

**PLANNING COMMITTEE WEDNESDAY 27 NOVEMBER 2019**

**Table of Key Adoptions**

<b>No</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
<b>3.</b>	Minutes of meeting held Wednesday 23 October 2019	<b>Noted</b>
<b>4.</b>	Order of Items and Confirmation of Registered Speakers	
	Objection B/2013/0190/RM Site adjacent to 7 Bolea Park, Limavady (Agenda Item 5.9)	<b>Withdrawn from the Schedule</b>
	Objection LA01/2018/0676/F 4 Bayview Road, Ballycastle (Agenda Item 5.7)	<b>Site Visit to be held</b>
	Referral LA01/2017/0650/O Between 38 & 42 Loughermore Road, Dunbrock, Ballykelly (Agenda Item 5.12)	<b>Site Visit to be held</b>
	Referral LA01/2019/0421/F 46 Ballykelly Road, Limavady (Agenda Item 5.19)	<b>Site Visit to be held</b>
<b>5.</b>	Schedule of Applications:	
	<b>5.1</b> Major LA01/2018/0508/F Limavady High School and St Mary's Limavady, Irish Green Street, Limavady	<b>Approved</b>
	<b>5.2</b> Major LA01/2018/1413/F Causeway Coast Vineyard, 10 Hillmans Way, Coleraine	<b>Approved</b>
	<b>5.3</b> Council LA01/2019/0508/F Lands to the North of 82 Drumachose Park, Limavady	<b>Approved</b>
	<b>5.4</b> Council LA01/2019/0551/F Causeway Coast and Glens Borough Council, Market Street	<b>Approved</b>

	Depot 25-39 Market Street, Ballycastle	
	<b>5.5</b> Objection LA01/2018/1085/F 22 Portbradden Road, Bushmills	<b>Refused</b>
	<b>5.6</b> Objection LA01/2016/1197/F 90 Strand Road, Portstewart	<b>Refused</b>
	<b>5.7</b> Objection LA01/2017/0139/F Nos 52 to 62 Quay Road, Ballycastle	<b>Approved</b>
	<b>5.8</b> Referral LA01/2015/0459/F Former Castle Erin Hotel and Conference Centre Castle Erin Road, Portrush	<b>Approved subject to the removal of Apartment Blocks 1-3</b>
	<b>5.9</b> Referral LA01/2017/1586/F The Old Flax Mill, 26 Mill Lane, Moneybrannon Road, Aghadowey	<b>Deferred for one month</b>
	<b>5.10</b> Referral LA01/2019/0147/F 220m SW of 54 Burrenmore Road, Castlerock	<b>Deferred for one month</b>
	<b>5.11</b> Referral LA01/2017/0596/F Lands situated SE of 2 Mulberry Gardens, South of Burn Road and East of Dane's Hill Road	<b>Deferred for Site Visit</b>
	<b>5.12</b> Referral LA01/2018/1186/O 113m SE of 94 Macfin Road, Ballymoney	<b>Refused</b>
	<b>5.13</b> Referral LA01/2019/0212/O Site adj to 2 Kurin Road, Garvagh	<b>Refused</b>
	<b>5.14</b> Referral LA01/2019/0156/F 77m NE of 15 Isle Road, Macosquin	<b>Refused</b>
	<b>5.15</b> Referral LA01/2017/1599/O Site between 196 Muldonagh Road and dwelling located 100m north of 2 Muldonagh Cottages, Claudy. Site directly opposite Muldonagh Cottages	<b>Disagree and Approved</b>
<b>6.</b>	Development Management Performance:	
	<b>6.1</b> Update on Development Management and Enforcement Statistics 01/04/19 – 30/09/19	<b>Noted</b>
<b>7.</b>	Development Plan:	

	<b>7.1</b> LDP Project Management Team – Annual Monitoring Report 18/19	<b>Accept</b>
	<b>7.2</b> LDP Steering Group – Annual Monitoring Report 18/19	<b>Accept</b>
<b>8.</b>	Legal Issues	<b>Legal Information supplied</b>
<b>9.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<b>None</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS  
WEDNESDAY 27 NOVEMBER 2019 AT 10:00AM**

- In the Chair:** Councillor Hunter
- Committee Members Present:** Alderman Duddy, Finlay, McKeown, McKillop;  
Councillors Anderson, Baird, Dallat O'Driscoll,  
McGurk, MA McKillop, McMullan, Nicholl and Scott
- Officers Present:** D Dickson, Head of Planning  
S Mathers, Development Management & Enforcement Manager  
S Mulhern, Development Plan Manager  
J Lundy, Senior Planning Officer  
E Hudson, Senior Planning Officer  
J McMath, Senior Planning Officer  
M Wilson, Senior Planning Officer  
D Hunter, Council Solicitor  
S Duggan, Civic Support and Committee & Member Services Officer  
D Allen, Committee & Member Services Officer
- In Attendance:** B Edgar, Head of Health & Built Environment  
B McLaverty, Environmental Health Officer
- Registered Speakers:** Agenda Item 5.2 LA01/2018/1413/F D Donaldson, R  
Wright;  
Agenda Item 5.5 LA01/2018/1085/F M Howe, S Holterman,  
F Boal:  
Agenda Item 5.6 LA01/2016/1197/F N Menary, C Cassidy:  
Agenda Item 5.8 LA01/2017/0139/F M Kennedy:  
Agenda Item 5.9 B/2013/0190/RM O Harper, M Kennedy:  
Agenda Item 5.10 LA01/2015/0459/F, D Donaldson, G  
McGhee, R Hunter:  
Agenda Item 5.11 LA01/2017/0596/F, D Thompson,  
Richard Agus, M Bradley, MLA:  
Agenda Item 5.12 LA01/2017/0650/O, B Dickson, C  
Gourley:  
Agenda Item 5.13 LA01/2017/1599/O, C Duffy:  
Agenda Item 5.14 LA01/2018/1186/O, Alderman Hillis,  
Alderman Fielding:  
Agenda Item 5.15 LA01/2017/1586/F, D Donaldson, F  
Duncan, D Parker:  
Agenda Item 5.16 LA01/2019/0147/F, Alderman Fielding

Agenda Item 5.17 LA01/2019/0212/O, L Ross, Ross  
Planning:  
Agenda Item 5.18 LA01/2019/0156/F, J Simpson

**1. APOLOGIES**

Apologies were recorded for Alderman Boyle.

**2. DECLARATIONS OF INTEREST**

Declarations of Interest were recorded as follows:

Councillor McMullan in:

Major LA01/2018/0508/F Limavady High School and St Mary's  
Limavady, Irish Green Street, Limavady. Councillor McMullan left  
the meeting during consideration of the Item.

**3. MINUTES OF MEETING HELD WEDNESDAY 23 OCTOBER  
2019**

Minutes previously circulated.

**AGREED** - that the Minutes of the Planning Committee Meeting held on  
Wednesday 23 October 2019 were received and noted.

**4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED  
SPEAKERS**

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

- Agenda Item 5.9, Objection B/2013/0190/RM Site adjacent to  
7 Bolea Park, Limavady.

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

Councillor Baird requested a site visit under PPS7 additional  
environmental quality and residential amenity, safeguarding current  
residential areas.

Proposed by Councillor Baird  
Seconded by Councillor MA McKillop and

**AGREED** - that consideration of application LA01/2018/0676/F 4 Bayview Road, Ballycastle, is deferred and a site visit arranged.

Councillor Baird requested a site visit under CTY8, concerning integration in the countryside.

Proposed by Councillor Baird  
Seconded by Councillor MA McKillop and

**AGREED** - that consideration of application Referral LA01/2017/0650/O Between 38 & 42 Loughermore Road, Dunbrock, Ballykelly, be deferred and a site visit arranged.

Councillor Nicholl requested a site visit as undernoted, as the site was required to be seen to consider the layout and the context of the application site.

Proposed by Councillor Nicholl  
Seconded by Councillor McMullan and

**AGREED** - that consideration of application Referral LA01/2019/0421/F 46 Ballykelly Road, Limavady is deferred and a site visit arranged.

Alderman Duddy advised he would like to bring up (Agenda Item 5.9 (Objection B/2013/0190/RM Site adjacent to 7 Bolea Park, Limavady) under Legal Issues at the end of the meeting. The Chair agreed.

- \* **Councillor Dallat O'Driscoll arrived at the meeting at 10.05am.**
- \* **Alderman McKillop arrived at the meeting at 10.05am.**

## **5. SCHEDULE OF APPLICATIONS:**

### **5.1 Major LA01/2018/0508/F Limavady High School and St Mary's Limavady, Irish Green Street, Limavady (*Agenda item 5.1*)**

- \* **Councillor McMullan, having declared an interest, left the meeting at 10.05am.**
- \* **Councillor Baird left the meeting at 10.06am.**

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

The Development Management and Enforcement Manager described the site proposal and context and presented slides via PowerPoint presentation.

The Proposal involves four elements- a new build sixth form careers facility on the St Mary's Limavady site; a new build STEM facility (science, technology, engineering & maths) at the Limavady High School Site; new car parking areas at both sites and a shared pedestrian entrance feature for both sites. Collectively these shall provide shared educational facilities.

This is a Major application which was subject to a PAN with a Pre Application Community Consultation Report submitted with application.

In terms of the Northern Area Plan 2016, the site is located within the development limits of Limavady and the overall site does not have any specific zoning other than the Limavady High School site being within an area of archaeological potential.

The main issues were set out as follows:

DESIGN-Both extensions are to the front of the existing buildings. Both share similar features comprising extensive glazing and the same finish combination of brick with rendering. Both extensions will assimilate with the respective host buildings and are considered appropriate to the character of the area;

Amenity-The nearest residential properties are located at the other side of Irish Green Street. There is adequate separation from these so as not to have an adverse effect on their amenity;

Impact on Listed Buildings- There are three listed buildings in the vicinity of the application site- Limavady Presbyterian Church, St Mary's Church and 57 Irish Green Street. HED has been consulted and are content with the development in terms of the setting of the listed buildings;

Wastewater Connection- The sewerage infrastructure is constrained in this area of Limavady resulting in a limited potential for connections. However, in this instance NI Water are content given that reduced hydraulic loading has been demonstrated;

Access & Parking- The existing access points are to be used and additional car parking is to be provided. DFI Roads has been consulted and is satisfied with these arrangements.

The Development Management and Enforcement Manager concluded the proposed development is considered acceptable at this location and therefore approval was recommended.

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

In response to a request for clarification, the Development Management and Enforcement Manager illustrated the shared access point, the path not impeded and choice of 3 routes.

Proposed by Councillor Nicholl  
Seconded by Councillor Scott

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

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

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

\* **Councillor McMullan re-joined the meeting.**

\* **Councillor Baird re-joined the meeting.**

## **5.2 Major LA01/2018/1413/F Causeway Coast Vineyard, 10 Hillmans Way, Coleraine (Agenda Item 5.2)**

Report and Addendum providing an update, further Condition and Informative, previously circulated, presented by the Development Management and Enforcement Manager.

The Development and Enforcement Manager described the proposal and site context and presented via PowerPoint presentation.



The Proposal involves three elements- use of an enclosed building for market stalls, use of open side building for drive-in vehicle stalls and portion of the existing car park use for car boot stalls.

This is a Major application which was subject to a PAN with a Pre Application Community Consultation Report submitted with application.

In terms of the Northern Area Plan 2016, the site is located within the settlement development limit for Coleraine, within an Existing Area of Economic Development.

The main issues were set out as follows:

Existing Area of Economic Development- The adjacent site was approved for use as a church in 2011. It was considered that the proposed use as a church would provide for the redevelopment of part of the overall area which would not prohibit the future usage of surrounding industrial lands. The same principal applies to this proposal, consolidated by the non-industrial use of the overall existing site;

Proposed Retailing Use- The proposal for a market/ car boot sale is considered to comprise a retailing use. The SPPS requires a town centre first approach for retailing. This site is considered to be an out of centre site where the presumption is against such a proposal. However, given that the proposal is limited to only one Saturday per month with the primary use of the site to be retained, it is considered that the proposal will not have an unacceptable impact on Coleraine town centre;

Traffic- The proposal will result in increased traffic movements to and from the site. The monthly market might attract some 600 cars on the days when it is in operation. As the event is held on Saturdays only, the number of vehicles does not unacceptably conflict with traffic on Ballycastle Road;

Officials from the Vineyard are in attendance to supervise and manage parking on the site. Therefore there is unlikely to be sustained issues associated with increased traffic attracted to the site. DfI Roads has been consulted and are satisfied with the proposal.

Flooding- The access to the site is within the 1 in 100 year fluvial flood plain for the Lodge Burn Stream. A flood risk assessment was submitted with the application. DfI Rivers were consulted and note that an extreme fluvial flood event has the potential to restrict and impede access to the

site. They recommend that appropriate flood identification and flood notification measures are implemented in order to ensure that the application site is not utilised for a market/ car boot sale purpose during the occurrence of an extreme fluvial flood event in the Lodge Burn stream. The applicant will be advised of this by means of a planning informative.

Representations - The detail of objections and letters of support are given in the report.

The Development Management and Enforcement Manager concluded the proposed use is considered acceptable at this location including having regard to traffic considerations. Therefore approval is recommended.

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

**Addendum Recommendation** - that the Committee notes the content of this addendum and agrees with the recommendation to **APPROVE** as set out in paragraph 9.1 of the Planning Committee Report.

The Chair invited D Donaldson and R Wright to speak in support of the application. D Donaldson waived their rights to speak, pending no questions.

Proposed by Alderman Duddy  
Seconded by Councillor MA McKillop

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

- that the Committee notes the content of this addendum and agrees with the recommendation to **APPROVE** as set out in paragraph 9.1 of the Planning Committee Report.

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

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

Councillor Baird, having left the Chamber, did not vote on the application.

\* **Councillor Baird left the meeting during consideration and re-joined at 10.20am.**

**5.3 Council LA01/2019/0508/F Lands to the North of 82 Drumachose Park, Limavady (Agenda Item 5.3)**

Report, previously circulated, presented by Senior Planning Officer, M Wilson. He described the proposal and site context and presented via PowerPoint presentation.

Planning permission is sought for the provision of new pedestrian paths leading to a community garden incorporating seating area, planting and woodland activity play area.

In terms of the Northern Area Plan 2016, the site is located within Limavady development limits and is an area of open space. There are no designations or zonings on this land, although it is protected under Policy OS1 of PPS 8 Open Space and Recreation which seeks to protect areas of open space.

The proposal seeks to enhance the open space with the introduction of brick paviour and bitmac paths, rendered walls which act as seating, a timber Pergola, natural play areas, sensory planting, planted areas which includes a wild flower area and new apple and native trees. The proposal is considered sympathetic to Policy OS 1 and accords with the policy requirements. Due to the nature and scale of the proposed development there will be no adverse impact on the surrounding area or to residents.

DfI Roads has been consulted and raises no objection. The proposal complies with PPS3. There have been no objections received to this application.

The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS and PPS 8.

**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.

Proposed by Councillor Nicholl  
Seconded by Councillor Baird

- 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 proposal to the Committee to vote.  
Committee voted unanimously in favour.

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

**5.4 Council LA01/2019/0551/F Causeway Coast and Glens Borough Council, Market Street Depot 25-39 Market Street, Ballycastle (Agenda Item 5.4)**

Report, previously circulated, presented by Senior Planning Officer, M Wilson, he described the proposal and site context and presented via PowerPoint presentation.

Planning permission is sought for the proposed extension, into car park, to provide parking areas for Council vehicles and staff including erection of new fencing, gates and lighting columns.

In terms of the Northern Area Plan 2016, the site is located off Market Street, Ballycastle and lies within the town centre. The land is within an Area of Archaeological Potential and an Area of Outstanding Natural Beauty.

The proposal includes the erection of fencing to demarcate the area to be used for parking for the Council Depot, with necessary access gates and some lighting.

Due to the nature and scale of the proposed development and the current use, it is considered that there will be no adverse impact on the surrounding area or to residents.

DfI Roads, Historic Environment Division and Environmental Health have all been consulted and raise no objection.

There have been no objections received to this application.

The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS and PPS and it is recommended that the application is approved.

**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.

In response to a request for clarification, the Senior Planning Officer, M Wilson advised of a loss of 40 car parking spaces in an underutilised car park that was being use by Council staff. As Council own the carpark the opportunity remains for the space to be opened up to the public and demarcation removed. Dfl Roads had no objections.

In response to a further request for clarification regarding future development, the Head of Planning clarified future development of adjacent land will be considered through the Local Development Plan process and future applications.

\* **Alderman Finlay arrived at the meeting at 10.34am.**

Proposed by Councillor Baird  
Seconded by Councillor MA McKillop

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

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

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

#### **5.5 Objection LA01/2018/1085/F 22 Portbradden Road, Bushmills (Agenda Item 5.5)**

Report, Erratum and Addendum documents previously circulated, presented by the Development Management and Enforcement

Manager. He reminded Committee of the proposal and site context and presented via PowerPoint presentation.

The Development Management and Enforcement Manager advised the proposal was for a replacement dwelling.

The site is located within a small group of dwellings. In terms of the Northern Area Plan, the site is located in the countryside outside any designated settlement. Therefore the principal policy consideration is PPS 21 Sustainable Development in the Countryside.

The site is within the Causeway Coast AONB adjacent the coast itself.

The building to be replaced is single storey at the front with a 1 ½ storey portion to the rear. It meets the replacement criteria and is eligible for replacement.

The key elements of the design are not considered to be appropriate to its specific rural setting. In particular, the dominant dual gabled frontage, large scale first floor terrace, fenestration and finishes (with red cedar timber wall cladding and a zinc roof) are unacceptable design elements. The development will not integrate with its surroundings and would have a dominant impact on the area.

In terms of the AONB, the overall scale and design of the proposal appears unsympathetic to the special character of the Causeway Coast AONB and is not in keeping with the character of the existing dwellings located within the vicinity of the site.

The proposal by reason of its scale relative to the existing, would have an adverse effect on the adjoining 24 Portbradden Road by reason of dominance and overshadowing. Furthermore, first floor windows have the potential to cause unacceptable overlooking.

Detail of the objections was set out in the Planning Committee Report. The Development Management and Enforcement Manager further referred to a typing error within Addendum III, paragraph 1.4 which should have read, "The design of the dwellings on the *application* appeal site are of a more traditional form with pitched roof and render walls".

**Recommendation** - that the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to

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

**Addendum 1 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the proposed development as it remains contrary to the SPPS, Policy CTY 3 of PPS 21, Policy NH 6 of PPS 2, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, massing and design. In addition the development would adversely affect 24 Portbradden Road by reason on dominance and overshadowing. Refusal is recommended as set out.

**Addendum 2 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the proposed development as it remains contrary to the SPPS, Policy CTY 3 of PPS 21, Policy NH 6 of PPS 2, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, massing and design. In addition the development would adversely affect 24 Portbradden Road by reason on dominance and overshadowing.

**Addendum 3 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the proposed development as it remains contrary to the SPPS, Policy CTY 3 of PPS 21, Policy NH 6 of PPS 2, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, massing and design. In addition the development would adversely affect 24 Portbradden Road by reason on dominance and overshadowing.

In response to an Elected Member query, the Development Management and Enforcement Manager invited Committee to view hard copy plans. Committee moved to view hard copy plans from 10.45am-10.50am.

The Chair invited S Holterman and F Boal to speak in objection to the application.

S Holterman stated he was speaking for the heritage and conservation of Portbradden, he referred to a meticulous, detailed 16 page conclusive planning report. S Holterman referred to the North Antrim Coastal path, he felt he had an ecological obligation to protect the asset of the coastline at Portbradden. S Holterman stated he had no objection to rebuilding with a design that fitted in. S Holterman stated concern the smallest Church in Ireland had disappeared nearby. He stated it was of

public concern and referring to a PowerPoint slide was possible to see the front elevation fails distorting the design and fails the design test.

F Boal spoke in objection to the application. F Boal advised he was fortunate to have a house at Portbradden, and felt an obligation to maintain the built character of the hamlet. F Boal advised in 1999 he built a replacement dwelling next door. F Boal outlined specific objections to the design and materials of the proposal which he considered dominant. The design did not respect local styles nor the AONB under Policies PPS 21 CTY3 and the impact of overshadowing under Policy PPS7.

The Chair invited M Howe, agent to speak in support of the application. The Chair advised M Howe was not in attendance.

Proposed by Alderman McKillop  
Seconded by Councillor Baird

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

- that the Committee note the contents Addendum 1 and agrees with the recommendation to **REFUSE** the proposed development as it remains contrary to the SPPS, Policy CTY 3 of PPS 21, Policy NH 6 of PPS 2, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, massing and design. In addition the development would adversely affect 24 Portbradden Road by reason on dominance and overshadowing. Refusal is recommended as set out in Addendum 1.

- that the Committee note the contents of Addendum 2 and agree with the recommendation to **REFUSE** the proposed development as it remains contrary to the SPPS, Policy CTY 3 of PPS 21, Policy NH 6 of PPS 2, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, massing and design. In addition the development would adversely affect 24 Portbradden Road by reason on dominance and overshadowing.

- that the Committee note the contents of the Addendum 3 and agree with the recommendation to **REFUSE** the proposed development as it remains contrary to the SPPS, Policy CTY 3 of PPS 21, Policy NH 6 of PPS 2, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, massing



and design. In addition the development would adversely affect 24 Portbradden Road by reason on dominance and overshadowing.

The Chair put the proposal to the Committee to vote. 9 Members voted For, 0 Members voted Against and 2 Members Abstained.

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

- \* **The Chair declared a recess at 11.00am.**
- \* **The meeting reconvened at 11.10am.**

#### **5.6 Objection LA01/2016/1197/F 90 Strand Road, Portstewart (Agenda Item 5.6)**

Report, Addendum documents and 2 site visit reports previously circulated, presented by Senior Planning Officer, J Lundy. She reminded Committee of the proposal and site context and presented via PowerPoint presentation.

The application was previously on the agenda for the Committee in June 2018 and removed to allow further consideration of Policy HOU 2. The application was then presented in June 2019 and September 2019. The proposal is back before Committee as a refusal for the reasons set out in the Planning Committee Report. The Senior Planning Officer, J Lundy advised the proposal had not changed since the June '19 and September '19 meetings.

The proposal is for 20 no. apartments with associated car parking, road works and landscaping.

The application site is located within the settlement limit of Portstewart as defined in the Northern Area Plan 2016 and is on land zoned for housing as committed housing site PTH 30. The planning history is set out in section 3 of the Planning Committee report. As set out in section 3 there is now no extant planning permission on the site.

The site itself is shown outlined in red. It is a corner prominent site located at the roundabout of Strand Road and Burnside Road. The Portstewart Golf club is located to the south of the site and the Strand beach to the west.

The proposal is for 2 No. 6 floor apartment blocks, she illustrated apartment block A and B. A third apartment block was on an earlier plan, however the scheme has now been reduced to the 2. Car parking is

shown to the front of the building at street level and bin storage located to the boundary with the public footpath.

When immediately in front of the apartment blocks on Strand Road only 5 storeys will be readily visible due to the level of undercut to provide the lower ground floor. The assessment of the Strand Road elevations is set out in paragraphs 2.2 to 2.9 of the addendum. The lower ground floor is shown here ghosted on the drawings. Omitted from the front elevation drawings is the lift shaft that will sit above the glazed extension and a 1.8m screen wall either side of the central block.

The Senior Planning Officer illustrated a cross section of the site in relation to the Edgewater development, showing the building in detail and how it steps out to the rear at the higher levels;

- the cross section towards the 92 a-c Strand Road. The plans shows the relationship to the existing dwellings on the lower ground. The apartment block would be overbearing and impact on the amenity of these dwellings. No details have been provided on the levels to the land outside of the site and whether the retaining wall of over 3m will be visible from the critical approach from the beach and golf course;
- slides showed the full 6 storey rear elevation. It is shown in the context of the adjacent properties which demonstrates its excessive scale and dominance. The excessive massing and height is further emphasised by the larger amounts of glazing. The proposal is wholly out of character with the area.

There have been 15 objections to the proposal the points raised are set out in paragraph 8.31 of the Committee Report and paragraph 1.3 of the addendum. They relate to housing density, design of the apartments, impact on character, use of planning histories, loss of light, overshadowing, the need to provide social housing, land ownership, drainage.

At the June Planning Committee Members voted in favour of deferring the application for a further 3 months to allow the agent to address the refusal reasons.

A meeting was held on the 29<sup>th</sup> August 2019 and in attendance was the Agent Mr Cassidy, Shane Mathers and Jennifer Lundy.

Officers advised at that meeting that the proposal would require a substantive redesign to address the issues set out in the report. The agent agreed to get back within two weeks of the meeting. As this failed to happen the application was then presented as a refusal to the September Planning Committee. The application was deferred for a further month to allow the applicant more time to address the issues. Following the Committee meeting the Senior Officer sent a detailed email to the agents and applicant setting out the main concerns.

An amended scheme for 20 no apartments and an aparthotel (10 units) with associated car parking, road works and landscaping was received on 30th October. As this was a substantial change to the initial proposal the scheme was returned to the agent. The Council is at liberty to consider amendments to planning applications at any time in the process. The one limitation upon freedom to amend is where the amendment would have the effect of altering the whole character of the application so as to amount in substance to a new application.

The agent and applicants were previously advised on 5 separate occasions through 2018 and 2019 that a new application would be required for a hotel on this site. There is correspondence on the file from the agent confirming that the hotel would be submitted as a new separate application.

J Lundy advised refusal had been recommended for the reasons set out in section 10 of the Committee report. In that the proposal fails to meet with Policy QD 1 relating to character, design and overlooking, PPS 3 in relation to road safety, Policy FLD 3 in relation to drainage and Policy Hou 2 of NAP for the provision of social housing.

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

**Addendum 1 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.

**Addendum 2 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the

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

**Addendum 3 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** as set out in Section 9.0 and 10.0 of the Planning Committee Report.

In response to questions, Senior Planning Officer, J Lundy advised a new planning pack had been received, extending the red line with revisions to 2 blocks, part of the new application was an Aparthotel. As this amounted to a substantial change to the proposal the pack was returned to the agent as it could not be considered under this application.

J Lundy further clarified there had been minimal design changes. Since 2016 there have been very minimal changes; advice had been consistent at all meetings regarding required changes; there have been 5 meetings, phone calls and emails. She clarified the last communication was 12 November 2019 returning the latest submission to include the aparthotel. An email on 27 September detailing responses. J Lundy had received one email from the applicant on 30 September disputing the height concerns and nothing else received until the pack received on 30 October which was returned on 12 November.

J Lundy advised that when the Hotel was introduced in 2018/2019 it was made clear that the proposal required a new planning application, and this was confirmed by the Agent that he proposed to submit a new application.

The Chair invited N Menary and C Cassidy to speak in support of the application. The Chair advised the speakers were not in attendance.

In response to a request for clarification the Chair clarified all Agents had been informed of the time of the meeting.

Proposed by Alderman Duddy  
Seconded by Councillor Baird

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

- that the Committee note the contents of Addendum 1 and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report

- that the Committee note the contents of Addendum 2 and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report

- that the Committee note the contents of Addendum 3 and agree with the recommendation to **REFUSE** as set out in Section 9.0 and 10.0 of the Planning Committee Report.

The Chair put the proposal to the Committee to vote. 9 Members voted For, 1 Member voted Against and 1 Member Abstained.

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

Alderman Finlay advised he had abstained and he hoped the applicants had been informed.

#### **5.7 Objection LA01/2017/0139/F Nos 52 to 62 Quay Road, Ballycastle (Agenda Item 5.8)**

Report and addendum previously circulated, presented by Senior Planning Officer, E Hudson by PowerPoint presentation.

This is a full application for a residential development comprising 6 three storey townhouses along the street frontage and 5 one and half storey mews dwellings located to the rear of the site. In terms of the Northern Area Plan 2016, the site is located adjacent to the town centre of Ballycastle, fronting onto Quay Road, one of the main routes through the town. The site is located within the development limits of Ballycastle and within the Conservation Area.

There is an addendum to accompany the Committee Report. Amended plans were submitted on 11<sup>th</sup> October to address on-going concerns DFI Roads had with the layout. DFI Roads have advised they are content with these amended plans with conditions on the basis that the access road will remain private and un-adopted. In light of these amended plans and DFI Roads latest consultation response the recommendation is to approve planning permission with conditions as detailed in your addendum.

Senior Planning Officer, E Hudson referred to slides:

The site frontage is along Quay Road with properties along Beechwood Avenue adjoining the site to the rear. The site is currently vacant and has been for some time. Previously it was used for residential development fronting Quay Road. The proposal includes townhouses along the frontage and a block of mews type dwellings to the rear sited perpendicular to the frontage. Amendments were sought throughout the assessment of the application to reach a design solution which seeks to replicate the previous historic built form maintaining the existing building line along Quay Road and which would positively contribute to the Conservation Area. Amendments were received which included the alignment of window sills, reduction in fenestration to replicate the historic solid to void arrangement and the scale of chimney breasts to respect the existing character. The archway in the frontage provides access to the mews to the rear and provides access to the rear of the dwellings along the frontage. It has been reduced in both width and height in accordance with both past and present examples in the immediate area and to provide a better quality frontage along Quay Road.

Senior Planning Officer, E Hudson advised there have been 11 objections received on the scheme and 4 letters of support. The reasons for objections are outlined in paragraph 5.1 of the Committee Report and have been considered throughout the report. Reasons for objection include overlooking, impact on visual amenity, out of character in the conservation area, unacceptable vehicular access and increased parking.

The application has been considered under PPS 7, the Addendum to PPS 7, DCAN 8 in relation to backland development, PPS 6 in relation to the conservation area and Creating Places. Following the amendments provided we are content that the proposal will not have an adverse impact on the character of the area and the proposal will contribute positively to the Conservation Area. The density of the scheme is appropriate to this urban location and the mews building to the rear has been reduced in scale so it represents as subordinate to the main terrace along Quay Road. The level of private amenity space afforded each property is considered acceptable in line with the requirements of Creating Places and the context of its location.

The relationship and separation distances between existing and proposed properties is considered acceptable and would not result in an unacceptable level of overlooking.

Initial DFI Roads concerns in relation to the site layout; shared surface road, entry/exit radii, the width of the proposed access and the geometry of the 2 internal roads within the site curtilage and parking provision have been addressed following submission of the amended plans. The amendments show the provision of 3 on-street parking spaces with the remainder of the 23 spaces provided with the site. As Sites 1-6 have a public road frontage DFI Roads are content that the access road remains private and unadopted.

All other statutory consultees have offered no objection to the proposed development. Taking into account these factors approval is recommended.

**Recommendation** - that the Committee note the contents of this Addendum and agree to the change in opinion and the recommendation to **APPROVE** planning permission subject to the following Conditions:

1. As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The existing vegetation as indicated on drawing 02D date stamped 11th October 2019 shall be permanently retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Planning Authority in writing.

Reason: To ensure the retention and maintenance of a high standard of landscaping in the interests of visual amenity.

3. All hard and soft landscape works shall be completed in accordance with Drawing No. 02D date stamped 11th October 2019 within the first available landscaping season after the occupation of any dwelling, unless otherwise agreed by the Planning Authority in writing.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub, or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning

Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

5. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with drawing 08B bearing the date stamp 11th October 2019. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

6. The access gradient to the dwellings hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

7. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 08B bearing date stamp 11<sup>th</sup> October 2019 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

8. Notwithstanding the provision of the Planning (General Permitted Development) Order (NI) 2015, or any order revoking and re-enacting that Order, no external alterations to the dwelling hereby approved, nor buildings, walls, gates, pillars, fences or other structure, nor hard surface or enclosure or access onto an



unclassified road, shall be permitted within the curtilage of the application site, without prior written consent from the Planning Authority.

Reason: To preserve the character of the conservation area.

Informatives:

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning Authority or other statutory authority.
5. Notwithstanding the terms and conditions of the Causeway Coast and Glens Borough Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is DfI Roads, Northern Division, Causeway Coast and Glens (East), Jobs and Benefits Office, 37-45 John Street, Ballymoney, BT53 6DT. A monetary deposit will be required to cover works on the public road.
6. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

7. All construction plant and materials shall be stored within the curtilage of the site.
8. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
9. The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The Department has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
10. Responsibility for the access way and parking areas rests solely with the developer.
11. The applicant is advised to contact DfI Roads, Traffic Section at County Hall, Coleraine regarding the re-location of the existing sign.
12. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the planning at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Senior Planning Officer, E Hudson responded to requests for clarification surrounding parking, and comparison of heights.

The Chair invited Committee to view hard copy plans.

\* **Committee moved to view hard copy plans from 11.35am-11.39am.**

Senior Planning Officer, E Hudson clarified a condition on planting had been recommend and additional planting could be placed along the boundary.

The Chair advised the speaker could no longer attend the meeting.

Proposed by Councillor Baird  
Seconded by Councillor MA McKillop

- that the Committee note the contents of this Addendum and agree to the change in opinion and the recommendation to **APPROVE** planning permission subject to the Conditions as set out above.

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

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

#### **5.8 Referral LA01/2015/0459/F Former Castle Erin Hotel and Conference Centre Castle Erin Road, Portrush (Agenda Item 5.10)**

Report, Site Visit Report x 2, Erratum, Addenda x 5 and confidential documents previously circulated, presented by Development Management and Enforcement Manager via PowerPoint presentation.

In terms of the Northern Area Plan 2016, the site is prominent within Portrush settlement limits and adjacent to West Strand. The site was formerly occupied by the Castle Erin Hotel and later Conference Centre which is demolished now and site has been vacant for many years.

The proposal was last at Planning Committee in October this year. At that meeting, the Planning Committee resolved to defer the application to allow consideration of legal advice regarding the Fen Tigers case. This legal advice has since been circulated.

The current scheme is now for 10 semi-detached units and 11 apartments. The buildings are 2 ½ storey high.

Site levels are to be reduced by 2-3 metres which will assist in off-setting the impact of the development. This will allow the development not to be any higher than the ridgeline of buildings on Eglinton Street and Kerr Street.

Design- Modern, contemporary design is to be used. The specific selection of materials in terms of natural slate roofs and smooth, painted render walls will allow the development to assimilate into the townscape.

Amenity Provision- Adequate private amenity space is proposed. No need for communal amenity given that the total number of units is less than 25.

Access and Parking- Proposal offers acceptable access and parking arrangements. Dfl Roads is satisfied.

Noise and Compatibility with Barry's- At the Planning Committee in June 2018, it was requested that: the applicant discuss the proposal with Barry's amusements; that the applicant further soundproofs the car parking area and other acoustic mitigating measures and; consider the removal of sites 1 and 2. Series of noise reports have been submitted by the applicant and Barry's as an objector. Changed outdoor ride equipment resulted in the need for an updated report. Scheme was amended to drop the detached unit and to replace the pair of semis with a block of 3 apartments. An additional 2.5 wall is provided at the site boundary with Barry's. Position now is that methods employed in the construction of the dwelling units will attenuate noise levels. This leaves the outdoor amenity areas. An acoustic shelter is to be provided to the amenity area of the apartments at nos. 1- 3. This will reduce outdoor noise levels to 1dB below 55dB. While this is still high- other mitigating factors are taken into account:

- A. Barry's runs on a seasonal basis.
- B. Noise is not continuous (not day and night).
- C. Any prospective purchaser would know that Barry's is in operation- buyer beware principle.
- D. Efforts have been made to reduce noise to its lowest level.

Updated position from Environmental Health- The current position is that an informative has been recommended to state that the nuisance action cannot be used to subsequently address prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determination of nuisance.

The Development Management and Enforcement Manager concluded the layout and design of the development is considered acceptable with regard to its location. There is adequate amenity space provision. Access and parking arrangements are acceptable. While there will be some detriment to amenity due to the proximity of Barry's amusements, given the specific circumstances, this is not so unacceptable to warrant refusal of the application. Therefore approval is recommended.

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

**Addendum 1 Recommendation** - that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.1 of the Planning Committee Report.

**Addendum 2 Recommendation** - that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.1 of the Planning Committee Report. All the conditions remain relevant from the Planning Committee Report with the exception of conditions 2, 9, 10, 11 and 12 which are updated below.

### Conditions

2. All soft and hard landscaping incorporated in the stamped approved Drawing No.14 Rev 6 bearing Planning Authority date stamp 31<sup>st</sup> July 2018, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice before occupation of the first residential unit in the development.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

9. Prior to occupation of the dwellings (1, 2, 3, 20 and 21) an acoustic barrier of 2.5metres effective height shall be constructed in accordance with the specification (rendered concrete block wall, 300mm width) as submitted on Drawing No. 03 Rev 6, date stamped 19th November 2018. The acoustic barrier shall be positioned as depicted in blue on Drawing Number 3 Revision 6 date stamped 19th November 2018.

Reason: To protect the amenity of proposed residents.

10. Prior to occupation of the permitted dwellings, the facades of the permitted dwellings shall be capable of providing a sound reduction of at least that stated within Table 1 entitled – 'Façade Attenuation

Requirements' with respect to the transmission of noise from the exterior to the interior of the building, and shall be provided to all habitable rooms within the permitted development.

Reason: To protect the amenity of existing and proposed residents.

11. Prior to occupation of the permitted dwellings, passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least that stated within Table 1 entitled – 'Façade Attenuation Requirements' when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be provided to all habitable rooms on all façades as stated within Table 1 entitled – 'Façade Attenuation Requirements'. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dB(A), whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the requirements contained within, "The Building Control Technical Booklet K – Ventilation 1998."

Reason: To protect the amenity of existing and proposed residents.  
Table 1 circulated – Façade Attenuation Requirements

12. Prior to occupation of apartment dwellings labelled 1, 2 and 3, as presented on submitted Drawing No. 2 Revision 9 date stamped 19th November 2018, an acoustic shelter shall be constructed in the position coloured blue. The acoustic shelter shall be constructed in accordance with the specification stipulated within FR Marks & Associates Addendum to Noise Impact Assessment Document 14, date stamped 19th November 2018 in order to achieve acoustic performance properties to attenuate noise levels by a minimum of 15dBA – 20dBA.

Reason: To protect the amenity of residents.

**Addendum 3 Recommendation** - that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.1 of the Planning Committee Report.

**Addendum 4 Recommendation** - that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.0 of the Planning Committee Report.

**Addendum 5 Recommendation** - that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.0 of the Planning Committee Report.

In response to points of clarification raised by Members surrounding a prospective purchaser would know that Barry's is in operation and buyer beware principle, the Chair advised that legal advice on this issue would be given 'In Committee'. The Member was content to hold the query.

The Chair invited D Donaldson, Agent, and G McGhee to speak in support of the application.

D Donaldson advised the Applicant, McLaughlin and Harvey was a reputable NI Construction Company seeking high quality residential development. An Application had been submitted in 2015, extensive reports had been considered satisfactory by consultees and recommended for approval. He advised the application was within the settlement of Portrush and principle of development acceptable.

Regarding potential noise, D Donaldson advised that the design team had worked to address the issues with various amendments made including the positioning of buildings and acoustic measures to ensure a quality development. D Donaldson appreciated the potential impact of future opportunity, and stated that Portrush was a seaside town and people are attracted by the buzz. D Donaldson advised a distinct factor was there would be no sleep deprivation due to operation hours of Barry's, Environmental Health recommended a condition and legal advice was that there was no issue. Under SPPS it recognises that noise is inevitable. The application must be granted unless demonstrable harm is caused. This was a true brownfield site.

In response to an Elected Member question, D Donaldson advised various noise demonstrated that the two uses can co-exist based on current noise levels. The amenity standard in the development is acceptable, given the context of a busy seaside town.

In response to an Elected Members question G McGhee stated the courts may take into account the relevance that those buying these properties will have knowledge of Barry's as it is long established. Environmental Health and noise experts have based reports on existing noise level emitted and was judged acceptable.

In response to a request for clarification, the Head of Health and Built Environment advised there had been no formal complaints in relation to the operation of Barry's.

In response to a question, the Development Management and Enforcement Manager advised the outdoor amenity areas level with apartments 1-3 was high at 1dB below 55dB. Ordinarily could be objectionable but in this regard and weighed with other factors, deemed acceptable.

#### **MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Alderman Duddy  
Seconded by Alderman Finlay and

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

- \* **Public and Press left the meeting at 12.05pm.**
- \* **Alderman McKeown arrived at the meeting at 12.05pm.**

Council Solicitor provided advice surrounding legal advice circulated to Members and update on associated non-determination appeal.

#### **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Baird  
Seconded by Councillor Dallat O'Driscoll and

**AGREED** – to recommend that Committee move '*In Public*'.

- \* **Press and Public re-joined the meeting at 12.30pm.**

Proposed by Councillor Hunter  
Seconded by Alderman Finlay

- that the Committee has taken into consideration and resolves to **APPROVE** planning permission subject to:

the removal of Apartment blocks 1-3 (pink block) which cause concern regarding noise issues. The Committee is not convinced the measures put in place are sufficient to resolve noise concerns.

The Chair put the proposal to the Committee to vote. 9 Members voted For, 0 Members voted Against and 1 Member Abstained.



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

**AGREED** – that if the Apartment Block is not removed the application will be brought before the Planning Committee for determination.

Alderman McKeown did not vote on the application.

**5.9 Referral LA01/2017/1586/F The Old Flax Mill, 26 Mill Lane, Moneybrannon Road, Aghadowey (Agenda Item 5.15)**

The Chair advised information had been received regarding Agenda Item 5.15, LA01/2017/1586/F, a representative from DfI Roads was no longer available to attend the meeting.

The Chair put to the Committee, in light of Speakers in attendance, the Application continue to be determined at the meeting.

5 Members voted For, 7 Members voted Against and 0 Members Abstained.

The Chair declared the Application would be **DEFERRED** for one month.

- \* The Chair declared a recess at **12.35pm**.
- \* The meeting reconvened at **1.25pm**.
- \* **D Allen, Committee & Member Services Officer joined the meeting at 1.25pm.**
- \* **Councillor McGurk joined the meeting at 1.25pm.**

**5.10 Referral LA01/2019/0147/F 220m SW of 54 Burrenmore Road, Castlerock (Agenda Item 5.16)**

Proposed by Alderman Duddy  
Seconded by Councillor Scott

- that consideration be **DEFERRED** for one month due to a bereavement.

The Chair put the proposal to the Committee to vote. Members voted unanimously.

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

**5.11 Referral LA01/2017/0596/F Lands situated SE of 2 Mulberry Gardens, South of Burn Road and East of Dane's Hill Road (Agenda Item 5.11)**

Planning Committee Report, Addendum 1, Addendum 2 and Addendum 3 were previously circulated and presented by Senior Planning Officer, J Lundy, via a Powerpoint presentation.

The Senior Planning Officer described the site and its context for the residential development of 36 Units comprising 10 no. semi-detached and 26 no townhouses with associated site works. She informed Members that the application had been deferred at the April 2019 Planning Committee Meeting and that the agent submitted an email of a revised scheme on the 20 May 2019. It reduced the scheme from 36 units to 32 comprising 10 no semi-detached, 20 no townhouses and 2 no apartments and relocated an area of open space. Assessment of the revised layout is set out in Addendum 2 and 3.

Members were shown the location of the site marked with an asterisk which is located within the settlement limit of Coleraine as defined in the Northern Area Plan 2016. The housing is sited on land zoned for housing under CEH 40 and part of the site is located adjacent to the Ballysally Burn Local Landscape Policy Area. The housing zoning has 4 key site requirements relating to density, design and access.

Members were shown, via PowerPoint, a photograph looking NE from the Daneshill Road, across the site with the houses at Hazeldane Avenue in the background; photo of the adjacent electricity substation located to the south west boundary, existing open space within the red line of the site on the other side of the Burn Road and the electricity substation and power lines that traverse the site.

The main key change to the proposal was the provision of a centralised open space within the scheme which is in keeping with policy and guidance. The scheme has also improved the level of private amenity provision in that now only 11 of the 32 no dwellings have less than 70m<sup>2</sup> private amenity.

Although the scheme has been reduced from 36 units to 32 and is still well above the 15 to 25 units zoned for in the plan. This increased density on the site has had a detrimental impact on the proposal. This has resulted in poor separation distances resulting in overlooking,

excessive areas of hard standing, dwellings with no positive outlook and the majority of the housing failing to meet the minimum space standards set out in Addendum to PPS 7; only 4 of the 32 meeting the minimum standards for 5 persons 3 bed, 6 meeting the minimum for 4 person 3 bed and 20 below the set standards.

The Senior Planning Office informed Members that at the office meeting on 14 June 2019 the agent advised that the applicant was unwilling to reduce the density to the Key Site Requirements of the Northern Area Plan. DFI Roads have been consulted on the road revisions and their consultation response remains outstanding.

In conclusion the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The scheme does not provide a quality residential scheme which will enhance the character of the townscape and will detract from the urban form at this location. Overdevelopment of the site results in overlooking and a poor provision of public and private open space. Substantial concern has also been raised with the safety of the overhead electric lines that traverse the site. The scheme is contrary to current planning policy as highlighted and is contrary to key site requirements as defined in the NAP 2016. Refusal is recommended.

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

**Addendum 1 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** as set out in paragraph 9.1 and refusal reasons 1,2,3,5 set out in section 10 of the Planning Committee Report.

**Addendum 2 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** in that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The scheme does not provide a quality residential scheme which will enhance the character of the townscape and will detract from the urban form at this location. Overdevelopment of the site results in overlooking, poor outlook and a high number of dwellings units that fail to meet the space standards. The scheme is contrary to current planning policy as

highlighted and is contrary to key site requirements as defined in the NAP 2016.

**Addendum 3 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** in that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The scheme does not provide a quality residential scheme which will enhance the character of the townscape and will detract from the urban form at this location. Overdevelopment of the site results in overlooking, poor outlook and a high number of dwellings units that fail to meet the space standards. The scheme is contrary to current planning policy as highlighted and is contrary to key site requirements as defined in the NAP 2016. In addition the proposal fails to provide a layout that meets with DFI Roads standards.

In response to a Member's query the Senior Planning Officer clarified the minimum space standards set out in Addendum to PPS 7. The space standards for a 4 person 3 bedroom is 80/85m<sup>2</sup> and a 5 person 3 bedroom is 90/95m<sup>2</sup>. As previously advised only 4 meet the minimum standards for 5 persons 3 bed, 6 meet the minimum for 4 person 3 bed and 20 are below the minimum standard. This, therefore, results in an overdevelopment of the site.

In response to a query in relation to the private open space the Senior Planning Officer clarified that a variety of garden spaces should be provided in housing schemes and 70sq metres of private space should be provided as an average across the development. She confirmed that although the revised plans have improved the private amenity space provision a total number of 11 still fall short of the 70m<sup>2</sup>. However, they are not so adverse to warrant refusal. Therefore the refusal reasons relating to private amenity space provision have been withdrawn.

The Chair invited D Thompson MBA and R Agus MRA to speak in support of the application. She stated that since April 2019 work had been carried out to overcome the refusal reasons.

D Thompson stated that the plan included in the Planning Committee reports was incorrect and she made the following points:

Refusal reason in relation to the proposal failing to provide 10% integrated open space within the development had now been overcome with the reduction in the number of units and the refusal reason has been withdrawn.

Refusal reason in relation to density - the development had been reduced from 36 units to 32. She stated that she did not understand the logic which stated that the development should be within 15-25 dwellings per hectare which would equate to 16-27 units on the proposed site. She stated that Members should not blindly impose the key site requirements of NAP 2016 as it ignores the context. The scheme was consistent with key characteristics of the area and blends into the landscape. Mulberry Gardens provided 36 dwellings per hectare, Mulberry Crescent 33 dwellings per hectare; Mulberry Drive 30 dwellings per hectare. In terms of Creating Places, the separation distances were marginally below the minimum standard. On large development schemes flexibility should be applied.

New refusal reason in relation to the size of the dwellings – the development is for the first time buyer's end of the market. She stated that this standard does not apply as the site is not in an established residential area.

R Agus commented that DFI Roads were content with the proposal and that the access arrangements had not been changed only additional details and were deemed safe. There were no concerns with road safety in relation to the driveway location.

The Senior Planning Officer showed Members the correct revised plan at the front of the Chamber.

In response to a query from a Member in relation to density, D Thompson clarified that there was no mechanism to challenge density figure at the Public Enquiry to the Northern Area Plan 2016. In this case the density requirement was calculated from developments in the surrounding areas, Mulberry Gardens, Mulberry Crescent and Hazeldene Drive which is around 31 dwellings per hectare; 15-25 dwellings per hectare is out of character.

D Thompson also confirmed that following discussions with the applicant and having carried out a site visit, NIE have now advised that they have no concerns in relation to the adjacent NIE sub-station and the overhead power lines and have withdrawn their objection.

The Head of Planning advised Members that the Key Site Requirements for the site were subject to public consultation through the NAP 2016; that the NAP was subject to a Public Enquiry to the Planning Appeals Commission; that the PAC Report had been published and considered;

and, the NAP adopted. There was no requirement to remove the key site requirements for this site.

The Chair invited M Bradley, MLA to speak in support of the application. He informed Members that the site was deemed suitable for residential development and properties were intended for the first time buyer, the lower affordable end of the market and this was an opportunity to regenerate the Ballysally area. It would be a £3M investment into the area. He added that the density on the development was marginally higher than the Northern Area Plan and compared this to the Salmon Leap development which was larger in density.

He informed Members that the site was originally a wooded area not a built up area. He also confirmed that there were no objections from residents in the neighbouring areas and asked the Planning Committee to consider approving the proposed application.

In response to concerns from Members in relation to the high density he clarified that it was in keeping with what already existed in the surrounding area. The proposal had already been reduced from 36 to 32 dwellings. He stated that the dwellings were 3 bed and it was up to the purchaser how they wished to lay out their house.

In response to a Members questions in relation to space the Senior Planning Officer clarified SPPS para. 6.133 which states that 'good quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities.' She stated that some of the proposed sites did not have front gardens and were significantly smaller than others. The Senior Planning Officer also clarified that there were overhead cables over the site but NIE were satisfied that there would be no impact on residents.

In response to question from Members on health and safety concerns with overhead cables and reference to mobile phone masts, the Head of Planning confirmed that an ICNIRP (International Commission on Non-Ionising Radio Protection) Certificate would have been submitted for mobile phone masts.

Alderman Finlay suggested that a site visit be carried out to allow Members to compare the proposed development to other houses already situated in the context of the site.

Proposed by Alderman Finlay  
Seconded by Councillor Scott

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

The Chair put the proposal to the committee to vote. 11 Members voted for, 1 Member voted against and 2 Members abstained.

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

\* **Alderman Hillis arrived at the meeting at 2.00pm.**

The Chair informed Members that Agenda Item 5.13 application LA01/2017/1599/O would be presented later in the agenda to allow the agent, who had been delayed in traffic, to arrive.

\* **Alderman S McKillop left the meeting at 2.01pm.**

**5.12 Referral LA01/2018/1186/O 113m SE of 94 Macfin Road, Ballymoney (Agenda Item 5.14)**

Planning Committee Report and Addendum were previously circulated and presented by Senior Planning Officer, M Wilson, via a Powerpoint presentation.

The Senior Planning Officer described the site and its context for outline planning for a proposed dwelling on a farm at 113m SE of 94 Macfin Road, Ballymoney. He informed Members that DAERA has confirmed its response that the land was being farmed by another business and that a contractor states that he has notionally been doing business for Mr Brady over the last 5 years.

The Senior Planning Officer referred Members to the Addendum, which was in response to a letter from Contractor Mr Keith Clyde which stated that Mr Clyde had been providing Agricultural Contracting Services for Mr J Brady on his farm from approximately 14 October 2019 to 19 October 2019 providing the following services:

- Spreading slurry on Mr Brady's lands
- Cutting hedges on Mr Brady's farm
- Spreading lime on Mr Brady's lands

No documentary evidence had been submitted in support of this at that time.

The Senior Planning Officer provided Members with a verbal Addendum and informed Members that two invoices had been received at 9.30am this morning, by email from Woodbank Contracting Services, as evidence in support of the letter set out in the Addendum.

One invoice dated Spring and Autumn 2016 relates to 5 hours of slurry spreading and 7 hours of cutting hedges. The second invoice dated 1 March 2017 and 1 October 2017 relates to 13 hours of lime spreading and 8 hrs of hedge cutting.

The Senior Planning Officer showed Members via PowerPoint slides of the site located within the rural area outside any settlement limit as defined in NAP 2016. He stated that the site is adjacent to farm buildings and provided a view from the farm lane looking west across the land; a closer view of the site; its proximity to the river and adjacent buildings and farm building behind and looking west.

He informed Members that the applicant had submitted out of date farm maps and has failed to demonstrate that the farm is an existing and established farm business. The proposal is contrary to Policy CTY10 of PPS21 as it fails to meet the active and established criterion. The site is located within the consultation zone of an archaeological site and monument and Historic Environment Division (Historic Monuments) has raised no objections. The site is also located within the consultation zone of a gas pipeline, no objections from HSENI or the gas operator GNI have been received in terms of the safety of this pipeline.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS and PPS 21. The applicant has failed to demonstrate that the farm business is currently active and established for the required period, and the land is currently farmed under another farm business. Although the application satisfies other planning policies, the proposal does not meet the requirements of Policy CTY10 criterion (a).

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

**Recommendation** - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9



and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission for the reason set out in section 10.

**Addendum Recommendation** - that the Committee note the contents of the Addendum and agree with the recommendation to **REFUSE** as set out in paragraph 9.1 of the Planning Committee Report.

The Senior Planning Officer clarified that the farm business should be established and active for the previous 6 years and a Farm Business ID number is not essential but needs other information to demonstrate active and established business. The applicant should have provided evidence of any work carried out on the farm. He confirmed that the only invoices submitted were dated 30 November 2018 for the purchase of two bullocks and the two invoices dated Spring and Autumn 2016 and 1 March 2017/1 October 2017 received at 9.30am this morning, both in relation to slurry spreading, hedge cutting and lime spreading as previously detailed. No other invoices had been submitted.

The Chair invited Alderman Hillis to address the Committee in support of the application.

Alderman Hillis stated that it seemed that the applicant had to tick many boxes to satisfy Policy CTY10. He confirmed that no dwellings or development opportunities had been sold off within the last 10 years of the date of the application. He informed Members that a previous farm dwelling was granted in July 2009 to be occupied by the applicant's sister and husband which had not been implemented and this permission had now expired; he did not understand why the current application has now been recommended for refusal.

In relation to the criteria in relation to it being demonstrated that the farm business is currently active and established for at least 6 years, Alderman Hillis informed the Committee that the limited proof presented was due to certain farm circumstances. It was a catch 22 situation the applicant wants to farm but doesn't live near enough to the farm to be able to do this so requires planning approval to build, if this doesn't happen then the applicant will be unable to farm. He continued to say that there had been no objections to this planning application and that it should be granted.

In response to a Members query in relation to tax returns being submitted, the Senior Planning Officer informed Members that there was no limit on information that can be submitted but the business had to be

an agricultural activity – rearing livestock or the growing of agricultural products.

He also reminded Members that DAERA had stated that the land was being farmed by another business in the name of Mr D Brady 2012, 2103 and 2014 and Single Farm Payments had been claimed. Mr J Brady had only provided limited evidence of farming during 2016 to 2019.

Proposed by Alderman Duddy  
Seconded by Councillor Anderson

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

- that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** as set out in paragraph 9.1 of the Planning Committee Report.

The Chair put the proposal to the Committee to vote. 4 Members voted For, 0 Members voted Against and 8 Members Abstained.

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

#### **5.13 Referral LA01/2019/0212/O Site adj to 2 Kurin Road, Garvagh (Agenda Item 5.17)**

Planning Committee Report and Addendum were previously circulated and presented by Senior Planning Officer, E Hudson via a PowerPoint presentation.

The Senior Planning Officer described the site and its context for outline planning for a proposed dwelling on a site adjacent to 2 Kurin Road, Garvagh. The site is located within the Settlement Development Limit of Garvagh and within the Agivey River Local Landscape Policy Area as defined in NAP 2016.

The Senior Planning Officer referred Members to the Addendum amending the refusal reason to include Part b of Policy QD1 of PPS 7. She informed Members that amending the refusal reason is to ensure there is no ambiguity between relevant policy considerations. On the PowerPoint presentation the Senior Planning Officer showed Members

the extent of the red line of the site and the access and existing laneway sited between dwellings on the Kurin Road.

The site is an existing field that is located within the Agivey River LLPA (GHL 04). The proposal for a dwelling does not comply with the types of development allowed by the specific LLPA policy designation. The Agivey River LLPA states that only development acceptable will be modest ancillary facilities which will enhance the use of the playing fields, and the redevelopment of existing buildings and which will not detract from the visual quality of the river corridor. As the application is not for ancillary features and not related to the playing fields the application is contrary to the Northern Area Plan. The Planning Act 2011 requires that all applications have regard to the Area Plan and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Senior Planning Officer showed Members via Powerpoint views across the site, views taking of the southern boundary, and the view across from the adjacent playing field.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 as the proposal is contrary to Policy Env1 and LLPA designation GHL 04 of the Northern Area Plan as it does not constitute modest ancillary facilities or the redevelopment of existing buildings.

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

**Addendum Recommendation** – that the Committee notes the contents of the Addendum and agrees with the recommendation to **REFUSE**, as set out in the refusal reason as detailed in the Addendum.

The Chair invited L Ross, Ross Planning to address the Committee in support of the application.

He made the following points:

- The proposed dwelling was sited on a small field within the Garvagh Settlement Limit which has been used for grazing.

- The site was not designated as an area of open space or part of the river bank, but was sandwiched between them.
- LLPA - regard to NAP unless material considerations indicate otherwise. Site is within the settlement limit and would make best use of development land.
- The site is well enclosed by established tall trees and vegetation.
- There is currently a small bungalow beside the proposed site and a bungalow on the proposed site would not be perceptible. The visual character of the river bank would be unaffected. The open space area would be unaffected. The integrity of LLPA would not be affected.
- No objections have been received in relation to this application.

L Ross requested that the Committee give determining weight to the natural enclosure and approve the application.

In response to questions from Members in relation to the location/view of the site the Senior Planning Officer informed Members that the site would be seen from the adjacent playing field and that this would have an impact on the LLPA; the site within the LLPA extends into the river corridor and area of the playing fields.

The Head of Planning clarified the GH104 LLPA Policy to Members and stated that it was clear in what it considers to be acceptable.

Proposed by Alderman Finlay  
Seconded by Councillor Baird

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

- that the Committee notes the contents of the Addendum and agrees with the recommendation to **REFUSE**, as set out in the refusal reason as detailed in the Addendum.

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

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

#### **5.14 Referral LA01/2019/0156/F 77m NE of 15 Isle Road, Macosquin (Agenda Item 5.18)**

Planning Committee Report was previously circulated and presented by Senior Planning Officer E Hudson, via PowerPoint.

The Senior Planning Officer described the site and its context for a retrospective full planning application for conversion of existing building to shop at 77m NE of 15 Isle Road, Macosquin. The site is located in the open countryside as defined in the Northern Area Plan approx. 2 miles from the small settlement of Macosquin.

The Senior Planning Officer showed the red line boundary of the application site. Access to the building is taken from an existing laneway which also leads to the spa building and parking area to the rear of the dwelling house whose access is taken from a separate driveway. The building is currently in use as a shop selling equestrian related items. The building was approved as a machinery store/stables as part of the 2004 application for a Health spa.

In terms of the NAP 2016, the application site is located within the countryside and is deemed to be assessed under the SPPS and PPS 21 – Sustainable Development in the Countryside. For the conversion and re-use of existing buildings the SPPS states that provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest such as a former school house, church and older traditional barns and outbuildings. As the building subject to this application is of a modern construction with no special character and screened from public view it is not considered to be locally important and therefore fails this policy requirement. Any conflict between the SPPS and any retained policy must be resolved in favour of the provisions of the SPPS. Therefore in light of this, the provision would also fail under Policy CTY 4 of PPS 21.

The Senior Officer showed Members slides of the shop frontage. The SPPS advises that retailing will be directed to town centres and the development of inappropriate retail facilities in the countryside must be resisted. It goes on to state that as a general exception to the overall policy approach some retail facilities which may be considered appropriate outside the settlement limits include farm shops, craft shops and shops serving tourist facilities or recreational facilities. The policy states that such proposals should ensure there will be no unacceptable impact on the vitality and viability of an existing centre within the catchment. The proposal for class A1 shop does not meet an exception

to this policy and it has not been demonstrated that it would not have an adverse impact on existing nearby centres. It is considered that retailing should be directed to town centres. As there is a high vacancy rate in Coleraine which would be the nearest town centre only 5 miles from the site there is sufficient opportunity for a shop that does not meet with the exceptions criteria to SPPS policy to be located within the town centre. The proposal therefore fails to meet this part of the SPPS.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not meet the criteria for the conversion of a building under Policy CTY 4 of PPS 21 and paragraph 6.73 of the SPPS and there are no overriding reasons why it could not be located within a settlement. The proposed development is not considered to be an exception to policy for retailing outside settlement limits. Refusal is recommended.

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

In response to a Members query in relation to road safety the Senior Planning Officer clarified that DFI Roads had requested additional information in relation to amendments to the P1 Form. As this information has not been forthcoming it has therefore not been demonstrated that the use of the access would not prejudice roads safety or inconvenience the flow of traffic.

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

He made the following points:

- The building was approved as a machinery store/stables as part of the 2004 application for the Bellisle Health Spa.
- The building is located 15m north east of the Spa and was used as a garage and storage facilities. It has been converted to start a business as an equestrian shop.
- The business has 6 no car parking spaces allocated as shown on the site plan.

- The character of the building has not been changed in the conversion except for the alteration of a roller door and a window; character of building has been retained.
- The building is not visible from the road as it is enclosed by trees and hedges and subsequently no impact on the countryside. Roads comments can be achieved.

J Simpson requested that the Committee give consideration to approve this application.

In response to Members questions, J Simpson clarified that the building had been in existence as part of the original application for the Spa which included a small wash room and store room for the Spa. He clarified that he had not provided any further information to DFI Roads as the application had been recommended for refusal, but was happy to submit any information that was required. He stated that the information had been prepared to address Roads concerns but had been made aware that the application was going to be refused. If successful he can provide the information.

In response to further questions from Members, J Simpson advised that the Spa business gained permission in 2004 and was still going. He stated that DFI Roads would have made comments on the Spa application.

The Senior Officer clarified the proposed development was not considered an exception to the policy for retailing outside settlement limits.

The Head of Planning informed Members that this was a separate business from the Spa and therefore had to be considered as two separate businesses. She reminded Members of the policy in terms of the types of retail that are considered an exception to policy and that the proposal is for a Class A1 shop. She reminded Members to be careful of setting a precedent in terms of the interpretation of policy.

In response to a Members query in relation to the previous planning application the Senior Planning Officer advised that the building was for stores/storage of machinery/stable and confirmed that the small stable was for housing the client's horse. She confirmed that no stables had been included on the new plan so was not ancillary to an equestrian business/riding school.

Members queried if Council could wait until DfI Roads had been provided with the additional information before a final decision be made. The Senior Planning Officer stated that this was not the only reason the application had been recommended for refusal.

In response to a Members query in relation to the definition of a Farm Shop the Senior Planning Officer clarified that the Farm Shop would be related to an existing farm business; the Equestrian shop did not fall within this remit and stated that Policy PPS21 would not be applied in this instance.

The Head of Planning informed Members that there was no specific definition in Policy PPS21 of a Farm Shop but stated that it would be related to the existing farm business. The SPPS directed the retail shops to the town centre, the shop is not ancillary to the Spa and does not meet the exception test in SPPS.

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

Alderman Duddy requested a recorded vote.

For: Alderman Duddy  
(3) Councillors Hunter and McMullan

Against: Alderman Finlay  
(2) Councillor Baird

Abstentions: Alderman McKeown  
(7) Councillors Anderson, Dallat O'Driscoll, McGurk, MA McKillop, Nicholl and Scott

The Chair declared the recommendation to **REFUSE** agreed.

It was **AGREED** that a recess be held at **3.06pm**.

The meeting resumed at **3.25pm**.

\* **Councillor Scott left the meeting.**



**5.15 Referral LA01/2017/1599/O Site between 196 Muldonagh Road and dwelling located 100m north of 2 Muldonagh Cottages, Claudy. Site directly opposite Muldonagh Cottages (Agenda Item 5.13)**

Planning Committee Report, Addendum 1, Addendum 2 and Addendum 3 and Addendum 4 and site visit report were previously circulated and presented by Senior Planning Officer J McMath, via PowerPoint.

The Senior Planning Officer described the site and its context for outline planning for 1 No. proposed infill dwelling house (single storey split level) and detached domestic garage on a site between 196 Muldonagh Road and dwelling located 100m North of 2 Muldonagh Cottages, Claudy. Site directly opposite Muldonagh Cottages and referred Members to the 4 Addendums and site visit report.

Members were shown slides, via Powerpoint. In terms of the NAP 2016, the site is located in the countryside outside any defined settlement limit and NW of the settlement of Foreglen. No zonings or designations cover the site. The site is part of a larger agricultural field situated on Muldonagh Road. The character of the area is agricultural fields, existing residential properties to the south and south east with a shed and pigeon shed to the northwest.

The site rises along the road to the West and slopes steeply down away from Muldonagh Road towards the existing watercourse which defines the Northern boundary. The Eastern boundary is defined by a post and wire fence and the western boundary is undefined. The roadside boundary is defined by a post and wire fence with some sparse vegetation.

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

This is an outline application for a site for single storey split level dwelling with detached garage which falls to be determined under the SPPS and PPS21 in particular policies CTY1, 8, 13 and 14.

Policy CTY8 notes that permission will be refused for development which creates or adds to ribbon development. An exception will be permitted for a small gap site sufficient only to accommodate up to a maximum of

two houses within an otherwise substantially and continuously built up frontage and provided this respects the existing development pattern.

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

The site (as originally submitted) had a frontage of 66m which has been extended during the processing of the application to 74m and subsequently reduced in the most recent submitted location map to 64m. The overall field extends to approximately 126m but the gap between building to building is approximately 128m-130m. Frontage lengths of adjacent properties range from 48m (pigeon) 47.5m (198), 54.9m (196) resulting in an average of 50m frontage.

The size of this gap is not considered to be a small gap site sufficient only to accommodate a maximum of 2 dwellings as the gap represents more than 2.5 times the average plot size. This would create a ribbon development which would erode rural character and fail to respect the existing pattern of development. The Senior Planning Officer referred to PAC 2015/A0086 which reiterates that the gap is between the buildings and not just the curtilage of the site application site.

During the processing of the application the applicant identified that a historic lime kiln had existed in the south eastern corner of the site although there has been no record of this on later maps and no above ground remains exist. The applicant indicated that they proposed to reduce the plot width to exclude the lime kiln and indicated a concept of providing a play area on the site however, this no longer appears to be the case based on the most recent location map submitted on 18<sup>th</sup> November. While the plot width can be manipulated, the size of the gap remains at 130m between 196 and the pigeon sheds therefore a reduction in size does not overcome the fact that the gap is significant in size and could accommodate more than 2 dwellings of comparable size to the established character of the area. In addition the gap plays an important role in maintaining rural character. The field represents a bookend to existing development, provides relief, a degree of openness and outlook.

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

The site is devoid of any significant levels of vegetation to provide screening or enclosure and given size of gap the site is significantly open. Additionally the provision of visibility splays will require hedge removal along the roadside which would open views into the site further. Given the openness, the site fails to integrate and would be reliant on significant levels of new landscaping to define boundaries, provide screening and enclosure. The site is elevated above no 196 and therefore will be prominent on approach from the East.

As the site is found not to be an exception under policy CTY8 the development will result in ribbon development and would be prominent in the landscape which would result in suburban style development which is contrary to the SPPS and policy CTY14.

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

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

**Addendum 1 Recommendation** – that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 of the Planning Committee Report, with the refusal reasons which have been refined in Addendum 1.

**Addendum 2 Recommendation** – that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 of the Planning Committee Report, with the refusal reasons which have been refined in Addendum 2.

**Addendum 3 Recommendation** – that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 of the Planning Committee Report, with the refusal reasons which have been refined in Addendum 1.

**Addendum 4 Recommendation** - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9.0 of the Planning Committee Report, with the refusal reasons which have been refined within the first addendum to the Planning Committee Report.

The Chair invited D Duffy, Agent to address the Committee in support of the application.

He made the following points:

- Plans have been provided as requested and MBA Planning have provided a briefing document. Policy CTY8 is the key policy in regards to this planning application and states that development must respect the pattern of development along the frontage and infill gaps must accommodate a maximum of 2 houses.
- The Planning Department only refers to dwellings 196 to 198 and also refers to sheds at the West. He referred to para. 1.2 of Addendum 3 and Building on Tradition. The ancillary building is secondary to the original building.
- He referred to MBA Planning briefing note that the site can only accommodate a maximum of 2 dwellings and that this is a substantial and built up frontage. The gap between No 196 and 198 equates to 38.6m. The gap would need to be 96m wider to accommodate 3 dwellings but can accommodate 2 if made smaller – 20m frontage for the design of the dwelling with 28m separation in keeping with the pattern of development. Policy CTY8 is met as this is less than the 22.1m average of the frontage design of existing dwellings and therefore can only accommodate a maximum of 2 dwellings.
- The site also complies with Policies CTY13 and CTY14 because it is not prominent and will be seen within the context of surrounding development.

In response to questions raised by Members the speaker clarified the following points:

- Gap is 125m building to building. If the average frontage length of design of dwellings and frontage plot size is replicated across the gap the site can only accommodate 2 dwellings and complies with policy CTY8.
- The site gap between No 196 and No 198 is assessed to be 125m.
- Need to also consider the plot width, size and when this is considered 3 dwellings cannot fit within the site only 2.
- Other factors such as rolling topography also to be considered in determining that the application meets the policy requirements.

Proposed by Councillor McGurk  
 Seconded by Councillor Nicholl

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

- Policy CTY8 is met in relation to measuring, plot size, distance between building; the plot size can only accommodate 2 no. dwellings not 3.
- Policy CTY13 can be met – this is only outline planning and the design of dwellings and sloping topography which slopes further back in the site will aid integration; also will view in line with other buildings and will integrate into the surrounding context
- Policy CTY14 is met – proposed site does not add up to a build of development – large properties already to the right hand side of the proposed development and therefore will not result in build up given the existing context.

The Chair put the proposal to the Committee to vote. 7 Members voted For, 0 Members voted Against and 1 Member Abstained.

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

**AGREED** – that Conditions and Informatives are delegated to Officers.

Proposed by Alderman Duddy  
 Seconded by Councillor Hunter

- that the next Planning Committee convenes at 10am on Wednesday 18 December 2019.

Members voted unanimously in favour.

## **6. DEVELOPMENT MANAGEMENT PERFORMANCE**

### **6.1 Update on Development Management and Enforcement Statistics 01/04/19 – 30/09/19**

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

Table 1 within the report details the number of major planning applications received and decided as well as the average processing times. These figures are unvalidated statistics. In comparison to the same period last year, the number of major applications received has decreased by 3, however, the number of major applications decided has increased by 4.

Table 2 within the report details the number of Local planning applications received and decided as well as the average processing times. These figures are unvalidated statistics. In comparison to the same period last year, the number of applications received has decreased by 16 applications and the number of decisions issued/withdrawn has increased by 2 applications. Therefore the number of local planning applications remains relatively stable both in terms of those received and those determined/withdrawn. Of note is that a further 5% of applications were processed within the 15 week statutory target when compared to the same period last year and the average processing time has decreased by 3.6 weeks.

Table 3 within the report details the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. These figures are unvalidated statistics. In comparison to the same period last year, the number of cases opened has increased by 46 and the number of cases brought to conclusion has decreased by 21.

Table 4 within the report details the total number of Local applications determined under delegated powers. Determined is taken as the date the decision issued and excludes withdrawn applications. DfI

Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 92.79% of applications determined were delegated under the scheme of delegation.

Table 5 within the report details on the number of decisions that were determined by the Planning Committee at each monthly meeting and the percentage of decisions made against officer recommendation, including major, Council and Local applications. This is taken from the date of the Planning Committee meeting. Of note is that of the six applications determined in September, all were in agreement with the Planning Officer's recommendation.

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

Table 7 within the report details of the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs. No claims for costs were made in the month of September.

Table 8 within the report details the number of contentious applications which have been circulated to all Members in the months April - September and the number which have referred to the Planning Committee for determination. To date 56.1% of contentious applications have been referred to Planning Committee for determination.

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

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

\* **Alderman McKeown and Alderman Finlay left the meeting at 3.49pm.**

\* **Councillor Baird left the meeting at 3.51pm.**

## 7. DEVELOPMENT PLAN

### 7.1 Local Development Plan – Project Management Team – Annual Monitoring Report 2018/2019

The Committee received a report, presented by the Local Development Plan Manager.

Members were reminded that the Council's Development Plan team is currently preparing a Local Development Plan (LDP) for the Borough. This is a statutory requirement for the Council. In preparing its LDP the Council must provide a 15-year plan framework to support the economic and social needs of the Borough in line with regional strategies and policies, and with the objective of promoting sustainable development.

In order to oversee the implementation and publication of the SA (Inc SEA) and in line with Council's 'Statement of Community Involvement in Planning' (SCI), a Project Management Team (PMT) was established (Terms of Reference previously circulated at **Appendix 1**).

The LDP Project Management Team will comprise of:

- Senior Council Officers
- Plan Manager
- Key Government Department

The Local Development Plan Manager informed Members no formal meeting had yet taken place but Members had been kept up to date and were involved in Training days.

The Local Development Plan Manager informed Members no formal meeting had yet taken place. The Project Management Team would be reconvened at the beginning of 2020 as would the workshops in order to take forward draft policies for the Council's Draft Plan Strategy.

**It is recommended** - that Members accept the LDP Project Management Team Annual Monitoring Report.

**AGREED** – that Planning Committee accept the LDP Project Management Team Annual Monitoring Report.

Members voted unanimously in favour.



\* **Councillor Baird re-joined the meeting at 3.55pm.**

## **7.2 Local Development Plan – Steering Group Annual Monitoring Report 2018/2019**

The Committee received a report, presented by the Local Development Plan Manager.

Members were reminded that the Council's Development Plan team is currently preparing a Local Development Plan (LDP) for the Borough. This is a statutory requirement for the Council. In preparing its LDP the Council must provide a 15-year plan framework to support the economic and social needs of the Borough in line with regional strategies and policies, and with the objective of promoting sustainable development.

In line with the Council's published 'Statement of Community Involvement in Planning' (SCI), the LDP Steering Group was established, comprising the Planning Committee and the Head of Planning (Terms of Reference previously circulated at **Appendix 1**).

The LDP Steering Group will comprise of:

- The Planning Committee and
- Head of Planning

The Local Development Plan Manager informed Members no formal meeting had yet taken place but Members had been kept up to date and were involved in Training days. The Steering Group would be reconvened at the beginning of 2020 as would the workshops in order to take forward draft policies for the Council's Draft Plan Strategy.

**It is recommended** - that Members accept the LDP Steering Group Annual Monitoring Report.

**AGREED** - that Planning Committee accept the LDP Steering Group Annual Monitoring Report.

Members voted unanimously in favour.

## 8. LEGAL ISSUES

### **MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Baird  
Seconded by Councillor Scott and

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

- \* **Press, public left the meeting.**
- \* **Councillor McQuillan left the meeting at 3.56pm.**

### **Planning Application B/2013/0190/RM**

Council's Solicitor addressed Members concerns in relation to Planning Application B/2013/0190/RM Site adjacent to 7 Bolea Park, Limavady which has been in the Planning system since 2013.

- \* **Alderman Finlay re-joined the meeting at 4.00pm.**

The Council's Solicitor informed Members that he would explore previous court ruling and bring back to Members of the Committee and consider if it can be considered in an amendment to the Scheme of Delegation.

### **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Baird  
Seconded by Councillor Scott and

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

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

There was no any other relevant business.

The Chair reminded Members that the Planning Committee on Wednesday 18 December 2019 would commence at **10am**.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at **4:10pm**.

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Chair