

**PLANNING COMMITTEE MEETING HELD
WEDNESDAY 26 APRIL 2023**

Table of Key Adoptions

No.	Item	Summary of Decisions
1.	Apologies	<i>Alderman Boyle, Councillor MA McKillop</i>
2.	Declarations of Interest	<i>Nil</i>
3.	Minutes of Planning Committee meeting held Wednesday 22 March 2023	<i>Confirmed as a correct record</i>
4.	Order of Items and Confirmation of Registered Speakers	<i>Received</i>
5.	Schedule of Applications	
5.1	LA01/2023/0211/F (Council Interest) Lands within Dungiven Sports Centre, 32 Curragh Council Road, Dungiven	<i>Approved</i>
5.2	LA01/2022/0846/RM (Council Interest) Site at 85 Mountsandel Road, Coleraine Council	<i>Approved</i>
6.	Correspondence	
6.1	Notification of adoption of Fermanagh and Omagh District Council's Local Development Plan – Plan Strategy	<i>Noted</i>
6.2	Dfl – Review of Regional Strategic Planning Policy on Renewable and Low Carbon Energy	<i>Noted</i>
7.	Local Development Plan (LDP)	
7.1	Quarterly Verbal Update	<i>Noted</i>
7.2	Heritage at Risk – Publication of NI & Council's Statistics	<i>Noted</i>
	<i>'In Committee' (Item 8, 8.1, 8.2)</i>	
8.	Confidential Items	
8.1	Update on Legal Issues	<i>Noted</i>
8.2	Finance Period 1-11 – Update 2022/23	<i>Noted</i>

9.	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<i>Nil</i>
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**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC HEADQUARTERS
AND VIA VIDEO CONFERENCE
ON WEDNESDAY 26 APRIL 2023 AT 10.30AM**

Chair: Councillor McMullan (C)

Committee Members Present: Alderman Baird (C), McKeown (R), S McKillop (R)
Councillors Dallat O'Driscoll (R), Hunter (R), McGurk (R),
Nicholl (R), Peacock (R), Scott (R), Storey (C)

Officers Present: D Dickson, Head of Planning (C)
S Mulhern, Development Plan Manager (R)
S Mathers, Development Management and Enforcement
Manager (R)
J McMath, Senior Planning Officer (R)
J Lundy, Senior Planning Officer (R)
M Wilson, Senior Planning Officer (R)
M Jones, Council Solicitor, Corporate, Planning and Regulatory (R)
J Keen, Committee & Member Services Officer (C)
I Owens, Committee & Member Services Officer (R)

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

Press 1 no. (C)

Key: R = Remote C = Chamber

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

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

1. APOLOGIES

Apologies were received for Alderman Boyle and Councillor MA McKillop.

2. DECLARATIONS OF INTEREST

There were no declarations of interest recorded.

**3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 22
MARCH 2023**

Copy, previously circulated.

Proposed by Alderman Baird
Seconded by Councillor Storey

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

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

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

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

There were no registered speakers.

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2023/0211/F LANDS WITHIN DUNGIVEN SPORTS CENTRE, 32 CURRAGH COUNCIL ROAD, DUNGIVEN

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

Reason for Referral: Council Interest

App Type: Full Planning

Proposal: Section 54 application for the Variation of condition 2 (Hours of use of bowling green and floodlighting) of Planning Approval LA01/2021/1472/F (Proposed Outdoor Bowling Green)

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 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.

The Senior Planning Officer presented via Powerpoint as follows:

- The site is located within the Settlement Development Limit of Dungiven within a major area of existing open space as set out in the Northern Area Plan 2016.

- It's located within the existing Dungiven sports centre complex which contains a leisure centre with outdoor 3G pitch, floodlighting and associated car parking. The application boundary comprises the extent of the previously approved bowling green which is at an advanced stage of construction.
- There are residential properties across Curragh Road to the south and the western boundary abuts the rear boundaries of several dwellings at O'Cahan Place; defined by a mix of close board fencing, the rear of garages and intermittent hedgerows.
- The site has been used for recreation for a considerable time with a sports pavilion granted on the site in 2004 and the redevelopment of the facilities and pitches to the existing complex in 2014. Planning Approval was then granted in June 2022 (LA01/2021/1472/F) for an outdoor Bowling Green within the complex.
- The 2022 approval for the bowling green was granted subject to conditions including that the use of the bowling green and associated floodlighting was restricted to between the hours of 8am to 9pm only. The reason for the condition was in the interests of maintaining the residential amenity enjoyed by the adjacent residential properties and to keep the use in line with the overall sport and leisure complex.
- The application seeks to vary the wording of condition 2 to allow for the use of the Bowling Green and associated floodlighting beyond that originally approved (9pm) to between the hours of 08:00am and 10:30pm. The application does not alter any of the approved details under LA01/2021/1472/F in terms of layout or design. The application has been advertised and all relevant neighbours have been notified and to date no representations have been received.
- The reason for the variation of condition is that Dungiven Bowling Club play league matches (8home matches in season) and in addition play cup and championship matches (could extend home matches to 15 weeknights). Start time for weeknight play is not discretionary and the governing body dictates that starting time for matches is 7pm during May, June and July. Matches can last between 2.5 and 3 hrs therefore the original wording of condition 2 is too restrictive for the club to operate in a weekday league.
- In consideration, the original proposal for the bowling green was considered under PPS8 and was found to not have a significant impact on the surrounding residential properties. There are no changes proposed to the floodlighting scheme. A lighting assessment has been submitted. It classifies the area as "suburban" which allows for 10 lux precurfew and 2lux post curfew. (Curfew is 11pm) the report calculates that the levels of illumination will not exceed the maximum identified for the area. Environmental Health were consulted and have offered no objection providing the lighting scheme is installed and operated in the line with the lighting strategy submitted. Regarding noise Environmental Health have confirmed that 10.30pm falls within daytime hours and have no objection to the variation of condition.
- In conclusion the nature of the outdoor bowling would not be a significant noise generating activity, the extension of the permitted hours of use of the bowling green and floodlighting would not have an adverse impact on

the amenity of the surrounding residential properties by way of light or noise and approval is recommended to the variation of condition.

Proposed by Councillor Scott
Seconded by Councillor McGurk

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

The Chair put the motion to the Committee to vote.
9 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 and guidance in sections 7 and 8 and resolves to **Approve** planning permission subject to the conditions set out in section 10.

- * **Councillor Peacock joined the meeting remotely at 10:41am during presentation of Item 5.1.**
- * **Alderman McKeown joined the meeting remotely during presentation of Item 5.1.**

5.2 LA01/2022/0846/RM SITE AT 85 MOUNTSANDEL ROAD, COLERAINE COUNCIL

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

Reason for Referral: Council Interest
App Type: Reserved Matters
Proposal: Proposed Dwelling and Access

Recommendation

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

Verbal Addendum

To add a further condition (condition 8) requiring the landscaping scheme to be carried out as per condition 4 of the outline permission. While already stated on the outline, it is appropriate to add to the reserved matters.

The Development Management and Enforcement Manager presented via Powerpoint as follows:

1. Proposal comprises the erection of a detached dwelling with integral garage.
2. In terms of the Northern Area Plan 2016, the site is located in Coleraine on unzoned or "whiteland". The Northern Area Plan does not contain specific policies on housing development relevant to assessment of this application, rather directing to regional policies- specifically PPS 7 Quality Residential Environments.
3. This application is being presented to the Planning Committee as the applicant is the partner of a Planning Officer employed at the Council.
4. Principle of Development - The principle of development is established by the outline planning permission granted for a dwelling in 2021. The scheme presented is within the ambit of the conditions imposed at outline stage. The site is a section of garden which was part of the curtilage of no. 85, previously a veterinary surgery and now a dwelling.
5. Access/ Parking - A new access is to be provided to Mountsandel Road. This is acceptable to DfI Roads. The site has adequate space for parking and turning.
6. Character & Context - The design presents a two storey traditional symmetrical, pitched roof design fronting to Mountsandel Road with a rear return. Finishes are painted render and slates or tiles. This respects the character of the area.
7. Amenity Space - Given the limited depth of the site at approximately 45m and the TPO protected trees acting as a constraint, private amenity space is limited. However, the area to the rear of the front building line, which can also be used for car parking, comprises approximately 150 sqm. This is considered acceptable.
8. Relation With Neighbouring Properties - The proposal is located close to the side elevation of no. 85. The proposal, as amended, addresses this by stepping in the rear return to increase separation. The relation with bungalows at Ratheane Avenue was improved by reducing the size of first floor bedroom windows on the facing rear return. On balance, the proposal relates acceptably to neighbouring dwellings.
9. TPO Trees - The site contains three of the four trees subject to a TPO which was designated at this location in 2005. These are a Weeping Beech, a Beech and a Lime, all to the front of the site next Mountsandel Road. These are to be retained and protected as part of the scheme. This is regulated by condition.
10. Conclusion - Proposal is considered acceptable and the recommendation is to approve.

In response to questions, the Development Management and Enforcement Manager confirmed the body of the site has been moved forward, it is at an offset to the existing building; he confirmed the distance between the site and existing building and stated that a fence was conditioned as well as hedge planting. The Development Management and Enforcement Manager responded to questions clarifying ownership of the existing property and site.

Proposed by Alderman Baird
Seconded by Councillor Storey

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

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

RESOLVED – That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** Reserved Matters consent subject to the conditions set out in section 10.

6. CORRESPONDENCE

6.1 Notification of adoption of Fermanagh and Omagh District Council's Local Development Plan – Plan Strategy

Correspondence, previously circulated was presented by the Development Plan Manager who advised that the correspondence was for information.

Committee NOTED the report.

6.2 DfI – Review of Regional Strategic Planning Policy on Renewable and Low Carbon Energy

Correspondence, previously circulated was presented by the Development Plan Manager who advised that the correspondence was for information.

Committee NOTED the report.

RESOLVED – That Planning Committee note the correspondence report.

7. LOCAL DEVELOPMENT PLAN (LDP)

7.1 Quarterly Verbal Update

The Development Plan Manager provided the Quarterly Verbal Update.

Draft Plan Strategy Publication

The dPS was presented at 1st November 2022 Full Council Meeting – where it was deferred for further consideration.

Party Group Meetings were held in November & December 2022. We are considering further information and evidence and consulting with relevant stakeholders on matters raised.

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

Impact on LDP Timetable

Current published LDP Timetable sets out an indicative date for dPS publication as spring/summer 2022.

Following the workshop a revised LDP Timetable will be brought to the Planning Committee for agreement. The revision must be advertised and published in advance of the dPS publication.

Committee NOTED the verbal update.

7.2 Heritage at Risk – Publication of NI & Council’s Statistics

Purpose of Report

To present details of published Northern Ireland and Borough ‘Heritage at Risk’ statistics.

Background

The Ulster Architectural Heritage (UAH) Society wrote to the Council on 22 February 2023 to advise of the current heritage at risk statistics for the Borough and Northern Ireland.

The ‘Heritage at Risk’ (HARNI) project is a partnership between UAH and the Department for Communities: Historic Environment Division (HED). The primary aims of the HARNI project are to record architecturally and historically important buildings that appear to be at risk, and act as a catalyst for conservation and re-use of built heritage at risk.

Since 1993, UAH and HED have, through the Heritage at Risk Project, provided help and advice for existing owners who may wish to engage upon a suitable scheme of maintenance; and offer assistance to potential owners that may be interested in restoring a building at risk.

Heritage at Risk in the Causeway Coast and Glens Borough

The excel spreadsheet (attached at Appendix 2) contains a list of all the structures within the Borough that are deemed ‘at risk’. Worksheets within the spreadsheet contain further details of the buildings saved, demolished and those added to the list within the last financial year.

Appendix 3 gives a general breakdown of the statistics in this Borough and sets out where the Council area sits overall when compared to other NI councils.

The UAH has advised that, within this Borough, the two main areas of concern are Ballycastle and Bushmills where there is a high concentration of buildings ‘at risk’. Additionally, listed rural vernacular cottages are widely distributed throughout the Borough and a large number of these are considered to be ‘at

risk'. Issues of vacancy, unmaintained buildings and dereliction is a Northern Ireland wide problem, but the UAH do acknowledge some projects in the pipeline in Bushmills, which are funded through the Architectural Heritage Fund and PEACE IV.

The Department for Agriculture, Environment and Rural Affairs (DAERA) releases official (province-wide only) statistics in its annual "Northern Ireland Environmental Statistics Report". Their 2022 report is attached at Appendix 4.

Financial Implications

Any action arising from this would be considered normal business and within the planning budget.

Other Implications

Impact on resources: given limited resources any action would be limited to high-priority listed building cases only.

Recommendation

It is recommended that Members note the contents of the attached report.

The Development Plan Manager provided commentary as follows:

The Heritage at Risk in Northern Ireland (HARNI) project is a partnership between Ulster Architectural Heritage (UAH) and the Department for Communities: Historic Environment Division.

It records architecturally and historically important buildings that appear to be at risk and acts as a catalyst for conservation and re-use of built heritage at risk.

Appendix 2 contains a list of all structures in the Borough (by DEA) that are deemed 'at risk'. Worksheets within the spreadsheet contain further details of the buildings saved, demolished and those added to the list within the last financial year.

Appendix 3 gives a general breakdown of the statistics in this Borough and sets out where the Council area sits overall when compared to other NI councils.

Within the Borough, the two main areas of concern are Ballycastle and Bushmills where there is a high concentration of buildings 'at risk'. Additionally, listed rural vernacular cottages are widely distributed throughout the Borough and a large number of these are considered to be 'at risk'.

Issues of vacancy, unmaintained buildings and dereliction is a Northern Ireland wide problem, but the UAH do acknowledge some projects in the pipeline in Bushmills, which are funded through the Architectural Heritage Fund and PEACE IV.

Appendix 4 is DAERA's "Northern Ireland Environmental Statistics Report" for 2022 which relates only to province-wide statistics.

In response to questions, the Development Plan Manager provided detail of funding currently in place to provide financial support for those responsible for maintaining Listed Buildings and that a further report could be provided detailing the funding available when the budget has been set by the Department for Communities: Historic Environment Division.

Alderman McKillop spoke in support of the Planning Department and other Government bodies continuing to provide assistance for those who were responsible for maintaining Listed Buildings.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Baird
Seconded by Councillor Storey

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

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

8. CONFIDENTIAL ITEMS

8.1 Update on Legal Issues

The Council Solicitor provided an update.

i) Judicial Review – Infill Site at East Road, Drumsurn

The Judgment at the Court of Appeal was handed out on Friday 21 April, the case will return to the Judicial Review Court for Hearing.

ii) Judicial Review – Craigall Quarry

The case has been listed in the Court of Appeal for 30 May 2023.

iii) Leave Hearing – Rigged Hill Windfarm

Leave Hearing occurred on 24 and 25 April 2023; Judgment was reserved and awaiting.

Committee NOTED the update.

8.2 Finance Period 1 – 11 Update 2022/23

Background

This Report is to provide Members with an update on the financial position of the Planning Department as of end Period 11 of the 2022/23 business year.

Recommendation

It is recommended that the Committee notes the update provided on the Planning budget as of end of Period 11 of 2022/23 financial year.

Committee NOTED the report.

MOTION TO PROCEED ‘IN PUBLIC’

Proposed by Alderman Baird
Seconded by Councillor Storey

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

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

There were no matters of Any Other relevant Business notified.

The Head of Planning thanked Committee Members and Chair for their work and wished everyone well.

The Chair thanked all staff for their assistance over the year; that the Planning Committee worked very well over the year and wished everyone well.

Alderman Baird thanked the Chair and Planning staff over the last 8 years, especially with the Planning Department transferring into Council.

Councillor Dallat O’Driscoll reiterated previous remarks, she acknowledged the hybrid meetings were difficult to navigate for the Chair and thanked Planning staff.

Councillor Peacock reiterated previous remarks, also providing thanks to the Chair and Planning staff and conveyed best wishes to retiring Elected Members.

This being all the business the Chair thanked everyone for being in attendance, invited those who wished to a undertake training session on Planning Portal to remain.

The meeting concluded at 11:19am

Chair