

Planning Committee Wednesday 27th April 2016

Table of Key Adoptions

No	Item	Summary of key Adoptions
5.1	Item E: B/2014/0278/F - 2 Roemill Gardens, Limavady	<i>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 & 8 and resolves to APPROVE planning permission for the reasons set out in section 10.</i>
5.2	Item F: LA01/2016/0052/O - Adj to Oisin GAA Community Centre for social and recreation complex 14 Glenvale, Glenariffe	<i>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 & 8 and resolves to REFUSE planning permission for the reasons set out in section 10.</i>
5.3	Item I: LA01/2015/0887/O - Rear of 38 Drumadoon Road Cloughmills	<i>That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 & 8 and resolves to APPROVE planning permission for the reasons set out.</i>
5.4	Item J: LA01/2015/0874/F - 7 Main Street, Limavady &	<i>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 & 8 and resolves to REFUSE planning</i>

	Item K: LA01/2016/0056/LBC - 7 Main Street, Limavady	<i>permission for the reasons set out in section 10.</i> <i>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 & 8 and resolves to REFUSE planning permission for the reasons set out in section 10.</i>
5.5	Item A: C/2014/0435/O - Former Campus (Portrush Catering College) University Ulster lands at Ballywillan Road, Portrush, BT56 8JL	<i>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 planning permission subject to the conditions and informatives set out in section 10.</i>
5.6	Item C: LA01/2015/1074/F - 28 Lisnagrot Road, Kilrea	<i>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.</i>
6	Development Management Statistics	<i>Note update and Action Plan.</i>
7	Development Plan Open Spaces, Sport and Outdoor Recreation	<i>Endorse the use of the information.</i>
8	Correspondence	<i>Agree de-listings and respond to NIEA.</i>
8.1	NIEA Delisting of Buildings, Bushmills	
8.2	NIEA Listing of Structures, Bushmills	<i>Agree listings and respond to NIEA.</i>

8.3	Tamnyrankin ASSI Designation	<i>Report Noted.</i>
8.4	OFGEM E-SERVE	<i>Report noted, respond to DETI.</i>
	Correspondence Items 8.5-8.7	<i>Noted.</i>
9	Legal Issues	<i>Information.</i>

Planning Committee

Minutes of the Meeting of Causeway Coast and Glens Borough Council Planning Committee, held in Council Chamber, Civic Headquarters, Coleraine on Wednesday 27th April 2016 at 2.00 pm.

In the Chair: Councillor McCaul

Members present: Alderman Cole, Finlay, King, McKeown, McKillop, S, Mullan and Councillors Baird, Fielding, Fitzpatrick, Loftus, McGuigan, McShane, P and Nicholl.

In attendance: D Dickson, Head of Planning
S Mathers, Principal Development Management Officer
S Mulhern, Principal Development Plan Officer
D Hunter, Council Solicitor
S Duggan, Committee and Member Services Officer

Also in Attendance: C McIlvar }
Liam Canny }
Victor Sinclair, Transport NI } Item E
M McNeill, Item F
E Smyth, Item I
D Madden, NIEA }
J Lunn, NIEA } Items J & K

Press (2 no.)
Public (20 no.)

1. Apologies

Apologies were recorded from Alderman Robinson and Councillor Callan.

2. Declarations of Interest

Declarations of Interest were recorded from Alderman Finlay in Item I, Application LA01/2015/0887/O, Alderman Mullan in Item E Application B/2014/0278/F, Councillor P McShane in Item F, Application LA01/2016/0052/O and Councillor P McGuigan in Item F Application LA01/2016/0052/O and Item I, Application LA01/2015/0887/O.

Council's Solicitor reminded members that after speaking on behalf of a constituent, the member should leave the Chamber before the vote is taken.

3. Minutes of Meeting held Wednesday 24th February 2016

It was proposed by Councillor Fitzpatrick, seconded by Alderman King and **AGREED: that the Minutes of the Meeting held Wednesday 24th February 2016 were confirmed as a correct record.**

4. Order of Items and Confirmation of Registered Speakers

The Chair informed committee of registered speakers in attendance.

It was **AGREED to change the Order of Business; to take the following Items first and in the following order: Item E, Item F, Item I and Item K.**

The Head of Planning advised the following Items were withdrawn from the Schedule: Item B (withdrawn completely), Item G and Item H.

5. Schedule of Applications:

5.1 Item E: B/2014/0278/F - 2 Roemill Gardens, Limavady

Alderman Mullan withdrew from the table.

Redevelopment of corner plot to provide set of 2 townhouses including demolition of garages.

The Principal Development Management Officer delivered the report, circulated and illustrated via a visual Presentation. The site visit report was 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 & 8 and resolves to **APPROVE** planning permission for the reasons set out in section 10.

The Chair invited Elected Members to request points of clarification from the Officer, after which he invited Alderman Mullan to speak on behalf of objectors. No questions were posed and Alderman Mullan left the Chamber. The Chair invited C Mcllvar to address Committee in support of the applicant. Members sought points of clarification from the speaker. In response to a concern raised by Alderman Cole the Chair invited Transport NI representatives in attendance to address Committee.

During discussion, Councillor McGuigan raised a Point of Order, referring to the Protocol for the Operation of the Planning Committee, he felt Alderman Cole had expressed an opinion rather than seeking points of clarification. Alderman Cole stated he was concerned for public safety and seeking clarity.

It was proposed by Alderman King, seconded by Councillor Fitzpatrick: **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 & 8 and resolves to APPROVE planning permission for the reasons set out in section 10.**

The Chair put the motion to the committee to vote.

12 members voted for.

0 members voted against.

0 members abstained.

The Chair declared the motion carried.

Alderman Mullan re-joined the meeting at 2.40pm.

5.2 Item F: LA01/2016/0052/O - Adj to Oisín GAA Community Centre for social and recreation complex 14 Glenvale, Glenariffe

Councillor McGuigan and Councillor P McShane withdrew from the Chamber.

Proposed new dwelling and garage.

The Principal Development Management Officer delivered the report, circulated and illustrated via a visual Presentation. An addendum to the report and site visit report were tabled. The Principal Development Management officer highlighted a typo in the report in reference to a Planning Appeals Commission Decision reference which should have read PAC 2012/A0225.

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 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

The Chair invited Elected Members to request points of clarification from the Officer after which the Chair invited M McNeill to address Committee in support of the applicant.

It was proposed by Alderman Cole, 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 & 8 and resolves to REFUSE planning permission for the reasons set out in section 10.

The Chair put the motion to the Committee to vote.

6 members voted for.

2 members voted against.

3 members abstained.

The Chair declared the motion carried.

- * Councillor P McGuigan and Councillor P McShane re-joined the meeting at 3.06pm.

5.3 Item I: LA01/2015/0887/O - Rear of 38 Drumadoon Road Cloughmills

Alderman Finlay withdrew from the table.

Councillor McGuigan withdrew from the Chamber.

- * **Alderman Mullan left the meeting at 3.06pm.**

Construction of two replacement dwellings.

The Principal Development Management Officer delivered the report, circulated and illustrated via a visual Presentation. The site visit report was 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 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

The Chair invited Elected Members to request points of clarification from the Officer after which he invited E Smyth to speak in support of his application and answered points of clarification from members. The Chair invited Alderman Finlay to address Committee in support of the applicant, after which he withdrew from the Chamber.

It was proposed by Alderman S McKillop, seconded by Councillor Fitzpatrick:
That the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and

guidance in sections 7 & 8 and resolves to APPROVE planning permission.

The Chair put the motion to the Committee to vote.

4 members voted for.

0 members vote against.

5 members abstained.

The Chair declared the motion carried.

Elected Members who disagreed with the Officer recommendation, put forward the following reasons for Approval – It was **AGREED: the 2 structures on the site exhibit essential characteristics of a dwelling and inhabited as a dwelling and comply with Policy CTY3.**

The Chair declared a comfort break from 3.40pm-3.55pm. Alderman Finlay did not return to the meeting.

The Head of Planning further advised Item D LA01/2015/0396/F had been withdrawn from the Schedule.

It was **AGREED: to consider both Item J and Item K together.**

**5.4 Item J: LA01/2015/0874/F - 7 Main Street, Limavady and
Item K: LA01/2016/0056/LBC - 7 Main Street, Limavady**

Retention of front ground floor double doors.

The Principal Development Management Officer delivered the report, circulated and illustrated via a visual Presentation. The site visit report was tabled.

Item J - 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 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

Item K - 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 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

The Chair invited Elected Members to request points of clarification from the Officer, members invited Northern Ireland Environment Agency representatives, D Madden and J Lunn to address Committee.

(Item J) - It was proposed by Councillor Fitzpatrick, 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 & 8 and resolves to REFUSE planning permission for the reasons set out in section 10.**

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

(Item K) – It was proposed by Councillor Fitzpatrick, 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 & 8 and resolves to REFUSE planning permission for the reasons set out in section 10.**

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

- * **Councillor Nicholl arrived at the meeting at 4.05pm during consideration of the item and withdrew from the table.**
- * **Councillor P McShane left the meeting at 4.16pm during consideration of the Item.**
- * **D Madden and J Lunn (NIEA), Press (1no.) and members of the Public left the meeting at 4.40pm.**

5.5 Item A: C/2014/0435/O - Former Campus (Portrush Catering College) University Ulster lands at Ballywillan Road, Portrush, BT56 8JL

Proposed housing development.

The Principal Development Management Officer delivered the report, circulated and illustrated via a visual Presentation.

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

The Principal Development Management Officer delivered the report, circulated and illustrated via visual Presentation.

The Chair invited Elected Members to request points of clarification from the Officer.

It was proposed by Councillor Fitzpatrick, seconded by Alderman King: **That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to GRANT planning permission subject to the conditions and informatives set out in section 10.**

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

5.6 Item C: LA01/2015/1074/F - 28 Lisnagrot Road Kilrea.

Proposed Ground Floor Extensions to accommodate a W C and Living Room.

The Principal Development Management Officer delivered the report, circulated and illustrated via a visual Presentation.

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

The Chair invited Elected Members to request points of clarification from the Officer.

It was proposed by Councillor Baird, seconded by Alderman King: **That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to APPROVE planning permission subject to the reasons set out in section 10.**

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

- * **Councillor Fielding left the meeting at 4.35pm during early consideration of the matter.**

6. Development Management Statistics

It was proposed by Councillor Fitzpatrick, seconded by Councillor Loftus and **AGREED: to note the update on the development management statistics, and Applications over 12 months old Action Plan, circulated.**

7. Development Plan: Open Space, Sport and Outdoor Recreation

It was **AGREED: to endorse the use of the information contained within the paper, circulated, in the preparation of the Local Development Plan.**

8. Correspondence:

8.1 NIEA Delisting of Buildings, Bushmills

The Head of Planning delivered the report, circulated, summarised as undernoted:

Northern Ireland Environment Agency (NIEA) wrote to Council advising that they are considering a number of de-listings within the Borough under Section 80(3) of The Planning Act (NI) 2011.

The buildings are being recommended for de-listing because they no longer meet the criteria to be listed buildings. NIEA has requested Council's view on the proposed de-listings:

***HB05/08/066 - 29 Lower Main Street, Bushmills, Co. Antrim
HB05/08/065A - 31 Lower Main Street, Bushmills, Co. Antrim
HB05/08/065B - 33 Lower Main Street, Bushmills, Co. Antrim
HB05/08/064 - 35-41 Lower Main Street, Bushmills, Co. Antrim
HB05/08/060 - 47-49 Lower Main Street, Bushmills, Co. Antrim
HB05/08/077 - 56-58 Main Street, Ramages Centra, Bushmills, Co. Antrim***

IT IS RECOMMENDED that Members agree to the de-listings as detailed at Appendix 1 and the response to NIEA by Head of Planning as detailed at Appendix 2.

It was proposed by Councillor Baird, seconded by Councillor Loftus and **AGREED:** that members agree to the de-listings as detailed at Appendix 1, circulated and the response to NIEA by Head of Planning as detailed at Appendix 2, circulated.

8.2 NIEA Listing of Structures, Bushmills

The Head of Planning Delivered the report, circulated, summarised as undernoted:

The Northern Ireland Environment Agency (NIEA) wrote to Council advising that they are considering a number of listings within the Borough under Section 80(1) of The Planning Act (NI) 2011:

- ***Bridge, Giant's Causeway Tramway, Runkerry Beach, Bushmills, Co. Antrim; and***
- ***War Memorial, Market Square, Bushmills, Co. Antrim.***

IT IS RECOMMENDED that Members agree to the listings as detailed at Appendix 1, circulated and the response to NIEA by Head of Planning as detailed at Appendix 2, circulated.

It was **AGREED:** that Members agree to the listings as detailed at Appendix 1, circulated and the response to NIEA by Head of Planning as detailed at Appendix 2, circulated.

8.3 Tamnyrankin ASSI Designation

The Head of Planning delivered the report, circulated, summarised as undernoted:

The Northern Ireland Environment Agency (NIEA) wrote to Council on 31st March 2016 informing that they made a declaration that the area known as Tamnyrankin, shown on the map, circulated, is now an Area of Special Scientific Interest (ASSI) under Article 28 of The Environment (NI) Order 2002.

IT IS RECOMMENDED that Members note the content of the report, circulated.

It was **AGREED** that Members note the content of the report, circulated.

8.4 OFGEM E-SERVE – Draft Guidance on closure of the DETI Renewables Obligation Scheme for on-shore large scale wind farms

The Head of Planning delivered the report, circulated, summarised as undernoted:

3.0 OFGEM E-SERVE - Draft Guidance on closure of the Scheme

3.1 Ofgem, the body that administers the NIRO in NI published draft guidance on 24th March 2016, circulated at Appendix 1 This covers how they will administer the early closure of the NIRO and the grace periods that will be available when the closure comes into force. The closing date for feedback is 21st April 2016.

3.2 It should be noted that this is not a consultation on the content of the guidance or the policy underpinning the Renewables Obligation. It explains how the early closure will be administered, the grace periods that will be available and the process for applying and information required.

3.3 One of the key qualifying criteria for support under the NIRO from 1st April 2016 will be demonstrating that planning permission was in place at the qualifying date or that if planning permission had expired and construction had started before the expiration date that no planning conditions had been breached.

3.4 In planning terms the clearest way to achieve this would be for the developer to submit a Certificate of Lawful Development Existing, where Council would consider:

Have all pre-commencement conditions been discharged? (Developer should be able to submit written confirmation from Council/DOE that the relevant pre-commencement conditions have been discharged).

Are the works carried out lawful under the planning permission granted and has a material start been made? (site inspection by Council and/or photographic evidence from the developer); and

3.5 If the developer could satisfy both of these then a certificate would be issued stating that the development carried out is lawful under the permission granted; that development has commenced within the required time period; and, that no pre-commencement conditions have been breached.

3.6 It should be noted that Certificates of Lawful Development Existing would require a full planning application fee.

IT IS RECOMMENDED that Members note the content of the report and agree to Head of Planning responding to DETI on behalf of Council along the lines of paragraph 3.4 above.

It was **AGREED**: that Members note the content of the report and agree that the Head of Planning respond to DETI on behalf of Council along the lines of paragraph 3.4 above.

Committee noted the following items of correspondence:

8.5 DRD Sustainable Water – A Long Term Water Strategy for Northern Ireland (attached) – Published Strategy;

8.6 Letter from DoE regarding changes to Government Departments– Amended legislation relating to the new consultation arrangements;

8.7 DRD Transport NI, Planning Application LA01/2015/0103/F.

It was proposed by Councillor Baird, seconded by Councillor Fitzpatrick and **AGREED**: that Committee move in-committee to receive the remainder of the business.

* **Press (1no.) left the meeting.**

9. Legal Issues: Verbal Update on Judicial Review proceedings

Council's Solicitor and the Head of Planning each provided an update on recent legal activity.

It was proposed by Councillor Fitzpatrick, seconded by Councillor Loftus and **AGREED**: that Committee resolve itself out of Committee.

This being all the business the meeting closed at 4.42pm.