

PLANNING COMMITTEE WEDNESDAY 24 OCTOBER 2018

Table of Key Adoptions

No	Item	Summary of Key Decisions
1.	Apologies	Councillors Hunter, McCaw
2.	Declarations of Interest	Alderman King – LA01/2017/0555/O; Alderman Robinson – LA01/2017/0625/F, LA01/2017/1178/F; Councillor Fielding – LA01/2017/0441/F, LA01/2017/0555/O, LA01/2017/0906/F, LA01/2018/0037/O; Councillor P McShane – LA01/2017/0221/F.
3.	Minutes of Planning Committee Meeting held Wednesday 26 September 2018	Confirmed
4.	Order of Items and Registered Speakers	Agreed
	LA01/2017/0906/F	Application Withdrawn
5.	Schedule of Applications	
	5.1 LA01/2017/1522/O Lands between 316a & 318 Foreglen Road, Dungiven	Approved
	5.2 LA01/2018/0556/F Lands immediately NE of No 6 Craig Vara, Portrush	Refused
	5.3 LA01/2017/0979/O 37.1m South of 97 Causeway Road, Bushmills	Refused

	<p>5.4 LA01/2018/0037/O Site between 24 and 34 Agherton Road, Portstewart</p>	<p><i>Refused</i></p>
	<p>5.5 LA01/2017/1654/F Lands approx. 615m East of 16 Coolkeeran Road, Armoy in the townlands of Kilcroagh and Carrowlavery approx.2.5m SE of Armoy</p>	<p><i>Deferred for site visit</i></p>
	<p>5.6 LA01/2017/0221/F Lands to the rear of 86 Lodge Road, Coleraine</p>	<p><i>Deferred for site visit</i></p>
	<p>5.7 LA01/2017/0625/F Buildings adjacent to 51 Duncrun Road, Limavady</p>	<p><i>2 weeks to submit plans to address issues otherwise refuse as per recommendation</i></p>
	<p>5.8 LA01/2017/1178/F Approx 170m South of 336 Seacoast Road, Limavady</p>	<p><i>1 month for submission of information to address refusal reasons otherwise refuse; if submitted and still recommendation to refuse bring back to Committee</i></p>
	<p>5.9 LA01/2017/0441/F 36 Ballywoodock Road, Castlerock</p>	<p><i>Deferred for site visit</i></p>
	<p>5.10 LA01/2017/0555/O Site between 38 and 40 Ringrash Road, Maqosquin, Coleraine</p>	<p><i>Approved subject to resolution of access issues</i></p>
	<p>5.11 LA01/2017/1492/F 320m North of 71 Drumavoley Road, Ballycastle</p>	<p><i>Approved subject to amended design</i></p>
	<p>5.12 LA01/2017/1580/F Lands adjacent to 64 Coleraine Road, Garvagh</p>	<p><i>Refused</i></p>
	<p>5.13 LA01/2018/0566/O Site 40m NW of 123c Agivey Road, Aghadowey</p>	<p><i>Deferred for site visit</i></p>
	<p>5.14 LA01/2018/0595/O Adjacent to 9 Killykergan Road, Garvagh</p>	<p><i>Deferred for site visit</i></p>
	<p>5.15 LA01/2017/1391/F 11 Dungallion Road, Eglinton</p>	<p><i>Refused</i></p>

	5.16 LA01/2017/0345/F Lands surrounding 101 – 103 Fivey Road, Bushvale, Ballymoney	<i>Refused</i>
	5.17 LA01/2018/1098/NMC Park Street Public Toilets, Park Street	<i>Grant Consent</i>
	5.18 LA01/2017/1617/F Parks Nursery, New Mills Road, Coleraine	<i>Approve</i>
6.	Development Management Performance	
	6.1 Update on Development Management & Enforcement Statistics Period 1 April – 30 September 18	<i>Noted</i>
	6.2 First Quarter 2018/19 Statistical Bulletin	<i>Noted</i>
7.	Correspondence	
	7.1 DFI Letter regarding visits to Planning Committee Meetings	<i>Noted</i>
	7.2 DFI Letter advising of changes at senior management level within DFI	<i>Noted</i>
8.	Legal Issues	<i>Verbal Update</i>
9.	AORB	<i>Deferred</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 24 OCTOBER 2018 AT 2:00 PM**

In the Chair: Alderman S McKillop

Committee Members Present: Alderman Cole, Finlay, King, McKeown and Robinson
Councillors Baird, Fielding, Loftus, McKillop
McLaughlin, McGurk, Nicholl and P McShane,

Officers Present: D Dickson, Head of Planning
S Mathers, Development Management & Enforcement Manager
S Mulhern, Development Plan Manager
E Hudson, Senior Planning Officer
J Lundy, Senior Planning Officer
C McKeary, Senior Planning Officer
J McMath, Senior Planning Officer
E Keenan, Council Solicitor
R Kerr, Planning Officer
M McErlain, Planning Officer
S Duggan, Civic Support & Committee & Member Services Officer

In Attendance:

G Anderson	LA01/2017/0221/F
T Bell	LA01/2018/0556/F
M Bradley, MLA	LA01/2017/0221/F
G Burns	LA01/2017/1654/F
R Dougan	LA01/2018/0556/F
A Curtin	LA01/2017/1522/O
T Fraser	LA01/2017/1654/F
D Healey	LA01/2017/1580/F
M Howe	LA01/2017/0906/F and LA01/2017/0979/F
T Janes	LA01/2017/1654/F
B Kennedy	LA01/2017/1654/F
R Kher	LA01/2017/0221/F
M Kennedy	LA01/2017/0441/F and LA01/2017/0555/O
Mr Moran	LA01/2017/1178/F
K McClelland	LA01/2018/0037/O
J Muldoon	LA01/2017/1492/F
O Quigg	LA01/2018/0595/O
A Tate	LA01/2017/0625/F and LA01/2017/1178/F
B Wilson	LA01/2018/0566/O and LA01/2017/0221/F

Public (10 No)

1. APOLOGIES

Apologies were received from Councillors Hunter and McCaw.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

Councillor Fielding in

- LA01/2017/0441/F 36 Ballywoodock Road, Castlerock;
- LA01/2017/0555/O site between 38 and 40 Ringrash Road, Macosquin;
- LA01/2017/0906/F rear of 32 Quay Road, Ballycastle;
- LA01/2018/0037/O site between 24 and 34 Agherton Road, Portstewart.

Alderman Robinson in

- LA01/2017/0625/F Buildings adjacent to 51 Duncrun Road, Limavady;
- LA01/2017/1178/F approx. 170m south of 335 Seacoast Road, Limavady.

Councillor P McShane in

- LA01/2017/0221/F Lands to the rear of 86 Lodge Road, Coleraine.

Alderman King in

- LA01/2017/0555/O site between 38 and 40 Ringrash Road, Macosquin.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 26 SEPTEMBER 2018

Proposed by Alderman Finlay

Seconded by Alderman King and

AGREED – that the minutes of the Planning Committee Meeting held on Wednesday 26 September 2018 be confirmed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Head of Planning advised the following application had been withdrawn completely from the planning system:

- LA01/2017/0906/F 19.5m to the rear of 32 Quay Road, Ballycastle.

AGREED – to receive the Order of Business as circulated.

Senior Planning Officer, J Lundy, circulated the order of Business to the Gallery.

5. SCHEDULE OF APPLICATIONS

The Chair advised the addenda, erratum's and site visit reports had been circulated.

5.1 LA01/2017/01522/O (Referred) – Lands between 316a & 318 Foreglen Road

Report previously circulated, presented by Development Management & Enforcement Manager, S Mathers, site visit report tabled.

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 and informative set out in section 10.

S Mathers explained the proposed development, site and its context; provided detail on the frontages of the residential plots within the substantial and continuously built up frontage. The proposal is considered to be acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal complies with the Strategic Planning Policy Statement and policy CTY 1 and 8 of PPS 21. Approval is recommended; subject to conditions.

Proposed by Councillor Nicholl

Seconded by Councillor P McShane and

AGREED - 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 and informative set out in section 10.

An explanation was sought for the difference in the recommendation from the previous meeting from refusal to approval. Development Management & Enforcement Manager, S Mathers, advised the application site had been visited and reassessed to recommend a finely balanced decision to Committee.

Committee voted unanimously in favour of the proposal to approve.

5.2 LA01/2018/0556/F Referred – Lands Immediately NE of No 6 Craig Vara, Portrush

Report and addendum previously circulated, presented by Senior Planning Officer, E Hudson, site visit report tabled.

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.

Addendum Recommendation - That the Committee notes the contents of the Addendum and agrees with the recommendation to refuse, as set out in paragraph 10.1 of the Planning Committee Report.

Verbal Addendum - The agent submitted an email on Monday raising issues which were discussed at the Planning Committee in September. These were also forwarded to Historic Environment Division to provide comment. The Senior Planning Officer, E Hudson, advised these will be dealt with by way of a verbal addendum.

E Hudson advised Members that issues raised included the previous 2 dismissed planning appeals one in 2014 and one in 2013. In relation to the previous dismissed appeals the agent considers this is not the same proposal and that concessions have been made to address these issues. It is considered that the appeals are still of relevance and the coming and going of people and pieces of furniture would have a dominant effect and this intrusion into the vista would have competing focus and detract from the setting of the listed building.

The agent states that the patio heaters do not extend above the parapet and therefore not visible. Although this is the case for those shown on the drawing other larger items about the parapet could be introduced and these could interrupt views of the Listed Buildings.

The agent raised the issue that HED still have concerns with the dwelling house being connected to the shop roof. HED advise that at present the 2 buildings are read as separate elements rather than one sprawling entity. The proposal would expand no. 6 out over the top of the shop linking it into a sprawling three storey composition, alien in character to the setting.

Activity at the Arcadia building and opening hours was also raised. This is not comparable as the Arcadia is a commercial building and a focal point along the promenade. Again the proposal is about the public thoroughfare and activity here would interrupt the relationship between the 2 buildings and become a competing focus.

55 Degrees North was also referred to. In terms of setting of a Listed Building this can go beyond the pink wash areas referred to by the agent

and HED Guidance advises that they should not be regarded as definitive indication of setting.

The approval of 55 Degrees North was raised and also discussed at the September Committee. This application was a 2003 approval and at that time NIEA advised that as it was replacing a building of similar scale and height and therefore would not substantially detract from the nearby Listed Buildings. Also this advice was 15 years ago prior to HED guidance on the setting of Listed Buildings, which also indicates the setting of a Listed Building is not definitive. Also the Arcadia Building has since been Listed.

E Hudson described the site and its context and stated that 14 letters of objection had been received from 6 properties and the issues raised are contained within the Planning Committee Report. She advised Members that the PAC only upheld the refusal of the previous applications due to impact on the listed building and read the extract from the 2014 appeal in reference to this.

E Hudson advised that the proposal is considered unacceptable in this location having regard to the NAP 2016 and other material considerations. The proposed roof terrace would significantly detract from the setting of the Craig Vara House and the Arcadia, both of which are Grade II Listed Buildings. The PAC have already determined on the two previously refused applications that impacts relating to privacy, anti-social behaviour, noise and disturbance would not be at an unacceptable level, when taken in the context of the existing layout and balconies fronting towards Strandmore. Refusal is recommended as the proposal is considered contrary to para 6.12 and 6.13 of the Strategic Planning Policy Statement and Policy BH11 of Planning Policy Statement 6, Planning, Archaeology and Built Heritage, in that the proposal would, if permitted, adversely impact the setting of two listed buildings through the inappropriate nature of the use as a roof terrace.

In response to a question from Members, the Senior Planning Officer, E Hudson, clarified the term 'paraphernalia', and the references within paragraph 8.11 of the report that fixed furniture had been proposed whereupon there would be no control on other items above the parapet. It was clarified the elevated nature of the balcony would impact on views afforded to the listed building and does need planning permission and referred to the slides in the presentation. In response to a query regarding the objection related to the existing plans being incorrect, the Senior Planning Officer drew attention to paragraph 8.12 within the report, measurements taken show the height of the shop unit is not in accordance with the drawings approved under a previous planning application, and given the passage of time no further action can be taken to remedy the breaches. She advised Members that planning permission is not required to put tables, chairs etc. onto a balcony

The Chair invited Mr T Bell agent and R Dougan to speak in support of the application.

T Bell referred to the email detailed by the Senior Planning Officer and advised that this application is not the same as those previously before

the PAC. The proposal will be 600 mm lower than previous proposals and the Patio heater is 700mm and will not extend above the parapet walls. He stated that HED state connecting the dwelling house to the shop would have a detrimental impact on listed buildings. Regarding visible paraphernalia, to propose fixed furniture prevents this, however the Beach Ball shop can have as many fixtures as it wishes and the adjacent play park is highly visible. T Bell advised that the Arcadia opening times can be hired for weddings and is adjacent to the café and promenade and that 55 Degrees North is not Listed.

R Dougan spoke in support of the application and referred to points within the case officer's report. The fixed furniture and opportunity for additional furniture to be placed on balcony area specifically prevents any further furniture being placed there, despite what has been stated. There is no space to set further paraphernalia, the circular space is required for building control regulations. Of the additional space for table and chairs and patio area, none rise above parapet.

In response to question from Members T Bell advised that HED did not judicially review the PAC decision.

In response to question from Members, E Hudson, Senior Planning Officer, clarified the other existing balconies were set back behind the historic buildings line but the proposed balcony would interrupt views.

Proposed by Councillor Fielding
Seconded by Councillor Baird and

AGREED - 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.

7 members voted for, 7 Members voted against, 0 Members abstained, the Chair applied a casting vote in favour of the proposal to refuse planning permission.

5.3 LA01/2017/0979/F Referred – 37.1m S of 97 Causeway Road, Bushmills

Report previously circulated, presented by Development Management & Enforcement Manager S Mathers, site visit report tabled.

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.

S Mathers explained the proposal and described the setting and context of the site. He advised Members that the site is located within the Distinctive Landscape Setting (DLS) of the World Heritage Site (WHS) as

identified in the Northern Area Plan. He stated that although the glamping pods will not be visible from the Causeway Road the proposed access will cut through the roadside field. S Mathers 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 located within the Distinctive Landscape Setting of the Giant's Causeway World Heritage site as set out under Designation COU 3 of the Northern Area Plan, and does not fall within the exceptions for development as set out in Policy COU 4. The applicant has failed to demonstrate that the proposal will not have an unacceptable impact on this sensitive landscape setting through an adequate visual impact assessment and the provisions of a new access laneway will have a detrimental impact on rural character. The proposal is contrary to policies TSM 6 and TSM7 of PPS 16 and is also contrary to policies CTY 13 and CTY 14 of PPS 21. The proposal will also have an unacceptable impact on the Causeway AONB and is contrary to policy NH6 of PPS 2. The applicant has sought to argue this proposal as a Farm Diversification project but as the proposal is inappropriate in terms of character and scale at this location, the proposal fails to comply with policy CTY 11 of PPS21.

S Mathers stated that the proposal is recommended for refusal for the reasons set out in section 10 of the Planning Committee Report.

In response to points of clarification from Members, S Mathers, clarified what was meant by 'character' in policy CTY11 in terms of character of farm diversification use in the context and scale of what is appropriate to its location within a World Heritage Site. He advised that the scale and character of the proposed access through the field in the form presented is not appropriate. He advised that the proposal does not meet criteria c or b of policy CTY11. S Mathers further clarified that policy COU4 prohibits all development within the designation with the following exceptions:

1. Exceptionally modest scale facilities, without landscape detriment, which are necessary to meet the direct needs of visitors to the World Heritage Site;
2. Extensions to buildings that are appropriate in scale and design and represent not more than 20% of the cubic content of existing buildings;
3. Replacements of existing occupied dwellings with not more than a 20% increase in the cubic content.

and advised that the proposed development does not meet any of the three exceptions.

S Mathers, clarified the design in isolation, was acceptable. In relation to topography the Officer clarified DAERA Protected Landscapes requested a Landscape and Visual Assessment. A Visual Statement was provided

and formed part of the consideration, however, it did not resolve the concerns. The Officer clarified a detailed Landscape & Visual Impact Assessment had not been requested in order to limit the loss for the applicant as the principle of development was not considered acceptable. In relation to the term 'exceptionally modest' the Officer clarified very small indeed, not a site for Glamping or static Caravans, and provided examples such as a small toilet block. He advised that the proposed development would meet the needs of tourist generally but not the 'direct needs' of visitors to the World Heritage Site. He stated that the topography of the area assists integration of the glamping pods but not the access provision. S Mathers clarified what the term 'sui generis' means as in a class of its own.

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

M Howe outlined there was no suggestion the proposed buildings have a significant impact as the visual was not completed and DAERA not proven, as the applicant had not been asked for it. The Visual Statement covers views over 1.5km away. He advised that the impact of the access can be addressed via the use of grass crete. The Principle of development had been established in that policy COU 4 is met as the proposal is exceptionally modest in scale, the development does meet the direct needs of visitors to the World Heritage site, the proposed facility is in the general area. He stated that policy COU4 does not request '*must visit World Heritage Site*' otherwise the site would have to be within the WHS. He stated that the Policy does not say that it must satisfy all visitors, and the applicant's land goes down to the Causeway Path, and complies with policy COU4 and CTY 11. M Howe advised Members that the proposal is supported by the local community.

In response to points of clarification from Members, M Howe advised that the issues were not black and white, it was a small Glamping Site, with small units, access invisible and blended in the landscape. He stated that the policy states that it just needs to provide a facility and it is highly likely that those staying will visit the Causeway facility. He advised that the proposal meets policy COU4 in that it will meet the direct needs of the visitors to the WHS and exceptionally modest in scale can be something that is not visible and to provide a full Visual Impact Assessment would cost £4-£5k and felt the Visual Statement was appropriate.

Development Management & Enforcement Manager, S Mathers reminded members of policy COU4 and in relation to direct need referred Members to the amplification and justification section and read extract relating to development small in scale and advised members that it is Officers assessment that the proposal will meet general needs of the area and therefore does not comply with policy COU4. He advised that

DAERA were consulted due to the location of the site within the DLS and referred to para.8.14 of the Committee Report.

D Dickson, Head of Planning, again referred Members to the exceptions within Policy COU4 and advised to approve outside of these exceptions would set a precedent for other similar types of development

Proposed by Councillor P McShane
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 **REFUSE** planning permission subject to the reasons set out in section 10.

7 Members voted for, 5 Members voted against, 2 Members abstained.

5.4 LA01/2018/0037/O Referred – Site between 24 and 34 Agherton Road, Portstewart

Councillor Fielding withdrew from the table and left the Chamber.

Report previously circulated, site visit report tabled. Development Management & Enforcement Manager S Mathers presented the application.

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.

S Mathers described the proposed development and the setting and context of the site. He explained policy CTY2a to Members and advised that the site is located within Cromore LLAP where the policy is a presumption against development with specified exemptions and read the exceptions to Members.

S Mathers advised that 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 fails to comply with Policy CTY2a of PPS 21. The proposal would further erode the rural character of the area and is contrary to Policy CTY 14 of PPS 21. Furthermore, the proposal is located within the Cromore Local Landscape Policy Area where there is a presumption against new development. He advised that refusal is recommended for the reasons set out in section 10 of the Committee Report.

The Chair invited K McClelland to speak in support of the application.

K McClelland outlined PPS21 CTY2a applying criteria was subjective and open to interpretation. He stated that a planning officer had advised that the opinion would be to approve, but it appears that when the application was discussed with the SPTO this was changed to a refusal recommendation. K McClelland stated that there were 14 dwellings, 10 ancillary, 33 static and touring caravans, there was a strong visual connection, and the proposed site has mature trees and hedgerows and is within a defined cluster. K McClelland, referring to the focal point and hub referred to the Ministerial Statement on this issue and the direction to have a flexible approach. He stated that the list of what constitutes a focal point is not an exhaustive list and that a hub or gathering point could present a focal point. K McClelland outlined the caravan site building was a hub and a community building as it held a variety of community events, including charity events, birthday parties, girl guides and therefore meets the criteria. The enclosure was bounded by 2 sides by no. 22 and no. 24 and accessed off Agherton Road, and was not prominent in landscape. In relation to the LLPA, it includes historic parks and gardens etc and HED find the proposal acceptable if sited in the southern area of the site. K McClelland read the summary of HED consultation response. He advised the dwelling can be designed so that it is appropriate for the site.

In response to points of clarification from Members, K McClelland made reference to the location of no. 24 and advised that, like most costal area, it has a mixture of both permanent and temporary residents, but is still a vibrant community. He advised the building is used mainly for the caravan park but is also used by the community and considered that this large building within the caravan park which is used for social gatherings is the focal point in the area.

The Development Management & Enforcement Manager, S Mathers clarified criterion within policy CTY2a advising that it requires the cluster to be associated with a focal point such as a social / community building/facility, or is located at a cross-roads, that the recreation building was related to the commercial caravan site and that he was aware of the Ministerial Statement. The Officer clarified that the Cromore Local Landscape Policy Area applied to land from the north side of Agherton Road.

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

Committee voted unanimously in favour.

* **Recess 4.10pm-4.32PM.**

5.5 LA01/2017/1654/F Major – Lands approx. 615m East of 16 Coolkeeran Road, Armoy

Report and erratum previously circulated, presented by Development Management & Enforcement Manager, S Mathers.

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.

S Mathers described the proposed development, the site and its context. He advised that a Pre-Application Notice had been submitted and accepted, and that the pre-Community Consultation Report had been submitted with the application.

S Mathers outlined the main concerns in relation to the proposed development in terms of public safety with 6 occupied properties located within the 10x rotor diameter; its location outside any designated sites and views of the site from a number of the surrounding public roads including Beragh Road, Altarichard Road, Shelton Rd, Coolkeeran Road, Glenshesk Road and from Armoy Rugby grounds. He advised that the proposed development would be highly visible and prominent in this landscape and would impact on the setting of Armoy and have an adverse impact on the setting of monuments and listed building, namely Armoy Round Tower, a state care monument, on the setting of Clegernagh Graveyard, a scheduled monument and, St. Patrick's Church of Ireland, a listed building.

S Mathers advised Members that the proposal is considered unacceptable in this location having regard to the Area Plan and other material considerations and REFUSAL is recommended as set out in section 10 of the Planning Committee Report.

The Chair, in observing the number of speakers registered and range of issues, increased the speaking rights by 3 minutes to a total of 8 minutes in accordance with paragraph 6.3 of the Protocol for the Operation of the Planning Committee.

The Chair invited T Fraser, B Kennedy, G Burns and T Janes to speak in support of the application.

T Frazer stated that there were no objections to the proposed development and that all representations were in support of the application, 22 consultations with only one consultee considering the proposal unacceptable. She advised that it is important to balance the social, economic and environmental issues in reaching a decision. The site has cross community support and will be an investment of £55M. T Fraser referred to refusal reasons 1-6 within the report, advising of the 6 properties within the 998m, 2 are discounted and another is financially involved in the project; 3 properties remain, no.16, no. 32 and no. 34 Coolkeeran Road are in the process of having a contract on financial

involvement; this negates the perceived health and safety risk. Regarding refusal reasons 2 and 3, they had requested a meeting with HED but failed to achieve one. She advised that there is no direct physical impact on the listed building or monuments as the turbines are some distance away.

T Fraser outlined NIEA had refused a wind farm at Feystown which was closer to monuments and the PAC overturned the reasons for refusal. She stated that the nature of windfarms are that they require to be in exposed locations and this is stated within PPS16. She stated that a visual Impact Assessment had been carried out by a professional expert with 15 years of experience.

B Kennedy spoke in support of the application. B Kennedy advised he had met with members of the Vestry and groups from Armoy and The Glens who all had no objections; wind turbines are part of the landscape in this area. He stated that it is impossible to see the site from the Round Tower but the turbine at Lime Park is visible. He advised that this is a big investment for the community of Armoy.

G Burns spoke in support of the application stating that Armoy is the seventh most deprived Ward and the Village is proud of the historic monuments and protect and respect the Tower. He stated that the area needs investment and the applicants ABO will be giving £1.2M to the community if the application is approved.

In response to points of clarification from Members, T Fraser clarified an investment of £55m over the lifetime of the development which would have a 25 year timeframe conditioned. A portion of the investment was in the manufacturing of the turbines outside Northern Ireland, £20m, £30m within NI. Of this there would be £8M in Rates, £1.2m for the Community Fund, and formal legal agreements with B Kennedy and G Burns who were recipients.

T Janes advised Members of the history of the scheduled monument and listed building site, and that the turbines would be 2km away. With only a visual impact. He stated that the turbines would be visible from the round tower and referred to Chapter 10 of the Environmental Statement. He advised that only a quarter of the Tower was remaining and its function is as a landmark. T Janes advised that across the road are remains that have been excavated and are from around the same time as the Tower. At the Interpretation Board the turbines would be in the periphery of vision and would not obscure views of the excavations across the road. He stated in his opinion the proposed development did not hinder how the historic monument site works.

T Fraser referred to the PAC decision reference 2014/A0285, Feystown, that had been overturned and PP6 had been a material consideration. T Fraser clarified initially there were 6 houses within the 10 x rotor diameter and this had been discounted to 3 which are at least 720m from the turbine, a minimum of 500m is required for residential amenity, flicker etc and is more than sufficient to protect against health and safety risks as there are many turbines approved within 500 or 600m of dwellings.

She reminded Members that the site is not within a designated landscape and that because it is visible does not make it unacceptable.

T Fraser clarified PAC stated there was no evidence that wind farms had any impact on Tourism, and they had no issue with properties closer to turbines. She stated that as this is a major application a Pre-Application Notice had been submitted to Council and considered acceptable and full community consultation undertook at Armoy Community Association Hall, which was advertised and notified through leaflet drops.

G Burns outlined that when viewing the Round Tower the wind farm proposal was at the back, the Community were proud of the Round Tower and outlined a history of the area. G Burns advised Armoy was the seventh most deprived Ward and the proposal would invest £50,000 per year into the community to, for example the Play Group, Community Association Schools and Hurling Club, and there is cross-community support.

B Kennedy advised that there were over 2 days of community consultation and that people want more green energy/ wind turbines, it will reduce our carbon footprint and have a significant benefit nationally. The proposal would generate enough energy to supply 51% of all homes in Causeway Coast and Glens area.

T Fraser clarified, the details of investment was commercially confident, there were no subsidies, and that the community funds meet agreed levies. She reminded Members of the discounted properties and the Feystown appeal.

Proposed by Councillor Baird
Seconded by Councillor P McShane

- that committee defer consideration and arrange a Site visit.

T Fraser clarified the distance to the scheduled monuments was 1.5km., the no. and height of the turbines and to reduce the diameter of the blades would reduce energy generated.

Development Management & Enforcement Manager S Mathers clarified the content of the erratum, there are 4 dwellings where the separation distance is considered to be unacceptable and referred to the erratum to the Planning Committee Report; that the SPPS states at para 5.71 that social benefits in the form of community payments, shared ownership and in-kind benefits cannot be considered material considerations. S Mathers clarified the Erratum had been placed on the website the day before the meeting. He clarified what is meant by micro-siting.

The Senior Planning Officer, C McKeary, clarified Best Practice Guidance separation distances, that measurements were made from addresses to the nearest single closest wind turbine.

The Head of Planning clarified policy RE1 separation distance of 10 times rotor diameter not less than 500m.

The Chair put the motion to the Committee to vote, to recommend that consideration is deferred and arrange a site visit.

The Members voted unanimously in favour of the motion.

The time being 5.50PM the Chair put to the committee whether to continue the meeting. 7 members voted for, 0 members voted against, 3 members abstained. It was agreed to review the position at 9PM.

* **Recess 5.50-6.00PM.**

* **Councillors McKillop, McLaughlin and P McShane left the Chamber.**

5.6 LA01/2017/0221/F Referred – Lands to the rear of 86 Lodge Road, Coleraine

Report and addendum previously circulated and presented by the Development Management & Enforcement Manager, S Mathers.

S Mathers provided a verbal addendum to Members on a representation received from Mr M Bradley, MLA, on 23 October 2018 objecting to the proposal. This provided photographs of the boundary between the application site and Mr Anderson's rear garden. These issues have already been considered in the main 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 **APPROVE** planning permission subject to the reasons set out in section 10.

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

S Mathers advised that the development has already been previously approved in 2012 prior to no.88 being listed. He described the proposed development and the site and its context. He advised that HED had concerns in relation to the impact of the proposed removal of trees along the boundary with no.88 and the impact this would have on this early plot boundary and the setting of the listed building. He stated that the conditions within the Planning Committee Report includes a condition to augment this boundary. The listed dwelling at No. 88 Lodge Road is far enough removed from this boundary treatment to not be impacted upon in terms of its setting. The site boundary will be strengthened by condition to maintain the setting of the adjacent listed building. The proposed development will have no significant impact on No. 84A, 86 and 88 Lodge Road in terms of their residential amenity. The proposed scheme is therefore, considered to be acceptable and in compliance with current planning policy subject to conditions. Approval is recommended, subject to stated Conditions and Informatives.

Councillor Fielding suggested a site visit be held, given the boundary and trees issues.

Proposed by Councillor Fielding

Seconded by Councillor Baird

- that committee defer consideration and arrange a site visit.

Committee voted unanimously in favour of the motion.

* **Councillor P McShane re-joined the meeting at 6.15PM.**

5.7 LA01/2017/0625/F (Referred) – Buildings adjacent to 51 Duncrun Road, Limavady

Alderman Robinson left the Chamber.

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

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 described the proposed development, the site and its context. She explained the policy applicable to the proposed development and stated that the issues of concern related to the provision of a safe and satisfactory access provision. J McMath advised that 2.0m x 70m visibility splays are required and the existing access must be closed off to ensure no intensification of use of a substandard access. She advised that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal would result in a detrimental impact on the amenity of nearby residential dwellings which fails to comply with Policy CTY 11 of PPS 21. It has not been demonstrated that the proposal would not prejudice road safety therefore the proposal would be contrary to Policy AMP 2 of PPS 3.

She advised that refusal is recommended for the reasons set out in Section 10 of the Planning Committee Report.

The Chair invited A Tate, Agent, to speak in support of the application.

A Tate outlined the principle of conversion to tourism is acceptable under policy CTY11. He advised that there are numerous accesses and the concerns in relation to the amenity of no.51. He outlined Environmental

Health have no concerns and that the client is financially connected to the development and the subject of amenity impact is minor, as he can control the times customers arrive and leave. He stated that the visibility splays can be gained from a new access within the applicant's control.

In response to points of clarification from Members, A Tate clarified the farm was still active, and use both accesses. He advised that Roads Service require one access closed off if self-catering is granted, and the applicant can create splays as the he owns both sides of the boundary wall at the front of the house.

Senior Planning Officer, J McMath, clarified in respect of the impact of the proposal on nearby residential dwellings, that the proposed access arrangements, which as of amended plans received 16th March 2018, propose to use the existing farm access rather than the existing residential access to No. 51, would have a detrimental impact on the amenity of the residential dwelling at No. 51. The use of the existing farm access would result in additional vehicles being directed to the side and rear of No. 51 before traversing along the other gable of no. 51 and parking in the courtyard. This would have an unacceptable impact on the residential amenity of No. 51 as the dwelling would be subject to additional noise and disturbance as a result of visitors coming to and from the site, who would be approaching the site from the rear of the dwelling. While the existing agricultural access runs to the rear of No. 51, this is associated with the farm and No. 51 is the farm dwelling therefore it is reasonable to consider that the use of this access would be within the control of the occupants of No. 51. Traffic associated with the self-catering units would not benefit from the same control. In addition the use of the agricultural access would require the current residential access, immediately north of the dwelling house at No. 51, to be permanently closed off. This access is the current residential access for No. 51. The proposal fails to comply with criteria (d).

Motion (withdrawn)

Proposed by Alderman Finlay

Seconded by Alderman King

- that consideration is deferred and arrange a site visit.

The Head of Planning advised the house at No 51. may be sold, that Policy had to be applied whether objections had been received or not, that concerns could be raised in relation to additional noise and impact.

Alderman Finlay withdrew his proposal.

Motion

Proposed by Councillor Loftus

Seconded Alderman Finlay

- that the Committee has taken into consideration the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to allow the applicant 2 weeks to submit plans to address the access issues otherwise refuse as set out in section 10. If amended plans address the issues officers are to approve the application.

9 members voted for, 0 member voted against, 2 members abstained.

5.8 LA01/2017/1178/F (Referred) – Approx. 170m South of 336 Seacoast Road, Limavady

Alderman Robinson withdrew from the Chamber at 6.41PM.

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

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

Erratum recommendation - That the Committee notes this Erratum and agrees with the recommendation to Refuse as provided in the Committee report.

J McMath described the proposed development, the site and its context. She advised that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal is contrary to criteria (a), (b), (c) and (d) of Policy CTY 12 of PPS 21. As there is no overriding reason why the development is essential it is contrary to CTY1 of PPS21. She explained policy CTY12 to Members and advised that the applicant only owns one field; the remainder is in conacre and no information had been submitted to demonstrate that the proposed development is required for the efficient use of the holding. In addition, the proposed farm building would fail to integrate and have an adverse impact on rural character therefore the proposal is contrary to Policies CTY13 and CTY 14 of PPS 21, and paragraphs 6.70 and 6.73 of the SPPS. J McMath further advised that the proposal is located in a floodplain and is contrary to Policy FLD 1 of PPS 15. It has not been demonstrated that the proposal would not result in an unacceptable impact on habitats, species or features of Natural

Heritage Importance, therefore the proposal is contrary to Policies NH2 and NH 5 of PPS 2. Furthermore, it has not been demonstrated that the proposal would not prejudice road safety therefore the proposal would be contrary to Policy AMP 2 of PPS 3. Refusal is recommended as set out in section 10 of the Planning Committee Report.

The Chair invited A Tate, agent, and Mr Moran, applicant, to speak in support of the application.

A Tate advised the proposed farm shed was on his clients land and had a farm business ID from September 2014 and received single farm payment and complied with policy CTY10. The applicant has an agricultural holding of 30 pedigree sheep which he sells on each winter as he cannot house them over the winter and that animal feed is currently kept in a domestic garage. He advised that the topography is flat and not prominent, open flat landscape. A Tate advised his client is frustrated at DAERA biosecurity, requiring holding facilities, a place to store meal etc.and that this is a modest shed.

Mr Moran advised that this is the only land he owns and requires his own holding facility for the animals and to store the meal.

In response to points of clarification from Members Mr Moran clarified he had a flock of 15 sheep and lambs in the winter. Mr Moran stated that he was not aware of any flooding. He advised that he has to put off lambing until Spring due to the lack of facilities.

A Tate clarified in relation to road safety, the visibility splays could be determined and widened if the principle had been established and that was the reason why revised plans and assessments had not been submitted; he was aware the information was required but had not been requested.

Proposed by Alderman Finlay
Seconded by Councillor Baird

- that Committee holds issuing a refusal decision in accordance with the reasons set out in Section 10 of the Report for one month to allow the applicant to submit the additional information to overcome the reasons for refusal. If the additional information is submitted and is does not resolve the reasons set out for refusal the application is to be brought back to the committee for further determination.

The Head of Planning clarified, in relation to Permitted Development, the first building on the farm requires planning permission.

9 members voted for, 0 members voted against, 2 members abstained.

5.9 LA01/2017/0441/F Referred – 36 Ballywoodock Road, Castlerock

* **Alderman Robinson re-joined the meeting at 6.56PM.**

Cllr P McShane left the meeting.

Councillor Fielding withdrew from the Chamber.

Report previously circulated 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 section 7 & 8 and resolves to **REFUSE** planning permission subject to the refusal reasons set out in section 10.

J Lundy described the proposed development, the site and its context. She advised that the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS, PPS 2 and PPS 21. The proposal fails to meet the tests of the SPPS, PPS 2 and Policy CTY 3, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, design and not being attached to the other semi-detached. J Lundy explained policy CTY3 to Members and explained that the proposal did not meet the criteria for replacement dwelling. She advised Members that a refusal is recommended.

In response to points of clarification from Members, J Lundy clarified previous approval in the area and advised that policy CTY3 requires a semi-detached dwelling to be replaced in situ.

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

M Kennedy outlined errors and omissions in that the Planning reference on the first page and should read LA01/2017/0441. M Kennedy referred to paragraph 2.2 of the Committee Report that states that the site was a small cluster of semi-detached houses. He advised that there are 27 buildings, 21 dwellings and a Church and was a large cluster within the AONB, visually linked with existing buildings close to the centre of the cluster and not in the open countryside. He advised that the scale should be considered proportionate to the size of the site and that there will be no significant visual impact. He advised that the side garden of 1 Springbank Road has a number of mature trees which screens the views of the proposed dwelling. He stated that planning permission was granted for no.1 Springbank Road C/2010/0276/F detaching a semi-detached dwelling and precedence set. No. 3 was extend to 1 ½ storey dwelling, 2 houses next door of similar scale and this is a material consideration.

Proposed by Alderman Cole

Seconded by Alderman Finlay

– that consideration is deferred and arrange a site visit.

In response to points of clarification from Members, M Kennedy clarified policy CTY 3 of PPS 21 implemented in November 2008, and approval in 2010 had therefore a direct precedence and the proposal is almost identical to the 2 dwellings next door. He advised that the proposal would enhance the AONB and the settlement.

M Kennedy clarified the mitigating circumstances in that the proposal is similar next door, the application site is the original family home, the existing house is of black stone and damp, the existing red roof will be taken away and use grey tile in line with the character of an AONB, and a link will be retained between the existing semi and the proposed development. M Kennedy stated that the amplification and clarification was guidance and not Policy.

In response to points of clarification from Members, Senior Planning Officer, J Lundy clarified she did not have the details of the planning permission granted for the other dwellings detailed by M Kennedy. She advised that the refusal recommendation was based on the scale, massing and design. She advised there would be views of the substantial gable of the proposed dwelling which is not similar in depth to others and will be clearly viewed.

The Chair put the proposal to the committee to vote that consideration is deferred and arrange a site visit.

7 members voted for, 0 members voted against, 1 member abstained.

* **Recess 7.20PM - 7.32PM**

5.10 LA01/2017/0555/O Referred – site between 38 and 40 Ringrash Road, Macosquin, Coleraine

Alderman King withdrew from the Chamber.

* **Alderman Robinson left the meeting.**

Report and addenda previously circulated was 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 **REFUSE** planning permission subject to the reasons 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.

J Lundy described the proposed development, the site and its context. And made reference to the PAC decision relating to the presence of a

focal point for clusters of development under policy CTY2a as critical. She advised that this proposal is contrary to PPS 21 and the SPPS. Although the proposed site may sit within or beside an existing cluster, this cluster does not have a focal point as required by Policy CTY 2a of PPS 21. This is reinforced by the SPPS which states that the proposal must be associated with a focal point. In addition the proposal fails policy CTY 8 of PPS 21 as the proposal does not share a common frontage with neighbouring buildings. As this proposal fails to meet the relevant policies, refusal is recommended.

In response to points of clarification from Members, J Lundy, referred to para. 8.10 and 8.11 of the Planning Committee Report and advised that there was no neighbours within the requirements of the neighbour notification process. Nevertheless, the objector was aware of the application and had objected in relation to land ownership which officers had pursued and clarified with the agent.

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

M Kennedy advised amended plans had been submitted to DfI Roads on 15 October and this issue has been resolved and addressed. M Kennedy advised under Section 45(1) of the Planning Act is the requirement to have regard to the local development plan and to other material considerations. He advised that the proposed development complies with 5 out of the 6 criteria of policy CTY2a and the Committee Report does not acknowledge this fact. Paragraph 8.7 of the Report states that it fails this test of Policy is legally incorrect as failure to meet 1 out of 6 criteria does not mean it is unacceptable. M Kennedy cited from Planning Appeals 2010/A0202 and 2014/A0222. The application does not intrude in the countryside, enclosed on all sides by existing development, within a visual cluster. Appeal decision states that not meeting 1 out of 6 criteria does not mean it must be refused. M Kennedy cited a similar approval at 209 Mountsandel Road LA01/2016/1145 approved in February 2017.

In response to points of clarification from Members, M Kennedy advised that B Carey, a consulting engineer had checked the plans prior to submission and advised they were okay. Although there is no focal point at this location there are 23 dwellings. He advised that each application should be considered on its own merits and the forward site distance is achievable and could be conditioned.

In response to points of clarification from Members, Senior Planning Officer, J Lundy clarified DFI Roads still had concerns and require additional information and Certificate C to be completed for additional lands to provide the forward site distance. She stated that policy CTY2a clearly states that all criteria must be met and read a PAC decision in relation to policy CT2YA which also referred to the 'Building on Tradition' Guidance and made it clear what defines a cluster and that all criteria are must be met.

The Head of Planning reminded Members of being consistent in their interpretation of policy CTY2a and that sometimes PAC Decisions are contradictory. However, more research had been done by Commissioner O'Donnell on her consideration of policy CTY2a than Commissioner Fitzsimmons.

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:

- 5 out of 6 criteria have been met
- 2 Planning Appeal decisions state that a focal point is not necessary
- taking account of the evidence laid before the committee
- Subjective to getting a site line
- site is part of a cluster and does not extend into the countryside
- Complies with general thrust of policy CTY2a
- subject to resolution of access issues
- delegate consideration of conditions and informatives to be included in the approval decision to officers
- 1 month to address access issues and if the access issues are not resolved to bring determination back to the Planning Committee.

During consideration of the reasons as set out the Head of Planning reminded Committee of the refusal reasons recommended by Officers.

7 members voted for, 0 members voted against, 2 members abstained.

* **Alderman King re-joined the meeting at 8.10PM.**

5.11 LA01/2017/1492/F Referred – 320m North of 71 Drumavoley Road, Ballycastle

Report previously circulated 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

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

J Lundy described the proposed development, the site and its context and explained policy CTY10. She 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: planning permission has already been granted for a farm dwelling in the last ten years; the structure is in a ruinous state and does not meet with Policy CTY 3; the proposal also fails to meet with Policy CTY 6 in that there are no compelling or site specific needs for a dwelling at this location; the scale, massing and design of the building would fail to integrate and the proposal would have a detrimental impact on the rural character and AONB. J Lundy advised that the site is some 3 miles from the main dwelling and there is the opportunity to explore other sites within the farm holding closer to the main dwelling. She advised that the design of the proposed dwelling on this site in the AONB was unacceptable in terms of the glazing, balcony, height scale and ridge height of 8.5m. She stated that the proposed dwelling would be prominent in the AONB and contrary to policies CTY13, 14 and NH6. She recommend the application should be refused for the reasons stated at section 10 of the Planning Committee Report.

In response to points of clarification from Members, Senior Planning Officer, J Lundy clarified that the proposal did not meet the criteria for replacement under policy CTY3; under policy CTY10 a dwelling had already been granted within the last 10 years; and under CTY6 medical information had been submitted relating to support for parents and genuine hardship had not been proven.

The Chair invited J Muldoon, agent, to speak in support of the application.

The Head of Planning reminded the speaker and Members under GDPR personal medical information may not be disclosed in the public arena without expressed permission.

J Muldoon advised Committee she had full authorisation to use names and personal medical information.

J Muldoon outlined in detail the personal care of the applicant's sister, who has mental and physical disabilities who would result in genuine hardship if approval was not granted. She explained the current circumstances and support required and particular difficulties in relation to respite care and visibility of parents home. She advised that the current site of the family home was not of sufficient size to accommodate 2 families and to address the specific circumstances of the respite care and made reference to supporting family statement and Doctor's

Statement. She advised that the application site has short critical views and was previously occupied by seven dwellings.

In response to points of clarification from Members J Muldoon advised of the age of the parents who have 3 daughters; the routine of one of the daughters due to medical issues highlighted and difficulty parents have to provide all the support for their daughter. She stated that as a result genuine hardship would result. She stated that Drumavoley Road is in bad driving condition during the winter months and to live in Ballycastle would be too far to travel during these months. The site would allow the applicant to walk, cycle or drive to the family home. She stated that there are other sites more elevated than the proposed site; the site was previously a clachan.

In response to points of clarification from Members, Senior Planning Officer, J Lundy clarified she did not feel the applicants had exhausted alternative solutions and there was an alternative sites within the farm holding closer to the family home and better integrated.

The Head of Planning reminded Members of the wording of policy CTY6.

J Lundy further clarified in relation to a similar site approved in the Glenshesk area that the determining personal circumstance related to the fact that the applicant was not able to drive and depended on the use of a mobility scooter. She referred to para. 8.27 of the Committee Report and the PAC decision that considered 100m to family members to be an acceptable distance.

Proposed by Alderman Finlay
Seconded by Alderman Cole

- 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.

4 members voted for, 5 members voted against, 2 members abstained.

AGREED - 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:

- consider proposal meets policy CTY6 in that given the specific personal circumstances genuine hardship would result however, subject to amended design to integrate into AONB. If the design is not acceptable, bring back to Planning Committee for determination.

* **Alderman Finlay left the meeting at 8.55PM.**

5.12 LA01/2017/1580/O Referred – Lands adjacent to 64 Coleraine Road, Garvagh

Report and Addendum previously circulated 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 **REFUSE** planning permission subject to the reasons 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 10.1 of the Planning Committee Report.

J Lundy described the proposed development, site and context. She advised Members that the principle of the proposal is considered to be unacceptable in this countryside location. The proposal does not meet with the policy requirements for an infill site. Furthermore, the site if approved would result in a suburban style build-up of development add to a ribbon of development. Having regard to the Northern Area Plan, and other material considerations including the SPPS, the proposal fails to meet the principle policy requirements of Policy CTY1 of PPS21 and other policies. Refusal is recommended as set out in Section 10 of the Planning Committee Report.

J Lundy referred to PAC Decision in Dunloy for infill dwelling and explained to Members the differences in the sites due to differences in the size of the sites and the natural boundaries.

The Chair invited D Healey to speak in support of the application. He advised that outstanding information had been submitted. The majority of the zoned sites within Garvagh are already developed and the site has appropriate municipal services already in existence. He advised that Policy CTY8 allows for a small gap site of sufficient size to accommodate a maximum of 2 dwellings. It does not state that sites within town centre should not be considered. The PAC decision at Tullaghans Road Dunloy has not been judicially reviewed and therefore comments should be implemented. There are 4 houses on the Coleraine Road, there is a pedestrian footpath and site is within the speed limit. The environment would be enhanced, the addendum supports this case as it is a remanient site in the countryside read as part of the urban fabric and will provide a clear logical edge to the settlement. PAC took development within the settlement into consideration.

In response to points of clarification from Members, Senior Planning Officer J Lundy referred to para. 8.11 of the Planning Committee Report and Addendum and the different interpretations from the PAC.

The Head of Planning explained to Members the difference between the application site and that at Tullaghans Road Dunloy in terms of the location of the development limits around both settlements and built development and the characteristics of the sites.

J Lundy showed on the slides of the presentation to location of the development limit of Garvagh.

Proposed by Alderman Cole
Seconded by Alderman McKeown

- 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.

7 members voted for, 2 members voted against, 1 member abstained.

5.13 LA01/2018/0566/O Objection – Site 40m NW of 123c Agivey Road, Aghadowey

Report, addendum and erratum previously circulated 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 **REFUSE** planning permission subject to the refusal reasons set out in section 10.

Addendum recommendation - That the above refusal reason is accepted and added as a further reason for refusal as set out in section 10 of the Planning Committee Report.

J Lundy described the proposed development, the site and its context. She advised that 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 fails to comply with Policy CTY 2a of PPS 21 and would not be considered an exception under Policy CTY 8 of PPS 21. The proposal would further erode the rural character of the area and is contrary to Policy CTY 14 of PPS 21. As set out in Section 10 of the Committee report a refusal is recommended.

J Lundy advised Members that the proposed development did not meet the criteria for replacement under policy CTY 3; that there are 3 objections to the proposed development from 2 properties and highlighted the issues raised by objectors.

In response to points of clarification from Members, Senior Planning Officer, J Lundy, clarified definition of a cluster, that pointed to the dwellings on the slides of the presentation and the footing referred to.

The Chair invited B Wilson to speak in support of the application. B Wilson outlined the 2 objections had been addressed, and there were no objections from consultees. He advised that there will not be an impact on residential amenity. The dwelling existed before 1832, was inhabited in the 1940's and the recent derelict footprint remains. The house is visible as an historic cluster and focal node. 4 dwellings had been approved in 2008, consolidate and the site will be bound on 2 sides by development. He advised the site is not visible from any public aspect. And a balanced approach is required. He advised that there is a strong argument for a dwelling on the site.

In response to points of clarification from Members, B Wilson advised that other dwellings had been approved in 2008 and the site clusters with 4 buildings of which 3 are dwellings. He advised that the sketch design follows the rural guidance and that matters of design can be resolved at reserved matters stage.

In response to points of clarification from Members, Senior Planning Officer, J Lundy clarified the four dwellings approved: one application in 2007 was in substitution for a 2004 approval; a further 2007 reserved matters application was in relation to outline permission granted in 2004 under the Planning Strategy for Rural Northern Ireland; no.123 was approved in 2007 to supersede 2004 approval; and a fourth submitted in 2007 and approved in March 2008 was considered under the Planning Strategy for Rural Northern Ireland. However, under the retention and Disposal Schedule the full details of the assessment of these applications has been destroyed.

Proposed by Councillor Baird

Seconded by Councillor Loftus

- that committee defer consideration and arrange a site visit.

Committee voted unanimously in favour.

5.14 LA01/2018/0595/O Referred – Adjacent to 9 Killykergan Road, Garvagh

Report previously circulated 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 **REFUSE** planning permission subject to the refusal reasons set out in section 10.

J Lundy described the proposed development, the site and its context. She advised that 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 fails to comply with Policy CTY 2a of PPS 21 and would not be considered an exception under Policy CTY 8 of PPS 21. The proposal would require further planting to assist with integration under Policy CTY 13 and would further erode the rural character of the area which would be contrary to Policy CTY 14 of PPS 21. She advised that refusal is recommended as set out in section 10 of the Planning Committee Report.

J Lundy explained policy CTY2a and advised that the proposed site would not be considered rounding off or consolidation of a cluster and instead would extend development into the countryside. She referred to para. 8.10 of the Committee Report to the PAC decision in Garvagh. She advised that the Gospel Hall is located away from the cluster of development; the site is roadside and not bound on 2 sides by development; it does not round off or consolidate development.

In response to points of clarification from Members, the Senior Planning Officer, J Lundy clarified the map illustrated on the screen was not correct and had omitted one dwelling, was not intended and apologised; but the map attached to the Committee report did have the additional dwelling included. J Lundy clarified the site was roadside and extended the development further encroaching into the countryside.

The Head of Planning advised of similar applications put before Committee regarding 5 proposed dwellings on Ballinlea Road where there was a Church and Members refused 2 of the applications and the remainder were withdrawn at Committee meeting.

The Chair invited O Quigg, agent, to speak in support of the application. O Quigg outlined the application does meet all 6 points within policy CTY2A and referred to para.s 8.4 and 8.12 of the Committee Report. He advised that that this is all one cluster of development and the Gospel hall is the focal point that is visually linked to the cluster. He stated that the site is bound by development on 2 sides; development to the north and western boundaries and development protrudes to the south into the countryside. He advised that vegetation exists and the proposal is an acceptable form of development in the countryside. The proposal will cause no demonstrable harm and the applicant is a local dweller. He advised that a dwelling is missing from the map and the site does meet all 6 criteria of policy CTY2a.

In response to points of clarification from Members, O Quigg advised that a dwelling could be sited anywhere within the red line of the application

site and dwellings constructed and habitable at no.s 7 and 7a and dwelling to south makes the site acceptable.

Senior Planning Officer, J Lundy advised Members of the criteria of policy CTY2a and the Pac decision within the planning Committee report in relation to enclosure by development otherwise ribbon development along roadside.

Proposed by Alderman Cole
Seconded by Alderman King

- that committee defer consideration and arrange a site visit.

Committee voted unanimously in favour.

- * **Alderman McKeown left the meeting at 9.57PM.**
Ald Cole left the meeting at 9.57PM

5.15 LA01/2017/1391/F (Referred) – 11 Dungallion Road, Eglinton

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

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.

J McMath described the proposal, the site and its context. She explained policy CTY 4 and advised that the proposed development is considered unacceptable having regard to the area plan and other material considerations. The development fails to comply with the SPPS and PPS21 in that the modern building which is subject to the change of use and conversion is not considered to be locally important. As there is no other policy basis to allow the proposal, refusal is recommended as set out in section 10 of the Committee Report.

In response to points of clarification from Members, J McMath described the location of the site with assistance to the slides in the presentation.

Proposed by Councillor Baird
Seconded by Councillor Loftus

- 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.

7 members voted for, 1 member voted against, 0 members abstained.

5.16 LA01/2017/0345/F Referred – Lands surrounding 101 – 103 Fivey Road, Bushvale, Ballymoney

Report, addendum and erratum previously circulated 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 **REFUSE** planning permission subject to the refusal reasons set out in section 10.

Addendum recommendation - That the above refusal reason is accepted and added as a further reason for refusal as set out in section 10 of the Planning Committee Report.

Erratum recommendation - That the Committee notes this Erratum and agrees with the recommendation to Refuse as provided in the Committee report.

J Lundy described the proposed development, the site and its context. She 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 development fails to provide a quality residential environment: failing to respect the surrounding character; overdevelopment of the site; the design and layout causes adverse overlooking; and, has been unable to demonstrate that a safe access can be provided for the movement of traffic and parking. She advised that the proposed development fails the floorspace standards and garden sizes. J Lundy stated that the parking provision also restricts access to the rear gardens and drainage assessment, access issues have not been resolved. She advised that the location of the bin storage adjacent to 2 adjacent properties was not considered acceptable. Refusal is recommended as set out in Section 10 of the Committee Report.

In response to points of clarification raised by Members J Lundy advised that sketch plans had been received to address issues but no formal submission received; there were also land ownership issues. She advised that requests for amended plans had been made in April and July.

Proposed by Alderman King
Seconded by Councillor Loftus

- that the Committee has taken into consideration the Erratum and agrees with the recommendation to Refuse as provided in the Committee report 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 refusal reasons set out in section 10;

- That the above refusal reason is accepted and added as a further reason for refusal as set out in section 10 of the Erratum to the Planning Committee Report.

Committee voted unanimously in favour.

5.17 LA01/2018/1098/NMC Council Interest – Park Street Public Toilets, Park Street, Coleraine

Report previously circulated 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 **GRANT CONSENT** for a Non-Material Change for the reasons set out in sections 8 and 9.

E Hudson described the proposed development and explained the differences between the previous permission granted and the proposed amendments. She advised that the proposal is considered acceptable in this location having regard to planning guidance and other material considerations. The proposed alterations do not constitute a material change from the original permission. Consent is recommended.

Proposed by Alderman King
Seconded by Councillor Baird

- That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **GRANT CONSENT** for a Non-Material Change for the reasons set out in sections 8 and 9.

Committee voted unanimously in favour.

5.18 LA01/2017/1617/F Council Interest – Parks Nursery, New Mills Road, Coleraine

Report and addendum previously circulated 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 reasons set out in section 10;

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.

E Hudson described the proposed development, the site and its context. She advised that objections had been received and highlighted the issues raised. She advised that the proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The redevelopment of the Council site seeks to improve infrastructure provision and health and safety aspects on the site. This will ensure that the public has better access to the site and will improve working conditions for Council workers on site. The principle of the development is acceptable and there is limited visual impact from the scheme. The proposal will not harm residential amenity or rural character. The development is acceptable in terms of the requirements for potential land contamination. There are no issues in relation to site lighting as confirmed by Environmental Health. Access arrangements and car parking are satisfactory. Approval is recommended subject to stated Conditions and Informatives as set out in Sections 9 and 10 of the Committee Report.

Proposed by Councillor Nicholl
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 reasons set out in section 10;

- 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.

Committee voted unanimously in favour.

6. DEVELOPMENT MANAGEMENT PERFORMANCE

6.1 Update on Development Management & Enforcement Statistics 01 April 2018 – 30 September 2018

Report previously circulated, presented by the Head of Planning.

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 2018. Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, were excluded from the reports to correspond with official validated statistics published by DFI.

Table 1, circulated, detailed the number of Major planning applications received and decided as well as the average processing times. In comparison to the same period last year, the number of major applications received has increased by 2.

Table 2, circulated, detailed the number of Local planning applications received and decided as well as the average processing times. In comparison to the same period last year, the number of decisions issued has increased by 28. Of note is that staff have issued the same number of decisions as applications received.

Table 3, circulated, detailed the number of Enforcement case opened and concluded as well as the average processing times. In comparison to the same period last year, the number of cases brought to conclusion has increased by 40.

Resources continue to be targeted to reduce the over 12 month applications. Table 4 provided a further breakdown of the over 12 month applications in the system and also the percentage of over 12 months applications in relation to the number of live planning applications. The weekly monitoring of these figures continues in line with the Over 12 Month Action Plan and staff are conscious of the need to prioritise their efforts in this area of work. The aim is for progress to be evident in this area by Q3.

Table 5, circulated, detailed the number of appeal decisions issued since 1 April 2018.

Table 6, circulated, detailed 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 September 2018, 23 referral recommendations were determined by the Planning Committee, 39.13% of which have been overturned.

Report noted.

6.2 First Quarter 2018/19 Statistical Bulletin

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. The First Quarter 2018/19 Statistical Bulletin was published on 20th September 2018 providing provisional planning statistics for this period. It also provides a summary of Council progress across the three statutory targets for major development applications, local development applications and enforcement cases as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

Development Management Planning Applications - Table 1, circulated, detailed a summary of performance in relation to the statutory target for

major development applications and local development applications for Q1 and provides a comparison of performance against all 11 Councils.

Causeway Coast and Glens Borough Council is in the top half of the 11 Councils when comparing the number of applications received, determined and live applications. However, it is clear that performance in terms of processing times of both major and local applications is the slowest out of the 11 Councils. The main reasons for the lengthy time to process applications relates to the continual negotiations on applications to achieve high quality design or seek reports on flooding, ammonia, and protected species. This is because 42% of the Borough is covered in an environmental designation, including 5 Conservation Areas and 4 AONBs, either wholly or partially.

Nevertheless, performance against statutory targets remains an area for improvement and progress has been made in relation to the time to process local applications, improving from 33.4% of applications processed within the 15 weeks in Q4 of 2017/18 to 33.7% weeks in Q1 of 2018/19. With the ongoing recruitment of additional staff it is anticipated that this should show improvements in performance against statutory targets in Q3 and more noticeably in Q4 when staff will have been recruited and in post.

Enforcement - Table 2, circulated, detailed statistics in relation to enforcement in Q1. The high number of enforcement cases opened continued yet Council continues to close more cases than it opens, keeping the overall live caseload at a manageable level. Of note is that of the cases closed in Q1, 28% were as a result of no breach of planning control being identified.

In conclusion, performance within the Planning Department remains steady. However, the processing times and number of over 12 month applications requires focus over this business year in an attempt to increase the number of applications processed within the statutory targets and reduce the number in the system over 12 months. With the agreed recruitment of additional staff, this improvement should be visible in Q4 performance statistics.

IT IS RECOMMENDED that the Planning Committee note the update on the Northern Ireland Planning Statistics 2018/19 First Quarterly Statistical Bulletin.

AGREED - that the Planning Committee note the update on the Northern Ireland Planning Statistics 2018/19 First Quarterly Statistical Bulletin.

7. CORRESPONDENCE

7.1 DFI letter Regarding Visits to Planning Committee Meetings

Angus Kerr, Chief Planner & Director of Regional Planning wrote to confirm that Departmental staff will be visiting planning committee meetings between October 2018 and January 2019. The main purpose of the visits is to gain a better understanding of the planning decision making processes of councils as part of the Department's ongoing oversight role of the planning system.

Report noted.

7.2 DFI letter advising of changes at senior management level within DFI

Noted.

8. LEGAL ISSUES

Council Solicitor advised the Judicial review of the North West Hotel Development would now be held 6, 7 and 16 November.

9. ANY OTHER RELEVANT BUSINESS

The Chair raised the matter of the 2019 Timetable of Meetings for the Planning Committee.

Proposed by Councillor Baird
Seconded by Councillor Fielding

- that consideration of the 2019 Timetable of Meetings for the Planning Committee be deferred for consideration of a report by the head of planning at the next scheduled Planning Committee meeting.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 10.18 pm.

Chair