

PLANNING COMMITTEE WEDNESDAY 27 MARCH 2019

Table of Key Adoptions

No	Item	Summary of Key Decisions
4	Order of Items and Confirmation of Registered Speakers	Agreed
5	Schedule of Applications	
5.1	LA01/2018/0393/F 295 Clooney Road, Ballykelly	Disagree and Approve
5.2	LA01/2017/1231/O Lands 25m North East of No. 307 Clooney Road, Ballykelly	Disagree and Approve
5.3	LA01/2017/1270/O Immediately west of no's 57, 59 & 59A Brisland Road, Eglinton	Disagree and Approve
5.4	LA01/2018/1172/F, 6 Broughter Gardens, Limavady	Disagree and Approve subject to no further objections received
5.5	LA01/2017/1183/F, 95 and 97 Prospect Road, Portstewart	Refuse
5.6	LA01/2017/1293/F, 55 Causeway Street, Portrush	Approve subject to condition
5.7	LA01/2017/0765/F, 80m North of 6 Burrenmore Road, Castlerock	Deferred and arrange a site visit
5.8	LA01/2018/0312/O South East of 124 Castleroe Road, Coleraine	Refuse
RECONVENED MONDAY 1 APRIL 2019 AT 6 PM.		
5.9	LA01/2018/0325/F Adjacent 28 Ballycairn Road, Coleraine	Approve
5.10	LA01/2018/0715/O Lands adjacent to 232 Finvoy Road, Rasharkin	Refuse
5.11	LA01/2018/1379/F	Approve

	Lands approximately 97m West of 48 Eglinton Street, Westbay Green, Portrush	
5.12	LA01/2018/0016/F Cushendall Bay, Cushendall (South of the River Dall)	Approve
5.13	LA01/2018/1575/A Sea Wall Adjacent to Playground area and opposite 9 The Crescent, Portstewart	Consent
5.14	LA01/2016/0845/RM Lands to the North east of Avonbrook Gardens, North of Knockbraken Drive and South of Newbridge Road	Approve
5.15	LA01/2017/0732/RM Lands at former Maxwell's Spittal Hill Quarry, 209 Bushmills Road, Coleraine	Approve
6	Development Management Performance <ul style="list-style-type: none"> Update on Development Management and Enforcement Statistics 01/04/18 – 28/02/19 	Noted
7	Correspondence <ul style="list-style-type: none"> DfC Confirmation of Listing - Ballymoney Police Station and Jail & Court House and Walling DfC Scheduled Historic Monument Confirmation - Airway & Drainage Tunnel - White Mine (Billys Shank) DfC Scheduled Historic Monument Confirmation - Mine Entrance - North Star Colliery 	Noted
8	Northern Ireland Planning Portal	Noted
9	Legal Issues	Verbal Update

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 27 MARCH 2019 AT 2:00 PM**

- In the Chair:** Alderman Blair
- Committee Members Present:** Alderman Finlay and King,
Councillors Baird, Fielding, Hunter, Loftus,
McGurk, McKillop MA, McLaughlin and Nicholl
- Officers Present:** S Mulhern, Development Plan Manager
S Mathers, Development Management &
Enforcement Manager
J Lundy, Senior Planning Officer
E Hudson, Senior Planning Officer
J McMath, Senior Planning Officer
A McGarry, Business Support Manager
S Duggan, Civic Support & Committee & Member Services Officer
E McCaul, Committee & Member Services Officer
- In Attendance:** A Gillan, Department for Infrastructure, Roads (DfI)
- Registered Speakers:** R Duddy, Brian Donnelly LA01/2018/0393/F
L Kennedy LA01/2017/1231/O
M Kennedy LA01/2017/1270/O
M Smyth, M Bradley, MLA, LA01/2018/1172/F
M Howe, M & E Thorpe LA01/2017/1183F
T Stokes, D McLaughlin, N Brown, Ald N Hillis and
A Stephens LA01/2017/1293/F
M Howe LA01/2017/0765/F
G Montgomery LA01/2018/0312/O
- Public (25 No.)

1. APOLOGIES

Apologies were recorded for Alderman Cole, Alderman Robinson,
Councillor McShane and Councillor McCaw.

**2. MINUTES OF MEETING HELD WEDNESDAY 27 FEBRUARY &
RECONVENED MEETING HELD MONDAY 4 MARCH 2019**

The Development Plan Manager advised the Item was withdrawn from the
Agenda.

3. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for Councillor Fielding in applications LA01/ 2018/1172/F, 6 Brighter Gardens, Limavady and LA01/2018/1575/A, Sea Wall adjacent to Playground area and opposite 9 The Crescent, Portstewart.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

AGREED – to receive the Order of Business as follows:

- LA01/2018/0393/F, 295 Clooney Road, Ballykelly
- LA01/2017/1231/O, Lands 25m North East of No 307 Clooney Road, Ballykelly
- LA01/2017/1270/O, Immediately West of no's 57, 59 and 59a Brisland Road, Eglinton
- LA01/2018/1172/F, 6 Brighter Gardens, Limavady
- LA01/2017/1183/F, 95 and 97 Prospect Road, Portstewart
- LA01/2017/1293/F, 55 Causeway Street, Portrush
- LA01/2017/0765/F, 80m North of 6 Burrenmore Road, Castlerock
- LA01/2018/0312/O South East of 124 Castleroe Road, Coleraine
- LA01/2018/0325/F, Adjacent 28 Ballycairn Road, Coleraine
- LA01/2018/1379/F, Lands approx. 97m West of 48 Eglinton Street on the Westbay Green Portrush
- LA01/2018/0715/O Lands adjacent to 232 Finvoy Road, Rasharkin
- LA01/2018/0016/F, Cushendall Bay, Cushendall, (South of the River Dall)
- LA01/2018/1575/A, Sea Wall Adj to Playground area and opposite 9 The Crescent, Portstewart
- LA01/2016/0845/RM, lands to the North and East of Avonbrook Gardens North of Knockbracken Drive and South of Newbridge Road
- LA01/2017/0732/RM, Lands at former Maxwell's Spittal Hill Quarry, 209 Bushmills Road, Coleraine

5. SCHEDULE OF APPLICATIONS

5.1 Referred LA01/2018/0393/F, 295 Clooney Road, Ballykelly

Planning Committee Report, addendum and site visit report previously circulated, presented by Senior Planning Officer, J McMath. J McMath advised the application had been deferred, pending submission of additional information that had been assessed and was presented within

the report, circulated. The Officer detailed the site location, description, proposal and stated the reasons recommended for refusal.

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

The Chair invited R Duddy and B Donnelly to present. R Duddy outlined exceptional circumstances in relation to the health of a family member, if the proposal was not approved would lead to severe financial hardship. R Duddy advised of approved plans for a ground floor rear extension relating to the health matter.

B Donnelly described the proposal, outside the development limit, one mile from Greysteel, on the edge of development. He advised a nearby retaining wall had been deemed unsafe by an Engineer, the proposal would reduce the impact of the character of the site, the ridge height reduced by 2m and access enhanced. B Donnelly advised 50% Grand Aid under the Rural Development Fund had been applied for. B Donnelly cited from the Ministerial Statement on the Review into the Operation of PPS21 by Alex Attwood, MLA and advised the proposal be recommended for approval due to severe hardship as a result of a failed application.

In response to questions, R Duddy clarified the history of the site, a working farm with a farm shop, a DARD licence was held to keep animals, there were currently chickens on the farm, the history would have included tractors accessing the farm on a daily basis from the Protected Route and there had been no incidents recorded. R Duddy clarified the site was landlocked.

In response to questions, B Donnelly clarified the footprint of the existing barn, that was unsafe was being reduced, the site cleared to reduce the risk of further unsafe structures. B Donnelly clarified planning history related to a replacement dwelling and garage with a ridge height of 7.5M, the current proposal for kennels would reduce the ridge height from 6.5M to 4.2M, it would not have a detrimental impact and traditional materials would be used.

B Donnelly referred to Part D of Protected Routes Policy and the reuse of an existing access. He outlined the proposal would enhance the site to include extra car parking within the curtilage that would result in reduced parking on the hard shoulder, clear visibility splays, of which DfI Roads had recommended widening to 6M. He advised the site was sandwiched

between 2 other developments including the car sales yard, He referred to other commercial developments in the area including the Blue Shop. He advised the area was not a greenfield site, it was a brownfield site and referred to PPS21 to stop urban sprawl. B Donnelly advised of plans to remove sheds on the Clooney Road that would enhance the access, the topography of the area flat, with excellent visibility.

B Donnelly outlined Policy implications and reasoning in not applying under Policy PPS 21, Conversion and Reuse, due to the size and safety implications of the retaining wall.

R Duddy clarified he was DARD registered, however had not applied for agricultural buildings planning permission as he wished to seek Vet office stamp of approval to include disease control and drainage etc and conditions not detrimental to the environment and fitting.

B Donnelly clarified the design was compatible with RSPCA Minimum Standards, and included thermal efficiency and sound proofing. There had been missed opportunities in applying for a Rural Development Grant and one window of opportunity remained.

R Duddy advised he was a dog behaviourist consultant, the proposed business would operate on a booking policy, ten kennels would result in one or two cars per day, alternatively the farm could be turned into a working farm again with higher traffic.

J McMath clarified correspondence had eluded to health matters, however, no specific detail had been submitted, Policy objections to the proposal did not overweigh this, there had been no Engineer's report submitted and further advised pre-application discussion had taken place with a colleague. The Officer outlined detail of a cancelled meeting with Gregory Campbell, MLA.

J McMath clarified the difference between Permitted Development and the Protected Route which was not deemed an exception. The Officer clarified paragraphs 8.18 and 8.19 of the Planning Committee Report, Integration and Rural Character and Design, the barn building the length of 23.8m would be one expected to see in a rural area. J McMath cited criteria "D" of PPS3 Policy AMP 3. It doesn't meet other policies.

J McMath clarified she did not have an explanation as to why the proposal had not been submitted under Policy CTY11, Farm Diversification. The Officer referred to the red line and blue line, extra land at the farm had not been eluded to.

Proposed by Alderman Finlay
Seconded by Councillor Loftus

- that the Committee has taken into consideration and disagrees 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 reasons set out:
 - the proposal is not contrary to Paragraph 6.73 of the SPPS for NI and Policy CTY 1 of PPS 21, there are exceptional reasons why the development is essential in this rural location due to the Applicants wife requiring 24/7 care and failure to approve the application would result in severe hardship to the family, as set out in Minister Attwood's Ministerial Statement;
 - the Applicant and his wife cannot move home as the Applicant's wife took ill after they moved, there is a site-specific need; the area is not built up, there are overriding reasons and it is not an urban setting;
 - the Applicant is permitted to keep six dogs, another four dogs would not be unacceptable;
 - the Applicant has overcome the Dfl Roads issue;
 - the proposal is not unduly dominant, the sub-structure is not exceptional, no more significant than what is there;
 - the proposal would not affect Rural Character and would tidy up the area;
 - an Engineer's report outlines the health and safety danger of a retaining wall;
 - conditions and informatives delegated to Officers.

The Chair put the motion to the Committee to vote.

8 Members voted For, 0 members voted Against, 3 members Abstained.

The Chair declared the motion carried.

5.2 Referred LA01/2017/1231/O, Lands 25m North East of No. 307 Clooney Road, Ballykelly

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

J McMath outlined the application site location and description. She referred to Planning Policy CTY2a and of all 6 criteria which had to be met for approval. J McMath advised a major gas pipeline ran through the northern section of the site, she cited physical separation with the cluster of development, contrary to Planning Policy CTY2a. J McMath advised the applicant resided in a dwelling on the farm complex with a sibling, under

Policy it needed to be essential for a business to function and advised the proposed dwelling was removed from the business, there would be lesser surveillance and that all recommended steps for security for the business had been established and it was not considered a new dwelling is justified.

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.

* **Councillor MA McKillop left the meeting at 3.22PM.**

J McMath clarified, referring to correspondence received from the Gas Pipe line Company, a proposed site could not be moved closer to the car yard.

The Chair invited L Kennedy to present.

L Kennedy referred to Policy CTY2a of PPS21 and did not accept the proposal was not part of a cluster of development. L Kennedy stated O'Hara's was a 3 ½ acre site, he described the dwellings at number 307, 305, 309 and a number of outbuildings and sheds and no. 311 Clooney Road. He described the application site within an existing cluster, the proposal rounding off O'Hara's and referred to Committee report paragraphs 8.4-8.8, the proposed site was not an infill, Planning Policy Statement did not mention distance of buildings. L Kennedy cited from Article 23, of the 2011 Planning Order; the development included extensive security fencing, laneway, number 305, 307, 309, within the curtilage and had met criteria under cluster of development. L Kennedy advised the visual entity would consolidate development and create rounding off and enhance rural character. L Kennedy advised PPS 21, 2010 was to help people obtain a site and maintain a vibrant rural community, if unsuccessful, the applicant would relocate away from area. L Kennedy advised of cases of precedent submitted which had been given no weight by the Planning Officer.

L Kennedy clarified, in connection with refusal reason 2, under Policy CTY2a the focal point statement of case of a 3 ½ acre site and the Planning Officer had accepted Cluster of Development. In connection with refusal reason number 2, the development on the North side consisted of a communal yard, in the middle number 307, on the western, opposite defined development on two sides as in the indicative layout plan. L Kennedy clarified under Policy CTY2a, 5, the development was absorbed,

was consolidated with development North and with development West, would create rounding off and enhance the character at this location.

J McMath clarified the issue of the gas pipe line, she advised of a wayleave and wide area of a safety buffer within which there would be no development, as the integrity of the pipeline would be compromised. She commented that the site is located between the two separate entities of the car sales complex and the group of houses to the south.

Members of Committee viewed drawings of the map of the gas pipe line from 3.44pm-3.46pm

Proposed by Councillor McGurk
Seconded by Councillor McLaughlin

- That the Committee has taken into consideration and disagrees 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 reasons:

- refusal reason 1 is not applicable if Planning Policy CTY2a has been obtained. The site is seen as one entity and accept the focal point;
- Planning Policy CTY2a can be applied in this case. Establish focal point with cluster. Did not disagree two clusters, the setting at the yard and at development are one entity, the site is bounded on two sides, development northern and western side of development;
- do not believe Planning Policy CTY7 needs to be met if Planning Policy CTY2a is met. There is an exceptional case as has been demonstrated there is a site specific need for the proposed dwelling, it is essential for the employee to live at the site of their work;
- conditions and informatives to be delegated to Officers.

The Chair put the motion to the Committee to vote.

8 members voted For, 0 Members voted Against, 2 members Abstained.

The Chair declared the motion carried.

* **Recess 3.50pm-4.15PM**

**5.3 Referred LA01/2017/1270/O, Immediately west of no's 57, 59 & 59A
Brisland Road, Eglinton**

Planning Committee Report, site visit report, addendum and erratum previously circulated, presented by Senior Planning Officer J McMath via PowerPoint.

J McMath described the Application, site location and description.

J McMath advised the Applicant owned properties to the East, these were protected tenancies, and buildings on a farm not related to the farm business or holding and were not occupied for agricultural purposes. J McMath clarified it had not been demonstrated the Tenancies were tied, the group of buildings were separate from the farm land, she was not satisfied they could visually link or cluster with development and would add to the existing ribbon of development. She advised the application was contrary to Planning Policy CTY8 and CTY14.

J McMath advised that following a site visit held in November consideration of the application was deferred to seek legal advice on the tenancy agreements. The Agent had been contacted during December/January, the tenancy agreements had not been forthcoming and therefore no legal advice had been sought.

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

J McMath clarified the tenancies were protected solely on the age of the properties, rented out prior to 1978.

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

M Kennedy advised under Planning Policy CTY10 the application did meet requirements and therefore all the other refusals reasons would fall.

M Kennedy advised under Criteria C of CTY10, cluster of established group of buildings, there was an existing group on the Brisland Road on the farm. M Kennedy set out the following points in relation to this:

- a farm labourer worked on the farm and lived in the cottages from 1940's;
- the wife and daughter of a farm worker now reside in one of the cottages;
- there are no occupancy requirements to be occupied by a farm labourer;
- the buildings are on the farm, the land in the farm, and never been taken out of the farm;
- the farm land generates a subsidy not the dwellings;
- the applicant's occupation is a Farmer. The income from the cottages

supports the business and holding;

- the group of buildings on the farm is clearly established, therefore the first reason cannot be sustained;
- referring to refusal reasons 2 and 3, the application cannot change the rural character as it cannot be a ribbon. CTY10 Criteria C is not a ribbon cannot change rural character and complies with CTY10, the proposal is screened by mature planting, well hidden from view, there is no objection to visual integration, how can the proposal impact on rural character, when complies with Policy CTY10, and therefore could not be a ribbon.

M Kennedy clarified the tenancy of 61 Brisland Road who paid £70 per month, and others £330 per month, the rent could not be raised as it was a tied tenancy. A Hunter clarified two cottages were relatives of farm workers, two daughters of Mr John Craig a farm worker who had passed away and his family had lifetime rights to the house, a Protected Tenancy from 1978, previously occupied from 1967 and advised another house that paid full rent was added twenty years ago.

A Hunter clarified land he had taken back into possession. A Hunter clarified classification of a farm building, used on the farm, an integral part of the business and accommodation for the businesses.

M Kennedy clarified CTY10 Criteria C, there was no requirement for buildings on a farm to be farm buildings, an established group of buildings on the farm for their use, that Planning was unreasonable in its overstretch to define as not farm buildings and could not group with them.

J McMath responded to classification of farm buildings, she did not consider the buildings met an agricultural purpose, it had not been demonstrated they were actively run or managed in connection with the farm business, J McMath considered they were residential properties, rented, and did not comply with Planning Policy as an established Group of Buildings on a farm.

Members considered the buildings were an established Group, the farm used the rent money as part of the farm business, a financial contribution to the business.

J McMath advised it had not been demonstrated that the rents were used to support the farm business, or that they were agricultural tied. Rather, she advised that the rents were Protected Tenancies on the basis of the age of the buildings and the date by which they were rented.

Proposed by Alderman Finlay

Seconded by Alderman King

- that the Committee has taken into consideration and disagrees 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 reasons:
 - the proposal is not contrary to Policy CTY1 and CTY10 “a group of buildings on a farm”, and does merit being an exceptional case in that the applicant is a Farmer on his own land; there is no land in between; and is sited to a cluster within the established group of buildings on the farm;
 - as a result of the reason set out above, the 2 subsequent recommended refusal reasons do not apply;
 - the dwellings on the Farm represent the Cluster of established buildings on the farm, the proposal has met CTY1 and CTY10 and is not Ribbon Development and is not detrimental to rural character.
 - conditions and informatives to be delegated to Officers.

The Chair put the motion to the Committee to vote.

9 Members voted For; 0 Members voted Against, 1 Members Abstained.

The Chair declared the motion carried.

- * **E McCaul joined the meeting at 4:45 pm.**
- * **Councillor Fielding left the meeting at 4:50 pm.**
- * **Councillor Loftus left the meeting at 4:50 pm.**
- * **Councillor McGurk left the meeting at 4:50 pm.**
- * **S Duggan left the meeting at 4:50 pm.**

5.4 Referred LA01/2018/1172/F, 6 Broughter Gardens, Limavady

Planning Committee Report, site visit report and Addendum 1 and 2 circulated, presented by Development Management and Enforcement Manager, S Mathers set out as follows.

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 full application 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 paragraph 9.1 of the Planning Committee Report.

Addendum 2 Recommendation – that the Committee note the contents of this Addendum and agree with the recommendation to refuse as set out in paragraph 9.1 of the Planning Committee Report.

S Mathers described the proposed setting and context for retrospective application for retention of domestic garage with alterations to building's exterior finishes at 6 Brighter Gardens, Limavady. He explained that the garage building is large within its context. It measures 10 metres in length and 6 metres in width with a ridge height of 3.9 metres. The appearance and scale of the building is akin to an industrial/ commercial shed, alien to the character of the area. The shed dominates that immediate area and appears simply out of place. The proposed change of colour will not make a material difference. Critical views are from Brighter Gardens and Petrie Place. He advised that on 9 August 2017 the applicant had submitted a Certificate of Lawfulness of Proposed Development (CLUPD) for a proposed domestic garage and said that while this was similar in footprint, the height of the eaves and roof form were different. The certificate was therefore neither what the applicant had built nor what permission was being sought for.

In summary, the proposed garage is unsympathetic in scale, design and materials in relation to the existing dwelling. The scale, design and materials of the garage detrimentally impact the character and appearance of the area. The development is dominant and incongruous in this area given its appearance is more similar to a light industrial or commercial use, rather than for domestic use. The proposal offers a more inappropriate design solution relative to the design certified by the CLUD. The proposal's location sited within a residential area further exacerbates the unsympathetic nature of the proposal. Refusal is recommended for the following reason:

- The proposal is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that the scale, massing, design and external materials of the development are unsympathetic with the built form and appearance of the existing property, and would detract from the character and appearance of the surrounding area.

Members asked about other garages in the area which were large in scale. S Mathers advised that at the site visit only one other garage building was identified at 52 Petrie Place. A subsequent review of the planning records indicated that this building does not have planning permission.

The Committee was advised that M Bradley, MLA who had registered to speak in objection to the application had left the Public Gallery.

The Chair invited M Smyth, Agent and M Bradley, Applicant to address the Committee in support of the application.

The Agent made the following points:

- Only the eaves of the garage had been increased in height.
- The garage was marginal size.
- The materials would be changed to exterior of the garage.
- It was a misconception that the garage was to be used for commercial use.
- The garage housed lawn mower, working tools and spouse's car and was preferable to the Dutch barn which had been approved on site previously.
- Applicant is a self-employed sub-contractor. Does not work from home.

In response to Members queries, the Agent advised that the rendering on exterior would be changed to make it more appealing and the character of the garage was similar to the other 3 buildings in the area. Plus, he had viewed a similar styled garage in Ballycastle.

The Chair invited J Dallat, MLA to address the Committee in support of the application. Mr Dallat make the following points:

- The sole purpose of the garage was to store the applicant's vehicle.
- The garage was not for commercial use.
- Work vans were constantly being stolen and needed to be kept securely as it took lots of money to replace this valuable asset and the tools kept inside.

Proposed by Councillor Hunter

Seconded by Councillor Baird

- that the Committee has taken into consideration and disagrees 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 for the full application for the following reasons:

- Change of opinion after the site visit and questions asked with regard to the building behind the garage. Other garages looked larger and ridge heights higher.
- It was confirmed as storage for family vehicle.
- The garage was not out of character to similar buildings in the area.
- The garage is sympathetic to the built form in the area. The scale is fitting for its purpose and the vehicle.

The Chair put the proposal to the Committee to vote, with 4 Members voting for, 1 Member against and 2 Members abstained. The Chair declared the motion to **APPROVE** carried subject to the following conditions:

- That the exterior finish is amended (to external render board); and
- Provision of spouting.

It was **AGREED** that amended plans (as per 2 conditions above) would be submitted. Re-notification would be undertaken. If no objections received an approval could issue. If objections received the application would be brought back to Committee. Conditions and informatives would be delegated to Officers to insert in the decision notice.

* **Councillors McGurk and Fielding returned to the meeting at 5:20 pm.**

5.5 Referred LA01/2017/1183/F – 95 and 97 Prospect Road, Portstewart

Planning Committee Report, Addendum Erratum and Site Visit Report circulated, presented by Development Management and Enforcement Manager, S Mathers, set out as follows:

Recommendation - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 10 and the policies and guidance in sections 8 and 9 and resolves to **REFUSE** planning permission for the reason set out in in section 11.

S Mathers described the site and setting for proposed demolition and replacement of no's 95 and 97 Prospect Road with 4 no apartments. He reminded the Committee that the application had been discussed previously in June and November 2018, where decision on the application had been deferred for submission of revised plans.

The Addendum to the report detailed that the reasons for refusal related to density, scale and design, which was considered out of character with that part of Prospect Road and would appear out of place.

Revised plans were received in December 2018 and changes are as follows:

- New doors in the front elevation.
- Car parking reduced from 6 to 4 spaces to the front of the development.
- The development moved forward in the site by approximately 2.4 m.

S Mathers explained that although the amendments improved the scheme in terms of appearing like a pair of semi-detached dwellings, they do not address the original fundamental concerns of scale, massing, design, excavation/reduced levels under paragraphs 9.4 to 9.7 of the Planning Committee Report.

Addendum Recommendation – that the committee note the contents of this Addendum and agree with the recommendation to refuse the planning application as set out in Section 1, and the first refusal reason set out in Section 11 of the Planning Committee Report.

The Committee were advised that refusal reason 2 with regard to PPS 7, Addendum Policy LC1:Protecting Local Character had been withdrawn from the Planning Committee Report.

In conclusion having regard to the development plan and other material considerations, the proposal is considered unacceptable. The proposal by reason of its form, density, scale and design is out of character with this part of Prospect Road and would simply appear out of place. Refusal is recommended for the following reason:

- The proposal is contrary to paragraph 6.137 of the SPPS for Northern Ireland and Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, in that the development as proposed fails to provide a quality residential environments and would be contrary to criteria (a) and (g).

In response to a question by a Member, S Mathers explained that pushing back the development as seen on the site visit, was not an example of good practice and that there was not enough space to adjust for cars to be parked at 90 degree angle.

The Chair invited Mrs E and Mr M Thorpe to address the Committee in objection to the application. Mrs Thorpe informed the Committee that they lived at no 99 Prospect Road and were concerned at the depth of

excavation for the development and impact this could have on their extension which had a shallow foundation. They were also concerned that a pattern was being repeated on Prospect Street with regard to holiday homes, which had resulted in a decline in the neighbourhood for people who lived there.

The Chair invited M Howe, Agent to address the Committee in support of the application. The Agent outlined that the scale of the development was similar to others on the Street; the height and depth was acceptable; the Erratum was inaccurate as the finished floor level was only 13cm lower and not 1.64cm as stated; the development complied with policy and the wall proposed at the front was to ensure it looked same as other properties. He also said that the property being used as a holiday home was not valid reason for objection and the applicant had went a long way to resolve the point made on character.

S Mathers explained that it was just not 1 specific reason for refusal and that these included 3 storey form, being set back, car parking at the front, changed levels and scale.

Proposed by Alderman King
Seconded by Councillor McLaughlin

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 10 and the policies and guidance in sections 8 and 9 and resolves to **REFUSE** planning permission for the reason set out in in section 11.

The Chair put the proposal to refuse to the Committee to vote, with 7 Members voting and 1 Member against. The Chair declared the motion to refuse carried.

- * **A recess was held from 5:55 pm to 6:10 pm.**
- * **Councillor McLaughlin left the meeting at 5:55 pm.**

It was **AGREED** that the Committee would discuss 3 further applications before being reconvened to Monday 1 April 2019 at 6 pm.

5.6 Objection LA01/2017/1293/F – 55 Causeway Street, Portrush

Report, Addendum, Site Visit details circulated and presented by Development Management and Enforcement Manager, S Mathers as set out below:

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.

S Mathers described the site and setting for proposed demolition of existing building to facilitate development of 6 no. apartments, re-use and alteration to existing stone outbuilding to 1 no. duplex apartment (holiday let), external domestic stores for each apartment, car parking, landscaping and all associated site and access works, including minor alterations to the front elevation of no. 57 Causeway Street. He said 78 letters of objection had been received in relation to the application, with the main issues raised being:

- Demolition of Strandmore House.
- Impact on Ramore Head Local Landscape Policy Area (LLPA).
- Residential Development contrary to SPPS, DES 2, PPS 7, Addendum to PPS 7 and DCAN 8.
- Apartment outbuilding concerns.
- Impact on neighbouring residential amenity.
- Noise and disturbance concerns.
- Impact on listed building contrary to PPS 6.
- Impact on Archaeology contrary to PPS 6.
- Impact on Road Safety contrary to PPS 3 and DCAN 15.
- Impact on Natural Heritage contrary to PPS 2 and
- Drawing inaccuracies.

S Mathers advised that a further letter of objection from No 41 Causeway Street had been received on 19 February 2019 as set out in the Addendum relating to overlooking, loss of privacy, light, dominance and the proposal still remains non-compliant with the local development plan and policy and would set a precedent. He said that the issues raised were similar to objections already received and were addressed in the Planning Committee Report.

S Mathers commented as follows:

- The existing building on site known as Strandmore House is a substantial 3.5 storey building in a large site of 0.33ha. It is an elevated site and has extensive critical views from a variety of points including East Strand, the Promenade and The Arcadia.
- Ramore LLPA- Part of the site falls within the Ramore LLPA. The designation excludes the existing footprint of Strandmore House. The new building footprint of the proposal extends over a small area of

the LLPA designation but this encroachment is not significant, approximately 6 meters. In terms of the access and car park area, while within the LLPA, much of this is already hard surfaced and available for parking. The development will not have any unacceptable effect on the designated features of the LLPA.

- Design- The building is three stories. It is of modern, contemporary design. Its use of plate glass on the front elevation lightens the building and reduces its visual massing. The massing of the building, taking into account the massing of the existing building is acceptable for the location.
- Open Space Provision- There is an extensive garden area to the existing dwelling and this is to be retained. This amenity provision is well in excess of the required standard. In addition, 4 of the 6 apartments will have balconies.
- Neighbouring Amenity 7 Strandmore- This dwelling is a chalet bungalow. A 10m separation distance is maintained between the development and no. 7. The proposal is not considered to be dominant on no. 7 given the open aspect of the immediate area, the stepping in of the upper floors and design features. Windows are arranged sensitively in the elevation next no. 7 and regard is had to the position of existing windows.
- Neighbouring Amenity- Causeway Street- The proposed development sits near the rear of these properties. However, the existing Standmore House is located at a similar position. There is a lane in between and a substantive difference in levels of approximately 2.5 metres. Taking levels from the lane, the main height of the apartment block will only appear 5m high. This is not considered to cause dominance. The arrangement of windows in the rear elevation is sensitive (in terms of scale and number) and seeks to minimise overlooking so that it is not unacceptable.

Duplex Apartment- This element of the scheme involves the reuse of an old stone building. This is acceptable but only for holiday accommodation as the main outlook into the rear of the apartment block would not offer a quality residential environment for permanent occupation.

Access- Adequate car parking is proposed. The access achieves visibility standards and is acceptable to DfI Roads as an urban access arrangement.

S Mathers advised the Committee that Andrew Gillan from DfI Roads was in attendance should they have any questions regarding access and parking matters.

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

The conclusion within the Planning Committee Report was that the proposal was considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal meets the requirements of planning policies and provides a quality residential development. The development would not impact upon the Ramore Head LLPA. The Duplex Apartment is acceptable as a conversion of the existing stone building in terms of tourism use. The apartment building would not adversely impact upon the surrounding context given the development assimilates with the existing built form and due to the presence of other apartment buildings nearby. The proposal is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfaced areas. Private amenity areas for the apartments are adequate in size. The design and layout does not unacceptably impact upon neighbouring residential amenity. There are no archaeological or listed building concerns. The drainage works are acceptable and the development should not increase the risk of flooding to the development or elsewhere. The proposed development has satisfactory access and parking. The proposal does not harm the Skerries and Causeway SAC and Ramore Head and Skerries ASSI. The proposal would not impact upon protected species. There are no contamination issues with the development. Approval is recommended with conditions and informatives as set out within the Planning Committee Report.

S Mathers responded to Members queries on ridge height of proposed development, views of the beach by Causeway Street residents and to the design feature at the top of the building whereby the windows were to let in additional light. He also advised that a dedicated bin store was part of the design for refuse provision. In response to a Member query re a condition on the proposed holiday letting (re holiday occupancy only), S Mathers advised that a planning condition could be imposed to this effect.

The Chair invited A Stephens and B Taylor to address the Committee in objection to the application. Mrs Taylor explained that it took 2 years and their life savings to restore their home at no 41 Causeway Street to include area at the rear of her property designed for their grandchildren to play and enjoy views of East Strand. She said she always knew that Strandmore House would be sold. She said that their home was designed for the family to live mostly to the rear of the property and the development would mean family being watched by overlooking and the thought of this being taken away has damaged their health.

The Northern Area Plan – Ramore Head LLPA: Mrs Taylor thought that this would protect the site. Building protrudes into LLPA – apartments are

not recreational use. She added that the common stairway would allow people hanging around with views to the back of their property and that their current public amenity would be taken away, with no consideration being taken of visual impact and 4m separation distance as well of noise. Light pollution will also be an issue. Policy requires 15m separation however, it's only 4m. Car parking, bins and associated noise will be brought closer to our homes.

A Stephens outlined that separation distance had been glossed over in S Mathers presentation, with the perception of overlooking not been taken into consideration. He said the development protrudes into Ramore LLPA and that there was no pedestrian pathway. This is 7 units, not 1. It's a different scenario.

The Chair invited Alderman Hillis to address the Committee in objection to the application. He pointed out that the application site was in a unique setting and that this development would change this forever if approved. He requested that the application was rejected given the number of objections to it and that the Planning Committee Report acknowledges that there would be an element of overlooking to an extent. He said that no 31, 33 and 35 would also be overlooked and this was an invasion of privacy, as was the stairway, even for a small time as stated in the report, plus the development intrudes into LLPA. He urged the Committee to reject the application.

S Mathers confirmed that the 4m separation distance referred to earlier was from the back building line to the site boundary.

The Chair invited T Stokes, Planning Consultant and D McLaughlin and N Brown Applicant to address the Committee in support of the application.

The Planning Consultant stated that the objections had been noted. There was a minor encroachment onto the LLPA and since the plans had been revised, there was only 3 objections. He also pointed out that:

- Serious amendments had been carried out to the initial plans on scale.
- Height had been reduced to 3m lower to existing building on site.
- Landscaping had been included in proposal.
- Bedroom windows were reduced in size to 3 small windows on third floor.
- New proposal doesn't encroach into No.43.
- Bedroom window relocated to side gable to prevent issue at No.41

- The balconies were all to the front of the proposed building.
- Glazing in communal area reduced
- There were no objections to the development from the statutory consultees and
- That the applicant wanted to invest in the area.

In response to Members, it was confirmed that the necessary visibility splays would be provided with regard to the entrance to Causeway Street and that the overall separation distance from properties was 17m. He said that the residents of Causeway Street would still be able to see East Strand from an angle.

D McLaughlin pointed out that the wall to the rear of the proposed development would mean only three windows on the third floor would overlook. Only the one on the right hand side would cause a concern, as the other two were blocked by the roof of the outbuilding. Would be happy to obscure the third floor right hand side bedroom window if required. The windows on the 'hat' at the top of the building were 11 feet high from floor level and therefore did not overlook. The lights in the communal area will be on a timer.

The Chair advised that A Gillen, DfI Roads Division was in attendance if Members wished for him to address any concerns. There were no concerns raised.

Proposed by Alderman Finlay
Seconded by Councillor Nicholl

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

- Bedroom window on right hand side of third floor being obscured
- Sensor/timer light being installed on stairway/communal areas

The Chair put the proposal to the meeting to vote, with 7 Members voting for and 1 Member against. The Chair declared the motion to approve carried.

5.7 Referred LA01/2017/0765/F, 80m North of 6 Burrenmore Road, Castlerock

Councillor Baird proposed a 5 min recess. Seconded by Councillor Hunter agreed by all Members and taken.

Planning Committee Report and Addendum previously circulated by the Senior Planning Officer E Hudson.

E Hudson described the site and setting for proposed conversion and reuse of a former concrete reservoir into a private residential dwelling 80m North of 6 Burrenmore Road, Castlerock.

Recommendation – that the Committee had 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.

E Hudson outlined that the application site consists of a plot of land adjacent to the roadside within the Binevenagh Area of Outstanding Natural Beauty. The site has a frontage onto the road, screened by vertical tin sheets coloured green. On site there is evidence of an underground redundant reservoir with only the side part of the underground concrete structure being visible. There is also a standalone rectangular stone building measuring 19x7 metres in the southern corner of the site, otherwise the site is covered with wild vegetation.

E Hudson referred to the Addendum to the Report and advised that there was one objection to the proposal on road safety concerns. DfI Roads were re-consulted on an amended Site Access Plan on 26 February 2019 and have offered no objection to the proposal in relation to road safety, with an inclusion of a number of conditions and informatives.

Following consultation it is recommended that the refusal reasons on roads safety ground is removed from the Planning Committee Report. However, the three other refusal reasons still remain.

Addendum Recommendation – that this Committee notes the contents of the Addendum and agrees with the recommendation to refuse as set out in paragraph 9.1 of the Planning Committee Report.

Members noted that a report relating to bats had not been submitted. It was acknowledged that this could be costly to acquire, especially if the application was not to be approved.

Proposed by Alderman Finlay
Seconded by Alderman King and

AGREED - that decision be deferred until a site visit was held.

As the Agent M Howe was in attendance for Speaking Rights, the Committee requested that he be heard.

The Chair invited M Howe, Agent to address the Committee in support of the application. The Agent explained that he had provided information relating to transport, which had never been asked for; the site was locally important and similar to a barn; he was willing to work with planners and would change design if this changed opinion, could reduce the size to make this a modern family home and was the view that the site should be converted.

There were no additional questions for the Agent. Site visit to be arranged.

* **Councillor Fielding left meeting at 7:45 pm.**

5.8 LA01/2018/0312/O – South East of 124 Castleroe Road

Planning Committee Report and Addendum circulated and presented by J Lundy, Senior Planning Officer.

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.

J Lundy provided an overview of site location and context for 2 storey dwelling on a farm with detached garage located on agricultural land to the rear of an uninhabited dwelling and outbuildings at Castleroe Road. She said there was 1 objection to the application relating to land ownership and the objector states that they own the access and the building that requires to be removed to facilitate the development. It was noted this was a civil matter between the applicant and the landowner.

J Lundy detailed planning history on the set and advised that planning permission had been approved on 23 February 2015 for a farm dwelling and the application had 3 years from that date to submit the reserved matters. She said that the applicant has advised and provided information that they do not farm the land, which is farmed out by them in

conacre.

J Lundy advised that the policy allows for a dwelling based on the activities of the person conducting and operating the farm business. Therefore, as the active farming on the land was being undertaken by another farm business, permission cannot be given for a dwelling under the applicants' farm business ID as they are not actively farming the land. This was also confirmed by DAERA as set out in paragraph 8.4 of the Planning Committee Report.

J Lundy referred to the Addendum to the Report which provided further details referenced at paragraph 8.4 of the Planning Committee Report. During the processing of the application, the agent submitted an affidavit from the applicants which stated that the owners of the application site had entered into a Licence Agreement with a local farmer, permitting him to use their lands to grow and cut grass and to graze cattle and sheep for a nominal fee. Invoice and receipts were submitted for cutting silage, maintaining hedges and fencing, along with photographs of agricultural activity.

From the information submitted and confirmed in the affidavit, it is not the farm business details provided in the P1C form of the applicants. Furthermore, the reduced fee does not mitigate the fact that the applicants' farm business on the P1C form does not undertake agricultural activity.

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

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to the SPPS and Policy CTY 1 & Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that; the farm land is associated with another business and it has not been demonstrated that the applicant's farm business has been active for over 6 years. Refusal is recommended for the following reasons set out in section 10.

The Chair invited G Montgomery, Agent to address the Committee in support of the application. The Agent explained that the farm was leased out to a tenant to use land, trim hedges, carry out drainage and maintain the land in good condition. He said that the buildings had been sold to the

licensee. In his opinion, policy had been met.

In response to questions from Members the Agent confirmed that a material start had not been made to the 2015 approval, with the applicant deciding to submit a new application. He also advised that the applicant no longer owned any of the buildings

S Mulhern, Development Plan Manager advised that in light of comments made by the agent, an additional refusal reason was to be included as the proposal was also now contrary to Policy CTY10 of PPS 21 in that the new dwelling would not be visually link to cluster with an established group of buildings on the farm.

Proposed by Councillor Hunter
Seconded by Alderman King

- 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, plus the additional refusal reason on the proposal not being visually linked or sited to cluster with an established group of buildings on the farm.

Amendment: Councillor Baird proposed to remove the first reason for refusal and accept the second reason only. No one seconded this proposal.

Councillor Baird requested that while she accepted the new (second) reason for refusal it be noted that she was unhappy that additional discussion had not taken place on the farming activity on site (refusal reason 1), which in her opinion needed to be teased out properly and the democratic process followed to ensure the decision was not prejudiced.

The Chair put the motion to the Committee to vote, with 5 Members voting for and 2 Members voting against. The Chair declared the recommendation to refuse carried.

The Chair thanked everyone for their attendance and the meeting adjourned at 8:20 pm to be reconvened Monday 1 April 2019 at 6 pm.

**MINUTES OF THE PROCEEDINGS OF THE RECONVENED MEETING OF
THE PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC
HEADQUARTERS MONDAY 1 APRIL 2019 AT 6.00 PM**

In the Chair: Alderman W Blair

Committee Members Present: Aldermen Finlay, King and Robinson
Councillors: Baird, Hunter, McGurk, McKillop M A,
Nicholl and P McShane

Officers Present: D Dickson, Head of Planning
S Mathers, Principal Planning Officer/Development
Management Manager
J Lundy, Senior Planning Officer
E Hudson, Senior Planning Officer
E Keenan, Council Solicitor
E McCaul, Committee & Member Services Officer

In Attendance: D Donaldson LA01/2018/0325/F
M McKeown LA01/2018/0715/O

APOLOGIES

Apologies were recorded from Alderman Cole, Councillors Fielding, Loftus and McLaughlin.

The Head of Planning reminded Committee the Order of Business had been approved.

5. SCHEDULED OF PLANNING APPLICATIONS

5.9 Objection LA01/2018/0325/F – Adjacent 28 Ballycairn Road, Coleraine

Planning Committee Report circulated and presented by Senior Planning Officer J Lundy.

The Senior Planning Officer provided an overview of site location and context on application for erection of 2 No. detached bungalows with detached garages, with amenity space and parking provision.

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

The Senior Planning Officer gave a Verbal Addendum to replace the condition set out in para.10.2 of the Planning Committee Report with the following:

“Prior to the commencement of development on site the proposed vehicular access shall be provided in accordance with the stamped approved drawing No 2E bearing the date stamp 29.1.19.”

She advised that there will be obscure glazing to the bathroom window, 2m high boundary fence and vegetation along the boundary is to be retained. She detailed the distances to the boundary and referred to objections detailed at section 5 of the Planning Committee Report.

She advised that the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The development is an appropriate use of the land and is acceptable in terms of layout and appearance. No significant harm would be caused to neighbouring amenity and the proposal is acceptable in terms of road safety. Approval is recommended.

The Chair invited D Donaldson, Agent to address the Committee in support of the application. The Agent welcomed the recommendation to approve and advised that the issues raised by objectors had been addressed.

Proposed by Alderman Finlay
Seconded by Alderman King

– 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 recommendation to the Committee to vote, which was carried unanimously, 7 Members for, 0 against and 0 abstentions.

5.10 Referred LA01/2018/0715/O – Lands adjacent to 232 Finvoy Road, Rasharkin

Planning Committee Report circulated and presented by Senior Planning Officer E Hudson.

Recommendation – that the Committee has taken into consideration and

agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

The Senior Planning Officer described the site and its context for proposed new farm dwelling & detached garage on lands adjacent to 232 Finvoy Road, Rasharkin. She confirmed that no dwelling had been sold from the farm in the last 10 years and that the applicant's brother owned the land in which the preferred site was located. She said the site visually integrates, however, criterion (g) of Policy CTY 13 states that in the case of a proposed dwelling on a farm, it would be unacceptable where it is not visually linked or sited to cluster with an established group of buildings on a farm. She added that one objection had been received to the proposal on potential impact on privacy as well as access issues. DfI Roads has offered no objection to the application.

The Senior Planning Officer outlined that the Agent has submitted additional information outlining the applicants' personal circumstances, including medical information. The applicants GP has submitted a supporting letter stating that the applicant currently travels from his home address to the farm holding by bicycle and suffers from a number of medical conditions which may make the current circumstances unsafe. She said that whilst Planning recognised the difficulties experienced, no compelling, and site specific reasons had been advanced or satisfactory evidence submitted to indicate that genuine hardship would be caused if planning permission were to be refused and alternative solutions have not been adequately explored.

The Senior Planning Officer advised that the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to policy in terms of the principle of development in that: the proposal does not visually link or site to cluster with an established group of buildings on the farm and the proposal fails to meet with Policy CTY 6 in that there are no compelling or site specific needs for a dwelling at this location. Refusal is recommended for the following reasons set out in Section 10 of the Planning Committee Report.

* **Councillor Hunter joined the meeting at 6:10 pm.**

The Chair invited M McKeown, Agent to address the Committee in support of the application. The Agent explained that the application was submitted to allow the farmer to live and work on his farm and this was the first time any such application had been made. He said that due to change of

circumstances the farmer needed to change where he lived, as he was a single man being cared for with his niece in a first floor flat. He added that his client did not drive and this application was for someone in genuine need, preferable to a single storey small farm building. He added further, that alternative sites had been looked at, however, they did not integrate as the preferred site had existing mature vegetation and that all the reasons set out, outweighed the single refusal reason. The Agent concluded that the applicant would be disappointed if he had to give up his livelihood.

In response to questions from Members, the Agent said the suggested alternative site on other side of the road would not integrate and there was not a cluster of buildings on site, just a single shed and that the site was on a steep slope.

The Senior Planning Officer confirmed that the applicant had no plans to expand the business and there were no Health and Safety reason put forward for approving the site.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Baird
Seconded by Councillor MA McKillop and

AGREED – to review the medical information submitted on the application 'In Committee'.

* **Public left the Chamber at 6:27 pm.**

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor P McShane
Seconded by Councillor MA McKillop and

AGREED – to proceed 'In Public'.

* **Public returned to the Chamber at 6:30 pm.**

Prior to making his recommendation, Alderman Finlay outlined that he had sympathy for the applicant but planning policy reasons meant he had to agree with the officer's recommendation.

Proposed by Alderman Finlay
Seconded by Alderman King

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

The Chair put the proposal to the Committee to vote, with 4 Members voting for, 2 Members voting against and 2 Members abstaining from the vote. The Chair declared the proposal to refuse carried.

In response to Councillor Nicholl, the Senior Planning Officer confirmed that the applicant had the option of withdrawing the application before refusal was issued. The Agent advised that the application would be withdrawn the following day.

5.11 Council LA01/2018/1379/F – Lands approximately 97m West of 48 Eglinton Street on the Westbay Green, Portrush

Planning Committee Report and Addendum circulated and presented by Senior Planning Officer J Lundy.

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 reasons set out in section 10.

The Senior Planning Officer described the site and its context, an application by Council for infilling of existing hard landscaping zone with bulk fill, top soil and turf to create green landscaping area to match surroundings. Minor infrastructure improvement works to existing tarmac maintenance roads within green area.

The Senior Planning Officer referred to Addendum and said this provided an update on correspondence received from Northern Ireland Transport Holding Company who state that they have no objections to the proposed development in principle subject to the following informative:

- *If plant and machinery access to the area of works is via the Masonry Arch structure at Eglinton Street, the Contractor is to contact NIR to have a joint inspection prior to bringing any plant through the arch barrel.*

Addendum Recommendation – that the Committee note the contents of this Addendum and agree with the recommendation to approve, as set out

in paragraph 9.1 of the Planning Committee Report.

The senior Planning Officer advised that the proposal is considered acceptable at this location for having regard to the Northern Area Plan 2016 and other material considerations. The scheme proposes a subtle and simple design which enhances the existing open space provision on site and improves the visual context of the area. Approval is recommended.

Proposed by Councillor Baird

Seconded by Alderman King

– 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 reasons set out in section 10.

The Chair put the proposal to the Committee to vote, with 7 Members voting for and 1 Member abstaining from the vote. The Chair declared the motion to approve carried.

5.12 Council LA01/2018/0016/F – Cushendall Bay, Cushendall (South of the River Dall)

Planning Committee Report circulated and presented by Senior Planning Officer E Hudson.

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

The Senior Planning Officer described the site and its context, an application by Council for demolition and removal from site of approximately 59m of existing mass concrete coastal retaining wall and a section of redundant footpath (new footpath located up to 10m at the widest point at landward of the existing). The soil embankment shall be re-profiled utilising existing sand fill and comprise erosion control mattering which will be planted with native grass species. In addition, relocation of 1 No. bin and 1 No. lamp post will be required.

The Senior Planning Officer advised that the proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposed

development will provide necessary sea defence repairs, and is both functionally and visually acceptable, together with improving the amenity of the area through an environmentally sustainable solution. Approval is recommended.

Proposed by Councillor MA McKillop
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 **APPROVE** planning permission subject to the conditions set out in section 10.

* **Alderman Robinson joined the meeting at 6:40 pm.**

Before taking the vote, Councillor Baird requested that replanting of flora be included in the informatives of any approval.

The Chair put the proposal, including the comment on the flora to the Committee to vote, with 8 Members voting for.

Alderman Robinson abstained from the vote.

The Chair declared the motion to approve carried.

The Senior Planning Officer advised that the Department for Infrastructure are processing with the associated application LA01/2018/0014/DCA and therefore the decision on this application will only be issued on conclusion of the associated application.

5.13 Council LA01/2018/1575/A – Advertisement Consent

Planning Committee Report circulated and presented by Senior Planning Officer J Lundy.

Recommendation – that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to grant **CONSENT** for the advertisement application subject to the conditions set out in section 10.

The Senior Planning Officer described the site and its context on application for painted lettering on existing seawall.

She advised that the proposal is considered acceptable in this location having regard to the Northern Area Plan and all other material considerations. The signage will be not as visible over long distances and will not distract from the visual amenity and character of the surrounding area. There are no objections from any consultee. Approval is recommended.

Proposed by Alderman Finlay
Seconded by Alderman King

– that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to grant **CONSENT** for the advertisement application subject to the conditions set out in section 10.

The Chair put the proposal to the Committee to vote, with 7 Members voting for, 1 Member voting against and 1 Member abstaining from the vote. The Chair declared the motion to grant consent carried.

5.14 Major LA01/2016/0845/RM - Lands to the North East of Avonbrook Gardens North of Knockbracken Drive and South of Newbridge Road (Incorporating 15 Newbridge Road), Wattstown, Coleraine

Planning Committee Report and erratum circulated and presented by S Mathers, Principal Planning Officer/Development Management Manager.

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.

* **Councillor McGurk joined the meeting at 6:48 pm.**

The Principal Planning Officer described the site and its context for construction of a medium density housing development comprising 374 No. dwellings providing a mix of 4 bedroom detached and semi-detached dwellings, 3 bedroom detached and semi-detached dwellings, 2 bedroom apartments, associated access roads and footpaths, landscaping and public open space. He said that vehicular accesses were from Knockbracken Drive and Knocklynn Drive. He added that the current proposal was a reserved matters application submitted in association with approval for housing development C/2013/0077/O.

The Principal Planning Officer confirmed that an acoustic barrier would be

applied; the conifer trees would be kept, that the separation distance between properties was acceptable and the dwelling house and its setting are to be retained but the farm outbuildings are to be demolished. He confirmed that one letter of objection had been received and referred to section 5.1 of the Planning Committee Report.

In response to questions from Members, the Principal Planning Officer advised cross-sections had been received to ensure that there would be no adverse impact from overlooking and house types changed; that trees on the boundary had been identified for retention and that there would be no through traffic onto Newbridge Road but the existing dwelling will retain its private access onto Newbridge Road. He also advised that the badger sets on site had to be marked off and a fence put around the area, plus none of the dwellings would be for conditioned for social housing.

Proposed by Alderman Finlay
Seconded by Councillor Baird

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

The Chair put the proposal to the Committee to vote, with 8 Members voting for and 1 abstention.

Councillor McGurk did not vote on the application.

5.15 Major LA01/2017/0732/RM – Lands at Former Maxwell’s Spittal Hill Quarry, 209 Bushmills Road, Coleraine

Planning Committee Report circulated and presented by S Mathers, Principle Planning Officer/Development Management Manager.

Recommendation – that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT** reserved matters consent subject to the conditions set out in section 10.

The Principal Planning Officer described the site and its context, an application for erection of 108 no. dwellings, comprising detached and semi-detached dwellings, with garages and all other associated site works, car parking, landscaping, including local area for play and interactive wetland habitat. He said that the site was medium density, with

dropped levels by 10 m to a lake, located at the North Eastern corner of the site; there was adequate open space and a play area would be provided. He added that a condition of approval would be monitoring of the water levels on the lake and that this had been agreed at outline planning stage.

The Principal Planning Officer the proposed housing development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The principle of development has been established at the site under the outline approval. The proposed developments meets with the conditions as set out in former outline application. The proposed layout and topography of the site is considered acceptable. It is considered that there would be no unacceptable impacts on existing dwellings or proposed dwelling via overlooking, loss of light or overshadowing. Approval is recommended.

In response to questions from Members, the Principal Planning Officer advised that the main shore of the lake would not have railings and that the level of the park would be the same as the lake. He advised that pumps will be installed and managed by the Management Company. Floating islands on the lake will also be created.

Proposed by Alderman Finlay
Seconded by Alderman Robinson

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

The Chair put the proposal to the Committee to vote, with 10 Members voting for, 0 against and 0 abstentions. The Chair declared the motion to grant carried unanimously.

6. DEVELOPMENT MANAGEMENT PERFORMANCE

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 February 2019. Pre-Application Discussions, Certificates of Lawful Development – Proposed or Existing: Discharge of Conditions and Non-Material Changes, have to be excluded from the reports to correspond with official validated statistics published by DFI.

Table 1 within the report detailed 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 had decreased by 1, however the number of major applications decided had increased by 5.

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 decisions issued increased by 137 applications. Of particular note, is that for the last 2 months, the number of applications processed within 15 weeks statutory target has been 44% and over, getting closer to the 50% statutory target.

Table 3 of the report details the number of Enforcement cases opened and concluded as well as the average processing times, these figures are unvalidated statistics. In comparison to the same period last year, the number of cases concluded increased by 9 and the percentage of cases concluded within 39 weeks increased to 79.1%. Of note, over 90% of cases concluded were within the 39 week statutory target.

Resources continue to be targeted to reduce the over 12 month applications. Table 4 within the report provides a further breakdown of the over 12 month application and also the percentage of over 12 months applications in relation to the number of live planning applications. The monitoring of these figures continues in line with over 12 month Action Plan and staff are conscious of the need to prioritise efforts in the area of work.

Table 5 details the number of appeal decisions issues since 1 April 2018. Note that these figures relating to planning application decisions only are unvalidated statistics extracted from informal management reports.

Table 6 details the number of referral requests received from Elected Members and Head of Planning under Part B of the Scheme of delegation. From April 2018 until February 2019, 51 referral recommendations were determined by the Planning Committee, 43.14% of which have been overturned.

Table 7 details the number of referral requests outstanding from pre April 2018 that are requested to be presented to the Planning Committee.

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.

In response to a Member, the Head of Planning advised that the planning department had taken on several new staff, however, a number of staff were off on maternity leave and overall the staffing issues continues to evolve, with the department now starting to see improvements.

7. CORRESPONDENCE

The following items of correspondence was circulated to the Committee.

- DfC Confirmation of Listing - Ballymoney Police Station and Jail & Court House and Walling
- DfC Scheduled Historic Monument Confirmation - Airway & Drainage Tunnel - White Mine (Billys Shank)
- DfC Scheduled Historic Monument Confirmation - Mine Entrance - North Star Colliery

The items of correspondence was **NOTED**.

8. NORTHERN IRELAND PLANNING PORTAL (NIPP)

The Committee received a report to update Members on Councils contribution towards the new IT system to replace the Northern Ireland Planning Portal. The appendices to the report included Planning IT System Funding Proposal and Memorandum of Understanding between Planning Authorities who had bought into the NIPP.

The Committee was advised that the report had been discussed at the Corporate Policy and Resources Committee at meeting held 19 March and approved by Council on 26 March 2019.

The Committee **NOTED** the report and appendices outlined.

* **Councillor P McShane left the meeting at 7:27 pm.**

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Baird
Seconded by Alderman Finlay and

AGREED – that legal issues would be discussed 'In Committee'.

9. LEGAL ISSUES

Council Solicitor updated Members on legal cases relating to planning applications.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Baird
Seconded by Councillor Hunter and

AGREED – that the Committee move 'In Public'

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

There was no other relevant business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 7:28 pm.

Chair