillor Dallat O’Driscoll re-joined the meeting during consideration of the Item at 3.12pm.**
- * **Alderman Boyle left the meeting at 4.48pm during consideration of the Item.**
- * **Alderman Duddy left the meeting at 5pm.**
- * **Councillor MA McKillop left the meeting at 5pm.**
- * **Councillor Scott left the meeting at 5.11pm**

9.2 Report for Noting Finance Period 1-8 2021 22 Update

Confidential report, previously circulated.

Background

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 8 of the 2021/22 business year.

Further information was detailed within the report.

Recommendation:

IT IS RECOMMENDED that the Committee notes the update provided on the Planning budget as of end of period 8 of 2021/22 financial year.

9.3 New Planning IT System – Intelligent Client Function – SLA

Confidential report, previously circulated.

Background

The purpose of this paper is to seek agreement to sign up to this Service Level Agreement between Belfast City Council and Planning Authorities on how the new Planning IT System will be managed, when operational, from Spring / Summer 2022 (Appendix 1 (circulated)). The full business case (which included the role of the ICF) has already been approved by Council and the principle of signing the SLA was agreed at the Planning Committee meeting held on 27 October 2021 when the draft SLA was presented. Further information was set out within the confidential report outlining further changes to the SLA since circulation.

Recommendation:

IT IS RECOMMENDED that the Committee agrees to the signing of this Service Level Agreement with Belfast City Council.

Proposed by Alderman Baird

Seconded by Councillor McGurk

- That the Committee agrees to the signing of this Service Level Agreement with Belfast City Council.

The Chair put the motion to the Committee to vote.

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

The Chair declared the motion carried.

RESOLVED - That the Committee agrees to the signing of this Service Level Agreement with Belfast City Council.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Councillor McMullan

Seconded by Alderman McKeown and

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

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

There were no matters of Any Other Relevant Business.

The meeting concluded at 5.14pm.

Chair