

PLANNING COMMITTEE WEDNESDAY 19 DECEMBER 2018

Table of Key Adoptions

No	Item	Summary of Key Decisions
1.	Apologies	Councillors McCaw and McGurk
2.	Declarations of Interest <i>Alderman Robinson</i> <ul style="list-style-type: none"> • LA01/2017/1449/O • LA01/2017/1203/LBC • LA01/2017/1244/F • LA01/2017/1352/O <i>Councillor Hunter</i> <ul style="list-style-type: none"> • LA01/2016/1514/F <i>Councillor Loftus</i> <ul style="list-style-type: none"> • LA01/2018/0660/F <i>Councillor P McShane</i> <ul style="list-style-type: none"> • LA01/2018/0660/F 	Note in Register
3.	Minutes of Planning Committee Meeting held Wednesday 28 November and 3 December 2018	Confirmed
4.	Order of Items and Registered Speakers/Applications Withdrawn and Site Visit Requests	Agreed
	LA01/2016/1138/F LA01/2016/1514/F LA01/2017/1244/F LA01/2017/1203/LBC LA01/2017/0689/F LA01/2018/0446/LBC LA01/2018/0146/F LA01/2017/1449/O	Withdrawn from Schedule Withdrawn from Schedule Withdrawn from Schedule Withdrawn from Schedule Site Visit Requested Site Visit Requested Site Visit Requested Site Visit Requested

5.	Schedule of Applications	
	5.1 LA01/2017/1113/O Lands adjacent to 17 Strandview Road, Ballycastle	Defer
	5.2 LA01/2018/0456/F Lands at Loreto College, Castlerock Road, Coleraine	Defer
	5.3 LA01/2016/1370/O 265 Clooney Road, Greysteel	Refuse
	5.4 LA01/2017/1352/O 14 Seaview Drive, Portstewart	Approve
	5.5 LA01/2017/1620/O Gap site between 24 26 Burrenmore Road, Castlerock	Refuse
	5.6 LA01/2018/0007/F Lands 480m North West of 60 Gelvin Road, Drumsum	Refuse
	5.7 B/2014/0185/F Site directly SE of and adjacent to Roe Estuary Nature Reserve Car Park, Carrowclare Road, Myroe	Approve
	5.8 LA01/2018/1022/F 42 Knock Road, Ballymoney	Approve
	5.9 LA01/2018/0975/F Knock Road Household Recycling Centre, 44 Knock Road, Ballymoney	Approve
	5.10 LA01/2018/0660/F Garvagh Forest, Main Street, Garvagh	Approve
6.	Development Management Performance	
	6.1 Update on Development Management & Enforcement Statistics Period 1 April – 30 November 2018	Noted
7.	Development Plan	
	7.1 Sperrins Forum – Request for elected representative nominees	Alderman King and Councillor McGurk as reserve
	7.2 Sperrins Forum – Statement of Common Ground	Agreed

8.	Legal Issues	<i>Verbal Update</i>
9.	AORB	<i>None</i>

Unconfirmed

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 19 DECEMBER 2018 AT 2:00 PM**

- In the Chair:** Councillor Nicholl
- Committee Members Present:** Alderman Blair, Cole, Finlay, King, McKeown and Robinson
- Present:** Councillors Baird, Fielding, Loftus, McKillop M A
McLaughlin 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
J McMath, Senior Planning Officer
E McCaul, Committee & Member Services Officer
S Duggan, Civic Support & Committee & Member Services Officer
- Registered Speakers:** J Bradley – LA01/2017/1113/O
G Roiston – LA01/2017/1113/O
M McCurdy – LA01/2017/1113/O
N Mitchell – LA01/2018/0456/F
B Kelly – LA01/2018/0456/F
F James – LA01/2018/0456/F
S Tomlinson - LA01/2018/0456/F
M Smyth – LA01/2016/1370/O
J O'Neill – LA01/ 2016/1370/O
L Ross – LA01/2017/1620/O & LA01/2017/1620/O
- Public (5 No)

1. APOLOGIES

Apologies were received from Councillors McCaw and McGurk.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

Alderman Robinson in

- LA01/2017/1449/O – Lands between 10 & 12 Upperlane Road, Greysteel

- LA01/2017/1203/LBC and LA01/2017/1244/F – The Old Courthouse, Castlerock Road, Coleraine.
- LA01/2017/1352/O – 14 Seaview Drive, Portstewart

Councillor Hunter in

- LA01/2016/1514/F – 19 Causeway Road, Bushmills

Councillors Loftus and P McShane in

- LA01/2018/0660/F – Garvagh Forest, Main Street, Garvagh.

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 28 NOVEMBER AND RECONVENED 3 DECEMBER 2018

Councillor Fielding made reference to page 12 – LA01/2017/0221/F Lands to the rear of 86 Lodge Road, Coleraine and was of the view that the minute did not reflect that his proposal to approve had been based on previous planning history on the site and to the condition that the trees be retained.

Reference was also made to the planning portal which did not have the condition of approval set out.

Head of Planning advised that the minutes reflected the discussion which referred to only the condition for retention of trees and no other discussion on other conditions had taken place.

AGREED – that the minutes of the Planning Committee Meeting held on Wednesday 28 November and reconvened of 3 December 2018 be confirmed as a correct record subject to the comments made.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS/SITE VISIT REQUESTS

The Head of Planning advised the following applications had been withdrawn from the planning schedule due to submission of amended plans:

- LA01/2016/1138/F – Nos 10,12,14 and 16 Upper Heathmount, Portstewart (Agenda Item 5.4)
- LA01/2016/1514/F – 19 Causeway Road, Bushmills (Agenda Item 5.12)
- LA01/2017/1244/F – The Old Courthouse, Castlerock Road, Coleraine (Agenda Item 5.14)

- LA01/2017/1203/LBC – The Old Courthouse, Castlerock Road, Coleraine (Agenda Item 5.13)

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

- Proposed by Ald Finlay
Seconded by Cllr Fielding
 - to defer determination of LA01/2017/1449/O – Lands between 10 and 12 Upperlane Road, Greysteel (Agenda Item 5.9) for a site visit to take place.

Members voted unanimously in favour of the proposal.

- Proposed by Ald Finlay
Seconded by Cllr Hunter
 - to defer determination of LA01/2017/0689/F – 39-41 Main Street and 2 Atlantic Avenue, Portrush (Agenda item 5.6 and 5.7) for a site visit to take place.

Members voted unanimously in favour of the proposal.

- Proposed by Ald Finlay
Seconded by Cllr Hunter
 - to defer determination of LA01/2018/0446/LBC – 39-41 Main Street and 2 Atlantic Avenue, Portrush (Agenda item 5.6 and 5.7) for a site visit to take place.

Members voted unanimously in favour of the proposal.

- Proposed by Ald Finlay
Seconded by Cllr MA McKillop
 - to defer determination of LA01/2018/0146/F – 92m South East of 11 Ballywatt Road, Coleraine (Agenda Item 5.11) for a site visit to take place.

Members voted unanimously in favour of the proposal.

AGREED – to receive the Order of Business as follows:

- LA01/2017/1113/O – Land adjacent to 17 Strandview Road, Ballycastle (Agenda Item 5.1)
- LA01/2018/0456/F – Lands at Loreto College, Castlerock Road, Coleraine (Agenda Item 5.2)
- LA01/2016/1370/O – 265 Clooney Road, Greysteel (Agenda Item 5.3)
- LA01/2017/1352/O – 14 Seaview Drive, Portstewart (Agenda Item 5.15)
- LA01/2017/1620/O – Gap site between 24 and 26 Burrenmore Road, Castlerock (Agenda Item 5.10)
- LA01/2018/0007/F – Lands 480m North West of 60 Gelvin Road, Drumsum (Agenda Item 5.8)
- B/2014/0185/F – Site directly SE of and adjacent to Roe Estuary Nature Reserve Car Park, Carrowclare Road, Myroe, Limavady (Agenda Item 5.5)
- LA01/2018/1022/F – 42 Knock Road, Ballymoney (Agenda Item 5.16)
- LA01/2018/0975/F – Knock Road Household Recycling Centre, 44 Knock Road, Ballymoney (Agenda Item 5.17)
- LA01/2018/0660/F – Garvagh Forest Main Street, Garvagh. (Agenda Item 5.18)

5. SCHEDULE OF APPLICATIONS

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

5.1 LA01/2017/1113/O (Objection) – Lands adjacent to 17 Strandview Road, Ballycastle

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

J Lundy described the proposed development, site and its context. She advised that the proposed site for two storey house and double garage was considered to be unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. She advised that the site is steeply sloping and the proposal fails to meet the requirements of planning policies and does not provide a quality residential development. The proposal is contrary to criteria (a)

and (h) of Policy QD1 of PPS 7. The proposal in terms of scale is inappropriate to the topography of the site harming local character. The proposal would harm neighbouring residential amenity in terms of overlooking/loss of privacy and overshadowing/dominance. Access requirements cannot be met and the proposal would prejudice road safety due to insufficient width of the existing access laneway rendering it unsuitable for intensification. She advised that 27 letters of representation had been received from 14 properties and the issues raised as detailed in para. 5.1 of the Planning Committee Report.

J Lundy provided a verbal addendum due to receipt of an email referring to correspondence between DfI Roads and the case officer. She advised that the senior planning officer had spoken to the Senior Officer in DfI Roads regarding the content of the correspondence between DfI Roads and the case officer. She advised Members that the Senior Officer in DfI Roads advised that the content of the correspondence was incorrect and should be disregarded and that the previous consultation response from DfI Roads remained the advice from DfI Roads.

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

In response to points of clarification from Member J Lundy advised that the case officer had asked for cross sections through the site to assess the proposed height of the dwelling at two stories and the potential impact this could have on the character of the area and on neighbouring properties and that this had been requested in more than 5 occasions as the cross-section is crucial to the assessment of the proposed 2 storey dwelling.

The Vice Chair invited J Bradley and G Rolston, on behalf of objectors to the proposal to address the Committee.

Gavin Rolston made the following points:

- impact on amenity
- traffic and vehicle movements
- although outline application, due to nature of site it is right and proper to have details
- elevated site and existing and proposed levels of site and cross sections have not been provided
- Site elevated above the existing bungalows and 2 storey orientated with main elevation towards the bungalows
- views fronted to the sea and therefore likely to be large windows

Jonathan Bradley made the following points:

- Dfl Roads have concerns over intensification of use of Bo Lane which is too narrow to accommodate further vehicles. There are currently only 2 properties with vehicular access off Bo Lane. Previous permission had been granted for delivery of pellets but this was restricted to 1 delivery every 3 weeks. A dwelling is considered to generate 20 vehicle movements per day. Bo Lane is too narrow to allow two vehicles to enter and exit at the same time.
- Bo Lane being public Right of Way on an historical trail map; no right of way for vehicle access.

In response to points of clarification from Members, Jonathan Bradley advised that the Right of Way is in the first instance for pedestrians as it is designated a pedestrian Right of Way. Therefore, pedestrians would not be expecting vehicles to be using the lane. He advised that the main issue is at the top end where there would be a point of conflict due to the character and narrow nature of the lane. With heavy goods vehicles travelling over the laneway this would compound the issue. He advised that the Council maintains the Lane as a public pedestrian Right of Way. There are only vehicular access rights for 2 properties and this does not extend down to the application site. This application is seeking to obtain vehicular access over the Right of Way. There is no indication how issues between pedestrians and vehicular traffic can be segregated. Gavin Rolston stated that it is difficult to see how, due to the width of the proposed dwelling and the proximity to the boundary, the 2 storey dwelling would be developed without impacting on residential amenity

It was pointed out by a Member that the two existing pillars indicate that the Lane constituted access by horse and cart and that this was an outline application and that the issues raised by the objectors was for discussion at full planning stage.

Gavin Rolston advised that it is important that the outline application deals with the fundamental issues of residential amenity as they go to the heart of the permission.

The Vice Chair invited M McCurdy, Agent to address the Committee in support of the application. He stated that there are 2 main objections – roads and cross sections. He voiced his disappointment at correspondence from Dfl Roads advising the correspondence between Dfl Roads and the case officer was to be disregarded as he felt the issues around traffic had been resolved. He advised that Bo Lane is tarmacked and has had historical vehicular access through use of horse and cart.

He stated that cross sections of the site had been sent to Council on 2nd December which show that there will be no overlooking; all the details are submitted.

In response to further points of clarification from Members, J Lundy Senior Planning Officer advised that the agent was aware of all the issues as he had viewed the full planning application file on 14 December and copied the email correspondence between DfI Roads and case officer; there is a clear file note within the file of phone call with Senior Officer in DfI Roads.

The Head of Planning checked if the information had been received regarding cross sections of the site and it was clarified that these sections had not been received.

Proposed by Councillor Baird
Seconded by Alderman Finlay

- that decision on the application be **DEFERRED** for the following reasons:

- *Planning Officers to consider the cross sections and to allow the agent to further consider DfI Roads concerns*

8 Members voted for, 0 Members against and 3 Members abstained.

5.2 LA01/2018/0456/F (Objection) – Lands at Loreto College, Castlerock Road, Coleraine

Report, addendum and erratum 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 set out in section 10.

S Mathers informed Members that a letter of support for the application had been submitted by C Archibald, MLA. He provided a verbal addendum by way of reading the letter from C Archibald MLA.

S Mathers advised that the Agent had submitted a supporting statement and this is detailed in the addendum. He advised that the supporting

statement set out the need for the development in terms of the phased increase in pupil number in the 2020-21 academic year. The submission set out that a voluntary community consultation had taken place on the proposal, no additional buses were proposed to serve the site, visual and noise impact would be limited on neighbours, consultees had not objected to the proposal and a Design Team had been appointed to explore traffic management proposals at the school aimed at increasing the safety and accessibility of the school.

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

S Mathers outlined that the concept of the development is considered acceptable on a site which already has many buildings used for educational purposes. The proposal will not adversely impact residential amenity or have a significant adverse impact in terms of noise disturbance greater than that already experienced. He advised that the closest residential property to the proposed classrooms will be 160m. The traffic/travel management plan will be dealt with by way of negative condition. Historic Environment Division has stated that the proposed development will have no impact on built heritage features on site. The development will not have a negative impact on the character of Loreto College LLPA and will enhance this protected location with the inclusion of 16 additional mature trees. The design is considered acceptable in the context of the site and the scheme will have a minimal impact on existing amenity provision on site. He advised that a TAF had been submitted for consideration and the existing access does not require adjustment. He advised that DfI Roads consider the proposed development acceptable in terms of traffic safety and that a traffic management plan is to be submitted and agreed prior to the operation of the proposed development. The letters of objection and letter of support as detailed in the Planning Committee Report have been considered and on balance the proposed scheme is considered acceptable taking into account the Northern Area Plan 2016 and other material considerations as detailed in the Planning Committee Report subject to conditions and informatives detailed in section 10 and 11 of the Committee Report. Approval is recommended.

In response to points of clarification from Members, S Mathers stated that the submission of the traffic management plan is intended to increase walking, cycling and use of public transport and reduce cars. It will look at how the school and the DfI Transport work together. He advised that the traffic management plan will consider traffic congestion around the area of the Castlerock Road but not as far as the River Bann.

He referred to para. 10.4 of the Planning Committee Report and read the proposed condition.

The Vice Chair invited N Mitchell to speak on behalf of the Residents Group in opposition to the application. N Mitchell pointed out that the Residents Group were not objecting to the increase in pupils, however the increase in pupils would mean more traffic on roads. He advised that cars parked on either side of the road, with cyclists having to exit cycle lanes and pedestrians having to walk out onto the road to pass the cars. He stated that the additional classrooms and the traffic problems are inextricably linked and that Council should not differentiate between need and traffic problems. He said that the Education Authority had broken promises, with road safety concerns still being paramount and that the Traffic Management Plan needed to be acceptable to all but the residents would be excluded from giving opinion on this if dealt with by condition. He suggested that as the school had a large site, that a drop off and pick up point be put in place and that there was an opportunity now to make road safety a priority and adopt a can do approach.

In response to points of clarification from Members N Mitchell stated that the Castlerock Road is like a slow moving car park. He stated that with St Joseph's and the High School coming over the main concern is the safety of the pupils. He stated that children are crossing the road and there is only a small island with no flashing beacons. Cars are parking on the wrong side of the road and children are having to walk in the middle of the road to get past the cars. This is the same for other cars and lorries passing the parked cars.

The Vice Chair invited B Kelly, F James and S Thompson to speak in support of the application. B Kelly welcomed the approval recommendation. He confirmed that the number of increase in pupils would be 218 not 400 as suggested. He advised that the proposal had undertaken the same pre-application procedures as a major application, with the residents being consulted and feedback had been reported to the Education Authority. He added that a business case was being prepared to improve traffic management in the area. He stated that concerns raised by residents had been taken on board by the applicant and resulted in the withdrawal of previous applications. He advised that the proposal is welcomed by the majority of residents but issues on wider congestion remained. He advised that the proposed development complies with PPS3 and that the condition to submit a traffic management plan prior to operation of the classrooms is welcomed; the safety of the pupils are paramount.

F James outlined that due to the phased closure of St Joseph's School, Loreto College needed more modern classrooms and if this was not

achieved, it would mean failure in primary duty for education. He said that he understood the frustration expressed by residents. He advised that he has a duty of care to his pupils and that it takes this extremely serious. He stated that if they don't meet the accommodation need they would fail health and safety and therefore this is a priority. He stated that a parallel process has been established to look at the traffic management issue that currently exists.

In response to points of clarification from Members, B Kelly advised that a number of measures had been shared at the second event with residents to improve traffic flow, including changes to the bus layby on school site, additional car parking spaces for drop off/pick up point and the school was looking at the possibility of different class start times. It was pointed out that there was no obligation to consult with local residents, however, they would be given an opportunity to respond to the Traffic Management Plan. It was also pointed out that safety was paramount but the traffic management plan was not required for this application. He advised a 3rd event with residents will take place when the business case has been agreed by the Department. He stated that he understands residents concerns that the traffic plans are taking time but it will be to the betterment of the school. He advised some of the measures will not require planning permission.

Proposed by Councillor Baird
Seconded by Councillor Hunter

- to **DEFER** consideration of the application until the Traffic Management Plan was completed.

Proposed by Councillor McLaughlin
Seconded by Councillor P McShane

Amendment - 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 for the reasons set out in section 10.

The Vice Chair put the amendment to the Committee to vote, 4 Members voted for, 5 Members voted against and 2 Members abstained.

The Vice Chair declared the motion lost.

Councillor Baird's proposal was put to the Committee to vote. 7 Members voted for, 2 Members against and 2 Members abstained.

The Vice Chair declared the motion to **DEFER** consideration of the application until the Traffic Management Plan was completed carried.

5.3 LA01/2016/1370/O (Referred) – 265 Clooney Road, Greysteel

Report and addendum previously circulated, presented by Senior Planning Officer Julie McMath and 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.

J McMath advised that the agent submitted a planning policy assessment in support of the application, which highlighted four approvals granted by the Council and DOE within the Borough which he considered comparable. She said that the Planning Department had commented in respect of these applications as set out in the addendum.

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

J McMath described the proposal, setting and context of the site. She advised that outline planning permission is sought for a proposed dwelling within an established cluster to the north of two existing dwelling. She advised that the site is velar of all buildings and that tarmac remains on the site and mesh panels.

J McMath advised that the proposed site is not located at an existing cluster of development as there is not the minimum of four buildings, three of which are dwellings outside of a farm at this location and is therefore contrary to Paragraph 6.73 of the SPPS and Policy CTY2a. She explained policy CTY2A and advised Members that as there is no cluster of development at this location in accordance with policy CTY2A, the proposal would not result in rounding off or consolidation of a cluster and would result in the creation of ribbon development along Dunlade Rd and is therefore also contrary to policies CTY1, CTY8 and CTY14 of PPS21. The proposal is recommended for refusal for the reasons set out in section 10 of the Planning Committee Report

J McMath explained that it was clear from the site visit held prior to the meeting, that the site which was cleared of all buildings was in a rural area and that although previous permissions had been granted to the site, these had since expired. She said that the criteria of policy CTY 2a

was that a building must be outside of a farm and in consideration of the other criteria advised that the site was not located within cluster of development, it was not within a visual entity and was not bounded by other buildings.

The Vice Chair invited M Smyth and J O'Neill to address the Committee in support of the application. M Smyth stated that the site is a brownfield site and consolidates development rather intruding into countryside and will not change the rural character. He advised that to develop the site would be a planning gain and that Planning Committee Report has accepted that there is a cluster. He argued that the site was part of a cluster and that the development opposite cannot be considered as farm buildings. He referred to previous planning history on the site and that an application for infill dwellings could be considered under policy CTY8 but this application had been reduced to 1 dwelling. He referred to the addendum and to a PAC decision referenced within it in relation to the application of policy CTY2A and that it is sufficient to comply with the broad overall content of policy even though the proposal may not meet all of the criteria. He advised that the application complied with the intent of the policy. He advised that the site reinforces visual entity and that these were site specific circumstances. He added that there were no objections to the proposal; this would not create a precedent; and that other applications had been approved that did not meet all of the policy tests.

* Councillor Fielding left the Chamber at 3:55 pm.

In response to points of clarification from Members, J McMath advised that she had reviewed the PAC decision referred to and explained how she did not consider the appeal site to be comparable to this application site and advised that the application does not meet planning policy. She advised that it is a matter of balancing all material considerations with planning policy but did not consider the other material considerations to outweigh the planning policy concerns. It was queried if it was better on balance to have a building in place rather than a derelict site. It was also queried if economic downturn would constitute an exceptional circumstance. J McMath responded that on balance, all considerations had been made with regard to planning policy and that there was no weight on expired planning applications for the site.

The Head of Planning referred to the Planning Act and advised that in assessing the application, regard must be had to the Northern Area Plan and other material considerations. Within the Northern Area Plan the site is in the countryside and therefore PPS21 applies. Policy CTY 2a, cluster policy applies but no exceptional circumstances have been put forward to outweigh this policy consideration. She advised that the

economic downturn referred to by Members was not an exceptional circumstance particular specifically to this application site as it could apply to all sites that had planning permission back in the late 2000's that had not been developed. She advised that it would set a very wide precedent if it was considered that the economic downturn was of exceptional circumstance to grant permission for this site and it is important that Council is consistent in applying policy. She advised that in reaching a decision, must have regard to the Northern Area Plan and to current planning policy as material considerations as they apply to this application.

Proposed by Alderman Cole
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.

6 Members voted for, 3 Members voted against, 2 Members abstained.

- * Recess held 4:10 – 4:30 pm.
- * Alderman Robinson left the Chamber at 4:30 pm.

5.4 LA01/2017/1352/O (Referred) – 14 Seaview Drive, Portstewart

Report previously circulated presented by E Hudson, Senior Planning Officer.

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

E Hudson described the proposed site for replacement of existing dwellings with 2 no semi-detached dwellings, the site and its context. She advised that the site was located in an established residential area where bungalows were the predominate style of dwelling. She advised that the two storey dwellings in the area do not visually link with the application site. She advised that the current scheme would be of a split level design, single to front and lower ground floor to the rear. A letter of objection had been received, with main issues being overlooking and loss of privacy due to the existing differences in land levels and road safety concerns.

The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal fails to meet the requirements of planning policies and does not provide a quality residential development. The proposal is contrary to criteria (a) of Policy QD1 of PPS 7 harming local character as it does not respect the surrounding context in terms of dwelling type and the building line and is visually unacceptable in terms of layout with large areas of hard surfacing to the front. The access arrangements remain unacceptable. Refusal is recommended for the reasons set out in section 10 of the Planning Committee Report.

The Vice Chair invited L Ross, Agent to address the Committee in support of the application. The Agent outlined that this was a straightforward case, with main issue being that the proposal was considered not to be in character with other dwellings in the area. He stated that there was a need to be fair to his client as other buildings in the area were larger and constantly being changed, with many roofs being lifted. He advised that directly opposite the application site are large houses with stone frontages which are more interesting than development elsewhere in the area. He stated that new dwellings are redefining the character of the area and are more attractive and sustainable. He stated that if you drive around the area there are a number of extensions and modern designed replacements some of which are 2 storey dwellings replacing bungalows. He pointed out that there was enough space on the proposed site to accommodate the proposed dwellings and more space than 1 of the other sites immediately beside the application site, who had been given permissions. He said that the access would work and the gradient could be achieved and that this is a discrete site which works in terms of site size, context and will not impact on character and will result in a more sustainable development.

In response to points of clarification from Members, L Ross advised it is proposed to use the existing access for one of the dwellings and the access for the second dwelling will come in across the footpath; that there was very little traffic in the cul-de-sac; that visibility splays would be created.. He advised that it is predominately detached houses in the area however there are semi-detached dwellings in the wider area. He advised that the dwellings would look like single storey to the front and 2 storey to rear to reflect fall in the land. He advised that design techniques can be used to address objectors concerns such as obscure glazing or no windows looking towards these dwellings.

* Councillor Loftus joined the meeting at 4:50 pm.

The Senior Planning Officer outlined concerns regarding the layout being set back into site and to roads requiring items to be identified in the block plan. She advised the two dwellings opposite would be in keeping with general character of the area as they are detached however, proposal is for semi-detached. She advised that the other two dwellings referred to are screened and at a lower level than this site; also concerns regarding large area of hardstanding to front of site.

Proposed by Councillor Hunter
Seconded by Alderman King

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

3 Members voted for, 3 voted against and 3 abstained. The Vice Chair used his casting vote against the motion in favour of granting planning permission for the following reason:

- *That considering the residential environment it is considered that the proposed development would meet with the wider character of the area*
- *As this is an outline application the drawings can be annotated as part of the outline condition as required to resolve DfI Roads concerns.*
- *Condition can be put on outline permission to design to ensure no overlooking into private amenity*

Councillor Loftus took no part in the vote.

It was **AGREED** that conditions and informatives would be delegated to Officers to insert in the decision notice.

* Alderman Robinson returned to the Chamber at 5 pm.

5.5 LA01/2017/1620/O (Referred) – Gap site between 24 & 26 Burrenmore Road, Castlerock

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

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

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

J Lundy described the proposed setting and context of the site for 2 no infill dwellings & detached garages. She advised that it was a corner site and located within the Binevenagh AONB and currently in use as an agricultural field. J Lundy read the criteria of policy CTY 8 and advised that the site has a frontage onto two roads of 88m; the average frontage of the adjacent dwelling plots are 27m and more than two dwellings could be accommodated on the site. Furthermore, the dwelling would not share a common frontage along the road and fails to meet Policy CTY8.

J Lundy indicated that the proposal also offends rural character and integration. The site is flat with little hedging and due to the open nature, new buildings would be unacceptable as they would be prominent in the landscape. She advised that the proposal is considered unacceptable in this location having regard to the Area Plan and other material planning considerations. The application site does not constitute a valid infill opportunity in accordance with Policy CTY 8 within PPS 21 Sustainable Development. The site does not share a common road frontage and the gap is not a small gap suitable for a maximum of two dwellings. Furthermore, the site is open and exposed and fails to integrate and would be detrimental to rural character if approved. Refusal is recommended for the reasons set out in Section 10 of the Planning Committee Report.

The Vice Chair invited L Ross, Agent to address the Committee in support of the application. L Ross advised that this was a remote rural area inland of Downhill Demesne, where character of landscape changes quickly and that the plot size is the same as similar sites in the area. He stated that the site is located at a junction where there is significant built form and that the site integrates with the rural character and is a genuine infill site and therefore other issues do not apply. He stated that for Policy CTY 8 on frontages there is no limitations as to whether it goes across road frontages and therefore no problem with the proposal. He referred to para. 5.33 of policy CTY 8 which he read pointing out that a ribbon does not have to have a continuous or uniform building line and he is of the opinion that this is a genuine gap site, it may be unusual but it is acceptable.

In response to points of clarification from Members, L Ross stated that he did not have any examples of where this has been approved on a similar site but there are lots of appeal decisions on the issue of continuous frontages or on a bend or curve on the road. He referred to 2 appeal cases 2015/A0120 in Lurgan and 2017/A0053 in Lisburn &

Castlereagh where the PAC stated that a ribbon of development does not have to be served by individual accesses, can be staggered or set back provided they have a common frontage. He advised the policy allows these gaps to be filled with a maximum of 2 houses. In referenced to frontages he stated that the lengths he is interested in is the length of the frontages of the dwellings themselves with the house to the right with a frontage of 28m and the one to the left smaller. He stated that this is an unusual case as most of the sites are rectangular or square with frontage onto the road and that 2 plots of 27m is typical.

J Lundy stated that she was not familiar with the 2 PAC decisions referred to but accepted that the development can be set back, staggered or at right angles to the road but must have a common frontage. She stated that this site does not have a common frontage with the other development as it is on a separate road. She further stated that the gap is so large that it could accommodate more than 2 dwellings and that visually the site is very open when travelling from the Castlerock direction.

Proposed by Councillor McShane
Seconded by Councillor Hunter

- 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.

8 Members voted for and 4 abstained.

5.6 LA01/2018/0007/F (Referred) – Lands 480m North West of 60 Gelvin Road, Drumsurn

Report 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 for the reasons set out in section 10.

J McMath explained the proposal seeks planning permission for temporary use of site as a storage compound for storage of building materials and parking of applicant's company vehicles. She advised that there was one objection to the proposal; the applicant had not demonstrated the consideration of alternative sites within the settlement and referred to para. 6.88 of SPPS. Furthermore it has not been

demonstrated that the applicant can provide a suitable access. She advised that this is a retrospective application.

She advised that the development is considered unacceptable having regard to the area plan and other material considerations. The development fails to comply with the Northern Area Plan, SPPS, PPS 3, PPS 4 and PPS21 in that there is no overriding reason why this development is essential in this rural location and no exceptional circumstances have been demonstrated to justify relaxation of the strict planning controls in this location. The applicant has also failed to demonstrate that the proposal would not prejudice road safety. Refusal is recommended for the reasons set out in section 10 of the Planning Committee Report.

Proposed by Alderman Finlay
Seconded by Alderman Cole

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

9 Members voted for, 1 Member voted against and 2 Members abstained.

5.7 B/2014/0185/F (Objection) – Site Directly SE of and Adjacent to Roe Estuary Nature Reserve Car Park, Carrowclare Road, Myroe, Limavady

Report 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 **APPROVE** planning permission subject to the conditions set out in section 10.

J McMath outlined that planning permission is sought for a bird-watching observatory and education centre incorporating exhibition area, conference room, viewing areas and kitchenette. She described the site and its context and advised that there were 17 objections to the proposal. Concerns raised were impact on existing road network, safety concerns and impact on Roe Estuary Nature Reserve.

This proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The proposed

development is in accordance with the policy criteria defined under PPS8 and PPS 16 in that the development by its nature is required to be located within a rural location but that the detailed design and associated infrastructure would not cause demonstrable harm to features of acknowledged importance. She advised that DfI Roads have considered the objections received and are content that adequate car parking provision is to be provided and that the access will be improved with parking bays and road widening. She stated that the site is located in the rural area where there are other sporting activities and that the impact on Nature reserve and protected species had been fully considered. The proposed development is in accordance the Northern Area Plan 2016 and the relevant planning policy, guidance and other material considerations, including the SPPS.

The proposed development does not present demonstrable harm to the amenity of neighbouring residents and would not detract from the character and environmental quality of the surrounding area. Issues relating to the built and natural environment have been fully considered, appropriate assessment has been undertaken with regards protected habitats and drainage. Approval is recommended.

In response to points of clarification from Members, the Senior Planning Officer referred to para. 8.41 of the Planning Committee Report and outlined that given the volume of traffic in the area and there were natural passing bays this was considered acceptable in consultation with DfI Roads. She advised that the provision of 13 car parking spaces and 3 bus spaces was considered acceptable for the proposed development.

Proposed by Alderman Cole
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.

11 Members voted for, 0 against and 1 abstention.

5.8 LA01/2018/1022/F (Council) – 42 Knock Road, Ballymoney

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

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

APPROVE planning permission subject to the conditions set out in section 10.

J Lundy described the site and its context and said the proposal was for refurbishment of existing vacant building, change of use from residential to office space and formalisation of parking area. She advised that there is disabled car parking to the rear.

The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The refurbishment of the existing vacant property and change of use to office accommodation to be used by staff operating within the council yard is appropriate for the location and is unlikely to unduly affect the amenity of nearby residents. Approval is recommended.

In response to points of clarification from Members, J Lundy advised that the building is not listed, there is 1 disabled car parking space, and pedestrian access to the site is from the main depot.

Proposed by Alderman Finlay
Seconded by Councillor Hunter

– 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.

12 Members voted for, 0 against and 0 abstentions.

5.9 LA01/2018/0975/F (Council) – Knock Road Household Recycling Centre, 44 Knock Road, Ballymoney

Report circulated and presented by Senior Planning Officer J Lundy.

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

J Lundy described the site and its context. She advised that this was a full application for proposed internal and external alterations to the existing building with extension to provide additional staff facilities, including repositioning existing security fencing and removal of a tree along the public footpath to improve visibility splays.

The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal seeks to improve the quality of staff facilities as well as improve access to the Council yard. The development is acceptable in principle, will have limited visual impact and will not harm residential amenity or result in an adverse environmental impact. Access arrangements are satisfactory. Approval is recommended.

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.

12 Members voted for, 0 against and 0 abstentions.

5.10 LA01/2018/0660/F (Council) – Garvagh Forest, Main Street, Garvagh

Report, Erratum and Addendum circulated, presented by the 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 **APPROVE** planning permission subject to the conditions set out in section 10.

S Mathers advised that this is a major planning application and that a PAN and pre-community consultation had been complied with. He described the proposal for mountain bike trail centre, comprising approximately 12km of various level mountain bike trails, including technical mountain bike trails, skills trail and multi-use trails. He advised that the proposal also included an associated trailhead comprising an extension to the existing car-park, a bike wash and signage. He advised that letters of objection and support had been received and that the site is located within a LLPA as designated in the NAP 2016. He outlined that the initial plans had been amended to reduce the loss of trees.

In response to points of clarification from Members, S Mathers confirmed that neighbour notification had taken place as required and consultation had taken place with regard to lose of trees which are located within the body of the site and not along the boundary. He referred to para. 8.23 of the Planning Committee Report in relation to letters of objection and that the application did not fall within Schedule 1 or the thresholds of

Schedule 2 if the EIA Regulations; there would be a condition on approval in relation to protected species and that HED and DfI Roads had no objections to the proposal with 27 parking spaces to be provided in the new carpark with the access widened. He stated that a total of 11 trees would be removed but these are not considered to be significant trees and those along the river are to be retained.

Proposed by Alderman Cole
Seconded by Alderman King

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

- * S Duggan joined the meeting at 5:55 pm.
- * Councillor Fielding returned to the meeting at 6:05 pm.

The Vice Chair put the motion to the Committee to vote, 10 Members voted for, 0 against and 0 abstentions.

- * Councillors Loftus and P McShane took no part in the vote.
- * E McCaul left the meeting at 6:10 pm.

6. DEVELOPMENT MANAGEMENT PERFORMANCE:

6.1 Update on Development Management and Enforcement Statistics 01/04/18-30/11/2018

Committee was provided with a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of October 2018. Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have to be excluded from the reports to correspond with official validated statistics published by DFI.

Table 1 circulated 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 has increased by 1 and the number of major applications decided has increased by 2.

Table 2 circulated detailed the number of Local planning applications received and decided as well as the average processing times, these figures are unvalidated statistics. In comparison to the same period last

year, the number of decisions issued has increased by 111. Of note is that staff have issued more decisions than applications received.

Table 3 circulated detailed the number of Enforcement cases opened and concluded as well as the average processing times, these figures are unvalidated statistics. In comparison to the same period last year, the number of cases brought to conclusion has increased by 25.

Resources continue to be targeted to reduce the over 12 month applications. Table 4 circulated provides 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.

Table 5 detailed the number of appeal decisions issued since 1 April 2018, these figures relating to planning application decisions only are unvalidated statistics extracted from internal management reports.

Table 6 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 November 2018, 40 referral recommendations were determined by the Planning Committee, 37.50% of which have been overturned.

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

The Head of Planning referred to typing errors within the report.

IT IS RECOMMENDED that the Planning Committee note the update on the development management statistics.

AGREED – to recommend that Planning Committee note the update on the development management statistics.

7. DEVELOPMENT PLAN:

7.1 Sperrins Forum – request for elected representative nominees

The Development Plan Manager presented the report.

Mid Ulster District Council initially wrote to the Council on 27th March 2017, advising of their intention to establish a Sperrins Forum to aid the preparation of their Local Development Plan (LDP) and in order to meet

one of the LDP soundness tests relating to “consistency and having regard to other relevant plans, policies and strategies relating to any adjoining council’s district”.

The Sperrins Forum first convened in April 2017. It consisted of both elected representatives and professional planning officers from the following councils:

- Causeway Coast and Glens;
- Derry City and Strabane District;
- Mid Ulster District; and
- Fermanagh and Omagh District.

The Forum was primarily set up to ensure a high level of co-operation and communication among neighbouring councils as we prepare our Local Development Plans (LDPs). It addresses the following common issues:

- Protection of landscapes and environmental assets through appropriate environmental designations;
- Management of Minerals Development
- Improvement of road linkages and infrastructure;
- Sustainable tourism development; and
- Meeting people’s needs.

Four meetings have taken place, as follows:

- 28th April 2017
- 21st September 2017
- 21st March 2018
- 7th June 2018

The initial correspondence, which sought the participation of 2-3 Members and Planning Officers, was presented to the Council’s Planning Committee on Wednesday 26th April 2017. Councillors McCandless, McCaul and Nicholl were nominated to attend.

With the resignation of Cllr McCaul, Members voted and agreed at the Planning Committee meeting held on 27th June 2018 that Ald McKillop should attend as the replacement for Cllr McCaul and Ald Cole was agreed as a reserve.

Alderman Cole replaced Councillor McCandless when he left the Planning Committee.

As Alderman McKillop no longer sits on the Planning Committee a third nominee is required. We also require a reserve nominee.

IT IS RECOMMENDED that Members agree to a third and a reserve nominee to attend the Sperrins Forum.

Proposed by Councillor McLaughlin
Seconded by Councillor P McShane

- that Council nominate Councillor McGurk

Amendment

Proposed by Councillor Hunter
Seconded by Alderman Baird

- that Council nominate Alderman King and Councillor McGurk as reserve

Councillor McLaughlin withdrew his motion.

AGREED – to recommend that Committee nominate Alderman King and Councillor McGurk as Reserve.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

7.2 Sperrins Forum – Statement of Common Ground

Mid Ulster District Council wrote to the Council on 26th November 2018 (circulated), enclosing a draft Statement of Common Ground for Council consideration and response (circulated). The letter is accompanied by a map of the Sperrins AONB (circulated).

The Sperrins Forum first convened in April 2017. It consisted of both elected representatives and professional planning officers from the following councils:

- Causeway Coast and Glens;
- Derry City and Strabane District;
- Mid Ulster District; and
- Fermanagh and Omagh District.

The Forum was primarily set up to ensure a high level of co-operation and communication among neighbouring councils as we prepare our Local Development Plans (LDPs).

Four meetings have taken place, as follows:

- 28th April 2017
- 21st September 2017
- 21st March 2018
- 7th June 2018

The draft statement addresses areas of common ground that are discussed at the Forum, as follows:

- Protection of landscapes and environmental assets through appropriate environmental designations:
- Management of Minerals Development
- Improvement of road linkages and infrastructure;
- Sustainable tourism development; and
- Meeting people's needs.

IT IS RECOMMENDED that Members agree the draft Statement of Common Ground attached at Appendix 2 and to the Head of Planning issuing a response on behalf of the Council.

Proposed by Councillor Hunter
Seconded by Councillor Loftus and

AGREED – to recommend that Committee agree the draft Statement of Common Ground attached at Appendix 2 and to the Head of Planning issuing a response on behalf of the Council.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Baird
Seconded by Councillor Hunter and

AGREED – that Committee move 'In Committee'

* **Councillor P McShane left the meeting at 6.16PM.**

* **Alderman Finlay left the meeting at 6.16PM.**

8. Legal Issues

The Head of Planning provided an update on the North West Hotel Development (Allister and Agnew v Causeway Coast and Glens Borough Council) judicial review proceedings (LA01/2016/1328/F) and advised Members of those officers and Senior and Junior Counsel attending Court on behalf of Council.

Members agreed to continue to defend the Council's decision at the judicial review hearing.

The Head of Planning updated Members on the Knox v Causeway Coast and Glens Borough Council Judicial Review (LA01/2017/0331/F) and that it has been scheduled for a leave hearing on 10 January 2019 and Senior and Junior Counsel had been instructed.

Members agreed to continue to defend the Council's decision at the judicial review hearing.

- * **Alderman Robinson left the meeting at 6.21PM.**

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor MA McKillop
Seconded by Councillor Loftus and

AGREED – that Committee move 'In Public'

This being all the business the meeting closed at 6:24 PM.

Chair