



PLANNING COMMITTEE WEDNESDAY 26 JUNE 2019

Table of Key Adoptions

No	Item	Summary of Key Decisions
1.	Apologies	None
2.	Declarations of Interest <ul style="list-style-type: none">Councillor Scott – LA01/2018/0910/F 485m NW of 95 Carnamuff Road, BallykellyAlderman McKeown – LA01/2015/0919/F 50m South of 49 Knock Road, Ballymoney	Note in Register
3.	Minutes of Planning Committee Meeting held Wednesday 17 April 2019	Confirmed
4.	Terms of Reference	Amended Terms of Reference to be presented to Committee in August 2019
5.	Order of Items and Confirmation of Registered Speakers/Applications Withdrawn and Site Visit Requests	Agreed to receive Order of Business as set out on Agenda
	<ul style="list-style-type: none">LA01/2018/0830/O 50m South West of 57 Ballyweeny Road, Loughguile	Application Withdrawn from Planning System
	<ul style="list-style-type: none">LA01/2016/1230/O 60m NE of 32 Newmills Road, Coleraine	Defer for Site Visit
	<ul style="list-style-type: none">LA01/2018/1343/F 83 Dogleap Road, Limavady	Defer for Site Visit

	<ul style="list-style-type: none"> LA01/2019/0051/O Lands adjacent to 64 Dunlade Road, Killywill, Greysteel 	Defer for Site Visit
6.	Schedule of Applications	
6.1	Major LA01/2019/0091/F Northern Regional College (Coleraine Campus), Union Street including adj lands to the south currently accommodating the St Patrick's Parish Centre, St Patrick's Church Hall. Brook Street car park and playing fields, Coleraine	Approve
6.2	LA01/2019/0089/LBC Northern Regional College (Coleraine Campus), Union Street including adj lands to the south currently accommodating the St Patrick's Parish Centre, St Patrick's Church Hall. Brook Street car park and playing fields, Coleraine	Approve
6.3	Major LA01/2018/0109/F Land adjacent to and West of Hilltop Holiday Park, 60 Loguestown Road, Portrush	Approve
6.4	Major LA01/2017/1161/F Land approximately 60m North of 32 Dirraw Road, Ballymoney	Approve
6.5	Major LA01/2016/1258/RM Land opposite 30 Glengiven Avenue and 3, 5 and 15 Glenside Brae (land to East and South of the former Gorteen House Hotel) and to the rear of 27, 29, 33, 35, 47 & 59 to 63 Ballyquinn Road, Limavady	Grant
6.6	Objection LA01/2016/1197/F 90 Strand Road, Portstewart	Defer for 3 Months
6.7	Objection LA01/2017/1609/F Lands at and to the north west of No 110 Coleraine Road, Portstewart	Approve
6.8	Objection LA01/2017/1005/F Lands abutting and South of 9-12 Princess Gardens, Cloughmills	Approve

6.9	Objection LA01/2015/0919/F 50m South of 49 Knock Road, Ballymone	Approve
6.10	Objection LA01/2016/1138/F Nos 10, 12, 14 & 16 Upper Heathmount, Portstewart	Approve
6.11	Referred LA01/2018/0339/O 158m South East of 243 Garryduff Road, Dunloy	Defer for one month
6.12	Referred LA01/2018/0910/F 485m NW of 95 Carnamuff Road, Ballykelly	Disagree and Approve
6.13	Council LA01/2018/1352/F Land south of 120 Ballyreagh Road, Portstewart	Approve
6.14	Council LA01/2018/1340/F 3 Berne Road, Portstewart	Approve
7.	Development Management Performance	
7.1	Update on Development Management and Enforcement Statistics 01/04/19 – 30/04/19	Noted
8.	Development Plan	
8.1	DFI NI Flood Risk Management Plan	Noted
8.2	DFC – Council Consultation on proposed listings: <ul style="list-style-type: none"> • Lime Kilns, Harbour Road, Ballintoy • The Boat House, Harbour Road, Ballintoy 	Agree Option 1 to support listings
9.	Correspondence	
9.1	Proposed changes to the fees for Regional Property Certificates	Agree
9.2	Mineral Prospecting Licence Application Notification – Dalradian Gold	Write to DfE to note concerns
9.3	Petroleum Licence Applications	

9.4	Department for Infrastructure – The Planning (Fees) (Amendment) Regulations (Northern Ireland)	<i>Noted</i>
9.5	Mid Ulster District Council – Local Development Plan 2030 – Draft Plan Strategy and Response	<i>Noted</i>
9.6	Department for Infrastructure - NI Planning IT System Update	<i>Noted</i>
9.7	Department for Infrastructure - DfI Planning Environmental Governance Work Programme	<i>Noted</i>
10.	LDP – Landscape Character Assessment – Award of Contract	<i>Agree</i>
11.	Legal Issues	<i>None</i>
12.	Any Other Relevant Business	
12.1	Planning Committee Meeting - Sustenance	<i>Members to be provided with fresh food at 5pm</i>
12.2	Planning Applications - clarification on figures used by SES and NIEA	<i>Invite Head of Shared Environmental Services to attend a future Planning Committee Meeting</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 26 JUNE 2019 AT 2:00 PM**

In the Chair: Councillor McLaughlin

Committee Members Present: Aldermen Boyle, Duddy, Finlay, McKeown and McKillop.
Councillors Anderson, Baird, Dallat O'Driscoll,
Laverty, McGurk, McKillop MA, McMullan, Nicholl
and Scott

Officers Present: D Dickson, Head of Planning
S Mathers, Development Management &
Enforcement Manager
S Mulhern, Development Plan Manager
J Lundy, Senior Planning Officer
E Hudson, Senior Planning Officer
J McMath, Senior Planning Officer
B Edgar, Head of Health & Built Environment
E McCaul, Committee & Member Services Officer
D Allen, Committee & Member Services Officer

In Attendance: M Kearney, Shared Environmental Services (SES)
K Finnegan, Northern Ireland Environment Agency (NIEA)

Registered Speakers: M Higgins, D McLoughlin, N Barton & M Hoy –
LA01/2019/0091/F
D Dalzell – LA01/2018/0109/F
T Bell – LA01/2017/1161/F
M Smyth – LA01/2016/1258/RM
N Menary & C Cassidy – LA01/2016/1197/F
S McKee – LA01/2017/1005/F
K Burns & S Kennedy – LA01/2015/0919/F
R McBirney & J McAdam – LA01/2016/1138/F
D Graham & J Devine – LA01/2018/0910/F
T Ferguson – LA01/2018/1352/F
M Bradley MLA & M Bell – LA01/2016/1230/O

Public (20 No.)

CHAIR OF MEETING

In the absence of the Chair – Councillor Hunter, the Vice Chair – Councillor McLaughlin assumed the position of Chair for the transaction of business.

Councillor McLaughlin welcomed newly elected Planning Committee Members to the first Planning Committee Meeting of the new Council term and to members of the public seated in the viewing gallery.

1. **APOLOGIES**

Apologies were recorded for Councillor Hunter.

2. **DECLARATIONS OF INTEREST**

Declarations of Interest were recorded as follows:

- Councillor Scott – LA01/2018/0910/F 485m NW of 95 Carnamuff Road, Ballykelly
- Alderman McKeown – LA01/2015/0919/F 50m South of 49 Knock Road, Ballymoney.

3. **MINUTES OF MEETING HELD WEDNESDAY 17 APRIL 2019**

Proposed by Councillor McGurk
Seconded by Alderman McKeown

- that the minutes of the Planning Committee Meeting held on Wednesday 17 April 2019 be confirmed as a correct record.

The Chair put the motion to the Committee to vote. 6 Members voted for 0 Members voted against and 8 Members abstained.

The Chair declared the proposal to **CONFIRM** the minutes carried.

4. **TERMS OF REFERENCE**

The Planning Committee received a report which set out the Terms of Reference for the Planning Committee. It was noted that the Terms of Reference had been approved in April 2015 at the first Planning Committee meeting following the establishment of Causeway Coast and Glens Borough Council.

The Terms of Reference included scope of the Planning Committee, Membership, Chair, Meetings, Sub-Committee and Working Group Communication and Reporting.

It is recommended – that the Planning Committee approve the terms of Reference as set out in the report.

Councillor Baird referred to details set out in Annex A and B of the report which were inaccurate with regard to Membership of the Planning Committee and to meeting date and times, and that they needed to be amended.

Proposed by Councillor Baird
Seconded by Councillor McKillop

- that Annex A and B of the Terms of Reference be amended and presented to the Planning Committee Meeting on 28 August 2019.

The Chair put the motion to the Committee to vote, which was carried unanimously.

5. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS/APPLICATIONS WITHDRAWN AND REQUESTS FOR SITE MEETINGS

The Head of Planning advised of the following application had been withdrawn from the Planning System:

- LA01/2018/0830/O – 50m South West of 57 Ballyweeny Road, Loughguile (*Agenda Item 6.16*)

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

Proposed by Alderman Finlay
Seconded by Alderman Duddy and

AGREED – that consideration of application LA01/2016/1230/O be deferred and a site visit arranged. (*Agenda Item 6.15*)

Proposed by Councillor Nicholl
Seconded by Councillor McMullan and

AGREED - that consideration of application LA01/2018/1343/F be deferred and a site visit arranged. (*Agenda Item 6.17*)

Proposed by Councillor Nicholl
Seconded by Councillor McMullan and

AGREED – that consideration of application LA01/2019/0051/O be deferred and a site visit arranged. (*Agenda Item 6.18*)

AGREED – to receive the Order of Business as set out on the Agenda.

6. SCHEDULE OF APPLICATIONS

6.1 Major - LA01/2019/0091/F - Northern Regional College (Coleraine Campus), Union Street including adjacent lands to the south currently accommodating St Patrick's Parish Centre, St Patrick's Church Hall. Brook Street car park and playing fields, Coleraine

Planning Committee Report, Addendum and Erratum circulated, presented by the Development Management & Enforcement Manager S Mathers.

It was explained that this was a major application which was subject to a PAN and Community Consultation Report.

The Development Management & Enforcement Manager described the site and its context for redevelopment of Northern Regional College, Coleraine Campus to facilitate the consolidation of Coleraine and Ballymoney Campuses. Works to include the demolition and redevelopment of existing college building on existing expanded site. Amendments to listed St Patrick's Parish Centre to include extension and internal refurbishment work. Public access onto Anderson Park, landscaping, fencing, service yard, associated plant and site works; reconfiguration of existing Brook Street car park to provide additional parking, re-located access, lighting and area of landscaped open space.

The Development Management & Enforcement Manager advised that the design of the building has been developed as a mainly 4 storey building around a central courtyard with main entrances from Anderson Park and Union Street. To reduce the impact of the four storey building on Union Street townscape, the northern elevation would be stepped back as the building increases in height. This would assist in reducing overshadowing of the adjacent residential properties. He stated that the new building would be of a contemporary design with a flat roof to minimise the scale and height.

The Development Management & Enforcement Manager outlined that St Patrick's Parish Centre, a grade B listed building would be retained and refurbished to become a performing arts studio and that a single storey

glazed extension was proposed to the site of the existing building. He said that the design of the building was considered appropriate as it broadly accords with the footprint of the existing college buildings.

It was noted that Historic Environmental Division had considered the impacts of the proposal on the listed building and advised that the proposals on design, scale and massing were satisfactory.

The Development Management & Enforcement Manager explained that the Brook Street site, which used to be a football pitch has been disused for approximately 15 years. This area would be converted to a car park to provide 212 car parking spaces on site and area of open space open to the public, with it being broken up with hedging and tree planting.

The development would lead to the loss of the existing area of open space. Policy OS 1 of PPS 8, which relates to the protection of open space, has a firm presumption against development that would result in the loss of existing open space. The policy also sets out that an exception would be permitted where it is clearly shown that redevelopment would bring substantial community benefits that decisively outweigh the loss of open space. The exception is met in this case.

In terms of residential amenity, as the building is stepped back at first and second floor levels, this will reduce overshadowing. Overlooking would be reduced further through the use of a curtain wall system and the position of the proposed workshops located along Union Street.

The Addendum to the report detailed that the curtain wall system on the ground floor looking toward the dwellings on Union Street would be obscured. The other floors would not have obscure glazing on this elevation. In addition, the Addendum provided proposed roads conditions. The Erratum corrected an error in conditions 24 and 25 regarding archaeology.

In conclusion, the proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. Approval is recommended. The design of the building and the ancillary works is considered appropriate in the townscape of Coleraine. The proposed development will be sympathetic to the listed building at St. Patrick's Parish Centre and its setting. Although the proposed development will lead to the loss of open space, it is considered that the community benefits of the proposed development by offering a new state of the art further education college for the Borough significantly outweigh

the loss of open space. The proposed parking numbers at Brook Street is acceptable to facilitate this development. Approval is recommended.

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

In response to Members queries, the Development Management and Enforcement Manager made the following points:

- DfI Roads were consulted in relation to the number of car parking spaces and the number of staff and students using the proposed development. Reference was made to Paragraph 8.37 of the Planning Committee Report and Car Parking Standards.
- DfI Roads were content that the new car parking facility was adequate. However, users could additionally lawfully park in other car parks and along streets.
- In relation to the change in outlook of residential properties adjacent the car park, it was advised that to ensure a high standard of landscape (Condition 12 of the Planning Committee Report), car parking provision was proposed in a sensitive manner with the retention of open space to the front and tree and shrub planting throughout the car park.
- It was advised that there were no representations submitted by the Housing Association.
- Condition 12 was a landscaping condition.

The Chair invited M Higgins, Applicant; D McLaughlin, Resolve Planning; N Barton, Architect and M Hoy, Traffic Consultant to address the Committee in support of the application.

M Higgins informed Members that he was delighted that the application had been recommended for approval as the investment would transform the area, improve linkages to the town centre, see a significant increase in student numbers, while at the same time being sympathetic to the town centre and its residents. He added that it would result in transformational change, comprising 12,500 sqm and an investment of £12.5 million while being a catalyst for regeneration.

Members had no questions for the speakers.

Proposed by Alderman Duddy
Seconded by Councillor Baird

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

The Chair put the motion to the Committee to vote, 15 Members voted for, 0 against and 0 abstentions.

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

6.2 Major - LA01/2019/0089/LBC – St Patrick’s Parish Centre, St Patricks Church Hall

Planning Committee Report circulated and presented by the Development Management & Enforcement Manager, S Mathers.

The Development Management & Enforcement Manager described the site and its context for amendments to listed St. Patrick’s Parish Centre to include roof alterations, extension and internal refurbishment works as part of the wider redevelopment of Northern Regional College, Coleraine Campus to facilitate the consolidation of Coleraine and Ballymoney campuses on the existing expanded site. It was explained that this change of use would allow for the upkeep and survival of the listed building.

The Development Management & Enforcement Manager advised that the elevation of the new building facing the listed building and the materials chosen had been carefully considered to provide a contrasting design to ensure it does compete with the listed building. He added that Historic Environment Division was content with the proposal.

In conclusion, this proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The proposal is acceptable in terms of listed building policies BH 7, BH8 and BH 11. Approval is recommended.

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

APPROVE Listed Building Consent subject to the conditions set out in section 10.

In response to Members queries, the following points were made:

- It was envisaged that vehicle users would use Brook Street car park.
- Implementation of the Highway Code could not be addressed through this planning application.
- There were three main approaches to dealing with extensions to listed buildings: the reproduction approach; the traditional approach and the contemporary approach. The development was a modern contemporary approach which worked well providing clear differentiation between old and new. It was added that HED was content.
- The main building would have facing brick with a white render finish; powdered coat aluminium glazing and flat roof.
- In relation to whether a sloping roof would be more appropriate, it was advised that such a change was not considered appropriate. The white render finish was a simple and clean contrast with the brick. Windows are to be aluminium. This was a good example of modern contemporary design which has been favoured by HED.

Proposed by Councillor MA McKillop

Seconded by Alderman Duddy

- 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 and 8 and resolves to **APPROVE** Listed Building Consent subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote. 15 Members voted for, 0 Members voted against and 0 Members abstained.

The Chair declared the motion to **APPROVE** Listed Building Consent carried.

6.3 Major - LA01/2018/0109/F – Lands Adjacent to and West of Hilltop Holiday Park, 60 Loguestown Road, Portrush

Planning Committee Report circulated and presented by the Development Management & Enforcement Manager, S Mathers.

It was explained that this was a major application which was subject to a PAN and Community Consultation Report.

The Development Management & Enforcement Manager described the site and its context for proposed extension of existing Caravan Park to accommodate new static caravan pitches with associated access and landscaping. He explained that it was outside the settlement limit of Portrush in the countryside, adjacent to the existing caravan site.

The Development Management & Enforcement Manager advised that proposed site was located adjacent to the existing caravan park and referred to PPS16 relating to the extension to existing Holiday Parks. It was in open countryside and that the site would be able to absorb the development. He said that the site assimilates into the landscape, with the layout being a cluster of units and that 19% of the site would be made up of communal open space. There are distant views from Roselick Road. There would be no new access needed as the site would be accessible from the existing access in Glenmanus Road. He added that DfI Roads had no objection to the proposal and amenity and separation distance were acceptable.

The Development Management & Enforcement Manager outlined that a Flood Risk Assessment and drainage assessment was carried out in January 2018 as part of the site was located within a flood plain and that this part of the site would be retained as open space.

In terms of amenity, the separation distance is 150m to the closest dwelling.

In conclusion the proposed development is considered acceptable in this location having regard to the NAP 2016 and other material considerations, including the SPPS. The proposal has been considered against the policy tests set out for tourism development in the countryside. The proposal would create a high quality and sustainable form of tourism development. Approval is recommended.

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

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

D Dalzell stated that he was supportive of the recommendation to approve the application and willing to respond on any questions Members had on the application. He stated that Colin Mairs, the applicant was unable to attend. He added that he supported the recommendation and would be pleased to see the Committee approve the application. There were no questions posed.

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.

The Chair put the motion to the Committee to vote. 15 Members voted for, 0 Members voted against and 0 Members abstained.

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

6.4 Major LA01/2017/1161/F – Land Approximately 60m North of 32 Dirraw Road, Ballymoney

Planning Committee Report circulated and presented by the Development Management & Enforcement Manager, S Mathers.

It was explained that this was a major application which was subject to a PAN and Community Consultation Report.

The Development Management & Enforcement Manager described the site and setting for erection of new broiler unit for up to 37,000 birds, extension to existing concrete apron, new meal silos, drainage and associated landscaping.

The Development Management & Enforcement Manager advised that the site was located in the rural area as defined by the NAP 2016, outside any designated settlement. He said that the principle of development was acceptable; in terms of integration, the site already had existing broiler units; there would be limited views of the new broiler unit on the landscape and additional landscaping would be provided as

necessary and it would have no impact on the natural or built heritage. He added that the reduced ground levels would assist integration.

The Development Management & Enforcement Manager confirmed that the farm business had been established for over 6 years and the new unit would be sited adjacent to and set behind the existing units with new landscaping.

The Development Management & Enforcement Manager outlined that 14 objections had been received and one of the issues highlighted was levels of ammonia were at critical levels and the current proposal would add to these unacceptable levels. He said that Shared Environmental Services had undertaken a Habitats Regulations Assessment and had concluded that the proposal was not likely to have a significant effect on the features of any European designated site. He added that all the objections had been considered in the Planning Committee Report. He stated that M Kearney from SES and K Finnegan from DAERA NIEA were available to assist with any queries that members may have with this issue.

In terms of residential amenity, the nearest building was 300 metres away and the existing access would be used for services to the site. The ground level would be reduced to a similar level of the existing units.

The Development Management & Enforcement Manager explained that NIEA were content and that the development could proceed with the conditions imposed.

The Development Management & Enforcement Manager informed Members that two late objections had been received:

- Ms O Harper 24 June 2019 - Comment that there are ongoing deliberations by NIEA- NIEA are content in this specific case that the development can proceed. Comment on Tully AD Plant Capacity- Letter from Moy Park on file states that waste is to go to Tully AD Plant. NIEA indicates that there is capacity subject to contractual issues. No evidence has been submitted that no capacity is available. Comment on McCollum's Hill South SLNCI- NIEA is content on impact on this site. Comment that NI is lagging behind rest of UK in terms of environmental protection and river pollution- these are general comments not specific to this site/ application.

- Ms J Lusby 24 June 2019- Comment on capacity at Tully AD Plant- as above. Comment on SES assessment of final destination of waste- The Habitats Regulations at Regulation 47 provide that a competent authority is not required to assess the implications of a project which could be more appropriately assessed by another competent authority. In this case IPRI as the regulator of the AD plant is the appropriate authority. Furthermore the final product is classified as fertiliser rather than waste. Comment on generation of waste water, air scrubber emissions, location of fertiliser spread and associated water quality in rivers and lakes (as above). Comment that Antrim and Newtownabbey Council defer approval for intensive pig unit- is matter for Antrim and Newtownabbey Council.

In conclusion, the proposed development is considered acceptable in this location having regard to the Northern Area Plan and other material considerations. The proposed development is an appropriate use in the countryside, it is sited adjacent to other existing farm dwellings on an active and established farm. The proposal is acceptable in terms of its layout and appearance. All environmental information including that relevant to natural heritage has been considered and all consultees have accepted the proposal subject to the conditions set out within the report. Approval is recommended.

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

Alderman Boyle queried the baseline ammonia levels in Northern Ireland generally. The Head of Planning responded that questions must relate to the specific application.

In response to Members queries from M Kearney, SES made the following points:

- There is no designated site within the 7.5km zone – screening distance is applicable to NI.
- There was deemed to be no significant affects from the Stage 1 Screening and so considered a Stage 2 HRA Assessment was not required. He added that there were no impacts on construction and no pathways. Industrial Pollution and Radiochemical Inspectorate

(IPRI) was the competent authority for the investigation for any odour or noise complaint for Tully AD.

The Chair invited T Bell, Planning Consultant to address the Committee and respond to Members queries. There were no queries from Members.

Proposed by Alderman Finlay
Seconded by Alderman Duddy

- 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 resolves to **APPROVE** planning permission subject to the conditions and informatives set out in section 10.

The Chair put the motion to the Committee to vote. 14 Members voted for, 0 Members voted against and 1 Member abstained.

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

6.5 Major - LA01/2016/1258/RM – Land Opposite 30 Glengiven Avenue and 3, 5 and 15 Glenside Brae (land to East and South of the former Gorteen House Hotel) and to the rear of 27, 29, 33, 35, 47 and 59 to 63 Ballyquin Road, Limavady

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

It was explained that this was a major application. However, as it was a reserved matters application from an older outline permission approved prior to the Planning Act (Northern Ireland) 2011 coming into effect, it was not subject to a PAN and Community Consultation Report.

The Development Management & Enforcement Manager described the site and context for construction of housing development comprising 201 dwellings providing a mix of 4 bedroom two storey detached and semi-detached dwellings and 4 bedroom semi-detached chalet dwellings, 3 bedroom two storey detached and semi-detached dwellings and 3 bedroom detached and semi-detached chalet dwellings, associated access roads and footpaths, landscaping and public open space. He advised that the site was zoned as housing in the Northern Area Plan-zoning LYH 13.

The Development Management & Enforcement Manager advised that the chalet type dwellings would be situated on the higher areas within the site; the development is designed to take account of TPO trees; 11% of the site would be open space and to include an equipped children's play area; there was adequate private amenity space and DfI Roads were content with the layout and relationship to other properties; separation distance was acceptable and the windows of the proposed dwellings carefully located. He confirmed that infrastructure improvements outside the site were being regulated by a separate legal agreement between the developer and DfI Roads. He also advised that the sewerage system needed to be upgraded and this had been added as a condition of any approval. He commented that the time limit condition provided an extended timeframe for commencement and that a condition was imposed limiting the extent of development that could take place until the sewerage system upgrade was undertaken. He added that objections were considered in the report.

In conclusion, 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 impact on existing dwelling or proposed dwellings via overlooking, loss of light or overshadowing. Approval is recommended.

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

In response to Members queries, the following points were made:

- In relation to maintaining access to No. 37 Ballyquin Road, the Development Management & Enforcement Manager pinpointed access to the site via power point presentation and outlined that a laneway on site would be retained, however, bollards would be put in place to stop the laneway being used by vehicles. While pedestrian access will continue to be provided by the lane, vehicular access is proposed through the new development road.

- The issue of arrangements for sewage had an impact on this reserved matters application and referred to condition 10. The Development Management & Enforcement Manager advised that the reserved matters application was submitted within the timeframe and that the access arrangements were acceptable.
- The Development Management & Enforcement Manager referred to condition 18 which required the provision of playground equipment for children with disabilities. He suggested that the Agent, who was registered to speak on the application, could clarify the nature of the equipment.
- The Head of Planning advised that application fell outside planning gain as a reserved matters application and that Policy HOU 2 regarding social housing could not be applied.

The Chair invited M Smyth, Agent to address the Committee in support of the application. He confirmed that the access problem had been discussed with residents and resolved and stated that the neighbourhood play area would be equipped to accommodate children with a range of needs.

Proposed by Councillor Scott
Seconded by Alderman Finlay

– 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 reasons set out in section 10.

The Chair put the motion to the Committee to vote, 15 Members voted for, 0 Members voted against and 0 Members abstained.

The Chair declared the motion to **GRANT** reserved matters carried.

It was **AGREED** that a short recess be held.

* **Councillor McMullan left the meeting at 3.33 pm.**

* **A recess was held from 3:33 pm to 3:45 pm.**

6.6 Objection - LA01/2016/1197/F – 90 Strand Road, Portstewart

Planning Committee Report, Addendum, Erratum and site visit details were circulated and presented by Senior Planning Officer, J Lundy. The site visit report from 27 June 018 and one attended today was circulated.

The Senior Planning Officer described the site and its context on proposal to erect 20 no. apartment with associated car parking, road works and landscaping at 90 Strand Road, Portstewart. She advised that the proposal involves provision for two separate apartment blocks with 10 units in each block, car parking and bin storage. She stated that the site was zoned for housing in the Northern Area Plan- zoning PTH 30 with no extant permission. She confirmed that policy HOU 2 regarding social housing provision applied to this site.

* **Councillor McMullan re-joined the meeting at 3:50 pm.**

The Senior Planning Officer informed the Committee that amended plans had been submitted in January 2019, which reduced the proposed development from 30 to 20 apartments, from 3 to 2 blocks. She said that the addendum circulated detailed the main changes to the proposal and further advertisement and neighbour notification had been carried out. She explained that the car park to the front and bin storage to the front was unacceptable. The 5 stories would be visible from Strand Road. She explained variances on the plans in terms of height and the lift shaft and that a wall was missing from the plans. The rear elevation steps out as the building goes higher in elevation towards 92A- C Strand Road. No details have been provided of the 3m retaining wall materials. The proposal is out of character with Portstewart.

It was noted that there were 15 objections to the proposals as detailed in the addendum and 8.31 of the Planning Committee Report. Some of the objections related to design, density, height and massing, impact on residents, loss of light and impact on sewage system.

Councillor Scott queried as to whether there was any reason why drawings have not been received showing the lift shaft. The Senior Planning Officer responded that the application is in for some time and that it was decided to move forward on the information submitted so far.

In conclusion, the proposed apartment development is not considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPSS. The proposal fails to provide social housing as requested by policy. The design is inappropriate by reason of its scale and finishes. Harm would be caused to neighbouring amenity by reason of overlooking and dominance. Refusal is recommended for the reasons set out in the report.

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

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 9.0 and 10.0 of the Planning Committee Report.

The Chair invited C Cassidy, Consultant to address the Committee in support of the application.

The consultant advised that he had only recently been assigned to the case and was familiar with the site but not the design. Portstewart deserved modern buildings on what had been an abandoned site.

He suggested that the proposal be deferred for 2 months to allow him to meet with developers to attempt to resolve the issues raised so to keep the application live. He would then bring back an amended scheme. He added that if the application was refused, the site may never be brought forward. He stated that this is a prominent site in Portstewart and that he proposes to bring an amended scheme. C Cassidy confirmed that a delay was sought as the case had just been taken over and that 2 months would be sufficient. Alderman McKeown commented that there was lack of negotiation between the new architect and Planning. Alderman McKillop suggested that a 3 month deferment be proposed.

Proposed by Councillor Baird
Seconded by Alderman Finlay

- that the application be **DEFERRED** for 3 months to allow for amendments to the application to be submitted

The Chair put the motion to the Committee to vote. 14 Members voted for, 0 Members voted against and 0 Members abstained.

The Chair declared the motion to **DEFER** for 3 months carried.

* **Councillor Anderson left the Chamber at 4:05 pm.**

6.7 Objection – LA01/2017/1609/F – Lands at and to the North West of No 110 Coleraine Road, Portstewart

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

The Senior Planning Officer described the site and its context to proposed residential development of 21 no units comprising of 15no 3 & 4 bedroom detached & 6no 3 bedroom semi-detached units on lands to the north west of No 110 Coleraine Road, Portstewart.

The Senior Planning Officer advised that the proposal met with required policy on overlooking and design. She stated that it was a zoned housing site within Portstewart settlement limit- zonings PTH50 and PTH49 in the Northern Area Plan 2016. She continued that it met the key site requirements in the Northern Area Plan and PPS 7. A dwelling is to be demolished to accommodate the access. Account has been taken of the sloping nature of the site.

* **Councillor Anderson returned to the Chamber at 4:07 pm.**

The Senior Planning Officer informed the Committee that 13 letters of objection had been received relating to access, parking, overlooking and finished floor levels.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is on zoned housing land so residential development is an acceptable use for this site. The proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, massing, design, landscaping and hard surfacing areas. Private amenity areas for the dwellings are adequate in size. The design and layout does not adversely harm neighbouring residential amenity. The proposal is acceptable in terms of drainage and flood risk perspective. The proposal is satisfactory in terms of natural heritage and access and parking. Approval is recommended.

Councillor Baird requested a copy of the site layout plan. It was **AGREED** that site layout plans not usually included in the Planning Committee Report would be included in future reports.

The Senior Planning Officer confirmed that there would be 16 visitor car parking spaces on the site. She showed members the layout plan and

pointed out the access and car parking on the plan and the house types and cross sections.

Alderman McKeown queried increased traffic on Nursery Avenue and car parking.

The Senior Planning Officer confirmed that there would be increased traffic on Nursery Avenue and car parking. Alderman McKeown referred to objection for emergency services. The Senior Planning Officer stated that the entrance and car parking to that property will not be impacted.

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.

Proposed by Alderman S McKillop
Seconded by Councillor MA McKillop

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

The Chair put the motion to the Committee to vote. 14 Members voted for, 0 Members voted against and 1 Member abstained having left the meeting during discussions.

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

6.8 Objection - LA01/2017//1005/F - Lands abutting and South of 9-12 Princess Gardens, Cloughmills

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

The Senior Planning Officer described the site and its context for construction of 14 semi-detached dwellings and associated site works on lands abutting and south of 9-12 Princess Gardens, Cloughmills. She advised that the site was identified by the Northern Area Plan 2016 as being within Cloughmills.

The Senior Planning Officer advised that there was satisfactory parking provision on site; good separation distance of 26-30m; DfI Roads were satisfied with the proposal and in all other statutory consultations, there were no objections. The Senior Planning Officer commented on the access, objections, consultations and that it was a quality residential environment.

The Committee were informed that there were 10 objections and 1 petition of objection from the public to the proposal from 7 separate identified addresses. Some of the objections as detailed in 5.1 of the Planning Committee report related to amenity, impact on services, increase in noise, additional traffic levels and de-valuation of existing properties.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The principle of this low / medium density development is acceptable in this area which is characterised by residential development. It is acceptable in terms of layout and appearance and would have no significant harm in terms of residential amenity and road safety. Approval is recommended.

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

The Head of Planning advised that informatives were for information.

The Chair invited S McKee to address the Committee in support of the application. The Agent welcomed the approval recommendation and said the proposal met planning policy and had no objections from statutory agencies.

The Head of Planning confirmed that the site had not been zoned for social housing.

Proposed by Alderman S McKillop
Seconded by Councillor Dallat O'Driscoll

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

permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote. 14 Members voted for, 0 Members voted against and 1 Member abstained.

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

6.9 Objection - LA01/2015/0919/F – 50m South of 49 Knock Road, Ballymoney

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

The Senior Planning Officer described the site and its context for proposed unmanned Petrol Filling Station comprising Forecourt with Associated Fuel Pumps and Islands, Canopy, Small Ancillary Building and Site Works, 50m South of 49 Knock Road, Ballymoney. She advised that the site is within Ballymoney as per the Northern Area Plan 2016. The site is undesignated. She stated that the site is currently vacant but was used previously as a petrol filling station. Amendments were received to the proposal during consideration to an unmanned petrol filling station.

The Senior Planning Officer advised that the proposal included acoustic fencing to existing residential properties extending to 2.4m in height. She said that there were 9 objections to the proposal from 7 addresses and these related to loss of light, amenity, fumes and noise and that the proposal had no adverse effect on street scape. Reference was made to para 5.1 of the Planning Committee Report. She stated that the principle is acceptable and that statutory consultees are content.

Alderman Finlay commented that this was a fairly residential area. The Senior Planning Officer advised that the application had not previously been to the Planning Committee.

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.

This proposal is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPSS. The principle of development is acceptable in this

area which is characterised by a mix of uses. It is acceptable in terms of design and appearance and would have no significant harm in terms of residential amenity and road safety. Approval is recommended.

The Senior Planning Officer outlined that the acoustic fence would limit noise and from the lights. She confirmed that the plans did not include security lighting and that there was a condition on approval around fuel delivery times.

The Head of Planning pointed out that if Members were concerned about noise from the petrol station, a condition would be put on the approval on operational hours.

The Chair invited K Burns, Agent and S Kennedy, applicant to address the Committee in support of the application. The registered speakers indicated that they were happy to answer questions from Members.

In response to Members queries, the following points were made:

- In relation to noise during sleeping hours and lights on residents, it was confirmed that a noise assessment had been carried out; that the canopy would have 6 led lights, which dimmed when no traffic was on site and had very little light spread; the site would have infrared CCTV and an intercom that was linked to a control centre.
- In relation to the potential for anti-social activity in the canopy the speaker advised that there were 5 sites throughout the Province and that security was assisted with a loud speaker and intercom button to a control centre with a direct link to the PSNI and Fire Service.
- In relation to potential light pollution and whether officials were content with the technical specification the Head of Planning confirmed that no LED lighting was shown on the plans. She continued that Environmental Health were content with the proposal and the mitigation measures proposed.

*

D Allen, Committee and Member Services Officer joined the meeting at 4:38 pm.

The Head of Health and Build Environment addressed the Committee on noise impact as set out within section 8 of the Planning Committee Report.

Proposed by Alderman Finlay
Seconded by Councillor Baird

- that the application be **DEFERRED** for one month to clarify the lighting issue.

The Chair put the motion to the Committee to vote. 15 Members voted for, 0 Members voted against and 0 Members abstained.

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

6.10 Objection - LA01/2016/1138/F – 10, 12, 14 & 16 Upper Heathmount, Portstewart

Planning Committee Report and site visit details circulated, presented by the Development Management & Enforcement Manager, S Mathers.

The Development Management & Enforcement Manager described the site and its context for demolition of existing townhouses and erection of residential building consisting of 11 No 1 and 2 bed apartments with associated car parking, bin store and reuse of existing access from Garden Avenue, 10, 12, 14 & 16 Upper Heathmount, Portstewart. He stated that as defined by the Northern Area Plan 2016, the site while within Portstewart, is outside the town centre.

He advised that in terms of character and design, the front elevation had the appearance of terrace of dwellings rather than apartments and therefore the apartments would fit in and not look out of place. The proposal addressed concerns on setting to nearby listed building across the street. He advised that Historic Environment Division were content with the setting of the listed building.

The Development Management & Enforcement Manager stated that the access and car parking were satisfactory. The proposal does not dominate residential properties and a residential impact assessment was submitted which was found acceptable.

The Planning Committee were informed that there were 18 objections to the proposal from 8 separate addresses and the reasons included inadequate car parking; access and public safety; scale and massing; impact of existing chimney smoke; overlooking from top floor balcony and blocking of right of way.

In conclusion, this proposal is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including SPPS. The principle of this high density development is acceptable in this location, given that the design of the apartments is in keeping with the character of the area. There will be no unacceptable impact on existing neighbouring properties. The proposal will deliver a quality residential environment. The proposal will not have an adverse impact on the setting of a nearby listed church. Approval is recommended.

Alderman McKeown queried smoke from properties and what would happen if someone complains later about smoke.

The Head of Health & Built Environment responded to queries on nuisance from smoke and advised that if a complaint was received an investigation would be carried out. This may result in stopping the burning of fuel. He advised that the Environmental Health Department has looked at the proposal and are content with the amended proposal. The Head of Health & Built Environment stated that smoke was dependant on the source and problem regarding a flue or what was burning. He advised that nuisance during normal usage would have to be proven and in that case they would be asked to do something different.

In relation to the issue of access and ownership as set out in the Planning Report the Development Management and Enforcement Manager stated that objections had been addressed at Paragraph 8.4 of the Planning Committee Report.

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

The Chair invited R McBirney and J McAdam, Agents to address the Committee in support of the application. The Agents endorsed the approval recommendation and advised that they were there to answer questions.

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 motion to the Committee to vote. 15 Members voted for, 0 Members voted against and 0 Members abstained.

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

* **E McCaul, Committee and Member Services Officer left the meeting at 4:55 pm.**

6.11 Referred - LA01/2018/0339/O – 158m South East of 243 Garryduff Road, Dunloy

Planning Committee Report and site visit details circulated and presented by Senior Planning Officer, E Hudson.

The Senior Planning Officer described the site and its context for dwelling and garage on a farm, 158m South East of 243 Garryduff Road, Dunloy and reminded Members that a previous site meeting had taken place in April 2019. She stated that as defined by the Northern Area Plan 2016, the site was located in the countryside.

She also provided Members, via Powerpoint, with drawings showing the boundary, 2 existing dwellings, existing agricultural shed, proposed area for storage of machinery, existing stoned area for round bales of silage and the proposed siting for the dwelling. She confirmed that this was an Outline Application and that the farm had been established for more than 6 years. She also confirmed that due to the separation distance between the proposed siting and the established groups of building on the farm a dwelling at this location would not visually link or cluster with the existing farm the application and therefore, did not comply with CTY10 and that that the proposal could lead to the creation of a ribbon development and potential infill site. She stated that the storage of round bales could be stored at a different location within the yard area.

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

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

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

In response to Members queries, the following points were made:

- If the site were to be elsewhere within the red line it would create an infill if located to the northern side of the dwellings.
- The identity of the ownership of the other existing dwelling was unknown.
- It was suggested to the applicant that the round bales be moved closer to the farm building.
- If the application was to be approved this would create a ribbon development.

Alderman Finlay suggested that the application be deferred to allow the applicant to speak and confirm ownership of the second dwelling. The Head of Planning reminded Members that there had already been 3 deferrals on this application and that at this time no speaker had requested speaking rights within the requirements of the Protocol.

Proposed by Alderman Finlay
Seconded by Alderman S McKillop

- that the application be **DEFERRED** for one month for clarification of ownership of the second existing dwelling.

The Chair put the motion to the Committee to vote. 9 Members voted for, 5 Members voted against and 1 Member abstained.

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

The Head of Planning confirmed that under GDPR that Planning could only ascertain as to whether the applicant owned the second dwelling or not via Land Registry.

6.12 Referred – LA01/ 2018/0910/F – 485m North West of 95 Carnamuff Road, Ballykelly

- * **Councillor Scott left the meeting at 5:10 pm as he had previously declared an interest in this item.**

Planning Committee Report, Addendum and site visit details previously circulated and presented by Senior Planning Officer, J McMath.

The Senior Planning Officer described the site and its context for proposed replacement detached 2 storey dwelling, 485m North West of 95 Carnamuff Road, Ballykelly. She provided Members, via Powerpoint, with photographs of the existing dwelling identifying walls partially intact and the absence of a roof. She confirmed that the previous dwelling was 2 storey which had sliding sash windows. She identified that other buildings were within the site. She stated that the proposal was contrary to Policy CTY 3.

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 this Addendum and agrees with the recommendation to **REFUSE** the planning application as set out in Section 9.0 and 10.0 of the Planning Committee Report.

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 Paragraph 6.73 of the SPPS and Policies CTY1 and CTY3 of PPS 21 in that the subject building does not qualify for replacement as all external walls are not substantially intact and no overriding reasons have been forthcoming as to why this development is essential and could not be located within a settlement.

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

Alderman Finlay stated the presence of the roof was not essential and referred to another previous application at Ballyportery Road. The Senior Planning Officer confirmed that under Policy CTY3 of PPS21 all external structural walls should be intact. In this case the western elevation of the dwelling was only partly intact, the northern gable of the dwelling appeared to be substantially intact, the eastern elevation had been completely removed and it was unclear as to whether the southern elevation of the replacement dwelling was in place. With regard to the Ballyportery Road application, the Senior Planning Officer advised that

this had been refused by the Planning Committee and dismissed on appeal.

The Chair invited D Graham, Agent and J Devine, applicant to address the Committee in support of the application.

D Graham stated that the previous house and farm had been established for over 100 years. The electric meter was still visible on site and that all external walls were not substantially intact. He advised that a letter had been submitted from a relative of the previous owner confirming the removal of an external wall due to health and safety reasons by the Insurance Company. He also referred to a letter previously submitted which referenced an appeal decision which allowed permission for a replacement dwelling where all external walls were not fully intact.

D Graham informed Members that the applicants were a young couple with a young family who had purchased the 100 acre farm as a long term investment and that there was a clear need to live on site. It had been completely neglected and extensive work to restore the farm had already been carried out. TB testing would be carried out on the farm and travelling back and forward would make this difficult to do.

In response to Alderman Finlay's request to speak the Chair advised that as he had proposed the site visit but did not attend, under the Protocol for the Operation of the Planning Committee he would not be permitted to take part in any discussion or determination of the application.

* **Alderman Finlay left the meeting.**

In response to questions from Members, J Devine, the applicant, made the following points:

- The applicant had worked for a tractor company and that both he and his wife were from a farming background.
- The applicant had been registered as a farmer for just over 1 year with a Business ID number and herd and flock numbers.
- The previous dwelling had been purchased in the mid 1960's by Robert Henderson. The house had not been lived in since the early 70's.
- Some walls had been retained to enclose a yard and another wall was taken down in the early 1980's for safety reasons.

- Due to the lengthy journey from his current home the applicant had been staying at his parents' house in the Waterside as well as a mobile home on site for tea.

In response to questions from Members, the Senior Planning Officer made the following points:

- Policy CTY3 of PPS21 in relation to dwellings destroyed by fire; *'In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.'*

This would not be a determining factor in this application as the walls were not destroyed through an accident or fire. The wall was knowingly taken down and therefore would not be given determining weight.

- Policy CTY3 of PPS21 in relation to environmental benefits; *'Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.'*

The applicant had not demonstrated any significant environmental benefits. There is no substantially intact non-residential building.

Members raised the following points:

- That this did not preclude a health and safety reference. The Senior Planning Officer advised that the PAC has required evidence about status of previous damage rather than intentionally taking the wall down.
- Members observed that a chimney was still located on the left hand gable and that the premises could have possibly contained servant's quarters. The Senior Planning Officer stated that the letter submitted referred to the previous applicant as previously owned and lived in the premises and did not make any reference to the premises containing servants' quarters. Floor joists were at a different level to the floor joists at the opposite gable which

reaffirms concerns of two separate buildings and would result in the dwelling to be replaced as having only one substantially complete wall.

The Senior Planning Officer referred to the Ballyportery Road application and the appeal with the “test of substantially intact”. 79% was remaining and not considered by PAC to be substantially intact.

Members voiced concerns that Paragraphs 1.2 -1.4 of the Addendum to the Planning Committee Report were confusing and sent mixed messages which were based on opinion and interpretation.

The Senior Planning Officer clarified that paragraph 1.2 was factual; paragraph 1.3 was interpretation versus current application and paragraph 1.4 the letter from relative of previous owner of the property, was factual. The Policy was clear that all external walls should be substantially intact. In this case the property fell into disrepair and subsequently walls were removed and only the back wall was left to secure the enclosed yard. The Senior Planning Officer stated that those Members who visited the site saw how much was intact.

A Member stated that there was no fourth wall at the site visit.

The Senior Planning Officer presented Members with photographs in relation to the appeal application referred to.

The Head of Planning reiterated that the Planning Committee must be consistent in the interpretation of the Policy and reiterated the points already raised by Members:

- Proximity of applicants current home to farm
- The farm business has not been established and active for the required 6 years therefore does not meet the criteria of Policy CTY10
- The distance of 10/12miles the applicant has indicated he has to travel to the farm each day – health and safety aspect
- The submission of an Insurance Certificate in relation to the reason of the demolition of the wall
- The demonstration of significant environmental benefits
- Special circumstances
- Determining factors

- Traffic routes

She advised that issues should be weighed up, process should be open and transparent; a precedence not created and a decision could then be reached.

Members made the following points:

- After viewing the photographs of the appeal application referred to, felt that they could see no difference between these and the current application in relation to all external walls being substantially intact; it was a matter of interpretation.
- There was a significant environmental impact and advice from the insurance company.
- The applicant has been open and transparent and that it was not appropriate to ask for the insurance certificate.
- The external walls are substantially intact and that the PAC decisions send out mixed messages, not seeing much difference between appeal 2011/A302.

Proposed by Alderman S McKillop
Seconded by Councillor McGurk

- 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 section 7 and 8 and resolves to **APPROVE** planning permission for the following reasons:

- *There would be significant environmental benefits in restoring a derelict farm into a fully operational farm*
- *Insurance Company advice was open and transparent*
- *It was recognised that the external walls are substantially intact*
- *The PAC decisions send out conflicting messages – the photographs from the PAC of the external walls were no different to the photographs of the internal walls in the proposed application*
- *The daily travel distance between the applicants current home and the farm – a health and safety determination*
- *The applicant is in possession of a Business ID and herd and flock numbers*

- *Although doesn't fully comply with Policy CTY10 or CTY3 there are exceptional circumstances*

The Chair put the motion to the Committee to vote. 13 Members voted for, 0 Members voted against and 0 Members abstained. The Chair declared the motion to **APPROVE** carried.

AGREED - that the conditions and informatives to be delegated to Officers.

- * **Alderman Duddy left the meeting at 6:12 pm.**

It was **AGREED** that a short recess be held.

- * **A recess was held from 6:12 pm to 6:30 pm.**
- * **Councillor Scott re-joined the meeting at 6:30 pm.**

6.13 Council - LA01/2018/1352/F – Lands South of 120 Ballyreagh Road, Portstewart

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

The Senior Planning Officer described the site and its context for Section 54 application to vary Condition 13 of Planning Permission LA01/2016/1328/F to state: "All further site works of whatever nature and development shall be undertaken in accordance with the Archaeology written scheme and programme submitted and approved by Council".

She stated that in terms of the Northern Area Plan 2016, the site was outside the settlement development limit of Portstewart.

2 letters of objection had been received and sent to Historical Environment Division for comment. HED was content to recommend for approval. The Senior Planning Officer referred to paragraph 8.5 of the Planning Committee Report which set out Condition 13.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS. Having considered the impact of this variation of condition, it has been determined in consultation with Historic Environment Division that the proposed works would not have a

significant detrimental impact on site. The variation of condition 13 is considered acceptable. Approval is recommended.

The Head of Planning advised that this variation of condition application was not the subject of judicial review. She advised that the associated full planning application LA01/2016/1328/F relating to the NW Hotel was the subject of the judicial review challenge.

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

The Chair invited T Ferguson, Agent to address the Committee in support of the application.

T Ferguson stated that this was the last remaining pre-start plan condition. He informed Members that the application was seeking to test a thin layer of soil and no top soil would be removed from the site. This was required regarding removal of topsoil- soil stripping and based on the wording of the condition could not do any soil stripping. He referred to the archaeological impacts as detailed in paragraph 8.6-8.9 of the Planning Committee Report. He also confirmed that Historic Environmental Division (HED) was consulted on 3 occasions with no objections.

T Ferguson informed Members that the hotel application was ready for delivery, this was the largest economic investment in the region and that it had received significant support from the community. He also confirmed that all the land had been reinstated over a 2 month period. He stated that he endorsed the Planning Committee Report.

In response to a query from Members as to whether the land would be reinstated, T Ferguson advised that all soil would be put back and re-sowed.

Proposed by Councillor Baird
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 section 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote. 14 Members voted for, 0 Members voted against and 0 Members abstained.

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

* **Councillor Nicholl left the meeting at 6:32 pm.**

6.14 Council – LA01/2018/1340/F – 3 Berne Road, Portstewart

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

The Senior Planning Officer described the site and its context for proposed external alterations to existing café premises at 3 Berne Road, Portstewart. She stated that in terms of the Northern Area Plan 2016, the site was located within Portstewart and within a LLPA. She also provided Members, photographs via Powerpoint, outlining the portion to be removed to provide an open café and clarified that the application was only proposing alterations to the external appearance of the building appropriate to the design of the building and would not be extending beyond the existing line of development.

In conclusion, the canopy and shop front are the only elements not considered and approved under application C/2014/0493/F, therefore it is not reasonable to refuse permission or seek to impose more onerous conditions in relation to this application, approval is recommended.

In response to a Members query the Senior Planning Officer informed Members that the 21 letters of objection were objections in relation to the proposal which comprised a sizeable extension to the café premises. She added that the objections were largely from the surrounding area and clarified that the proposal was only for alterations to the external appearance of the building.

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

Proposed by Alderman Finlay
Seconded by Alderman S McKillop

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

The Chair put the motion to the Committee to vote. 14 Members voted for, 0 Members voted against and 0 Members abstained.

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

7. DEVELOPMENT MANAGEMENT PERFORMANCE

7.1 Update on Development Management and Enforcement Statistics 01/04/19 – 30/04/19

The Committee was provided with a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of April 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.

*** Councillor Nicholl re-joined the meeting at 6.45 pm.**

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 received was one less than in April last year, however the number of major applications decided has 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 applications received has increased by 12 applications and the number of decisions issued has increased by 27 applications.

Table 3 within the report details the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the target of 39 weeks, these figures are unvalidated statistics. In comparison to the same period last year, the number of cases opened has increased by 6 and the number of cases brought to conclusion has

decreased by 1. All cases concluded during April have meet the target of 39 weeks and 70% of these were concluded within 21.4 weeks.

Table 4 within the report provides details of total number of applications determined under delegated powers. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. In April, only 86.49% of applications determined were delegated under the scheme.

Table 5 within the report details the number of decisions issued that were determined by the Planning Committee and the percentage of decisions make against officer recommendation. Of note is that the decisions against officer recommendation were solely on those applications that had been referred to Committee Members with a staggering 80% of those referred being determined against officer recommendation.

Table 6 within the report details the number of appeal decisions issued since 1 April 2019. The figures relating to planning application decisions are unvalidated statistics extracted from internal management reports. No decisions have been issued by the PAC in the Month of April.

Table 7 within the report details the number of applications for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC awarded costs.

Table 8 details the number of contentious applications which have been circulated to all Members in the month of April and the number referred to the Planning Committee for determination.

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

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

8. DEVELOPMENT PLAN

8.1 Department for Infrastructure (DfI) – NI Flood Risk Management Plan (2021-2027) Timetable & Programme of Works: Public Consultation

The Committee received an information report to advise that the Department for Infrastructure (DfI) published a consultation on the Draft

Timetable and Work Programme for the preparation of the Northern Ireland Flood Risk Management Plan.

Previously attached to the report at Appendix 1 was the Northern Ireland Risk Management Plan – Draft Timetable and Work Programme.

The Development Plan Manager advised Members that at this stage, Planning Section would have no comment to make and that further consideration would be given to the Draft NI Flood Risk Management Plan when published.

It is recommended - that Members **NOTE** the content of the attached consultation document.

The consultation document was **NOTED**.

8.2 Department for Communities (DfC) – Council Consultation on Proposed Listing

The Committee received a report to inform Members that the Department for Communities (DfC) wrote to Council on 7 June 2019 advising that they were considering a number of listings within the Borough, under Section 80(1) of The Planning Act (Northern Ireland) 2011.

The proposed listings within the Borough are at Lime Kilns at the Harbour, Harbour Road, Ballintoy (Grade B1) and The Boathouse at the Harbour, Harbour Road, Ballintoy (Grade B2).

The Option for the Committee were:

Option 1: Agree to support the listing or

Option 2: Agree to oppose the listing.

It is recommended – that Members agree to Options 1 or 2 (as detailed at Appendix 1 & 2) and to the Head of Planning responding to DfC on behalf of Council.

The Local Development Plan Manager informed Members that in 1913 the Lime Kilns at Harbour Road, Ballintoy had been owned by Antrim County Council but no information was available on who presently owned the building.

Councillor Baird felt that the building took up valuable space in the

harbour and would be a financial burden to maintain.

In response to a question from Members regarding notification to owners of a proposed listing, the Development Plan Manager advised that DFC wrote to the owner and relevant Council for comment in advance of deciding whether or not to list a property.

* **Councillor MA McKillop left the meeting at 6:54 pm.**

In response to a Members query asking if they can suggest a building for listing, the Local Development Plan Manager clarified that DFC: Historic Environmental Division (HED) selected buildings for listing. However, the Council or a member of the public could also ask for a listing.

Proposed by Alderman Finlay
Seconded by Alderman S McKillop

- to recommend that Members agree to **Option 1** – agree to support the listing

The Chair put the motion to the Committee to vote. 11 Members voted for, 2 Members voted against and 0 Members abstained.

The Chair declared the motion to approve **Option 1** - to support the listing carried.

9. CORRESPONDENCE

The following items of correspondence were circulated to the Committee.

9.1 Proposed Changes to the Fees for Regional Property Certificates: For Decision

The Head of Planning clarified that the paper relates only to the Regional Property Certificate Service which was transferred from the then Department of Environment to Councils as a shared service delivered by Fermanagh and Omagh District Council.

Fermanagh and Omagh District Council, HMRC have carried out a detailed and lengthy review on the VAT treatment of Regional Property Certificate Unit fee income. This included lengthy correspondence and significant challenge from Council and its VAT and legal advisers.

It is proposed to increase this fee in line with a typical Local Council Property Certificate to £60 (including VAT) for a single property enquiry and an additional £7 for each additional enquiry with a maximum fee of £265 (including VAT). This will cover the additional VAT charge to be imposed by HMRC on 01 July 2019.

This will require an update to the current Service Level Agreement between the Regional Property Certificate Unit and Council which will need to take account of return of income to Council on a monthly basis rather than a six monthly basis to allow each Council to properly account for VAT to HMRC on their fee income.

- * **Councillor MA McKillop re-joined the meeting at 7:00 pm.**
- * **Councillor Laverty left the meeting at 7:00 pm.**

It is recommended that Council agrees to the proposed increased in the Regional Property Certificate fee and to amend the Service Level Agreement as necessary.

Proposed by Alderman S McKillop
Seconded by Councillor McGurk

- to recommend that Council agrees to the proposed increased in the Regional Property Certificate fee and to amend the Service Level Agreement as necessary.

The Chair put the motion to the Committee to vote. 13 Members voted for, 0 Members voted against and 0 Members abstained.

The Chair declared the motion carried.

9.2 Mineral Prospecting Licence Application Notification – Dalradian Gold &

9.3 Petroleum Licence Applications

Council received notification from the Department for the Economy concerning applications for Mineral Prospecting Licences (MPL) from Dalradian Gold.

The Head of Planning informed Members that the deadline for responses was the beginning of July.

Councillor McGurk raised concerns that prospecting could be extensive and damaging to the environment. Mats would be put over sensitive

areas of bog and heavy machinery would be needed to create bore holes to look for the minerals.

The Development Plan Manager informed Members that Prospecting licences for precious metals are issued by the Crown Estate Commissioners.

Proposed by Councillor McGurk
Seconded by Alderman Boyle

- to recommend that Council respond to the letter from DfE to note concerns regarding the environmental impact of the prospecting processes particularly in sensitive environments such as bog land, etc and that DfE provide assurances that environmental issues were fully considered.

The Chair put the motion to the Committee to vote. 8 Members voted for, 0 Members voted against and 6 Members abstained.

The Chair declared the motion carried.

9.4 Department for Infrastructure – The Planning (Fees) (Amendment) Regulations (Northern Ireland)

Letter dated 24 May 2019 received from the Department for Infrastructure in relation to Changes to Planning Fees from 17 June 2019.

The item of correspondence was **NOTED**.

9.5 Mid Ulster District Council – Local Development Plan 2030 – Draft Plan Strategy and Response

Letter dated 22 February 2019 received from Mid Ulster District Council informing Council of the publication of the Local Development Plan 2030 – Draft Plan Strategy. The Council's response is also included.

The item of correspondence was **NOTED**.

9.6 Department for Infrastructure - NI Planning IT System Update

Letter dated 8 May 2019 received from Department for Infrastructure updating Council on the proposals for a new Planning IT System.

The item of correspondence was **NOTED**.

9.7 Department for Infrastructure - DfI Planning Environmental Governance Work Programme

Letter dated 17 May 2019 received from Department for Infrastructure updating Council on the DfI Planning Environmental Governance Working Programme.

The item of correspondence was **NOTED**.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman McKeown
Seconded by Councillor McGurk and

AGREED – that the Committee would conduct the following business '**IN COMMITTEE**'.

10. LDP – LANDSCAPE CHARACTER ASSESSMENT – AWARD OF CONTRACT

The Development Plan Manager presented. The Council's Planning Section requires the expertise of external consultants to undertake a comprehensive review of the existing local Landscape Character Areas (LCAs) identified in the borough, to provide an up to date and robust evidence base for the preparation of the Council's Local Development Plan (LDP).

Tender process and costs were discussed.

The contract (subject to Member agreement) will commence in mid-July and is expected to be completed in November 2019.

It is recommended - that Members agree to the award of contract to the successful tender to commence the review of the local Landscape Character Areas within the Borough to inform the Council's LDP preparation.

The Chair put the motion to the Committee to vote. 14 Members voted for, 0 Members voted against and 0 Members abstained.

The Chair declared the motion carried.

11. LEGAL ISSUES

There were no legal issues to be discussed.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman McKeown
Seconded by Councillor MA McKillop and

AGREED – that the Committee move 'In Public'.

12. ANY OTHER RELEVANT BUSINESS

12.1 Planning Committee Meetings

Councillor Baird raised concerns over the welfare of the Members of the Planning Committee during the Committee Meetings. She felt that one meal provided over a 6 ½ hour period was not sufficient for Members of the Planning Committee and Officers.

Proposed by Councillor Baird
Seconded by Alderman Boyle

- to recommend that Members of the Planning Committee are provided with fresh food at approximately 5 pm at each Planning Committee Meeting.

The Chair put the motion to the Committee to vote. 14 Members voted for, 0 Members voted against and 0 Members abstained.

The Chair declared the motion carried.

12.2 Planning Applications - clarification on figures used by SES and NIEA

Alderman Finlay suggested that the Head of Shared Environmental Services be invited to attend a Planning Committee to explain the difference between the figures used by SES and NIEA in relation to what they each consider likely to have a significant impact on a designated site. The difference of opinion is what appears to be causing the delay in the processing of some planning applications. The Head of Planning advised that NIEA now have legal opinion.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at **7:35 pm**.

Chair

UNCONFIRMED